

**2023 No. 1406**

**POLICE, ENGLAND AND WALES**

**REPRESENTATION OF THE PEOPLE**

**The Representation of the People (Overseas Electors etc.)  
(Amendment) Regulations 2023**

*Made* - - - - - *18th December 2023*

*Coming into force in accordance with regulation 1(2) to (5)*

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The Secretary of State makes these Regulations in exercise of the powers conferred by the provisions specified in Schedule 1 to these Regulations.

The Secretary of State has consulted—

- (a) the Electoral Commission, in accordance with section 53(5)(a) of the Representation of the People Act 1983<sup>(a)</sup> and section 7(1) and (2)(c), (hc) and (k) of the Political Parties, Elections and Referendums Act 2000<sup>(b)</sup>, and
- (b) the Information Commissioner and such other persons as the Secretary of State considers appropriate, in accordance with section 53(5)(b) and (c) of the Representation of the People Act 1983.

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 201(2) of the Representation of the People Act 1983<sup>(c)</sup>, section 154(2)(b) of the Police Reform and Social Responsibility Act 2011<sup>(d)</sup>, sections 18(8) and 21(6) of the Recall of MPs Act 2015<sup>(e)</sup> and paragraph 13(4) of Schedule 8 to the Elections Act 2022<sup>(f)</sup>.

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<sup>(a)</sup> 1983 c. 2. Section 53(5) was inserted by paragraph 5 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c. 6).

<sup>(b)</sup> 2000 c. 41. Section 7(2)(hc) was inserted by paragraph 11 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c. 13). Section 7(2)(k) was inserted by paragraph 3(6) of Schedule 6 to the Recall of MPs Act 2015 (c. 25).

<sup>(c)</sup> Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and was amended by paragraph 6(1) and (7)(b) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000, by section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by paragraph 1(9)(a) of Schedule 8 to the Elections Act 2022 (c. 37) and by S.I. 1991/1728.

<sup>(d)</sup> 2011 c. 13.

<sup>(e)</sup> 2015 c. 25.

<sup>(f)</sup> 2022 c. 37.

# PART 1

## Introduction

### **Citation, commencement, extent, transitional provisions and savings**

- 1.—(1) These Regulations may be cited as the Representation of the People (Overseas Electors etc.) (Amendment) Regulations 2023.
- (2) Subject to paragraphs (3) to (5), these Regulations come into force on 16th January 2024.
- (3) Regulation 15 comes into force on 7th May 2024.
- (4) Regulation 16 comes into force immediately before regulation 11 of the Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023(a) comes into force.
- (5) Regulation 19 comes into force immediately before regulation 17(5)(a) of the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023(b) comes into force.
- (6) In these Regulations—
- (a) this Part and regulation 13 extend to England and Wales and Scotland and Northern Ireland;
  - (b) regulation 14 extend to England and Wales and Scotland;
  - (c) Chapter 1 of Part 2, regulation 12, Part 3 and Part 4 extend to England and Wales;
  - (d) Chapter 2 of Part 2 extends to Scotland.
- (7) Schedule 2 (overseas electors: transitional provisions and savings) has effect.

# PART 2

## Overseas electors

### CHAPTER 1

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

### **Introduction to Chapter 1**

2. The Representation of the People (England and Wales) Regulations 2001(c) are amended in accordance with this Chapter.

### **Amendment of Part 1 (general, interpretation and miscellaneous)**

- 3.—(1) Part 1 (general, interpretation and miscellaneous) is amended as follows.
- (2) In regulation 3 (interpretation)—
- (a) in paragraph (1)—
    - (i) in the definition of “digital service”, in paragraph (b), after “29ZA” insert “, 29ZAA, 29ZAB”;
    - (ii) after the definition of “overseas elector” insert—  
““previous registration condition” has the same meaning as in section 1A(2) of the 1985 Act(d);

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(a) S.I. 2023/1150.

(b) S.I. 2023/1147.

(c) S.I. 2001/341; relevant amending instruments are S.I. 2002/1871, 2006/752, 2910, 2013/3198, 2015/1971, 2016/295, 694, 2018/272, 1310, 2019/1451, 2020/50, 2021/391, 1265, 2022/1382.

(d) 1985 c. 50. Section 1A was inserted by section 14(1) of the Elections Act 2022 (c. 37).

“previous residence condition” has the same meaning as in section 1A(3) of the 1985 Act;”;

(iii) after the definition of “relevant contact details” insert—

““renewal declaration” means a declaration made under and in accordance with section 1E of the 1985 Act(a);”;

(b) for paragraph (3B) substitute—

“(3B) The following documents may be transmitted by an applicant to a registration officer by electronic means—

- (a) a document provided in accordance with regulation 18(8)(b), 24A(4) or 26(9B) or (9C);
- (b) in relation to an application to which regulation 26A applies which is made by an applicant who is registered in pursuance of an overseas elector’s declaration, a document provided in accordance with regulation 26A(4);
- (c) in relation to an application made in pursuance of an overseas elector’s declaration, a document provided in accordance with regulation 26B(2) to (4);
- (d) a document provided in accordance with regulations 26C to 26H or 26J;
- (e) in relation to an application to which regulation 31G applies which is made by an applicant who is, or who has applied to be, registered in pursuance of an overseas elector’s declaration, a document provided in accordance with regulation 31G(3);
- (f) a document provided in accordance with regulation 51(9) or 56C.”.

(3) In regulation 5 (communication of applications, notices etc.)—

(a) in paragraph (1), after “relevant attestation” insert “, renewal declaration”;

(b) for paragraph (3) substitute—

“(3) In paragraph (1), “relevant attestation” means—

- (a) an attestation under regulations 26B(6ZA), 26E, 26F, 26G or 26H;
- (b) an attestation under regulation 31J in relation to an application to which regulation 31G applies which is made by an applicant who is, or who has applied to be, registered in pursuance of an overseas elector’s declaration;
- (c) an attestation under regulation 56C(6).”.

## **Amendment of Part 2 (service and overseas electors’ declarations)**

**4.**—(1) Part 2 (service and overseas electors’ declarations) is amended as follows.

(2) For regulation 18 substitute—

### **“Contents of overseas elector’s declaration**

**18.**—(1) In addition to the information required by section 1C(1) to (4) of the 1985 Act(b), an overseas elector’s declaration must include the information required by this regulation relating to the declarant (‘D’).

(2) The declaration must include an indication as to whether D’s name has changed—

- (a) where D applies to be registered in reliance on the previous registration condition, since D was last included in an electoral register;
- (b) where D applies to be registered in reliance on the previous residence condition, since D was (as the case may be)—

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(a) Section 1E was inserted by section 14(1) of the Elections Act 2022 (c. 37).

(b) Section 1C was inserted by section 14(1) of the Elections Act 2022.

- (i) last resident at the address included in the declaration in accordance with section 1C(3)(a)(i) of the 1985 Act, or
  - (ii) where section 1C(4) of the 1985 Act applies, last resident in the United Kingdom.
- (3) Where in accordance with paragraph (2) an indication is included in the declaration that D’s name has changed, the declaration must also include—
- (a) D’s name in respect of which D was last registered or when D was last resident (as the case may be), and
  - (b) an explanation as to the change of name.
- (4) The declaration must include D’s present address.
- (5) The declaration must include—
- (a) the number and date and place of issue of D’s relevant passport,
  - (b) if D does not have a relevant passport but was born in the United Kingdom before 1st January 1983, an indication of those facts, or
  - (c) if D does not have a relevant passport and was not born in the United Kingdom before 1st January 1983, a statement as to when and how D acquired the status of British citizen, together with the date, place and country of D’s birth.
- (6) In paragraph (5)—
- “relevant passport” means a British passport (whether current or expired) which describes D’s national status as “British citizen”;
- “the United Kingdom” has the same meaning as in section 50 of the British Nationality Act 1981(a).
- (7) Where D applies to be registered in reliance on the previous registration condition, the declaration must include an indication as to whether when last registered D was registered in pursuance of—
- (a) an overseas elector’s declaration,
  - (b) a service declaration, or
  - (c) a declaration of local connection.
- (8) Where D applies to be registered in reliance on the previous residence condition—
- (a) the declaration must include an indication as to whether D was under 18 years old on the last day that D was resident in the United Kingdom, and
  - (b) where D indicates that D was under 18 years old on that last day, D may provide as part of D’s declaration any information or document described in regulation 26C.
- (9) Where section 1C(4) of the 1985 Act applies, the declaration must include—
- (a) a statement as to which of the categories of persons, to which section 7B of the 1983 Act (notional residence: declarations of local connection)(b) applies, applied to D on the last date that D was resident in the United Kingdom(c), and

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(a) 1981 c. 61.

(b) Section 7B was inserted by section 6 of the Representation of the People Act 2000 (c. 2), and was amended by section 14(1)(a)(ii) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by section 8 of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), by sections 1(4) and 8 of the Scottish Elections (Franchise and Representation Act 2020 (asp 6), by section 19 of the Senedd and Elections (Wales) Act 2020 (anaw 1), by paragraph 2(2) of Schedule 2 to the Local Government and Elections (Wales) Act 2021 (asc 1), by paragraph 1(3) of Schedule 8 to the Elections Act 2022 (c. 37) and by S.I. 2007/1388.

(c) Section 1A(4) provides that for the purposes of section 1A(3)(b)(ii), it is to be assumed that section 7B was in force on the last day on which the applicant was resident in the United Kingdom.

- (b) where section 7B(2)(a) or (b) applied to D, the name and address of the mental hospital (within the meaning of section 7 of the 1983 Act<sup>(a)</sup>) at which D was a patient, or (as the case may be) of the place at which D was detained, on that date.”
- (3) Omit regulation 19 (certain declarants to supply copy of birth certificates).
- (4) In regulation 21 (transmission of overseas elector’s declaration), for “section 2(4) of the 1985 Act” substitute—
  - “section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act by—
    - (a) the Secretary of State, where the declaration forms part of an application made through the digital service in accordance with regulation 26(9);
    - (b) otherwise, by the declarant.”.
- (5) In regulation 22 (notification about registration as overseas elector)—
  - (a) in paragraph (1), for “sections 1 and 2” substitute “section 1A”;
  - (b) in paragraph (2)—
    - (i) in sub-paragraph (a), for “section 1” substitute “section 1A”;
    - (ii) in sub-paragraph (b), for “section 2 of the 1985 Act or regulation 18 or 20 above” substitute “section 1C of the 1985 Act or regulation 18”;
    - (iii) omit sub-paragraph (c) and the “or” immediately preceding it;
    - (iv) for the words after sub-paragraph (c) substitute—
      - “the registration officer must notify the declarant in writing and set out the officer’s reasons for rejecting the application for registration.”.
- (6) After regulation 22 insert—
  - “*Overseas electors: reminders and renewal declarations*

**Reminders to electors registered pursuant to an overseas elector’s declaration**

**22A.**—(1) Subject to paragraph (3), the registration officer must, during the relevant period, send to an elector registered pursuant to an overseas elector’s declaration—

- (a) a reminder, and
- (b) within a reasonable time after sending that reminder, a second reminder.
- (2) In paragraph (1)—
  - (a) the “relevant period” means the period—
    - (i) beginning with the 1st July immediately before the 1st November on which the person’s registration will end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act<sup>(b)</sup>, and
    - (ii) ending with that 1st November;
  - (b) a “reminder” is a reminder of the need to make a renewal declaration if the elector wishes to remain registered pursuant to an overseas elector’s declaration.
- (3) Paragraph (1)(a) and (b) does not apply in respect of an elector registered pursuant to an overseas elector’s declaration where—
  - (a) the registration officer has received a renewal declaration from that elector, or

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(a) Section 7 was substituted by section 4 of the Representation of the People Act 2000 (c. 2) and was amended by section 12(1) of the Electoral Administration Act 2006 (c. 22), by paragraph 2 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6) and by S.I. 2005/2078 and S.S.I. 2005/465.

(b) Section 1D was inserted by section 14(1) of the Elections Act 2022 (c. 37). By virtue of section 1D(1)(a) and (3)(a), the registration of a person registered pursuant to an overseas elector’s declaration ends on the third 1st November following the date on which the person’s entry on the electoral register takes effect or, if that initial registration period is extended on one or more occasions, on the third 1st November after the day after the last day of the initial or further registration period.

- (b) information which the registration officer has received indicates that that elector is no longer entitled to make a renewal declaration.

### **Renewal declarations**

**22B.**—(1) A renewal declaration must be in writing and must include the declarant’s present address.

(2) The Electoral Commission must—

- (a) design a paper renewal declaration form which—
  - (i) requires the information required by paragraph (1) and by section 1E(1) and (2) of the 1985 Act,
  - (ii) includes a statement that it is an offence to provide false information to the registration officer, together with a statement of the maximum penalty for that offence, and
  - (iii) includes space for the email address and telephone number of the declarant and an explanation that provision of this information is not mandatory,
- (b) seek the approval of the Secretary of State to the design of that form, and
- (c) having obtained that approval, make the form available to registration officers.

(3) A registration officer may authorise the declarant to provide the information required by paragraph (1) and by section 1E(1) and (2) of the 1985 Act to the registration officer by telephone or in person and, where the registration officer does so, the registration officer must transfer the information provided by the declarant into a renewal declaration in writing.

(4) Where, by virtue of arrangements made by the Secretary of State, a renewal declaration may be made through the digital service, the Secretary of State must—

- (a) request the declarant’s email address and telephone number and provide an explanation of the purpose for which this information will be used and that provision of this information is not mandatory, and
- (b) send to the registration officer any declaration the Secretary of State receives, together with—
  - (i) the declarant’s email address and telephone number (if provided), and
  - (ii) a reference number unique to that declaration.

### **Transmission of renewal declaration**

**22C.** A renewal declaration must be transmitted to the registration officer who maintains the register of parliamentary electors in which the declarant is registered pursuant to an overseas elector’s declaration by—

- (a) the Secretary of State, where regulation 22B(4)(b) applies;
- (b) otherwise, by the declarant.

### **Notification about continued registration as overseas elector following renewal declaration**

**22D.**—(1) Where the registration officer is satisfied that the declarant of a renewal declaration is entitled to remain registered in pursuance of an overseas elector’s declaration in accordance with section 1D(2)(b) of the 1985 Act, the registration officer must notify the declarant of that fact.

(2) Where the registration officer is not so satisfied, the registration officer must notify the declarant of that fact together with the registration officer’s reasons for not being satisfied that the declarant is entitled to remain registered in pursuance of an overseas elector’s declaration.”.

### **Amendment of Part 3 (registration)**

5.—(1) Part 3 (registration) is amended as follows.

(2) In regulation 24 (evidence as to age and nationality)—

- (a) in the heading, at the end insert “: registration of local government electors in Wales”;
- (b) before paragraph (1) insert—

“(A1) This regulation applies for the purposes of the registration of local government electors in Wales.”;

(c) in paragraph (2)—

- (i) omit sub-paragraph (c);
- (ii) in sub-paragraph (d)(ii), omit the words from “(for the purposes only” to “in Wales)”.

(3) After regulation 24 insert—

#### **“Evidence as to age and nationality: registration of parliamentary electors and local government electors in England**

**24A.**—(1) Subject to paragraph (2), where a registration officer has doubts about a person’s (“P’s”) age or nationality, the officer may require P to produce such evidence as specified in paragraph (3) for the purposes of registration as a parliamentary elector or as a local government elector in England.

(2) Paragraph (1) does not apply where an application for registration is made in pursuance of a service declaration.

(3) The evidence which the registration officer may require is—

- (a) a birth certificate;
- (b) a certificate of naturalisation;
- (c) where P has made an overseas elector’s declaration, further evidence of P’s status as a British citizen, including a document showing that P has become a British citizen by virtue of registration;
- (d) in any other case—
  - (i) a document showing that P has become a Commonwealth citizen by virtue of registration, or
  - (ii) a statutory declaration that P is a qualifying Commonwealth citizen, citizen of the Republic of Ireland, or a relevant citizen of the Union.

