



Northern
Ireland
Office

DRAFT LEGISLATION

Anonymous registration:
protecting voters at risk in
Northern Ireland

11 September 2013

CONTENTS

Foreword by the Hon Mike Penning MP, Minister of State for Northern Ireland

1. Background

2. The system of anonymous registration in Northern Ireland

3. Responding to this consultation

4. Confidentiality and disclaimer

APPENDIX A: The Anonymous Registration (Northern Ireland) Order 2013

**APPENDIX B: The Political Parties, Elections and Referendums Act 2000
(Commencement No. 4) Order 2013**

**APPENDIX C: The Representation of the People (Northern Ireland)
(Amendment) Regulations 2014**

**APPENDIX D: The Political Donations and Regulated Transactions
(Anonymous Electors) (Northern Ireland) Regulations 2014**

Foreword by the Hon. Mike Penning MP, Minister of State for Northern Ireland



Anonymous registration has been used successfully in Great Britain since 2007, to enable individuals at risk to register to vote, without the risk of being traced by means of the electoral register.

I believe that vulnerable people in Northern Ireland should receive the same protection as those in Great Britain. But protection for those most at risk needs to be balanced against the need to ensure that the electoral process remains transparent and that appropriate protections against electoral fraud are retained.

This draft legislation would extend anonymous registration in Northern Ireland. It makes small changes to many aspects of the electoral process in Northern Ireland to ensure that the identities of individuals who are particularly vulnerable are protected at all stages of the process.

I would encourage all those with an interest to comment on the draft legislation.

**Mike Penning MP
Minister of State for Northern Ireland
11 September 2013**

1: BACKGROUND

1.1 The full electoral register lists the name and address of everyone who is entitled to vote. The main use of the full register is for elections and referendums, though it can be used for other purposes such as the prevention and detection of crime, eligibility for jury service, and for checking identity when applying for credit. It may also be seen, under supervision, by any member of the public (and therefore partially copied by means of handwritten notes).

1.2 The edited register leaves out the names and addresses of people who have asked for these details to be excluded. The edited register can be bought by any individual or organisation which asks for a copy, and can be used for any purpose.

1.3 The Government recognises that simply withholding information from the edited electoral register may not provide a sufficient safeguard for vulnerable persons, because any member of the public is able to access the full register. Anonymous registration ensures that the personal details of individuals who are at risk do not appear on the full register, allowing these individuals to register in safety.

1.4 In its 2003 report, *Voting for Change*, the Electoral Commission recommended that anonymous registration be made available to any elector able to demonstrate that a genuine threat to their safety would arise should their personal details be publicly accessible. The Government made legislative provision for anonymous registration in Great Britain by section 10 of and Schedule 1 to the Electoral Administration Act 2006, which made amendments to provisions of the Representation of the People Act 1983 and related Acts. Those provisions were amended by the Electoral Registration and Administration Act 2013. More detailed provision was made in secondary legislation for Great Britain by amendment of the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001.

Anonymous registration in Northern Ireland

1.5 Anonymous registration was not extended to Northern Ireland when it was introduced in Great Britain in 2007 because there were a number of differences in Northern Ireland which needed to be taken into account. These included differences in electoral law, for example the additional checks on identity which are used in Northern Ireland to prevent electoral fraud, as well as differences not linked to electoral matters, for example the operation of the jury system in Northern Ireland. Instead, section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006 gave the Secretary of State the power to make equivalent provision for Northern Ireland by Order in Council under section 84 of the Northern Ireland Act 1998.

1.6 In February 2008, the Northern Ireland Office undertook a public consultation on proposals to address concerns held by those whose personal safety might be compromised if their details were publicly accessible on the full electoral register (Anonymous Registration: Protecting Voters at Risk in Northern Ireland). A consultation response was issued in February 2009. In summary, the response was as follows:

- a. Anonymous registration would be made available to those at genuine risk. The Northern Ireland scheme would acknowledge court orders and injunctions recognised across the UK. The list of qualified attestors would be fit for purpose and would reflect the appropriate bodies in Northern Ireland, but would not include non-governmental organisations.
- b. The duration of registration would be longer than it is in Great Britain, with attestations covering a maximum of five years and registration covering the period of a particular order (up to a maximum of five years).
- c. Information would only be shared when requested by an officer of appropriate rank for crime prevention or national security.
- d. Those with an anonymous entry would be automatically eligible for a postal vote and would be unable to vote in person. This is to avoid persons with an

anonymous entry being questioned openly about their personal details at the polling station.

- e. Persons registered anonymously would not be able to subscribe nomination papers, but would be able to donate or engage in regulated transactions anonymously if they exhibit their certificate of anonymous registration as evidence when entering into such transactions.
- f. The criteria for an anonymous entry would mirror the Great Britain provision and would not include blanket exemptions for particular categories of person.

Draft legislation

1.7 The Government proposes to make provision for anonymous registration in Northern Ireland in relation to four types of elections: parliamentary, Northern Ireland Assembly, European Parliamentary and local (district council) elections. Implementation of this system will require a number of different instruments to be made over a number of months, all of which will come into force on 10 June 2014:

- a. The **Anonymous Registration (Northern Ireland) Order 2013** will extend to Northern Ireland many of the anonymous registration provisions made in primary legislation for parliamentary elections in England, Wales and Scotland, and will then make amendments to reflect the slightly different policy in Northern Ireland. This Order will also make provision for anonymous registration in relation to local elections in Northern Ireland and in relation to the conduct of Assembly elections.
- b. The **Electoral Administration Act 2006 (Commencement No. 2) (Northern Ireland) Order 2013** will bring certain provisions of the Political Parties, Elections and Referendums Act 2000 relating to anonymous registration (which were inserted by the Electoral Administration Act 2006) into force in respect of Northern Ireland.

- c. The **Representation of the People (Northern Ireland) (Amendment) Regulations 2014** will amend the Representation of the People (Northern Ireland) Regulations 2008 to implement the system of anonymous registration in respect of parliamentary and, in relation to registration, local and Assembly elections.
- d. The **Political Donations and Regulated Transactions (Anonymous Electors) (Northern Ireland) Regulations 2014** will prescribe, for the purpose of certain provisions of the Political Parties, Elections and Referendums Act 2000, the form of evidence required to establish that a donor who has an anonymous entry in an electoral register is indeed a registered elector.
- e. The **European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2014** will provide for anonymous registration in relation to European Parliamentary elections.
- f. The **Northern Ireland Assembly (Elections) (Amendment) Order 2014** will apply certain amended provisions of the Representation of the People (Northern Ireland) Regulations 2008 to Assembly elections.

1.8 There will be very little difference between the provisions on anonymous registration in relation to the four different elections in Northern Ireland. As such, the draft instruments published for consultation deal only with parliamentary and local (and, to a limited extent, Assembly) elections. The remaining provisions in respect of European Parliamentary and Assembly elections will mirror the published provisions for other elections.

1.9 In view of the time that has elapsed since the 2008 consultation, the Government is inviting further comments on the proposed legislation for anonymous registration. As the previous consultation put questions on the policy proposals implemented in this legislation, no additional questions are included in this document. Respondents are invited to comment on any area of concern.

2: THE SYSTEM OF ANONYMOUS REGISTRATION IN NORTHERN IRELAND

2.1 For simplicity, the following description of the system of anonymous registration refers only to parliamentary elections. The description below assumes that the amendments made by the instruments listed above are in force and also that the amendments made by Schedule 4 to the Electoral Registration and Administration Act 2013 are in force.

