
ELECTORAL REGISTRATION AND ADMINISTRATION
ACT

Proposed Draft Secondary Legislation – Updated Publication

The Coalition Government has repeatedly stated its commitment to speeding up the implementation of Individual Electoral Registration (IER), in order to tackle electoral fraud, the potential for fraud and the perception of fraud. Doing so will also improve the integrity of our electoral registers and modernise our electoral system, making it more convenient for people to register to vote. We have published an implementation plan that sets out the stages of transition to IER during 2014-2015.

Electoral Registration and Administration (ERA) Act 2013 provides the legislative framework for the introduction of IER. The passage of the Act was characterised by consultation, listening and reflection on the part of Government. The three sets of proposed draft secondary legislation published while this legislation was before Parliament reflect that approach.

This new publication maintains and builds on the detail contained in the previous publications of the proposed main regulations. Like the previous publication it also includes the transitional provisions for the introduction of IER, including the ‘confirmation’ data matching process in summer 2014.

Since the ERA Act received Royal Assent, two statutory instruments under it have been laid and debated in Parliament. These will postpone the 2013 Annual Canvass, so that the register following it is published on 17 February 2014 in England and 10 March 2014 in Scotland and Wales, and allow the Government and EROs to carry out a ‘dry run’ in 2013 of the confirmation data-matching process. This will see entire electoral registers sent through the secure IER Digital Service and processed as in the full confirmation dry run. The results will not affect people’s entries on the register, but will allow EROs to plan for the 2014 confirmation data-match. In preparation for this dry run, local authorities will be able to establish their secure connections to the IER Digital Service in the coming months under these new regulations.

In the development of IER, we are continuing to work closely with our key stakeholders including the Electoral Commission (EC), the Association of Electoral Administrators (AEA), the Scottish Assessors Association (SAA), the Society of Local Authority Chief Executives (SOLACE), electoral management system suppliers, Government departments, and electoral administrators from every local authority in Great Britain. We have also engaged with stakeholders beyond this core group

This publication reflects changes made following this work with stakeholders and further policy development by officials in the Cabinet Office, since the publication in September 2012. A document setting out the key changes since September is included.

Following discussions about the design of forms, we have decided that the best way to ensure consistency of service is for the Electoral Commission to design certain forms used under IER, with all EROs using those forms. The advantages of consistency and tested usability in these forms outweigh the benefits of local variation 'to like effect' of a prescribed form as used at the moment. The regulations clearly state which forms the EC will develop; these include the IER application form and the annual canvass form (known as the Household Enquiry Form or HEF), on which local authorities will still be able to add their emblems and contact details.

The draft regulations also reflect our clear view of immigration status and entitlement to register. User-testing of forms showed that the inclusion of immigration status data made completion confusing for UK citizens; the forms now request people's nationalities and indicate which nationalities and categories of immigration status entitle a person to register. The regulations also make clear the ERO's right to request and check an applicant's immigration status.

This draft also makes it clear that local data matching (under existing regulation 35 of the 2001 Regulations) may be undertaken by EROs to establish that an applicant is who they claim to be, if the verification with DWP records does not provide a conclusive result. Guidance will be issued to EROs on the appropriate sources of local data to use, and we will continue to discuss this point with the Electoral Commission and AEA ahead of laying final regulations.

The regulations set out in this publication are those proposed relating to England and Wales; the corresponding amendments to legislation regarding Scotland will be made alongside these regulations. When reading the regulations, it should be borne in mind that guidance will also be issued by the Electoral Commission and the Lord President of the Council covering many details, particularly where EROs are required to be 'satisfied' about or 'establish' different things.

Stakeholder engagement on previous publications

This iteration of draft secondary legislation shows clearly many points of development from the publications in 2012, including the results of targeted engagement with stakeholders.

We have made it clear that it is the return or gathering of required information that is what is required, rather than specifically the completion of hard-copy forms. EROs will be able to carry out a 'voids match' against local authority records to establish that particular properties are empty and therefore should not be pursued for returned annual canvass forms (now known as Household Enquiry Forms or HEFs).

The regulations setting out the steps that an ERO must take when a HEF return is not made, or an invitation to register has not resulted in an application, have been updated to make it explicit that these steps (including the doorstep visit) may be taken in any order. This allows for local discretion for EROs to decide the order in which the steps are carried out, as long as all they are undertaken when a response/application is not forthcoming.

In addition, the return of information by residents and applicants is not confined to the return of HEFs and IER application forms, with assisted digital channels (telephone or face-to-face

assistance) being enabled but not mandated, and with responses allowed by telephone and online, quoting the unique number on the form sent to a property or potential elector. However, the regulations do not allow ‘e-canvassing’, where individuals are contacted by email rather than households by post during the annual canvass.

All applicants for individual registration will receive a communication from their ERO, either acknowledging their application (and stating that in the absence of further communication they will be registered) or confirming that the application has been successful. Where an application to register is made online in response to an invitation to register, the applicant may state that they would prefer to receive this communication by email.

We have previously stated that the National Insurance Number supplied by applicants could only be kept by an ERO for one year; we agreed with stakeholders who suggested that this year should commence at the point of determination of an application and the regulations reflect that timeframe. It is worth noting that EROs will not hold the NINOs of those who apply online.

Some stakeholders asked for the civil penalty to be extended to non-return of HEFs. This has not been adopted as the annual canvass is covered by existing legislation making it a criminal offence not to return accurate information in response to the annual canvass; the criminal offence is maintained alongside the civil penalty as the action potentially disenfranchises other citizens, whereas failure to apply under IER disenfranchises only the invited person. Another suggestion relating to the civil penalty was that people who have paid the penalty should be added to the register; this has also been rejected as addition to the register must result from an application to register (either a pre-IER entry confirmed by 2014 data-matching or an IER application), which those paying the civil penalty will inherently not have made.

We have not included in these draft statutory instruments the details of the digital conduit through which data-transfer in IER will be carried out. This is in keeping with the approach adopted for the dry-run of confirmation under the Electoral Registration (Disclosure of Electoral Registers) Regulations 2013 following discussions with the Information Commissioner’s Office. In those regulations, and in the draft Transitional Provisions order and regulations published here, a flexible approach is provided for by allowing the Lord President of the Council to specify the format and conduit for the transfer of information. This allows the Government to set up a secure digital data-transfer service without the exact details set out in regulations; the advantage of this approach is that if changes are needed due to further technological advance or in response to any problems in that service, they can be made without requiring any further legislation.

Our previous plan to use polling cards for the European elections in 2014 to give electors information has been dropped following engagement with electoral administrators. It is felt that using polling cards would potentially be confusing to electors. Meanwhile, instead of combining the 2014 and 2015 refresh of Postal Vote Identifiers, which we now intend to leave the 2015 refresh with its usual timing (beginning in January) and to bring forward the 2014 refresh to take place before the delayed 2013 annual canvass.

Areas where we do not intend to publish draft legislation

For the first three areas listed below, we do not intend to publish proposed draft legislation as the detail of the policy which will be set out in the legislation has been articulated in previous

publications for example in the Government's response to pre-legislative scrutiny and the public consultation. For the remaining areas we are not intending to use these powers at present.

- *Proxy voters* – the ERA Act sets out that (as under existing legislation) a proxy voter has to be registered to vote in that poll. This publication of draft secondary legislation contains one related regulation, ensuring that EROs are able to exchange information to check up on the registration of proxies.
- *Alignment of other electoral legislation* – further secondary legislation making similar changes will be required to ensure that other legislation relating to electoral registration and elections (for example legislation relating to elections other than UK Parliamentary and local elections) align with the move to IER.
- *Commencement orders* – these will set out the date on which each provision of the Act will come into force; some sections have already been commenced.
- *Amending or abolishing the annual canvass and piloting of changes to the annual canvass*– these are not provisions of the ERA Act that we are currently intending to use; however, based on the experience of Northern Ireland it may be something we will consider in the future.
- *Accepting a prescribed person's statement as fact of evidence* – in future this may be used to enable verification which has previously been carried out through another Government transaction to be accepted as sufficient evidence, however we are not intending to do this at present.

In addition to publication on the gov.uk website, these proposed drafts regulations and transitional order will be shared with the stakeholders listed in our September publication.

These statutory instruments will continue to be developed over the coming months. They will then be subject to formal consultation by the Electoral Commission and the Information Commissioner, after which they will be laid before Parliament ahead of the Summer Recess.

Cabinet Office, March 2013

Key changes to the main draft regulations since the September 2012 publication

These are organised as a narrative through the new publication, covering the key points and changes in the order in which they appear in these two draft statutory instruments. Draft explanatory notes are also included in this publication.

The previous publication of draft regulations is available online at:

<https://www.gov.uk/government/publications/individual-electoral-registration-draft-secondary-legislation>

Draft Representation of the People (England and Wales) (Amendment) Regulations 2013

This draft covers only England and Wales. Scotland has separate regulations that will also be amended in secondary legislation laid before Parliament alongside the regulations set out in draft in this publication.

The provisions in regulation 3(2) and 4 have been changed but the effect is still the same: that objections must be made on paper. In Regulation 5 the word ‘evidence’ is replaced by ‘information’.

The main run of regulations is inserted into the Representation of the People Regulations by regulation 6. This replaces existing Regulation 26 with a series of new regulations:

Regulation 26 relates to the application form to be used under IER, which will be designed by the Electoral Commission. Paragraph (1) sets out what is required to be contained in an application. Paragraph (3) states what must appear on the IER application form that the Electoral Commission will design. These include items of information for the applicant, space for local-authority-specific information to appear, and for EROs to request non-mandatory information from applicants.

There have been a number of changes to this draft regulation since the last publication:

- Regulation 26(1)(d) has changed to ask for an indication of another residence, rather than the address at which the applicant is also registered. This provision and (1)(c) (where previous address is requested) are both cases where not providing information is equivalent to answering ‘no’ to the question of whether the applicant has been registered elsewhere or seeks to registered somewhere else. This means that not stating a specific answer to either provision does not make the application invalid.
- Regulation 26(1)(g) now asks for ‘nationality or nationalities’ of applicants, to capture dual-nationality residents
- Regulation 26(1)(k) adds the requirement for the date of application to be stated; similarly and regulation 26F(2)(m) requests the date that an annual canvass form is completed.
- Regulation 26(3)(d) has been expanded so that each form will bear unique identifying information.