(4) Where P has made an overseas elector’s declaration, the registration officer may require a copy of a document referred to in paragraph (3)(a) to (c).

(5) If any fee is payable in connection with the making of a declaration for the purposes of this regulation, the registration officer must pay that fee and it is to be treated as part of the officer’s registration expenses within the meaning of section 54(1) of the 1983 Act.

(6) Subject to paragraph (7), any such declaration must be made available for inspection at the registration officer’s office until the determination of the application for registration and of any objections duly made to it.

(7) Paragraph (6) does not apply where the declarant has, or has applied for, an anonymous entry.

(8) In this regulation “qualifying Commonwealth citizen” has the same meaning as in section 4 of the 1983 Act(a).”.

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(a) Section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c. 2) and was amended by paragraph 3 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), by section 14(1)(a)(i) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by section 1(3) of the Scottish Elections (Franchise and Representation) Act



- (4) In regulation 25 (reminders to electors registered pursuant to a declaration)—
- (a) in the heading, for “declaration” substitute “service declaration or declaration of local connection”;
  - (b) in paragraph (1)—
    - (i) after sub-paragraph (a) insert “or”;
    - (ii) omit sub-paragraph (c) and the “and” immediately preceding it.
- (5) After regulation 25 insert—

**“Reminders to overseas electors who have an anonymous entry**

**25ZA.**—(1) This regulation applies to each person who—

- (a) is registered in pursuance of an overseas elector’s declaration, and
- (b) has an anonymous entry.

(2) Subject to paragraph (3), the registration officer must, during the reminder period, send to a person to whom this regulation applies (“P”) a reminder that—

- (a) P’s entitlement to registration will terminate on the determined date, and
- (b) if P wishes to remain—
  - (i) entered in the register anonymously after that date, P must make a fresh application under section 9B(1)(b) of the 1983 Act(a) for an anonymous entry;
  - (ii) entered in the register after that date without an anonymous entry, P must make a fresh application under section 10ZC of the 1983 Act(b) together with a fresh overseas elector’s declaration.

(3) Paragraph (2) does not apply where the registration officer has already received from P a fresh application under section 9B(1)(b) or section 10ZC of the 1983 Act.

(4) A reminder under paragraph (2) may be sent to P’s address by post or sent to P by electronic means.

(5) In paragraph (2)—

“the determined date” is the date on which P’s entitlement to remain registered will terminate under section 9C(1)(a) of the 1983 Act(c);

“the reminder period” means the period beginning 3 months before and ending 2 months before the determined date.”.

(6) In regulation 25A (reminders to persons who have an anonymous entry)—

- (a) in the heading, after “to” insert “other”;
- (b) in paragraph (1), at the end insert “, other than a person registered in pursuance of an overseas elector’s declaration”.

(7) In regulation 26 (applications for registration)—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (c), after “Kingdom” insert “and the application is not being made in pursuance of an overseas elector’s declaration”;

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2020 (asp 6), by section 8 of the Scottish Elections (Reform) Act 2020 (asp 12), by section 12(1) of the Senedd and Elections (Wales) Act 2020 (anaw 1), by section 2(3) of the Local Government and Elections (Wales) Act 2021 (asc 1) and by paragraph 2 of Schedule 7 and paragraph 1(2) of Schedule 8 to the Elections Act 2022 (c. 37).

(a) Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22) and was amended by section 20(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) and by paragraph 7 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

(b) Section 10ZC was inserted by section 1(1) of the Electoral Registration and Administration Act 2013 and amended by section 6(2) of the Scotland Act 2016 (c. 11) and by section 7(2), (3) and (4) of the Wales Act 2017 (c. 4).

(c) Section 9C was inserted by section 10(1) of the Electoral Administration Act 2006 and was amended by paragraph 8 of Schedule 4 to the Electoral Registration and Administration Act 2013.

- (ii) in sub-paragraph (d), at the beginning insert “except in the case of an application being made in pursuance of an overseas elector’s declaration,”;
  - (b) in paragraph (4)(c), at the beginning insert “in relation to the registration of local government electors in Wales,”;
  - (c) in paragraph (5)—
    - (i) after the opening words insert—
      - “(za) instead of the statement required in paragraph (3)(ba), include a statement that, in relation to an applicant’s nationality, registration officers may require the applicant to provide additional information or may carry out checks against Government records, and
      - (zb) include space for the address at which the applicant can be contacted.”;
    - (ii) omit sub-paragraphs (a) and (b);
  - (d) in paragraph (5A), after “registered” insert “as a local government elector in Wales”;
  - (e) after paragraph (9A) insert—
    - “(9B) Where—
      - (a) an applicant makes an application in pursuance of an overseas elector’s declaration, and
      - (b) the applicant is unable to provide a national insurance number in accordance with paragraph (1)(f),
 the applicant may provide as part of the application a copy of any of the documents listed in regulation 26B(2) to (4).
 

(9C) Where an applicant makes an application in pursuance of an overseas elector’s declaration in reliance upon the previous residence condition, the applicant may provide as part of the application a copy of any document which meets the evidential requirement described in regulation 26D(3).”;
  - (f) omit paragraph (10);
  - (g) in paragraph (11), before sub-paragraph (a) insert—
    - “(za) any copy documentation provided by the applicant in accordance with paragraph (9B) or (9C).”;
- (8) In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary)—
- (a) in paragraph (1), at the beginning for “This” substitute “Subject to paragraph (1A), this”;
  - (b) after paragraph (1) insert—
    - “(1A) Where a person has made an application to be registered as an overseas elector under section 10ZC of the 1983 Act, this regulation only applies to the extent that a registration officer considers that additional evidence is necessary to verify the identity of the applicant (see regulations 24A and 26C to 26H for further provision in relation to overseas electors).”;
  - (c) after paragraph (4) insert—
    - “(4A) Where an application is made in pursuance of an overseas elector’s declaration—
      - (a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from “and which must” to “Kingdom” were omitted;
      - (b) paragraph (4) applies as if after “kinds of evidence” there were inserted “, must have been issued in the United Kingdom or Crown Dependencies.”;
  - (d) in paragraph (5), for the words from “require” to the end substitute—
    - “—
      - (a) except where sub-paragraph (b) applies, require the applicant give an attestation as set out in paragraph (6);

- (b) where the application is made in pursuance of an overseas elector’s declaration, require the applicant give an attestation as set out in paragraph (6ZA).”;
- (e) in paragraph (6)(c)—
  - (i) omit the “and” after paragraph (iii);
  - (ii) in paragraph (iv), at the beginning, insert “in relation to an application for registration as a local government elector in Wales”;
  - (iii) after paragraph (iv), insert—
    - “; and
    - (v) in relation to any other application for registration to which this paragraph applies, who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
      - (aa) the date on which the revised register in which the attessor’s name appears was last published under section 13(1) of the 1983 Act(a), or
      - (bb) the date on which a notice specifying the attessor’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act(b) (and if there has been more than one such notice, the date on which the last one was issued).”;
- (f) after paragraph (6) insert—
  - “(6ZA) An attestation under this paragraph must—
    - (a) confirm that the applicant is the person named in the application,
    - (b) be in writing and signed by a qualifying attessor,
    - (c) state the qualifying attessor’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attessor is registered as an elector,
    - (d) state—
      - (i) where the qualifying attessor is registered in pursuance of an overseas elector’s declaration, the attessor’s British or Irish passport number together with its date and place of issue;
      - (ii) otherwise—
        - (aa) where the qualifying attessor is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number)(c), that digital registration number,
        - (bb) in all other cases, the qualifying attessor’s electoral number,
    - (e) include an explanation as to the qualifying attessor’s ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attessor’s connection to the applicant and the length of time that that connection has existed,

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(a) Section 13 was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2), and subsection (1) was further substituted by section 5(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(b) Sections 13A and 13B were inserted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000. Section 13A(2) was amended by paragraph 4(3) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6). Section 13B was amended by section 11 of the Electoral Administration Act 2006, by section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006, by paragraph 3 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c. 13), by paragraph 13 of Schedule 4 to the Electoral Registration and Administration Act 2013, by paragraph 5 of Schedule 2 to the Recall of MPs Act 2015 (c. 25) and by S.I. 2018/1310. It is prospectively amended by section 18(8) of the Local Government and Elections (Wales) Act 2021 (asc 1) from a date and time to be appointed. Section 13BC was inserted by paragraph 7 of Schedule 2 to the Recall of MPs Act 2015.

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

- (f) include—
    - (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer)(a), and
    - (ii) a declaration by the qualifying attester that all information provided in the attestation is true, and
  - (g) state the date on which it is made.
- (6ZB) In paragraph (6ZA), a “qualifying attester” is a person—
- (a) who is aged 18 or over,
  - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is registered as an elector,
  - (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the attester’s name appears was last published under section 13(1) of the 1983 Act, or
    - (ii) the date on which a notice specifying the attester’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (6ZC) In paragraphs (6)(c)(v) and (6ZB)(e), a relevant identity attestation is an attestation provided in accordance with—
- (a) paragraph (6) or (6ZA);
  - (b) regulation 56C(5A) or (6);
  - (c) regulation 26B(6) or (6ZA) or 56C(5A) or (6) of the Representation of the People (Scotland) Regulations 2001(b);
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012(c);
  - (e) regulation 72B(5A) or (6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016(d);
  - (f) regulation 7(6) of the Voter Identification Regulations 2022(e).”;
  - (g) omit paragraphs (7)(d) and (10).
- (9) After regulation 26B insert—

**“Overseas electors: power to request additional evidence where applicant under 18 when last resident in the United Kingdom**

**26C.—**(1) This regulation applies where—

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(a) Section 13D was inserted by section 7(1) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13). By virtue of section 15(8) of the Electoral Administration Act 2006 (c. 22), section 13D extends to England and Wales and Scotland. Subsection (1) was further substituted by section 15(2) of the Electoral Administration Act 2006.

(b) S.I. 2001/497; relevant amending instruments are S.I. 2006/834, 2007/925, 2008/305, 2013/3206, 2015/1966, 2017/602, 604, 2018/1310, 2019/1451, 2021/391, 1265, 2022/1382 and S.S.I. 2020/113.

(c) S.I. 2012/1917, amended by S.I. 2022/1382; there are other amending instruments but none is relevant.

(d) S.I. 2016/295, amended by S.I. 2022/1382; there are other amending instruments but none is relevant.

(e) S.I. 2022/1382.

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
  - (b) in accordance with regulation 18(8), the applicant has given an indication that the applicant was under 18 years old on the last day, and
  - (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was resident at the relevant address.
- (2) The registration officer may require the applicant to provide—
- (a) the full name of a parent or guardian of the applicant who was resident at the relevant address on the last day;
  - (b) in respect of each such parent or guardian, an indication as to whether that parent or guardian was registered, in respect of the relevant address, in a register of parliamentary electors or a register of local government electors on the last day.
- (3) Where the applicant provides the full name of a parent in accordance with paragraph (2)(a), the applicant must also provide a copy of the applicant’s birth certificate which shows the name of the applicant’s parent provided in accordance with paragraph (2)(a) and the applicant’s date of birth.
- (4) Where the applicant provides the full name of a guardian in accordance with paragraph (2)(a), the registration officer must require the applicant to provide such other kind of evidence as the officer considers appropriate that confirms that the person named in accordance with paragraph (2)(a) was the guardian of the applicant.
- (5) Where the applicant provides a copy of a document in accordance with paragraph (3) or (4), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.
- (6) In this regulation—
- “last day” means the last day on which the applicant was resident in the United Kingdom;
  - “relevant address” means the address provided by the applicant in accordance with section 1C(3)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to request additional evidence of previous residence**

**26D.**—(1) This regulation applies where a registration officer considers that additional evidence is necessary in order to satisfy the registration officer that a person who makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”)—

- (a) where the declaration is made in reliance on the previous registration condition, was previously entered in an electoral register in respect of the relevant address;
- (b) where the declaration is made in reliance on the previous residence condition—
  - (i) was resident at the relevant address on the last day that the applicant was resident in the United Kingdom, or
  - (ii) was not resident at the relevant address but could have made a declaration under section 7B of the 1983 Act (declaration of local connection) in respect of that address on the last day that the applicant was resident in the United Kingdom.

(2) The registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of any document which meets the evidential requirement.

(3) For the purposes of paragraph (2), the “evidential requirement” in relation to a document is that the document—

- (a) bears the full current or previous name of the applicant, and

(b) bears the relevant address.

(4) Any of the following documents which meets the evidential requirement in paragraph (3) is deemed to be conclusive evidence that the statement in paragraph (1)(a), (b)(i) or (b)(ii) (as the case may be) applies in respect of the applicant—

- (a) a driving licence granted in the United Kingdom (including an expired licence);
- (b) an instrument of a court appointment, such as a grant of probate or letters of administration;
- (c) a letter from the Office of the Public Guardian confirming the registration of a lasting power of attorney;
- (d) a letter from His Majesty's Revenue and Customs;
- (e) a council tax demand letter or statement;
- (f) a rent book issued by a local authority;
- (g) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992(a), or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act(b);
- (h) a letter from the Department of Work and Pensions, confirming the applicant's entitlement to a state pension;
- (i) a letter from a school, college, university or other educational institution which confirms the attendance of, or the offer of a place for, the applicant at that institution;
- (j) a letter from the Student Loans Company;
- (k) an official copy of the land register entry for the relevant address or other proof of title for the relevant address;
- (l) a solicitor's letter confirming the purchase of, or confirmation of the land registry registration of, the relevant address;
- (m) a Form P45, Form P60, reference or payslip issued to the applicant by their employer or former employer;
- (n) a bank or building society passbook or statement, or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
- (o) a credit card statement;
- (p) a utility or mobile telephone bill;
- (q) a letter from an insurance provider.

(5) In this regulation, "relevant address" means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to request attestation as to applicant's previous residence at relevant address**

**26E.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector's declaration ("the applicant"),

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(a) 1992 c. 4. Section 141 was amended by section 1(1) of the Child Benefit Act 2005 (c. 6).

(b) Section 130 was amended by paragraph 3 of Schedule 9 to the Local Government Finance Act 1992 (c. 14), by Part 6 of Schedule 19 to the Housing Act 1996 (c. 52) and by section 30(1) of, and paragraph 1(3) of Schedule 5 to, the Welfare Reform Act 2007 (c. 5). It is prospectively amended by section 96 of the Local Government Act 2000 (c. 22), and prospectively repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5), from a date and time to be appointed.

- (b) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was resident at the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (2) The registration officer may require that the applicant give an attestation of previous residence which must—
- (a) confirm that the applicant was resident at the relevant address, and
  - (b) give an indication of the dates between which, to the best of the qualifying attestor’s knowledge, the applicant was resident at that address.
- (3) In this regulation—
- “qualifying attestor” has the meaning given in regulation 26I(3);
  - “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to request additional evidence as to applicant’s previous registration in pursuance of a service declaration or overseas elector’s declaration or as a merchant seaman**

**26F.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance on the previous registration condition,
  - (b) the applicant claims that the registration referred to in section 1A(2)(a) of the 1985 Act was—
    - (i) in pursuance of a service declaration,
    - (ii) on the basis that the applicant was treated as being resident at the relevant address in accordance with section 6 of the 1983 Act (residence: merchant seamen)(a), or
    - (iii) in pursuance of an overseas elector’s declaration made in reliance upon the previous registration condition, where paragraph (i) or (ii) applies to the registration referred to in section 1A(2)(a) of the 1985 Act in respect of that declaration,
  - (c) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (d) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was previously entered in an electoral register in respect of the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (2) The registration officer may require that the applicant—
- (a) give the registration officer a copy, or where the registration officer considers it appropriate, the original, of any document which—
    - (i) bears the full name of the applicant, as provided in accordance with section 1C(1)(a) of the 1985 Act or regulation 18(3)(a), and
    - (ii) confirms that the applicant met the registration status requirement;
  - (b) give an attestation of registration status which must—
    - (i) confirm that the applicant met the registration status requirement, and

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(a) Section 6 was amended by paragraph 2 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

- (ii) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.

