

2023 No. 1405 (C. 98)

REPRESENTATION OF THE PEOPLE

The Elections Act 2022 (Commencement No. 11, Transitional Provisions and Specified Day) and Levelling-up and Regeneration Act 2023 (Commencement No. 1) Regulations 2023

Made - - - - *18th December 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 67(1) and (4) of, and paragraph 14(3)(b) of Schedule 7 to, the Elections Act 2022^(a) and by section 255(2)(b)(ii) of the Levelling-up and Regeneration Act 2023^(b).

PART 1

Introduction

Citation and interpretation

1.—(1) These Regulations may be cited as the Elections Act 2022 (Commencement No. 11, Transitional Provisions and Specified Day) and Levelling-up and Regeneration Act 2023 (Commencement No. 1) Regulations 2023.

(2) In these Regulations—

“the 2022 Act” means the Elections Act 2022;

“the 2023 Act” means the Levelling-up and Regeneration Act 2023.

PART 2

Commencement, specified day and transitional provisions relating to the Elections Act 2022

Provisions of the 2022 Act coming into force on 16th January 2024

2. Section 14 of and Schedule 7 to the 2022 Act (overseas electors), so far as not already in force, come into force on 16th January 2024.

(a) 2022 c. 37. See paragraph 14(4) of Schedule 7 for the meaning of “specified day” in paragraph 14(3)(b).

(b) 2023 c. 55.

Specified day

3. The specified day for the purposes of paragraph 14(3) of Schedule 7 to the 2022 Act (transitional provision for overseas electors registered in pursuance of pre-commencement applications) is 16th January 2024.

Transitional provision: extended period for renewal declarations for overseas electors registered pursuant to pre-commencement applications

4.—(1) This regulation applies where—

- (a) paragraph 14 of Schedule 7 to the 2022 Act applies in respect of an elector, and
- (b) the elector’s entitlement to registration has not been extended following the making of a renewal declaration in accordance with section 1D(2) and (3) of the Representation of the People Act 1985(a).

(2) Section 1D(2) of the Representation of the People Act 1985 applies in respect of the elector as if in paragraph (a) for “6 months” there were substituted “period”.

Transitional provision: postal vote entitlement limit for overseas electors registered pursuant to pre-commencement applications

5.—(1) This regulation applies to an elector to whom paragraph 14 of Schedule 7 to the 2022 Act applies.

(2) Paragraph 3(1B)(a) of Schedule 4 to the Representation of the People Act 2000(b) is to be read as if for “1 November” there were substituted “date”.

Transitional provision: notifications for postal vote entitlements resulting from pre-commencement postal voting applications

6.—(1) Regulation 60ZA of the 2001 Regulations (requirement to notify certain electors and proxies that postal vote entitlement is to end) applies in respect of a postal vote entitlement which expires in accordance with paragraph 16(3)(a) of Schedule 7 to the 2022 Act as it applies to a postal vote entitlement which was granted for the maximum period.

(2) In paragraph (1), “the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001(c) and the Representation of the People (Scotland) Regulations 2001(d).

PART 3

Commencement related to the Levelling-up and Regeneration Act 2023

Provisions of the 2023 Act coming into force on 26th December 2023

7. The following provisions in Schedule 4 to the 2023 Act come into force on 26th December 2023—

- (a) paragraph 226, so far as it relates to the provisions commenced by paragraph (b);
- (b) paragraphs 227 to 229.

(a) 1985 c. 50. Section 1D is inserted by section 14(1) of the Elections Act 2022, which is commenced by regulation 2.
(b) 2000 c. 2. Paragraph 3(1B) was inserted by paragraph 2(3) of Schedule 3 to the Elections Act 2022.
(c) S.I. 2001/341, amended by S.I. 2023/1147; there are other amending instruments but none is relevant.
(d) S.I. 2001/497, amended by S.I. 2023/1147; there are other amending instruments but none is relevant.

Provisions of the 2023 Act coming into force on 7th May 2024

8. Paragraph 226, so far as not already in force, and paragraph 230 of Schedule 4 to the 2023 Act come into force on 7th May 2024.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

18th December 2023

Simon Hoare
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the eleventh commencement regulations made under the Elections Act 2022 (c. 37) (“the 2022 Act”), and the first commencement regulations made under the Levelling-up and Regeneration Act 2023 (c. 55) (“the 2023 Act”).