- Regulation 26(3)(e) to (i) are new, setting out further requirements for the IER form. 26(3)(i) provides for the applicant to state their edited register preference.. Officials are currently working on the best way to include the prescribed wording in this regulation.
- Regulation 26(4) and (5) are new, reflecting variations on the IER form for those making Service and Overseas declarations.
- Regulation 26(7) reflects the duty to send forms out with a prepaid envelope for their return by the resident/applicant, as does regulation 26F(3) for the annual canvass form.
- Regulation 26(8) allows for assisted channels to be made available but does not mandate it; this means that electors may make an application over the telephone or be assisted by someone in the local authority by phone or in person, where local authorities have the capacity to offer this service.
- Regulation 26(9) has been expanded to require contact details from an online applicant.
- Regulation 26(11) currently requires any application submitted online to include all of the information under regulation 26(1). We are currently considering whether an incomplete application could be submitted, alerting the ERO to the existence of a potential elector but not being processed as an application until the required data is supplied.

Regulation 26A sets out the exceptions process available to those who are unable to supply their date of birth or national insurance number. We expect the number of people without a NINO to be very small, but there will be some situations where this is the case. Therefore the form will require the applicant to state why they are unable to supply their NINO (or their date of birth). These individuals will be required to provide alternative evidence to support their application. We are currently investigating the best system for the exceptions process; the draft regulations set out the provision of passport or ID and the use of attestation, but we are considering whether a most extensive list of evidence can be used to robustly verify the identity of an applicant.

There have been a number of changes to this draft regulation since the last publication:

- Regulations 26A(3) to (5) set out the exceptions process as currently envisaged, which now appears in regulations following Government amendments to the ERA Bill. The primary exceptions route will be to provide evidence of identity; if this is not available, then the application may be attested by someone of good standing (from a list of occupations and positions set out in guidance), who is registered in the same local authority area.
- Regulations 26A(7) to (9) and 26D reflect the exceptions processes for special category electors who are unable to supply the personal identifiers needed under IER, or who fail verification:
 - Overseas declaration applicants requiring the exceptions must have their application attested by a British citizen also living overseas, without the restrictions on numbers of attestations or residence in the same local authority area that exist for attestations on domestic applications. This arrangement makes what is currently the only way for overseas electors to register into the route for the minority who need the exceptions process.

- Service declaration applicants in the armed forces needing the exceptions process will have their application attested by an armed forces officer.
- Crown servants, their spouses and the spouses of those with service declarations who require the exception process will be required to submit a copy of their passport or identity card certified by a crown servant or an officer in HM Armed Forces
- Local connection declaration applicants will use the same exceptions process as non-declaration applicants.

Regulation 26B sets out how changes of name may be made under IER. Changes may be made through a completed IER application form (which must in this case include the applicant's previous names as well as current names) or through a change of name form accompanied by evidence of change of name. This section has been changed since the previous publication of proposed regulations, introducing a change of name form and making it more straight-forward to apply for a change of name on the register. The ERO will also be able to make changes on the basis of alterations made on the HEF where they are satisfied that the change is a change of name; they will be able to ask for evidence (and a change of name form) or an IER application where they are not sure. This reflects existing practice and does not require a new regulation.

Regulation 26C relates to an important part of the process – the matching of data from applications against the DWP Customer Information System to verify applications. At the heart of this process is the transfer of specific information outlined in this regulation from the Electoral Registration Officer to the Department of Work and Pensions, via the IER Digital Service being developed by the Cabinet Office. Since the last publication, the question of the 'service provider' for the IER Digital Service has been resolved, with the Cabinet Office fulfilling this role. We are currently looking into ways in which information from the comparison of data under this regulation can and should be passed from the IER Digital Service to EROs to help detect potential attempts to register fraudulently.

Regulation 26D enables the ERO to request further information from an applicant if their application has failed the data-matching verification (under 26C). This includes the explicit capacity to use local data matching, as well as using the exceptions process also set out under 26A.

Regulation 26E prescribes how documents and information received in connection with an application must be processed by the ERO. It deals with retention, destruction and redaction of information. Paragraph (3) is a new provision, reflecting the capacity to keep electronic copies of documents supporting an application. 26E(2) has been changed so that EROs are able to retain the application documents in hard copy for a year, but are not required to do so. This change has been made out of consideration of the practical issues local authorities face in storing documents, but we are clear that ideally application forms should be retained, particularly if the ERO has any suspicions about its authenticity.

Regulation 26F provides details on how the annual canvass (known as the Household Enquiry Form or HEF, as it will no longer serve as an application to register) will operate under IER. The provisions outline what will need to be included on the annual canvass form

and what the registration officer will be required to input on to the form before issuing. The regulation does not prescribe the timing as to when a registration officer must provide a canvass form, but they must do so in good time to collect information, send invitations to new residents and publish a revised register by 1 December each year.

There have been a number of changes to this draft regulation since the last publication:

- Regulations 26F(2)(a) and (b) have been amended to make it clear that it is only 16 and 17-year-olds whose details are requested out of the residents aged under 18. The form also asks specifically for the details of residents who are eligible; the grounds for eligibility will also be stated (under 26F(2)(f)). We are currently considering whether this approach is the best way to collect all relevant information from a property.
- Regulation 26F(2)(c) is new and allows returns of canvass forms where no-one is resident or where the residents are all ineligible. The regulation reflects the categories of responses required on the form, not the wording of the form. It is worth noting that regulation 26G(6) now allows EROs to use local data to establish whether properties are known to be empty, so that they do not have to chase up canvass returns from empty properties.
- Regulation 26F(2)(j) has been changed to require the declaration of truth to be signed by a named resident; this does not mean that the information may only be provided on paper, however, only that the declaration appearing on the HEF must ask for a signature. We are currently considering how this regulation can be constructed to allow for legitimate completion by non-residents providing information about homes of multiple occupancy (such as university or college accommodation or care homes).
- Regulation 26F(2)(k) is new, allowing the form to be used to collect contact details.
- Regulation 26F(2)(l) requires the form include space to allow the LA to include their contact details
- Regulation 26F(5) mandates that language prescribed in regulations must be used to describe the edited register.

Regulation 26G details the steps a registration officer must take when they have not received a response to the annual canvass form from a particular address. This regulation and regulation 26I have been amended to set out more clearly that a visit to the property can be the first action in encouraging a response (before sending out a second or third invitation), and that these steps may be taken in any order. It is also clear from these regulations that the steps cannot be combined, i.e. that the mandated visit to the property cannot also ‘count’ as one of the reminder stages. Regulation 26G(6) allows EROs to use local data-matching to establish that a property is empty so that a HEF sent to that address need not be chased up.

Regulation 26H details what an invitation to apply for registration must include and provision about the giving of invitations.

Regulation 26I sets out the steps a registration officer must take if they have not received a response from an invitation to register.

Regulation 26J relates to the requirement to register, which registration officers may issue once they have carried out the steps set out in 26I. Paragraph (3)(b) has been altered so that

the person required to register must have been informed how to make an application and that a civil penalty may be imposed, rather than (as under the previous draft) that the ERO must establish that they understand these facts. Under sub-paragraph (5) the requirement to register is no longer described as an invitation to register. Sub-paragraph (7) has also been changed to ensure that people are informed if the ERO cancels their requirement to register.

Regulation 26K sets out the use and contents of the notification sent to those on whom the registration officer imposes the civil penalty. Regulation 26K(4)(d) has been added so that it must be made clear to the person that their penalty will be cancelled if they make an application to register.

The level of the civil penalty will be set out in regulation 26K(1). This figure is still under discussion and will be announced shortly. As stated in our previous publications of proposed draft regulations, and in Parliament, this figure will be akin to a parking fine.

Regulation 26L sets out the duties of the registration officer relating to giving notice of the imposition of the penalty. They must inform the person of the amount due, how to pay and any interest or additional payments that may be incurred. The notice will also set out the person's option for action: applying to register, paying the penalty, or requesting a review. Paragraph (2) now states that the 28-day period for payment is paused while any review or appeal takes place; paragraph (3) states that the 8% interest on late payment of the civil penalty is mandatory.

Regulations 26M and 26N set out the arrangements for reviews of and appeals against the imposition of the civil penalty by those on whom it has been imposed. Sub-paragraph 26M(1) has been changed so that appeals are not restricted to the grounds set out in the previous publication.

Other changes to the existing Regulations are made in the remaining regulations of this statutory instrument:

- Regulation 7 (changing Reg 28) has changed so that an entry on the list of applications must include the applicant's name and nationality.
- Regulation 8 (changing Reg 29) has been extended so that acknowledgement letters are sent to all applicants. Those who make unsolicited applications will receive a letter early on so that a link between the property and the application can be established; those who apply in response to an invitation will be told that their application has been successful, or if further information is required.
- Regulation 10 (changing Reg 31C) has been changed to enable removals of entries from the register to be based on information received through successful IER applications.
- Regulation 14 (inserting Reg 52A) has been added to allow EROs to share information to check that those appointed as proxies are registered electors for the relevant poll (as is required under other sub-paragraphs added to Paragraph 6 of Schedule 4 to the Representation of the People Act 2000 under the ERA Act)

Other points

- Anonymous electors
 - Work is still ongoing on the best way for anonymous electors to register under IER. Anonymous electors (who must have evidence of risk to themselves or others at their property if their details appeared on the electoral register) do not have to provide their NINO and date of birth, but do have to renew their anonymous-entry application each year.

Draft Electoral Registration and Administration Act (Transitional Provisions) Order 2013

This draft order has been developed significantly since the previous publication. It covers the processes that are specific to the transition period (confirmation and write-outs to electors), and sets the dates for these activities and the annual canvasses in 2014 and 2015, as well as replicating provisions of the draft Regulations relating to invitations and requirements to register, the civil penalty, and the processing of data provided in applications. The dates set out in this draft order reflect the current plan for the transition.

The UK Government is working closely with the Scottish Government to ensure that the implementation of IER in Scotland is as effective and convenient for voters as possible, with the referendum on Scottish independence due to take place on 18 September 2014. This means that the dates for the first transitional activities under IER take place (under this order) and the start of IER will be different in Scotland, so that transition will begin after the referendum.