(3) Paragraph (4) applies where the applicant’s registration referred to in section 1A(2)(a) of the 1985 Act was in pursuance of a service declaration by virtue of a service qualification related to another person (‘B’), as described in section 14(1)(d) or (e) or (1A) of the 1983 Act(a).

(4) In addition to or instead of a requirement under paragraph (2)(a), the registration officer may require the applicant to give the registration officer a copy, or where the registration officer considers it appropriate, the original of any document which bears the full current or former name of B and confirms—

- (a) B’s service qualification under section 14(1) of the 1983 Act;
- (b) that B is or was (as the case may be) the spouse, civil partner, parent or guardian of the applicant.

(5) For the purposes of this regulation, “the registration status requirement”—

- (a) where paragraph (1)(b)(i) applies (including where it applies in accordance with paragraph (1)(b)(iii)), is that the applicant had a service qualification under section 14(1) or (1A) of the 1983 Act;
- (b) where paragraph (1)(b)(ii) applies (including where it applies in accordance with paragraph (1)(b)(iii)), is that the applicant was a merchant seaman within the meaning of section 6 of the 1983 Act.

(6) In this regulation—

“qualifying attester” has the meaning given in regulation 26I(3);

“relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) of the 1985 Act.

### **Overseas electors: power to require additional evidence as to declaration of local connection**

**26G.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance upon the previous registration condition,
- (b) the applicant claims that the registration referred to in section 1A(2)(a) of the 1985 Act was—
  - (i) in pursuance of a declaration under section 7B of the 1983 Act (declaration of local connection), or
  - (ii) in pursuance of an overseas elector’s declaration made in reliance upon the previous registration condition, where paragraph (i) of this sub-paragraph or paragraph (2)(a) applies to the registration referred to in section 1A(2)(a) of the 1985 Act in respect of that declaration,
- (c) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
- (d) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was previously entered in an electoral register in respect of the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).

(2) This regulation also applies where—

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(a) Subsection (1) was amended by paragraph 80 of Schedule 27 to the Civil Partnership Act 2004 (c. 33). Subsection (1A) was inserted, in relation to Wales, by section 20(2) of the Senedd and Elections (Wales) Act 2020 (anaw 1) and, in relation to Scotland, by section 9(2) of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7).



- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance upon the previous residence condition by virtue of section 1A(3)(b)(ii) of the 1985 Act,
  - (b) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that, on the last date that the applicant was resident in the United Kingdom, section 7B of the 1983 Act applied to the applicant, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (3) The registration officer may require that the applicant—
- (a) give the registration officer a copy, or where the registration officer considers it appropriate, the original, of any document which—
    - (i) bears the full name of the applicant, as provided in accordance with section 1C(1)(a) of the 1985 Act or regulation 18(3)(a), and
    - (ii) confirms that the applicant met the local connection requirement;
  - (b) give an attestation of local connection which must—
    - (i) confirm on which basis the applicant met the local connection requirement, and
    - (ii) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.
- (4) The local connection requirement is—
- (a) where section 7B(2)(a) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was a patient in a mental hospital (within the meaning of that section), and
    - (ii) section 3A of the 1983 Act (disenfranchisement of offenders detained in mental hospitals)(a) or section 7A of the 1983 Act (residence: persons remanded in custody etc.)(b) did not apply to the applicant;
  - (b) where section 7B(2)(b) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was detained at any place pursuant to a relevant order or direction, and
    - (ii) the applicant was so detained otherwise than after being convicted of any offence or a finding in criminal proceedings that the applicant did the act or made the omission charged;
  - (c) where section 7B(2)(c) of the 1983 Act applied to the applicant, that the applicant—
    - (i) was not in legal custody, and
    - (ii) was not, for the purposes of section 4 of the 1983 Act, resident at any address in the United Kingdom;
  - (d) where section 7B(2A) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was under the age of 18 years and was a child who was looked after by a local authority, or
    - (ii) the applicant was being kept in secure accommodation.
- (5) In paragraph (4)—

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(a) Section 3A was inserted by section 2 of the Representation of the People Act 2000 (c. 2) and was amended by paragraph 96 of Schedule 16 to the Armed Forces Act 2006 (c. 52) and by S.I. 2005/2078 and S.S.I. 2005/465.

(b) Section 7A was inserted by section 5 of the Representation of the People Act 2000 and was amended by section 12(2) of the Electoral Administration Act 2006 (c. 22), by paragraph 3 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), and by S.I. 2005/2078 and S.S.I. 2005/465.

- (a) for the purposes of sub-paragraph (a)(ii), it is to be assumed that sections 3A and 7A of the 1983 Act were in force at any relevant time;
  - (b) in sub-paragraph (b)(i), “relevant order or direction” has the meaning given in section 7A(6) of the 1983 Act;
  - (c) section 7B(2D) of the 1983 Act applies to sub-paragraph (d) as it applies to section 7B(2B) of that Act.
- (6) In this regulation—
- “qualifying attestor” has the meaning given in regulation 26I(3);
  - “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to require attestation as to applicant’s connection to relevant address**

**26H.**—(1) Subject to paragraph (2), this regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
- (b) the registration officer requires the applicant to give documentary evidence or an attestation in accordance with regulation 26F(2) or 26G(3), and
- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant has a previous connection to the relevant address.

(2) This regulation does not apply where regulation 26G(4)(d) applies to the applicant.

(3) The registration officer may require that the applicant give an attestation of relevant address connection which must—

- (a) confirm that the applicant met the relevant address connection requirement, and
- (b) give an indication of the dates between which, to the best of the qualifying attestor’s knowledge, the applicant met the requirement.

(4) The relevant address connection requirement is—

- (a) where regulation 26F(1)(b)(i) applies to the applicant (including where it applies in accordance with regulation 26F(1)(b)(iii)), that the applicant would have been residing at the relevant address but for the applicant’s service qualification within the meaning of section 14(1) or (1A) of the 1983 Act;
- (b) where regulation 26F(1)(b)(ii) applies to the applicant (including where it applies in accordance with regulation 26F(1)(b)(iii)), that the applicant—
  - (i) would have been residing at the relevant address but for the applicant’s occupation as a merchant seaman, or
  - (ii) commonly stayed at the relevant address, which was a hotel or club providing accommodation for merchant seamen, during the course of the applicant’s occupation as a merchant seaman;
- (c) where regulation 26G(4)(a) or (b) applies to the applicant, that the applicant would have been residing at the relevant address if the applicant had not been a patient or detained;
- (d) where regulation 26G(4)(c) applies to the applicant, that the relevant address was, or was nearest to, a place in the United Kingdom where the applicant commonly spent a substantial part of the applicant’s time (whether during the day or at night).

(5) In this regulation—

- “qualifying attestor” has the meaning given in regulation 26I(3);
- “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) or (4) of the 1985 Act.

**Overseas electors: supplemental provision as to attestations and the meaning of “qualifying attester”**

**26I.**—(1) An attestation of previous residence pursuant to regulation 26E(2), an attestation of registration status pursuant to regulation 26F(2)(b), an attestation of local connection pursuant to regulation 26G(3)(b), or an attestation of relevant address connection pursuant to regulation 26H(3) must—

- (a) be in writing and signed by a qualifying attester;
- (b) state the qualifying attester’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector;
- (c) state—
  - (i) where the qualifying attester is registered in pursuance of an overseas elector’s declaration, the attester’s British or Irish passport number together with its date and place of issue;
  - (ii) otherwise—
    - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number,
    - (bb) in all other cases, the qualifying attester’s electoral number;
- (d) include an explanation as to the qualifying attester’s ability to confirm that the applicant met the relevant requirement, including (but not limited to) the qualifying attester’s connection to the applicant and the length of time that that connection has existed;
- (e) include—
  - (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attester that all of the information provided in the attestation is true;
- (f) state the date on which it is made.

(2) An attestation of relevant address connection pursuant to regulation 26H(3) may be combined with—

- (a) an attestation of registration status pursuant to regulation 26F(2)(b), or
- (b) an attestation of local connection pursuant to regulation 26G(3)(b),

where the qualifying attester for each attestation is the same person.

(3) In this regulation, and in regulations 26E, 26F, 26G and 26H, a “qualifying attester” is a person—

- (a) who is aged 18 or over,
- (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
- (c) who is registered as an elector,
- (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
- (e) who has not already signed attestations to which paragraph (4) applies for two other applicants since, whichever is the later,—

- (i) the date on which the revised register in which the attessor's name appears was last published under section 13(1) of the 1983 Act; or
  - (ii) the date on which a notice specifying the attessor's entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (4) This paragraph applies to an attestation made in accordance with any of—
- (a) regulations 26E to 26H, and
  - (b) regulations 26E to 26H of the Representation of the People (Scotland) Regulations 2001.

**Overseas electors: power to require additional evidence as to change of name**

**26J.**—(1) Paragraph (2) applies where a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector's declaration ("the applicant") and—

- (a) the applicant's declaration includes a name in accordance with regulation 18(3)(a);
- (b) the applicant's name on a document provided in accordance with regulation 24A(3), 26C(3) or (4), 26D(2), 26F(2)(a) or 26G(3)(a) is different from both the name provided in accordance with section 1C(1)(a) of the 1985 Act and any name provided in accordance with regulation 18(3);
- (c) the name of the applicant's parent or guardian provided in accordance with regulation 26C(2)(a) is different from the name of that parent or guardian as it appears—
  - (i) on the register described in regulation 26C(2)(b);
  - (ii) on a document provided in accordance with regulation 26C(3) or (4);
- (d) B's name on a document provided by the applicant in accordance with regulation 26F(4)(a) or (b) is B's former (and not current) name;
- (e) on a document provided by the applicant in accordance with regulation 26F(4)(a) B's name is different from on any document provided by the applicant in accordance with regulation 26F(4)(b).

(2) Where this paragraph applies, the registration officer may require the applicant to provide—

- (a) except where paragraph (1)(a) applies, an explanation as to the difference in name or, where paragraph (1)(c), (d) or (e) applies and the reason for the difference is not known by the applicant, a statement to that effect, and
- (b) where paragraph (1)(a) or (b) applies, such other evidence as the officer considers appropriate that confirms the change of the applicant's name.

(3) Where the applicant provides a copy of a document in accordance with paragraph (2)(b), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.”.

(10) In regulation 29ZA (verification of information provided in an application), after paragraph (6) insert—

“(6ZA) In relation to the registration of parliamentary electors, this regulation does not apply to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector's declaration.”.

(11) After regulation 29ZA insert—

**“Verification of information provided in an application made pursuant to an overseas elector’s declaration**

**29ZAA.**—(1) This regulation applies to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector’s declaration.

(2) On receipt of an application made otherwise than through the digital service, a registration officer must disclose the applicant’s name, relevant address, date of birth and national insurance number (“the first stage information”) to the Secretary of State for Levelling Up, Housing and Communities in such format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(3) Following receipt of the first stage information from the registration officer or (in the case of an application made through or partially completed using the digital service) from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the first stage information to the Secretary of State for Work and Pensions.

(4) Where the first stage information has been disclosed to the Secretary of State for Work and Pensions under paragraph (3) the Secretary of State for Work and Pensions may compare it against—

- (a) the name, address, date of birth and national insurance number of individuals appearing in the following types of data kept by the Secretary of State—
  - (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and
  - (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty’s Revenue and Customs);
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (3).

(5) The Secretary of State for Work and Pensions may disclose the results of the comparison of the first stage information (“the second stage information”) to the Secretary of State for Levelling Up, Housing and Communities.

(6) On receipt of the second stage information, the Secretary of State for Levelling Up, Housing and Communities may disclose that information—

- (a) to the Secretary of State for Work and Pensions, or
- (b) to the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11).

(7) Paragraph (4) applies to the second stage information where it has been disclosed to the Secretary of State for Work and Pensions under paragraph (6)(a) as it applies to the first stage information disclosed under paragraph (3).

(8) The Secretary of State for Work and Pensions may disclose the results of the comparison of the second stage information (“the third stage information”) to the Secretary of State for Levelling Up, Housing and Communities.

(9) On receipt of the third stage information, the Secretary of State for Levelling Up, Housing and Communities may—

- (a) compare the third stage information against the information provided in the application, and
- (b) notify the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11), as to whether the comparison in sub-paragraph (a) resulted in a match.

(10) The registration officer must take into account any information disclosed by, or notification received from, the Secretary of State for Levelling Up, Housing and Communities in accordance with this regulation when determining the application.

(11) In paragraph (2)—

- (a) the applicant’s “name” means—
  - (i) the name provided by the applicant in accordance with section 1C(1)(a) of the 1985 Act, and
  - (ii) any name provided in accordance with regulation 18(3)(a) or 26(3)(ea);
- (b) “infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003(a);
- (c) “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

**Additional verification of information provided in an application made pursuant to an overseas elector’s declaration**

**29ZAB.**—(1) This regulation applies to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector’s declaration.

(2) On receipt of an application made otherwise than through the digital service, a registration officer must disclose the applicant’s qualification information to the Secretary of State for Levelling Up, Housing and Communities in such a format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(3) Following receipt of the qualification information from the registration officer or (in the case of an application made through or partially completed using the digital service) from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the information to the Secretary of State for Work and Pensions.

(4) Where qualification information has been disclosed to the Secretary of State for Work and Pensions under paragraph (2), the Secretary of State for Work and Pensions may compare it against—

- (a) the name, date of birth and address of individuals appearing in the following types of data kept by the Secretary of State—
  - (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and
  - (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty’s Revenue and Customs);
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(5) The Secretary of State for Work and Pensions may disclose the results of the comparison to the Secretary of State for Levelling Up, Housing and Communities.

(6) On receipt of such results, the Secretary of State for Levelling Up, Housing and Communities may disclose them to the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11).

(7) Where the Secretary of State for Levelling Up, Housing and Communities does so, the registration officer must take the results into account in determining the application.

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(a) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30). It is prospectively amended by paragraph 4 of the Schedule to the Telecommunications Infrastructure (Leasehold Property) Act 2021 (c. 7) from a date and time to be appointed.

(8) In this regulation—

“infrastructure system” has the meaning given in Schedule 3A to the Communications Act 2003;

“qualification information”, in respect of an applicant, means—

- (a) the applicant’s full name provided in accordance with section 1C(1)(a) of the 1985 Act and regulation 26(1)(a),
- (b) any name provided by the applicant in accordance with regulation 18(3)(a),
- (c) the applicant’s date of birth provided in accordance with regulation 26(1)(e),
- (d) the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.”.

(12) In regulation 29ZB (processing of information provided in connection with an application under section 10ZC or 10ZD)—

- (a) in paragraph (1), after “26B(8),” insert “26C(5), 26D(2), 26F(2)(a) or (4), 26G(3)(a) or 26J(3),”;
- (b) in paragraph (5)—
  - (i) in the opening words, after “regulation 29ZA” insert “, 29ZAA or 29ZAB”;
  - (ii) in sub-paragraph (aa), after “regulation 29ZA” insert “or 29ZAA”;
- (c) in paragraph (7), after “regulation 29ZA” insert “, 29ZAA or 29ZAB”;
- (d) in paragraph (8), after “regulation 29ZA(1)” insert “, 29ZAA(2) or 29ZAB(2)”.

(13) In regulation 29 (procedure for determining applications for registration and objections without a hearing)—

- (a) in paragraph (2BB), after “1983 Act” insert “or made in pursuance of an overseas elector’s declaration”;
- (b) in paragraph (2BC), after “1983 Act” insert “or in pursuance of an overseas elector’s declaration”;
- (c) in paragraph (2BE), for “26(5)(b)” substitute “26(5)(zb)”;
- (d) in paragraph (8), for “section 2(4)(b) or (c)(ii)” substitute “section 1C(2)(a)(i), (3)(a)(i) or (4)”.

(14) In regulation 31B (other determinations by registration officer of entitlement to registration), in paragraph (2)—

- (a) in sub-paragraph (a)(ii), for “section 2(2)(aa)” substitute “section 1D(4)(a)”;
- (b) in sub-paragraph (b)(ii), for “section 2(2)(ab)” substitute “section 1D(4)(b)”.

