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STATUTORY INSTRUMENTS

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**2018 No. 699**

**REPRESENTATION OF THE PEOPLE**

**The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018**

*Made* - - - - 29th May 2018  
*Coming into force* - - 30th May 2018

The Secretary of State makes the following Regulations in exercise of the powers conferred by the provisions set out in the Schedule to these Regulations.

In accordance with section 8(3) of the Electronic Communications Act 2000(1), the Secretary of State considers that the authorisation of the use of electronic communications by these Regulations for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory than in other cases.

The Secretary of State has consulted the Electoral Commission and the Information Commissioner and such other persons as the Secretary of State considered appropriate, in accordance with section 53(5) of the Representation of the People Act 1983(2) and section 7(1) of the Political Parties, Elections and Referendums Act 2000(3).

In accordance with section 201(2) of the Representation of the People Act 1983, section 9(4) of the Electronic Communications Act 2000 and sections 18(8) and 21(6) of the Recall of MPs Act 2015(4), a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

**PART 1**

**General**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018.

(2) They come into force on the day after the day on which they are made.

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(1) 2000 c.7; by virtue of section 9(1)(a) the Secretary of State is the “appropriate Minister”.  
(2) 1983 c.2; section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c.6).  
(3) 2000 c.41; section 7(1)(k) was inserted by paragraph 3(6) of Schedule 6 to the Recall of MPs Act 2015 (c.25).  
(4) 2015 c.25.

## PART 2

### Amendment of the Representation of the People Acts

#### **Amendment of the Representation of the People Act 1983: digital registration in Northern Ireland**

- 2.—(1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 10ZB (the relevant registration objectives (Northern Ireland))(5)—
- (a) in subsection (4)(d), for “subsections (5) and (6)” substitute “subsection (5)”,
  - (b) in subsection (5)—
    - (i) at the end of paragraph (a) insert “or”,
    - (ii) after paragraph (a) insert—

“(aa) the registration was made following an application for registration submitted through the UK digital service.”,
  - (c) after subsection (7) insert—

“(7A) In subsection (5)(aa), “the UK digital service” has the same meaning as in section 10ZF(6), and the reference to an application for registration submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”
- (3) After section 10ZE (removal of electors in Great Britain from the register)(7) insert—

#### **“Digital registration in Northern Ireland**

**10ZF.**—(1) The Minister of the Crown responsible for providing the UK digital service shall have the following functions in connection with providing that service—

- (a) acting as an intermediary for the purposes of the receipt of online applications for registration in respect of addresses in Northern Ireland on behalf of the Chief Electoral Officer for Northern Ireland;
- (b) the transmission of such applications to the Chief Electoral Officer.

(2) Where it is possible for electronic communications or electronic storage to be used for any of the purposes specified in subsection (3), such communication or storage may, subject to any enactment (including any conditions imposed by any enactment), be used instead of any other form of communication or storage.

(3) The purposes are—

- (a) the exercise by the Minister of the Crown responsible for providing the UK digital service of any function conferred on the Minister—
  - (i) by subsection (1), or
  - (ii) under paragraph 1A of Schedule 2(8) in connection with applications for registration in respect of addresses in Northern Ireland;
- (b) anything done through the UK digital service in connection with an application for registration in respect of an address in Northern Ireland.

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(5) Section 10ZB was inserted by the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) and amended by section 23(2) of the Electoral Registration and Administration Act 2013 (c.6).

(6) Section 10ZF is inserted by regulation 2(3) of these Regulations.

(7) Section 10ZE was inserted by paragraph 1 of Schedule 1 to the Electoral Registration and Administration Act 2013 (c.6).

(8) Paragraph 1A of Schedule 2 was inserted by paragraph 2 of Schedule 2 to the Electoral Registration and Administration Act 2003 (c. 6) and amended by section 20(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(4) In this section—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000;

“enactment” includes subordinate legislation;

“the UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors, and the reference in subsection (3)(b) to anything done through the UK digital service shall be read as a reference to anything done using that service as an intermediary.”