Once the transition to Individual Electoral Registration has begun, the only way onto the register for new entries (including home-movers and newly-eligible electors) is through an IER application. The confirmation process will ensure that as many existing electors as possible retain their vote following transition without having to make an IER application.

- Article 4 sets out the dates between which EROs must carry out the confirmation data-matching of their registers. This will start on 1 July 2014, using the electoral register as updated on that day. We are currently exploring options the start date of IER for new applications to ensure that registration is as convenient as possible for those who apply after the European elections. The start of IER in general will be set through the commencement of the relevant section of the ERA Act, not through the transitional provisions order. This date, and those relating to the write out, will be different in Scotland, as noted above.
- Article 6 describes the information to be matched and the process of data-transfer through data-matching and back to the ERO, who will take the match results into account. Up to 6(6) this is similar to the provisions for the dry run (under the Electoral Registration (Disclosure of Electoral Registers) Regulations 2013). The remaining sub-paragraphs relate to the use of the data-match result by EROs, including the capacity to use local data matching under regulation 35 of the Representation of the People Regulations 2001
- Article 7 sets out the criminal offence for unlawful disclosure of information (also the same as in the draft Disclosure Regulations)
- Article 8 states that the disclosure and processing of information must be (and may only be) carried out according to requirements imposed by the Lord President of the Council.
- Article 9 sets out the dates and contents of the write-out to those who have been confirmed on the register through data-matching.

- Articles 10 and 13 set out the dates and contents of invitations to register sent out to those who are not confirmed on the register.
- Articles 11 and 12 set the dates for the two annual canvasses that take place during the planned period for transition to IER, in the autumns of 2014 and 2015. During the 2014 canvass period, canvass forms will not be sent to all properties as existing electors will be sent either confirmation letters or invitations to register. However, this does mean that all residential properties will receive one of these three communications during this period.
- Articles 14 to 19 reflect the equivalent provisions of the main IER regulations.
- Article 20 provides that absent voters who have not been confirmed through data-matching or made a successful IER application and who will thus lose their entitlement to an absent vote (postal or proxy) will be notified of that fact within a month of the publication of the register in December 2014.

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. XXXX

REPRESENTATION OF THE PEOPLE

**The Representation of the People (England and Wales) (Amendment)
Regulations 2013**

Made - - - - - ***

Coming into force in accordance with regulation 1

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament, and the Lord President of the Council has consulted the Electoral Commission and the Information Commissioner in accordance with section 53(5) of the Representation of the People Act 1983 and section 7(1)(e) of the Political Parties, Elections and Referendums Act 2000;

Now, therefore, the Lord President of the Council in exercise of the powers conferred on him by sections 9E, 10ZC, 10ZD of, and Schedules 2 and 3 to, the Representation of the People Act 1983 makes the following Regulations.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Representation of the People (England and Wales) (Amendment) Regulations 2013 and come into force on the day after the day on which they are made.
- (2) These Regulations do not extend to Scotland or Northern Ireland.

Amendment to Representation of the People (England and Wales) Regulations 2001

2. The Representation of the People (England and Wales) Regulations 2001 are amended as follows.
- 3.—(1) Regulation 5 is renumbered as paragraph (1) of that regulation.
(2) In that paragraph for “application, notice, representation or objection” substitute “application, notice or representation”.
(3) After that paragraph insert—
“(2) Paragraph (1) does not apply to notice of a requirement to register given under regulation 26J(1) or notice of a civil penalty given under regulation 26K(2).”
4. In regulation 6(1) for “application, notice, representation or objection” substitute “application, notice or representation”.
5. In regulation 23, after paragraph (1) insert—

“(1A) A registration officer may not use the power at paragraph (1) to require a person who has made an application under section 10ZC or 10ZD of the 1983 Act to provide information to assist the registration officer in determining, in connection with that application whether the applicant is the person named in the application or is entitled to be registered.”

6. For regulation 26, substitute—

“Applications for registration

26.—(1) An application for registration as a parliamentary or local government elector (or both) under section 10ZC or an application for alteration in respect of address under section 10ZD of the 1983 Act (“an application”) must state—

- (a) the applicant’s full name and any previous name by which the applicant has been known within 12 months before the date of the application;
- (b) the address in respect of which the applicant applies to be registered and at which they are resident on the date of the application;
- (c) any address at which the applicant has ceased to reside within 12 months before the date of the application and, where that address is not in Great Britain, an indication of whether the person was registered in pursuance of an overseas elector’s declaration during this period;
- (d) an indication of whether the applicant is resident at any other address, including at any address in respect of which the applicant is currently registered as an elector and in respect of which the applicant claims to be entitled to remain registered;
- (e) subject to regulation 26A, the applicant’s date of birth;
- (f) subject to regulation 26A, the applicant’s national insurance number;
- (g) the applicant’s nationality or nationalities, except in the case of a person applying to be registered in pursuance of an overseas elector’s declaration;
- (h) in the case of an applicant whose application is not accompanied by an application for an anonymous entry and who wishes their name and address to be omitted from the edited version of the register, that fact;
- (i) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact;
- (j) where an application is also to be treated as an application under section 10ZD to alter the name in respect of which the applicant is registered, that fact; and
- (k) the date of the application.

(2) An application under paragraph (1) above must include—

- (a) a declaration by the applicant that the information provided in the application is true; and
- (b) in the case of a person applying to be registered as a parliamentary or local government elector (or both)
 - (i) in pursuance of a service declaration, a declaration of local connection, or
 - (ii) in pursuance of an overseas elector’s declaration, the appropriate declaration.

(3) The Electoral Commission must design a paper application form which requires the information and declarations in paragraphs (1) and (2) above and includes—

- (a) a statement as to how the information provided in the application will be processed and what information will appear on the electoral register. In this sub-paragraph “processed” has the same meaning as in the Data Protection Act 1998;
- (b) a statement as to the immigration status which an applicant must hold in order to be entitled to be registered and that a registration officer may make inquiries as to an applicant’s immigration status;
- (c) a statement that it is an offence to provide false information to the registration officer, together with a statement of the maximum penalty for that offence;

- (d) space for a pre-printed bar code, local authority reference number and security code unique to each form;
 - (e) space for the email address and telephone number or numbers of the applicant and an explanation that provision of this information is not mandatory;
 - (f) space for the registration officer to include details of how the officer may be contacted;
 - (g) space for local authority information;
 - (h) an indication of whether the applicant wishes to be able to cast an absent vote; and
 - (i) an indication of whether the applicant wishes to be included on the edited version of the register and an explanation of what the edited register is [using the wording prescribed].
- (4) The paper application form for persons applying to be registered in pursuance of a service declaration must —
- (a) instead of the information in paragraph (1)(b), request the address at which the applicant was registered as an elector immediately before they became a member of the forces; and the applicant’s correspondence address or British Forces Post Office Number, and
 - (b) in addition to the requirements in paragraphs (1) to (3), include a statement that the applicant must renew their application for registration every 5 years but may cancel it at any time.
- (5) The paper application form for persons applying to be registered in pursuance of an overseas elector’s declaration, must request—
- (a) the last address at which the applicant was registered as an elector;
 - (b) the address at which the applicant can be contacted.
- (6) An application under paragraph (1) above must be made in writing and must be made either
- (a) on a paper application form as designed by the Electoral Commission under paragraphs (3) to (5), or
 - (b) through the Individual Electoral Registration Digital Service (“the digital service”).
- (7) Where a registration officer gives a paper application form to a person resident in Great Britain, it must be accompanied by a pre-addressed reply envelope, return postage of which must be prepaid
- (8) A registration officer may authorise the applicant to provide the information required by regulation 26(1) to the registration officer by telephone or in person.
- (9) Where an application is made through the digital service, the Lord President of the Council must request the applicant’s email address and telephone number and provide an explanation of the purpose for which this information will be used.
- (10) The Lord President of the Council must send to the registration officer any application he receives together with—
- (a) the applicant’s email address and telephone number (if provided); and
 - (b) a reference number unique to that application.
- (11) An application may be made through the digital service only if the applicant is able to provide all of the information required by regulation 26(1).
- (12) An application in pursuance of an overseas elector’s declaration may not be made through the digital service.
- (13) In this regulation, “Individual Electoral Registration Digital Service” means [the digital service provided by the Lord President of the Council for the purpose of processing online applications under section 10ZC and 10ZD and for the purpose of verifying information under regulation 26C]

Applications where certain information not required or unavailable

26A.—(1) A person making an application under regulation 26 accompanied by an application for an anonymous registration—

- (a) if they are over 70 years old, must state that fact in their application;
- (b) is not required to provide their date of birth under regulation 26(1)(e) unless the person is under 18 years old;
- (c) is not required to provide their national insurance number under regulation 26(1)(f).

(2) Where an applicant to whom paragraph (1) does not apply is not able to state any of the information required by regulation 26(1)(e), (f) or (g), the applicant must provide as part of their application—

- (a) a statement of the reason why they are not able to provide that information; and
- (b) if the applicant is unable to provide their date of birth, a statement as to whether the applicant is under 18 years old or over 70 years old.

(3) Where paragraph (2) applies the registration officer must request that the applicant provide as part of their application one of the following documents as alternative evidence that they are the person named in the application—

- (a) a British, Commonwealth or European Union passport; or
- (b) a Commonwealth or European Union identity card.

(4) If an applicant is unable to provide the documentary evidence required under paragraph (3), the applicant must provide an attestation as set out in paragraph (5).

(5) An attestation must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by a person—
 - (i) whom the registration officer is satisfied is of good standing in the community;
 - (ii) who is registered as an elector in the same local authority area as the applicant;
 - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; and
 - (iv) who has not already signed attestations under this regulation for two applicants in that calendar year.
- (c) state the full name, address and occupation of the person signing the attestation; and
- (d) state the date on which it is made.

(6) Where a registration officer receives an application which includes a statement under paragraph (2)(a) from a person making an application pursuant to the following declarations, paragraphs (3) and (4) do not apply-

- (a) a service declaration on the grounds that the applicant is a Crown servant (within the meaning of regulation 14) or the spouse or civil partner of a Crown servant;
- (b) a service declaration on the grounds that the applicant is a member of the armed forces (within the meaning of section 59(1) of the 1983 Act);
- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the armed forces (within the meaning of section 59(1) of the 1983 Act; or
- (d) an overseas elector's declaration.