(15) In regulation 31D (procedure for reviewing entitlement to registration), in paragraph (4)(b), after “regulation 24” insert “or 24A,”.

(16) In regulation 31G (anonymous registration: applications and declarations), after paragraph (6) insert—

“(7) Where an application for an anonymous entry is made by a person who is, or who has applied to be, registered as an elector in pursuance of an overseas elector’s declaration, this regulation applies as if—

- (a) in paragraph (1)—
  - (i) the reference in sub-paragraph (b) to regulation 26(1)(b) were a reference to section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act;
  - (ii) after sub-paragraph (b) there were inserted—
    - “(ba) the address given in accordance with regulation 18(4) or 22B(1);”;
- (b) paragraph (6) were omitted.”.

(17) In regulation 31J (anonymous registration: evidence by attestation), after paragraph (2) insert—

“(2A) Where the applicant is or has applied to be registered in pursuance of an overseas elector’s declaration, the reference in paragraph (2)(a) to the applicant’s qualifying address includes a reference to the address provided by the applicant in accordance with regulation 18(4) or 22B(1).”.

(18) In regulation 35 (registration officer’s right to inspect certain records), after paragraph (3) insert—

“(4) For the purposes of paragraph (1), a registration officer’s “registration duties” do not include the officer’s functions in relation to a relevant absent voting application.”.

(19) In regulation 35A (disclosure of certain local authorities’ records), in paragraph (1) at the end insert “except for the purpose of verifying information related to a person named in a relevant absent voting application”.

(20) In regulation 40 (qualifying addresses which are not included in the register), in paragraph (1)(b), for “section 2(4)(b) or (c)(ii)” substitute “section 1C(2)(a)(i), (3)(a)(i) or (4)”.

(21) In regulation 45 (preparation and publication of list of overseas electors)—

(a) in paragraph (1)—

(i) after “prepare” insert “and maintain”;

(ii) for the words from “section 2(4)” to the end substitute “section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act and the elector’s present address”;

(b) after paragraph (1) insert—

“(1A) But in the case of a person who has an anonymous entry, the list of overseas electors must contain only—

(a) the person’s electoral number, and

(b) the date on which the person’s entitlement to remain registered anonymously will terminate under section 9C(1) of the 1983 Act (in the absence of a further application under section 9B of that Act).”;

(c) in paragraph (2), for “shall be listed in alphabetical order” substitute “who do not have an anonymous entry must be listed in alphabetical order, followed by the electoral numbers of persons with an anonymous entry”.

#### **Amendment of Part 4 (absent voters)**

**6.—**(1) Part 4 (absent voters) is amended as follows.

(2) In regulation 56C (power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary)—

(a) after paragraph (5) insert—

“(5A) If an applicant who is, or has applied to be, registered other than in pursuance of an overseas elector’s declaration is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—

(a) confirm that the applicant is the person named in the application,

(b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer,

(c) be in writing and signed by a person—

(i) whom the registration officer is satisfied is of good standing in the community,

(ii) who is registered as an elector in a local authority area in England or Wales,

(iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant, and

(iv) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—



- (aa) the date on which the revised register in which that person's name appears was last published under section 13(1) of the 1983 Act, or
- (bb) the date on which a notice specifying that person's entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued);
- (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation, and
- (e) state the date on which it is made.”;
- (b) in paragraph (6)—
  - (i) in the opening words, after “an applicant” insert “who is registered, or has applied to be registered, in pursuance of an overseas elector's declaration”;
  - (ii) in sub-paragraph (d)(i), after “British” insert “or Irish”;
- (c) in paragraph (8)—
  - (i) in the opening words, for “paragraph (7)(e)” substitute “paragraphs (5A)(c)(iv) and (7)(e)”;
  - (ii) in sub-paragraph (a), after “paragraph” insert “(5A) or”;
  - (iii) in sub-paragraph (b) and (c) after “26B(6)” insert “or (6ZA)”;
  - (iv) in sub-paragraph (c), for “56C(6)” substitute “56C(5A) or (6)”;
  - (v) in sub-paragraph (e), for “72B(6)” substitute “72B(5A) or (6)”.
- (3) In regulation 57 (grant or refusal of applications), after paragraph (2) insert—
 

“(2A) Paragraph (2B) applies where—

  - (a) a registration officer grants an application to vote by proxy made under paragraph 3(2) of Schedule 4(a) by an elector who is registered in pursuance of an overseas elector's declaration, and
  - (b) the resulting period for which that elector is entitled to vote by proxy ends after the 1st November on which the elector's registration will end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act.

(2B) Where this paragraph applies, the confirmation under paragraph (2) must include an explanation that a fresh signature will be required from the elector prior to the 1st November described in paragraph (2A)(b), in order for the elector's entitlement to continue after that date.”.
- (4) In regulation 60A (requirement to provide fresh signatures at five yearly intervals)—
  - (a) in the heading, omit “five yearly”;
  - (b) in paragraph (1), for “The” substitute “Subject to paragraphs (1A) and (1C), the”;
  - (c) after paragraph (1) insert—
 

“(1A) Paragraph (1B) applies instead of paragraph (1) in respect of a person who—

    - (a) is registered in pursuance of an overseas elector's declaration, and
    - (b) remains entitled to vote by proxy.

(1B) Subject to paragraph (1C), the registration officer must, during the signature refresh period, send every person to whom this paragraph applies a notice in writing—

    - (a) requiring the person to provide a fresh signature, and

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(a) 2000 c. 2. Paragraph 3 was amended by paragraph 164 of Schedule 27 to the Civil Partnership Act 2004 (c. 33), by section 14(1) and (8) of, and paragraphs 20 and 137 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22), by section 34(5) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), by section 9(3) of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6) and by paragraph 2 of Schedule 3 to the Elections Act 2022 (c. 37).

- (b) informing the person that, in the event of a failure or refusal to provide a fresh signature before the end of the signature refresh period, the person would cease to be entitled to vote by proxy at the end of that period.

(1C) Paragraphs (1) and (1B) do not apply in respect of a person to whom paragraph (1A) applies whose current signature on the personal identifiers record was added to that record during the signature refresh period.

(1D) In paragraphs (1B) and (1C), the “signature refresh period” means the period—

- (a) beginning with the 1st July immediately before the date in sub-paragraph (b), and
  - (b) ending with the 1st November on which the person’s registration will end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act.”;
- (d) in paragraph (2), for “The notice” substitute “A notice under paragraph (1) or (1B) (“the notice”)”;
- (e) in paragraph (5) omit “in accordance with paragraph (1) or (3)”.

## CHAPTER 2

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

#### **Introduction to Chapter 2**

7. The Representation of the People (Scotland) Regulations 2001 are amended in accordance with this Chapter.

#### **Amendment of Part 1 (general, interpretation and miscellaneous)**

8.—(1) Part 1 (general, interpretation and miscellaneous) is amended as follows.

(2) In regulation 3 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “digital service”, in paragraph (b), after “29ZA” insert “, 29ZAA, 29ZAB”;

(ii) after the definition of “overseas elector” insert—

““previous registration condition” has the same meaning as in section 1A(2) of the 1985 Act;

“previous residence condition” has the same meaning as in section 1A(3) of the 1985 Act.”;

(iii) after the definition of “relevant contact details” insert—

“renewal declaration” means a declaration made under and in accordance with section 1E of the 1985 Act.”;

(b) for paragraph (3B) substitute—

“(3B) The following documents may be transmitted by an applicant to a registration officer by electronic means—

(a) a document provided in accordance with regulation 18(8)(b), 24(2A) or 26(9B) or (9C);

(b) in relation to an application to which regulation 26A applies which is made by an applicant who is registered in pursuance of an overseas elector’s declaration, a document provided in accordance with regulation 26A(4);

(c) in relation to an application made in pursuance of an overseas elector’s declaration, a document provided in accordance with regulation 26B(2) to (4);

(d) a document provided in accordance with regulations 26C to 26H or 26J;

- (e) in relation to an application to which regulation 31G applies which is made by an applicant who is, or who has applied to be, registered in pursuance of an overseas elector's declaration, a document provided in accordance with regulation 31G(3);
  - (f) a document provided in accordance with regulation 51(9) or 56C.”.
- (3) In regulation 5 (communication of applications, notices etc.)—
- (a) in paragraph (1), after “relevant attestation” insert “, renewal declaration”;
  - (b) for paragraph (3) substitute—
    - “(3) In paragraph (1), “relevant attestation” means—
    - (a) an attestation under regulations 26B(6ZA), 26E, 26F, 26G or 26H;
    - (b) an attestation under regulation 31J in relation to an application to which regulation 31G applies which is made by an applicant who is, or who has applied to be, registered in pursuance of an overseas elector's declaration;
    - (c) an attestation under regulation 56C(6).”.

### **Amendment of Part 2 (service and overseas electors' declarations)**

- 9.—(1) Part 2 (service and overseas electors' declarations) is amended as follows.
- (2) For regulation 18 substitute—

#### **“Contents of overseas elector's declaration**

**18.**—(1) In addition to the information required by section 1C(1) to (4) of the 1985 Act, an overseas elector's declaration must include the information required by this regulation relating to the declarant ('D').

- (2) The declaration must include an indication as to whether D's name has changed—
  - (a) where D applies to be registered in reliance on the previous registration condition, since D was last included in an electoral register;
  - (b) where D applies to be registered in reliance on the previous residence condition, since D was (as the case may be)—
    - (i) last resident at the address included in the declaration in accordance with section 1C(3)(a)(i) of the 1985 Act, or
    - (ii) where section 1C(4) of the 1985 Act applies, last resident in the United Kingdom.
- (3) Where in accordance with paragraph (2) an indication is included in the declaration that D's name has changed, the declaration must also include—
  - (a) D's name in respect of which D was last registered or when D was last resident (as the case may be), and
  - (b) an explanation for the change of name.
- (4) The declaration must include D's present address.
- (5) The declaration must include—
  - (a) the number and date and place of issue of D's relevant passport,
  - (b) if D does not have a relevant passport but was born in the United Kingdom before 1st January 1983, an indication of those facts, or
  - (c) if D does not have a relevant passport and was not born in the United Kingdom before 1st January 1983, a statement as to when and how D acquired the status of British citizen, together with the date, place and country of D's birth.
- (6) In paragraph (5)—

“relevant passport” means a British passport (whether current or expired) which describes D's national status as “British citizen”;

“the United Kingdom” has the same meaning as in section 50 of the British Nationality Act 1981.

(7) Where D applies to be registered in reliance on the previous registration condition, the declaration must include an indication as to whether when last registered D was registered in pursuance of—

- (a) an overseas elector’s declaration,
- (b) a service declaration, or
- (c) a declaration of local connection.

(8) Where D applies to be registered in reliance on the previous residence condition—

- (a) the declaration must include an indication as to whether D was under 18 years old on the last day that D was resident in the United Kingdom, and
- (b) where D indicates that D was under 18 years old on that last day, D may provide as part of D’s declaration any information or document described in regulation 26C.

(9) Where section 1C(4) of the 1985 Act applies, the declaration must include—

- (a) a statement as to which of the categories of persons, to which section 7B of the 1983 Act (notional residence: declarations of local connection) applies, applied to D on the last date that D was resident in the United Kingdom, and
- (b) where section 7B(2)(a) or (b) applied to D, the name and address of the mental hospital (within the meaning of section 7 of the 1983 Act) at which D was a patient, or (as the case may be) of the place at which D was detained, on that date.”

(3) Omit regulation 19 (certain declarants to supply copy of birth certificates).

(4) In regulation 21 (transmission of overseas elector’s declaration), for “section 2(4) of the 1985 Act” substitute—

“section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act by—

- (a) the Secretary of State, where the declaration forms part of an application made through the digital service in accordance with regulation 26(9);
- (b) otherwise, by the declarant.”.

(5) In regulation 22 (notification about registration as overseas elector)—

- (a) in paragraph (1), for “sections 1 and 2” substitute “section 1A”;
- (b) in paragraph (2)—
  - (i) in sub-paragraph (a), for “section 1” substitute “section 1A”;
  - (ii) in sub-paragraph (b), for “section 2 of the 1985 Act or regulation 18 or 20 above” substitute “section 1C of the 1985 Act or regulation 18”;
  - (iii) omit sub-paragraph (c) and the “or” immediately preceding it;
  - (iv) for the words after sub-paragraph (c) substitute—

“the registration officer must notify the declarant in writing and set out the officer’s reasons for rejecting the application for registration.”.

(6) After regulation 22 insert—

*“Overseas electors: reminders and renewal declarations*

### **Reminders to electors registered pursuant to an overseas elector’s declaration**

**22A.**—(1) Subject to paragraph (3), the registration officer must, during the relevant period, send to an elector registered pursuant to an overseas elector’s declaration—

- (a) a reminder, and
- (b) within a reasonable time after sending that reminder, a second reminder.

(2) In paragraph (1)—

- (a) the “relevant period” means the period—
    - (i) beginning with the 1st July immediately before the 1st November on which the person’s registration will end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act, and
    - (ii) ending with that 1st November;
  - (b) a “reminder” is a reminder of the need to make a renewal declaration if the elector wishes to remain registered pursuant to an overseas elector’s declaration.
- (3) Paragraph (1)(a) and (b) does not apply in respect of an elector registered pursuant to an overseas elector’s declaration where—
- (a) the registration officer has received a renewal declaration from that elector, or
  - (b) information which the registration officer has received indicates that that elector is no longer entitled to make a renewal declaration.

### **Renewal declarations**

**22B.**—(1) A renewal declaration must be in writing and must include the declarant’s present address.

(2) The Electoral Commission must—

- (a) design a paper renewal declaration form which—
  - (i) requires the information required by paragraph (1) and section 1E(1) and (2) of the 1985 Act,
  - (ii) includes a statement that it is an offence to provide false information to the registration officer, together with a statement of the maximum penalty for that offence, and
  - (iii) includes space for the email address and telephone number of the declarant and an explanation that provision of this information is not mandatory,
- (b) seek the approval of the Secretary of State to the design of that form, and
- (c) having obtained that approval, make the form available to registration officers.

(3) The registration officer may authorise the declarant to provide the information required by paragraph (1) and by section 1E(1) and (2) of the 1985 Act to the registration officer by telephone or in person and, where the registration officer does so, the registration officer must transfer the information provided by the declarant into a renewal declaration in writing.

(4) Where, by virtue of arrangements made by the Secretary of State, a renewal declaration may be made through the digital service, the Secretary of State must—

- (a) request the declarant’s email address and telephone number and provide an explanation of the purpose for which this information will be used and that provision of this information is not mandatory, and
- (b) send to the registration officer any declaration the Secretary of State receives, together with—
  - (i) the declarant’s email address and telephone number (if provided), and
  - (ii) a reference number unique to that declaration.

### **Transmission of renewal declaration**

**22C.** A renewal declaration must be transmitted to the registration officer who maintains the register of parliamentary electors in which the declarant is registered pursuant to an overseas elector’s declaration by—

- (a) the Secretary of State, where regulation 22B(4)(b) applies;
- (b) otherwise, by the declarant.

## **Notification about continued registration as overseas elector following renewal declaration**

**22D.**—(1) Where the registration officer is satisfied that the declarant of a renewal declaration is entitled to remain registered in pursuance of an overseas elector’s declaration in accordance with section 1D(2)(b) of the 1985 Act, the registration officer must notify the declarant of that fact.

(2) Where the registration officer is not so satisfied, the registration officer must notify the declarant of that fact together with the registration officer’s reasons for not being satisfied that the declarant is entitled to remain registered in pursuance of an overseas elector’s declaration.”.

## **Amendment of Part 3 (registration)**

**10.**—(1) Part 3 (registration) is amended as follows.

(2) In regulation 24 (evidence as to age and nationality), after paragraph (2) insert—

“(2A) Where a person has made an overseas elector’s declaration, the registration officer may require a copy of a document referred to in paragraph (2)(a) to (c).”.