2.2 The following abbreviations are used in the description below:

- “RPA 1983” means the Representation of the People Act 1983.
- “RPA 1985” means the Representation of the People Act 1985.
- “2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008.
- “PPERA” means the Political Parties, Elections and Referendums Act 2000.
- “1996 Order” means the Juries (Northern Ireland) Order 1996.

Making an application

2.3 A person can apply for an anonymous entry in two ways:

- a. At first instance, a person must apply for an anonymous entry on the register in conjunction with an application for registration [s.9B(1)(a), RPA 1983]. The application for registration must state that it is accompanied by an application for an anonymous entry and it does not need to contain the usual form of words relating to inclusion on the edited register [reg.27, 2008 Regulations]. Applications to register which are accompanied by an application for an anonymous entry will not be made available for public inspection [reg.29, 2008 Regulations]. The application will not be included in the registration officer’s list of applications for registration and the registration officer can allow the application for registration at any time without a hearing [reg.30, 2008 Regulations]. Should the registration officer review the entitlement to registration of a person with an anonymous entry,

that review will not be included in the list of reviews which is available for public inspection [reg.36, 2008 Regulations].

- b. Once a person already has an anonymous entry, any further applications can be made as stand-alone applications to remain on the register with that anonymous entry [s.9B(1)(b), RPA 1983].

2.4 In either case, the application for an anonymous entry must state the applicant's name, registered address, the reason for the application and the date of the application. It must be accompanied by the evidence that the applicant relies on to show that he is at risk, which will be either a relevant injunction or order (e.g. a restraining order), or an attestation by a qualifying officer (e.g. by a senior police officer) [reg.38C or 38D, 2008 Regulations], and a declaration that the particulars of the application are true and the evidence is genuine. Where the applicant relies on evidence relating not to himself but to someone in his household (e.g. his spouse) the application must also be accompanied by evidence that the applicant shares the same household as the person to whom the evidence relates, and a declaration that such evidence is genuine. The application must also be accompanied by an application for an absent vote [reg.38A, 2008 Regulations]. Where the person applies for the appointment of a proxy, that application must be accompanied by an application by the proxy for a postal vote [reg.56, 2008 Regulations]. A person who makes a declaration in relation to an anonymous entry which he knows to be false is guilty of a criminal offence [s.62(1A), RPA 1983].

Considering the application

2.5 If the application for registration is rejected for some reason unrelated to the application for an anonymous entry, the registration officer does not have to go on to consider the application for an anonymous entry [s.9B(2), RPA 1983].

2.6 The registration officer must determine whether the 'safety test' is satisfied. The safety test is satisfied if the safety of the applicant or that of any other person of the same household would be at risk if the register were to contain the name of the applicant or his qualifying address [s.9B(10), RPA 1983]. The registration officer must find that the safety test is satisfied where an application is

accompanied by a relevant injunction or order (e.g. a restraining order), or an attestation by a qualifying officer [*reg.38B, 2008 Regulations*].

2.7 The registration officer must also determine the length of time for which a person is entitled to an anonymous entry, which must be a period of five years or less [*s.9C(1B), RPA 1983*]. That period of time will be determined in accordance with the expiry of the relevant injunction or order, or the length of time for which the attestation states that the applicant is at risk [*reg.38B, 2008 Regulations*]. Note that the entry could expire earlier than that date if either: (a) the applicant cancels the declaration that he made when submitting his application; or (b) the registration officer determines on review that the safety test is no longer satisfied in respect of a person [*s.9C(1B), RPA 1983*]. Equally, the entry could expire earlier if the person's entitlement to registration terminated earlier for some other reason [*s.9C(2), RPA 1983*].

2.8 The registration officer may, at any time before the anonymous entry is due to expire, conduct a review of whether the safety test is satisfied. If the registration officer determines on review that the safety test is no longer satisfied, the person's entry will be removed from the register [*s.9C(1A) and (3), RPA 1983; reg.38E, 2008 Regulations*]. The registration officer may conduct a review where, for example, he receives information that a person is no longer part of the household of the person to whom the relevant evidence relates.

What happens if an application is refused?

2.9 What will happen on refusal depends on the method by which the application for an anonymous entry was made:

- a. If the application is made in conjunction with an application for registration and it is refused because the registration officer determines that the safety test is not satisfied, no entry will be made on the register in respect of that person [*s.9B(6), RPA 1983*]. However, the refusal does not have any effect on any existing entry in the register for that person or on the determination of any future application for registration or on receipt of any future canvass form [*s.9B(7), RPA 1983*].

- b. If the application was made to remain on the register with an existing anonymous entry and it is refused because the registration officer determines that the safety test is not satisfied, the person's entry will be removed from the register [s.9C(3), RPA 1983]. That person should make a fresh application for registration in the normal way.

2.10 There is a right of appeal against the decision of the registration officer that the safety test is not satisfied [s.58, RPA 1983; reg.39, 2008 Regulations].

What happens after an application is granted?

2.11 When an application is granted, the person's entry on the electoral register must not contain a name and address, and must instead contain the person's electoral number followed by the letter 'N' [s.9B(3), RPA 1983; reg.50A, 2008 Regulations]. That entry is known as an "anonymous entry" [s.9B(4), RPA 1983]. Any other entry in the register in respect of that person is removed [s.9B(5), RPA 1983]. No objection to a person's registration may be made if the person has an anonymous entry in the register [s.10A(3B), RPA 1983].

2.12 The registration officer must issue each person who has an anonymous entry with a certificate of anonymous registration, which will include that person's personal details and the date on which the anonymous entry will take effect and will expire [reg.53D, 2008 Regulations].

2.13 The registration officer is obliged to keep a record of anonymous entries, which includes the details of each person with an anonymous entry and the address to which each person's ballot paper should be sent. The registration officer and his staff have specific duties of confidentiality in relation to that record. The record can be disclosed to a limited number of people, and those persons also have specific duties of confidentiality in relation to the information [reg.53A to 53C, 2008 Regulations].

2.14 The details of a person with an anonymous entry must not appear on any other document that is available to the public, such as an overseas electors' list

[reg.53, 2008 Regulations], a list of spoilt ballot papers *[reg.81, 2008 Regulations]*, an absent voters list *[s.7(4A), RPA 1985]*, or a proxy voters list *[s.9(9A), RPA 1985]*. Those lists will instead show only the anonymous entry and the date on which it will expire. The edited register must not contain that person's entry at all *[reg.93, 2008 Regulations]*. Similarly, the details of a proxy for an elector with an anonymous entry must not appear on the absent voters list in respect of that elector *[s.9(9B), RPA 1985; reg.66, 2008 Regulations]*.

2.15 The registration officer is required to remind a person that the anonymous entry will expire between three and six months before it expires. This reminder will notify the person that he must either make a fresh application for an anonymous entry or, if he wishes to remain registered without an anonymous entry, a fresh application for registration *[reg.26A, 2008 Regulations]*.

2.16 There are some specific consequences of having an anonymous entry in the register:

- a. Persons with an anonymous entry are eligible for jury service and their personal details will be passed to the Juries Officer for inclusion on the Divisional Jurors list. However, they will be identified to the Juries Officer as persons who have an anonymous entry and those who deal with their information will be under an obligation not to disclose it otherwise than for the purpose of carrying out their duties in relation to jurors *[art.2, 4, 6, 26A, 26B and 26C, 1996 Order]*.
- b. A person with an anonymous entry can make donations and loans to candidates, political parties, regulated donees and participants, and permitted donees and participants, but when these are being reported the report must be accompanied by the person's certificate of anonymous entry *[para.10, Sch.2A, RPA 1983; reg.53F, 2008 Regulations; s.65 and 71S, Schs.6, 6A, 7, 11 and 15, PPERA]*.
- c. The details of a person with an anonymous entry will not be passed to credit reference agencies *[reg.112, 2008 Regulations]*. However, persons with an

anonymous entry will be able to provide the certificate of anonymous entry to credit reference agencies to prove that they are on the electoral register.