(7) Where a registration officer receives an application within paragraph (6)(a) or (c) the applicant must provide to the registration officer as part of their application a copy of one of the following documents, which has been certified by a Crown servant or British Council employee or an officer of the armed forces who is not the applicant's spouse—

- (a) the applicant's British, Commonwealth or European Union passport; or

(b) the applicant's Commonwealth or European Union identity card.

(8) Where a registration officer receives an application within paragraph (6)(b) the applicant must provide to the registration officer as part of their application an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by an officer of the armed forces who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and occupation of the person signing the attestation; and
- (d) state the date on which it is made.

(9) Where a registration officer receives an application within paragraph (6)(d) the applicant must provide to the registration officer as part of their application an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by a registered elector who is a British citizen living overseas and who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant;
- (c) state the full name, address and occupation of the person signing the attestation; and
- (d) state the date on which it is made.

Application for alteration of register in respect of name under section 10ZD

26B.—(1) An application for alteration in respect of name under section 10ZD of the 1983 Act may be made—

- (a) by application for registration under regulation 26 where the application includes the information required under regulation 26(1); or
- (b) by application for alteration in respect of change of name on a form designed by the Electoral Commission under paragraph (2).

(2) The Electoral Commission must design a form which—

- (a) requires the applicant's full name;
- (b) requires the full name in respect of which the applicant is currently registered;
- (c) requires the date of the change of name;
- (d) requires the address in respect of which the applicant is registered;
- (e) requires a signed declaration by the applicant that the information provided in the application is true;
- (f) includes a statement as to how the information provided in the application will be processed and what information will appear on the electoral register. In this sub-paragraph "processed" has the same meaning as in the Data Protection Act 1998;
- (g) includes space for a pre-printed bar code, local authority reference number and security code unique to each form;
- (h) includes space for the registration officer to include details of how the officer may be contacted;
- (i) requires the date of the application.

(3) A person making an application for alteration in respect of name under paragraph (1)(b) must provide to the registration officer as part of their application one of the following documents as evidence of the applicant's change of name—

- (a) marriage or civil partnership certificate;
- (b) overseas marriage or civil partnership certificate if it has been deposited in the General Register Office for England & Wales, the General Register Office for Scotland or the General Register Office for Northern Ireland; or
- (c) deed poll or amended birth certificate.

Verification of information

26C.—(1) This regulation does not apply to applications to which regulation 26A or 26B(1)(b) applies.

(2) On receipt of an application under section 10ZC or 10ZD of the 1983 Act made on a paper application form, a registration officer must disclose the information provided under regulation 26(1)(a), (e) and (f) to the Lord President of the Council in such a format and through such a conduit system as the Lord President may have notified to the officer in writing.

(3) Following receipt of the information from the registration officer or (in the case of an application made through the digital service) from the applicant, the Lord President of the Council may disclose the information to the Secretary of State.

(4) Where information has been disclosed to the Secretary of State under paragraph (3), the Secretary of State may compare it against—

- (a) the name, date of birth and national insurance number of individuals appearing in the following types of databases kept by the Secretary of State—
 - (i) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development); 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 those databases which relates to the information disclosed under paragraph (2).

(5) The Secretary of State may disclose the results of the comparison to the Lord President of the Council.

(6) On receipt of such results, the Lord President of the Council may provide them to the registration officer in whose register the applicant has applied to be registered.

(7) The registration officer must take the results into account in determining the application.

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

Power to request additional evidence in order to determine an application for registration

26D.—(1) This regulation applies where a registration officer considers that additional evidence is necessary in order to determine an application under section 10ZC or 10ZD of the 1983 Act.(2) The registration officer may inspect records under regulation 35 for the purpose of ascertaining whether the applicant is the person named in the application.

(3) Where such an inspection is not made or does not establish that the applicant is the person named in the application, or where additional evidence is necessary to establish whether the applicant is entitled to be registered, the registration officer may request that the applicant provide one of the following documents as additional evidence —

- (a) a British, Commonwealth or European Union passport;
- (b) a Commonwealth or European Union identity card.

(4) Where a person applying to be registered in pursuance of the following declarations is requested to provide additional evidence in order to determine whether the applicant is the person named in the application or entitled to be registered, paragraph (3) does not apply—

- (a) a service declaration on the grounds that the applicant is a Crown servant (within the meaning of regulation 14);
- (b) a service declaration on the grounds that the applicant is the spouse or civil partner of a Crown servant (within the meaning of regulation 14); or
- (c) a service declaration on the grounds that the applicant is the spouse or civil partner of a member of the armed forces (within the meaning of section 59(1) of the 1983 Act.

(5) Where a registration officer requests that a person applying within paragraph (4) provide additional evidence, the officer may request that the person provide a certified copy of one of the following documents as evidence—

- (a) the applicant's passport; or
- (b) the applicant's identity card.

(6) If an applicant is unable to provide documentary evidence required under paragraph (3) or (5), the applicant must provide an attestation as set out in paragraph (7).

(7) An attestation must—

- (a) confirm that the applicant is the person named in the application;
- (b) be in writing and signed by a person—
 - (i) whom the registration officer is satisfied is of good standing in the community;
 - (ii) who is registered as an elector in the same local authority area as the applicant;
 - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; and
 - (iv) who has not already signed attestations under this regulation for two applicants in that calendar year.
- (c) state the full name, address and occupation of the person signing the attestation; and
- (d) state the date on which it is made.

(8) Where a registration officer considers that additional evidence is necessary in order to determine, in connection with an application under section 10ZC or 10ZD of the 1983 Act, whether the applicant is a qualifying Commonwealth citizen, the officer may request that the applicant provide evidence relating to the applicant's immigration status, including, if applicable, the applicant's biometric residence permit number and UK Border Agency case reference number.

Processing of information provided in connection with an application under section 10ZC or 10ZD

26E.—(1) If a person provides an original document under regulation 26A(3), 26B or 26D(2) or (3), the registration officer must make a copy of that document and return the original document to the person who provided it.

(2) In respect of any application under section 10ZC or 10ZD of the 1983 Act, the registration officer may retain for a period of one year starting on the date on which the registration officer receives the application—

- (a) the application form or, in the case of an application made through the digital service, the information contained in the application;
- (b) any other information or documents provided to the registration officer in connection with the application or, in the case of original documents which are returned under paragraph (1), a copy of such documents.

(3) "Copy" in this regulation includes an electronic copy.

(4) Subject to paragraph (5), the registration officer must destroy such information and documents within a period of 30 days following the expiry of the period mentioned in paragraph (2).

(5) The registration officer may retain an application received under section 10ZC or 10ZD after the expiry of the 30 day period mentioned in paragraph (4) provided that, if the applicant provided their national insurance number, it is redacted from the application form and deleted from any other records within that period.

(6) Information disclosed under regulation 26C may not be disclosed to any other person, except—

- (a) for the purpose of determining the application in connection with which the information was disclosed; or

- (b) for the purpose of any civil or criminal proceedings.
- (7) A person who discloses information in breach of paragraph (6) is guilty of an offence and liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

Annual canvass

26F.—(1) The annual canvass required by section 9D(1) of the 1983 Act must be conducted in accordance with the following paragraphs.

- (2) The Electoral Commission must design a canvass form which—
 - (a) requires the full name and nationality of each person aged 16 and over who is eligible to register and is residing at the address to which the form is given;
 - (b) requires an indication as to whether each person residing at the address who is eligible to register is more than 70 years old;
 - (c) requires an indication as to whether—
 - (i) there is no one residing at the address;
 - (ii) the address is of business premises;
 - (iii) none of the people residing at the address is entitled to be registered by reason of their nationality, together with a statement of their nationalities;
 - (iv) none of the people residing at the address is entitled to be registered for any reason other than their nationality and a statement of why they are not so entitled;
 - (d) includes space for local authority information, a unique security code and a barcode unique to each form;
 - (e) includes a statement that the recipient must provide the required information to the registration officer for the area which includes the address to which the form was delivered, and the manner in which the recipient may do so;
 - (f) includes an explanation of the requirements for entitlement to register to vote and states that this form is not an application to register;
 - (g) includes a statement as to how the information provided in response to the canvass form will be processed. In this sub-paragraph, “processed” has the same meaning as in the Data Protection Act 1988;
 - (h) includes a statement that failure to provide the information required by the canvass form to the registration officer is an offence and a statement of the maximum penalty for that offence;
 - (i) includes a statement that it is an offence to provide false information to the registration officer, and a statement of the maximum penalty for that offence;
 - (j) includes a signed declaration that the information provided is true, to be made by a named resident at the address to which the form is given;
 - (k) includes space for the email address and telephone number or numbers of each person residing at the address who is entitled to register to vote and an explanation that provision of this information is not mandatory;
 - (l) includes space for the registration officer to provide details of how the registration officer may be contacted; and
 - (m) requires the date of the application.

(3) Each registration officer must give a canvass form in the form designed by the Electoral Commission to each residential address in the area for which the officer acts and the canvass form must be accompanied by a pre-addressed reply envelope, the postage of which has been prepaid.

(4) Before giving a canvass form under paragraph (3), the registration officer must print on the form any information required by the canvass form which the officer already holds in respect of each person who is registered at the address to which the annual canvass form is provided, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act.

(5) Where the registration officer [is required to print the edited register status on the canvass form, they must include the prescribed language].

Steps to be taken by a registration officer where no information in response to an annual canvass form is received in respect of a particular address

26G.—(1) If a registration officer has issued an annual canvass form to an address but has not received information in response to the annual canvass form in respect of that address, the officer must issue a second canvass form to that address.

(2) If no information in response is received in respect of a second form issued under paragraph (1), the registration officer must issue a third canvass form to that address.

(3) A registration officer may visit the address at any stage in order to obtain the information required by the canvass form and must make or have made one visit if no information has been received in response to a third canvass form issued under paragraph (2).

(4) The second and third canvass forms, if required, must be in the same form as the first canvass form.

(5) The registration officer must take the steps required by paragraphs (1) to (3) before publishing a revised register under section 13(1)(a) of the 1983 Act.

(6) This regulation does not apply where a registration officer, having inspected records under regulation 35, concludes that there is no-one residing at the address or that the address is of business premises.

