

2020 No. 580

**REPRESENTATION OF THE PEOPLE, NORTHERN
IRELAND**

**The Representation of the People (Form of Canvass) (Northern
Ireland) Regulations 2020**

<i>Made</i> - - - -	<i>15th June 2020</i>
<i>Laid before Parliament</i>	<i>15th June 2020</i>
<i>Coming into force</i> - -	<i>6th July 2020</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 10(4) and (4A) and 201(3) of the Representation of the People Act 1983(a) and sections 8(1) and 9(6) of the Electronic Communications Act 2000(b).

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

The Secretary of State has consulted the Electoral Commission, in accordance with section 10(4) of the Representation of the People Act 1983, about the requirements as to the form or content of the form to be used for the purposes of a canvass.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Representation of the People (Form of Canvass) (Northern Ireland) Regulations 2020.
- (2) They come into force on 6th July 2020.
- (3) They extend to Northern Ireland only.

Interpretation

- 2.—(1) In these Regulations—

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- (a) 1983 c. 2. Section 10 was substituted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Section 10(4) was substituted by paragraph 9(5) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6) and amended by section 13(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13). Section 10(4A) was inserted by section 1(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), amended by paragraph 9(6) of Schedule 4 to the Electoral Registration and Administration Act 2013, amended by sections 13(1)(b) and 14(1)(a)(iv) of the Northern Ireland (Miscellaneous Provisions) Act 2014, and amended by S.I. 2020/581. Section 201 was amended by section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014. There are other amendments but they are not relevant.
 - (b) 2000 c. 7.
 - (c) By virtue of section 9(1)(a) the Secretary of State is the “appropriate Minister”.

“the 1983 Act” means the Representation of the People Act 1983;

“the 2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008(a);

“canvass form” means any form to be used for the purposes of a canvass under section 10 of the 1983 Act;

“relevant person” means the person in relation to whom a canvass form is completed;

“the UK digital service” has the same meaning as in section 10ZF (Digital registration in Northern Ireland) of the 1983 Act(b), and a reference to a canvass form submitted through the UK digital service or any other thing done through the UK digital service is to be construed in accordance with subsection (4) of that section.

(2) Any reference in these Regulations to a provision of the 1983 Act which has been applied by section 2(1) of, and Schedule 1 to, the Elected Authorities (Northern Ireland) Act 1989(c) includes a reference to that provision as applied and with any modifications specified in Part 2 of that Schedule.

Information to be provided by canvass form

3.—(1) In addition to the information required under section 10(4A) of the 1983 Act, the information to be obtained by use of a canvass form must include—

- (a) the relevant person’s full name;
- (b) the address at which the relevant person is entitled to be registered;
- (c) in the case of a relevant person who no longer claims to be entitled to be registered at an address in respect of which the relevant person is currently registered as an elector, either—
 - (i) the fact that the relevant person has ceased to be resident at that address, or
 - (ii) the fact that the registration was in pursuance of a service declaration, a declaration of local connection or an overseas elector’s declaration, and the fact that the relevant person is no longer entitled to make that declaration;
- (d) in the case of a relevant person who has stated pursuant to section 10(4A)(c)(i) of the 1983 Act that the relevant person does not have a national insurance number, the reason why the relevant person does not have one;
- (e) the relevant person’s nationality or if the relevant person is not able to provide that information the reason why not, and
- (f) in the case of a relevant person who wishes that the relevant person’s name and address be omitted from the edited version of the register, that request.

(2) The information to be obtained may also include—

- (a) the relevant person’s email address and telephone number if the relevant person is willing to be contacted by such means;
- (b) any previous names of the relevant person if the relevant person has previously been known by a name other than that stated in accordance with paragraph (1)(a).

Submission of canvass form

4.—(1) A canvass form must be submitted in writing and be dated.

(a) S.I. 2008/1741.

(b) Section 10ZF was inserted by S.I. 2018/699 and amended by S.I. 2020/581.

(c) 1989 c. 3. Schedule 1 was amended by Schedule 3 to the Representation of the People Act 2000 (c. 2), section 7 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 13) and S.I. 2018/699. Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 modifies and applies various provisions of the Representation of the People Act 1983, which relate to Parliamentary elections, to Northern Ireland local elections.