(4) In section 10A (maintenance of the registers: registration of electors in Northern Ireland)(9)—

(a) after subsection (1) insert—

“(1ZA) A person who makes an application for registration in respect of an address in Northern Ireland may submit it through the UK digital service, unless it is an application in pursuance of—

- (a) residence determined in accordance with section 6 (residence: merchant seamen),
- (b) a declaration of local connection, or
- (c) an overseas elector’s declaration.”,

(b) in subsection (1A), for “subsection (1B)” substitute “subsections (1B) and (1C)”,

(c) after subsection (1B) insert—

“(1C) The requirement mentioned in subsection (1A)(a) does not apply to an application submitted through the UK digital service.”,

(d) in subsection (9), after the definition of “resident” insert—

““the UK digital service” has the same meaning as in section 10ZF, and references to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”

(5) After section 10A (registration of electors in Northern Ireland) insert—

**“Register of electors in Northern Ireland: digital registration number**

**10B.**—(1) Where, following receipt of an application for registration in respect of an address in Northern Ireland submitted through the UK digital service, the Chief Electoral Officer for Northern Ireland determines that the applicant is entitled to be registered in the register, the Chief Electoral Officer shall allocate a unique reference number (“a digital registration number”) to the applicant, if no such number has previously been allocated to that person.

(2) Subsection (3) applies—

- (a) where a digital registration number has been allocated to an applicant under subsection (1), or
- (b) where, following an application for registration in respect of an address in Northern Ireland submitted through the UK digital service by a person to whom a digital registration number has previously been allocated, the Chief Electoral Officer determines that the applicant’s registration in the register is to be amended in accordance with the application.

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(9) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c.2) and amended by section 1(3) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13), section 13(1) and paragraph 10 to the Electoral Registration and Administration Act 2013 (c. 6) and section 14(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(3) Where this subsection applies, the Chief Electoral Officer shall send the applicant a notification by post of the digital registration number allocated to that applicant together with an explanation of—

- (a) the fact that the digital registration number is required for an application for an absent vote pursuant to section 6(1)(bba)(ii) or 7(1)(bba)(ii) of the Representation of the People Act 1985<sup>(10)</sup>, and
- (b) how a further notification of the digital registration number may be obtained if the applicant requires it.

(4) If, after a notification has been sent to a person under subsection (3) or a further notification issued under subsection (6), the person requires a further notification of the digital registration number the person may apply to the Chief Electoral Officer for Northern Ireland for a further notification of the number.

(5) An application under subsection (4) must set out—

- (a) the applicant's—
  - (i) name,
  - (ii) date of birth, and
  - (iii) national insurance number or a statement that the applicant does not have one (giving the reason why), and
- (b) the address in respect of which the applicant is, or has applied to be, registered.

(6) Where the Chief Electoral Officer for Northern Ireland is satisfied that the information contained in an application under subsection (4) corresponds with the information held by the Chief Electoral Officer in relation to the applicant, the Chief Electoral Officer shall issue a further notification of the digital registration number to the applicant.

(7) A further notification under subsection (6) shall be issued by—

- (a) giving it to the applicant in person, or
- (b) sending it to the applicant—
  - (i) by post, or
  - (ii) if the applicant has given an email address in the application for registration, by email to that address.

(8) A notification or further notification by post pursuant to subsection (3) or (7)(b)(i) shall be sent—

- (a) in the case of a person who is registered, or has made an application for registration, in pursuance of a service declaration, to the address given on the application form as the person's present address or, if the Chief Electoral Officer is satisfied the applicant has moved to another address, to that address, or
- (b) in any other case, to the address in respect of which the person is, or is entitled to be, registered.

(9) In this section, “the UK digital service” has the same meaning as in section 10ZF, and references to an application for registration submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”

(6) In section 13A (alteration of registers)<sup>(11)</sup>—

- (a) after subsection (2) insert—

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<sup>(10)</sup> Sections 6(1)(bba)(ii) and 7(1)(bba)(ii) are inserted by regulation 3(2)(b) and (5)(b) of these Regulations.

<sup>(11)</sup> Section 13A was inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c.2) and amended by section 1(4) and 14(1) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and paragraph 12 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

- “(2ZA) A person who makes an application under subsection (1)(a) in respect of an address in Northern Ireland may submit it through the UK digital service, unless it is an application in pursuance of—
- (a) residence determined in accordance with section 6 (residence: merchant seamen),
  - (b) a declaration of local connection, or
  - (c) an overseas elector’s declaration.”,
- (b) in subsection (2A) for “subsection (2B)” substitute “subsections (2B) and (2C)”,
- (c) after subsection (2B) insert—
- “(2C) The requirement mentioned in subsection (2A)(a) does not apply to an application submitted through the UK digital service.”,
- (d) after subsection (6) insert—
- “(7) In this section, “the UK digital service” has the same meaning as in section 10ZF, and references to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”
- (7) In Schedule 1, in rule 45 (the count)(12), in paragraph (2A)—
- (a) after “Act”, in the first place where it appears, insert “or section 6(1ZA) or 7(1ZA) of the Representation of the People Act 1985(13)”,
  - (b) for “section 10(4A)(a)” to the end substitute “section 6(1)(bb) or (bba)(i) or 7(1)(bb) or (bba)(i) of the Representation of the People Act 1985”.