- d. A peer is not entitled to vote as an overseas elector at a European Parliamentary election if his last entry on the register of local electors (or the last entry of his parent or guardian) in the United Kingdom was an anonymous entry [*s.3, 1985 Act*].
- e. A canvass in Northern Ireland is not concerned with persons with an anonymous entry [*s.10(3)(c), RPA 1983*] so such persons should not be provided with or complete a canvass form, and such persons will not be removed from the register as a result of failure to return a canvass form.
- f. A person with an anonymous entry cannot subscribe nomination papers for an election [*rule 7, Sch.1, RPA 1983*] or present a parliamentary election petition [*s.121, RPA 1983*].

Absent voting

2.17 Due to the requirements to provide identification at the polling station in Northern Ireland when voting, persons with an anonymous entry are not permitted to vote in person and must vote by post or by proxy [*s.5(5AA), RPA 1985*]. Equally, the proxy of a person with an anonymous entry is not permitted to vote in person and must instead vote by post as proxy [*s.9(1A), RPA 1985*]. Accordingly, persons with an anonymous entry and their proxies are automatically eligible for an absent vote [*s.6 and 9, RPA 1985*] and an application for an anonymous entry must be accompanied by an application for an absent vote [*reg.38A, 2008 Regulations*]. When applying for an absent vote, a person with an anonymous entry will not have to provide an explanation in order for his ballot paper to be sent to a different address from that in the register or the record of anonymous entries [*reg.55A and 55B, 2008 Regulations*].

2.18 As persons with an anonymous entry and their proxies are not permitted to vote in person, the provisions relating to the marking of tendered ballot papers in person will not apply to them [*rule 40(7), Sch.1, RPA 1983*]. Instead, if a person

with an anonymous entry or his proxy loses or does not receive his postal ballot paper, that person can apply directly to the Chief Electoral Officer for a tendered postal ballot paper, which should be returned to that officer before the close of poll in the same way as a postal ballot paper. As with tendered ballot papers, tendered postal ballot papers will be recorded but will not be counted [*rule 40ZA Sch.1, RPA 1983; reg.81A, 2008 Regulations*].

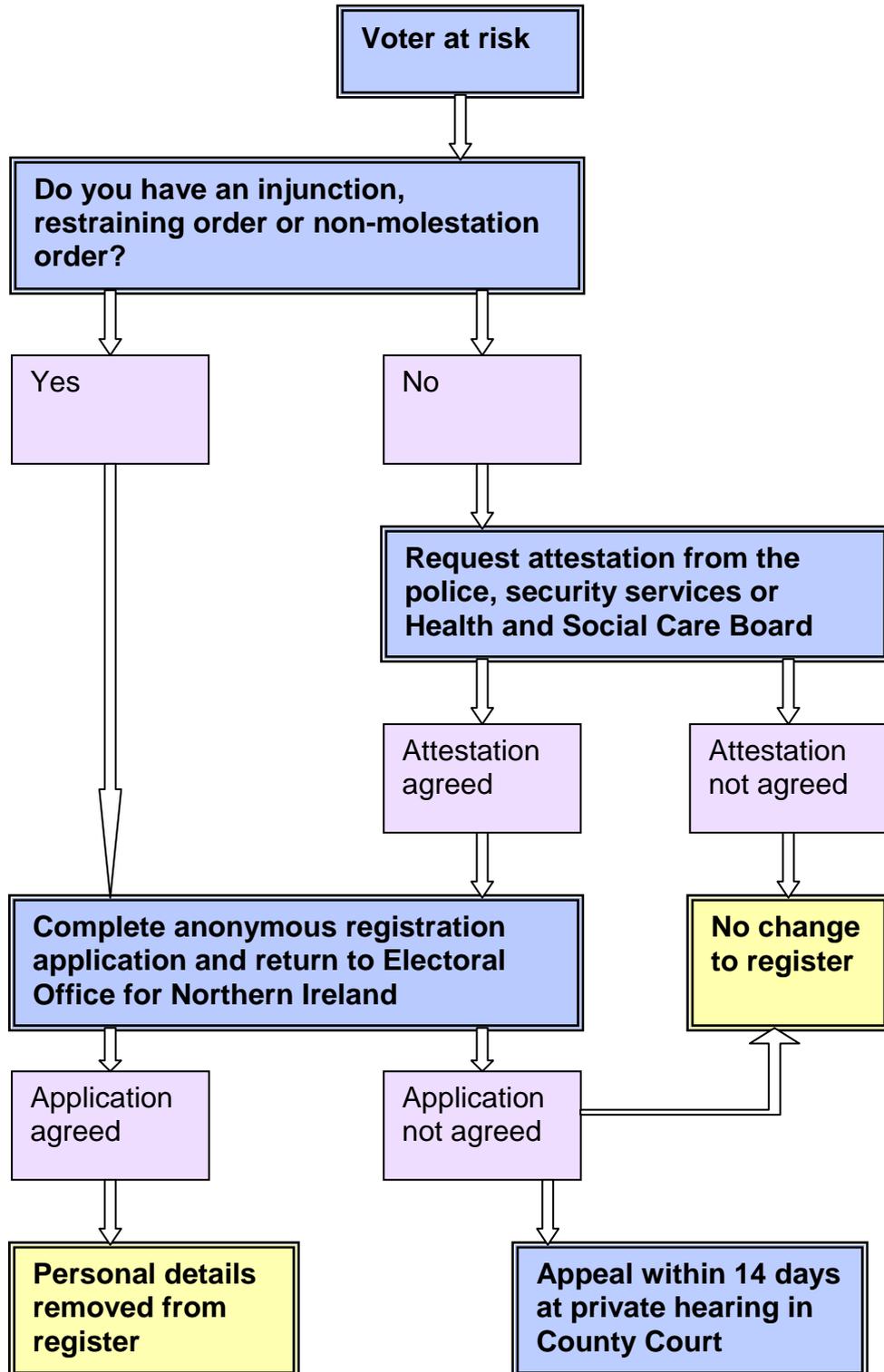
Conduct of an election

2.19 The postal poll card of an elector with an anonymous entry, or of the proxy for such a person, will not display the elector's name and address [*rule 28, Sch.1, RPA 1983; Forms A1 and B1, Schedule 3, 2008 Regulations*]. Similarly, the declaration of identity of an anonymous elector or the proxy of an anonymous elector will not show the witness's name and address [*Forms L and M, Schedule 3, 2008 Regulations*].

2.20 The postal ballot papers issued to a person with an anonymous entry or the proxy of such a person must be sent to the address that would have been shown in the absent voters list or the list of proxy voters if such information had not been confidential [*reg.76, 2008 Regulations*].

2.21 Any communications sent by a registration officer or returning officer to an elector with an anonymous entry must be sent in an envelope or other form of covering so as not to disclose to any other person that the elector has an anonymous entry [*s.9B(8), RPA 1983*]. Candidates at parliamentary elections may require the returning officer to make arrangements for campaign communications to be sent on their behalf to persons with an anonymous entry [*s.91, RPA 1983*].

