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STATUTORY INSTRUMENTS

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**2024 No. 43**

**The Representation of the People (Overseas Electors etc.) (Amendment) (Northern Ireland) Regulations 2024**

**Part 2**

**Amendment of the Representation of the People (Northern Ireland) Regulations 2008**

**Insertion of regulations 27ZA to 27ZJ (additional information required from overseas electors and general attestation provisions)**

**14.** After regulation 27 insert—

**“Overseas electors: power to require additional evidence where applicant under 18 when last resident in the United Kingdom**

**27ZA.**—(1) This regulation applies where—

- (a) a person has made an application to be registered in pursuance of an overseas elector’s declaration,
- (b) the applicant has indicated that they were under the age of 18 years on the last day on which they were resident in the United Kingdom, and
- (c) the registration officer considers that additional evidence is necessary to be satisfied that the applicant was resident at the address claimed as their qualifying address on that day.

(2) The registration officer may require the applicant to provide—

- (a) the full name of a parent or guardian of the applicant who was resident at the address claimed as the qualifying address on the last day on which the applicant was resident in the United Kingdom, and
- (b) an indication as to whether the parent or guardian was registered in the register in respect of that address on that day.

(3) Where the information provided in accordance with paragraph (2) is in relation to a parent, the applicant must also provide a copy of the applicant’s birth certificate showing the full name of that parent and the applicant’s date of birth.

(4) Where the information provided in accordance with paragraph (2) is in relation to a guardian, the registration officer may require the applicant to provide such documentary evidence as the registration officer considers appropriate confirming that the person named was a guardian of the applicant.

**Overseas electors: power to require additional evidence of previous residence**

**27ZB.**—(1) This regulation applies where—

- (a) a person has made an application to be registered in pursuance of an overseas elector's declaration, and
  - (b) the registration officer considers that additional evidence is necessary to be satisfied that the applicant satisfies the previous registration condition or the previous residence condition (whichever is relevant).
- (2) The registration officer may require the applicant to provide a copy of, or, where the registration officer considers it appropriate, the original of, any document which—
- (a) bears the full current or previous name of the applicant, and
  - (b) bears the address claimed as the qualifying address.
- (3) A document which meets the requirements of paragraph (2) and is listed in paragraph (5) is deemed to provide conclusive evidence that the applicant satisfies the previous registration condition or the previous residence condition (whichever is relevant).
- (4) But the deeming provision in paragraph (3) only applies in the case of a document bearing the previous name of the applicant where the registration officer is satisfied as to the applicant's change in name (see further, regulation 27ZG).
- (5) The documents are—
- (a) a driving licence (current or expired) issued in the United Kingdom;
  - (b) a bill or statement of account issued by Land and Property Services (meaning that part of the Department of Finance in Northern Ireland known as Land and Property Services Executive Agency);
  - (c) a utility or mobile telephone bill;
  - (d) a bank or building society passbook or statement, or a letter from a bank or building society, confirming that the applicant has opened an account with that bank or building society;
  - (e) a credit card statement;
  - (f) a bill or statement issued by a credit union within the meaning of article 2 of the Credit Unions (Northern Ireland) Order 1985;
  - (g) a pension statement;
  - (h) an instrument of a court appointment, such as a grant of probate or letters of administration;
  - (i) a letter from His Majesty's Revenue and Customs;
  - (j) a letter from a school, college, university or other educational institution which confirms the attendance of, or the offer of a place for, the applicant at that institution;
  - (k) a letter from Student Finance Northern Ireland;
  - (l) an official copy of the land registry entry for the address claimed as the qualifying address or other proof of title for that address;
  - (m) a solicitor's letter confirming the purchase of, or confirmation of the land registry registration of, the address claimed as the qualifying address;
  - (n) a Form P45, Form P60, reference or payslip issued to the applicant by their employer or former employer;
  - (o) a letter from an insurance provider;
  - (p) a rent book issued by the Northern Ireland Housing Executive;
  - (q) a statement of benefits or entitlement to benefits under an enactment relating to social security;

- (r) a letter from the Department for Communities in Northern Ireland confirming the applicant's entitlement to a state pension;
  - (s) a letter from the Office of Care and Protection in Northern Ireland, confirming the registration of a lasting power of attorney.
- (6) If the applicant is unable to provide a document which meets the requirements of paragraph (2), or if the evidence provided in accordance with this regulation is not sufficient for the registration officer to determine that the applicant satisfies the previous registration condition or the previous residence condition (whichever is relevant), the registration officer may proceed under regulations 27ZC to 27ZF (so far as relevant).

