
STATUTORY INSTRUMENTS

2023 No. 1116

The Representation of the People and Recall Petition
(Northern Ireland) (Amendment) Regulations 2023

PART 2

Amendments relating to Parliamentary elections

Supply of date of birth lists to police and pursuant to a court order

9. After Part 6 insert—

“PART 6A

Supply of date of birth lists to police and pursuant to a court order

Interpretation of Part 6A

114A.—(1) In this Part, “date of birth list” means a list prepared under rule 19B(1) of the elections rules (lists of electors’ and proxies’ dates of birth)(1) and includes any part of such a list.

(2) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act, any duty on the Chief Electoral Officer for Northern Ireland to supply a date of birth list imposes only a duty to provide the list in the form in which the Chief Electoral Officer holds it.

Supply of date of birth lists to police forces and restrictions on use

114B.—(1) The Chief Electoral Officer for Northern Ireland must, on receipt of a written request from a police force for a date of birth list—

- (a) if the request was for a copy of a date of birth list in printed form, provide the police force with a printed copy of the list specified in the request;
 - (b) if the request was for a date of birth list in data form, provide the police force with the data form of the list specified in the request.
- (2) No person serving whether as a constable, officer or employee in a police force may—
- (a) supply a date of birth list, or a copy of such a list, to any person,
 - (b) disclose any information contained in a date of birth list, or
 - (c) make use of any such information,

(1) Rule 19B was inserted by paragraph 11 of Schedule 1 to the Elections Act 2022 (c. 37).

otherwise than for the purpose of the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere)(2).

(3) The restrictions in paragraph (2) apply to a person—

- (a) to whom a date of birth list (or copy) has been supplied under that paragraph, or
- (b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the persons referred to in that paragraph.

(4) In this regulation—

- (a) “police force” means—
 - (i) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
 - (ii) a police force in Great Britain,
 - (iii) the National Crime Agency, or
 - (iv) any body of constables established under an Act of Parliament;
- (b) the reference to an employee in a police force includes—
 - (i) any person working or providing services for the police force, and
 - (ii) any person employed by or on behalf of, or working for, a person referred to in sub-paragraph (i).

Court orders for production of date of birth lists

114C.—(1) The High Court, a county court or an election court may make an order for the inspection or production of a date of birth list, if satisfied by evidence on oath that the order is required for the purposes of—

- (a) instituting or maintaining a prosecution in relation to an election, or
- (b) an election petition.

(2) An order under paragraph (1) may be made subject to conditions, including conditions relating to—

- (a) the persons who may inspect the list or to whom the list may be produced,
- (b) the time of inspection or production, and
- (c) the place and mode of inspection or production.

(3) An appeal lies to the High Court from any order of a county court under paragraph (1).

(4) A power to make an order under paragraph (1)—

- (a) in the case of a power of the High Court, may be exercised by any judge of the court otherwise than in open court, and
- (b) in the case of a power of a county court, may be exercised in such manner as may be provided by rules of court.

(5) Where an order is made for the production of a date of birth list relating to a specified election, the production of the list in the manner directed by the order is to be conclusive evidence that the list relates to the specified election.

(6) A third party who has inspected a date of birth list or to whom a date of birth list has been produced pursuant to an order under paragraph (1) may not—

- (a) supply the list, or a copy of it, to any person,

(2) A breach of this paragraph (including as applied by paragraph (3)) is an offence under section 66B of the Representation of the People Act 1983 (c. 2) as amended by paragraph 9 of Schedule 1 to the Elections Act 2022 (c. 37).

(b) disclose any information contained in it, or

(c) make use of any such information,

otherwise than for the purposes of the proceedings in relation to which the order was made⁽³⁾.

(7) The restrictions in paragraph (6) apply to a person—

(a) to whom a date of birth list (or copy) has been supplied under that paragraph, or

(b) to whom information in such a list has been disclosed under that paragraph,

as they apply to the third party to whom the list was first supplied.

(8) In this regulation, “third party” means a person other than a person to whom the Chief Electoral Officer for Northern Ireland may delegate functions.”.

⁽³⁾ A breach of this paragraph (including as applied by paragraph (7)), is an offence under section 66B of the Representation of the People Act 1983 (c. 2) as amended by paragraph 9 of Schedule 1 to the Elections Act 2022 (c. 37).