Illustration of Process for Anonymous Registration Applicants



3: RESPONDING TO THIS CONSULTATION

3.1 This consultation will run for 6 weeks. Responses are requested by **23 October 2013**. Comments on the proposals should be e-mailed to cpg@nio.x.gsi.gov.uk. Responses can also be faxed to 0207 210 6550 or sent by post to:

Constitutional Policy Team
Northern Ireland Office
1 Horse Guards Road
LONDON
SW1A 2HQ

Please call 0207 210 6431 for queries in relation to this consultation. The NIO textphone number is 02890 527668.

3.2 This consultation document is available on the gov.uk website under www.gov.uk/nio. Printed copies of this consultation document may be obtained free of charge from the above address. You may make additional copies of this document without seeking permission. This document can also be made available on request in different formats, for individuals with particular needs.

3.3 If you are responding on behalf of a group or organisation please make this clear. The NIO is committed to publishing a list of those organisations that comment on these proposals and to making available, to anyone who asks for it, a copy of the comments and our response to them. **If you do not wish your comments to be published in this way, you must make this clear in any response you submit.**

3.4 If you have any concerns or complaints about the consultation process you should contact the NIO's consultation co-ordinator on 0207 210 6545, or e-mail corporategovernance@nio.x.gsi.gov.uk or by post:

Consultation Co-ordinator
Corporate Governance Unit

Northern Ireland Office
1 Horse Guards Road
LONDON
SW1A 2HQ

4: RESPONSES: CONFIDENTIALITY AND DISCLAIMER

4.1. The information you send us may be passed to colleagues within the Northern Ireland Office, the Government or related agencies. **Individual responses may also be published on the internet at www.gov.uk/nio unless a respondent has requested otherwise.** Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily: the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations (2004).

4.2. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice, with which public authorities must comply, and which deals, amongst other things, with obligations regarding confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

4.3. Please ensure that your response is marked clearly if you wish your response to be kept anonymous. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. Confidential responses, included in any statistical summary of numbers of comments received and views expressed, will be anonymised. The Department will process your personal data strictly in accordance with the Data Protection Act. In most circumstances this will mean that your personal data will not be disclosed to third parties.

APPENDIX A

Draft Order laid before Parliament under section 84(4) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

REPRESENTATION OF THE PEOPLE

The Anonymous Registration (Northern Ireland) Order 2013

Made - - - - - ***

Coming into force - - - - - 10th June 2014

At the Court at Buckingham Palace, the *** day of 2013

Present,

The Queen's Most Excellent Majesty in Council

This Order is made only for purposes corresponding, or similar, to those of section 10 of the Electoral Administration Act 2006(a).

In accordance with section 7(3) of the Political Parties, Elections and Referendums Act 2000(b), the Electoral Commission has been consulted prior to a draft of this Order being laid before Parliament.

In accordance with section 84(4) of the Northern Ireland Act 1998(c) a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on her by section 84 of the Northern Ireland Act 1998(d) and section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006(e), is pleased, by and with the advice of Her Privy Council, to order as follows:

Introductory

Citation, extent, interpretation and commencement

1.—(1) This Order may be cited as the Anonymous Registration (Northern Ireland) Order 2013 and comes into force on 10th June 2014.

(a) 2006 c. 22; section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) ("NIMPA") enables an Order in Council to be made under section 84(1) of the Northern Ireland Act 1998 (c. 47) for purposes corresponding, or similar, to those of section 10.

(b) 2000 c. 41 ("PPERA"); amendments have been made to section 7 but they are not relevant to this Order.

(c) 1998 c. 47.

(d) Section 84(1A) was inserted by section 3(4) of the Elections Act 2001 (c. 7).

(e) 2006 c.47.

(2) An amendment made by this Order has the same extent as the enactment (or part of an enactment) amended.

(3) In this Order—

- “the 1983 Act” means the Representation of the People Act 1983(a);
- “the 1985 Act” means the Representation of the People Act 1985(b);
- “the 2000 Act” means the Political Parties, Elections and Referendums Act 2000;
- “the 2006 Act” means the Electoral Administration Act 2006; and
- “the 2013 Act” means the Electoral Registration and Administration Act 2013(c).

Extension of provisions to Northern Ireland

Extension of anonymous registration provisions to Northern Ireland

2.—(1) Sections 9B and 9C of the 1983 Act (anonymous registration)(d) extend to Northern Ireland.

(2) The following amendments made by Part 1 of Schedule 1 to the 2006 Act (anonymous registration)(e) extend to Northern Ireland—

- (a) paragraphs 2 to 16 (amendments of the 1983 Act);
 - (b) paragraphs 17 (amendments of the 1985 Act);
 - (c) paragraphs 24 to 30 (amendments of the 2000 Act).
- (3) In consequence of paragraphs (1) and (2), in section 78(2) of the 2006 Act(f)—
- (a) in paragraph (a), omit “, 10”;
 - (b) in paragraph (d), for “Parts 1 and” substitute “Part”.

Parliamentary elections

Amendments of the 1983 Act

3.—(1) The 1983 Act is amended as follows.

(2) In section 9B (anonymous registration)—

- (a) in subsection (1)(a), after “10ZC”(g) insert “or 10A(1)(a)”(h);
- (b) in subsection (6), after “10ZC” insert “or 10A(1)(a)”;
- (c) in subsection (7), after “person” insert “(including an application which is treated as having been made by him by virtue of section 10A(2) below)”(i).

(3) In section 9C (removal of anonymous entry)—

- (a) in subsection (1) after “register” where it occurs for the first time insert “maintained by a registration officer in Great Britain”;

(a) 1983 c. 2.

(b) 1985 c. 50.

(c) 2013 c. 6.

(d) Section 9B(9) was repealed by 20 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14). Sections 9B and 9C were amended by paragraphs 7 and 8 of Schedule 4 to the 2013 Act, but those amendments are not yet been in force.

(e) Paragraphs 4(2), 5 and 6(2) of Schedule 1 to the 2006 Act have been removed by paragraph 23 of Schedule 4 to the 2013 Act, but that amendment has not yet been brought into force by Commencement Order.

(f) Section 78(2) confined the extent of certain provisions of the 2006 Act to Northern Ireland.

(g) Section 10ZC was inserted by section 1 of the 2013 Act.

(h) Section 10A was inserted by Schedule 1 to the 2000 Act.

(i) Section 10A(2) was amended by Schedule 7 to the Political Parties and Elections Act 2009 (c.12). Section 10A(2) was also amended by section 33 of that Act, but that amendment has not been brought into force and will be repealed by paragraph 24 of Schedule 4 of the 2013 Act.

(b) after subsection (1) insert—

“(1A) If a person (“P”) has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland, P’s entitlement to remain registered terminates at the end of such period of five years or less beginning with the relevant date, as that officer determines in relation to P.

(1B) But if, at any time before the expiry of the period determined under subsection (1A)—

- (a) the declaration made for the purposes of section 9B is cancelled, or
- (b) the Chief Electoral Officer determines that the safety test is no longer satisfied,

P’s entitlement to remain registered terminates at that time.

(1C) In subsection (1A) “the relevant date” means—

- (a) where P’s anonymous entry is the result of an application under section 9B(1)(a), the date when P’s entry in the register first takes effect; or
- (b) where P’s anonymous entry is the result of an application under section 9B(1)(b), the date when the Chief Electoral Officer determines under section 9B(2) that the safety test is satisfied.

(1D) Subsection 9B(10) (meaning of “safety test”) applies for the purposes of subsection (1B) (treating references to the applicant for an anonymous entry as references to P).

