Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 (c.2) and section 42(10) of the Electoral Administration Act 2006 (c.22) for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

REPRESENTATION OF THE PEOPLE

The Representation of the People (Northern Ireland) Regulations 2008

Made - - - -	*2008*
Coming into force - -	*1st July 2008*

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**1**) and section 42(9) of the Electoral Administration Act 2006 (**2**)("the 2006 Act"), the Electoral Commission has been consulted prior to making these Regulations.

A draft of these Regulations was laid before Parliament in accordance with section 201(2) of the Representation of the People Act 1983(**3**) ("the 1983 Act") and section 42(10) of the 2006 Act and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred on him by the enactments which are specified in Schedule 1 to these Regulations, makes the following Regulations:

PART 1

GENERAL, INTERPRETATION AND MISCELLANEOUS

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) Regulations 2008 and shall come into force on 1st July 2008.

(2) These Regulations extend to Northern Ireland only.

(**1**) 2000 c.41.
(**2**) 2006 c.22.
(**3**) 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.

Revocations

2. The instruments listed in column 1 of Schedule 2 to these Regulations (which have the corresponding reference in column 2) are revoked to the extent indicated in column 3.

Interpretation

3.—(1) For the purposes of these Regulations, unless the context otherwise requires—

"the 1962 Act" means the Electoral Law Act (Northern Ireland) 1962(**4**);

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

"the 1985 Act" means the Representation of the People Act 1985(**5**);

"the 1989 Act" means the Elected Authorities (Northern Ireland) Act 1989(**6**);

"the 2000 Act" means the Representation of the People Act 2000(**7**);

"the 2002 Act" means the Electoral Fraud (Northern Ireland) Act 2002(**8**);

"the 2006 Act" means the Electoral Administration Act 2006;

"available for inspection" means available for inspection during ordinary office hours;

"British Council employee" means a person employed by the British Council in a post outside the United Kingdom;

"candidate" has the same meaning as section 118A of the 1983 Act(**9**);

"copy of a birth certificate" means—

(a) in relation to a birth certificate issued in Northern Ireland, a certified copy of a birth entry issued by the Registrar General of Births and Deaths in Northern Ireland;

(b) in relation to a birth certificate issued in England or Wales, a certified copy of a birth entry issued by the Registrar General for England and Wales;

(c) in relation to a birth certificate issued in Scotland, an extract of a birth entry issued by the Registrar General of Births, Deaths and Marriages for Scotland; and

(d) in relation to a birth certificate issued elsewhere, a copy certified by the issuing authority;

"Crown servant" means a person who is employed in a post falling within the class or description set out in regulation 16;

"data" means information which is recorded with the intention that it should be processed by means of equipment operating automatically in response to instructions given for that purpose;

"edited register" has the meaning given in regulation 93(1);

"elections rules" means the parliamentary elections rules in Schedule 1 to the 1983 Act;

"European Parliamentary overseas elector" means a peer who has made a European Parliamentary overseas elector's declaration and is registered or is entitled to be registered in pursuance of it;

"European Parliamentary overseas elector's declaration" means a declaration made in pursuance of section 2 of the 1985 Act, as applied by regulation 14 of, and Schedule 4 to, these Regulations;

"full register" has the meaning given in regulation 93(1);

(**4**) 1962 c.14 (N.I.).
(**5**) 1985 c.50.
(**6**) 1989 c.3.
(**7**) 2000 c.2.
(**8**) 2002 c.13.
(**9**) Section 118A was inserted by section 135(2) of the Political Parties, Elections and Referendums Act 2000 (c.41).

"list of overseas electors" means the list prepared under regulation 53;

"local elector" and "local election" have the same meaning as in section 130(1) of the 1962 Act;

"Miscellaneous Provisions Act" means the Northern Ireland (Miscellaneous Provisions) Act 2006(**10**);

"overseas elector" means a person who has made an overseas elector's declaration and is registered or entitled to be registered as a parliamentary elector in pursuance of it;

"specified authorities" means authorities set out in regulation 42(2);

"specified information" means information set out in regulation 42(3) to (6);

"register" means the register of electors;

"registration area" means the area covered by a particular register; and

"registration officer" means the electoral registration officer.

(2) A reference in these Regulations to a form identified by means of an alphabetical letter shall be construed as a reference to the form so identified in Schedule 3 to these Regulations.

(3) Any reference in these Regulations to a provision of the 1983 Act which has been applied by section 2(1) of, and Schedule 1 to, the 1989 Act (**11**) shall include a reference to that provision as so applied and with any modifications specified in Part II of that Schedule.

