STATUTORY INSTRUMENTS

2015 No. 1971

REPRESENTATION OF THE PEOPLE, ENGLAND AND WALES

The Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2015

Made - - - - 2nd December 2015

Coming into force in accordance with regulation 1

The Chancellor of the Duchy of Lancaster makes these Regulations in exercise of the powers conferred by sections 10ZC(3), 10ZD(3) and 53(1) and (3) of, and paragraphs 1, 1A, 1B, 2 and 3ZA of Schedule 2 to, the Representation of the People Act 1983(**1**) and, having regard to the meaning of "prescribed" in section 202(1), by sections 13A(2), 13AB(2) and 13B(3), (3B) of that Act(**2**).

The Chancellor of the Duchy of Lancaster has consulted the Electoral Commission, the Information Commissioner and such other persons as he considered appropriate in accordance with section 53(5) of that Act(**3**) and (in the case of the Electoral Commission) with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**4**).

In accordance with section 201(2) of the Representation of the People Act 1983(**5**), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

(**1**) 1983 c. 2. Sections 10ZC and 10ZD were inserted by section 1 of, and paragraph 1 of Schedule 1 to, the Electoral Registration and Administration Act 2013 ("the 2013 Act") (c. 6). Section 53(1) and (3) was amended by paragraphs 1 and 13 of Schedule 1, and Schedule 7, to the Representation of the People Act 2000 (c. 2) and paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Relevant amendments were made to paragraph 1 of Schedule 2 to the Representation of the People Act 1983 (c. 2) by section 2 of, and paragraphs 1 and 20 of Schedule 4 to, the 2013 Act. Paragraph 1A was inserted by paragraphs 1 and 2 of Schedule 2 to the 2013 Act. Paragraph 1B was inserted by paragraph 20(3) of Schedule 4 to the 1983 Act. Paragraph 3ZA was inserted by section 2 of the 2013 Act. Under article 3 of the Chancellor of the Duchy of Lancaster Order 2015 (S.I. 2015/1376) these powers are exercisable concurrently by the Secretary of State and the Chancellor of the Duchy of Lancaster.

(**2**) Sections 13A and 13B were substituted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000. Section 13A(2) was amended by paragraph 4 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). Section 13AB was inserted by section 16 of the Electoral Registration and Administration Act 2013. Section 13B(3B) and (3D) was inserted by section 11 of the Electoral Administration Act 2006 (c. 22). Section 202 has been amended but the amendments are not relevant to this instrument.

(**3**) Section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013.

(**4**) 2000 c. 41. There are amendments to section 7 but none is relevant to this instrument.

(**5**) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and article 5(b) of S.I. 1991/1728.

Citation and commencement

1. These Regulations may be cited as the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2015 and come into force on the day after the day on which they are made.

Amendments to the Representation of the People (England and Wales) Regulations 2001

2. The Representation of the People (England and Wales) Regulations 2001(**6**) are amended in accordance with regulations 3 to 12.

3. In regulation 3(3A) (interpretation), omit "29".

4. In regulation 26 (applications for registration)—

(a) in paragraph (1)(a), omit from "and any previous name" to the end;

(b) in paragraph (1)(e), for "over 70 years old" substitute "aged 76 or over";

(c) after paragraph (3)(e), insert—

"(ea) space for the applicant to provide their most recent previous name (if they have one) and an explanation that provision of this information is not mandatory but may assist the registration officer in verifying the applicant's identity, and that if the information is not provided then additional personal information may be required;".

5. In regulation 29ZA(1) (verification of information provided in an application), for "26(1)(a), (e) and (f) or under regulation 26A(1)(a), 26A(1)(b) and 26A(5)" substitute "26 or 26A".

6.—(1) In regulation 29 (procedure for determining applications for registration and objections without a hearing) for paragraph (2BA) to (2BE) substitute—

"(2BA) Where an application for registration has been made and that application is successful, the registration officer must give confirmation in writing to the applicant of that fact, before either—

(a) publication of the revised register to which the applicant will be added under section 13(1) of the 1983 Act; or

(b) issue of a notice of alteration under section 13A(2) of that Act specifying that the applicant's name will be added to the register,

whichever is appropriate.

(2BB) Where confirmation is given under paragraph (2BA) in relation to an application for registration made in response to an invitation to register under section 9E(1) of the 1983 Act, the registration officer must give that confirmation either—

(a) by delivering it to the applicant, leaving it at the applicant's address or sending it to the applicant's address by post; or

(b) by electronic means.

(2BC) Where confirmation is given under paragraph (2BA) in relation to an application for registration made other than in response to an invitation to register under section 9E(1) of the 1983 Act—

(a) the registration officer must give confirmation by delivering it to the applicant, by leaving it at their address or by sending it to them by post; and

(**6**) S.I. 2001/341, amended by S.I.s 2002/1871, 2006/2910, 2013/3198 and 2015/467; there are other amendments which are not relevant to this instrument.

(b) the confirmation must give the registration officer's contact details and must request that any person who receives that confirmation inform the registration officer if the applicant is not resident at the address in respect of which the application was made.

(2BD) A confirmation given under paragraph (2BA) must—

(a) contain the date on which the applicant's name will be published in the revised register under section 13(1) or in a notice of alteration under section 13A(2) of the 1983 Act; and

(b) where—

(i) the registration officer has information that the applicant is registered in respect of a different address from the one in respect of which they have applied to be registered; and

(ii) in their application for registration, the applicant has identified that address as being an address at which they have ceased to reside in accordance with regulation 26(1)(c);

inform the applicant that their entry relating to that address will be removed from the register under section 10ZE(2) of the 1983 Act.

(2BE) In the case of an application to register in pursuance of a service declaration, or an overseas elector's declaration, the address to be used for the purposes of paragraph (2BB)(a) or (2BC)(a), is the address the applicant has given under regulation 26(4)(a) or 26(5)(b), as appropriate.

(2BF) The Electoral Commission must—

(a) design the forms of confirmation to be used under paragraph (2BA);

(b) obtain the approval of the Chancellor of the Duchy of Lancaster to the forms; and

(c) then make them available to registration officers.".

(2) The amendment made by paragraph (1) does not apply in respect of any application for registration made to the registration officer before the date on which these regulations come into force.

7.—(1) In regulations 31B(1) (other determinations by registration officers of entitlement to registration) and 31C(1) (summary procedure for determining in specified circumstances person has ceased to satisfy conditions for registration), for "31F" substitute "31FZA".

(2) After regulation 31F insert——

"**Notification of outcome of reviews**

31FZA. Where the registration officer is required to send the subject of the review a notice under regulation 31D(2), the registration officer must notify the subject of the review in writing of its outcome and when doing so—

(a) state whether there is a right of appeal under section 56(1)(azd) or (aa)(**7**) of the 1983 Act;

(b) specify the time within which any notice of appeal under that section must be given (in accordance with regulation 32(2)); and

(c) provide such other information about the appeal that the registration officer considers necessary.".

(**7**) Section 56(1)(azd) and (aa) were inserted by section 13(1) of, and paragraph 18 of Schedule 4 to, the Electoral Registration and Administration Act 2013.