Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, section 9(4) of the Electronic Communications Act 2000 and sections 18(8) and 21(6) of the Recall of MPs Act 2015 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No.

REPRESENTATION OF THE PEOPLE

The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2016

Made - - - -	*2016*
Coming into force - -	*2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by the provisions set out in the Schedule to these Regulations.

In accordance with section 8(3) of the Electronic Communications Act 2000(**1**), the Secretary of State considers that the authorisation of the use of electronic communications by these Regulations for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory than in other cases.

The Secretary of State has consulted the Electoral Commission and the Information Commissioner and such other persons as the Secretary of State considered appropriate, in accordance with section 53(5) of the Representation of the People Act 1983(**2**) and section 7(1) of the Political Parties, Elections and Referendums Act 2000(**3**).

In accordance with section 201(2) of the Representation of the People Act 1983, section 9(4) of the Electronic Communications Act 2000 and sections 18(8) and 21(6) of the Recall of MPs Act 2015(**4**), a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

(**1**) 2000 c.7; by virtue of section 9(1)(a) the Secretary of State is the "appropriate Minister".
(**2**) 1983 c.2; section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c.6).
(**3**) 2000 c.41; section 7(1)(k) was inserted by paragraph 3(6) of Schedule 6 to the Recall of MPs Act 2015 (c.25).
(**4**) 2015 c.25.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2016.

(2) They come into force on the day after the day on which they are made.

PART 2

Amendment of the Representation of the People Acts

Amendment of the Representation of the People Act 1983: digital registration in Northern Ireland

2.—(1) The Representation of the People Act 1983 is amended as follows.

(2) In section 10ZB (the relevant registration objectives (Northern Ireland))(**5**)—

(a) in subsection (4)(d), for "subsections (5) and (6)" substitute "subsection (5)",

(b) in subsection (5)—

(i) at the end of paragraph (a) insert "or",

(ii) after paragraph (a) insert—

"(aa) the registration was made following an application for registration submitted through the UK digital service.",

(c) after subsection (7) insert—

"(7A) In subsection (5)(aa), "the UK digital service" has the same meaning as in section 10ZF(**6**), and the reference to an application for registration submitted through the UK digital service shall be construed in accordance with subsection (4) of that section."

(3) After section 10ZE (removal of electors in Great Britain from the register)(**7**) insert—

"**Digital registration in Northern Ireland**

10ZF.—(1) The Minister of the Crown responsible for providing the UK digital service shall have the following functions in connection with providing that service—

(a) acting as an intermediary for the purposes of the receipt of online applications for registration in respect of addresses in Northern Ireland on behalf of the Chief Electoral Officer for Northern Ireland;

(b) the transmission of such applications to the Chief Electoral Officer.

(2) Where it is possible for electronic communications or electronic storage to be used for any of the purposes specified in subsection (3), such communication or storage may, subject to any enactment (including any conditions imposed by any enactment), be used instead of any other form of communication or storage.

(**5**) Section 10ZB was inserted by the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) and amended by section 23(2) of the Electoral Registration and Administration Act 2013 (c.6).
(**6**) Section 10ZF is inserted by regulation 2(3) of these Regulations.
(**7**) Section 10ZE was inserted by paragraph 1 of Schedule 1 to the Electoral Registration and Administration Act 2013 (c.6).

(3) The purposes are—

(a) the exercise by the Minister of the Crown responsible for providing the UK digital service of any function conferred on the Minister—

(i) by subsection (1), or

(ii) under paragraph 1A of Schedule 2(**8**) in connection with applications for registration in respect of addresses in Northern Ireland;

(b) anything done through the UK digital service in connection with an application for registration in respect of an address in Northern Ireland.

(4) In this section—

"electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000;

"enactment" includes subordinate legislation;

"the UK digital service" means a digital service provided by a Minister of the Crown for the registration of electors, and the reference in subsection (3)(b) to anything done through the UK digital service shall be read as a reference to anything done using that service as an intermediary."

(4) In section 10A (maintenance of the registers: registration of electors in Northern Ireland)(**9**)—

(a) after subsection (1) insert—

"(1ZA) A person who makes an application for registration in respect of an address in Northern Ireland may submit it through the UK digital service, unless it is an application in pursuance of—

(a) residence determined in accordance with section 6 (residence: merchant seamen),

(b) a declaration of local connection, or

(c) an overseas elector's declaration.",

(b) in subsection (1A), for "subsection (1B)" substitute "subsections (1B) and (1C)",

(c) after subsection (1B) insert—

"(1C) The requirement mentioned in subsection (1A)(a) does not apply to an application submitted through the UK digital service.",

(d) in subsection (9), after the definition of "resident" insert—

""the UK digital service" has the same meaning as in section 10ZF, and references to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section."

