
STATUTORY INSTRUMENTS

2022 No. 1382

The Voter Identification Regulations 2022

PART 9

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

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

38.—(1) The Representation of the People (England and Wales) Regulations 2001 are amended as follows.

(2) In regulation 31I (anonymous registration: evidence consisting of relevant court orders or injunctions), in paragraph (3), after sub-paragraph (s) insert—

“(t) except in relation to an application for an anonymous entry on a register of local government electors in Wales, a domestic abuse protection order within the meaning of section 27 of the Domestic Abuse Act 2021.”.

(3) In regulation 45F (supply of the record of anonymous entries to police forces and other organisations), in paragraph (1)(c), at the beginning insert “so far as the record relates to an anonymous entry in a register of local government electors in Wales,”.

(4) In regulation 52 (additional requirements for applications for the appointment of a proxy)—

(a) in paragraph (A1)(b), after “paragraph 6(7)” insert “or (8)”;

(b) after paragraph (1) insert—

“(1A) Paragraph (1B) applies where—

(a) an application under paragraph 6(7) or (8) of Schedule 4 for the appointment of a proxy for the purposes of voting by proxy at a parliamentary election or at a local government election in England is made by a person (“A”);

(b) A has previously appointed a person (“B”) as A’s proxy for those purposes;

(c) at the time of making the application, B’s appointment remains in force; and

(d) A’s application is made on grounds relating to voter identification which relate to B.

(1B) Where this paragraph applies A’s application must—

(a) state that this paragraph applies, and

(b) state, to the best of A’s knowledge and belief, which of the conditions set out in regulation 56A apply in respect of B.

(1C) In paragraph (1A)—

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- (a) in sub-paragraph (a), the reference to an application under paragraph 6(8) of Schedule 4 includes such an application which is included in an application under paragraph 4(2) of Schedule 4(1);
- (b) in sub-paragraph (d), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.

(5) In regulation 55A (additional requirements for application for an emergency proxy vote in respect of a particular election), in the heading, at the end insert “: grounds relating to occupation, service or employment”.

(6) After regulation 55A insert—

“Additional requirements for application for an emergency proxy vote in respect of a particular parliamentary election or local government election in England: grounds relating to voter identification

55B.—(1) Subject to paragraph (2), this regulation applies to an application under paragraph 4(2) of Schedule 4 to which regulation 56(3D) applies.

(2) This regulation does not apply where—

- (a) the application under paragraph 4(2) of Schedule 4 includes an application under paragraph 6(8) of Schedule 4, and
- (b) regulation 52(1B) applies to that application under paragraph 6(8).

(3) Where this regulation applies, the application under paragraph 4(2) must (in addition to providing any other information required by this Part)—

- (a) state that it is made on grounds relating to voter identification, and
- (b) state which of the conditions set out in regulation 56A apply to the applicant.

(4) (4) In this regulation, “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.

(7) In regulation 56 (closing date for applications)—

(a) before paragraph (2) insert—

“(1B) Paragraph (2) is subject to paragraph (2ZA).”;

(b) after paragraph (2) insert—

“(2ZA) An application under paragraph 6(7) of Schedule 4 which is made on grounds relating to voter identification must be disregarded for the purpose of a particular parliamentary or local government election in England if it is received by the registration officer after 5pm on the day of the poll at that election.”;

(c) before paragraph (3) insert—

“(2C) Paragraph (3) is subject to paragraph (3D).”;

(d) before paragraph (4) insert—

“(3D) Where an application is made under paragraph 4(2) or 6(8) of Schedule 4 in relation to a parliamentary election or a local government election in England on grounds relating to voter identification, the application must be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3E) In paragraphs (2ZA) and (3D), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.

(1) Paragraph 4(2) of Schedule 4 to the Representation of the People Act 2000 (c. 2) was amended by section 14(8) of the Electoral Administration Act 2006 (c. 22).

(8) After regulation 56 insert—

“Grounds relating to voter identification

56A.—(1) For the purposes of this Part, an application is made on grounds relating to voter identification if it is made because the following apply to B—