Regulation 2 brings into force section 14 of, and Schedule 7 to, the 2022 Act. Section 14 extends the franchise for parliamentary elections in respect of British citizens overseas. Section 14(1) substitutes new sections 1 to 1E for existing sections 1 and 2 of the Representation of the People Act 1985 (c. 50). New section 1A sets the qualification conditions for registration as an overseas elector in respect of a parliamentary constituency. New section 1B provides for the entitlement of British citizens overseas to be registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration. New section 1C sets out the requirements for overseas elector’s declarations. New section 1D makes provision as to the duration of an overseas elector’s entitlement to be registered, including allowing a registered overseas elector to extend the duration of their entitlement by the making of a renewal declaration. New section 1E sets out the requirements for renewal declarations. Part 1 of Schedule 7 to the 2022 Act contains minor and consequential amendments, and Part 2 contains transitional provision linked to the franchise extension.

Regulation 3 specifies a day for the purposes of paragraph 14 of Schedule 7 to the 2022 Act.

Regulation 4 contains a transitional provision which modifies new section 1D(2)(a) of the Representation of the People Act 1985. The effect of this provision is that an overseas elector registered pursuant to an overseas elector’s declaration made at any time before the commencement in full of section 14 of the 2022 Act will be able to make a renewal declaration at any time during the 12 month period of that elector’s entitlement to remain registered as an overseas elector, rather than just within the final 6 months of that period.

Regulation 5 contains an transitional provision which modifies paragraph 3(1B) of Schedule 4 to the Representation of the People Act 2000 (c. 2) in respect of overseas electors who are registered pursuant to an overseas elector’s declaration made at any time before the commencement in full of section 14 of the Act.

Regulation 6 contains a transitional provision relating to overseas electors registered pursuant to an overseas elector’s declaration made at any time before the commencement in full of section 14 of the 2022 Act. It requires registration officers to notify such electors who hold postal vote entitlements which are subject to the transitional provision in paragraph 16 of Schedule 7 to the 2022 Act that the postal vote entitlement is due to expire.

Regulations 7 and 8 bring into force paragraphs 226 to 230 of Schedule 4 to the 2023 Act. These paragraphs make amendments to the 2022 Act, in order to apply Part 5 (disqualification orders) and Part 6 (information to be included with electronic material) of the 2022 Act to combined county authority mayoral elections and to amend the transitional provision in paragraph 12 of Schedule 8 to the 2022 Act relating to the changes made to the candidacy rights of EU citizens.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment has been produced in relation to the 2022 Act and copies can be obtained at <https://bills.parliament.uk/publications/44886/documents/1304> or from the Department for Levelling Up, Housing and Communities at

2 Marsham Street, London, SW1P 4DF. An impact assessment has been produced in relation to the 2023 Act and copies can be obtained at <https://bills.parliament.uk/bills/3155/publications> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Elections Act 2022 have been brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	27.08.2022	2022/916
Section 1 (partially)	16.01.2023	2022/1401
Section 1 (remainder)	31.01.2024	2023/1145
Section 2 (partially)	27.08.2022	2022/916
Section 2 (partially)	16.01.2023	2022/1401
Section 3	31.10.2023	2023/1145
Section 4	12.12.2023	2023/1234
Section 5 (partially)	06.02.2023	2023/115
Section 5 (remainder)	12.12.2023	2023/1234
Section 6 (partially)	31.10.2023	2023/1145
Section 6 (partially)	31.01.2024	2023/1145
Section 7	12.12.2023	2023/1234
Section 8	01.11.2023	2023/1145
Section 9 (partially)	24.11.2022	2022/1226
Section 9 (remainder)	29.12.2022	2022/1270
Sections 10 and 11	01.11.2023	2023/1145
Section 12 (partially)	27.08.2022	2022/916
Section 12 (partially)	24.11.2022	2022/1226
Section 12 (partially)	29.12.2022	2022/1270
Section 12 (partially)	16.01.2023	2022/1401
Section 12 (partially)	31.10.2023	2023/1145
Section 12 (partially)	01.11.2023	2023/1145
Section 12 (partially)	12.12.2023	2023/1234
Section 12 (remainder)	31.01.2024	2023/1145
Section 13	26.10.2022	2022/1093
Section 14 (partially)	06.02.2023	2023/115
Section 15 (partially)	31.10.2023	2023/1145
Section 15 (partially)	01.11.2023	2023/1145
Section 15 (remainder)	07.05.2024	2023/1145
Sections 16 to 19	19.08.2022	2022/908
Sections 20 to 29	24.11.2022	2022/1226
Sections 30 to 53	01.11.2023	2023/1145
Section 54	19.05.2023	2023/552
Sections 55 to 61	01.11.2023	2023/1145
In Schedule 1—		
paragraph 1 (partially)	27.08.2022	2022/916
paragraph 1 (partially)	16.01.2023	2022/1401
paragraph 1 (remainder)	31.01.2024	2023/1145
paragraph 2 (partially)	27.08.2022	2022/916
paragraph 2 (remainder)	16.01.2023	2022/1401