**Amendment of the Representation of the People Act 1985: absent voting applications following online registration through the UK digital service**

- 3.—(1) The Representation of the People Act 1985(14) is amended as follows.
- (2) In section 6 (absent vote at elections for an indefinite period)(15), in subsection (1)—
- (a) in paragraph (bb), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,
  - (b) after paragraph (bb) insert—
- “(bba) in the case of an applicant who is or will be digitally registered, the registration officer is satisfied that the application—
- (i) is signed, and
  - (ii) includes the digital registration number allocated to the applicant by the officer,”.
- (3) After section 6(1) insert—
- “(1ZA) In the case of an applicant who is or will be digitally registered, if the registration officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the officer may make a determination to that effect.”
- (4) After section 6(6) insert—

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(12) Paragraph (2A) was inserted by section 3(4) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13).

(13) Sections 6(1ZA) and 7(1ZA) are inserted by regulation 3(3) and (6) of these Regulations.

(14) 1985 c.50.

(15) Section 6 was amended by paragraph 14 of Schedule 6 to the Representation of the People Act 2000 (c.2), section 3(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13), S.I. 2005/3129, paragraph 134 of Part 7 of Schedule 1 to the Electoral Administration Act 2006 (c.22) and S.I. 2014/1116.

“(7) In this section, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service.

(8) In this section—

“digital registration number” has the same meaning as in section 10B(1) of the principal Act<sup>(16)</sup>;

“the UK digital service” has the same meaning as in section 10ZF of the principal Act, and the reference to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”

(5) In section 7 (absent vote at a particular election and absent voters list)<sup>(17)</sup>, in subsection (1)—

(a) in paragraph (bb), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,

(b) after paragraph (bb) insert—

“(bba) in the case of an applicant who is or will be digitally registered, the registration officer is satisfied that the application—

(i) is signed, and

(ii) includes the digital registration number allocated to the applicant by the officer.”.

(6) After section 7(1) insert—

“(1ZA) In the case of an applicant who is or will be digitally registered, if the registration officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the officer may make a determination to that effect.”

(7) After section 7(5) insert—

“(6) In this section, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service.

(7) In this section—

“digital registration number” has the same meaning as in section 10B(1) of the principal Act;

“the UK digital service” has the same meaning as in section 10ZF of the principal Act, and the reference to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”

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<sup>(16)</sup> Section 10B is inserted by regulation 2(5) of these Regulations.

<sup>(17)</sup> Section 7 was amended by paragraph 15 of Schedule 6 to the Representation of the People Act 2000 (c.2), section 3(3) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and S.I. 2014/1116.

## PART 3

### Amendment of other enactments (except the Representation of the People (Northern Ireland) Regulations 2008)

#### **Amendment of the Electoral Law Act (Northern Ireland) 1962: preliminary proceedings and conduct of the count**

4. In Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, in rule 45 (preliminary proceedings and conduct of the count)(**18**), in paragraph (2A)—

- (a) after “1989)” insert “or paragraph 1(1ZA) or 2(1ZA) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(**19**)”,
- (b) for “section 10(4A)(a)” to the end substitute “paragraph 1(1)(bb) or (bba)(i) or 2(1)(bb) or (bba)(i) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(**20**)”.

#### **Amendment of the Local Elections (Northern Ireland) Order 1985: absent vote at local elections**

5.—(1) Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 is amended as follows.

(2) In paragraph 1 (absent vote at local elections for indefinite period)—

- (a) in sub-paragraph (1)—
  - (i) in paragraph (bb), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,
  - (ii) after paragraph (bb) insert—
    - “(bba) in the case of an applicant who is or will be digitally registered, the Chief Electoral Officer is satisfied that the application—
    - (i) is signed, and
    - (ii) includes the digital registration number allocated to the applicant by the Chief Electoral Officer,”,

(b) after sub-paragraph (1) insert—

“(1ZA) In the case of an applicant who is or will be digitally registered, if the Chief Electoral Officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the Chief Electoral Officer may make a determination to that effect.”,

(c) after sub-paragraph (6) insert—

“(7) In this paragraph, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of local electors is or will be pursuant to an application submitted through the UK digital service.