(2) The submitted form must contain a declaration by the relevant person that, by submitting the form or instructing another person to submit it on the relevant person's behalf, the relevant person confirms that—

- (a) the relevant person is the person named in the form;
- (b) the information provided in the form and any declaration accompanying it is true;
- (c) if applicable, paragraph (3) has been complied with, and
- (d) where, under paragraph (4), the relevant person instructs a person to submit it on their behalf, the person submitting it is over 18 years and has submitted it in the relevant person's presence.

(3) Where a relevant person is unable to read, the relevant person must arrange for the declaration mentioned in paragraph (2) to be read out to the relevant person before the form is submitted.

(4) Where the form is to be submitted through the UK digital service and the relevant person is unable to submit it owing to a disability, the relevant person may instruct a person of 18 years or over to submit it on behalf of the relevant person in the relevant person's presence.

(5) Regulation 5 (communication of applications, notices etc.)(a) of the 2008 Regulations applies to a canvass form as if it were an application required by the 2008 Regulations to be submitted in writing.

(6) Regulation 6 (electronic signatures and related certificates)(b) of the 2008 Regulations applies to a canvass form as if it were an application and the requirement that it be submitted with a signature (where applicable) were a requirement of the 2008 Regulations.

Requirements where form of canvass form issued by registration officer

5.—(1) Where the registration officer(c) issues a form of canvass form that form must include (or be accompanied by)—

- (a) the form of words in Schedule 5 to the 2008 Regulations (form of words about two versions of the register), or
- (b) a form of words with substantially like effect with such variations as the registration officer may consider appropriate.

(2) Where the registration officer issues a form of canvass form, that form must include—

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

Requirements where canvass form submitted otherwise than on a form provided by registration officer

6.—(1) This regulation applies where a canvass form is submitted otherwise than on a form issued by the registration officer.

(2) The officer must on or before determining the relevant person's entitlement to be or remain registered send to the relevant person in writing—

- (a) the form of words in Schedule 5 to the 2008 Regulations or a form of words with substantially like effect, and

(a) Regulation 5 was amended by S.I. 2018/699.

(b) Regulation 6 was amended by S.I. 2018/699. Section 10(4A)(a) of the Representation of the People Act 1983 provides that the information to be obtained by use of a canvass form shall include the signature of each person whom the form is completed in relation to. Section 10(4BZA) disappplies that requirement for forms submitted through the UK digital service. Section 10(4B) provides that the Chief Electoral Officer for Northern Ireland may dispense with the requirement where the officer is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of blindness, disability or inability to read.

(c) Registration officer is defined in section 8(4) of the Representation of the People Act 1983.

(b) a request that the relevant person state within 21 days beginning with the date of that request if the relevant person wishes their name and address to be omitted from the edited version of the register.

(3) Where the relevant person has not replied to the registration officer within 21 days beginning with the date of the request under paragraph (1)(b), the registration officer may assume that the relevant person does not wish their name and address to be omitted from the edited version of the register.

(4) Where the relevant person has replied making such a request within that period, the request must be treated as part of the relevant person's form.

Revocations

7. The following provisions of the 2008 Regulations are revoked—

- (a) regulation 46A (prescribed form for canvass)(a), and
- (b) form O (form of canvass) in Schedule 3(b).

15th June 2020

Robin Walker
Minister of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 10 of the Representation of the People Act 1983 (c. 2) the Chief Electoral Officer for Northern Ireland (as the electoral registration officer) is required to conduct a canvass in Northern Ireland in such years as are determined in accordance with section 10ZA of that Act (by reference to residence on 15th October in that year).

The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020 (S.I. 2020/581), which are made on the same day as these Regulations, make provision for the canvass to be conducted digitally in Northern Ireland.

These Regulations make provision about the form used for the purposes of a canvass, replacing regulation 46A of, and Form O in Schedule 3 to, the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741). They specify content required to be included in such forms, requirements relating to their submission and steps to be taken by the registration officer where certain types of form are used.

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

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(a) Regulation 46A was inserted by S.I. 2013/1846.
(b) Form O was inserted by S.I. 2013/1846.

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