Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Representation of the People (Northern Ireland) (Amendment) Regulations 2014 ISBN 978-0-11-111569-5*

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

2013 No.

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The Representation of the People (Northern Ireland) (Amendment) Regulations 2013

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

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 10(4) and (4A), 10A(7), 53(1)(b) and 201(3) of, and paragraphs 1(4A) and 10B of Schedule 2 to, the Representation of the People Act 1983(**1**).

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**2**) the Electoral Commission has been consulted prior to making these Regulations.

In accordance with section 201(2) of the Representation of the People Act 1983(**3**), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2013 and come into force on the day after the day on which they are made.

(2) These Regulations extend to Northern Ireland only.

(**1**) 1983 c.2. Sections 10 and 10A were substituted by paragraphs 1 and 4 of Schedule 1 to the Representation of the People Act 2000 ("RPA 2000"). Section 10(4) was amended by paragraph 2 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 ("the NIMPA 2006"). Section 10(4A) was inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) ("the 2002 Act"). Section 53(1)(b) was substituted by paragraph 13 of Schedule 1 to the RPA 2000. Section 201 (3) was inserted by paragraph 21 of Schedule 1 to the RPA 2000 and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41) ("PPERA 2000"). Paragraphs (4A) of Schedule 2 was inserted by section 6 of the 2002 Act and substituted by section 7 of the NIMPA 2006. Paragraph 1(6) was inserted by section 7 of the NIMPA 2006. Paragraph 10B was inserted by section 9 of the RPA 2000. Paragraph 11A (referred to in paragraph 10B) was inserted by paragraph 87(c) of Schedule 4 to the 1985 Act and amended by section 7 of the 2006 Act and paragraph 7 of Schedule 15 to the Data Protection Act 1998 (c.29).

(**2**) 2000 c.41.

(**3**) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c.50) ("the 1985 Act") and amended by paragraph 6 of Schedule 21 to the PPERA 2000 and article 5(b) of S.I. 1991/1728.

(3) In these Regulations "the 2008 Regulations" means the Representation of the People (Northern Ireland) Regulations 2008(**4**).

Amendment of regulation 42 of the 2008 Regulations

2. In regulation 42 of the 2008 Regulations(**5**), after paragraph (2)(d) insert—

"(da) the Northern Ireland Office;".

Conduct of a canvass

3.—(1) After regulation 46 of the 2008 Regulations insert—

"**Prescribed form for canvass**

46A. The form prescribed for the purpose of section 10(4) of the 1983 Act shall be in Form O.

Retention of entries on the register following a canvass

46B.—(1) Where—

(a) a person (P) is entered in the register in respect of any address, and

(b) conditions A, B and C are met,

section 10A(6) of the 1983 Act(**6**) does not apply for the duration of the relevant period and the registration officer is authorised to retain P's entry in the register.

(2) Condition A is that on the conclusion of a canvass under section 10(1A) of the 1983 Act(**7**), either—

(a) the registration officer is unable to satisfy himself that P was, on the 15th October in question, resident at that address because—

(i) the form mentioned in section 10(4) of the 1983 Act relating to P was not returned in respect of that address, or

(ii) for any other reason, insufficient information was obtained as to whether P was resident at that address on that date; or

(b) the form mentioned in section 10(4) of the 1983 Act relating to P was returned in respect of that address, but it does not include all of the information relating to P required by virtue of section 10(4A) of the 1983 Act.

(3) Condition B is that in the 12 month period before the conclusion of the canvass—

(a) P made an application under section 10A(1) or 13A(1) of the 1983 Act and the registration officer determined that P was entitled to be registered in the register;

(b) information received by the registration officer pursuant to regulation 41 indicates that P is resident at that address and that the required information(**8**) in relation to P is accurate;

(**4**) S.I. 2008/1741.
(**5**) Regulation 42 was amended by regulation 4 of S.I. 2010/278.
(**6**) Section 10A(6) was amended by section 1 of the 2002 Act.
(**7**) Section 10(1A) was inserted by section 2 of the NIMPA 2006.
(**8**) "The required information" is defined in section 10ZB of the 1983 Act.

(c) inquiries made by the registration officer pursuant to sections 10(5) or 10A(5B)(**9**) of the 1983 Act indicate that P is resident at that address and that the required information in relation to P is accurate;

(d) P has confirmed orally or in writing(**10**) that P is resident at that address and that the required information in relation to P is accurate; or

(e) any other information received by the registration officer indicates that P is resident at that address and that the required information in relation to P is accurate.

(4) Condition C is that the registration officer is satisfied that it is likely that P is resident at that address and that the required information in relation to P is accurate.

(5) Nothing in this regulation prevents the registration officer from removing P's entry from the register before the expiry of the relevant period if section 10A(5)(b) or 10A(5A)(b) of the 1983 Act(**11**) applies.

(6) In this regulation—

"relevant period" means the period beginning with the conclusion of the canvass mentioned in paragraph (2) and expiring with the publication of a revised version of the register under section 13(1) of the 1983 Act in the second calendar year following that in which the canvass was conducted; and

"required information" has the meaning given in section 10ZB of the 1983 Act(**12**)."

Supply of information about electors to the Northern Ireland Statistics and Research Agency for the purpose of meeting the registration objectives

4.—(1) After regulation 112 of the 2008 Regulations insert—

"Supply to assist the registration officer to meet the relevant registration objectives

Supply of additional elector information to the Northern Ireland Statistics and Research Agency

112A.—(1) The registration officer may supply additional elector information to the Agency.

(2) In this regulation—

"the Agency" means the Northern Ireland Statistics and Research Agency;

"additional elector information" means information relating to an elector's date of birth or nationality or both, but does not include information which was only obtained by the registration officer pursuant to a request under regulation 41;

"relevant registration objectives" has the meaning given in section 10ZB of the 1983 Act.

(3) No person employed by the Agency may—

(a) supply a copy of the additional elector information other than to another such person;

(b) disclose any information contained in the additional elector information (and not contained in the edited register) otherwise than by publishing information about electors which does not include the date of birth or nationality of any elector;

(**9**) Section 10A(5B) was inserted by section 12 of the Electoral Administration Act 2006 ("the EAA 2006").

(**10**) By Schedule 1 of the Interpretation Act 1978, "writing" includes typing, printing, lithography, photography and other modes of representing or reproducing words in a visible form.

(**11**) Section 10A(5) was amended by section 1 of the 2002 Act and Schedule 2 to the EAA 2006. Section 10A(5A) was inserted by section 1 of the 2002 Act.

(**12**) Section 10ZB was inserted by section 4 of the NIMPA 2006.