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STATUTORY INSTRUMENTS

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**2023 No. 1406**

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

**PART 2**

Overseas electors

**CHAPTER 1**

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

**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<sup>(1)</sup>, 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 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,

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<sup>(1)</sup> Section 1C was inserted by section 14(1) of the Elections Act 2022.

- (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(2).
- (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)(3) applies, applied to D on the last date that D was resident in the United Kingdom(4), 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(5)) 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)—

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(2) 1981 c. 61.

(3) 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.

(4) 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.

(5) 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.

- (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>(6)</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
  - (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,

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(6) 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.

- (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.”.