**Overseas electors: power to require attestation as to applicant's previous residence at address claimed as qualifying address**

- 27ZC.**—(1) This regulation applies where—
- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation, and
  - (b) the registration officer considers that additional evidence is necessary to be satisfied that the applicant was resident at the address claimed as the qualifying address.
- (2) The registration officer may require the applicant to provide an attestation which—
- (a) confirms that the applicant was resident at the address claimed as the qualifying address,
  - (b) indicates the dates between which, to the best of the attestor's knowledge, the applicant was resident at that address, and
  - (c) meets the general attestation requirements in regulation 27ZH(1).

**Overseas electors: power to require additional evidence as to previous registration in pursuance of a service declaration, residence as a merchant seaman or an overseas elector's declaration**

- 27ZD.**—(1) This regulation applies where—
- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation,
  - (b) the application is made in reliance on the previous registration condition,
  - (c) the applicant has indicated that—
    - (i) their previous registration, or their last registration in the register otherwise than as an overseas elector, was in pursuance of a service declaration, or
    - (ii) their previous registration, or their last registration in the register otherwise than as an overseas elector, was in pursuance of residence determined in accordance with section 6 of the 1983 Act (residence: merchant seamen)(1), and
  - (d) the registration officer considers that additional evidence is necessary to be satisfied that the applicant was previously registered in respect of the address claimed as the qualifying address.
- (2) The registration officer may require the applicant to provide either or both of the following—

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(1) Section 6 was amended by paragraph 2 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

- (a) a copy of, or, where the registration officer considers it appropriate, the original of, any document which—
  - (i) bears the full current or previous name of the applicant, and
  - (ii) confirms that the applicant met the registration status requirement in paragraph (3);
- (b) an attestation which—
  - (i) confirms the basis on which the applicant met the registration status requirement in paragraph (3),
  - (ii) indicates the dates between which, to the best of the attestor’s knowledge, the applicant met the requirement, and
  - (iii) meets the general attestation requirements in regulation 27ZH(1).
- (3) The registration status requirement is that the applicant—
  - (a) where paragraph (1)(c)(i) applies, had a service qualification, or
  - (b) where paragraph (1)(c)(ii) applies, was a merchant seaman within the meaning of section 6 of the 1983 Act.
- (4) Paragraph (5) applies where the applicant indicates that they were eligible to make a service declaration because they were the spouse or civil partner of a person (“D”) mentioned in section 14(1)(a), (b) or (c) of the 1983 Act<sup>(2)</sup>.
- (5) In addition to or instead of requiring evidence in accordance with paragraph (2)(a), the registration officer may require the applicant to provide the registration officer with a copy of, or, where the registration officer considers it appropriate, the original of, either of both of the following—
  - (a) a document which—
    - (i) bears D’s full current or previous name, and
    - (ii) confirms D’s service qualification under section 14(1) of the 1983 Act;
  - (b) a document which—
    - (i) bears D’s full current or previous name, and
    - (ii) confirms that D was, at the time the document was issued, the applicant’s spouse or civil partner.
- (6) In this regulation—
  - “previous registration” means the registration referred to in section 1A(2)(a) of the 1985 Act;
  - “service qualification” has the same meaning as in section 14(1) of the 1983 Act.

**Overseas electors: power to require additional evidence as to declaration of local connection**

- 27ZE.**—(1) This regulation applies where—
- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation,
  - (b) the application is made in reliance on the previous registration condition,

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(2) Section 14(1) was amended by paragraph 80(2) and (3) of Schedule 27 to the Civil Partnership Act 2004 (c. 33).