(1E) A determination under subsection (1A) or (1B) must be made in accordance with regulations.”;

(c) in subsection (2)—

- (i) for “Subsection (1) above” substitute “This section”, and
- (ii) for the words “the expiry of” to the end substitute “the time at which it would terminate under this section.”;

(d) in subsection (3), for “subsection (1) above” substitute “this section”.

(4) In section 58 (registration appeals: Northern Ireland)(a), after subsection (1)(b) insert—

“(ba) from a determination of the Chief Electoral Officer under section 9B(2) or section 9C(1B);”.

(5) Schedule 1 (parliamentary elections rules) is amended as follows.

(6) In rule 31A (return of postal ballot papers)(b), after paragraph (1) insert—

“(1A) Paragraph (1) shall not apply in relation to a vote on a tendered postal ballot paper (see rule 40ZA).”

(7) In rule 40 (tendered ballot papers), after paragraph (6) insert—

“(7) This rule does not apply in relation to an elector who has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland.”.

(8) After rule 40 insert—

“Tendered postal ballot papers: anonymous entries in Northern Ireland

40ZA.—(1) This rule applies to a person (“P”) who—

- (a) is an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland; or
 - (b) is entitled to vote by post as proxy for such an elector,
- and who claims to have lost, or not received, a postal ballot paper.

(a) Section 58 was substituted by paragraph 5 of Schedule 4 to NIMPA.
(b) Rule 31A was added by section 45(2) of the 2006 Act.

(2) P may apply to the Chief Electoral Officer for a replacement postal ballot paper (in these rules referred to as a “tendered postal ballot paper”).

(3) The application—

- (a) may be made by post or in person,
- (b) must be accompanied by a specified document within the meaning of rule 37 (as it extends to Northern Ireland), and
- (a) must be delivered to the Chief Electoral Officer—
 - (i) where the application is made by post, before 4 p.m. on the fourth day before the poll, and
 - (ii) where the application is made in person, before 4 p.m. on the day before the day of the poll.

(4) If the Chief Electoral Officer—

- (a) is satisfied as to P’s identity, and
- (b) has no reason to doubt that P has lost, or not received, a postal ballot paper,

the Chief Electoral Officer must issue a tendered postal ballot paper to P in the prescribed manner.

(5) A tendered postal ballot paper must be of a different colour from the other ballot papers.

(6) P, if issued with a tendered postal ballot paper, may mark it, sign it, and send it to the Chief Electoral Officer, in the same manner as a postal ballot paper.

(7) A tendered postal ballot paper which has not been signed, or which does not meet the conditions in rule 45(2) and (2A), is void.

(8) On receipt of a tendered postal ballot paper, the Chief Electoral Officer must deal with it in the prescribed manner.

(9) The Chief Electoral Officer must—

- (a) endorse each tendered postal ballot paper with the entry in the register of the elector in question, and
- (c) set it aside in a separate packet of tendered postal ballot papers.

(10) The Chief Electoral Officer must add the entry in the register of the elector in question to a list (in these rules referred to as the “tendered postal votes list”).

(11) The Chief Electoral Officer must seal the packet of tendered postal ballot papers.

(12) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) (alteration of registers in Northern Ireland: pending elections)(a) as if—

- (a) in paragraph (1) for “in a register maintained” there were substituted “in respect of whom a notice under section 13BA(9) has been issued”; and
- (b) in paragraphs (10) and (11), for “entry in the register of the elector in question” there were substituted “entry relating to the elector in question on a notice issued under section 13BA(9)”.’.

(9) In rule 45 (the count)(b)—

- (i) in paragraph (3), at the end insert “or any tendered postal ballot paper”;

(a) Section 13BA was inserted by section 6 of NIMPA.

(b) Rule 45(1) to (1A) was substituted by paragraph 82 of Schedule 4 to the Representation of the People Act 1985 (c.50) (“the 1985 Act”); paragraphs (1B) to (2) were amended by paragraph 10 of Schedule 6 to the Representation of the People Act 2000 (c.2) (“the 2000 Act”); paragraph (1B) was amended by paragraph 73 of Schedule 1 and paragraph 1 of Schedule 2 to the 2006 Act; paragraphs (3A) and (8) were inserted by section 48 of the Constitutional Reform and Governance Act 2010 (c.25); and paragraph (4) was amended by paragraph 91 of Schedule 1 to the 2006 Act.

- (ii) in paragraph (5), after “the tendered votes list” (in both places) insert “and tendered postal votes list”.
 - (10) In rule 54 (sealing up of ballot papers)(a), in paragraph (2), after sub-paragraph (a) insert—
“*(aa) tendered postal ballot papers,*”.
 - (11) In rule 55 (delivery of documents to registration officer)(b), in paragraph (1)(c), after “the tendered votes lists,” insert “the tendered postal votes lists,”.
4. Paragraphs 9(4)(b) and 10(5) of Schedule 4 to the 2013 Act (which amend sections 10 and 10A of the 1983 Act but are not in force) are repealed.

Amendments of the 1983 Act: transitional provision

5. Until paragraphs 7 to 10 of Schedule 4 to the 2013 Act (which amend sections 9B, 9C, 10 and 10A of the 1983 Act) come into force—
- (a) the amendments made by article 3(2) are of no effect;
 - (b) section 9B(1) of the 1983 Act has effect as if after “below” there were inserted “(and, in the case of an application in respect of address in Northern Ireland, in accordance with section 10A(1A) below)”;
 - (c) section 9C(1A) of the 1983 Act (as inserted by article 3(3)(b)) has effect as if after “registered” there were inserted “in pursuance of the application for registration mentioned in section 9B(1)”.

Amendments of the 1985 Act

- 6.—(1) The 1985 Act(c) is amended as follows.
- (2) In section 5 (manner of voting at parliamentary elections), after subsection (5A) insert—
“*(5AA) Nothing in subsections (1) to (5) applies to a person who has an anonymous entry in the register of parliamentary electors for the constituency; and such a person may only vote by post or by proxy (where entitled as an elector to vote by post or, as the case may be, by proxy at the election).*”.
 - (3) In section 6 (absent vote at elections for an indefinite period)—
 - (a) before subsection (2)(a) insert—
“*(za) if he has an anonymous entry,*”; and
 - (b) after subsection (4)(b) insert—
“*(ba) if he ceases to have an anonymous entry, or*”.
 - (4) In section 7 (absent vote at a particular election and absent voters list), after subsection (4) insert—
“*(4A) But in the case of a person who has an anonymous entry, the list mentioned in subsection (4)(a) or (b) 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(1A) of the principal Act (in the absence of a further application under section 9B of that Act).”.
 - (5) In section 9 (voting as proxy)—

(a) Rule 54(2) was substituted by section 31 of the 2006 Act.
 (b) In rule 55, paragraph (1) was amended by section 13 of the 2000 Act and sections 31, 41 and 45 of, paragraph 40 of Schedule 1 to, and paragraph 1 of Schedule 2 to the 2006 Act; paragraph (1A) was substituted by section 41 of the 2006 Act, and paragraphs (2) to (4) were repealed by section 41 of the 2006 Act.
 (c) Sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the 2000 Act. Sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the 2000 Act.

