
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 to 5 amend the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) (“the 2001 Regulations”) in relation to the registration of peers resident overseas who are entitled to vote at European Parliamentary elections.

Regulation 4 amends Schedule 4 to the 2001 Regulations, which applies with modifications certain provisions of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”) and the Representation of the People Act 1985 (c. 50) (“the 1985 Act”) for the purpose of registration of overseas peers for European Parliamentary elections. Regulations 3 and 5 amend regulation 13(6) and insert new Schedule 4A to the 2001 Regulations to apply with modifications certain provisions of the 2001 Regulations for the registration of this category of voter.

The amendments reflect legislative changes made since 2001. In particular, the effect of section 3(4A) of the 1985 Act, as inserted by the Electoral Administration Act 2006 (c. 22), is that an overseas peer who has an anonymous entry in the register of local government electors will not satisfy the conditions of entitlement to vote in European Parliamentary elections. Accordingly, these Regulations modify the application to this category of elector of certain provisions of the 1983 Act, the 1985 Act and the 2001 Regulations to omit references to anonymous entries. Other minor amendments are made to ensure that the legislative framework for the registration of overseas peers is internally consistent.

Regulations 9 to 12 make equivalent amendments to the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497 (S. 2)) (“the 2001 Scotland Regulations”).

Regulations 6 and 7 amend the 2001 Regulations in relation to anonymous registration.

Regulation 31G of the 2001 Regulations, as inserted by regulation 12 of the Representation of the People (England and Wales) (Amendment) (No.2) Regulations 2006 (S.I. 2006/2910), governs the procedure for applying for an anonymous entry in the electoral register. An application must be accompanied by evidence of the nature prescribed in regulation 31I (relevant court orders or injunctions) or regulation 31J (attestation made by a qualifying officer that the safety of the applicant, or another person in the applicant’s household, would be at risk if the register contained the applicant’s name or address).

Regulation 6 amends regulation 31I(3) of the 2001 Regulations to include relevant court orders or injunctions made under Northern Ireland legislation. Equivalent amendments are made to the 2001 Scotland Regulations in regulation 13.

Under existing regulation 31J(4)(a) to (c) of the 2001 Regulations, the chief officer of police of any police force in England and Wales, the chief constable of any police force in Scotland, and the Chief Constable of the Police Service of Northern Ireland are qualifying officers who may attest an application for anonymous registration. Regulation 7(a) to (c) amends this provision so that police officers of or above the rank of superintendent of any police force in England and Wales or Scotland, or of the Police Service of Northern Ireland, are qualifying officers. Regulation 14(a) to (c) makes equivalent amendments to the 2001 Scotland Regulations.

Under existing regulation 31J(4)(f) to (h) of the 2001 Regulations, a director of adult social services or children’s services in England is a qualifying officer only in England, and a director of social services in Wales is a qualifying officer only in Wales. The effect of the amendment made in regulation 7(d) is that these office-holders will constitute qualifying officers in both England and Wales. It also includes within the meaning of qualifying officer any chief social work officer in

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Scotland, any director of social services of a Northern Ireland Health and Social Services Board, and any executive director of social work of a Northern Ireland Health and Social Services Trust.

Regulation 14(d) inserts new regulation 31J(4)(j) and (k) in the 2001 Scotland Regulations to include within the meaning of qualifying officer any director of social services of a Northern Ireland Health and Social Services Board, and any executive director of social work of a Northern Ireland Health and Social Services Trust.

Regulation 8 makes a minor amendment to regulation 99 of the 2001 Regulations, which provides that a registration officer must supply a free copy of the full register to the Office for National Statistics. The amendment reflects the fact that, by virtue of the Statistics and Registration Service Act 2007 (c. 18), the statistical functions of the Office for National Statistics are now carried out by the Statistics Board. Regulation 15 makes the equivalent amendment to regulation 98 of the 2001 Scotland Regulations.

A full impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.