- (c) the applicant has indicated that their previous registration, or their last registration in the register otherwise than as an overseas elector, was in pursuance of a declaration of local connection, and
  - (d) the registration officer considers that additional evidence is necessary to be satisfied that the applicant was previously registered in respect of the address claimed as the qualifying address.
- (2) This regulation also applies where—
- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation,
  - (b) the application is made in reliance on section 1A(3)(b)(ii) of the 1985 Act (previous residence condition: declaration of local connection), and
  - (c) the registration officer considers that additional evidence is necessary to be satisfied that, on the last day on which the applicant was resident in the United Kingdom, the applicant could have made a declaration of local connection.
- (3) The registration officer may require the applicant to provide either or both of the following—
- (a) a copy of, or, where the registration officer considers it necessary, the original of, any document which—
    - (i) bears the full current or previous name of the applicant, and
    - (ii) confirms that section 7B of the 1983 Act (notional residence: declarations of local connection) applied to the applicant on the last day on which the applicant was resident in the United Kingdom;
  - (b) an attestation which—
    - (i) confirms the basis on which the applicant met the local connection requirement,
    - (ii) indicates the dates between which, to the best of the attestor’s knowledge, the applicant met the local connection requirement, and
    - (iii) meets the general attestation requirements in regulation 27ZH(1).
- (4) The local connection requirement is that—
- (a) where it is indicated that section 7B(2)(a) of the 1983 Act applied to the applicant on the last day on which the applicant was resident in the United Kingdom—
    - (i) the applicant was a patient in a mental hospital, and
    - (ii) section 3A of the 1983 Act (disenfranchisement of offenders detained in mental hospitals)(3) and section 7A of the 1983 Act (residence: persons remanded in custody etc.)(4) did not apply to the applicant;
  - (b) where it is indicated that section 7B(2)(b) of the 1983 Act applied to the applicant on the last day on which the applicant was resident in the United Kingdom—
    - (i) the applicant was detained at any place pursuant to a relevant order or direction, and

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(3) Section 3A was inserted by section 2 of the Representation of the People Act 2000 (c. 2) and amended by paragraph 96 of Schedule 16 to the Armed Forces Act 2006 (c. 52), S.I. 2005/2078 and S.S.I. 2005/465.

(4) Section 7A was inserted by section 5 of the Representation of the People Act 2000 and amended by section 12(2) of the Electoral Administration Act 2006 (c. 22), paragraph 3 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), S.I. 2005/2078 S.I. 2005/465. There are amendments to subsection (6), but none is relevant.

- (ii) the applicant was so detained otherwise than after being convicted of any offence or a finding in criminal proceedings that the applicant did the act or made the omission charged;
- (c) where it is indicated that section 7B(2)(c) of the 1983 Act applied to the applicant on the last day on which the applicant was resident in the United Kingdom, the applicant was—
  - (i) a homeless person, and
  - (ii) not in legal custody.
- (5) For the purposes of paragraph (4), it is to be assumed that—
  - (a) sections 3A and 7A of the 1983 Act were in force at any relevant time, and
  - (b) section 7B of the 1983 Act was in force on the last day on which the applicant was resident in the United Kingdom.
- (6) In this regulation—
  - “homeless person” has the same meaning as in section 7B(2)(c) of the 1983 Act;
  - “previous registration” means the registration referred to in section 1A(2)(a) of the 1985 Act;
  - “a relevant order or direction” has the same meaning as in section 7A(6) of the 1983 Act.

**Overseas electors: power to require attestation as to applicant’s connection to address claimed as qualifying address**

- 27ZF.**—(1) This regulation applies where—
- (a) the registration officer is permitted by regulation 27ZB(6) to proceed under this regulation,
  - (b) regulation 27ZD(1)(c) or 27ZE(1)(c) or (2)(b) applies, and
  - (c) the registration officer considers that additional evidence is necessary to be satisfied that the applicant has a previous connection to the address claimed as the qualifying address.
- (2) The registration officer may require the applicant to provide an attestation which—
- (a) confirms the basis on which the applicant met the qualifying address connection requirement,
  - (b) indicates the dates between which, to the best of the attestor’s knowledge, the applicant met the requirement, and
  - (c) meets the general attestation requirements in regulation 27ZH(1).
- (3) The qualifying address connection requirement is—
- (a) where the applicant claims that they had a service qualification, that the applicant would have been residing at the address claimed as the qualifying address but for the applicant’s service qualification;
  - (b) where the applicant claims that they were a merchant seaman, that the applicant—
    - (i) would have been residing at the address claimed as the qualifying address but for the applicant’s occupation as a merchant seaman, or
    - (ii) commonly stayed at the address claimed as the qualifying address, which was a hotel or club providing accommodation for merchant seamen, during the course of the applicant’s occupation as a merchant seaman;