- (a) after subsection (1) insert—
 - “(1A) But in the case of a person entitled to vote as proxy for an elector who has an anonymous entry—
 - (a) subsection (1) does not apply, and
 - (b) the person may only so vote by post (where entitled as a proxy to vote by post).”;
- (b) in subsection (4), at the end of paragraph (b) insert “or” and after that paragraph insert—
 - “(c) the elector has an anonymous entry.”;
- (c) in subsection (7), at the end of paragraph (b) insert “or” and after that paragraph insert—
 - “(c) the elector has an anonymous entry.”;
- (d) after subsection (9) insert—
 - “(9A) In the case of a person who has an anonymous entry, the list mentioned in subsection (9)(a) or (b) must contain only—
 - (a) the person’s electoral number, and
 - (b) the date on which the entitlement of the person to remain registered anonymously will terminate under section 9C(1A) of the principal Act (in the absence of a further application under section 9B of that Act).
 - (9B) In the case of a person who is the proxy for an elector who has an anonymous entry, the list mentioned in subsection (9)(a) or (b) must contain only—
 - (a) the person’s electoral number, and
 - (b) the date on which the elector’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the principal Act (in the absence of a further application under section 9B of that Act).”;
- (e) in subsection (11), after paragraph (b) insert—
 - “(ba) where he was included in the record on the ground mentioned in subsection (4)(c), if the elector ceases to have an anonymous entry.”.

Local elections

Amendments to the Electoral Law Act (Northern Ireland) 1962

- 7.—(1) The Electoral Law Act (Northern Ireland) 1962(a) is amended as follows.
- (2) In section 79 (presentation and service of local election petition)(b), after subsection (1) insert—
- “(1A) The reference in subsection (1) to a person who voted as an elector or had a right so to vote at the election does not include a person who, on the day of the election, had an anonymous entry in the register of electors.”
- (3) In section 130 (interpretation)(c)—
- (a) after the definition of “absent voters list” insert—
 - ““anonymous entry” has the same meaning as in the Representation of the People Act 1983 (see section 202(1) of that Act);”;
 - (b) after the definition of “qualifying address” insert—

(a) 1962 c. 14 (N.I.).

(b) Section 79 was amended by articles 16 and 18 of, and Schedules 2 and 3 to, S.I. 1972/1264 (N.I. 13).

(c) Section 130 was amended by the Electoral Law Act (Northern Ireland) 1968 (c.20) (N.I.); the Electoral Law Act (Northern Ireland) 1969 (c.26) (N.I.); S.I. 1972/1264 (N.I. 13); S.I. 1977/428; S.I. 1985/454; S.I. 1987/168; section 11 of and Schedule 3 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3); S.I. 1995/1948; S.I. 2001/417; S.I. 2010/2977; S.I. 2011/2085; and, in relation to the definition of “Minister” and “Ministry”, the functions of the Minister and Ministry of Home Affairs were transferred to the Secretary of State by S.I. 1973/2163.

““record of anonymous entries” means a record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to the Representation of the People Act 1983;”.

- (4) In Schedule 3A (control of donations to candidates at a local election)(a)—
- (a) the existing text of paragraph 10 (statement of relevant donations) becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—
- “(2) If the statement states that the candidate’s election agent has seen evidence of such description as is prescribed by the Secretary of State in regulations made by virtue of paragraph 2 of Schedule 6 to the Political Parties, Elections and Referendums Act 2000(b) that an individual donor has an anonymous entry in an electoral register, the statement must be accompanied by a copy of the evidence.”;
- (b) in paragraph 11 (donations from permissible donors), at the end of sub-paragraph (c) insert “(reading references in sub-paragraphs (3B) and (3C) to the registered party as references to the candidate’s election agent)”.
- (5) Schedule 5 (Local Election Rules)(c) is amended as follows.
- (6) In rule 6 (subscription of nomination paper)(d), after paragraph (7) insert—
- “(8) But in this rule “elector” does not include a person who has an anonymous entry in the register.”.
- (7) In rule 21 (postal ballot papers)(e), in paragraph (1), for “at the addresses shown in the absent voters list” substitute “in accordance with Part 3 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985”(f).
- (8) In rule 26 (equipment of polling stations)(g), in paragraph (3)(c) for “names of” substitute “entries relating to”.
- (9) In rule 37 (tendered ballot papers)(h), after paragraph (9) insert—
- “(10) This rule does not apply in relation to an elector who has an anonymous entry in the register.”.
- (10) After rule 37 insert—

“Tendered postal ballot papers: anonymous entries

37A.—(1) This rule applies to a person (“P”) who—

- (a) is an elector with an anonymous entry in the register; or
(b) is entitled to vote by post as proxy for such an elector,

and who claims to have lost, or not received, a postal ballot paper.

(2) P may apply to the Chief Electoral Officer for a replacement postal ballot paper (in these rules referred to as a “tendered postal ballot paper”).

(3) The application—

- (a) may be made by post or in person,
(b) must be accompanied by a specified document within the meaning of rule 34, and

(a) Schedule 3A was inserted by S.I. 2010/2977.

(b) This paragraph was inserted by Schedule 1 to the 2006 Act and extended to Northern Ireland by this Order.

(c) Schedule 5 to the 1962 Act was substituted in its entirety by S.I. 1985/454.

(d) Rule 6 was amended by S.I. 2001/417.

(e) Rule 21 was amended by S.I. 1972/1264; S.I. 1987/168; and S.I. 2010/2977. In addition, section 4 of and the Schedule to the Elections Act 2001 (c. 7) made a non-textual amendment.

(f) S.I. 1985/454. Relevant amendments are referenced in this Order.

(g) Rule 26 was amended by S.I. 2001/417; Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and S.I. 2010/2977. In addition, section 4 of and the Schedule to the Elections Act 2001 (c. 7) made a non-textual amendment.

(h) Rule 37 was amended by S.I. 1987/168; S.I. 2002/2835; Schedule 1 to the Electoral Administration Act 2006 (c. 22); and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). In addition, section 4 of and the Schedule to the Elections Act 2001 (c. 7) made a non-textual amendment.

- (c) must be delivered to the Chief Electoral Officer—
 - (i) where the application is made by post, before 4 p.m. on the fourth day before the poll, and
 - (ii) where the application is made in person, before 4 p.m. on the day before the day of the poll.
- (4) If the Chief Electoral Officer—
 - (a) is satisfied as to P's identity, and
 - (b) has no reason to doubt that P has lost, or not received, a postal ballot paper,
 the Chief Electoral Officer must issue a tendered postal ballot paper to P in the manner set out in Schedule 2 to the Local Elections (Northern Ireland) Order 1985.
- (5) A tendered postal ballot paper must be of a different colour from the other ballot papers.
- (6) P, if issued with a tendered postal ballot paper, may mark it, sign it, and send it to the Chief Electoral Officer, in the same manner as a postal ballot paper.
- (7) A tendered postal ballot paper which has not been signed, or which does not meet the conditions in rule 45(2) and (2A), is void.
- (8) On receipt of a tendered postal ballot paper, the Chief Electoral Officer must deal with it in the manner set out in Schedule 2 to the Local Elections (Northern Ireland) Order 1985.
- (9) The Chief Electoral Officer must—
 - (b) endorse each tendered postal ballot paper with the entry in the register of the elector in question, and
 - (c) set it aside in a separate packet of tendered postal ballot papers.
- (10) The Chief Electoral Officer must add the entry in the register of the elector in question to a list (in these rules referred to as the "tendered postal votes list").
- (11) The Chief Electoral Officer must seal the packet of tendered postal ballot papers.
- (12) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act (alteration of registers in Northern Ireland: pending elections)(a) as if—
 - (a) in paragraph (1) for "in the register" there were substituted "in respect of whom a notice under section 13BA(9) has been issued"; and
 - (b) in paragraphs (10) and (11), for "entry in the register of the elector in question" there were substituted "entry relating to the elector in question on a notice issued under section 13BA(9)".
- (11) In rule 45 (preliminary proceedings and conduct of the count)(b)—
 - (i) at the end of paragraph (3) insert "or any tendered postal ballot paper"; and
 - (ii) in paragraph (5), after "the tendered votes list" (in both places) insert "and tendered postal votes list".
- (12) In rule 57 (sealing up of ballot papers)(c), in paragraph (2), after "tendered ballot papers" insert "or of tendered postal ballot papers,";
- (13) In rule 58 (forwarding of documents)(d), in paragraph (1)(c), after "the tendered votes" insert "the tendered postal votes lists,";
- (14) The Appendix of Forms(a) is amended as follows.

