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

2002 No.

REPRESENTATION OF THE PEOPLE

Representation of the People (Northern Ireland) (Amendment) Regulations 2002

Made - - - - 2002

Coming into force in accordance with regulation 2

Whereas the Secretary of State has consulted the Electoral Commission in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**1**) about these Regulations;

And whereas a draft of these Regulations has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by the provisions which are specified in Schedule 1 to these Regulations hereby makes the following Regulations:

Citation, interpretation and extent

1.—(1) These Regulations may, be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2002.

(2) In these Regulations—

"the 2001 Regulations" means the Representation of the People (Northern Ireland) Regulations 2001(**2**); and

"the 1983 Act" means the Representation of the People Act 1983(**3**).

(3) These Regulations extend to Northern Ireland only.

Commencement

2.—(1) Subject to paragraphs (2) and (4) below, these Regulations shall come into force on the expiry of the period of 14 days beginning with the day on which these Regulations are made.

(**1**) 2000 c. 41.
(**2**) S.I.2001/400; these Regulations have been amended by S.I.2001/1877.
(**3**) 1983 c. 2.

(2) Subject to paragraph (3) below, regulations 8,15, 19(2) and 22 shall come into force on 1st December 2002.

(3) The coming into force of regulations 19(2) and 22 shall not apply in respect of an election where the last day for the publication of the notice of election is before 1st December 2002.

(4) Subject to paragraph (5) below, regulations 3(2)(b) and (c), 5(3) and (4), 6, 12 to 14 and 21 shall come into force on 18th November 2002.

(5) Where any revised version of the register of electors has not been published on or before 18th November 2002 under section 13(1) of the 1983 Act(**4**), paragraph (4) shall not have effect until it has been so published.

Revocations

3.—(1) The following regulations are hereby revoked.

(2) Those regulations are—

(a) regulation 34 (retaining entries in the register) of the 2001 Regulations;

(b) regulations 46 to 49 (supply and sale of register and list of overseas electors) of the 2001 Regulations;

(c) regulation 4 of the Representation of the People (Northern Ireland) (Amendment) Regulations 2001(**5**); and

(d) the Representation of the People (Form of Canvass) (Northern Ireland) Regulations 2001(**6**).

Prescribed forms

4. The form in Part I of Schedule 2 to these Regulations is hereby prescribed for the purposes of section 10(4) of the 1983 Act(**7**) (form of annual canvass).

Amendment of interpretation provisions

5.—(1) Regulation 3(1) of the 2001 Regulations (interpretation) is amended as follows.

(2) For the definition of "candidate" substitute:

""candidate" has the same meaning as in section 118A of the 1983 Act(**8**)

(3) Before the definition of "European Parliamentary overseas elector" insert:

""edited register" has the meaning given in regulation 88(1) below;".

(4) After the definition of "European Parliamentary overseas elector's declaration" insert:

""full register" has the meaning given in regulation 88(1) below;".

(5) After the definition of "register" insert:

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

Amendment of provision about copies

6.—(1) Regulation 7 of the 2001 Regulations (copies of documents) shall become paragraph (1) of regulation 7.

(**4**) Section 13 was substituted by Schedule 1 to the Representation of the People Act 2000 (c. 2) ("the 2000 Act")
(**5**) S.I. 2001/1877
(**6**) S.I. 2001/2725.
(**7**) Section 10 was substituted by Schedule 1 to the 2000 Act.
(**8**) Section 118A was inserted by section 135(2) of the Political Parties, Elections and Referendums Act 2000 (c. 41).

(2) After that paragraph insert:

"(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 13B(3) of the 1983 Act(**9**) altering the register.".

Inspection of return as to election expenses

7. In regulation 10 of the 2001 Regulations (return and declaration of election expenses)—

(a) omit paragraph (2), and

(b) in paragraph (3) for "document" substitute "any accompanying document".

Electoral identity card

8. After regulation 12 of the 2001 Regulations insert:

"**Applications for an electoral identity card**

12A.—(1) A person may apply for an electoral identity under section 13C of the 1983 Act(**10**) if he falls within the descriptions of person set out in paragraph (2) below.

(2) Those descriptions are—

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

(b) a person who applies to be so registered at the same time as he applies for an electoral identity card.

(3) An application for an electoral identity card must state—

(a) the applicant's full name and date of birth;

(b) the address in respect of which he is registered as an elector or in respect of which he applies to be so registered;

(c) his national insurance number, if any;

and be signed by the applicant.".