(8) In this paragraph—

“digital registration number” has the same meaning as in section 10B(1) of the 1983 Act;

(18) 1962 c.14; paragraph (2A) of rule 45 of Schedule 5 was inserted by S.I. 2002/2835.

(19) Paragraphs 1(1ZA) and 2(1ZA) of Part 1 of Schedule 2 are inserted by regulation 5(2)(b) and (3)(b) of these Regulations.

(20) S.I. 1985/454; paragraph 1 was substituted by S.I. 1987/168 and amended by S.I. 2002/2835 and S.I. 2010/2977, paragraph 2 was substituted by S.I. 1987/168 and amended by S.I. 2002/2835 and paragraphs 1(1)(bba)(i) and 2(1)(bba)(i) of Part 1 of Schedule 2 are inserted by regulation 5(2)(a)(ii) and (3)(a)(ii) of these Regulations.



“the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and the reference to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”

- (3) In paragraph 2 (absent vote at a particular local election and absent voters list)—
- (a) in sub-paragraph (1)—
- (i) in paragraph (bb), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,
- (ii) after paragraph (bb) insert—
- “(bba) in the case of an applicant who is or will be digitally registered, the Chief Electoral Officer is satisfied that the application—
- (i) is signed, and
- (ii) includes the digital registration number allocated to the applicant by the Chief Electoral Officer,”,
- (b) after sub-paragraph (1) insert—
- “(1ZA) In the case of an applicant who is or will be digitally registered, if the Chief Electoral Officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the Chief Electoral Officer may make a determination to that effect.”,
- (c) after sub-paragraph (5) insert—
- “(6) In this paragraph, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of local electors is or will be pursuant to an application submitted through the UK digital service.
- (7) In this paragraph—
- “digital registration number” has the same meaning as in section 10B(1) of the 1983 Act;
- “the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and the reference to an application submitted through the UK digital service shall be construed in accordance with subsection (4) of that section.”

### **Amendment of the Elected Authorities (Northern Ireland) Act 1989: application and modification of the 1983 Act**

6. In Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989(21), in Part 1 (provisions applied), in the list of provisions applied, in the entry beginning “Sections 9”—

- (a) after “10ZB,” insert “10ZF,”,
- (b) after “10A,” insert “10B,”.

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(21) 1989 c.3; the entry beginning “Sections 9” was substituted by paragraph 3(5) of Schedule 3 to the Representation of the People Act 2000 (c.2) and amended by section 7(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13) and paragraph 7(2) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).



### **Amendment of the Northern Ireland Assembly (Elections) Order 2001: preliminary proceedings and conduct of the count**

7. In Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001<sup>(22)</sup>, in the table, in the right-hand column, in the entry for rule 44B(4) (preliminary proceedings and conduct of the count)<sup>(23)</sup>—

- (a) after “1989” insert “or paragraph 1(1ZA) of Part 1 of Schedule 2 to the 1985 Order or section 7(1ZA) of the 1985 Act”,
- (b) for “section 10(4A)(a)” to the end substitute “paragraph 1(1)(bb) or (bba)(i) of Part 1 of Schedule 2 to the 1985 Order or section 7(1)(bb) or (bba)(i) of the 1985 Act”.

### **Amendment of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016: absent signing provisions**

8.—(1) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016<sup>(24)</sup> are amended as follows.

- (2) In regulation 39 (the count), in paragraph (6)—
  - (a) after “Act”, in the first place where it appears, insert “or regulation 52(1A) or 54(1A)”,
  - (b) for “section 10(4A)(a)” to the end substitute “regulation 52(1)(d) or (da)(i) or 54(1)(d) or (da)(i)”.
- (3) In regulation 52 (absent signing at any petition for an indefinite period: Northern Ireland)—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (a), after “applicant is” insert “or will be”,
    - (ii) in sub-paragraph (d), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,
    - (iii) after sub-paragraph (d) insert—
      - “(da) in the case of an applicant who is or will be digitally registered, the registration officer is satisfied that the application—
        - (i) is signed; and
        - (ii) includes the digital registration number allocated to the applicant by that officer;”,
  - (b) after paragraph (1) insert—
    - “(1A) In the case of an applicant who is or will be digitally registered, if the registration officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the officer may make a determination to that effect.”,
  - (c) after paragraph (8) insert—
    - “(9) In this regulation, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service.
    - (10) In this regulation—
      - “digital registration number” has the same meaning as in section 10B(1) of the 1983 Act;

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<sup>(22)</sup> S.I. 2001/2599.