(a) "Section 13BA of 1983 Act" is defined for the purpose of Schedule 5 by rule 26(3ZB) of the local elections rules. That section is applied for the purpose of local elections by Part 1 of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (c.3), as amended by section 3 of the Representation of the People Act 2000 (c.2) and paragraph 7 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).

(b) Rule 45 was amended by S.I. 1972/1264; S.I. 2002/2835; and S.I. 2010/2977.

(c) Rule 57 was amended by S.I. 2010/2977.

(d) Rule 58 was amended by S.I. 2010/2977.

- (15) In the form relating to 5, Declaration of Identity—
- (a) before “Name of witness” insert “*”;
 - (b) before “Address” insert “*”, and after that paragraph insert—

“(Returning officer to omit where ballot papers sent to an anonymous elector.)”
 - (c) In the section entitled “Instructions to the voter”, at the end of paragraph 1 insert “If you are an elector with an anonymous entry in the register, or you are the proxy for such a person, the name and address of the witness should not be included. However, you do need to sign this declaration in the presence of a witness and the witness must sign the form.”.
- (16) In the form relating to 5A, Declaration of Identity (Combined Polls)—
- (a) before “Name of witness” insert “*”;
 - (b) before “Address of witness” insert “*”, and after that paragraph insert—

“(Returning officer to omit where ballot papers sent to an anonymous elector.)”
 - (c) In the section entitled “Instructions to the voter”, at the end of paragraph 1 insert “If you are an elector with an anonymous entry in the register, or you are the proxy for such a person, the name and address of the witness should not be included. However, you do need to sign this declaration in the presence of a witness and the witness must sign the form.”.
- (17) After the form relating to 6, Form of Elector’s Official Poll Card, insert Form 6A in the Schedule.
- (18) After the form relating to 7, Form of Proxy’s Official Poll Card, insert Form 7A in the Schedule.

Amendments to the Local Elections (Northern Ireland) Order 1985

8.—(1) The Local Elections (Northern Ireland) Order 1985(b) is amended as follows.

- (2) In article 6 (manner of voting)(c), after paragraph (7A) insert—
- “(7AA) Nothing in subsections (1) to (3) or (7) applies to a person who has an anonymous entry in the register of local electors; and such a person may only vote by post or by proxy (where entitled as an elector to vote by post, or as the case may be, by proxy at the election).”*
- (3) Part 1 of Schedule 2 (voting by post, by proxy and by post as proxy)(d) is amended as follows—
- (a) in paragraph 1 (absent vote at local elections for indefinite period)(e)—
 - (i) before sub-paragraph (2)(a) insert—

“(za) if he has an anonymous entry,”; and
 - (ii) after sub-paragraph (4)(b) insert—

“(ba) if he ceases to have an anonymous entry, or”;
 - (b) after paragraph 2 (absent vote at a particular local election and absent voters list), after sub-paragraph (4) insert—

(a) The Appendix of Forms was amended by section 3 of and Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989; paragraph 29 of Schedule 1 to the Elections Act 2001; paragraphs 61 and 68 of Schedule 1 to the 2006 Act; S.I. 1987/168; S.I. 1990/595; S.I. 1991/1715; S.I. 2001/417; S.I. 2002/2835; and S.I. 2010/2977.

(b) S.I. 1985/454. This Order has been amended by S.I. 1987/168; S.I. 1990/595; S.I. 1991/1715; S.I. 1992/809; S.I. 1997/867; S.I. 1998/3150; paragraph 31 of the Schedule to the Elections Act 2001 (c. 7) (a non-textual amendment); S.I. 2002/2835; S.I. 2005/1969; and S.I. 2010/2977.

(c) Article 6 was amended by S.I. 1987/168. Article 6(7A) was inserted by S.I. 2010/2977.

(d) Part 1 of Schedule 2 was substituted by S.I. 1987/168.

(e) Paragraph 1 was amended by S.I. 2002/2835, S.I. 2005/1969 and S.I. 2010/2977.

- “(4A) But in the case of a person who has an anonymous entry, the list mentioned in sub-paragraph (4)(a) or (b) 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(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).”;
- (c) in paragraph 4 (voting as proxy)(a)—
- (i) after sub-paragraph (1) insert—
- “(1A) But in the case of a person entitled to vote as proxy for an elector who has an anonymous entry—
- (a) sub-paragraph (1) does not apply, and
 - (b) the person may only so vote by post (where entitled as a proxy to vote by post).”;
- (ii) in sub-paragraph (4), at the end of paragraph (b) insert “or” and after that paragraph insert—
- “(c) the elector has an anonymous entry.”;
- (iii) in sub-paragraph (6), at the end of paragraph (b) insert “or” and at the end of that paragraph insert—
- “(b) the elector has an anonymous entry and the applicant is appointed in respect of a particular election following an application under paragraph 2(2)(b).”
- (iv) after sub-paragraph (8) insert—
- “(8A) But in the case of a person who has an anonymous entry, or a person who is the proxy for a person who has an anonymous entry, the list mentioned in sub-paragraph (8)(a) or (b) 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(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).
- (8B) In the case of a person who is the proxy for an elector who has an anonymous entry, the list mentioned in sub-paragraph (8)(a) or (b) must contain only—
- (a) the person’s electoral number, and
 - (b) the date on which the elector’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the principal Act (in the absence of a further application under section 9B of that Act).”;
- and
- (v) in sub-paragraph (10), after paragraph (b) insert—
- “(ba) where he was included in the record on the ground mentioned in sub-paragraph (4)(c), if the elector ceases to have an anonymous entry.”;
- (d) in paragraph 5 (general requirements for applications)(b), at the end of sub-paragraph (1)(d) insert “and” and after that sub-paragraph insert—
- “(e) where the applicant has, or has applied for, an anonymous entry, that fact”;
- (e) after paragraph 5B(2) (additional requirement for applications for ballot papers to be sent to different address from that in register)(c) insert—
- “(3) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.”;
- (f) in paragraph 5C, the existing text becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

(a) Paragraph 4 was amended by S.I. 2010/2977.

(b) Paragraph 5 was amended by S.I. 2010/2977.

(c) Paragraphs 5B and 5C were inserted by S.I. 2010/2977.

“(2) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.”;

- (g) in paragraph 10, the existing text becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

“(2) This paragraph does not apply where the elector has an anonymous entry and the applicant is appointed in respect of a particular election following an application under paragraph 2(2)(b).”

- (h) after paragraph 15(5) (records and lists kept under paragraphs 1, 2 and 4)(a) insert—

“(5A) The registration officer must not make available for inspection under paragraph (5) a copy of any record relating to—

- (a) a person who has an anonymous entry, or
- (b) the proxy of a person who has an anonymous entry.”;

- (i) in paragraph 16 (marked register for polling stations), for “name of” substitute “entry for”;

- (j) In the Appendix(b), in the Form of Proxy Paper, in the section headed “your right to vote as proxy”, after paragraph 4 insert—

“5. If you have been appointed as a proxy on behalf of an elector who is has an anonymous entry in the register, you can only vote by post. If you have not already been granted a postal vote, you should contact the electoral registration officer.”.