(3) In regulation 25 (reminders to electors registered pursuant to a declaration)—

(a) in the heading, for “declaration” substitute “service declaration or declaration of local connection”;

(b) in paragraph (1)—

(i) after sub-paragraph (a) insert “or”;

(ii) omit sub-paragraph (c) and the “and” immediately preceding it.

(4) After regulation 25 insert—

### **“Reminders to overseas electors who have an anonymous entry**

**25ZA.**—(1) This regulation applies to each person who—

(a) is registered in pursuance of an overseas elector’s declaration, and

(b) has an anonymous entry.

(2) Subject to paragraph (3), the registration officer must, during the reminder period, send to a person to whom this regulation applies (“P”) a reminder that—

(a) P’s entitlement to registration will terminate on the determined date, and

(b) if P wishes to remain—

(i) entered in the register anonymously after that date, P must make a fresh application under section 9B(1)(b) of the 1983 Act for an anonymous entry;

(ii) entered in the register after that date without an anonymous entry, P must make a fresh application under section 10ZC of the 1983 Act together with a fresh overseas elector’s declaration.

(3) Paragraph (2) does not apply where the registration officer has already received from P a fresh application under section 9B(1)(b) or section 10ZC of the 1983 Act.

(4) A reminder under paragraph (2) may be sent to P’s address by post or sent to P by electronic means.

(5) In paragraph (2)—

“the determined date” is the date on which P’s entitlement to remain registered will terminate under section 9C(1)(a) of the 1983 Act;

“the reminder period” means the period beginning 3 months before and ending 2 months before the determined date.”.

(5) In regulation 25A (reminders to persons who have an anonymous entry)—

- (a) in the heading, after “to” insert “other”;
  - (b) in paragraph (1), at the end insert “, other than a person registered in pursuance of an overseas elector’s declaration”.
- (6) In regulation 26 (applications for registration)—
- (a) in paragraph (1)—
    - (i) in sub-paragraph (c), after “Kingdom” insert “and the application is not being made in pursuance of an overseas elector’s declaration”;
    - (ii) in sub-paragraph (d), at the beginning insert “except in the case of an application being made in pursuance of an overseas elector’s declaration,”;
  - (b) in paragraph (4)(c), at the beginning insert “in relation to the registration of local government electors,”;
  - (c) in paragraph (5)—
    - (i) after the opening words insert—
      - “(za) instead of the statement required in paragraph (3)(ba), include a statement that, in relation to an applicant’s nationality, registration officers may require the applicant to provide additional information or may carry out checks against Government records, and
      - (zb) include space for the address at which the applicant can be contacted.”;
    - (ii) omit sub-paragraphs (a) and (b);
  - (d) in paragraph (5A), after “registered” insert “as a local government elector”;
  - (e) after paragraph (9A) insert—
    - “(9B) Where—
      - (a) an applicant makes an application in pursuance of an overseas elector’s declaration, and
      - (b) the applicant is unable to provide a national insurance number in accordance with paragraph (1)(f),
 the applicant may provide as part of the application a copy of any of the documents listed in regulation 26B(2) to (4).
      - (9C) Where an applicant makes an application in pursuance of an overseas elector’s declaration in reliance upon the previous residence condition, the applicant may provide as part of the application a copy of any document which meets the evidential requirement described in regulation 26D(3).”;
  - (f) omit paragraph (10);
  - (g) in paragraph (11), before sub-paragraph (a) insert—
    - “(za) any copy documentation provided by the applicant in accordance with paragraph (9B) or (9C).”;
- (7) In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary)—
- (a) in paragraph (1), at the beginning for “This” substitute “Subject to paragraph (1A), this”;
  - (b) after paragraph (1) insert—
    - “(1A) Where a person has made an application to be registered as an overseas elector under section 10ZC of the 1983 Act, this regulation only applies to the extent that a registration officer considers that additional evidence is necessary to verify the identity of the applicant (see regulations 24 and 26C to 26H for further provision in relation to overseas electors).”;
  - (c) after paragraph (4) insert—
    - “(4A) Where an application is made pursuant to an overseas elector’s declaration—

- (a) paragraph (3) applies as if, in sub-paragraph (a)(vii), the words from “and which must” to “Kingdom” were omitted;
- (b) paragraph (4) applies as if after “kinds of evidence” there were inserted “, must have been issued in the United Kingdom or Crown Dependencies.”;
- (d) in paragraph (5), for the words from “require” to the end substitute—
  - “—
  - (a) except where sub-paragraph (b) applies, require the applicant give an attestation as set out in paragraph (6);
  - (b) where the application is made in pursuance of an overseas elector’s declaration, require the applicant give an attestation as set out in paragraph (6ZA).”;
- (e) in paragraph (6)(c)—
  - (i) omit the “and” after paragraph (iii);
  - (ii) in paragraph (iv), at the beginning insert “in relation to an application for registration as a local government elector.”;
  - (iii) after paragraph (iv), insert—
    - “; and
    - (v) in relation to any other application for registration to which this paragraph applies, who has not already signed a relevant identity attestation for two applicants since, whichever is the later of,—
      - (aa) the date on which the revised register in which the attestor’s name appears was last published under section 13(1) of the 1983 Act, or
      - (bb) the date on which a notice specifying the attestor’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued.”;
- (f) after paragraph (6) insert—
  - “(6ZA) An attestation under this paragraph must—
    - (a) confirm that the applicant is the person named in the application,
    - (b) be in writing and signed by a qualifying attestor,
    - (c) state the qualifying attestor’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attestor is registered as an elector,
    - (d) state—
      - (i) where the qualifying attestor is registered in pursuance of an overseas elector’s declaration, the attestor’s British or Irish passport number together with its date and place of issue;
      - (ii) otherwise—
        - (aa) where the qualifying attestor is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number,
        - (bb) in all other cases, the qualifying attestor’s electoral number,
    - (e) include an explanation as to the qualifying attestor’s ability to confirm that the applicant is the person named in the application, including (but not limited to) the qualifying attestor’s connection to the applicant and the length of time that that connection has existed,
    - (f) include—



- (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attester that all information provided in the attestation is true, and
- (g) state the date on which it is made.
- (6ZB) In paragraph (6ZA), a “qualifying attester” is a person—
- (a) who is aged 18 or over,
  - (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
  - (c) who is registered as an elector,
  - (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
  - (e) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (i) the date on which the revised register in which the attester’s name appears was last published under section 13(1) of the 1983 Act, or
    - (ii) the date on which a notice specifying the attester’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (6ZC) In paragraphs (6)(c)(v) and (6ZB)(e), a relevant identity attestation is an attestation provided in accordance with—
- (a) paragraph (6) or (6ZA);
  - (b) regulation 56C(5A) or (6);
  - (c) regulation 26B(6) or (6ZA) or 56C(5A) or (6) of the Representation of the People (England and Wales) Regulations 2001;
  - (d) paragraph 16C(5) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012;
  - (e) regulation 72B(5A) or (6) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;
  - (f) regulation 7(6) of the Voter Identification Regulations 2022.”;
- (g) omit paragraphs (7)(d) and (10).
- (8) After regulation 26B insert—

**“Overseas electors: power to request additional evidence where applicant under 18 when last resident in the United Kingdom**

**26C.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
- (b) in accordance with regulation 18(8), the applicant has given an indication that the applicant was under 18 years old on the last day, and
- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was resident at the relevant address.

(2) The registration officer may require the applicant to provide—

- (a) the full name of a parent or guardian of the applicant who was resident at the relevant address on the last day;
  - (b) in respect of each such parent or guardian, an indication as to whether that parent or guardian was registered, in respect of the relevant address, in a register of parliamentary electors or a register of local government electors on the last day.
- (3) Where the applicant provides the full name of a parent in accordance with paragraph (2)(a), the applicant must also provide a copy of the applicant's birth certificate which shows the name of the applicant's parent as provided in accordance with paragraph (2)(a) and the applicant's date of birth.
- (4) Where the applicant provides the full name of a guardian in accordance with paragraph (2)(a), the registration officer must require the applicant to provide such other kind of evidence as the officer considers appropriate that confirms that the person named in accordance with paragraph (2)(a) was the guardian of the applicant.
- (5) Where the applicant provides a copy of a document in accordance with paragraph (3) or (4), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.
- (6) In this regulation—
- “last day” means the last day on which the applicant was resident in the United Kingdom;
  - “relevant address” means the address provided by the applicant in accordance with section 1C(3)(a)(i) or (4) of the 1985 Act.

**Overseas elector: power to request additional evidence of previous residence**

**26D.**—(1) This regulation applies where a registration officer considers that additional evidence is necessary in order to satisfy the registration officer that a person who makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector's declaration (“the applicant”)—

- (a) where the declaration is made in reliance on the previous registration condition, was previously entered in an electoral register in respect of the relevant address;
  - (b) where the declaration is made in reliance on the previous residence condition—
    - (i) was resident at the relevant address on the last day that the applicant was resident in the United Kingdom, or
    - (ii) was not resident at the relevant address but could have made a declaration under section 7B of the 1983 Act (declaration of local connection) in respect of that address on the last day that the applicant was resident in the United Kingdom.
- (2) The registration officer may require that the applicant give them a copy, or where the registration officer considers it appropriate, the original, of any document which meets the evidential requirement.
- (3) For the purposes of paragraph (2), the “evidential requirement” in relation to a document is that the document—
- (a) bears the full current or previous name of the applicant, and
  - (b) bears the relevant address.
- (4) Any of the following documents which meets the evidential requirement in paragraph (3) is deemed to be conclusive evidence that the statement in paragraph (1)(a), (b)(i) or (b)(ii) (as the case may be) applies in respect of the applicant—
- (a) a driving licence granted in the United Kingdom (including an expired licence);
  - (b) an instrument of a court appointment, such as a grant of probate or letters of administration;

- (c) a letter from the Office of the Public Guardian confirming the registration of a lasting power of attorney;
- (d) a letter from His Majesty's Revenue and Customs;
- (e) a council tax demand letter or statement;
- (f) a rent book issued by a local authority;
- (g) a statement of benefits or entitlement to benefits, such as a statement of child benefit, within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act;
- (h) a letter from the Department of Work and Pensions, confirming the applicant's entitlement to a state pension;
- (i) a letter from a school, college, university or other educational institution which confirms the attendance of, or the offer of a place for, the applicant at that institution;
- (j) a letter from the Student Loans Company;
- (k) an official copy of the land register entry for the relevant address or other proof of title for the relevant address;
- (l) a solicitor's letter confirming the purchase of, or confirmation of the land registry registration of, the relevant address;
- (m) a Form P45, Form P60, reference or payslip issued to the applicant by their employer or former employer;
- (n) a bank or building society passbook or statement, or a letter from a bank or building society confirming that the applicant has opened an account with that bank or building society;
- (o) a credit card statement;
- (p) a utility or mobile telephone bill;
- (q) a letter from an insurance provider.

(5) In this regulation, "relevant address" means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to request attestation as to applicant's previous residence at relevant address**

**26E.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector's declaration ("the applicant"),
- (b) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was resident at the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).

(2) The registration officer may require that the applicant give an attestation of previous residence which must—

- (a) confirm that the applicant was resident at the relevant address, and
- (b) give an indication of the dates between which, to the best of the qualifying attester's knowledge, the applicant was resident at that address.

(3) In this regulation—

"qualifying attester" has the meaning given in regulation 26I(3);

“relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

**Overseas electors: power to request additional evidence as to applicant’s previous registration in pursuance of a service declaration or overseas elector’s declaration or as a merchant seaman**

**26F.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance on the previous registration condition,
- (b) the applicant claims that the registration referred to in section 1A(2)(a) of the 1985 Act was—
  - (i) in pursuance of a service declaration,
  - (ii) on the basis that the applicant was treated as being resident at the relevant address in accordance with section 6 of the 1983 Act (residence: merchant seamen), or
  - (iii) in pursuance of an overseas elector’s declaration made in reliance upon the previous registration condition, where paragraph (i) or (ii) applies to the registration referred to in section 1A(2)(a) of the 1985 Act in respect of that declaration,
- (c) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
- (d) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was previously entered in an electoral register in respect of the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).

(2) The registration officer may require that the applicant—

- (a) give the registration officer a copy, or where the registration officer considers it appropriate, the original, of any document which—
  - (i) bears the full name of the applicant, as provided in accordance with section 1C(1)(a) of the 1985 Act or regulation 18(3)(a), and
  - (ii) confirms that the applicant met the registration status requirement;
- (b) give an attestation of registration status which must—
  - (i) confirm that the applicant met the registration status requirement, and
  - (ii) give an indication of the dates between which, to the best of the qualifying attestor’s knowledge, the applicant met the requirement.

(3) Paragraph (4) applies where the applicant’s registration referred to in section 1A(2)(a) of the 1985 Act was in pursuance of a service declaration by virtue of a service qualification related to another person (“B”), as described in section 14(1)(d) or (e) or (1A) of the 1983 Act.

(4) In addition to or instead of a requirement under paragraph (2)(a), the registration officer may require the applicant to give the registration officer a copy, or where the registration officer considers it appropriate, the original of any document which bears the full current or former name of B and confirms—

- (a) B’s service qualification under section 14(1) of the 1983 Act;
- (b) that B is or was (as the case may be) the spouse, civil partner, parent or guardian of the applicant.

(5) For the purposes of this regulation, “the registration status requirement”—

- (a) where paragraph (1)(b)(i) applies (including where it applies in accordance with paragraph (1)(b)(iii)), is that the applicant had a service qualification under section 14(1) or (1A) of the 1983 Act;
  - (b) where paragraph (1)(b)(ii) applies (including where it applies in accordance with paragraph (1)(b)(iii)), is that the applicant was a merchant seaman within the meaning of section 6 of the 1983 Act.
- (6) In this regulation—
- “qualifying attestor” has the meaning given in regulation 26I(3);
  - “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) of the 1985 Act.

**Overseas electors: power to require additional evidence as to declaration of local connection**

**26G.**—(1) This regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance upon the previous registration condition,
  - (b) the applicant claims that the registration referred to in section 1A(2)(a) of the 1985 Act was—
    - (i) in pursuance of a declaration under section 7B of the 1983 Act (declaration of local connection), or
    - (ii) in pursuance of an overseas elector’s declaration made in reliance upon the previous registration condition, where paragraph (i) of this sub-paragraph or paragraph (2)(a) applies to the registration referred to in section 1A(2)(a) of the 1985 Act in respect of that declaration,
  - (c) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (d) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant was previously entered in an electoral register in respect of the relevant address, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (2) This regulation also applies where—
- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”) in reliance upon the previous residence condition by virtue of section 1A(3)(b)(ii) of the 1985 Act,
  - (b) the registration officer has required the applicant to provide additional evidence in accordance with regulation 26D, and
  - (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that, on the last date that the applicant was resident in the United Kingdom, section 7B of the 1983 Act applied to the applicant, including where the applicant is unable to provide the evidence required under regulation 26D(2).
- (3) The registration officer may require that the applicant—
- (a) give the registration officer a copy, or where the registration officer considers it appropriate, the original, of any document which—
    - (i) bears the full name of the applicant, as provided in accordance with section 1C(1)(a) of the 1985 Act or regulation 18(3)(a), and
    - (ii) confirms that the applicant met the local connection requirement;
  - (b) give an attestation of local connection which must—

- (i) confirm on which basis the applicant met the local connection requirement, and
  - (ii) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.
- (4) The local connection requirement is—
- (a) where section 7B(2)(a) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was a patient in a mental hospital (within the meaning of that section), and
    - (ii) section 3A of the 1983 Act (disenfranchisement of offenders detained in mental hospitals) or section 7A of the 1983 Act (residence: persons remanded in custody etc.) did not apply to the applicant;
  - (b) where section 7B(2)(b) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was detained at any place pursuant to a relevant order or direction, and
    - (ii) the applicant was so detained otherwise than after being convicted of any offence or a finding in criminal proceedings that the applicant did the act or made the omission charged;
  - (c) where section 7B(2)(c) of the 1983 Act applied to the applicant, that the applicant—
    - (i) was not in legal custody, and
    - (ii) was not, for the purposes of section 4 of the 1983 Act, resident at any address in the United Kingdom;
  - (d) where section 7B(2A) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was under the age of 16 years,
    - (ii) section 7B(2)(a) to (c) of the 1983 Act did not apply to the applicant, and
    - (iii) the applicant was either—
      - (aa) a child who was looked after by a local authority, or
      - (bb) being kept in secure accommodation;
  - (e) where section 7B(2D) of the 1983 Act applied to the applicant, that—
    - (i) the applicant was a convicted person to whom section 3(1A) of the 1983 Act(a) applied, and
    - (ii) the applicant would not have been entitled to be registered by virtue of residence at any place other than the penal institution in which the applicant was detained.
- (5) In paragraph (4)—
- (a) for the purposes of sub-paragraphs (a) and (e), it is to be assumed that sections 3(1A), 3A and 7A of the 1983 Act were in force at any relevant time;
  - (a) in sub-paragraph (b)(i), “relevant order or direction” has the meaning given in section 7A(6) of the 1983 Act;
  - (b) section 7B(2C) of the 1983 Act applies to sub-paragraph (d) as it applies to section 7B(2B) of that Act.
- (6) In this regulation—
- “qualifying attester” has the meaning given in regulation 26I(3);
  - “relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) or (4) of the 1985 Act.

