

This Statutory Instrument has been made in consequence of a defect in S.I. 2023/1150 and S.I. 2023/1176 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2024 No. 665

REPRESENTATION OF THE PEOPLE, ENGLAND AND WALES

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The Representation of the People (England and Wales and Northern Ireland) (Amendment) Regulations 2024

Made - - - - *20th May 2024*

Coming into force - - *21st May 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 53(1)(c) and (3) and 201(3) of, and paragraphs 1(2) and (2A), 3ZA(1)(a) and 3A(1)(a) of Schedule 2 to, the Representation of the People Act 1983(a).

The Secretary of State has consulted the Electoral Commission in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(b).

A draft of these Regulations has been laid before and approved by a resolution of each House of Parliament in accordance with section 201(2) of the Representation of the People Act 1983(c).

(a) 1983 c. 2. Section 53(3) was amended by paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Section 201(3) was inserted by paragraph 21 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and was amended by paragraph 6(7)(d) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41). Paragraph 1(2) of Schedule 2 was amended by paragraph 24 of Schedule 1 to the Representation of the People Act 2000 and paragraph 20 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6). Paragraph 1(2A) was inserted by section 2(2) of the Electoral Registration and Administration Act 2013 and was amended by paragraph 3(2) of Schedule 2 to the Elections Act 2022 (c. 37). Paragraph 3ZA was inserted by section 2(3) of the Electoral Registration and Administration Act 2013 and was amended by paragraph 5(2) of Schedule 2 to the Elections Act 2022. Paragraph 3A was inserted by paragraph 24 of Schedule 1 to the Representation of the People Act 2000 and substituted by paragraph 6 of Schedule 2 to the Elections Act 2022.

(b) 2000 c. 41.

(c) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 and was amended by paragraph 6(7)(b) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000; by section 13 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13); by paragraph 1(9) of Schedule 8 to the Elections Act 2022; and by S.I. 1991/1728.

Citation, commencement, extent and savings

1.—(1) These Regulations may be cited as the Representation of the People (England and Wales and Northern Ireland) (Amendment) Regulations 2024, and come into force on the day after the day on which they are made.

(2) This regulation extends to England and Wales and Northern Ireland.

(3) Regulation 2 extends to England and Wales.

(4) Regulation 3 extends to Northern Ireland.

(5) The amendments made by regulations 2 and 3 do not apply to an application under section 10ZC(1)(a), 10A(1)(a) or 13A(1)(a) of the Representation of the People Act 1983(a) made before 7th May 2024.

Amendment of the Representation of the People (England and Wales) Regulations 2001

2.—(1) The Representation of the People (England and Wales) Regulations 2001(b) are amended as follows.

(2) In regulation 3 (interpretation), in paragraph (1)—

(a) after the definition of “previous residence condition” insert—

““qualifying Commonwealth citizen” has the same meaning as in section 4(6) of the 1983 Act(c);”;

(b) for the definition of “relevant EU applicant” substitute—

““relevant EU applicant” means an applicant—

(a) who is a citizen of a member State, and

(b) who is not, or is not also—

(i) a citizen of a member State listed in Schedule 6A to the 1983 Act(d),

(ii) a qualifying Commonwealth citizen, or

(iii) a citizen of the Republic of Ireland;”.

(3) Omit regulations 24(6), 24A(8) and 26B(12)(b).

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

3.—(1) The Representation of the People (Northern Ireland) Regulations 2008(e) are amended as follows.

(2) In regulation 3 (interpretation), after the definition of “previous residence condition” insert—

““qualifying Commonwealth citizen” has the same meaning as in section 4(6) of the 1983 Act;”.

(3) Omit regulation 25B(4).

(4) In regulation 27 (applications for registration)—

(a) in paragraph (1)(caa), for the words from “an applicant” to “Ireland” substitute “a relevant EU applicant”;

(a) Section 10ZC was inserted by section 1(1) of the Electoral Registration and Administration Act 2013 (c. 6). Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by paragraph 10 of Schedule 4 to the Electoral Registration and Administration Act 2013. Section 13A was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000.

(b) S.I. 2001/341; relevant amending instruments are S.I. 2013/3198, 2023/1150, 1406.

(c) Section 4 was substituted by section 1(2) of the Representation of the People Act 2000.

(d) Schedule 6A was inserted by paragraph 1(12) of Schedule 8 to the Elections Act 2022 (c. 37).

(e) S.I. 2008/1741; relevant amending instruments are S.I. 2018/699, 2023/1176, 2024/43.

(b) after paragraph (1A) insert—

“(1AA) In paragraph (1)(caa), “relevant EU applicant” means an applicant—

(a) who is a citizen of a member State, and

(b) who is not, or is not also—

(i) a citizen of a member State listed in Schedule 6A to the 1983 Act,

(ii) a qualifying Commonwealth citizen, or

(iii) a citizen of the Republic of Ireland.”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

20th May 2024

Simon Hoare
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct an error in the Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023 (S.I. 2023/1150) (“the 2023 Regulations”) and the Representation of the People (Franchise Amendment and Eligibility Review) (Northern Ireland) Regulations 2023 (S.I. 2023/1176), by amending the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) (“the 2001 Regulations”) and the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (“the 2008 Regulations”) in respect of the requirements for applications related to registration in England and Wales and Northern Ireland respectively.

The 2023 Regulations amended the 2001 Regulations by inserting new regulation 26(1)(fa). Regulation 26(1)(fa) requires an application for registration under section 10ZC of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”), or an application under section 10ZD of that Act for alteration of the address in respect of which a person is registered, that is made by a relevant EU applicant to include an indication as to whether the applicant meets the requirements set out in section 203B of the 1983 Act. Section 203B provides the conditions by which certain citizens of EU member States (other than those member States listed in Schedule 6A to the 1983 Act or Cyprus, Malta or the Republic of Ireland) who are resident in the UK have retained rights related to electoral registration and are therefore entitled to registration as a local government elector in England or to vote in police and crime commissioner elections in Wales.

Regulation 2(2)(b) substitutes the definition of “relevant EU applicant” in regulation 3(1) of the 2001 Regulations. The effect of this is that the requirement to provide the indication as part of such an application does not apply to an applicant who is a citizen of one of those EU member States where the applicant is also a citizen of a member State listed in Schedule 6A to the 1983 Act, a qualifying Commonwealth citizen (see section 4(6) of the 1983 Act) or a citizen of the Republic of Ireland. A person who is a citizen of a member State listed in Schedule 6A to the 1983 Act, a qualifying Commonwealth citizen or a citizen of the Republic of Ireland is entitled to registration as a parliamentary elector in England and Wales, as a local government elector in England and to vote in police and crime commissioner elections in Wales by virtue of that status.

Regulation 3 makes equivalent amendments to regulation 27 of the 2008 Regulations in respect of applications for registration in Northern Ireland under sections 10A(1)(a) or 13A(1)(a) of the 1983 Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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