(**9**) Sections 13A and 13B were substituted by Schedule 1 to the 2000 Act.
(**10**) Section 13C was inserted by section 4 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13).

Amendment of rule 37(1E) of the parliamentary elections rules

9. After rule 37(1E)(h) of the parliamentary elections rules in Schedule 1 to the 1983 Act(**11**) insert:

"(i) a Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002".

Amendment of provision about applications

10.—(1) Regulation 26 of the 2001 Regulations (applications for registration) is amended as follows.

(2) In paragraph (1) for "shall state" substitute "("an application for registration") shall, in addition to the requirements of section 10A(1A) and 13A(2A) of that Act(**12**), state".

(3) At the end of paragraph (1) insert:

"(f) in the case of an applicant who wishes his name and address to be omitted from the edited version of the register, that request".

(4) In paragraph (2) for the word "application", in the first place where it occurs, substitute "declaration".

(5) In paragraph (3) for "under this regulation" substitute "for registration".

(6) In paragraph (4) omit the words "signed and".

(7) After paragraph (5) insert:

"(6) Where the registration officer provides the form on which an application for registration is made, the form of words in Part II of Schedule 2 to the Representation of the People (Northern Ireland) (Amendment) Regulations 2002 must form part of, or accompany, the application form.

(7) Where an application for registration is made otherwise than on a form provided by the registration officer, that officer must on or before the determination of the application send to the applicant the form of words referred to in paragraph (6) above and request the applicant to state within the period of 21 days of the date of that request if he wishes his name and address to be excluded from the edited version of the register.

(8) Where an applicant has not replied to the registration officer within the period of 21 days of the date when the registration officer issued the request under paragraph (7), the registration officer shall assume that the applicant does not request his name and address to be excluded from the edited version of the register.

(9) Where an applicant has replied making such a request within that period, the request shall be treated as part of the application for registration.".

Disclosures relating to national insurance numbers

11. After regulation 35 of the 2001 Regulations insert:

"**Disclosures relating to national insurance numbers**

35A.—(1) The Department for Work and Pensions ("the Department") shall, following a request by the Chief Electoral Officer for Northern Ireland ("the relevant Officer"), disclose

(**11**) Rule 37(1E) was inserted by section 1(2) of the Elections (Northern Ireland) Act 1985 (c. 2) and sub-paragraph (h) was inserted by section 4 of the Electoral Fraud (Northern Ireland) Act 2002.
(**12**) Sections 10A(1A) and 13A(2A) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002.

to him the matters set out in paragraph (2) below in respect of the individual specified or described in the request.

(2) Those matters are either—

(a) that the individual in question is not recorded as having a national insurance number, or

(b) the number recorded in respect of that individual together with—

(i) any name and former name,

(ii) the date of birth,

(iii) the sex, and

(iv) the address,

as recorded by the Department in respect of him.

(3) The Department may charge fees to the relevant Officer to cover its expenses in complying with such requests.".

Amendment of provision about notices

12. For regulation 36(2)(a) of the 2001 Regulations (issue of notices in connection with registration) substitute:

"(a) making a printed copy of it available for inspection under supervision—

(i) at his office, and

(ii) at such places, if any, in the registration area as allow members of the public in that area reasonable facilities for that purpose;

(aa) supplying copies of it in accordance with Part VI of these Regulations;".

Manner of publication of register

13. For regulation 43(1) of the 2001 Regulations (publication of register) substitute:

"(1) The manner in which each revised version of the full register is to be published under section 13(1) and (3) of the 1983 Act is by the registration officer—

(a) making a printed copy of it available for inspection under supervision—

(i) at his office, and

(ii) at such places, if any, in each registration area as allow members of the public in that area reasonable facilities for that purpose, and

(b) supplying copies of it in accordance with Part VI of these Regulations.".

Manner of publication of list of overseas electors

14. In regulation 45(3) of the 2001 Regulations (publication of the list of overseas electors) after "inspection" insert "under supervision".

General requirements for an application for an absent vote

15. In regulation 51(2) of the 2001 Regulations after "state" insert ", in addition to the matters required by section 6(1)(ba) to (bc) or section 7(1)(ba) to (bc) of the 1985 Act(**13**) in the case of an application under section 6(1) or 7(1),".

(**13**) Sections 6(1)(ba) to (bc) and 7(1)(ba) to (bc) were inserted by section 3 of the Electoral Fraud (Northern Ireland) Act 2002.