Invitations to apply for registration

26H.—(1) The Electoral Commission must design an invitation to apply for registration which includes—

- (a) the full name and address of the person to be invited;
- (b) an explanation of how to make an application for registration; and
- (c) a statement as to the circumstances in which a civil penalty may be imposed under section 9E of the 1983 Act, and the amount of such civil penalty.

(2) Where a registration officer is required by section 9E(1) of the 1983 Act to give a person an invitation to apply for registration—

- (a) the officer must give the invitation as soon as reasonably practicable and in any event within 28 days of the conditions in section 9E(1) being satisfied;
- (b) the invitation must be in the form designed by the Electoral Commission under paragraph (1);
- (c) the invitation must be accompanied by an application form in the form designed by the Electoral Commission under regulation 26(3) on which the officer has, if practicable, printed any information required by the form that the officer already holds in respect of the person; and
- (d) the invitation, an application form and a pre-addressed reply envelope, return postage of which has been prepaid, must be given in an envelope on which is printed-
 - (i) a direction that the envelope must not be redirected if it is incorrectly addressed; and
 - (ii) a direction that any other person who receives the envelope who is resident at the address to which the invitation is addressed must inform the registration officer if the person to whom the invitation is addressed is not resident at that address.

Steps to be taken by a registration officer to encourage a person to make an application for registration in response to an invitation to do so

26I.—(1) If a registration officer has given a person an invitation to apply for registration under section 9E(1) of the 1983 Act and the person has not made an application to register, the officer must give the person a second invitation to apply for registration.

(2) If no application is received in respect of the second invitation, the officer must give the person a third invitation.

(3) The officer may visit the address at which the first invitation was given in order to encourage the person to make an application for registration at any time and must make or have made one visit if no application has been received in response to the third invitation.

(4) The second and third invitations to apply for registration, if required, must be in the same form as the first invitation to apply for registration.

(5) Paragraphs (1) to (3) do not apply if the registration officer is satisfied that—

- (a) the person is not entitled to be registered at the address at which the invitation to register was given; or
- (b) the person is registered at a different address.

Requiring a person to make an application for registration

26J.—(1) Where a registration officer requires a person to make an application for registration by a specified date under section 9E(4) of the 1983 Act, the registration officer must give the person notice in writing of such requirement.

(2) The person must make an application for registration within 28 days of the date of the notice of requirement to apply for registration.

(3) A registration officer may not require a person to apply for registration unless—

- (a) the registration officer has taken the last of the steps required by regulation 26I;
- (b) the registration officer has established that the person—
 - (i) has received an invitation to apply for registration;
 - (ii) has been informed how to make an application for registration; and
 - (iii) has been informed that the registration officer may impose a civil penalty if the person is required to make an application but does not do so; and
- (c) the registration officer has established that the person is resident at the address at which the invitations to apply for registration have been given.

(4) A notice under paragraph (1) must state—

- (a) the date by which the person must make an application for registration;
- (b) that, if the person does not make an application by that date, the registration officer may impose a civil penalty on that person;
- (c) the amount of any such civil penalty and the rate of interest payable if the penalty is not paid on time;
- (d) that, if the person is not entitled to be registered, they must inform the registration officer of that fact and explain why they are not so entitled, and are not required to make an application for registration;
- (e) that, if the person is registered at another address, they must inform the registration officer of that fact and provide that address, and are not required to make an application for registration;
- (f) that the person may make other representations as to why they should not be required to make an application to register by the specified date, or why a civil penalty should not be imposed if they do not do so.

(5) The registration officer must give with the notice an application form in the form designed by the Electoral Commission under regulation 26(3) on which the officer has, if practicable, printed any information required by the form that the officer already holds in respect of the person.

(6) A registration officer must cancel a requirement to make an application for registration, and give the person concerned notice in writing of the cancellation, if—

- (a) the officer is satisfied that the person is not entitled to be registered at the address at which the invitations to register were given; or
- (b) the officer is satisfied that the person is registered at a different address; or
- (c) any of the requirements in paragraph (3) have not been met.

(7) A registration officer may cancel a requirement to make an application for registration and, where the officer considers it appropriate to do so, must give the person concerned notice in writing of the cancellation.

Notice of Civil Penalty

26K.—(1) [Amount of Civil Penalty]

(2) Where the registration officer imposes a civil penalty under section 9E(7) of the 1983 Act, the registration officer must give the person notice in writing that the penalty has been imposed and specifying the reasons for imposing the civil penalty.

(3) The notice in paragraph (2) must state that the person must within 28 days of the notice—

- (a) make an application to register; or
- (b) pay the full amount of the civil penalty; or
- (c) request a review of the decision to impose the civil penalty.

(4) The notice in paragraph (2) must also state—

- (a) the amount due;
- (b) how to make payment;
- (c) the rate of interest payable if the penalty is not paid on time; and
- (d) that making an application to register within 28 days will prevent them being liable to pay the civil penalty.

Payment, enforcement and cancellation of civil penalty

26L.—(1) Subject to paragraph (2), a person on whom a civil penalty is imposed under section 9E(7) of the 1983 Act must pay the amount of the penalty to the registration officer who imposed it within 28 days of the date of the notice given under regulation 26K(2).

(2) If a person on whom a civil penalty is imposed requests a review under regulation 26M(1) or brings an appeal under regulation 26N(1), the 28 day period in paragraph 1 ceases to run whilst that review or appeal is being considered.

(3) If the person does not pay the civil penalty as required by paragraph (1) or (2), interest at 8% per annum will be charged from the date payment becomes overdue to the date of payment.

(4) A civil penalty not paid in accordance with paragraphs (1) and (2) and any interest on the civil penalty is recoverable, if the county court so orders on the application of the registration officer, as if it were payable under an order of that court.

(5) A registration officer must cancel a civil penalty, and give the person concerned notice in writing of the cancellation, if—

- (a) the person makes an application for registration at any time before the time for payment of the civil penalty in paragraph (1) or (2) has elapsed; or
- (b) the officer is satisfied that—
 - (i) the person is not entitled to be registered at the address at which the invitations to register were given; or

- (ii) the person is registered at a different address; or
 - (c) any of the requirements in regulation 26J(3) have not been met.
- (6) A registration officer may cancel the penalty if the officer considers it appropriate to do so, and if the officer cancels the penalty they must give the person concerned notice in writing of the cancellation.

Review of registration officer's decision to impose a civil penalty

26M.—(1) A person on whom a civil penalty has been imposed may request a review of the registration officer's decision to impose the civil penalty.

(2) A request under paragraph (1) must be made in writing within 14 days of the notice given under regulation 26K(2).

(3) Where a person requests a review of the registration officer's decision under paragraph (1), the registration officer must within 7 days of receiving the request send notice in writing to the person—

- (a) acknowledging the request;
- (b) informing the person that they may within 14 days of the date of the notice—
 - (i) make representations explaining why they have not made an application to register or why the civil penalty should be cancelled;
 - (ii) submit evidence in support of such representations; and
- (c) explaining how such representations may be made and evidence may be submitted.

(4) The registration officer must carry out a review, and such review may not start before the earlier of—

- (a) the end of the fourteenth day after the date of the notice sent under paragraph (3); or
- (b) the receipt of any representations or evidence.

(5) Following a review under paragraph (4) above, the registration officer may—

- (a) uphold the decision to issue a civil penalty; or
- (b) cancel the civil penalty.

(6) The registration officer must inform the person in writing of the outcome of the review.

(7) If the officer upholds the decision to impose a civil penalty, the notice must also state that the person on whom the penalty has been imposed—

- (a) may appeal against that decision to the First-tier Tribunal, and how to make such an appeal; and
- (b) must pay the penalty by a specified date.

Appeals to the First-tier Tribunal against a notice of civil penalty

26N.—(1) If a registration officer upholds the decision to issue a civil penalty following a review under regulation 26M(4)(a), the person on whom the penalty was imposed may appeal to the First-tier Tribunal.

(2) On an appeal under paragraph (1) the First-tier Tribunal may—

- (a) uphold the registration officer's decision to impose the civil penalty; or
- (b) cancel the civil penalty."

7. In regulation 28(1), for "An application for registration" substitute "An entry on the list of applications for registration kept under regulation 29(2)(a)". An entry under paragraph (1) must include the name of the applicant and the applicant's nationality.

8. In regulation 29—

(a) in regulation 29(1) for “an application for registration under section 10A(1) or 13A(1)(a) of the 1983 Act and an objection under section 10A(3) of that Act” substitute “an application under section 10ZC(1)(a) or 10ZD(1)(a) of the 1983 Act or considering an objection under section 10ZC(2), 10ZD(2) or 10ZE(5)(a) of that Act”;

(b) after regulation 29(2B) insert—

“(2BA) The registration officer must acknowledge receipt of an application to register other than an application made in response to an invitation to register under section 9E(1) of the 1983 Act, by notification in writing to the address in respect of which the applicant applies to be registered, on receipt of that application.

(2BB) An acknowledgement under paragraph (2BA) must contain a direction that any person who receives the acknowledgement must inform the registration officer if the addressee is not resident at that address.

(2BC) The registration officer must send confirmation that an application made in response to an invitation to register under section 9E(1) of the 1983 Act has been successful, by notification in writing, before publication of the updated register after the one to which the applicant has been added.

(2BD) The Electoral Commission must design the forms of notification to be used under paragraphs (2BA) and (2BC).”

9. In regulation 31B, for paragraph (2) substitute—

“(2) The functions specified in this paragraph are—

- (a) determining, under the following provisions, whether a person was entitled to be registered—
 - (i) sections 7(3)(aa), 7A(3)(aa), 7C(2)(aa), 10ZE(1)(a) and 15(2)(aa) of the 1983 Act, and
 - (ii) section 2(2)(ab) of the 1985 Act;
- (b) determining, under the following provisions, whether a person was registered or their entry has been altered as a result of an application made by another person—
 - (i) sections 7(3)(ab), 7A(3)(ab), 7C(2)(ab), 10ZE(1)(c) and 15(2)(ab) of the 1983 Act; and
 - (ii) section 2(2)(ab) of the 1985 Act;
- (c) determining under section 10ZE(1)(b) of the 1983 Act whether a person has ceased to be resident at the address or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.”