<sup>(23)</sup> Rule 44B(4) was inserted by S.I. 2009/256.

<sup>(24)</sup> S.I. 2016/295.

“the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and the reference to an application submitted through the UK digital service is to be construed in accordance with subsection (4) of that section.”

- (4) In regulation 54 (absent signing at a particular petition: Northern Ireland)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (d), at the beginning insert “in the case of an applicant other than one who is or will be digitally registered,”,
- (ii) after sub-paragraph (d) insert—
- “(da) in the case of an applicant who is or will be digitally registered, the registration officer is satisfied that the application—
- (i) is signed; and
- (ii) includes the digital registration number allocated to the applicant by that officer;”,
- (b) after paragraph (1) insert—
- “(1A) In the case of an applicant who is or will be digitally registered, if the registration officer is satisfied that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way because of blindness or any other disability of that person or because that person is unable to read, the officer may make a determination to that effect.”,
- (c) after paragraph (5) insert—
- “(6) In this regulation, a reference to a person who is or will be digitally registered is a reference to a person whose registration in the register of parliamentary electors is or will be pursuant to an application submitted through the UK digital service.
- (7) In this regulation—
- “digital registration number” has the same meaning as in section 10B(1) of the 1983 Act;
- “the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and the reference to an application submitted through the UK digital service is to be construed in accordance with subsection (4) of that section.”

## PART 4

### Amendment of the Representation of the People (Northern Ireland) Regulations 2008

#### **Amendment of the Representation of the People (Northern Ireland) Regulations 2008**

**9.** The Representation of the People (Northern Ireland) Regulations 2008(25) are amended in accordance with this Part.

#### **Interpretation: meaning of “the UK digital service”**

- 10.** In regulation 3(1) (interpretation)—
- (a) omit “and” after the definition of “registration area”,
- (b) at the end insert—

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(25) S.I. 2008/1741, amended by S.I. 2010/882 and S.I. 2014/1808; there are other amendments which are not relevant to these Regulations.

““the UK digital service” has the same meaning as in section 10ZF of the 1983 Act, and references to an application submitted through the UK digital service or any other thing done through the UK digital service shall be construed in accordance with subsection (4) of that section.”

### **Communication of applications, notices etc.**

- 11.**—(1) In regulation 5 (communication of applications, notices etc)—
- (a) after “notice,” insert “reminder,”
  - (b) for “representation or objection” substitute “representation, objection or any other communication that is sent”.
- (2) In regulation 26 (reminders to electors registered pursuant to a declaration), in paragraph (2), after “reminder” insert “in writing”.
- (3) In regulation 26A (reminders to persons who have an anonymous entry), in paragraph (2), after “reminder” insert “in writing”.
- (4) In regulation 27 (applications for registration), in paragraph (7), after “applicant”, in the first place where it occurs, insert “in writing”.
- (5) In regulation 30 (procedure for determining applications for registration and objections without a hearing)—
- (a) in paragraph (6), for “ask for” substitute “request in writing”,
  - (b) in paragraph (10), after “notice” insert “in writing”,
  - (c) in paragraph (11), after “notice”, in the first place where it occurs, insert “in writing”,
  - (d) in paragraph (13), after “notice” insert “in writing”,
  - (e) in paragraph (14), after “notice”, in the first place where it occurs, insert “in writing”.
- (6) In regulation 31 (notice of hearing), in paragraph (1), after “notice” insert “in writing”.
- (7) In regulation 38 (hearing of reviews), in paragraph (2), after “notice” insert “in writing”.
- (8) In regulation 38E (review of entitlement to an anonymous entry), in paragraphs (5)(b) and (7)(b), after “officer” insert “in writing”.
- (9) In regulation 45 (communication of notices made on polling day), in paragraph (3), after “forward it” insert “in writing”.
- (10) In regulation 62 (grant or refusal of applications), in paragraphs (1), (4) and (5), after “applicant” insert “in writing”.
- (11) In regulation 63 (notice of appeal), after “notice”, in paragraph (1), in the first place where it occurs, insert “in writing”.
- (12) In regulation 75 (notice of issue of postal ballot papers), in paragraph (2), after “candidate” insert “in writing”.

