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

2010 No.

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The Representation of the People (Northern Ireland) (Amendment) Regulations 2010

Made - - - - ***

Coming into force in accordance with regulation 1(2)

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**1**) 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(**2**) a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred by the provisions which are specified in the Schedule to this instrument, makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2010.

(2) These Regulations shall come into force on the day after the day on which they are made.

(3) These Regulations extend to Northern Ireland only.

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

Amendment of regulation 25 of the 2008 Regulations

2.—(1) Amend regulation 25 of the 2008 Regulations (alteration of registers under section 13BA(3) of the 1983 Act) as follows.

(**1**) 2000 c.41.
(**2**) 1983 c. 2; section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c.50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41) and article 5(b) of S.I. 1991/1728.
(**3**) S.I. 2008/1741.

(2) After paragraph (3)(j) insert—

"(ja) a 60+ SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st October 2008;"

(3) In paragraph (6), after sub-paragraph (e) omit "and" and after sub-paragraph (f) insert—

"; and

(g) a bill or statement issued by a Credit Union within the meaning of article 2 of the Credit Unions (Northern Ireland) Order 1985(**4**)

Amendment of regulation 35 of the 2008 Regulations

3.—(1) Amend regulation 35 of the 2008 Regulations (summary procedure for determining in specified circumstances whether a person has ceased to satisfy conditions for registration) as follows.

(2) For paragraph 2(d) substitute—

"(d) has been notified by a relative or executor of the elector or by a registrar of births and deaths or by the Senior Coroner for Northern Ireland that the elector has died;"

(3) In paragraph (3) after the definition of "elector" insert—

""registrar of births and deaths" means the Registrar General of Births and Deaths in Northern Ireland, any registrar of births and deaths in England, Wales or Scotland, or the Registrar General (an tArd-Chláraitheoir) in the Republic of Ireland;".

Amendment of regulation 42 of the 2008 Regulations

4.—(1) Amend regulation 42 of the 2008 Regulations (provision of information to the registration officer) as follows.

(2) In paragraph (2)(c) for "the Northern Ireland Central Services Agency" substitute "the Regional Business Services Organisation".

(3) After paragraph (2)(e) omit "and" and insert—

"(ea) institutions of further education within the meaning of article 2 of the Further Education (Northern Ireland) Order 1997(**5**); and".

Additional requirements for applications for absent votes

5.—(1) After regulation 55 of the 2008 Regulations insert—

"**Additional requirement for applications for ballot papers to be sent to a different address to that in register**

55A.—(1) Paragraph (2) applies where—

(a) in the case of an application to vote by post under section 6(1) of the 1985 Act(**6**), the addresses provided in accordance with section 6(6) of that Act and regulation 55(2)(b) are different;

(**4**) S.I. 1985/1205 (N.I. 12); article 2 was amended by S.I. 2002/1855 but those amendments are not relevant to these Regulations.
(**5**) S.I. 1997/1772 (N.I. 15).
(**6**) 1985 c.50; sections 6, 7 and 9 (see below) were amended by Schedule 6 to the Representation of the People Act 2000 (c.2); sections 6 and 7 were amended by section 3 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13); section 6 was amended by paragraph 134 of Schedule 1 to the Electoral Administration Act 2006 (c.22) and section 9 was amended by section 38(4) of that Act.

(b) in the case of an application to vote by post under section 7(1) of the 1985 Act, the addresses provided in accordance with section 7(5) of that Act and regulation 55(2)(b) are different;

(c) in the case of an application by a proxy to vote by post under section 9(4) of the 1985 Act, the address provided in accordance with section 9(12) of that Act and the proxy's address provided in accordance with regulation 55(2)(c) are different.

(2) The application must set out why the applicant's ("A") circumstances will be or are likely to be such that A requires the ballot paper to be sent to the address provided in accordance with the provisions of the 1985 Act mentioned above.