Forms

4.—(1) The registration officer shall supply free of charge as many forms for use in connection with registration and voting as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with the registration of electors or an election.

(2) The forms set out in Schedule 3 to these Regulations may be used with such variations as the circumstances may require, provided that the form used is substantially to the like effect as the form in Schedule 3.

Communication of applications, notices etc.

5. The requirement in these Regulations that any application, notice, representation or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

(a) is transmitted by electronic means;

(b) is received in legible form; and

(c) is capable of being used for subsequent reference.

Electronic signatures and related certificates

6.—(1) A requirement in these Regulations for an application (other than an application under regulation 13, 27 or 55), notice, representation or objection to be signed is satisfied (as an alternative to a signature given by hand) where there is—

(a) an electronic signature incorporated into or otherwise logically associated with a particular electronic communication; and

(b) the certification by any person of such a signature.

(**10**) 2006 c.33.

(**11**) Schedule 1 has been amended by Schedule 3 to the 2000 Act, section 7 of the 2002 Act and Schedule 4 to the Miscellaneous Provisions Act.

(2) For the purposes of this regulation an electronic signature is so much of anything in electronic form as—

(a) is incorporated into or otherwise logically associated with any electronic communication, or both; and

(b) purports to be so incorporated or associated with the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this regulation an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

(a) the signature;

(b) a means of producing, communicating or verifying the signature; or

(c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

Copies of documents

7.—(1) Where a document is made available for inspection under these Regulations, any person may make a copy (whether hand-written or by other means) of the whole or any part of it.

(2) Paragraph (1) does not apply to the full register.

(3) A person inspecting the full register may not—

(a) make copies of any part of it; or

(b) record any particulars included in it,

otherwise than by means of hand-written notes.

(4) A person who inspects the full register and makes a copy of it or records any particulars included in it otherwise than by means of hand-written notes shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In this regulation "full register" includes—

(a) any part of it; and

(b) any notice published under section 13A(2) or 13BA(3),(6) or (9) of the 1983 Act(**12**) altering the register.

Time

8.—(1) Where the day or last day of the time allowed by these Regulations for the doing of anything falls on any of the days mentioned in paragraph (3), that time shall be extended until the next following day which is not one of those days.

(2) Subject to regulation 61(5), in computing any period of not more than 7 days for the purposes of these Regulations any of the days mentioned in paragraph (3) shall be disregarded.

(3) The days referred to in paragraphs (1) and (2) are a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday.

(4) In paragraph (3) "bank holiday" means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**13**) in Northern Ireland.

(**12**) Sections 13A and 13B were substituted by Schedule 1 to the 2000 Act and section 13BA was inserted by section 6 of the Miscellaneous Provisions Act.
(**13**) 1971 c.80.

Official poll card at parliamentary elections

9.—(1) The following forms are prescribed for the purpose of rule 28(3)(**14**) of the elections rules.

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

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

Return and declaration of election expenses

10.—(1) For the purpose of section 75(3) of the 1983 Act, the form of the return of election expenses shall be in Form C and the form of the declaration as to elections expenses shall be in Form D.

(2) The price of a copy of any such return, declaration or any accompanying document shall be at the rate of 20p for each side of each page.

Interference with notices etc.

11. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the Chief Electoral Officer in connection with his statutory duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on a summary conviction to a fine not exceeding level 3 on the standard scale.

Device referred to in rule 29(3A)(b) of elections rules

12.—(1) The device referred to in rule 29(3A)(b) of the elections rules(**15**) shall be of the description set out in this regulation.

(2) The device must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(3) On the right-hand side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (4) to (7).

(4) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of the particulars of the candidates on which the vote is to be marked ("the relevant space").

(5) Each tab shall be numbered so that, when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the left of the relevant space covered by the tab in question.

(6) Each number on a tab shall be in raised form so that it can be clearly identified by touch.

(7) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

Applications for an electoral identity card

13.—(1) A person may apply for an electoral identity card under section 13C(**16**) of the 1983 Act if he falls within either of the descriptions of person set out in paragraph (2).

(2) Those descriptions are—

(a) a person who is registered in a register of parliamentary or local electors in Northern Ireland; or

(**14**) Sub-paragraphs (3)(d) and (e) of rule 28 were inserted by paragraph 70 of Schedule 1 to the 2006 Act.
(**15**) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.
(**16**) Section 13C was inserted by section 4 of the 2002 Act.