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.

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The Representation of the People (Northern Ireland) (Amendment) Regulations 2014

Made - - - - ***

Coming into force - - *15th September 2014*

In accordance with section 201(2) of the Representation of the People Act 1983(**1**), 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)(e) of the Political Parties, Elections and Referendums Act 2000(**2**), 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 the provisions which are specified in Schedule 1 to these Regulations.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2014 and come into force on 15th September 2014.

(2) These Regulations extend only to Northern Ireland.

(3) In the following provisions of these Regulations, unless otherwise stated, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in the Representation of the People (Northern Ireland) Regulations 2008(**3**).

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

2. In regulation 3 (interpretation), after the definition of "candidate" insert—

(**1**) 1983, c. 2; section 201(2) was substituted by section 24 of, and paragraph 69 of Schedule 4 to, the Representation of the People Act 1985 (c. 50), and amended by S.I. 1991/1728 and section 158 of, and paragraph 6 of Schedule 21 to, the Political Parties, Elections and Referendums Act 2000 (c. 41).

(**2**) 2000 c. 41; amendments have been made to section 7 but they are not relevant to these Regulations.

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

""certificate of anonymous registration" means a certificate issued in pursuance of regulation 53D;".

3. For regulation 9 substitute—

"**Official poll card and postal poll card at parliamentary elections**

9.—(1) The following forms are prescribed for the purpose of rule 28(3) of the elections rules(**4**).

(2) The official poll card issued to an elector must be in Form A.

(3) The official postal poll card issued to an elector who is on the absent voters list for the election (kept under section 7(4) of the 1985 Act) must be in Form A1.

(4) The official poll card issued to the proxy of an elector must be in Form B.

(5) The official postal poll card issued to the proxy of an elector who is entitled to vote by post as proxy at the election must be in Form B1."

4. After regulation 26 insert—

"**Reminders to persons who have an anonymous entry**

26A.—(1) This regulation applies to a person ("P") who has an anonymous entry in the register of parliamentary or local electors.

(2) Subject to paragraph (3), the registration officer must, during the relevant period, send to P a reminder that P's entitlement to be registered will terminate on the determined date and that—

(a) if P wishes to remain entered in the register anonymously after that date, P must make a fresh application for an anonymous entry under section 9B(1)(b) of the 1983 Act(**5**);

(b) if P wishes to remain entered in the register without an anonymous entry, P must make a fresh application for registration under section 10A(1)(a) of the 1983 Act(**6**).

(3) Paragraph (2) does not apply (or ceases to apply) where the registration officer has received from P a fresh application for an anonymous entry under section 9B(1)(b) of the 1983 Act.

(4) In this regulation—

"the determined date" is the date on which P's entitlement to remain registered will terminate under section 9C(1A) of the 1983 Act(**7**);

"the relevant period" is the period beginning six months before the determined date and ending three months before that date.".

5.—(1) Regulation 27 (applications for registration) is amended as follows.

(**4**) Under regulation 2 of the S.I. 2008/1741, the elections rules means the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 (c. 2). Rule 28(3) was amended by paragraph 70 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(**5**) Sections 9B and 9C were inserted by section 10 of the Electoral Administration Act 2006 (c. 22), amended by paragraphs 7 and 8 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), extended to Northern Ireland by article 2 of S.I. 2014/1116, and amended by article 3 of that instrument.

(**6**) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Section 10A(1A) and (1B) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13). Other amendments to section 10A are not relevant.

(**7**) Section 9C(1A) was inserted by article 3 of S.I. 2014/1116.

(2) In paragraph (1)—

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

(b) in sub-paragraph (f), after "applicant" insert "whose application is not accompanied by an application for an anonymous entry and";

(c) at the end of sub-paragraph (f) insert "and" and after that sub-paragraph insert—

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

(3) After paragraph (9) insert—

"(10) Paragraphs (6) to (9) do not apply to an application for registration which is accompanied by an application for an anonymous entry.".

6. In regulation 29 (inspection of applications and objections), the existing text becomes paragraph (1) of that regulation and after paragraph (1) insert—

"(2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.".

7.—(1) Regulation 30 (procedure for determining applications for registration and objections without a hearing) is amended as follows.

(2) After paragraph (3) insert—

"(3A) Paragraph (3) does not apply to an application accompanied by an application for an anonymous entry.".

(3) At the beginning of paragraph (7) insert "Subject to paragraph (7A),".

(4) After paragraph (7) insert—

"(7A) In the case of an application for registration accompanied by an application for an anonymous entry, the registration officer may allow the application for registration without a hearing at any time.".

8. In regulation 36 (procedure for reviewing entitlement to registration), after paragraph (2) insert —

"(2A) Paragraph (2)(b) does not apply where the subject of the review has an anonymous entry.".

9. In regulation 37 (list of reviews), after paragraph (3) insert—

"(4) This regulation does not apply to any review where the subject of the review has an anonymous entry.".

10. After regulation 38 insert—

"**Anonymous registration: applications and declarations**

38A.—(1) An application for an anonymous entry must state—

(a) the applicant's full name,

(b) the address given in accordance with regulation 27(1)(b),

(c) the reason for the application, and

(d) the date of the application.