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(a) Section 3(1A) was inserted by section 5(3) of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6).

**Overseas electors: power to require attestation as to applicant’s connection to relevant address**

**26H.**—(1) Subject to paragraph (2), this regulation applies where—

- (a) a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector’s declaration (“the applicant”),
- (b) the registration officer requires the applicant to give documentary evidence or an attestation in accordance with regulation 26F(2) or 26G(3), and
- (c) the registration officer considers that additional evidence is necessary in order to satisfy the registration officer that the applicant has a previous connection to the relevant address.

(2) This regulation does not apply where regulation 26G(4)(d) applies to the applicant.

(3) The registration officer may require that the applicant give an attestation of relevant address connection which must—

- (a) confirm that the applicant met the relevant address connection requirement, and
- (b) give an indication of the dates between which, to the best of the qualifying attester’s knowledge, the applicant met the requirement.

(4) The relevant address connection requirement is—

- (a) where regulation 26F(1)(b)(i) applies to the applicant (including where it applies in accordance with regulation 26F(1)(b)(iii)), that the applicant would have been residing at the relevant address but for the applicant’s service qualification within the meaning of section 14(1) or (1A) of the 1983 Act;
- (b) where regulation 26F(1)(b)(ii) applies to the applicant (including where it applies in accordance with regulation 26F(1)(b)(iii)), that the applicant—
  - (i) would have been residing at the relevant address but for the applicant’s occupation as a merchant seaman, or
  - (ii) commonly stayed at the relevant address, which was a hotel or club providing accommodation for merchant seamen, during the course of the applicant’s occupation as a merchant seaman;
- (c) where regulation 26G(4)(a) or (b) applies to the applicant, that the applicant would have been residing at the relevant address if the applicant had not been a patient or detained;
- (d) where regulation 26G(4)(c) applies to the applicant, that the relevant address was, or was nearest to, a place in the United Kingdom where the applicant commonly spent a substantial part of the applicant’s time (whether during the day or at night);
- (e) where regulation 26G(4)(e) applies to the applicant, that—
  - (i) the applicant would have been residing at the relevant address but for the applicant’s detention,
  - (ii) the applicant was resident at the relevant address immediately before the applicant’s detention, or
  - (iii) the relevant address was, or was nearest to, a place in Scotland where the applicant commonly spent a substantial part of the applicant’s time (whether during the day or at night).

(5) In this regulation—

“qualifying attester” has the meaning given in regulation 26I(3);

“relevant address” means the address provided by the applicant in accordance with section 1C(2)(a)(i) or (4) of the 1985 Act.

**Overseas electors: supplemental provision as to attestations and the meaning of “qualifying attester”**

**26I.**—(1) An attestation of previous residence pursuant to regulation 26E(2), an attestation of registration status pursuant to regulation 26F(2)(b), an attestation of local connection pursuant to regulation 26G(3)(b), or an attestation of relevant address connection pursuant to regulation 26H(3) must—

- (a) be in writing and signed by a qualifying attester;
- (b) state the qualifying attester’s full name, date of birth, occupation, residential address and (if different) the address in respect of which the qualifying attester is registered as an elector;
- (c) state—
  - (i) where the qualifying attester is registered in pursuance of an overseas elector’s declaration, the attester’s British or Irish passport number together with its date and place of issue;
  - (ii) otherwise—
    - (aa) where the qualifying attester is registered in respect of an address in Northern Ireland and has been allocated a digital registration number in accordance with section 10B of the 1983 Act (register of electors in Northern Ireland: digital registration number), that digital registration number,
    - (bb) in all other cases, the qualifying attester’s electoral number,
- (d) include an explanation as to the qualifying attester’s ability to confirm that the applicant met the relevant requirement, including (but not limited to) the qualifying attester’s connection to the applicant and the length of time that that connection has existed;
- (e) include—
  - (i) an indication that the qualifying attester is aware of section 13D(1) of the 1983 Act (offence of provision of false information to a registration officer), and
  - (ii) a declaration by the qualifying attester that all of the information provided in the attestation is true;
- (f) state the date on which it is made.

(2) An attestation of relevant address connection pursuant to regulation 26H(3) may be combined with—

- (a) an attestation of registration status pursuant to regulation 26F(2)(b), or
- (b) an attestation of local connection pursuant to regulation 26G(3)(b),

where the qualifying attester for each attestation is the same person.

(3) In this regulation, and in regulations 26E, 26F, 26G and 26H, a “qualifying attester” is a person—

- (a) who is aged 18 or over,
- (b) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant,
- (c) who is registered as an elector,
- (d) except where the person is registered in pursuance of an overseas elector’s declaration, whom the registration officer is satisfied is of good standing in the community, and
- (e) who has not already signed attestations to which paragraph (4) applies for two other applicants since, whichever is the later,—



- (i) the date on which the revised register in which the attester's name appears was last published under section 13(1) of the 1983 Act; or
  - (ii) the date on which a notice specifying the attester's entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued).
- (4) This paragraph applies to an attestation made in accordance with any of—
- (a) regulations 26E to 26H, and
  - (b) regulations 26E to 26H of the Representation of the People (England and Wales) Regulations 2001.

**Overseas electors: power to require additional evidence as to change of name**

**26J.**—(1) Paragraph (2) applies where a person makes an application under section 10ZC of the 1983 Act in pursuance of an overseas elector's declaration ("the applicant") and—

- (a) the applicant's declaration includes a name in accordance with regulation 18(3)(a);
- (b) the applicant's name on a document provided in accordance with regulation 24(2), 26C(3) or (4), 26D(2), 26F(2)(a) or 26G(3)(a) is different from both the name provided in accordance with section 1C(1)(a) of the 1985 Act and any name provided in accordance with regulation 18(3);
- (c) the name of the applicant's parent or guardian provided in accordance with regulation 26C(2)(a) is different from the name of that parent or guardian as it appears—
  - (i) on the register described in regulation 26C(2)(b);
  - (ii) on a document provided in accordance with regulation 26C(3) or (4);
- (d) B's name on a document provided by the applicant in accordance with regulation 26F(4)(a) or (b) is B's former (and not current) name;
- (e) on a document provided by the applicant in accordance with regulation 26F(4)(a) B's name is different from on any document provided by the applicant in accordance with regulation 26F(4)(b).

(2) Where this paragraph applies, the registration officer may require the applicant to provide—

- (a) except where paragraph (1)(a) applies, an explanation as to the difference in name or, where paragraph (1)(c), (d) or (e) applies and the reason for the difference is not known by the applicant, a statement to that effect, and
- (b) where paragraph (1)(a) or (b) applies, such other evidence as the officer considers appropriate that confirms the change of the applicant's name.

(3) Where the applicant provides a copy of a document in accordance with paragraph (2)(b), the registration officer may, if the registration officer considers it appropriate, require the applicant to provide the original document.”.

(9) In regulation 29ZA (verification of information provided in an application), after paragraph (6) insert—

“(6ZA) In relation to the registration of parliamentary electors, this regulation does not apply to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector's declaration.”.

(10) After regulation 29ZA insert—

**“Verification of information provided in an application made pursuant to an overseas elector’s declaration**

**29ZAA.**—(1) This regulation applies to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector’s declaration.

(2) On receipt of an application made otherwise than through the digital service, a registration officer must disclose the applicant’s name, relevant address, date of birth and national insurance number (“the first stage information”) to the Secretary of State for Levelling Up, Housing and Communities in such format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(3) Following receipt of the first stage information from the registration officer or (in the case of an application made through or partially completed using the digital service) from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the first stage information to the Secretary of State for Work and Pensions.

(4) Where the first stage information has been disclosed to the Secretary of State for Work and Pensions under paragraph (3) the Secretary of State for Work and Pensions may compare it against—

- (a) the name, address, date of birth and national insurance number of individuals appearing in the following types of data kept by the Secretary of State—
  - (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and
  - (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty’s Revenue and Customs);
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (3).

(5) The Secretary of State for Work and Pensions may disclose the results of the comparison of the first stage information (“the second stage information”) to the Secretary of State for Levelling Up, Housing and Communities.

(6) On receipt of the second stage information, the Secretary of State for Levelling Up, Housing and Communities may disclose that information—

- (a) to the Secretary of State for Work and Pensions, or
- (b) to the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11).

(7) Paragraph (4) applies to the second stage information where it has been disclosed to the Secretary of State for Work and Pensions under paragraph (6)(a) as it applies to the first stage information disclosed under paragraph (3).

(8) The Secretary of State for Work and Pensions may disclose the results of the comparison of the second stage information (“the third stage information”) to the Secretary of State for Levelling Up, Housing and Communities.

(9) On receipt of the third stage information, the Secretary of State for Levelling Up, Housing and Communities may—

- (a) compare the third stage information against the information provided in the application, and
- (b) notify the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11), as to whether the comparison in sub-paragraph (a) resulted in a match.

(10) The registration officer must take into account any information disclosed by, or notification received from, the Secretary of State for Levelling Up, Housing and Communities in accordance with this regulation when determining the application.

(11) In paragraph (2)—

- (a) the applicant's "name" means—
  - (i) the name provided by the applicant in accordance with section 1C(1)(a) of the 1985 Act, and
  - (ii) any name provided in accordance with regulation 18(3)(a) or 26(3)(ea);
- (b) "infrastructure system" has the meaning given in Schedule 3A to the Communications Act 2003;
- (c) "relevant address" means the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.

**Additional verification of information provided in an application made pursuant to an overseas elector's declaration**

**29ZAB.**—(1) This regulation applies to an application for registration under section 10ZC of the 1983 Act made pursuant to an overseas elector's declaration.

(2) On receipt of an application made otherwise than through the digital service, a registration officer must disclose the applicant's qualification information to the Secretary of State for Levelling Up, Housing and Communities in such a format and through such an infrastructure system as the Secretary of State for Levelling Up, Housing and Communities may have notified to the registration officer in writing.

(3) Following receipt of the qualification information from the registration officer or (in the case of an application made through or partially completed using the digital service) from an applicant, the Secretary of State for Levelling Up, Housing and Communities may disclose the information to the Secretary of State for Work and Pensions.

(4) Where qualification information has been disclosed to the Secretary of State for Work and Pensions under paragraph (2), the Secretary of State for Work and Pensions may compare it against—

- (a) the name, date of birth and address of individuals appearing in the following types of data kept by the Secretary of State—
  - (i) data kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development), and
  - (ii) data relating to working tax credit, child tax credit and child benefit (being information kept on behalf of His Majesty's Revenue and Customs);
- (b) any other information contained in such types of data which relates to the information disclosed under paragraph (2).

(5) The Secretary of State for Work and Pensions may disclose the results of the comparison to the Secretary of State for Levelling Up, Housing and Communities.

(6) On receipt of such results, the Secretary of State for Levelling Up, Housing and Communities may disclose them to the registration officer to whom the application has been made or, as the case may be, to whom the Secretary of State has sent the application under regulation 26(11).

(7) Where the Secretary of State for Levelling Up, Housing and Communities does so, the registration officer must take the results into account in determining the application.

(8) In this regulation—

"infrastructure system" has the meaning given in Schedule 3A to the Communications Act 2003;

"qualification information", in respect of an applicant, means—

- (a) the applicant's full name provided in accordance with section 1C(1)(a) of the 1985 Act and regulation 26(1)(a),
- (b) any name provided by the applicant in accordance with regulation 18(3)(a),
- (c) the applicant's date of birth provided in accordance with regulation 26(1)(e),
- (d) the address provided by the applicant in accordance with section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act.”.

(11) In regulation 29ZB (processing of information provided in connection with an application under section 10ZC or 10ZD)—

- (a) in paragraph (1), after “26B(8),” insert “26C(5), 26D(2), 26F(2)(a) or (4), 26G(3)(a) or 26J(3),”;
- (b) in paragraph (5)—
  - (i) in the opening words, after “regulation 29ZA” insert “, 29ZAA or 29ZAB”;
  - (ii) in sub-paragraph (aa), after “regulation 29ZA” insert “or 29ZAA”;
- (c) in paragraph (7), after “regulation 29ZA” insert “, 29ZAA or 29ZAB”;
- (d) in paragraph (8), after “regulation 29ZA(1)” insert “, 29ZAA(2) or 29ZAB(2)”.

(12) In regulation 29 (procedure for determining applications for registration and objections without a hearing)—

- (a) in paragraph (2AB), after “1983 Act” insert “or made in pursuance of an overseas elector's declaration”;
- (b) in paragraph (2AC), after “1983 Act” insert “or in pursuance of an overseas elector's declaration”;
- (c) in paragraph (2AE), for “26(5)(b)” substitute “26(5)(zb)”;
- (d) in paragraph (8), for “section 2(4)(b) or (c)(ii)” substitute “section 1C(2)(a)(i), (3)(a)(i) or (4)”.

(13) In regulation 31B (other determinations by registration officer of entitlement to registration), in paragraph (2)—

- (a) in sub-paragraph (a)(ii), for “section 2(2)(aa)” substitute “section 1D(4)(a)”;
- (b) in sub-paragraph (b)(ii), for “section 2(2)(ab)” substitute “section 1D(4)(b)”.

(14) In regulation 31G (anonymous registration: applications and declarations), after paragraph (6) insert—

“(7) Where an application for an anonymous entry is made by a person who is, or who has applied to be, registered as an elector in pursuance of an overseas elector's declaration, this regulation applies as if—

- (a) in paragraph (1)—
  - (i) the reference in sub-paragraph (b) to regulation 26(1)(b) were a reference to section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act;
  - (ii) after sub-paragraph (b) there were inserted—
    - “(ba) the address given in accordance with regulation 18(4) or 22B(1);”;
- (b) paragraph (6) were omitted.”.

(15) In regulation 31J (anonymous registration: evidence by attestation), after paragraph (2) insert—

“(2A) Where the applicant is or has applied to be registered in pursuance of an overseas elector's declaration, the reference in paragraph (2)(a) to the applicant's qualifying address includes a reference to the address provided by the applicant in accordance with regulation 18(4) or 22B(1).”.

(16) In regulation 35 (registration officer's right to inspect certain records), after paragraph (3) insert—

“(4) For the purposes of paragraph (1), a registration officer’s “registration duties” do not include the officer’s functions in relation to a relevant absent voting application.”.

(17) In regulation 35A (disclosure of certain local authorities’ records), in paragraph (1) at the end insert “except for the purpose of verifying information related to a person named in a relevant absent voting application”.

(18) In regulation 40 (qualifying addresses which are not included in the register), in paragraph (1)(b), for “section 2(4)(b) or (c)(ii)” substitute “section 1C(2)(a)(i), (3)(a)(i) or (4)”.