- (a) condition 1, 2, 3 or 4 in this regulation, and
 - (b) except where B has an anonymous entry on the register, condition 5.
- (2) In this regulation, “B” means—
- (a) the applicant, where—
 - (i) the application is made under paragraph 4(2) of Schedule 4, and
 - (ii) regulation 52(1B) does not apply to the application made under paragraph 6(8) of Schedule 4 which is included in that application under paragraph 4(2);
 - (b) otherwise, the person already appointed as the applicant’s proxy at the time the application is made.
- (3) Condition 1 is that—
- (a) immediately before the deadline, B has a specified document which B intends to use to vote in person at a parliamentary election or at a local government election in England, and
 - (b) after that deadline, that document is—
 - (i) lost, stolen, destroyed or damaged so as to be no longer usable as a specified document for the purposes of that election, or
 - (ii) sent by B to another person to prove B’s identity, and B considers it is unlikely to be returned to B on or before the day of poll at that election.
- (4) Condition 2 is that—
- (a) at a time during the period of 3 months ending with the deadline, B has applied for a specified document,
 - (b) immediately before the deadline, B has not received that document, and
 - (c) the application for the specified document has not been refused or withdrawn.
- (5) Condition 3 is that—
- (a) B has an anonymous entry on the register, and
 - (b) either—
 - (i) B has not been issued with an anonymous elector’s document, or
 - (ii) B has been issued with an anonymous elector’s document, and after the deadline B is allocated an electoral number which is different from the one shown on that document other than as a result of an application under section 9B of the 1983 Act (anonymous registration).
- (6) (6) Condition 4 is that—
- (a) B has a temporary electoral identity document which is valid for use on the day of poll at a parliamentary election or a local government election in England, and
 - (b) before B is able to vote in person at such an election using that document, proceedings at B’s polling station are adjourned in accordance with rule 42 of the elections rules (adjournment of poll in case of riot).
- (7) Condition 5 is that B does not have access to another specified document.

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(8) In this regulation—

- (a) “anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation 3(1) of the Voter Identification Regulations 2022;
- (b) the “deadline” means the time stated in regulation 56(2) or (3) after which, ignoring any other paragraphs in that regulation, an application under paragraph 4(2) or 6(7) or (8) of Schedule 4 must be disregarded or refused (as the case may be) by a registration officer;
- (c) “specified document” has the meaning given in rule 37(1H) and (1K) of the elections rules.”.

(9) In regulation 94 (restrictions on supply of full register and disclosure of information from it by the registration officer and his staff), after paragraph (4) insert—

“(5) In this regulation, references to a registration officer’s registration duties include references to the officer’s functions under sections 13BD and 13BE of the 1983 Act.”.

(10) In regulation 109 (supply of full register etc to police forces and other agencies), in paragraph (1)(e), at the beginning insert “in relation to a register of local government electors in Wales,”.

(11) In Schedule 3 (forms)—

- (a) for Form A (official poll card to be sent to an elector voting in person), substitute the corresponding form in Part 1 of Schedule 6;
- (b) for Form B (official proxy poll card to be sent to an appointed proxy voting in person), substitute the corresponding form in Part 1 of Schedule 6.

Commencement Information

- I1** Reg. 38(1)(3)-(11) in force at 16.1.2023, see [reg. 1\(3\)](#)
- I2** Reg. 38(2) not in force at made date, see [reg. 1\(4\)](#)

Amendment of the Representation of the People (Scotland) Regulations 2001

39.—(1) The Representation of the People (Scotland) Regulations 2001 are amended as follows.

(2) In regulation 31I (anonymous registration: evidence consisting of relevant court orders or injunctions), in paragraph (3), after sub-paragraph (s) insert—

“(t) in relation to an application for an anonymous entry on a register of parliamentary electors, a domestic abuse protection order within the meaning of section 27 of the Domestic Abuse Act 2021.”.

(3) In regulation 45E (supply of the record of anonymous entries to police forces and other organisations), in paragraph (1)(c), at the beginning insert “so far as the record relates to an anonymous entry in a register of local government electors,”.

(4) In regulation 52 (additional requirements for applications for the appointment of a proxy)—

- (a) in paragraph (A1)(b), after “paragraph 6(7)” insert “or (8)”;
- (b) after paragraph (1) insert—

“(1A) Paragraph (1B) applies where—

- (a) an application under paragraph 6(7) or (8) of Schedule 4 for the appointment of a proxy for the purposes of voting by proxy at a parliamentary election is made by a person (“A”);
- (b) A has previously appointed a person (“B”) as A’s proxy for those purposes;

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- (c) at the time of making the application, B’s appointment remains in force; and
 - (d) A’s application is made on grounds relating to voter identification which relate to B.
- (1B) Where this paragraph applies A’s application must—
- (a) state that this paragraph applies, and
 - (b) state, to the best of A’s knowledge and belief, which of the conditions set out in regulation 56A apply in respect of B.
- (1C) In paragraph (1A)—
- (a) in sub-paragraph (a), the reference to an application under paragraph 6(8) of Schedule 4 includes such an application which is included in an application under paragraph 4(2) of Schedule 4;
 - (b) in sub-paragraph (d), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.
- (5) In regulation 55A (additional requirements for application for an emergency proxy vote in respect of a particular election), in the heading, at the end insert “: grounds relating to occupation, service or employment”.
- (6) After regulation 55A insert—

“Additional requirements for application for an emergency proxy vote in respect of a particular parliamentary election: grounds relating to voter identification

55B.—(1) Subject to paragraph (2), this regulation applies to an application under paragraph 4(2) of Schedule 4 to which regulation 56(3D) applies.

