Draft Regulations laid before Parliament under section 13(2) of the European Parliamentary Elections Act 2002, section 18(4) of the European Parliament (Representation) Act 2003 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The European Parliamentary Elections (Anonymous Registration) (Northern Ireland) Regulations 2014

Made - - - - ***

Coming into force - - *15th September 2014*

The Secretary of State is a minister designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to the European Parliament(**2**).

In accordance with section 13(2) of the European Parliamentary Elections Act 2002(**3**), section 18(4) of the European Parliament (Representation) Act 2003(**4**) and paragraph 2(2) of Schedule 2 to the European Communities Act 1972(**5**), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

In accordance with section 7(1) and (2)(a) of the Political Parties, Elections and Referendums Act 2000(**6**) and with section 17(4) of the European Parliament (Representation) Act 2003, the Secretary of State has consulted with the Electoral Commission prior to these Regulations being made.

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(5) and 7(1), (2)(a), (3) and (4A)(**7**) of the European Parliamentary Elections Act 2002, sections 17 and 18 of the European Parliament (Representation) Act 2003 and section 2(2) of the European Communities Act 1972.

(**1**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**2**) S.I. 2013/1445.
(**3**) 2002 c. 24.
(**4**) 2003 c. 7.
(**5**) Paragraph 2(2) of Schedule 2 to the European Communities Act 1972 was amended by section 27(2)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51).
(**6**) 2000 c. 41; amendments have been made to section 7 but they are not relevant to these Regulations.
(**7**) Subsection (4A) was inserted by section 22 of the European Parliament (Representation) Act 2003 (c. 7).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Anonymous Registration) (Northern Ireland) Regulations 2014 and come into force on 15th September 2014.

(2) Subject to paragraphs (3), (4) and (5), these Regulations extend to Northern Ireland only.

(3) This regulation extends throughout the United Kingdom and to Gibraltar.

(4) Regulations 2 to 8 extend throughout the United Kingdom.

(5) Regulation 53 extends to England and Wales, Scotland and Gibraltar only.

(6) In these Regulations—

"the 2001 Franchise Regulations" means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001(**8**); and

"the 2004 Regulations" means the European Parliamentary Elections (Northern Ireland) Regulations 2004(**9**).

Amendments of the 2001 Franchise Regulations

2. The 2001 Franchise Regulations are amended as follows.

3. In regulation 4 (entitlement of relevant citizen of the Union to be registered as European Parliamentary elector)(**10**), after paragraph (4) insert—

"(4A) If a person entitled to be registered by virtue of paragraph (4) above has an anonymous entry in the register, the references in paragraphs (a) and (b) of that paragraph to his entry in the register are to be read as references to his entry in the record of anonymous entries prepared under regulation 45A of the Representation of the People (England and Wales) Regulations 2001(**11**), regulation 45A of the Representation of the People (Scotland) Regulations 2001(**12**), or regulation 53A of the Representation of the People Regulations 2008(**13**), as applied by these Regulations.".

4. In regulation 5 (registration officers), in paragraph (3), for "names of" substitute "entries for".

5. In regulation 6 (form of application and declaration required by regulation 4(1))(**14**), in paragraph (1)—

(a) at the end of sub-paragraph (e) omit "and";

(b) at the end of sub-paragraph (f) insert—

"; and

(g) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact.".

6. In regulation 8 (copies of certain applications and declarations to be sent to the Secretary of State)(**15**), in paragraph (1)—

(a) for "name of a relevant citizen" substitute "entry for a relevant citizen"; and

(b) for "entered the name in the register" substitute "registered the entry in the register".