(19) In regulation 45 (preparation and publication of list of overseas electors)—

(a) in paragraph (1)—

(i) after “prepare” insert “and maintain”;

(ii) for the words from “section 2(4)” to the end substitute “section 1C(2)(a)(i), (3)(a)(i) or (4) of the 1985 Act and the elector’s present address”;

(b) after paragraph (1) insert—

“(1A) But in the case of a person who has an anonymous entry, the list of overseas electors must contain only—

(a) the person’s electoral number, and

(b) the date on which the person’s entitlement to remain registered anonymously will terminate under section 9C(1) of the 1983 Act (in the absence of a further application under section 9B of that Act).”;

(c) in paragraph (2), for “shall be listed in alphabetical order” substitute “who do not have an anonymous entry must be listed in alphabetical order, followed by the electoral numbers of persons with an anonymous entry”.

#### **Amendment of Part 4 (absent voters)**

**11.**—(1) Part 4 (absent voters) is amended as follows.

(2) In regulation 56C (power to request additional evidence in relation to relevant absent vote applications where registration officer considers it necessary)—

(a) after paragraph (5) insert—

“(5A) If an applicant who is, or has applied to be, registered other than in pursuance of an overseas elector’s declaration is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—

(a) confirm that the applicant is the person named in the application,

(b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer,

(c) be in writing and signed by a person—

(i) whom the registration officer is satisfied is of good standing in the community,

(ii) who is registered as an elector in a local authority area in Scotland,

(iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant, and

(iv) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—

(aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or

(bb) the date on which a notice specifying that person’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued),

- (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation, and
    - (e) state the date on which it is made.”;
  - (b) in paragraph (6)—
    - (i) in the opening words, after “an applicant” insert “who is registered, or has applied to be registered, in pursuance of an overseas elector’s declaration”;
    - (ii) in sub-paragraph (d)(i), after “British” insert “or Irish”;
  - (c) in paragraph (8)-
    - (i) in the opening words, for “paragraph (7)(e)” substitute “paragraphs (5A)(c)(iv) and (7)(e)”;
    - (ii) in sub-paragraph (a), after “paragraph” insert “(5A) or”;
    - (iii) in sub-paragraphs (b) and (c) after “26B(6)” insert “or (6ZA)”;
    - (iv) in sub-paragraph (c) for “56C(6)”, substitute “56C(5A) or (6)”;
    - (v) in sub-paragraph (e) for “72B(6), substitute “72B(5A) or (6)”.
- (3) In regulation 57 (grant or refusal of applications), after paragraph (2) insert—
- “(2A) Paragraph (2B) applies where—
- (a) a registration officer grants an application to vote by proxy made under paragraph 3(2) of Schedule 4 by an elector who is registered in pursuance of an overseas elector’s declaration, and
  - (b) the resulting period for which that elector is entitled to vote by proxy ends after the 1st November on which the elector’s registration will end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act.
- (2B) Where this paragraph applies, the confirmation under paragraph (2) must include an explanation that a fresh signature will be required from the elector prior to the 1st November described in paragraph (2A)(b), in order for the elector’s entitlement to continue after that date.”.
- (4) In regulation 60A (requirement to provide fresh signatures at five yearly intervals)—
- (a) in the heading, omit “five yearly”;
  - (b) in paragraph (1), for “The” substitute “Subject to paragraphs (1A) and (1C), the”;
  - (c) after paragraph (1) insert—
 

“(1A) Paragraph (1B) applies instead of paragraph (1) in respect of a person who—

    - (a) is registered in pursuance of an overseas elector’s declaration, and
    - (b) remains entitled to vote by proxy.

(1B) Subject to paragraph (1C), the registration officer must, during the signature refresh period, send every person to whom this paragraph applies a notice in writing—

    - (a) requiring the person to provide a fresh signature, and
    - (b) informing the person that, in the event of a failure or refusal to provide a fresh signature before the end of the signature refresh period, the person would cease to be entitled to vote by proxy at the end of that period.

(1C) Paragraphs (1) and (1B) do not apply in respect of a person to whom paragraph (1A) applies whose current signature on the personal identifiers record was added to that record during the signature refresh period.

(1D) In paragraphs (1B) and (1C), the “signature refresh period” means the period—

    - (a) beginning with the 1st July immediately before the date in sub-paragraph (b), and
    - (b) ending with the 1st November on which the person’s registration will end in accordance with section 1D(1)(a) or (3)(a) of the 1985 Act.”;

- (d) in paragraph (2), for “The notice” substitute “A notice under paragraph (1) or (1B) (“the notice”);
- (e) in paragraph (5) omit “in accordance with paragraph (1) or (3)”;
- (f) in paragraphs (6) and (7), omit “in accordance with paragraph (1)”.

### CHAPTER 3

#### Consequential amendments

#### **Amendment of the Police and Crime Commissioner Elections Order 2012**

**12.** In paragraph 16C (power to request additional evidence in relation to absent vote applications where registration officer considers it necessary) of Schedule 2 to the Police and Crime Commissioner Elections Order 2012 (absent voting at PCC elections)—

- (a) for sub-paragraph (5), substitute—
  - “(5) If an applicant is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—
  - (a) confirm that the applicant is the person named in the application;
  - (b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer;
  - (c) be in writing and signed by a person—
    - (i) whom the registration officer is satisfied is of good standing in the community;
    - (ii) who is registered as an elector in a local authority area in England or Wales;
    - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant; and
    - (iv) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
      - (aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or
      - (bb) the date on which a notice specifying that person’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued);
  - (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation; and
  - (e) state the date on which it is made.”;
- (b) omit sub-paragraph (6);
- (c) in sub-paragraph (7)—
  - (i) in the opening words, for “(6)(d)”, substitute “(5)(c)(iv)”;
  - (ii) in paragraphs (b) and (c), for “26B(6) or 56C(6)”, substitute “26B(6) or (6ZA) or 56C(5A) or (6)”;
  - (iii) in paragraph (d), for “72B(6)”, substitute “72B(5A) or (6)”.

#### **Amendment of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016**

**13.**—(1) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 are amended as follows.

(2) In regulation 3 (interpretation), in paragraph (1), in the definition of “overseas elector’s declaration” for the words from “section 2” to the end substitute “section 1C of the 1985 Act (overseas elector’s declaration)”.

(3) In regulation 51 (absent signing at any petition for a definite or an indefinite period: England and Wales and Scotland)—

- (a) in paragraph (1B)(a), for the words from “date on which” to the end substitute “1st November until which, by virtue of section 1D(1)(a) or (3)(a) of the 1985 Act, the person is entitled to remain registered in that register”;
- (b) in paragraph (3)(f), for “electors” in the second place it occurs substitute “elector’s”.

(4) In regulation 52 (absent signing at any petition for an indefinite period: Northern Ireland), in paragraph (4)(f) for “electors” in the second place it occurs substitute “elector’s”.

(5) In regulation 72B (power to request additional evidence in relation to absent signing applications where registration officer considers it necessary)—

- (a) after paragraph (5) insert—

“(5A) If an applicant who is, or has applied to be, registered in a register of parliamentary electors other than in pursuance of an overseas elector’s declaration is unable to give the documentary evidence required under paragraphs (2) to (4), the registration officer may require that the applicant give an attestation which must—

- (a) confirm that the applicant is the person named in the application;
- (b) state that the person signing the attestation is aware of the penalty for providing false information to a registration officer;
- (c) be in writing and signed by a person—
  - (i) whom the registration officer is satisfied is of good standing in the community,
  - (ii) where the applicant is or to be registered in a local authority area—
    - (aa) in England or Wales, registered as an elector in a local authority area in England or Wales;
    - (bb) in Scotland, registered as an elector in a local authority area in Scotland,
  - (iii) who is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant, and
  - (iv) who has not already signed a relevant identity attestation for two other applicants since, whichever is the later,—
    - (aa) the date on which the revised register in which that person’s name appears was last published under section 13(1) of the 1983 Act, or
    - (bb) the date on which a notice specifying that person’s entry in the register was issued under (as the case may be) section 13A(2), 13AB(2), 13B or 13BC of that Act (and if there has been more than one such notice, the date on which the last one was issued);
- (d) state the full name, date of birth, address, electoral number and occupation of the person signing the attestation, and
- (e) state the date on which it is made.”;

- (b) in paragraph (6)—

- (i) in the opening words, after “an applicant”, insert “who is registered, or has applied to be registered, in a register of parliamentary electors in pursuance of an overseas elector’s declaration”;
- (ii) in sub-paragraph (d)(i), after “British” insert “or Irish”;

- (c) in paragraph (7)(c)(ii)(aa), after “local authority” in the second place it occurs insert “area”;



- (d) in paragraph (8)—
  - (i) in the opening words, for “paragraph (7)(e)” substitute “paragraphs (5A)(c)(iv) and (7)(e)”;
  - (ii) in sub-paragraph (a), for “sub-paragraph (6)” substitute “paragraph (5A) or (6)”;
  - (iii) in sub-paragraphs (b) and (c), for “26B(6) or 56C(6)” substitute “26B(6) or (6ZA) or 56C(5A) or (6)”.

#### **Amendment of the Voter Identification Regulations 2022**

- 14.**—(1) The Voter Identification Regulations 2022 are amended as follows.
- (2) In regulation 6 (verification of information provided in an identity document application)—
- (a) in paragraph (10)(a)(ii), after “regulation 29ZA(2)” in both places it occurs insert “or 29ZAA(3)”;
  - (b) in paragraph (11), after “regulation 29ZA” in both places it occurs insert “or 29ZAA”.
- (3) In regulation 7 (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), in paragraph (7A)—
- (a) in sub-paragraphs (b) and (c), for “26B(6) or 56C(6)” substitute “26B(6) or (6ZA) or 56C(5A) or (6)”;
  - (b) in sub-paragraph (e), for “72B(6)” substitute “72B(5A) or (6)”.

### PART 3

#### Provisions related to the franchise change for EU citizens

#### **Amendment of Part 3 of the Representation of the People (England and Wales) Regulations 2001**

- 15.**—(1) Part 3 of the Representation of the People (England and Wales) Regulations 2001 (registration) is amended as follows.
- (2) In regulation 24A (evidence as to age and nationality: registration of parliamentary electors and local government electors in England) (as inserted by regulation 5(3)), in paragraph (2)(d)(ii) for “or a relevant citizen of the Union” substitute “a qualifying EU citizen or an EU citizen with retained rights”(a).
- (3) In regulation 26 (applications for registration), in paragraph (5)(za) (as inserted by regulation 5(7)(c)(i)) after “(3)(ba)” insert “to (bc)”.

#### **Amendment of the Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023**

- 16.**—(1) The Representation of the People (Franchise Amendment and Eligibility Review) Regulations 2023 are amended as follows.
- (2) In regulation 3 (interpretation)—
- (a) after the definition of “eligibility criteria” insert—
    - ““notice of alteration” means a notice under section 13A(2), 13AB(2), 13B(3), (3B) or (3D) or 13BC(3) or (6) of the 1983 Act;”;
  - (b) in the definition of “relevant person”, in paragraph (b)(i)(aa), after “England” insert “or Wales”.

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(a) See sections 203A and 203B of the Representation of the People Act 1983 (c. 2) respectively for the meaning of “qualifying EU citizen” and “EU citizen with retained rights”.

(3) In regulation 11 (confirmation of continued registration following review), after paragraph (2) insert—

“(3) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (1).”.

(4) In regulation 12 (procedure for removal following response to communications), after paragraph (4) insert—

“(5) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (4).”.

(5) In regulation 13 (confirmation of ceased registration following non-response to communications), after paragraph (3) insert—

“(4) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (2)(a).”.

(6) In regulation 20 (confirmation of continued eligibility following review), after paragraph (2) insert—

“(3) The requirement under regulation 36(2)(b) of the 2001 Regulations for the registration officer to send a copy of a notice of alteration to any person affected by its contents does not apply in respect of a notice of alteration resulting from the determination mentioned in paragraph (1).”.

(7) In regulation 26 (information about operation of procedures for reviewing eligibility to vote in PCC elections), in paragraph (2), in sub-paragraph (g) for “regulation 7(2)” substitute “regulation 16(2)”.

### **Transitional provision for certain elections countermanded or abandoned etc. and re-run on or after 7th May 2024**

17.—(1) This regulation applies where—

- (a) the date of poll for a relevant election is on or before 6th May 2024,
- (b) an election is ordered to be held under section 39 of the Representation of the People Act 1983 (local elections void etc in England and Wales)(a) (“the re-run election”) as a result of the election referred to in sub-paragraph (a) having not been duly held, or having failed, or having become void, and
- (c) the date of poll for the re-run election is on or after 7th May 2024.

(2) In paragraph (1) “relevant election” means—

- (a) a local government election within the meaning of section 203(1) of the Representation of the People Act 1983(b);
- (b) a mayoral election within the meaning of regulation 2 of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(c);

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(a) Section 39 was amended by section 19 of, and paragraph 8 of Schedule 4 to, the Representation of the People Act 1985 (c. 50), by Part 1 of Schedule 9 and Schedule 17 to the Local Government Act 1985 (c. 51), by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40) by paragraph 68(11) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 6 of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and by section 2(7) of the Local Government and Elections (Wales) Act 2021 (asc 1).

(b) The definition of “local government election” was amended by paragraph 39(4) of Schedule 3 to the Greater London Authority Act 1999.

(c) S.I. 2007/1024; relevant amending instruments are S.I. 2011/1043, 2019/351, 2022/769. See regulation 3(2) to (4) of, and Table 1 in Schedule 2 to, S.I. 2007/1024, the effect of which is that section 39 applies with modifications to mayoral elections.

- (c) a combined authority mayoral election within the meaning of regulation 2 of the Combined Authorities (Mayoral Elections) Order 2017(a).
- (3) For the purposes of the re-run election—
- (a) the amendments made by paragraphs 3 to 5 of Schedule 8 to the Elections Act 2022 are to be disregarded when determining a candidate’s qualifications for election to and holding the office to which the re-run election relates;
  - (b) the appropriate prescribed candidate consent to nomination form applies as if, in the paragraph on the front of the form that begins “I declare that on the day of my nomination”, for “, a qualifying EU citizen, or an EU citizen with retained rights” there were substituted “or a citizen of a member State of the European Union”.
- (4) In paragraph (3) “the appropriate prescribed candidate consent to nomination form” means (as the case may be)—
- (a) the Form of Candidate’s Consent to Nomination in Part 7 of Schedule 2 or 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006(b),
  - (b) the Form of Candidate’s Consent to Nomination in Part 7 of Schedule 2 or 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(c),
  - (c) Form 4 (candidates consent to nomination) in Schedule 10 to the Greater London Authority Elections Rules 2007(d),
  - (d) Form 2A (candidate’s consent to nomination for use at mayoral elections in England) in the Appendix of Forms in Schedule 1 or 3 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007, or
  - (e) Form 2 (candidate’s consent to nomination) in Part 9 of Schedule 1 or 3 to the Combined Authorities (Mayoral Elections) Order 2017.

**Transitional provision for persons elected following a re-run election**

**18.**—(1) This regulation applies where—

- (a) a person (“P”) is duly elected at a re-run election described in regulation 17(1), and
- (b) apart from this regulation, P would be disqualified from holding the office to which P has been elected as a result of the amendments made by paragraphs 3 to 5 of Schedule 8 to the Elections Act 2022.

(2) The amendments made by paragraphs 3 to 5 of Schedule 8 to the Elections Act 2022 do not affect P’s qualification to hold that office until the end of the term in that office which begins upon, or from a date determined by reference to, the date on which P was duly elected at the re-run election.

## PART 4

### Police and Crime Commissioner elections in Wales

**Amendment of the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023**

**19.**—(1) The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 are amended as follows.

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- (a) S.I. 2017/67; relevant amending instruments are S.I. 2019/350, 2022/769. See article 3(2) to (4) of, and paragraph 1(7) of Schedule 2 to, S.I. 2017/67, the effect of which is that section 39 applies with modifications to combined authority mayoral elections.
  - (b) S.I. 2006/3304; relevant amending instruments are S.I. 2018/308, 2022/600.
  - (c) S.I. 2006/3305; relevant amending instruments are S.I. 2018/1309, 2022/600.
  - (d) S.I. 2007/3541; relevant amending instruments are S.I. 2016/24, 2019/1426, 2022/600.

