Draft Order laid before Parliament under section 11(2) of the Electoral Registration and Administration Act 2013, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. XXXX

REPRESENTATION OF THE PEOPLE

The Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013

Made - - - - ***

Coming into force in accordance with article 1

The Lord President of the Council makes the following Order in exercise of the powers conferred by section 11(3) and (5) of, and paragraphs 4, 8, 9, 12, 13, 17(7) and 29 of Schedule 5 to, the Electoral Registration and Administration Act 2013(**1**).

The Lord President of the Council has consulted the Electoral Commission, the Information Commissioner and such other persons as he considered appropriate, in accordance with section 53(5) of the Representation of the People Act 1983(**2**).

In accordance with section 11(2) of the Electoral Registration and Administration Act 2013, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1. This Order may be cited as the Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013 and comes into force on the date on which Schedule 5 to the 2013 Act comes fully into force, except for article 5, which comes into force on 11th September 2014.

2. This Order does not extend to Northern Ireland, except for article 25.

3. In this Order—

"the 1983 Act" means the Representation of the People Act 1983;

"the 2013 Act" means the Electoral Registration and Administration Act 2013;

"the two 2001 Regulations" means the Representation of the People (England and Wales) Regulations 2001(**3**) and the Representation of the People (Scotland) Regulations 2001(**4**);

(**1**) 2013 c.6. Section 25(1) defines "the Minister" as the Lord President of the Council or the Secretary of State; "prescribed" has the meaning given in paragraph 30(1) of Schedule 5.
(**2**) 1983 c.2; section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013.
(**3**) S.I. 2001/341; relevant amending instruments are S.I. 2002/1871, 2006/2910 and 2013/
(**4**) S.I. 2001/497; relevant amending instruments are S.I. 2002/1872, 2007/925 and 2013/

"Lord President" means the Lord President of the Council;

"registration officer" means a registration officer in Great Britain, unless otherwise stated.

Time

4.—(1) Where the day or last day of the time required or allowed by this Order for the doing of any thing falls on any of the days mentioned in paragraph (3), that time is extended until the next following day which is not one of those days.

(2) In computing any period of not more than seven days for the purposes of this Order, any of the days mentioned in paragraph (3) is disregarded.

(3) The days are a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**5**) in England and Wales or, as the case may be, in Scotland.

Applications for registration in Scotland made between 11th and 18th September 2014

5. Where a registration officer in Scotland determines an application for registration made in the period starting with 11th September 2014 and ending with 18th September 2014, the proviso in regulation 29(4) of the Representation of the People (Scotland) Regulations 2001 does not apply.

Confirmation of entitlement to remain registered

6.—(1) Each registration officer must within the specified period check whether each person who—

(a) has an entry in a register maintained by the registration officer; and

(b) does not fall within paragraph 4(5) of Schedule 5 to the 2013 Act

is entitled to remain registered.

(2) The specified period—

(a) in England and Wales is the period starting with 16th June 2014 and ending with 30th November 2014; and

(b) in Scotland is the period starting with 19th September 2014 and ending with 27th February 2015.

Verification of information in order to confirm entitlement to remain registered

7.—(1) The registration officer must, in relation to each person in article 6, verify the following information for the purposes of that article —

(a) the person's full name;

(b) the person's date of birth, where the registration officer has that information;

(c) the person's address including postcode.

(2) Subject to article 10, the registration officer must disclose the information in paragraph (1) to the Lord President on such date or dates and in such a format and through such a conduit system as the Lord President may have notified to the registration officer in writing.

(3) Following receipt of the information from the registration officer, the Lord President may disclose the information to the Secretary of State.

(**5**) 1971 c. 80. Schedule 1 was amended by section 1 of the St Andrew's Day Bank Holiday (Scotland) Act 2007 (asp 2).

(4) Where information has been disclosed to the Secretary of State under paragraph (3), the Secretary of State may compare it against—

(a) the name, date of birth and address, including postcode, of individuals appearing in the following types of databases kept by the Secretary of State—

(i) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development); and

(ii) databases relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty's Revenue and Customs); and

(b) any other information contained in those databases which relates to the information disclosed under paragraph (3).

(5) The Secretary of State may disclose the results of the comparison to the Lord President.

(6) On receipt of such results, the Lord President may disclose them to the registration officer in whose register the person is registered.

(7) Where the Lord President does so, the registration officer must take the results into account in determining whether the person is entitled to remain registered.

(8) The evidence specified for the purpose of paragraph 4(2) of Schedule 5 to the 2013 Act shall be evidence that an entry on the register corresponds—

(a) with the information held by the Secretary of State against which it has been compared, or

(b) where the entry does not correspond with that information or where no results are disclosed to the registration officer, with information contained in records which the registration officer is entitled to inspect under regulation 35 of each of the two 2001 Regulations.

(9) Registration officers must have regard to any guidance that may be given by the Lord President about the process for determining whether the person is entitled to be registered in the register and the relative weight to be given to different kinds of evidence.