(**8**) S.I. 2001/1184; any relevant amendments are referenced in these Regulations.
(**9**) S.I. 2004/1267; any relevant amendments are referenced in these Regulations.
(**10**) Paragraph (2) of regulation 4 was revoked by section 14 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), but that revocation is not yet in force.
(**11**) S.I. 2001/341; regulation 45A was inserted by S.I. 2006/2910. Other amendments are not relevant to this Order.
(**12**) S.I. 2001/497; regulation 45A was inserted by S.I. 2007/925. Other amendments are not relevant to this Order.
(**13**) Regulation 53A was inserted by S.I. 2014/XXXX.
(**14**) Paragraph (1)(c) of regulation 6 was revoked by section 14 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), but that revocation is not yet in force.
(**15**) Regulation 8 was amended by S.I. 2003/1557, S.I. 2009/726 and S.I. 2013/2876.

7. In regulation 10 (removal of names from the register)—

(a) in the header, for "names" substitute "entries";

(b) in paragraph (2)(c), for "name" substitute "entry"; and

(c) in paragraph (4), for "name of" substitute "entry for".

8.—(1) The Schedule (application with modifications of the 1983 Act and various Representation of the People Regulations for registration under these Regulations)(**16**) is amended as follows.

(2) In Part 1 (the 1983 Act(**17**))—

(a) in the right hand column of the Schedule, alongside the entry in respect of section 9B (anonymous registration)(**18**)—

(i) for the paragraph beginning "In subsection (1)" substitute—

"In subsection (1)(a), for "section 10ZC or 10A(1)(a)" substitute "regulation 6 of the 2001 Regulations(**19**)".", and

(ii) after the paragraph beginning "In subsection (4)" insert—

"In subsection (6), for "section 10ZC or 10A(1)(a)" substitute "regulation 6 of the 2001 Regulations".."; and

(b) in the right hand column of the Schedule, alongside the entry in respect of section 9C (removal of anonymous entry), in the paragraph beginning "After subsection (1)"—

(i) for "After subsection (1)" substitute "After subsection (1E)",

(ii) the inserted subsection becomes subsection (1F), and

(iii) in that inserted subsection, for "by virtue of subsection (1)" substitute "by virtue of this section".

(3) In Part 2, in the section relating to the Representation of the People (Northern Ireland) Regulations 2008(**20**)—

(a) after the entry in respect of regulation 38 (hearing of reviews) insert—

"Regulation 38A (anonymous registration: applications and declarations)(**21**)	In paragraph (1)(b), for "regulation 27(1)(b)" substitute "regulation 6(1)(b) of the 2001 Regulations". For paragraph (7) substitute— "(7) In this regulation, "an application for an absent vote" means an application under regulation 8 of the European Parliamentary

(**16**) The Schedule was substituted in its entirety by S.I. 2009/726. Other amendments to the Schedule are not relevant to these Regulations.

(**17**) This relates to the Representation of the People Act 1983 (c. 2).

(**18**) Sections 9B and 9C were inserted by section 10 of the Electoral Administration Act 2006 (c. 22). Section 9B(9) was repealed by 20 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14). Sections 9B and 9C were amended by paragraphs 7 and 8 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), and S.I. 2014/1116, and those amendments will come into force on 10th June 2014 and 15th September 2014 respectively.

(**19**) When applied for the purpose of the register maintained under regulation 5 of the 2001 Franchise Regulations, references in the Representation of the People Act 1983 (c. 2) and the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) to the "2001 Regulations" is a reference to the 2001 Franchise Regulations (see the entry relating to section 202 of the 1983 Act in the Schedule to the 2001 Franchise Regulations).

(**20**) S.I. 2008/1741; relevant amendments are referenced in these Regulations.

(**21**) Regulations 38A to 38E are inserted by S.I. 2014/XXXX.

