Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

REPRESENTATION OF THE PEOPLE, ENGLAND AND WALES

The Representation of the People (England and Wales) (Amendment) Regulations 2014

Made - - - - 2014

Coming into force in accordance with regulation 1

The Lord President of the Council makes these Regulations in exercise of the powers conferred by sections 9E(2), 53(1) and (3) and 201(3) of, and paragraphs 1(4) and 1A of Schedule 2 to, the Representation of the People Act 1983(**1**).

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

In accordance with section 201(2) of the Representation of the People Act 1983(**4**), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Representation of the People (England and Wales) (Amendment) Regulations 2014 and come into force on the day after the day on which they are made.

(**1**) 1983 c.2. Section 9E was inserted by section 5 of the Electoral Registration and Administration Act 2013 (c.6). Section 53(1) and (3) was amended by paragraphs 1 and 13 of Schedule 1 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). Paragraph 1(4) was inserted by paragraphs 1 and 24 of Schedule 1 to the Representation of the People Act 2000. Paragraph 1A was inserted by section 2 of and paragraphs 1 and 2 of Schedule 2 to the Electoral Registration and Administration Act 2013. Under article 3 of the Lord President of the Council Order 2010 (S.I. 2010/1837) these powers are exercisable concurrently by the Secretary of State and the Lord President of the Council.

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

(**3**) 2000 c.41.

(**4**) 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.

(2) In these Regulations "the 2001 Regulations" means the Representation of the People (England and Wales) Regulations 2001(**5**).

Amendments to the 2001 Regulations

2. In regulation 35 of the 2001 Regulations (registration officer's right to inspect certain records), in paragraph (2), after sub-paragraph (a) (but before the "and" following it) insert—

"(aa) where the council by which he was appointed is a council for a district in a county for which there is a county council, that county council;".

3. After regulation 35 of the 2001 Regulations insert—

"**Disclosure of certain local authorities' records**

35A.—(1) A local authority listed in paragraph (2) may disclose to a registration officer information contained in records held by that authority, for any of the purposes mentioned in paragraph 1A(1) of Schedule 2 to the 1983 Act.

(2) The authorities are—

(a) the authority by which the registration officer was appointed; and

(b) where the council by which the registration officer was appointed is a council for a district in a county for which there is a county council, that county council.

(3) A disclosure under paragraph (1) may be made only in accordance with a written agreement between the authority and the registration officer regulating the processing of the information, including its transfer, storage, destruction and security.

(4) Where an authority refuses a request by a registration officer to disclose information under paragraph (1) it must give the registration officer written reasons for its refusal."

Amendments to the Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013

4. In regulation 22 of the Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013(**6**) (amendments in relation to invitations to apply for registration etc.), in regulation 32ZD of the 2001 Regulations (steps following invitation to apply for registration), as inserted by regulation 22, after paragraph (5) insert—

"(6) Paragraphs (1) to (3) do not apply in relation to a person whom the registration officer has reason to believe would, if registered, be registered—

(a) in pursuance of an application made by virtue of section 7(2) or 7A(2) of the 1983 Act(**7**);

(b) in pursuance of a declaration of local connection, service declaration or overseas elector's declaration; or

(c) with an anonymous entry."

(**5**) S.I. 2001/341, amended by S.I. 2013/3198 (the amendments are not yet in force).
(**6**) S.I. 2013/3198.
(**7**) Section 7 was substituted by section 4 of the Representation of the People Act 2000 and amended by section 12(1) of and paragraphs 1 and 2 of Schedule 4 to the Electoral Administration Act 2006 and by S.I. 2005/2078 and S.S.I. 2005/465. Section 7A was inserted by section 5 of the Representation of the People Act 2000 and amended by section 12(1) of and paragraphs 1 and 3 of Schedule 4 to the Electoral Administration Act 2006 and by S.I. 2005/2078 and S.S.I. 2005/465.