paragraph 3 (partially)	27.08.2022	2022/916
paragraph 3 (remainder) and 4	16.01.2023	2022/1401
paragraph 5 (partially)	27.08.2022	2022/916
paragraph 5 (remainder)	16.01.2023	2022/1401
paragraph 6 (partially)	27.08.2022	2022/916
paragraphs 6 (remainder), 7, 8 and 9 (partially)	16.01.2023	2022/1401
paragraph 9 (remainder)	31.01.2024	2023/1145
paragraph 10 (partially)	27.08.2022	2022/916
paragraph 10 (partially)	16.01.2023	2022/1401
paragraph 10 (remainder)	31.01.2024	2023/1145
paragraph 11 (partially)	27.08.2022	2022/916
paragraph 11 (remainder)	31.01.2024	2023/1145
paragraphs 12 to 14	16.01.2023	2022/1401
paragraph 15 (partially)	27.08.2022	2022/916
paragraph 15 (partially)	16.01.2023	2022/1401
paragraph 15 (remainder)	31.01.2024	2023/1145
paragraph 16	16.01.2023	2022/1401
paragraph 17 (partially)	27.08.2022	2022/916
paragraph 17 (partially)	16.01.2023	2022/1401
paragraph 17 (remainder)	31.01.2024	2023/1145
paragraphs 18 to 23	16.01.2023	2022/1401
paragraph 24 (partially)	27.08.2022	2022/916
paragraphs 24 (remainder) and 25 (partially)	16.01.2023	2022/1401
paragraphs 25 (remainder) and 26	31.01.2024	2023/1145
paragraphs 27 to 29	16.01.2023	2022/1401
paragraph 30 (partially)	27.08.2022	2022/916
paragraphs 30 (remainder) and 31	16.01.2023	2022/1401
paragraph 32 (partially)	27.08.2022	2022/916
paragraphs 32 (remainder) and 33 to 40	16.01.2023	2022/1401
In Schedule 2—		
paragraphs 1 to 11 and 14 (partially)	27.08.2022	2022/916
paragraph 14 (remainder)	16.01.2023	2022/1401
Schedule 3	31.10.2023	2023/1145
In Schedule 4—		
paragraph 1 (partially)	31.10.2023	2023/1145
paragraph 1 (partially)	31.01.2024	2023/1145
paragraph 2 (partially)	31.10.2023	2023/1145
paragraph 2 (remainder)	31.01.2024	2023/1145
paragraph 3	31.10.2023	2023/1145
paragraph 4 (partially)	31.01.2024	2023/1145
paragraph 6 (partially)	31.10.2023	2023/1145
paragraphs 6 (remainder) and 7	31.01.2024	2023/1145
paragraphs 8 to 11	31.10.2023	2023/1145
Schedule 5	01.11.2023	2023/1145
In Schedule 6—		
paragraph 1 (partially)	24.11.2022	2022/1226