	Elections (Northern Ireland) Regulations 2004(**22**).”
Regulation 38B (anonymous registration: determination of applications by the registration officer)	
Regulation 38C (anonymous registration: evidence consisting of relevant court orders or injunctions)	
Regulation 38D (anonymous registration: evidence by attestation)	
Regulation 38E (anonymous registration: review of entitlement to an anonymous entry)”;	

(b) after the entry in respect of regulation 50 (order of names), insert—

“Regulation 50A (anonymous entries)(**23**);	
Regulation 53A (record of anonymous entries)	In paragraph (4), for the words from “section 6(6) or 9(12) of the 1985 Act” to the end substitute “regulation 8(8) or 11(11) of the European Parliamentary Elections (Northern Ireland) Regulations 2004(**24**)”.
Regulation 53B (duties of registration officer and his staff in relation to record of anonymous entries)	
Regulation 53C (supply of the record of anonymous entries to police forces and other organisations)	
Regulation 53D (certificate of anonymous registration)”.	

Amendments of the 2004 Regulations

9. The 2004 Regulations are amended as follows.

10. In regulation 2 (interpretation)(**25**)—

(a) after the definition of “the absent voters list” insert—

> ““anonymous entry” has the same meaning as in the 1983 Act (see section 202(1) of that Act);”;

(b) in the definition of “elector”, after “such a register” insert “(or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries)”; and

(c) after the definition of “the proxy postal voters list” insert—

(**22**) S.I. 2004/1267; regulation 8 was amended by S.I. 2005/2114.
(**23**) Regulations 50A and 53A to 53D were inserted by S.I. 2014/XXXX.
(**24**) Regulation 8 was amended by S.I. 2005/2114 and regulation 11 was amended by S.I. 2009/813.
(**25**) Regulation 2 was substituted by S.I. 2009/813 and amended by S.I. 2011/2085, S.I. 2012/1809 and S.I. 2013/2893.

""record of anonymous entries" means a record prepared under regulation 53A of the 2008 Regulations(**26**);".

11. In regulation 7 (manner of voting)(**27**), after paragraph (6) insert—

"(6ZA) Nothing in paragraphs (1) to (5) applies to a person who has an anonymous entry in the register of electors; and such a person may only vote by post or by proxy (where entitled as an elector to vote by post or, as the case may be, by proxy at the election).".

12. In regulation 8 (absent vote at elections for an indefinite period)(**28**)—

(a) after paragraph (4)(a) insert—

"(aa) if he has an anonymous entry,"; and

(b) in paragraph (6)—

(i) at the end of sub-paragraph (b) omit "or", and

(ii) after sub-paragraph (b) insert—

"(ba) if he ceases to have an anonymous entry, or".

13. In regulation 9 (absent vote at a particular election and absent voters list), after paragraph (6) insert—

"(6A) But in the case of a person who has an anonymous entry, the list mentioned in paragraph (6)(a) or (b) must contain only—

(a) the person's electoral number, and

(b) the date on which the person's entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act)(**29**).".

14. In regulation 11 (voting as proxy)(**30**)—

(a) after paragraph (1) insert—

"(1A) But in the case of a person entitled to vote as proxy for an elector who has an anonymous entry—

(a) paragraph (1) does not apply, and

(b) the person may only vote by post (where entitled as a proxy to vote by post).";

(b) in paragraph (4), at the end of sub-paragraph (b) insert—

"or

(c) the elector has an anonymous entry,";

(c) in paragraph (6), at the end of sub-paragraph (b) insert—

"or

(c) the elector has an anonymous entry.";

(d) after paragraph (8) insert—

(**26**) Regulation 53A was inserted by S.I. 2014/XXXX.
(**27**) Regulation 7 was amended by S.I. 2009/813.
(**28**) Regulation 8 was amended by S.I. 2005/2114.
(**29**) Sections 9B and 9C were inserted into the Representation of the People Act 1983 (c. 2) by section 10 of the Electoral Administration Act 2006 (c. 22). Section 9B(9) was repealed by 20 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14). Sections 9B and 9C were amended by paragraphs 7 and 8 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), and S.I. 2014/1116, and those amendments will come into force on 10th June 2014 and 15th September 2014 respectively.
(**30**) Regulation 11 was amended by S.I. 2009/813.