### **Contents of service declaration**

- 12.**—(1) Regulation 17 (contents of service declaration) is amended as follows.
- (2) In paragraph (3)—
- (a) omit “and” at the end of sub-paragraph (a),
  - (b) at the end of sub-paragraph (b) insert “; and”,
  - (c) after sub-paragraph (b) insert—

“(c) any staff number, payroll number or other similar identifying number of that servant.”

(3) In paragraph (4), for the words from “state” to the end substitute—  
“state—

- (a) a description of the post of that employee; and
- (b) any staff number, payroll number or other similar identifying number of that employee.”

#### **Transmission of service declaration**

**13.**—(1) Regulation 18 (transmission of service declaration) is revoked.

(2) In regulation 19 (notification by registration officer in respect of service declaration), in paragraph (2)(b), omit “or 18”.

#### **Attestation of certain overseas electors’ declarations**

**14.**—(1) Regulation 22 (attestation of certain overseas electors’ declarations) is revoked.

(2) In regulation 23 (notification about registration as overseas elector), in paragraph (2)(b), omit “or 22”.

#### **Applications for registration**

**15.**—(1) In regulation 6 (electronic signatures and related certificates), in paragraph (1), omit “, 27”.

(2) Regulation 27 (applications for registration) is amended as follows.

(3) In paragraph (1)—

(a) in sub-paragraph (b), at the beginning, insert “except in the case of a person applying to be registered in pursuance of a service declaration, a declaration of local connection or an overseas electors’ declaration,”,

(b) for sub-paragraph (c) substitute—

“(c) in the case of an applicant who no longer claims to be entitled to be registered at an address in respect of which the applicant is currently registered as an elector, either—

(i) the fact that the applicant has ceased to reside at that address; or

(ii) the fact that the registration was in pursuance of a service declaration, a declaration of local connection or an overseas electors’ declaration, and the fact that the applicant is no longer entitled to make that declaration;

(ca) in the case of an applicant who has confirmed pursuant to section 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act that the applicant does not have a national insurance number, the reason why the applicant does not have it;

(cb) except in the case of a person applying to be registered in pursuance of an overseas elector’s declaration or a service declaration, the applicant’s nationality or nationalities or, if the applicant is not able to provide that information, the reason why the applicant is not able to do so;”,

(c) omit sub-paragraph (d).

(4) After paragraph (1) insert—

“(1A) Where an applicant has previously been known by a name other than that stated in accordance with paragraph (1)(a), the application may also state the applicant’s previous name.”

(5) For paragraph (3) substitute—

“(3) An application for registration shall include a declaration by the applicant that, by submitting the application or instructing another person to submit it on the applicant’s behalf, the applicant confirms that—

- (a) the applicant is the person named in the application; and
- (b) the information provided in the application and any declaration accompanying it is true.

(3A) Where the applicant is unable to read, the applicant shall arrange for the declaration mentioned in paragraph (3) to be read out to the applicant before the application is submitted.

(3B) Where the application is to be submitted through the UK digital service and the applicant is unable to submit it owing to a disability, the applicant may instruct a person of 18 years or over to submit it on behalf of the applicant in the applicant’s presence.”

(6) In paragraph (4)—

- (a) omit “to the registration officer and be signed”,
- (b) omit “by the applicant”.

(7) After paragraph (4) insert—

“(4A) An application for registration may include the applicant’s email address and telephone number if the applicant is willing for the registration officer to contact the applicant by such means.”

(8) Omit paragraph (5).

(9) After paragraph (6) insert—

“(6A) Where the registration officer provides the form on which an application for registration is made, the form shall include—

- (a) the words “It is an offence to provide false information in this form”, and
- (b) a statement of the maximum penalty for the offence.”

(10) In paragraph (10), for “(6) to (9)” substitute “(6) and (7) to (9)”.

## **Retention of information in connection with an application for registration**

16. After regulation 27 (applications for registration) insert—

### **“Retention of information in connection with an application for registration**

**27A.**—(1) In respect of any application for registration, until the application has been determined, the registration officer—

- (a) shall retain the application form or, in the case of an application submitted through the UK digital service, the information contained in the application; and
- (b) may retain any other documentation or information provided to the registration officer in connection with the application.