10. For regulation 31C substitute—

“Summary procedure for determining in specified circumstances person has ceased to specify conditions for registration

31C.—(1) In any of the circumstances specified in paragraph (2) the registration officer may make a determination under section 10ZE of the 1983 Act in respect of an elector without following the procedure set out in regulations 31D to 31F.

(2) The circumstances specified in this paragraph are where either—

- (a) the registration officer has received information either from the Digital Service or from another registration officer that the person has provided the address in an application under regulation 26(1)(c) and the relevant registration officer has determined that the person should be entered on the register maintained by that officer; or
- (b) the registration officer—
 - (i) has information from at least two sources that support such a determination;
 - (ii) has been provided with a death certificate in respect of the elector;
 - (iii) has been notified by the registrar of births and deaths that the elector has died.

(3) In this regulation “elector” means a person who is duly entered in a register in respect of an address.”

- 11.**—(1) Regulation 31D is amended as follows.
- (2) After paragraph (1) insert—
- “(1A) A registration officer may not make such a determination without conducting such a review except where permitted by regulation 31C(1).”;
- (3) In paragraph (4)(a) for “is not entitled to be registered” substitute “is or was not entitled to be registered, or has an entry in the register which results from or was altered as the result of an application made by another person,”;
- (4) In paragraph (5)—
- (a) after “not entitled to be registered” insert “, that the subject of the review was registered or their entry has been altered as the result of an application made by another person,”; and
- (b) after “as the case may be,” insert “that the subject of the review”;
- (3) in paragraph (7) for “is entitled to be registered” substitute “is or was entitled to be registered, or that the person’s entry in the register does not result from or has not been altered as the result of an application made by another person,”; and
- (5) In paragraph (8)—
- (a) after “was not entitled to be registered” insert “, that the subject of the review was registered or their entry has been altered as the result of an application made by another person,”; and
- (b) after “as the case may be,” insert “that the subject of the review”.
- 12.** In regulation 31F(6)—
- (a) after “not entitled to be registered” insert “, that the subject of the review was registered or their entry has been altered as the result of an application made by another person,”; and
- (b) after “as the case may be,” insert “that the subject of the review”.

13. After regulation 31F insert—

“31FA Determinations of entitlement to remain registered during the annual canvass

If a registration officer is required by section 10ZE(5)(b) of the 1983 Act to consider making a determination under section 10ZE(1) of that Act as a result of information received in response to the canvass conducted under section 9D of that Act, the registration officer must so far as reasonably practicable take any relevant steps under regulations 31D to 31F so as to enable the relevant determination to be made before the registration officer publishes a revised version of the register under section 13(1)(a) of the 1983 Act.”

14. After regulation 52 insert—

“Steps which may be taken by a registration officer in relation to the appointment of proxies

52A.—(1) A registration officer may require another registration officer to provide information about whether the person whom the applicant wishes to appoint as his proxy has or will have an entry in the relevant register maintained by that officer.”

Signed by the authority of the Lord President of the Council

Date

Name
Ministerial Title
Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend The Representation of the People (England and Wales) Regulations 2001 (“the principal Regulations”) in order to implement Part 1 of the Electoral Registration and Administration Act

2013 (“the 2013 Act”), which provides for a new system of individual electoral registration in Great Britain.

Regulation 3 makes an amendment to regulation 5 of the principal Regulations, the effect of which is that it is no longer possible for objections to registration to be made by electronic means and inserting a provision that the new notices of requirement to register given under regulation 26J(1) of the principal Regulations and notices of civil penalty given under regulation 26K(2) of the principal Regulations may not be given by electronic means. Regulation 4 makes the consequential amendment to regulation 6 of the principal Regulations in relation to electronic signatures.

Regulation 5 amends regulation 23 of the principal Regulations, making it clear that the power to require information in regulation 23 may not be used to require a person to provide further information to assist a registration officer in determining, in connection with an application for registration under section 10ZC of the Representation of the People Act 1983 (“the 1983 Act”) or an application for alteration of name or address under section 10ZD of the 1983 Act so that it is not a criminal offence if the person fails to provide that information.

Regulation 6 amends and expands regulation 26 of the principal Regulations, which deals with applications for registration under the new system of individual electoral registration, and inserts new provisions 26A to 26N into the principal Regulations.

The amended regulation 26 prescribes the form and content of applications under sections 10ZC or 10ZD of the 1983 Act, in particular requiring the applicant to provide their date of birth and national insurance number as evidence that they are the person named in the application. Regulation 26(3) of the principal Regulations confers the function of designing the paper application form to the Electoral Commission and prescribes the information which must be included in it, with variations for forms for persons applying to be registered in pursuance of service or overseas electors’ declarations.

Regulation 26, as amended, also prescribes the manner in which applications may be made. Regulation 26(6) of the principal Regulations requires that applications under section 10ZC or 10ZD must be made in writing either on a paper application form designed by the Electoral Commission or online through the Individual Electoral Registration Digital Service (“the digital service”). Regulation 26(11) allows applications to be made through the digital service only where the applicant is able to provide all the information required by regulation 26(1) and where the application is not in pursuance of an overseas elector’s declaration. Regulation 26(8) of the principal Regulations allows an electoral registration officer to accept applications through assisted means, either by telephone or in person.

Regulation 26A of the principal Regulations makes provision in relation to those applications where certain information required by regulation 26 is not required or is unavailable. Regulation 26A(1) provides that persons applying for anonymous registration are not required to provide their national insurance number and are not required to provide their date of birth unless they are under 18 years old. Regulation 26A(2) provides that where an applicant is not able to provide their date of birth, national insurance number or nationality, they must provide a statement of the reason why they are not able to provide that information and the registration officer is then required under regulation 26A(3) to request prescribed alternative documentary evidence that they are the person named in the application. If the person is unable to provide the documentary evidence required under regulation 26A(3), regulation 26A(4) requires the applicant to provide an attestation confirming that they are the person named in the application. Regulations 26A(6) to (9) make provision for requirements as to alternative evidence in the case of persons applying pursuant to service or overseas elector’s declarations.

Regulation 26B of the principal Regulations makes provision for the manner, form and content of applications for alteration of the register in respect of name under section 10ZD of the 1983 Act and confers a function on the Electoral Commission to design a form of application for those applications not made as part of an application for registration under regulation 26(1) of the principal Regulations. Regulation 26B(3) requires prescribed documents as evidence of the applicant’s change of name to be provided as part of the application.

Regulation 26C of the principal Regulations makes provision for the verification of certain information provided by a person making an application under section 10ZC or 10ZD of the 1983 Act, namely the applicant’s name, address, date of birth and national insurance number. The Lord President of the Council

may disclose this information to the Secretary of State for the Department for Work and Pensions, who may compare it against information held by the Secretary of State and disclose the results of that comparison to the Lord President of the Council. The Lord President of the Council may provide them to the registration officer and, if he does so, the registration officer must take the results of the comparison into account in determining the application.

Regulation 26D of the principal Regulations gives registration officers power to request additional documentary evidence, prescribed in that regulation, where the registration officer considers it necessary to determine whether a person making an application under section 10ZC or 10ZD of the 1983 Act is the person named in the application or is entitled to be registered. Regulation 26D(3) allows a registration officer to inspect records under regulation 35 of the principal regulations for the purpose of ascertaining whether the applicant is the person named in the application.

Regulation 26E of the principal Regulations makes provision for the processing of information provided in connection with an application under section 10ZC or 10ZD of the 1983 Act. Registration officers must make copies of original documents provided and return the original document to the person who provided it. Registration officers may retain the application form and any other information or a copy of any documents provided in connection with the application for a period of one year from the date of receipt of the application and must destroy it within a period of 30 days thereafter. The registration officer may retain an application after the expiry of the 30 day period provided that, if the national insurance number was provided, it is redacted. Regulation 26E(6) provides that information disclosed under regulation 26C may only be disclosed for the purpose of determining the application in connection with which the information was disclosed or for the purpose of any civil or criminal proceedings. Disclosure in breach of regulation 26E(6) is a criminal offence.

Regulation 26F of the principal Regulations makes provision concerning the conduct of the annual canvass required by section 9D(1) of the 1983 Act. The Electoral Commission is required to design a canvass form in line with the requirements set out in regulation 26F(2). Registration officers are required to give a canvass form designed by the Electoral Commission to each residential address in the area for which the registration officer acts, accompanied by a pre-addressed, postage paid envelope.

Regulation 26G of the principal Regulations sets out the steps to be taken by a registration officer where no information has been received in response to an annual canvass form. The registration officer is required to issue a second form to the address and, where no response is received to the second form, a third form. The registration officer may visit the address at any stage to obtain the information and must do so if no information has been received in response to the third canvass form and the officer has not previously visited the address to obtain the information. The registration officer must take the steps in regulation 26G before publishing a revised register under section 13(1)(a) of the 1983 Act. The registration officer is not required to take these steps if, having inspected records under regulation 35, the officer concludes that no one is residing at the address or the address is a business premises.

Regulation 26H makes provision for the form and content of invitations to apply for registration given under section 9E of the 1983 Act and confers the function of form design on the Electoral Commission. It also makes provision for the manner in which the registration officer must give the invitation.

Regulation 26I of the principal Regulations sets out the steps a registration officer is required to take to encourage a person to make an application for registration before imposing a requirement to make an application. It requires that the officer must send a second invitation if no response is received to the first invitation and a third invitation if no response is received to the second invitation. The officer may visit the address to encourage the person to make the application and must do so if no response has been received to the third invitation.

Regulation 26J of the principal Regulations makes provision about requirements to make an application for registration by a specified date made under section 9E(4) of the 1983 Act, including the manner in which a registration officer must give notice of a requirement and the circumstances in which the registration may not do so, the form of notice of a requirement and provision as to the cancellation of a requirement.

Regulations 26K, 26L, 26M, and 26N of the principal Regulations makes provision as to civil penalties imposed under section 9E(7) of the 1983 Act. Regulation 26K sets the level of the civil penalty. It also requires a registration officer to give a person notice in writing of the imposition of a civil penalty and

prescribes the form and content of that notice. Regulation 26L makes provision for payment, enforcement and cancellation of a civil penalty. Regulation 26M allows a person on whom a civil penalty has been imposed to request a review of the registration officer's decision to impose a civil penalty and sets out the review process and the process by which the registration officer must inform the person of the outcome of the review. Regulation 26N provides that a person may appeal to the First-tier Tribunal against a decision of the registration officer to uphold the civil penalty following a review.