- (c) where the applicant claims that they were a patient in a mental hospital or detained, that the applicant would have been residing at the address claimed as the qualifying address if the applicant had not been a patient or detained;
  - (d) where the applicant claims that they were a homeless person, that the address claimed as the qualifying address was, or was nearest to, a place in the United Kingdom where the applicant commonly spent a substantial part of the applicant's time (whether during the day or at night).
- (4) An attestation provided in accordance with this regulation may be combined with an attestation provided in accordance with regulation 27ZD(2)(b) or regulation 27ZE(3)(b) where the attester for each attestation is the same.
- (5) In this regulation—
- “merchant seaman” has the same meaning as in section 6 of the 1983 Act;
  - “service qualification” has the same meaning as in section 14(1) of the 1983 Act.

### **Overseas electors: power to require additional evidence as to change of name**

**27ZG.**—(1) This regulation applies where—

- (a) a person has made an application to be registered in pursuance of an overseas elector's declaration, and
  - (b) any of conditions A to D are met.
- (2) Condition A is that the applicant has indicated in their declaration that their name has changed since they were last included in the register or since the last day on which they were resident in the United Kingdom.
- (3) Condition B is that—
- (a) the applicant has provided a document in accordance with regulation 27ZA(3) or (4), 27ZB(2), 27ZD(2)(a) or 27ZE(3)(a), and
  - (b) the applicant's name in that document is different from both the applicant's name in the applicant's declaration and any name provided in accordance with regulation 20(2)(a)(ii)(aa) or (3)(a)(ii)(aa).
- (4) Condition C is that—
- (a) the applicant has provided the name of a parent or guardian in accordance with regulation 27ZA(2)(a), and
  - (b) the name provided is different from the name of the parent or guardian as it appears on—
    - (i) the register, or
    - (ii) a document provided in accordance with regulation 27ZA(3) or (4).
- (5) Condition D is that—
- (a) the applicant has provided a document in accordance with regulation 27ZD(5)(a) and a document in accordance with regulation 27ZD(5)(b), and
  - (b) the name of the applicant's spouse or civil partner in each of those documents is different.
- (6) The registration officer may require the applicant to provide—
- (a) if Condition A is met, such evidence confirming the change of the applicant's name as the registration officer considers appropriate, except that the registration officer must require more than an explanation as to the difference in name;
  - (b) if Condition B is met—

- (i) an explanation as to the difference in name, or
  - (ii) such other evidence confirming the change of the applicant's name as the registration officer considers appropriate, and
  - (c) if Condition C or D is met—
    - (i) an explanation as to the difference in name, or
    - (ii) where the applicant does not know the reason for the difference, a statement to that effect.
- (7) Where the applicant provides a copy of a document in accordance with paragraph (6) (a) or (b)(ii), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.

#### **Attestations: general requirements**

**27ZH.**—(1) For the purposes of regulations 25A to 25C and 27ZC to 27ZF, the general attestation requirements are that the attestation must—

- (a) be in writing,
- (b) be made by a qualifying attester,
- (c) state the full name, date of birth, present address and occupation of the qualifying attester,
- (d) state the address in respect of which the qualifying attester is registered as an elector,
- (e) state—
  - (i) where the qualifying attester is registered in pursuance of an overseas elector's declaration, the number of the qualifying attester's British or Irish passport together with its date and place of issue;
  - (ii) otherwise—
    - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number)<sup>(5)</sup>, that digital registration number;
    - (bb) in all other cases, the qualifying attester's electoral number,
- (f) if the attestation is required in connection with an application to be registered in pursuance of an overseas elector's declaration, provide an explanation as to the qualifying attester's ability to provide the information required about the applicant, including (but not limited to) the qualifying attester's connection to the applicant and the length of time that the connection has existed,
- (g) state the name under which the qualifying attester is registered in a register of parliamentary or local electors if their name has changed since the entry on the register was made,
- (h) state that the qualifying attester is aware of the penalty for providing false information to a registration officer,
- (i) include a statement which confirms that all of the information provided in the attestation is true, and

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<sup>(5)</sup> Section 10B was inserted by [S.I. 2018/699](#), and amended by [S.I. 2020/581](#).