- (2) This regulation does not apply where—
- (a) the application under paragraph 4(2) of Schedule 4 includes an application under paragraph 6(8) of Schedule 4, and
 - (b) regulation 52(1B) applies to that application under paragraph 6(8).
- (3) Where this regulation applies, the application under paragraph 4(2) must (in addition to providing any other information required by this Part)—
- (a) state that it is made on grounds relating to voter identification, and
 - (b) state which of the conditions set out in regulation 56A apply to the applicant.
- (4) (4) In this regulation, “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.
- (7) In regulation 56 (closing date for applications)—
- (a) in paragraph (2), after “Subject to paragraph” insert “(2ZA) or”;
 - (b) after paragraph (2) insert—

“(2ZA) An application under paragraph 6(7) of Schedule 4 which is made on grounds relating to voter identification must be disregarded for the purpose of a particular parliamentary election if it is received by the registration officer after 5pm on the day of the poll at that election.”;
 - (c) in paragraph (3), after “paragraph (3A)” insert “or (3D)”;
 - (d) before paragraph (4) insert—

“(3D) Where an application is made under paragraph 4(2) or 6(8) of Schedule 4 in relation to a parliamentary election on grounds relating to voter identification, the

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application must be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3E) In paragraphs (2ZA) and (3D), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).”.

(8) After regulation 56 insert—

“Grounds relating to voter identification

56A.—(1) For the purposes of this Part, an application is made on grounds relating to voter identification if it is made because the following apply to B—

- (a) condition 1, 2, 3 or 4 in this regulation, and
- (b) except where B has an anonymous entry on the register, condition 5.

(2) In this regulation, “B” means—

- (a) the applicant, where—
 - (i) the application is made under paragraph 4(2) of Schedule 4, and
 - (ii) regulation 52(1B) does not apply to the application made under paragraph 6(8) of Schedule 4 which is included in that application under paragraph 4(2);
- (b) otherwise, the person already appointed as the applicant’s proxy at the time the application is made.

(3) Condition 1 is that—

- (a) immediately before the deadline, B has a specified document which B intends to use to vote in person at a parliamentary election, and
- (b) after that deadline, that document is—
 - (i) lost, stolen, destroyed or damaged so as to be no longer usable as a specified document for the purposes of that election, or
 - (ii) sent by B to another person to prove B’s identity, and B considers it is unlikely to be returned to B on or before the day of poll at that election.

(4) Condition 2 is that—

- (a) at a time during the period of 3 months ending with the deadline, B has applied for a specified document,
- (b) immediately before the deadline, B has not received that document, and
- (c) the application for the specified document has not been refused or withdrawn.

(5) Condition 3 is that—

- (a) B has an anonymous entry on the register, and
- (b) either—
 - (i) B has not been issued with an anonymous elector’s document, or
 - (ii) B has been issued with an anonymous elector’s document, and after the deadline B is allocated an electoral number which is different from the one shown on that document other than as a result of an application under section 9B of the 1983 Act (anonymous registration).

(6) Condition 4 is that—

- (a) B has a temporary electoral identity document which is valid for use on the day of poll at a parliamentary election, and

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- (b) before B is able to vote in person at that election using that document, proceedings at B’s polling station are adjourned in accordance with rule 42 of the elections rules (adjournment of poll in case of riot).
- (7) Condition 5 is that B does not have access to another specified document.
- (8) In this regulation—
 - (a) “anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation 3(1) of the Voter Identification Regulations 2022;
 - (b) the “deadline” means the time stated in regulation 56(2) or (3) after which, ignoring any other paragraphs in that regulation, an application under paragraph 4(2) or 6(7) or (8) of Schedule 4 must be disregarded or refused (as the case may be) by a registration officer;
 - (c) “specified document” has the meaning given in rule 37(1H) and (1K) of the elections rules.”
- (9) In regulation 94 (restrictions on supply of full register and disclosure of information from it by the registration officer and his staff), after paragraph (4) insert—

“(5) In this regulation, references to a registration officer’s registration duties include references to the officer’s functions under sections 13BD and 13BE of the 1983 Act.”
- (10) In regulation 108 (supply of full register etc to police forces and other agencies), in paragraph (1)(e), at the beginning insert “in relation to a register of local government electors,”.
- (11) In Schedule 3 (forms)—
 - (a) for Form A (official poll card to be sent to an elector voting in person), substitute the corresponding form in Part 2 of Schedule 6;
 - (b) for Form B (official proxy poll card to be sent to an appointed proxy voting in person), substitute the corresponding form in Part 2 of Schedule 6.