Regulation 7 amends regulation 28 of the principal Regulations so that the registration officer is no longer required to make available for inspection an application for registration but is required instead to make available for inspection an entry on the list of applications kept under regulation 29(2)(a), which must include the name of the applicant and the applicant's nationality.

Regulation 8 amends regulation 29 of the principal Regulations, in relation to the procedure for determining applications for registration and objections without a hearing. The amended regulations make provision in relation to registration officers sending confirmation that applications made in response to an invitation to register have been successful and acknowledging receipt of unsolicited applications.

Regulation 10 amends regulation 31C of the principal Regulations and makes provision as to the circumstances where a registration officer may make a determination to remove an elector from the register under section 10ZE of the 1983 Act without following the procedure in Regulations 31D to 31F.

Regulation 11 makes consequential amendments to regulation 31D of the principal Regulations.

Regulation 12 makes consequential amendments to regulation 31F of the principal Regulations.

Regulation 13 inserts a new regulation 31FA into the principal Regulations, which requires a registration officer, who wishes to make a determination under section 10ZE(1) of the 1983 Act on the basis of information received in response to a canvass conducted under section 9D, to so far as reasonably practicable take the relevant steps under regulations 31D to 31F to enable the determination to be made before the registration officer publishes a revised version of the register under section 13(1)(a) of the 1983 Act.

Regulation 14 inserts a new regulation 52A into the principal Regulations which gives a registration officer power to require another registration officer to provide information about whether the person whom the applicant wishes to appoint as his proxy has an entry in a register maintained by that officer.

Draft Order laid before Parliament under section 11(2) of the Electoral Registration and Administration Act 2013, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2013 No. XXXX

REPRESENTATION OF THE PEOPLE

The Electoral Registration and Administration Act 2013(Transitional Provisions) Order 2013

Made - - - - *xxxx 2013*

Coming into force in accordance with article 1

The Lord President of the Council makes the following Order in exercise of the powers conferred by paragraphs 4, 8, 9, 12 and 13 of Schedule 5 to the Electoral Registration and Administration Act 2013(1).

In accordance with section 11(2) of that Act, a draft of this Order has been laid before and approved by each House of Parliament and the Lord President of the Council has consulted the Electoral Commission, the Information Commissioner and such other persons as he considered appropriate in accordance with section 53(5) of the Representation of the People Act 1983(2)

Citation, commencement and interpretation

1. This Order may be cited as the Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013 and comes into force on [*date*].

2. In this Order—

“the Act” means the Electoral Registration and Administration Act 2013;

“the Lord President” means the Lord President of the Council;

“the Secretary of State” means the Secretary of State for Work and Pensions;

“conduit system” has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984(3)

3. For the purposes of this Order a document may be given to a person—

(a) by delivering it to the person,

(b) by leaving it at the person’s address, or

(c) by sending it to the person by post.

Confirmation of entitlement to remain registered

4. Each registration officer in Great Britain must within the period starting on [1st July 2014 and ending on 30th November 2014] check whether each person who—

(1) 2013 c 6; section 25(1) defines “the Minister” as the Lord President of the Council or the Secretary of State.
(2) 1983 c 2; section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act.
(3) 1984 c. 12

- (1) has an entry in a register maintained by the officer; and
- (2) does not fall within paragraph 4(5) of Schedule 5 to the Act

is entitled to remain registered.

5. Article 4 does not apply to persons entered in the register with an anonymous entry.

Verification of information in order to confirm entitlement to remain registered

6.—(1) The registration officer must, in relation to each person in article 4, verify the following information—

- (a) the person's forename;
- (b) the person's surname; and
- (c) the person's address including postcode.

(2) Subject to article 8, the registration officer must disclose the information in paragraph (1) to the Lord President on such date or dates and in such a format and through such a conduit system as the Lord President may have notified to the officer in writing.

(3) Following receipt of the information from the registration officer, the Lord President may disclose the information to the Secretary of State.

(4) Where information has been disclosed to the Secretary of State under paragraph (3), the Secretary of State may compare it against—

- (a) the name, date of birth and address, including postcode, of individuals appearing in the following types of databases kept by the Secretary of State—
 - (i) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development); 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 those databases which relates to the information disclosed under paragraph (3).

(5) The Secretary of State may disclose the results of the comparison to the Lord President.

(6) On receipt of such results, the Lord President may disclose them to the registration officer in whose register the person is registered.

(7) The registration officer must take the results into account in determining whether the person is entitled to remain registered.

(8) The evidence specified for the purpose of paragraph 4(2) of Schedule 5 to the Act shall be evidence that an entry on the register corresponds—

- (a) with the information held by the Secretary of State against which it has been compared; or
- (b) where the entry does not correspond with that information, with information contained in records which the registration officer is entitled to inspect under regulation 35 of the Representation of the People (England and Wales) Regulations 2001 or regulation 35 of the Representation of the People (Scotland) Regulations 2001.

(9) Registration officers must have regard to any guidance that may be given by the Lord President about the process for determining whether the person is entitled to be registered in the register and the relative weight to be given to different kinds of evidence.

Processing of information provided to confirm entitlement to remain registered

7.—(1) Information disclosed under article 6 may not be disclosed to any other person, except—

- (a) for the purpose of confirming entitlement to remain registered; or
- (b) for the purpose of any civil or criminal proceedings.

(2) A person who discloses information in breach of paragraph (1) is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

8.—(1) Any person who discloses information under this Order must process it in accordance with any requirements as to the processing of that information that may have been imposed by the Lord President in writing, including requirements as to the transfer, storage, destruction and security of that information.

(2) Any requirements, in accordance with which a person must process information, must be imposed by the Lord President before a registration officer is required to disclose that information under article 6(2).

Notification of confirmed entries on the register

9.—(1) Where a registration officer has confirmed a person's entitlement to remain registered under article 4, the registration officer must give notice in writing to that person.

(2) Such notice must be given within the period starting on [1st July 2014 and ending on 30th November 2014].

(3) The notice must—

- (a) state the full name and address of the person to whom it is given;
- (b) state that the person's entry on the register has been confirmed and that the person need not make a new application for registration in order to remain on the register unless their entitlement to be registered changes;
- (c) state that, if the person ceases to reside at their current address, they should inform the registration officer;
- (d) be given in an envelope on which is printed—
 - (i) a direction that the envelope must not be redirected if it is incorrectly addressed; and
 - (ii) a direction that any other person who receives the envelope who is resident at the address to which the notice is addressed must inform the registration officer if the person to whom the notice addressed is not resident at that address and of the full names of the persons aged over 16 years old who are resident at the address.

Period within which invitations to register must be given to existing electors in 2014

10. The period prescribed for the purpose of paragraph 8 of Schedule 5 to the Act is the period starting on [1st July 2014 and ending on 30th September 2014].

Period within which canvass forms must be given for first new canvass

11. The period prescribed for the purpose of paragraph 9(3) of Schedule 5 to the Act is the period starting on [1st July 2014 and ending on 30th September 2014].

Period within which canvass forms must be given for second new canvass

12. Any canvass forms to be used for the purpose of the second new canvass are to be given within the period starting on [1st July 2015] and ending on [30th November 2015].

Invitations to register given to existing electors

13.—(1) The Electoral Commission must design an invitation to make a new application for registration, which includes—

- (a) the full name and address of the person to be invited;
- (b) an explanation of how to make a new application for registration;

- (c) a statement as to the circumstances in which a civil penalty may be imposed under paragraph 13(4) of Schedule 5 to the Act, and the amount of the civil penalty.

(2) The Electoral Commission must also design such an invitation to be given under paragraph 8 of Schedule 5 to the Act to a person shown in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 or the list mentioned in paragraph 5(2) or (3) of that Schedule, which—

- (a) meets the requirements of paragraph (1) of this article; and
- (b) includes an explanation that if the person does not make a new application for registration which is successful before the registration officer publishes a revised version of the register following the first new canvass, the person will cease to be entitled to vote by post or (as the case may be) by proxy.

(3) Where a registration officer is required by paragraph 8 or 11 of Schedule 5 to the Act to give a person an invitation to make a new application for registration—

- (a) the officer must give—
 - (i) an invitation in the form designed by the Electoral Commission under paragraph (1) or (2), as appropriate; and
 - (ii) an application form in the form designed by the Electoral Commission under regulation 26(3) of the Representation of the People (England and Wales) Regulations 2001 [or regulation 26(3) of the Representation of the People (Scotland) Regulations 2001], on which the officer has, if practicable, printed any information required by the form that the officer already holds in respect of the person; and
- (b) the invitation, an application form and a pre-addressed reply envelope, return postage of which has been prepaid, must be given in an envelope on which is printed-
 - (i) a direction that the envelope must not be redirected if it is incorrectly addressed; and
 - (ii) a direction that any other person who receives the envelope who is resident at the address to which the invitation is addressed must inform the registration officer if the person to whom the invitation is addressed is not resident at that address.

Steps to be taken by a registration officer to encourage a person to make a new application for registration in response to an invitation to do so.

14.—(1) If a registration officer has given a person an invitation to make a new application for registration under paragraph 8 or 11 of Schedule 5 to the Act and the person has not made an application to register, the officer must give the person a second invitation.

(2) If no application is received in respect of the second invitation, the officer must give the person a third invitation.

(3) The officer may visit the address at which the first invitation was given in order to encourage the person to make an application for registration at any time and must make or have made one visit if no application has been received in response to the third invitation.

(4) The second and third invitations to apply for registration, if required, must be made in the same form as the first invitation to apply for registration.

(5) Paragraphs (1) to (3) do not apply if the registration officer is satisfied that-

- (a) the person is not entitled to be registered at the address at which the invitations to make a new application for registration were given; or
- (b) the person is registered at a different address.

Requiring a person to make a new application for registration

15.—(1) Where a registration officer requires a person to make an application for registration by a specified date under paragraph 13(1) of Schedule 5 to the Act, the registration officer must give the person notice in writing of such a requirement.

(2) The person must make an application for registration within 28 days of the date of the notice of requirement to apply for registration.