(2) The application must be in writing and signed by the applicant.

(3) The application must be accompanied by—

(a) evidence of the nature prescribed in regulation 38C or 38D, and

(b) an application for an absent vote.

(4) Where the evidence mentioned in paragraph (3)(a) relates not to the applicant, but to another person of the same household as the applicant, the application must be accompanied by evidence that that person is of that household.

(5) The application must be accompanied by a declaration made by the applicant that—

(a) the particulars given in accordance with paragraph (1) are true,

(b) so far as the applicant is aware, the evidence provided in pursuance of paragraph (3)(a) is genuine, and

(c) where paragraph (4) applies—

(i) the person to whom the evidence relates is a person of the same household of the applicant, and

(ii) so far as the applicant is aware, the evidence provided in pursuance of paragraph (4) is genuine.

(6) The application may give an address to which the registration officer must send correspondence, other than the address given in accordance with paragraph (1)(b).

(7) In this regulation, "an application for an absent vote" means—

(a) in relation to parliamentary elections, an application under section 6 of the 1985 Act(**8**);

(b) in relation to local elections, an application under paragraph 1 of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(**9**).

Anonymous registration: determination of applications by the registration officer

38B.—(1) Paragraph (2) applies where—

(a) in the case of an application under section 9B(1)(a) of the 1983 Act, the registration officer determines that the applicant for an anonymous entry is entitled to be registered, and

(b) in the case of an application under section 9B(1)(a) or (b) of that Act, the application for an anonymous entry is made in accordance with regulation 38A.

(2) The registration officer must determine that the safety test is satisfied (and accordingly allow the application for an anonymous entry) where that officer is satisfied—

(a) that the evidence provided in support of the application in pursuance of regulation 38A(3)(a) constitutes evidence of the nature prescribed in regulation 38C or 38D, and

(b) in the case of an application where paragraph (4) of regulation 38A applies, that the evidence provided in pursuance of that paragraph establishes that the person in question is a person of the same household as the applicant.

(3) The registration officer must determine the date on which the applicant's entitlement to remain registered with an anonymous entry terminates (the "date of termination") in accordance with paragraphs (4) and (5).

(**8**) 1985 c. 50; sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the Representation of the People Act 2000 (c. 2); sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the Representation of the People Act 2000 (c. 2), and by article 6 of S.I. 2014/1116.

(**9**) S.I. 1985/454; paragraph 1 was amended by S.I. 2002/2835, S.I. 2005/1969 and S.I. 2010/2977.

(4) Where the evidence provided under regulation 38A(3)(a) is evidence of the nature prescribed in regulation 38C, the date of termination is whichever is the earlier of the following—

(a) the date on which the relevant order or injunction will expire or will cease to be a relevant order or injunction within the meaning of regulation 38C(3)(a)(**10**) (where such a date is specified in the relevant order or injunction), or

(b) the end of the period of five years, beginning with—

(i) in the case of an application under section 9B(1)(a) of the 1983 Act, the date when the person's entry in the register first takes effect; or

(ii) in the case of an application under section 9B(1)(b) of that Act, the date when the Chief Electoral Officer determines under section 9B(2) of that Act that the safety test is satisfied.

(5) Where the evidence provided under regulation 38A(3)(a) is evidence of the nature prescribed in regulation 38D, the date of termination is the date on which the attestation will cease to have effect under regulation 38D(3)(**11**).

Anonymous registration: evidence consisting of relevant court orders or injunctions

38C.—(1) Evidence which meets the following conditions is prescribed for the purpose of regulation 38A(3)(a).

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(3) A relevant order or injunction is—

(a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997(**12**);

(b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997;

(c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997;

(d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;

(e) a non-harassment order, interdict or interim interdict made under section 8 or 8A of the Protection from Harassment Act 1997;

(f) a non-harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995(**13**);

(**10**) An order might cease to be a relevant order or injunction within the meaning of regulation 38C(3) where, although the order remains in force, the power of arrest attached to that order has expired (see regulation 38C(3)(p)).

(**11**) An attestation under regulation 38D(3) can have effect for a maximum period of five years from the date the attestation was made.

(**12**) 1997 c. 40; sections 3, 3A and 5 were amended by section 125 of the Serious Organised Crime and Police Act 2005 (c. 15). Section 5 was amended by section 12 of, paragraph 43 of Schedule 10 to, and Schedule 11 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 5A was inserted by section 12 of the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 8 was amended by section 1 of the Domestic Abuse (Scotland) Act 2011 asp 13 and section 16 of, and Schedule 2 to, the Damages (Scotland) Act 2011 asp 7. Section 8A was inserted by section 1(2) of the Domestic Abuse (Scotland) Act 2011 asp 13.

(**13**) 1995 c. 46; section 234A was inserted by section 11 of the Protection from Harassment Act 1997 (c. 40) and was amended by section 15 of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13, section 49 of the Criminal Justice (Scotland) Act 2003 asp 7, and Schedule 3 to the Crime and Punishment (Scotland) Act 1997 (c. 48).