

PROSPECTIVE

SCHEDULE 1

Regulation 36(5)

Police and Crime Commissioner Elections Order 2012: New Schedule A1

**Commencement Information**

**II** Sch. 1 in force at 7.5.2024, see [reg. 1\(2\)](#)

“SCHEDULE A1

Article 3A

Procedure for reviewing voter eligibility in PCC election in Wales

**Interpretation**

**1.** In this Schedule—

“eligibility criteria” means the criteria for eligibility to vote in a PCC election set out in section 52(1C) of the 2011 Act;

“relevant person” means a person who is registered in a register of local government electors in Wales with a letter “B” against their entry.

**Procedure for reviewing eligibility of relevant persons to vote in PCC elections in Wales**

**2.—(1)** A registration officer in Wales must determine whether a relevant person has ceased to satisfy the eligibility criteria in accordance with this paragraph if the officer receives information that causes the officer to suspect that the relevant person does not satisfy the eligibility criteria.

(2) The registration officer must conduct a review in respect of the relevant person, and where the registration officer is not satisfied that the relevant person meets the eligibility criteria, the registration officer must—

(a) send a notice to that person—

(i) stating the date of issue of the notice,

(ii) stating that the registration officer is not satisfied that the relevant person is eligible to vote in a PCC election, and the grounds for his opinion,

(iii) stating that eligibility to vote in PCC elections in Wales is unrelated to eligibility to register and vote in local government elections in Wales, and

(iv) requiring the relevant person to provide such further information as may be requested of an applicant for registration under regulation 26BA of the 2001 Regulations, and

(b) enter the review in the list kept pursuant to regulation 31E of the 2001 Regulations.

(3) Sub-paragraph (4) applies where—

(a) the registration officer sends to a relevant person a notice in the form specified in sub-paragraph (2), and

**Changes to legislation:** *The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023, SCHEDULE 1 is up to date with all changes known to be in force on or before 31 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) that person does not respond to the registration officer’s satisfaction, or at all, within the period of 28 days beginning with the date of issue of that notice.
- (4) The registration officer must send a further notice to the relevant person which states—
  - (a) the date of issue of the notice,
  - (b) that the registration officer is not satisfied that the relevant person is or was eligible to vote in a PCC election, and the grounds for the registration officer’s opinion,
  - (c) that if within 14 days beginning with the date of issue of the notice, the relevant person does not require the review to be heard—
    - (i) the registration officer may determine that the relevant person is not eligible to vote in a PCC election, and
    - (ii) if so, the relevant person would not be entitled to appeal against the registration officer’s determination in those circumstances, and
  - (d) that after 14 days beginning with the date of issue of the notice, the relevant person can contact the registration officer to find out if the registration officer has determined the relevant person’s eligibility to vote in a PCC election.
- (5) Where—
  - (a) the registration officer sends to a relevant person a further notice pursuant to sub-paragraph (4), and
  - (b) the relevant person does not, within the period of 14 days beginning with the date of issue of that notice, notify the registration officer that the relevant person requires the review to be heard,

the registration officer may determine, without a hearing, that the relevant person does not or has ceased to satisfy the eligibility criteria and, if so, must update the person’s register entry in accordance with regulation 42 of the 2001 Regulations.

### Hearings of reviews

**3.—**(1) The relevant person is entitled to require the review to be heard by notifying the registration officer within 14 days beginning with the date of issue of the notice sent under paragraph 2(4), and where the relevant person does so regulation 31F(2) to (7) and 31FZA(1) of the 2001 Regulations apply to that requirement as they apply to a requirement in respect to a review under regulation 31D of the 2001 Regulations, subject to the following modifications.

(2) Regulation 31F(6) applies as if, for the words from “was not entitled” to “1983 Act” there were substituted “does not or has ceased to satisfy the eligibility criteria”.

(3) Regulation 31FZA(1) applies as if—

- (a) the reference to regulation 31D(2) were a reference to paragraph 2(4) of this Schedule;
- (b) in sub-paragraph (a), the reference to section 56(1)(azd) or (aa) of the 1983 Act(1) were a reference to paragraph 4 of this Schedule.

### Eligibility appeals

**4.—**(1) Subject to sub-paragraph (2), an appeal lies to the County Court from a determination by a registration officer under this Schedule that a person does not meet the eligibility criteria.

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(1) Section 56(1)(azd) was inserted, and section 56(1)(aa) was substituted, by paragraph 18 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

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- (2) An appeal does not lie where the person desiring to appeal has not availed themselves of an opportunity in this Schedule to be heard by or make representations to the registration officer as to their eligibility or has not given notice of appeal within the time prescribed in sub-paragraph (3)(a).
- (3) A person desiring to appeal must—
  - (a) give notice of appeal to the registration officer when the determination is made, or within 14 days thereafter, and
  - (b) specify the grounds of appeal.
- (4) The registration officer must forward any such notice to the appropriate county court in accordance with rules of court together with—
  - (a) a statement of the material facts which in the registration officer’s opinion have been established in the case, and
  - (b) the registration officer’s decision upon the whole case and on any point which may be specified as a ground of appeal.
- (5) Where it appears to the registration officer that any notices of appeal given to them are based on similar grounds, the registration officer must inform the appropriate county court of this to enable the court (if it thinks fit) to consolidate the appeals or to select a case as a test case.”

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 1 coming into force by [S.I. 2023/1150 reg. 1\(2\)](#)

**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. 11(3) inserted by [S.I. 2023/1406 reg. 16\(3\)](#)
- reg. 12(5) inserted by [S.I. 2023/1406 reg. 16\(4\)](#)
- reg. 13(4) inserted by [S.I. 2023/1406 reg. 16\(5\)](#)
- reg. 20(3) inserted by [S.I. 2023/1406 reg. 16\(6\)](#)