(2) After the determination of the application, the registration officer may continue to retain any information or document mentioned in paragraph (1) until such time as the officer considers that it is not required for or in connection with the exercise of the officer’s functions.”

### **Inspection of applications and objections**

17. In regulation 29 (inspection of applications and objections)—

- (a) in paragraph (1)—
  - (i) for “An application for registration and any objections” substitute “An entry on the list of applications for registration kept under regulation 30(2)(a) and any objection”,
  - (ii) after “the application” insert “to which the entry relates”,
- (b) omit paragraph (2).

### **Procedure for determining applications for registration and objections without a hearing**

18. In regulation 30 (procedure for determining applications for registration and objections without a hearing), in paragraph (3), after “name” insert “and (if included in the application) nationality”.

### **Provision of information to the registration officer**

19. In regulation 42 (provision of information to the registration officer), in paragraph (4)(a), for “former” substitute “any previous”.

### **Verification of information provided in an application**

20. After regulation 42 (provision of information to the registration officer) insert—

#### **“Verification of information provided in an application**

**42A.**—(1) In the case of an application for registration submitted through the UK digital service, the Minister of the Crown responsible for providing the UK digital service<sup>(26)</sup> may disclose the name and any previous name, date of birth and national insurance number of the applicant given in the application to the Secretary of State.

(2) On receipt of an application for registration other than one submitted through the UK digital service, the registration officer may disclose the name and any previous name, date of birth and national insurance number of the applicant given in the application to the Secretary of State through the UK digital service.

(3) Where information has been disclosed to the Secretary of State under paragraph (1) or (2), the Secretary of State shall compare the information against—

- (a) the name and any previous name, date of birth and national insurance number of individuals appearing in the following types of databases kept by the Department for Work and Pensions—
  - (i) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Communities); 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 the databases mentioned in sub-paragraph (a) which relates to the information disclosed under paragraph (1) or (2).

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<sup>(26)</sup> The Minister of the Crown responsible for providing the UK digital service is the Minister for the Cabinet Office. See article 7 of [S.I. 2016/997](#) and regulation 2(3) of these Regulations.

(4) The Secretary of State shall disclose the results of the comparison to the registration officer through the UK digital service, and regulation 41(5) and (7) shall be disregarded for these purposes.

(5) The registration officer may take such results into account in determining the application for registration.

(6) Any person who processes the information disclosed under paragraph (1) or (2) shall do so in accordance with any requirements as to the processing of information that may have been imposed in writing by the Minister of the Crown responsible for providing the UK digital service, including requirements as to the transfer, storage, destruction and security of that information.

(7) In this regulation, “the Secretary of State” means the Secretary of State for Work and Pensions.”

#### **Notice by registration officer of a change of address**

**21.** In regulation 46 (notice by registration officer of a change of address)—

- (a) in paragraph (2), after “the applicant” insert “has notified the Northern Ireland registration officer that the applicant”,
- (b) after paragraph (2) insert—

“(3) The Northern Ireland registration officer may make a notification under paragraph (2) through the UK digital service.”

29th May 2018

*Duncan of Springfield*  
Parliamentary under Secretary of State  
Northern Ireland Office



## SCHEDULE

Preamble

## Enabling powers

The provisions are:

- (a) sections 10A(1)(a), (3) and (6), 13A(1)(a), 16(1)(g), 53(1)(c) and (3) and 201(3) of, and paragraphs 1A, 3A, 4(1), 5, 6 and 8C of Schedule 2 to, the Representation of the People Act 1983(27), including as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989(28);
- (b) sections 2(3) and 3(5)(b) of the Representation of the People Act 1985(29);
- (c) sections 8 and 9(6) of the Electronic Communications Act 2000(30);
- (d) sections 18(1) and 21(3) of the Recall of MPs Act 2015(31).

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend enactments relating to registration to vote in Northern Ireland elections. Regulation 2 amends the Representation of the People Act 1983 to enable individuals to register online to vote in Parliamentary elections in Northern Ireland through the UK digital service. The amendments confer the function of acting as an intermediary for the Chief Electoral Officer for Northern Ireland on the Minister of the Crown responsible for providing the UK digital service and enable the use of electronic communications and storage in relation to that role and the exercise of that Minister's other functions relating to the registration of voters in Northern Ireland. In an application submitted through the UK digital service, the online submission of the application including the declaration provided for by regulation 15(5) replaces the usual signature requirement. Provision is made for a digital registration number to be allocated to every applicant who has applied through the UK digital service who the Chief Electoral Officer determines is entitled to be registered and for notification of that number to the applicant.