(3) A registration officer may not require a person to apply for registration unless—

- (a) the registration officer has taken the last of the steps required by article 12;
- (b) the registration officer has established that the person—
 - (i) has received an invitation to apply for registration;
 - (ii) has been informed how to make an application for registration; and
 - (iii) has been informed that the registration officer may impose a civil penalty if the person is required to make an application but does not do so; and
- (c) the registration officer has established that the person is resident at the address at which the invitations to apply for registration have been given.

(4) A notice under paragraph (1) must state—

- (a) the date by which a person must make an application for registration;
- (b) that, if the person does not make an application by that date, the registration officer may impose a civil penalty on that person;
- (c) the amount of any such civil penalty and the rate of interest payable if the penalty is not paid on time;
- (d) that, if the person is not entitled to be registered, they must inform the registration officer of that fact and explain why they are not so entitled, and are not required to make an application for registration;
- (e) that, if the person is registered at another address, they must inform the registration officer of that fact and provide that address, and are not required to make an application for registration;
- (f) that the person may make other representations as to why they should not be required to make an application to register by the specified date, or why a civil penalty should not be imposed if they do not do so.

(5) The registration officer must give with the notice an application form in the form designed by the Electoral Commission under regulation 26(3) of the Representation of the People (England and Wales) Regulations 2001 [or regulation 26(3) of the Representation of the People (Scotland) Regulations 2001], on which the officer has, if practicable, printed any information required by the form that the officer already holds in respect of the person.

(6) A registration officer must cancel a requirement to make an application for registration, and give the person concerned notice in writing of the cancellation if—

- (a) the officer is satisfied that the person is not entitled to be registered; or
- (b) the officer is satisfied that the person is registered at a different address; or
- (c) any of the requirements in paragraph (3) of this article have not been met.

(7) A registration officer may cancel a requirement to make an application for registration if the officer considers it appropriate to do so and must give the person concerned notice in writing of the cancellation.

Notice of civil penalty

16.—(1) [Amount of civil penalty]

(2) Where the registration officer imposes a civil penalty under paragraph 13(4) of Schedule 5 to the Act, the registration officer must give the person notice in writing that the penalty has been imposed and specifying the reason for imposing the civil penalty.

(3) The notice in paragraph (2) must state that the person must within 28 days of the notice—

- (a) make an application to register; or
- (b) pay the full amount of the civil penalty; or
- (c) request a review of the decision to impose the civil penalty.

- (4) The notice in paragraph (2) must also state—
- (a) the amount due;
 - (b) how to make payment; and
 - (c) the rate of interest payable if the penalty is not paid on time.

Payment, enforcement and cancellation of civil penalty

17.—(1) Subject to paragraph (2), a person on whom a civil penalty is imposed under paragraph 13 of Schedule 5 to the Act must pay the amount of the penalty to the registration officer who imposed it within 28 days of the date of the notice given under article 16.

(2) If a person on whom a civil penalty is imposed requests a review under article 18(1) or brings an appeal under article 19(1), paragraph (1) does not apply and the person must pay the amount of the penalty to the registration officer who imposed it within 28 days of the notice that the review or appeal has been unsuccessful.

(3) If the person does not pay the civil penalty as required by paragraph (1) or (2), interest will be charged at 8% per annum from the date payment becomes overdue to the date of payment.

(4) A civil penalty not paid in accordance with paragraph (1) or (2) and any interest on the civil penalty is recoverable, if a county court (or, in Scotland, a sheriff court) so orders on the application of the registration officer, as if it were payable under an order of the court.

(5) A registration officer must cancel a civil penalty, and give the person concerned notice of the cancellation, if—

- (a) the person makes an application for registration at any time before the time for payment of the civil penalty in paragraph (1) or (2) has elapsed; or
- (b) the officer is satisfied that—
 - (i) the person is not entitled to be registered; or
 - (ii) the person is registered at a different address; or
- (c) any of the requirements in article 13(3) have not been met.

(6) A registration officer may cancel the penalty if the officer considers it appropriate to do so, and if the officer cancels the penalty they must give the person concerned notice in writing of the cancellation.

Review of registration officer's decision to impose a civil penalty

18.—(1) A person on whom a civil penalty has been imposed may request a review of the registration officer's decision to impose the penalty.

(2) A request under paragraph (1) must be made in writing within 14 days of the notice given under article 16(2).

(3) Where a person requests a review of the registration officer's decision under paragraph (1), the registration officer must within 7 days of receiving the request send notice in writing to the person—

- (a) acknowledging the request;
 - (b) informing the person that they may within 14 days of the date of the notice—
 - (i) make representations explaining why they have not made an application to register or why the civil penalty should be cancelled;
 - (ii) submit evidence in support of such representations; and
 - (c) explaining how such representations may be made and evidence may be submitted.
- (4) The registration officer must carry out a review, and such review may not start before the earlier of—
- (a) the end of the fourteenth day after the date of the notice sent under paragraph (3); or
 - (b) the receipt of any representations or evidence.
- (5) Following a review under paragraph (4) the registration officer may—
- (a) uphold the decision to issue a civil penalty; or

- (b) cancel the civil penalty.
- (6) The registration officer must inform the person in writing of the outcome of the review.
- (7) If the registration officer upholds the decision to impose a civil penalty, the notice must also state that the person on whom the penalty has been imposed—
 - (a) may appeal against that decision to the First-tier Tribunal, and how to make such an appeal; and
 - (b) must pay the penalty within 28 days if they do not make such an appeal.

Appeals to the First-tier Tribunal against a notice of civil penalty

19.—(1) If a registration officer upholds the decision to issue a civil penalty following a review under article 18(5)(a), the person on whom the penalty was imposed may appeal to the First-tier Tribunal.

- (2) On an appeal under paragraph (1) the First-tier Tribunal may—
 - (a) uphold the registration officer’s decision to impose the civil penalty; or
 - (b) cancel the civil penalty.

Notification that an elector has lost their absent vote

20. A registration officer who is required by paragraph 17(7) of Schedule 5 to the Act to notify a person that their entry has been removed from the absent voters record or list must—

- (a) give such notice in writing within one month of the register having been published under section 13(1) of the Representation of the People Act 1983;
- (b) include in that notice an explanation of—
 - (i) why the person is no longer entitled to vote by post or (as the case may be) by proxy;
 - (ii) what the person must do in order to be able to vote by post or (as the case may be) by proxy; and
- (c) provide with that notice—
 - (i) an application form in the form designed by the Electoral Commission under regulation 26(3) of the Representation of the People (England and Wales) Regulations 2001, on which the officer has printed the person’s full name and address; and
 - (ii) an application form for an application to vote by post or (as the case may be) by proxy.

Signed by the authority of the Lord President of the Council

Name
Lord President of the Council

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains the transitional provisions made under Schedule 5 of the Electoral Registration and Administration Act 2013 (“the 2013 Act”) in relation to Part 1 of that Act.

Article 4 makes provision under paragraph 4 of Schedule 5 to the 2013 Act and requires each registration officer in Great Britain to check whether each person with an entry on an electoral register maintained by that officer is entitled to remain registered. The period within which registration officers must carry out this check is prescribed as the period starting on 1st July 2014 and ending on 30th November 2014. Registration officers are not required to check entitlement to remain registered of those persons entered in the register with an anonymous entry.

Article 6 makes provision in relation to the information a registration officer must verify for the purpose of confirming entitlement to remain registered and the process by which verification must take place. It requires the registration officer to disclose information to the Lord President of the Council who may then

disclose it to the Secretary of State for the Department of Work and Pensions to compare against information held by the Secretary of State. The Lord President may then disclose the results of the comparison to the registration officer to determine whether the person is entitled to remain registered. Article 6(8) specifies the evidence which supports a person's entitlement to remain registered.

Articles 7 and 8 make provision in relation to the processing of information provided to confirm entitlement to remain registered and make it a criminal offence to disclose the information except for the purposes of confirming entitlement to remain registered or for the purpose of any civil or criminal proceedings.

Article 9 requires a registration officer to give notice in writing of a person's entitlement to remain registered and prescribes the contents of the notification and the period within which this must be done, which is the period starting on [1st July 2014 and ending on 30th November 2014].

Article 10 prescribes the period within which invitations to register must be given to existing electors in 2014 as the period starting on [1st July 2014 and ending on 30th September 2014].

Article 11 prescribes the period within which canvass forms must be given for the first new canvass as the period starting on [1st July 2014 and ending on 30th September 2014].

Article 12 prescribes the period within which canvass forms must be given for the second new canvass as the period starting on [1st July 2015 and ending on 30th November 2015].

Article 13 makes provision in relation to invitations to register in relation to existing electors which registration officers are required to give under paragraphs 8 and 11 of Schedule 5 to the 2013 Act. It confers the function of form design on the Electoral Commission, prescribes information which the form must contain and prescribes the manner in which registration officers must give the invitations to register.

Article 14 sets out the steps a registration officer is required to take to encourage a person to make an application for registration in response to an invitation to do so before imposing a requirement to make an application. It requires that the officer must send a second invitation if no response is received to the first invitation and a third invitation if no response is received to the second invitation. The officer may visit the address to encourage the person to make the application and must do so if no response has been received to the third invitation.

Article 15 makes provision about requirements to make an application for registration by a specified date made under paragraph 13(1) of Schedule 5 to the 1983 Act, including the manner in which a registration officer may give a person notice of such a requirement and the circumstances in which the registration officer may not do so, the form of notice of a requirement and provision as to the cancellation of a notice of requirement.

Articles 16, 17, 18 and 19 make provision as to civil penalties imposed under paragraph 13(4) of Schedule 5 to the 2013 Act. Article 16 sets the level of the civil penalty. It also requires a registration officer to give a person notice in writing of the imposition of a civil penalty and prescribes the form and content of that notice. Article 17 makes provision for payment, enforcement and cancellation of a civil penalty. Article 18 allows a person on whom a civil penalty has been imposed to request a review of the registration officer's decision to impose a civil penalty and sets out the review process and the process by which the registration officer must inform the person of the outcome of the review. Article 19 provides that a person may appeal to the First-tier Tribunal against a decision of the registration officer to uphold the civil penalty following a review.

Article 20 makes provision in relation to the manner in which a registration officer must notify a person that their entry has been removed from the register under paragraph 17(5) of Schedule 5 to the 2013 Act.