paragraph 1 (partially)	29.12.2022	2022/1270
paragraph 1 (partially)	16.01.2023	2022/1401
paragraph 1 (partially)	31.10.2023	2023/1145
paragraph 1 (partially)	12.12.2023	2023/1234
paragraph 1 (remainder)	31.01.2024	2023/1145
paragraphs 2 to 5	12.12.2023	2023/1234
paragraph 6 (partially)	24.11.2022	2022/1226
paragraph 6 (partially)	29.12.2022	2022/1270
paragraph 6 (partially)	16.01.2023	2022/1401
paragraph 6 (partially)	01.11.2023	2023/1145
paragraph 6 (remainder)	31.01.2024	2023/1145
paragraphs 7 and 8	01.11.2023	2023/1145
paragraph 9	31.01.2024	2023/1145
paragraphs 10 and 11	16.01.2023	2022/1401
paragraph 12 (partially)	24.11.2022	2022/1226
paragraph 12 (partially)	29.12.2022	2022/1270
paragraph 12 (remainder)	31.01.2024	2023/1145
paragraph 13 (partially)	16.01.2023	2022/1401
paragraph 13 (remainder)	31.01.2024	2023/1145
paragraph 14 (partially)	16.01.2023	2022/1401
paragraph 14 (remainder)	31.01.2024	2023/1145
paragraph 15	16.01.2023	2022/1401
paragraph 16 (partially)	29.12.2022	2022/1270
paragraphs 16 (remainder), 17 and 18	16.01.2023	2022/1401
paragraphs 19 and 20	31.01.2024	2023/1145
paragraph 21	01.11.2023	2023/1145
paragraph 22	29.12.2022	2022/1270
paragraph 23 (partially)	16.01.2023	2022/1401
paragraph 23 (partially)	31.10.2023	2023/1145
paragraph 23 (partially)	01.11.2023	2023/1145
paragraph 23 (partially)	12.12.2023	2023/1234
paragraph 23 (remainder)	31.01.2024	2023/1145
paragraph 24	01.11.2023	2023/1145
paragraph 25	12.12.2023	2023/1234
paragraph 26 (partially)	16.01.2023	2022/1401
paragraph 26 (partially)	31.10.2023	2023/1145
paragraph 26 (remainder)	31.01.2024	2023/1145
paragraph 27	12.12.2023	2023/1234
paragraph 28 (partially)	31.10.2023	2023/1145
paragraph 28 (remainder)	31.01.2024	2023/1145
paragraph 29	31.10.2023	2023/1145
paragraph 30 (partially)	27.08.2022	2022/916
paragraph 30 (remainder)	16.01.2023	2022/1401
paragraph 31	31.01.2024	2023/1145
paragraphs 32 and 33	31.10.2023	2023/1145
paragraph 34 (partially)	29.12.2022	2022/1270
paragraph 34 (partially)	12.12.2023	2023/1234
paragraph 34 (remainder)	31.01.2024	2023/1145
paragraph 35 (partially)	29.12.2022	2022/1270
paragraph 35 (partially)	16.01.2023	2022/1401
paragraph 35 (partially)	31.10.2023	2023/1145

paragraph 35 (partially)	01.11.2023	2023/1145
paragraph 35 (partially)	12.12.2023	2023/1234
paragraph 35 (remainder)	31.01.2024	2023/1145
paragraph 36	31.10.2023	2023/1145
paragraph 37	12.12.2023	2023/1234
paragraph 38	01.11.2023	2023/1145
paragraph 39	31.01.2024	2023/1145
paragraph 40 (partially)	16.01.2023	2022/1401
paragraph 40 (partially)	12.12.2023	2023/1234
paragraph 40 (remainder)	31.01.2024	2023/1145
paragraph 41	12.12.2023	2023/1234
paragraph 42	31.01.2024	2023/1145
paragraph 43	16.01.2023	2022/1401
paragraph 44	31.01.2024	2023/1145
paragraph 45	31.10.2023	2023/1145
paragraph 46	29.12.2022	2022/1270
paragraphs 47 and 48	31.10.2023	2023/1145
In Schedule 7, paragraphs 1 (partially), 4, 14 (partially) and 17	06.02.2023	2023/115
In Schedule 8—		
paragraphs 1 to 8 (partially)	01.11.2023	2023/1145
paragraphs 1 to 8 (remainder) and 9	07.05.2024	2023/1145
paragraph 10 (partially)	01.11.2023	2023/1145
paragraphs 10 (remainder), 11 and 12	07.05.2024	2023/1145
paragraph 13	31.10.2023	2023/1145
Schedules 9 to 12	01.11.2023	2023/1145

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