(2) In regulation 17 (amendment of the Police and Crime Commissioner Elections Order 2012), in paragraph (5)—

(a) in sub-paragraph (a)—

(i) in paragraph (i), for “after “electors” insert “, other” substitute “at the end insert “other””;

(ii) for paragraph (iii) substitute—

“(iii) after sub-paragraph (9) insert—

“(10) In this paragraph “relevant Welsh elector” means a person who is included in the record mentioned in sub-paragraph (4)(a) only by virtue of an entitlement to vote by post or by proxy at local government elections in Wales.”;

(b) after sub-paragraph (c) insert—

“(ca) in paragraph 7 (voting as proxy)—

(i) in sub-paragraph (6), in paragraph (a) at the end insert “and is not a relevant Welsh proxy”;

(ii) in sub-paragraph (7), in paragraph (a), in sub-paragraph (ii) at the end insert “and are not relevant Welsh proxies”;

(iii) after sub-paragraph (13) insert—

“(14) In this paragraph “relevant Welsh proxy” means a person who is included in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 only by virtue of an entitlement to vote by post as proxy at local government elections in Wales.”;

(3) In Schedule 2 (transitional provisions and savings), in paragraph 20 (saving for certain postal and proxy voting entitlements at ongoing PCC elections in Wales)—

(a) in the heading, for “postal and proxy” substitute “postal, proxy and postal proxy”;

(b) for “and (b)” substitute “, (b) and (ca)”.

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

*Simon Hoare*

Parliamentary Under Secretary of State

Department for Levelling Up, Housing and Communities

18th December 2023

## SCHEDULE 1

Preamble

### Enabling Powers

These Regulations are made under the following powers—

(a) the following provisions of the Representation of the People Act 1983—

(i) sections 7(3)(aa) and (ab), 7A(3)(aa) and (ab), 7C(2)(aa) and (ab), 9(2)(b), 9B(1A), 10ZC(3), 10ZE(4), 13A(2), 13AB(2), 13B(3), (3B) and (3D), 13BC(3)(a) and (6)(a), 15(2)(aa) and (ab), 53(1)(ba) and (c) and 201(3)(a);

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(a) See section 202(1) for the meaning of “prescribed” in sections 9(2)(b), 9B(1A) 13A(2), 13AB(2), 13B(3), (3B) and (3D) and 13BC(3)(a) and (6)(a). Section 7C was inserted by section 6 of the Representation of the People Act 2000 (c. 2) (“RPA 2000”) and was amended by section 12(3) of the Electoral Administration Act 2006 (c. 22) and paragraph 4 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6) (“the 2013 Act”). Section 10ZE was inserted by paragraph 1 of Schedule 1 to the 2013 Act. Section 15(2) was substituted by paragraph 8(2) of Schedule 1 to RPA 2000 and amended by section 12(7) of the Electoral Administration Act 2006 and paragraph 15 of Schedule 4 to the 2013 Act. Section 53(1)(ba) was inserted by paragraph 1(b) of Schedule 2 to the Elections Act 2022 (c. 37). Section 201(3) was inserted by paragraph 21 of Schedule 1 to RPA 2000 and amended by paragraph 6(7) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

- (ii) in Schedule 2, paragraphs 1(2) and (2A), 1A(1), (2), (3)(d) to (f) and (6), 2A, 2B, 3ZA(1)(a) and (3), 3ZB(1) and (2), 4(2) and (3), 5(1A) and (1AA), 5ZA(4), 6, 8, 8C(1) and 13(2)(a);
- (b) sections 1C(1)(f), 1D(4)(a) and (b) and 1E(1)(e) of the Representation of the People Act 1985(b);
- (c) paragraphs 3(1)(b) and (2)(c), 4(1)(b) and (2)(c), 6(7), (8) and (9) and 7B of Schedule 4 to the Representation of the People Act 2000(c);
- (d) sections 58(1) and 154(5) of the Police Reform and Social Responsibility Act 2011(d);
- (e) sections 18(1) and 21(3) of the Recall of MPs Act 2015(e);
- (f) paragraph 13 of Schedule 8 to the Elections Act 2022.

## SCHEDULE 2

Regulation 1(7)

### Overseas electors: Transitional provisions and Savings

#### Interpretation

**1.** In this Schedule—

“the 1985 Act” means the Representation of the People Act 1985;

“the 2016 Regulations” means the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;

“recall petition” has the meaning given in section 1(2) of the Recall of MPs Act 2015.

#### Savings for pre-commencement applications for registration

**2.** The amendments made by the following regulations do not apply in respect of an application to which paragraph 13 of Schedule 7 to the Elections Act 2022 (pre-commencement applications for registration in a register of parliamentary electors) applies—

- (a) regulation 4(2) to (5);
- (b) regulation 5(2), (3), (7)(a) and (e) to (g), (8) to (13), (15) to (17), (20) and (21)(a);
- (c) regulation 9(2) to (5);
- (d) regulation 10(2), (6)(a) and (e) to (g), (7) to (12), (14) to (15), (18) and (19)(a).

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- (a) Paragraph 1(2) was amended by paragraph 24(2) of Schedule 1 to the Representation of the People Act 2000 (c. 2) (“RPA 2000”) and by paragraph 20(2) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6) (“the 2013 Act”). Paragraph 1(2A) was inserted by section 2(2) of the 2013 Act and was amended by paragraph 3(2) of Schedule 2 to the Elections Act 2022 (c. 37) (“the 2022 Act”). Paragraph 1A was inserted by paragraph 2 of Schedule 2 to the 2013 Act and was amended by section 20(2)(b) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by paragraph 18(2) of Schedule 19 to the Data Protection Act 2018 (c. 12) and by paragraph 4 of Schedule 2 to the 2022 Act. Paragraph 2A was inserted by section 5 of the Representation of the People Act 1989 (c. 28) and was amended by paragraph 24(4) of Schedule 1 to RPA 2000. Paragraph 2B was inserted by paragraph 15(3) of Schedule 1 to the Electoral Administration Act 2006 (c. 22). Paragraph 3ZA was inserted by section 2(3) of the 2013 Act and sub-paragraph (1) was amended by paragraph 5(2) of Schedule 2 to the 2022 Act. Paragraph 3ZB was inserted by paragraph 4(2) of Schedule 7 to the 2022 Act. Paragraphs 4(2) and 5(1A) were inserted by section 4 of the Representation of the People Act 1985 (c. 50). Paragraphs 4(3) and 5(1AA) were inserted by paragraph 4 of Schedule 7 to the 2022 Act. Paragraph 5ZA was inserted by paragraph 7 of Schedule 2 to the 2022 Act. Paragraph 6 was amended by paragraph 24(6) of Schedule 1 to RPA 2000. Paragraph 8 was substituted by paragraph 85 of Schedule 4 to the Representation of the People Act 1985 and amended by paragraph 24(7) of Schedule 1 to RPA 2000. Paragraph 8C was inserted by paragraph 3 of Schedule 2 to the 2013 Act and sub-paragraph (1) was amended by section 20(2)(c) of the Northern Ireland (Miscellaneous Provisions) Act 2014 and by paragraph 10 of Schedule 2 to the 2022 Act.
  - (b) See section 202(1) of the Representation of the People Act 1983 (c. 2), as read with section 27(2) of the Representation of the People Act 1985, for the meaning of “prescribed”.
  - (c) See section 202(1) of the Representation of the People Act 1983, as read with paragraph 1(2) of Schedule 4 to the Representation of the People Act 2000, for the meaning of “prescribed”. Paragraph 4(1)(b) and (2)(c) was amended by section 14(2)(b) and (8) of the Electoral Administration Act 2006. Paragraph 7B was inserted by section 14(4) of the Electoral Administration Act 2006.
  - (d) Section 58(1) was amended by S.I. 2021/1265. Section 154(5) was amended by S.I. 2014/268, 2021/1265.
  - (e) See section 22(1) for the meaning of “the Minister”.

### **Transitional provision for overseas electors registered pursuant to pre-commencement applications**

3.—(1) This paragraph applies where—

- (a) paragraph 14 of Schedule 7 to the Elections Act 2022 (overseas electors registered pursuant to pre-commencement applications) applies in respect of an elector (“the 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 1985 Act.

(2) The following do not apply in respect of the elector—

- (a) regulation 22A of the 2001 Regulations (reminders to electors registered pursuant to an overseas elector’s declaration) (as inserted by regulation 4(6) and 9(6));
- (b) the amendments made by regulations 5(4) and 10(4).

(3) Where a registration officer grants an application made by the elector in accordance with paragraph 3(2) of Schedule 4 to the Representation of the People Act 2000 to vote by proxy, regulation 57(2A)(b) and (2B) of the 2001 Regulations (as inserted by regulations 6(3) and 11(3)) applies as if for “1st November” there were substituted “date”.

(4) Regulation 60A of the 2001 Regulations (as amended by regulations 6(4) and 11(4))—

- (a) does not apply in respect of the elector’s entitlement to vote by proxy where that entitlement ends on or before 1st February 2024;
- (b) otherwise applies as if, in paragraph (1D)—
  - (i) in sub-paragraph (a), for “1st July immediately” there were substituted “the later of 1st February 2024 or the date which is three months”;
  - (ii) in sub-paragraph (b), for “1st November” there were substituted “date”.

(5) Where a registration officer grants an application made by the elector in accordance with regulation 51(1) of the 2016 Regulations (absent signing at any petition for a definite or an indefinite period: England and Wales and Scotland) to sign any recall petition in England, Wales or Scotland by post, paragraph (1B)(a) of that regulation (as amended by regulation 13(3)) applies as if for “1st November” there were substituted “date”.

(6) In this paragraph, “the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001.

### **Limitation of certain postal signing entitlements held by overseas electors**

4.—(1) This paragraph applies where, immediately before 31st January 2024, a person—

- (a) is registered as an elector in pursuance of an overseas elector’s declaration, and
- (b) has a relevant postal signing entitlement lasting for—
  - (i) an indefinite period, or
  - (ii) a period that would expire after the relevant end date.

(2) A “relevant postal signing entitlement” means an entitlement to sign by post at recall petitions in England, Wales or Scotland resulting from the grant of an application under regulation 51(1) or (7) or 58(5) of the 2016 Regulations.

(3) The person’s relevant signing entitlement ends on the relevant end date (unless it ends sooner).

(4) As soon as practicable after 31st January 2024, the registration officer must alter the record kept under regulation 51(4) or 58(7) of the 2016 Regulations (as the case may be) to reflect any change resulting from sub-paragraph (3) in the period for which the person’s relevant postal signing entitlement lasts.

(5) The registration officer must, before the relevant end date, send the person—

- (a) a notice informing the person of the date on which the person’s relevant postal signing entitlement is to end, and
  - (b) information about how to make a fresh application to sign recall petitions by post (as elector or, as the case may be, as proxy).
- (6) In this paragraph—
- “overseas elector’s declaration” has the meaning given in regulation 3(1) of the 2016 Regulations;
- “relevant end date” means the date until which, by virtue of section 1D(1)(a) or (3)(a) of the 1985 Act, the person is entitled to remain registered in pursuance of an overseas elector’s declaration.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision related to the expansion of the franchise for parliamentary elections in respect of British citizens overseas by sections 1 to 1E of the Representation of the People Act 1985 (c. 50), as substituted by section 14 of the Elections Act 2022 (c. 37). These Regulations also make provision related to the change to be made to the franchise for local government electors in England by section 15 of the Elections Act 2022 (voting and candidacy rights of EU citizens) and provision related to absent voting arrangements at police and crime commissioner elections in Wales.

Part 2 of these Regulations makes provision related to the expansion of the franchise for parliamentary elections in respect of British citizens overseas. Chapter 1 of Part 2 makes amendments to the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) (“the 2001 Regulations”) to reflect the new qualification conditions for registration as an overseas elector and in consequence of the franchise expansion. New regulation 18 of the 2001 Regulations (inserted by regulation 4(2)) prescribes additional requirements for an overseas elector’s declaration. New regulation 22A of the 2001 Regulations (inserted by regulation 4(6)) requires a registration officer to send reminders to a registered overseas elector prior to the expiry of their registration entitlement. New regulations 22B to 22D of the 2001 Regulations (also inserted by regulation 4(6)) make provision related to the content and manner of making of renewal declarations. New regulation 25ZA of the 2001 Regulations (inserted by regulation 5(5)) requires a registration officer to send a reminder to a registered overseas elector ahead of the expiry of their anonymous registration.

Regulation 5(8) makes amendments to regulation 26B of the 2001 Regulations as to the types of additional evidence which can be requested by a registration officer from a person applying to be registered as an overseas elector where further evidence is required to establish the identity of the applicant. Regulation 5(9) inserts new regulations 26C to 26J of the 2001 Regulations, which provide a registration officer with the powers to seek additional evidence from a person applying to be registered as an overseas elector where further evidence is required to establish that the person meets the new qualifications for registration as an overseas elector, as set out in section 1A of the Representation of the People Act 1985. New regulations 29ZAA and 29ZAB of the 2001 Regulations (as inserted by regulation 5(11)) allow for the verification of information provided in an application for registration as an overseas elector against data held by the Department for Work and Pensions. The amendments made by regulation 5(18) and (19) clarify that a registration officer’s powers under regulations 35 and 35A of the 2001 Regulations in relation to local records do not apply for the purpose of verifying information related to an applicant for an absent voting arrangement for parliamentary elections or for local government elections in England. The amendments made by regulation 5(21) to regulation 45 of the 2001 Regulations provide for anonymous entries to be made on the list of overseas electors and for that list to be maintained.

Regulation 6 makes amendments to Part 4 of the 2001 Regulations (absent voters) to require a registration officer to include, as part of a confirmation sent to a registered overseas elector who has successfully applied to appoint a proxy for a period of time longer than the elector’s

entitlement to remain registered, a reminder that a fresh signature will be required prior to the end of their entitlement, and providing that the registration officer then requires that fresh signature.

Chapter 2 of Part 2 makes equivalent amendments to the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) to those made to the 2001 Regulations by Chapter 1 of Part 2.

Chapter 3 of Part 2 makes additional consequential amendments to other legislation relating to elections and recall petitions under the Recall of MPs Act 2015 (c. 25).

Part 3 of these Regulations makes provision related to the change to be made to the franchise for local government electors in England by section 15 of the Elections Act 2022 (voting and candidacy rights of EU citizens). Regulation 15 makes additional amendments to provisions of the 2001 Regulations amended in Chapter 1 of Part 2 of these Regulations. Regulation 16 amends the Representations of the People (Franchise Amendment and Eligibility Review) Regulations 2023 to prevent the duplication of notices to relevant persons following the outcome of the review of registration entitlement provided for in Chapter 2 of Part 2 of those Regulations.

Regulation 17 makes transitional provision so that a person who was entitled to stand as a candidate in a local government election, mayoral election or combined authority mayoral election prior to 7th May 2024 remains qualified to stand as a candidate in such an election that is re-run after 7th May 2024 as a result of section 39 of the Representation of the People Act 1983, despite the changes to qualification to be made by paragraphs 3 to 5 of Schedule 8 to the Elections Act 2022. Regulation 18 makes transitional provision similar to that made by paragraph 12 of Schedule 8 to the Elections Act 2022, to the effect that a person who is elected following a re-run election to which regulation 17 applies remains qualified to hold that office until the end of the term of office following that election.

Part 4 amends the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 to provide that a person is not automatically entitled to vote by post or proxy at a police and crime commissioner election in Wales by virtue of an equivalent entitlement to vote by post or proxy that only applies in respect of local government elections.

Schedule 2 contains transitional and savings provisions related to the expansion of the franchise for parliamentary elections in respect of British citizens overseas.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and community bodies is available from the Department of Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF and published with the Explanatory Memorandum alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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