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- (27) 1983 c.2; section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c.2) ("the 2000 Act") and subsections (1) and (6) of that section were amended by paragraph 10(2) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6) ("the 2013 Act"); section 13A was inserted by paragraph 6 of Schedule 1 to the 2000 Act; section 53 was amended by paragraph 13 of Schedule 4 to the Representation of the People Act 1985 (c.50) and paragraph 13 of Schedule 1 to the 2000 Act; section 199ZA was inserted by S.I. 2010/1837, substituted by S.I. 2015/1376 and is further substituted by S.I. 2016/997; section 201(3) was inserted by paragraph 21 of Schedule 1 to the 2000 Act; paragraph 1A of Schedule 2 was inserted by paragraph 2 of Schedule 2 to the 2013 Act and amended by section 20(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13); paragraph 3A of Schedule 2 was inserted by paragraph 24 of Schedule 1 to the 2000 Act and amended by paragraph 20(4) of Schedule 4 to the 2013 Act; paragraph 4 of Schedule 2 was amended by section 4(7) of the Representation of the People Act 1985 (c.50); paragraph 5 of Schedule 2 was amended by paragraph 20(6) of Schedule 4 to the 2013 Act; paragraph 6 of Schedule 2 was amended by paragraph 24(6) of Schedule 1 to the 2000 Act; and paragraph 8C of Schedule 2 was inserted by paragraph 3 of Schedule 2 to the 2013 Act and amended by section 20(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13). See section 202(1) of the Representation of the People Act 1983 (c.2) for the meaning of "prescribed".
  - (28) 1989 c.3; amended by paragraph 3(6) of Schedule 3 to the Representation of the People Act 1983 (c.2) and section 20 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).
  - (29) 1985 c.50; section 3 was substituted by the Representation of the People Act 2000 (c.2). See section 202(1) of the Representation of the People Act 1983 (c.2), read with section 27(2) of the Representation of the People Act 1985 (c.50), for the meaning of "prescribed".
  - (30) 2000 c.7; by virtue of section 9(1)(a) the Secretary of State is the "appropriate Minister".
  - (31) 2015 c.25.

The procedure at the counting of the votes is amended so that the signature on the declaration of identity of each postal voter must match the signature provided in the individual's application for an absent vote. Provision is made for an exemption from this requirement for those who applied for registration through the UK digital service where a determination has been made that it is not reasonably practicable for the applicant to sign in a consistent and distinctive way.

Regulation 3 amends the Representation of the People Act 1985 in relation to applications for an absent vote at Parliamentary elections to provide that, in the case of an individual registered through the UK digital service, the application must include the digital registration number allocated to the individual.

Part 3 (regulations 4 to 8) makes amendments of corresponding effect to enactments concerning local elections, Northern Ireland Assembly elections and Recall of MPs petitions.

Part 4 (regulations 9 to 21) amends the Representation of the People (Northern Ireland) Regulations 2008.

Regulation 15(5) provides for the replacement of the existing requirement in an application for registration for a declaration confirming the truth of the particulars given and that the applicant has the necessary citizenship for the election in question with a requirement to give the applicant's nationality and a new declaration confirming the identity of the applicant and that the information given in the application and any accompanying declaration is true. The declaration must be read out to any applicant who is unable to read it and it may be completed on behalf of the applicant in the applicant's presence by someone of at least 18 years of age if the applicant is unable to do so. Regulation 15(9) provides for a statement reminding applicants of the offence of providing false information in applications for registration to be included on forms of application for registration.

The other provisions of Part 4 provide for: the use of email to be allowed for certain communications; a staff number, payroll number or other identifying number to be included in a service declaration; the removal of transmission requirements applicable to service declarations; the removal of the requirement for attestation of overseas elector's declarations; reasons to be given where an applicant for registration cannot provide a National Insurance number; information obtained in connection with an application for registration to be retained until such time as the Chief Electoral Officer considers that it is not required; the list of applications for registration to be inspected by objectors instead of the applications themselves; verification of applications for registration using certain government databases; the use of the UK digital service for notification of changes of addresses to other registration officers; and other technical amendments.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.