- (j) be signed and dated by the qualifying attester.
- (2) In this regulation, “qualifying attester” has the meaning given in regulation 27ZI(1).

### **Meaning of qualifying attester**

- 27ZI.**—(1) A “qualifying attester” is a person (“P”) who—
- (a) is aged 18 years or over,
  - (b) is registered in a register of parliamentary or local government electors,
  - (c) is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (d) except where P is registered in pursuance of an overseas elector’s declaration, is a person whom the registration officer is satisfied is of good standing in the community, and
  - (e) meets the requirements of paragraph (2).
- (2) P meets the requirements of this paragraph where—
- (a) if the attestation required is an attestation in accordance with regulation 25A(3), P has not already signed attestations to which paragraph (3) applies for two applicants since the relevant date;
  - (b) if the attestation required is an attestation in accordance with regulation 25B(3), P has not already signed attestations in accordance with that regulation for two applicants since the relevant date;
  - (c) if the attestation required is an attestation in accordance with regulation 25C(5), 27ZC(2), 27ZD(2)(b), 27ZE(3)(b) or 27ZF(2), P has not already signed attestations to which paragraph (4) applies for two applicants since the relevant date.
- (3) This paragraph applies to an attestation made in accordance with any of the following provisions—
- (a) regulation 25A(3);
  - (b) regulations 26B(6) and (6ZA) and 56C(5A) and (6) of the Representation of the People (England and Wales) Regulations 2001(6);
  - (c) regulations 26B(6) and (6ZA) and 56C(5A) and (6) of the Representation of the People (Scotland) Regulations 2001(7);
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012(8);
  - (e) regulation 72B(5A) and (6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016(9);
  - (f) regulation 7(6) of the Voter Identification Regulations 2022(10).
- (4) This paragraph applies to an attestation made in accordance with any of the following provisions—
- (a) regulations 25C(5), 27ZC(2), 27ZD(2)(b), 27ZE(3)(b) and 27ZF(2);

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(6) S.I. 2001/341. Relevant amending instruments are S.I. 2013/3198 and 2023/1147 and 1406.

(7) S.I. 2001/497 (S. 2). Relevant amending instruments are S.I. 2013/3206 and 2023/1147 and 1406.

(8) S.I. 2012/1917. Relevant amending instruments are S.I. 2023/1147 and 1406.

(9) S.I. 2016/295. Relevant amending instruments are S.I. 2023/1147 and 1406.

(10) S.I. 2022/1382. Relevant amending instruments are S.I. 2023/1147 and 1406.

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- (b) regulations 26E(2), 26F(2)(b), 26G(3)(b) and 26H(3) of the Representation of the People (England and Wales) Regulations 2001(11);
  - (c) regulations 26E(2), 26F(2)(b), 26G(3)(b) and 26H(3) of the Representation of the People (Scotland) Regulations 2001(12).
- (5) In paragraph (2), the “relevant date” is whichever is the later of—
- (a) the date on which the revised register in which the attessor’s name appears was last published under section 13(1) of the 1983 Act(13), and
  - (b) the date on which a notice specifying the attessor’s entry in the register was issued (or last issued) under section 13A(2), 13BA(3) or 13BC of that Act(14).”.

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(11) Regulations 26E to 26H were inserted by [S.I. 2023/1406](#).

(12) Regulations 26E to 26H were inserted by [S.I. 2023/1406](#).

(13) Section 13 was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2), and subsection (1) was further substituted by section 5(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(14) Section 13A was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 and amended by paragraph 4(2) and (3) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) and paragraph 12(2) (b) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6). There are other amendments to section 13A which are not relevant to these Regulations. Section 13BA was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006. Section 13BC was inserted by paragraph 7 of Schedule 2 to the Recall of MPs Act 2015 (c. 25).