Additional requirement for applications for ballot papers to be sent to different address from that shown in the record kept under section 6(3) or section 9(6) of the 1985 Act

55B. An application under—

(a) section 7(2) of the 1985 Act by a person ("A") shown as voting by post in the record kept under section 6(3) of that Act; or

(b) section 9(8) of the 1985 Act by a person ("A") shown as voting by post in the record kept under section 9(6) of that Act,

for A's ballot paper to be sent to a different address from that shown in the record shall set out why A's circumstances will be or are likely to be such that A requires the ballot paper to be sent to that address.".

Amendment of regulation 57 of the 2008 Regulations

6.—(1) Amend regulation 57 of the 2008 Regulations (additional requirements for applications on grounds of blindness or other disability) as follows.

(2) In paragraph (2) after "signed by" insert "a person who is registered in the register and who is".

(3) After paragraph (2)(b) insert—

"(ba) a social worker registered under the principal part of the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Services Act (Northern Ireland) 2001(**7**);".

(4) After paragraph (3)(a) insert—

"(ab) that he is registered in the register;".

(5) In paragraph (4)(a) for "a Health and Social Services Board" substitute "a Health and Social Care trust".

(6) For paragraph (4)(b) substitute—

"(b) the application states that the applicant is in receipt of—

(i) the higher rate of attendance allowance (payable under section 65 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**8**)); or

(ii) the highest rate of the care component or the higher rate of the mobility component (or both) of the disability living allowance (payable under section 72 and section 73 of that Act),

because of the disability specified in the application.".

(**7**) 2001 c. 3 (N.I.); section 3 was amended by S.I. 2007/3101.
(**8**) 1992 c.7 (N.I.); sections 72 and 73 (referred to in paragraph (ii)) were amended by section 48 of the Welfare Reform Act (Northern Ireland) 2007 (c. 2).

(7) In paragraph (5) for "a Health and Social Services Board" substitute "a Health and Social Care trust".

Amendment of regulation 59 of the 2008 Regulations

7.—(1) Amend regulation 59 of the 2008 Regulations (additional requirements for applications in respect of a particular election) as follows.

(2) For paragraph (2)(d) substitute—

"(d) has not attested under this paragraph more than one other application in respect of the election for which the application he attests is made or that election taken together with any other election in Northern Ireland the poll for which is taking place on the same day.".

(3) For paragraph (3)(e) substitute—

"(e) that he has not attested under paragraph (2) more than one other application in respect of the election for which the application he attests is made or that election taken together with any other election in Northern Ireland the poll for which is taking place on the same day,".

(4) In paragraph (4)(b) after "signed by" insert "a person who is registered in the register and who is".

(5) After paragraph (5)(a) insert—

"(ab) that he is registered in the register;".

(6) In paragraph (6)(d) after "signed by" insert "a person who is registered in the register and who is".

(7) After paragraph (7)(a) insert—

"(ab) that he is registered in the register;".

Amendment of regulation 72 of the 2008 Regulations

8. In regulation 72(1)(a) of the 2008 Regulations (persons entitled to be present at proceedings on issue and receipt of postal ballot papers) after "officer" insert "and the returning officer's clerks".

Ballot paper envelopes

9.—(1) After regulation 78(4) of the 2008 Regulations (envelopes) insert—

"(5) In regulations 87 and 88, a reference to the number on a ballot paper envelope includes, in the case of an envelope of the kind referred to in paragraph (3)(c), a reference to the number that is displayed through the window in that envelope.".

(2) In regulation 87(6)(b) after "on it" insert "and the number is not displayed through a window in it".

Amendment of provisions on the supply on request of full register

10.—(1) Amend regulation 101 (supply of full register etc under regulations 102 to 107: general provisions) as follows—

(a) in paragraph (1) for "107" substitute "107A";

(b) in paragraph (5) after "regulation 106" insert "or regulation 107A";

(c) in paragraph (6) for "107" substitute "107A"; and

(d) in the heading for "107" substitute "107A".