(5) After section 10A (registration of electors in Northern Ireland) insert—

"**Register of electors in Northern Ireland: digital registration number**

10B.—(1) Where, following receipt of an application for registration in respect of an address in Northern Ireland submitted through the UK digital service, the Chief Electoral Officer for Northern Ireland determines that the applicant is entitled to be registered in the register, the Chief Electoral Officer shall allocate a unique reference number ("a digital

(**8**) Paragraph 1A of Schedule 2 was inserted by paragraph 2 of Schedule 2 to the Electoral Registration and Administration Act 2003 (c. 6) and amended by section 20(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(**9**) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c.2) and amended by section 1(3) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13), section 13(1) and paragraph 10 to the Electoral Registration and Administration Act 2013 (c. 6) and section 14(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

registration number") to the applicant, if no such number has previously been allocated to that person.

(2) Subsection (3) applies—

(a) where a digital registration number has been allocated to an applicant under subsection (1), or

(b) where, following an application for registration in respect of an address in Northern Ireland submitted through the UK digital service by a person to whom a digital registration number has previously been allocated, the Chief Electoral Officer determines that the applicant's registration in the register is to be amended in accordance with the application.

(3) Where this subsection applies, the Chief Electoral Officer shall send the applicant a notification by post of the digital registration number allocated to that applicant together with an explanation of—

(a) the fact that the digital registration number is required for an application for an absent vote pursuant to section 6(1)(bba)(ii) or 7(1)(bba)(ii) of the Representation of the People Act 1985(**10**), and

(b) how a further notification of the digital registration number may be obtained if the applicant requires it.

(4) If, after a notification has been sent to a person under subsection (3) or a further notification issued under subsection (6), the person requires a further notification of the digital registration number the person may apply to the Chief Electoral Officer for Northern Ireland for a further notification of the number.

(5) An application under subsection (4) must set out—

(a) the applicant's—

(i) name,

(ii) date of birth, and

(iii) national insurance number or a statement that the applicant does not have one (giving the reason why), and

(b) the address in respect of which the applicant is, or has applied to be, registered.

(6) Where the Chief Electoral Officer for Northern Ireland is satisfied that the information contained in an application under subsection (4) corresponds with the information held by the Chief Electoral Officer in relation to the applicant, the Chief Electoral Officer shall issue a further notification of the digital registration number to the applicant.

(7) A further notification under subsection (6) shall be issued by—

(a) giving it to the applicant in person, or

(b) sending it to the applicant—

(i) by post, or

(ii) if the applicant has given an email address in the application for registration, by email to that address.

(8) A notification or further notification by post pursuant to subsection (3) or (7)(b)(i) shall be sent—

(a) in the case of a person who is registered, or has made an application for registration, in pursuance of a service declaration, to the address given on the application form as

(**10**) Sections 6(1)(bba)(ii) and 7(1)(bba)(ii) are inserted by regulation 3(2)(b) and (5)(b) of these Regulations.

the person's present address or, if the Chief Electoral Officer is satisfied the applicant has moved to another address, to that address, or

(b) in any other case, to the address in respect of which the person is, or is entitled to be, registered.

(9) In this section, "the UK digital service" has the same meaning as in section 10ZF, and references to an application for registration submitted through the UK digital service shall be construed in accordance with subsection (4) of that section."

(6) In section 13A (alteration of registers)(**11**)—

(a) after subsection (2) insert—

"(2ZA) A person who makes an application under subsection (1)(a) in respect of an address in Northern Ireland may submit it through the UK digital service, unless it is an application in pursuance of—

(a) residence determined in accordance with section 6 (residence: merchant seamen),

(b) a declaration of local connection, or

(c) an overseas elector's declaration.",

(b) in subsection (2A) for "subsection (2B)" substitute "subsections (2B) and (2C)",

(c) after subsection (2B) insert—

"(2C) The requirement mentioned in subsection (2A)(a) does not apply to an application submitted through the UK digital service.",

(d) after subsection (6) insert—

"(7) In this section, "the UK digital service" has the same meaning as in section 10ZF, and references to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section."

(7) In Schedule 1, in rule 45 (the count)(**12**), in paragraph (2A)—

(a) after "Act", in the first place where it appears, insert "or section 6(1ZA) or 7(1ZA) of the Representation of the People Act 1985(**13**)",

(b) for "section 10(4A)(a)" to the end substitute "section 6(1)(bb) or (bba)(i) or 7(1)(bb) or (bba)(i) of the Representation of the People Act 1985".

Amendment of the Representation of the People Act 1985: absent voting applications following online registration through the UK digital service

3.—(1) The Representation of the People Act 1985(**14**) is amended as follows.

(2) In section 6 (absent vote at elections for an indefinite period)(**15**), in subsection (1)—

(a) in paragraph (bb), at the beginning insert "in the case of an applicant other than one who is or will be digitally registered,",

(b) after paragraph (bb) insert—

(**11**) Section 13A was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c.2) and amended by section 1(4) and 14(1) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and paragraph 12 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).
(**12**) Paragraph (2A) was inserted by section 3(4) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13).
(**13**) Sections 6(1ZA) and 7(1ZA) are inserted by regulation 3(3) and (6) of these Regulations.
(**14**) 1985 c.50.
(**15**) Section 6 was amended by paragraph 14 of Schedule 6 to the Representation of the People Act 2000 (c.2), section 3(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13), S.I. 2005/3129, paragraph 134 of Part 7 of Schedule 1 to the Electoral Administration Act 2006 (c.22) and S.I. 2014/1116.