(10) In this article—

(a) "conduit system" has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984(**6**);

(b) "Secretary of State" means the Secretary of State for Work and Pensions.

8. Articles 6 and 7 do not apply to persons who are entered in the register with an anonymous entry.

Processing of information to confirm entitlement to remain registered

9.—(1) Information disclosed under article 7 may not be disclosed to any other person, except—

(a) for the purpose of confirming entitlement to remain registered; or

(b) for the purpose of any civil or criminal proceedings.

(2) A person who discloses information in breach of paragraph (1) is guilty of an offence and liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

(**6**) 1984 c.12; paragraph 1 has been amended but no amendments are relevant to this Order.

10.—(1) Any person who discloses information under this Order must process it in accordance with any requirements as to the processing of information that may have been imposed by the Lord President in writing, including requirements as to the transfer, storage, destruction and security of that information.

(2) Any requirements, in accordance with which a person must process information, must be imposed by the Lord President before a registration officer is required to disclose that information under article 7(2).

Notification of confirmed entries on register

11.—(1) Where a registration officer has confirmed a person's entitlement to remain registered under article 6, the registration officer must give notice in writing to that person.

(2) Such notice must be given—

(a) in England and Wales withinn the period starting with 1st July 2014 and ending with 30th November 2014, and

(b) in Scotland within the period starting with 1st October 2014 and ending with 27th February 2015.

(3) The notice must—

(a) state the full name and address of the person to whom it is given;

(b) state that the person's entry on the register has been confirmed and that the person need not make a new application for registration in order to remain on the register unless their entitlement to be registered changes;

(c) state that, if the person ceases to reside at their current address, they should inform the registration officer;

(d) give the following information about the edited register—

(i) an explanation of what the edited register is, using the short version of the form of words prescribed in regulation 45 of, and Schedule 3 to, the Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013(**7**) and regulation 47 of, and Schedule 3 to, the Representation of the People (Description of Electoral Registers and Amendment)(Scotland) Regulations 2013(**8**);

(ii) an indication whether the name and address of the person are omitted from the edited register;

(iii) information as to how the person may request that their name and address be included in or omitted from the edited register;

(e) be given in an envelope on which is printed—

(i) a direction that the envelope must not be redirected if it is incorrectly addressed;

(ii) a direction requesting that any other person who receives the envelope who is resident at the address to which the notice is addressed inform the registration officer if the addressee is not resident at that address and of the full names of the persons over 16 years old who are resident at the address; and

(iii) the registration officer's contact details.

(4) In this article, "edited register" has the same meaning as in regulation 93 of each of the two 2001 Regulations.

(**7**) S.I. 2013/
(**8**) S.I. 2013/

Entries carried forward

12.—(1) Where a person's entry in the register was carried forward on the conclusion of the final old canvass, the registration officer in whose register the entry appears may, within the period specified in article 6(2), check whether the person is entitled to remain registered by means of the process set out in article 7(1) to (6).

(2) Articles 9 and 10 apply in relation to checks under paragraph (1) as they apply to verification under article 7.

(3) Where, at the first new canvass, a canvass form is completed and returned in respect of the person and the address to which the entry relates—

(a) the registration officer must take the results of the check into account in determining whether the person is entitled to remain registered,

(b) where the registration officer is satisfied that there is evidence of a kind specified in article 7(8), the registration officer is to treat the person's entitlement to remain registered as confirmed, and

(c) article 7(9) applies as it applies to verification under that article.

(4) Where a registration officer has confirmed a person's entitlement to remain registered under this article, article 11 applies as it applies to confirmation under article 6.

Period within which invitations to register must be given to existing electors in 2014

13. Each registration officer must give invitations under paragraph 8 of Schedule 5 to the 2013 Act—

(a) in England and Wales, within the period starting with 1st July 2014 and ending with 30th September 2014, and

(b) in Scotland, within the period starting with 1st October 2014 and ending with 31st December 2014.

First new canvass in Scotland

14.—(1) The first new canvass in Scotland is postponed and is to be conducted within the period starting with 1st October 2014 and ending with 27th February 2015.

(2) In consequence of paragraph (1)—

(a) section 13(1) and (1A) of the 1983 Act(**9**) does not apply to registration officers in Scotland for 2014;

(b) any other provision of that Act which refers to a register published under section 13(1)(a) of that Act applies in the same way to a register published in Scotland under article 15.

Publication of revised version of the register in Scotland following first new canvass

15. Each registration officer in Scotland must publish a revised version of their registers by 28th February 2015.

(**9**) 2000 c.2. Paragraph 3 was amended by section 261 of, and paragraph 164 of Schedule 27 to, the Civil Partnership Act 2004 (c.33), sections 10, 14 and 74 of, and paragraphs 19, 20 and 137 to, Schedule 1 to the Electoral Administration Act 2006 (c.22) and sections 20 and 34 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14). Paragraph 5 was amended by sections 10 and 74 of, and paragraphs 19, 22 and 137 of Schedule 1 to, the Electoral Administration Act 2006 and section 20 of the Local Electoral Administration and Registration Services (Scotland) Act 2006.