Commencement Information

- I3** Reg. 39(1)(3)-(11) in force at 16.1.2023, see [reg. 1\(3\)](#)
- I4** Reg. 39(2) not in force at made date, see [reg. 1\(4\)](#)

Amendments consequential on regulation 39

- 40.**—(1) In regulation 2 of the Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021 (expiry and savings provision)(2), in paragraph (1), for “and (2)(a) to (c)” in the second place it occurs, substitute “, (2)(a) to (c) and (4)(a)”.
- (2) In regulation 56(2) of the Representation of the People (Scotland) Regulations 2001 (as amended by regulation 39(7)(a)), omit “or (2A)”.
- (3) The amendment made by paragraph (2) does not apply in respect of an application made in respect of a parliamentary election after the date on which that paragraph comes into force where—
 - (a) the notice of the election is published before 1st March 2023, and
 - (b) the poll for that election takes place on or after that date.

Commencement Information

- I5** Reg. 40(1) in force at 16.1.2023, see [reg. 1\(3\)](#)

(2) [S.I. 2021/391](#), amended by [S.I. 2022/175](#).

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16 Reg. 40(2)(3) in force at 1.3.2023, see reg. 1(5)

PROSPECTIVE

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

41. In regulation 38C of the Representation of the People (Northern Ireland) Regulations 2008 (anonymous registration: evidence consisting of relevant court orders or injunctions)(**3**), in paragraph (3)—

- (a) in sub-paragraph (r), omit the final “or”;
- (b) in sub-paragraph (s), at the end insert “or”;
- (c) after sub-paragraph (s) insert—
 - “(t) a domestic abuse protection order within the meaning of section 27 of the Domestic Abuse Act 2021.”.

Commencement Information

17 Reg. 41 not in force at made date, see reg. 1(4)

(3) S.I. 2008/1741; relevant amending instruments are S.I. 2014/1808, 2018/331.

Status:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 2(2)(za) omitted by S.I. 2023/1116 reg. 16(2)
- reg. 2(5)(n) inserted by S.I. 2023/1116 reg. 14(6)(c)
- reg. 2(5)(ba)(bb) inserted by S.I. 2023/1116 reg. 14(6)(b)
- reg. 2(5)(za) inserted by S.I. 2023/1116 reg. 14(6)(a)
- reg. 3(5)(c)(iva) inserted by S.I. 2024/131 reg. 15(2)(c)
- reg. 5(4) inserted by S.I. 2023/1147 reg. 22(2)(b)
- reg. 7(7A) inserted by S.I. 2023/1147 reg. 22(4)(b)
- reg. 7(7A)(b) words substituted by S.I. 2023/1406 reg. 14(3)(a)
- reg. 7(7A)(c) words substituted by S.I. 2023/1406 reg. 14(3)(a)
- reg. 7(7A)(e) words substituted by S.I. 2023/1406 reg. 14(3)(b)
- reg. 7(7A)(ca) inserted by S.I. 2024/43 reg. 26(2)
- reg. 13A13B inserted by S.I. 2023/1116 reg. 14(1)
- reg. 17(3)(c) words substituted by S.I. 2023/1116 reg. 15
- reg. 19(3)(e) inserted by S.I. 2023/1116 reg. 14(2)
- reg. 20A words omitted by S.I. 2023/1116 reg. 16(1)(a)
- reg. 20A heading words omitted by S.I. 2023/1116 reg. 16(1)(b)
- reg. 25(4A) words omitted by S.I. 2023/1116 reg. 17(3)(a)
- reg. 25(4A)(b) words inserted by S.I. 2023/1116 reg. 17(3)(b)
- reg. 28(1) words substituted by S.I. 2023/1116 reg. 18(2)
- reg. 28(3A) inserted by S.I. 2023/1116 reg. 18(3)
- reg. 28(4) words substituted by S.I. 2023/1116 reg. 18(4)
- reg. 28(5) words inserted by S.I. 2023/1116 reg. 18(5)(a)
- reg. 28(5) words inserted by S.I. 2023/1116 reg. 18(5)(b)
- reg. 28(6) words inserted by S.I. 2023/1116 reg. 18(6)
- reg. 28(6A)-(6C) inserted by S.I. 2023/1116 reg. 18(7)
- reg. 28(7) words substituted by S.I. 2023/1116 reg. 18(8)
- reg. 28(7A)-(7C) inserted by S.I. 2023/1116 reg. 18(9)
- reg. 29(1)(1A) substituted for reg. 29(1) by S.I. 2023/1116 reg. 19(2)
- reg. 31(2) words inserted by S.I. 2023/1116 reg. 21
- reg. 37(1)(eb) inserted by S.I. 2023/1116 reg. 22
- reg. 45A inserted by S.I. 2023/1116 reg. 14(3)
- reg. 46A inserted by S.I. 2023/1116 reg. 14(4)
- reg. 124A inserted by S.I. 2023/1116 reg. 14(5)