- (4) Part 3 of Schedule 2 (issue and receipt of ballot papers) is amended as follows—

- (a) in paragraph 1 (interpretation)(c), after the definition of “returning officer” insert—

““tendered postal ballot paper” has the meaning given in rule 37A of the Local Election Rules.”;

- (b) in paragraph 2 (form of ballot paper)(d), after “the official mark” insert “and rule 37A of the Local Election Rules with respect to tendered postal ballot papers”;

- (c) in paragraph 5 (notice of issue of postal ballot papers), after sub-paragraph (2) insert—

“(3) Nothing in this paragraph applies to the issue of tendered postal ballot papers under rule 37A of the Local Election Rules.”;

- (d) in paragraph 6(4) (procedure on issue of postal ballot paper)(e)—

- (i) in paragraph (a), after “list” insert “(or, where the elector has an anonymous entry, the address that would be so shown but for paragraph 2(4A) of Part 1 of this Schedule);

- (ii) in paragraph (b), after “Schedule” insert “(or, where the proxy has an anonymous entry or is the proxy for a person who has an anonymous entry, the address that would be so shown but for paragraph 4(8A) or (8B) of that Part)”.

- (e) in paragraph 12 (spoilt postal ballot paper)(f), in sub-paragraph (6)—

- (i) at the end of paragraph (a), add “(or, in the case of an elector who has an anonymous entry, the elector’s electoral number alone)”; and

- (ii) at the end of paragraph (c) add “(or, in the case of a proxy who has an anonymous entry or is the proxy for a person who has an anonymous entry, the proxy’s electoral number alone or, as the case may be, a statement that the proxy is not registered as an elector)”;

- (f) after paragraph 12 insert—

(a) Paragraph 15 was amended by S.I. 2010/2977.

(b) The Appendix was amended by S.I. 2010/2977.

(c) Paragraph 1 was amended by S.I. 1987/168 and S.I. 2010/2977.

(d) Paragraph 2 was amended by S.I. 2010/2977.

(e) Paragraph 6 was amended by paragraph 31 of Schedule 1 to the Elections Act 2001 (c.7); S.I. 1987/168 and S.I. 2010/2977.

(f) Paragraph 12 was amended by S.I. 2010/2977.

“Tendered postal ballot papers

12A.—(1) A tendered postal ballot paper issued to a person (“P”) under rule 37A of the Local Elections Rules (tendered postal ballot papers: anonymous entries)(a) must be accompanied by—

- (a) an envelope for the return of the tendered postal ballot paper (referred to as a “covering envelope”) which shall be marked with the letter “D”;
- (b) a smaller envelope which shall be marked with—
 - (i) the letter “C”;
 - (ii) the words “tendered postal ballot paper envelope”; and
 - (iii) the number of the tendered postal ballot paper, unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed; and
- (c) a declaration of identity in the form set out in the Appendix to the Local Elections Rules (form 5)(b) which is marked with the number of the tendered postal ballot paper.

(2) Where polls are taken together—

- (a) the envelope referred to in sub-paragraph (1)(a) must also be marked “Covering envelope for the [*insert the colour of the ballot paper*] coloured ballot paper”; and
- (b) on the envelope referred to in sub-paragraph (1)(b) after the words “tendered postal ballot paper envelope” there must be added “for the [*insert colour of the ballot paper*] coloured ballot paper”.

(3) Subject to paragraph (5), paragraph 9 of Part 3 of this Schedule (delivery of postal ballot papers) applies to the issue of a tendered postal ballot paper.

(4) The tendered postal ballot paper, the declaration of identity and the envelopes must be sent to—

- (a) where P is an elector, the address that would be shown in the absent voters list but for paragraph 2(4A) of Part 1 of this Schedule;
- (b) where P is entitled to vote by post as proxy, the address that would be shown in the special list kept under paragraph 4(8) of Part 1 of this Schedule but for paragraph 4(8A) or (8B) of that Part.

(5) Where P applies in person, the Chief Electoral Officer may hand a tendered postal ballot paper to P instead of delivering it in accordance with paragraph 9 of Part 3 of this Schedule.

(6) The Chief Electoral Officer must enter in a list kept for the purpose (“the list of tendered postal ballot papers”)—

- (a) the entry in the register of the elector in question;
- (b) the number of the tendered postal ballot paper issued under this paragraph; and
- (c) where P is entitled to vote by post as proxy, the proxy’s electoral number or, as the case may be, a statement that the proxy is not registered as an elector.

(7) On receipt of a covering envelope of a tendered postal ballot paper before the close of the poll, the Chief Electoral Officer must—

- (a) separate it from the covering envelopes of the other postal ballot papers; and
- (b) place it in a separate ballot box for the reception of tendered postal ballot papers.

(8) As soon as practicable after the close of the poll, the Chief Electoral Officer must count and record the number of covering envelopes of tendered postal ballot papers and open each covering envelope separately.

(a) Rule 37A is inserted by Article 7(11) of this Order.

(b) The form of declaration of identity has been substituted by article 7(15)(a) and the Schedule to this Order.

(9) Before proceeding under rule 37A(9) of the Local Elections Rules, the Chief Electoral Officer must satisfy himself that each tendered postal ballot paper—

- (a) is not void under rule 37A(7); and
- (b) is accompanied by a valid declaration of identity which is marked with the same number as the tendered postal ballot paper.

(10) Where the Chief Electoral Officer is not so satisfied, that officer must—

- (a) mark the tendered postal ballot paper as “rejected”; and
- (b) place the tendered postal ballot paper, attached to the declaration of identity (if any), in a receptacle for rejected tendered postal papers.

(11) The Chief Electoral Officer must seal the contents of the receptacle for rejected tendered postal papers in a separate packet.”;

(g) in paragraph 15 (receipt of covering envelope)(a), the existing text becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

“(2) This paragraph does not apply to the receipt of a covering envelope for a tendered postal ballot paper.”;

(h) in paragraph 19 (disposal of documents)(b), in sub-paragraph (1)—

- (i) in paragraph (a), after “12” insert “, 12A(10)”; and
- (ii) after paragraph (a), insert—
“(aa) the list of spoilt ballot papers and the list of tendered postal ballot papers; and”.

Amendments to the Elected Authorities (Northern Ireland) Act 1989

9.—(1) Part 1 of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989(c) is amended as follows.

- (2) In the entry beginning “Sections 9”, after “9,” insert “9B, 9C,”;
- (3) In the entry beginning “Section 53”—
 - (a) before “3” insert “2B,”;
 - (b) after “3A,” insert “3B,”.
- (4) In the entry beginning “Section 201”, after “the definitions of” insert ““anonymous entry”,”.

Amendments to the Elections Act 2001

10.—(1) Schedule 1 to the Elections Act 2001 is amended as follows.

- (2) In paragraph 4—
 - (a) for “paragraph (3)” substitute “paragraph (3A)”; and
 - (b) the inserted paragraph becomes paragraph (3B).
- (3) In paragraph 5, in the text inserted by sub-paragraph (3), after “tendered ballot papers” insert “or tendered postal ballot papers”.
- (4) After paragraph 10, insert—

“Tendered postal ballot papers

10A. In rule 40B after paragraph (9) insert—

“(9A) The same list may be used for each election.

(a) Paragraphs 13 to 17 were substituted by S.I. 2002/2835.

(b) Paragraph 19 was amended by S.I. 2002/2835 and S.I. 2010/2977.

(c) 1989 c. 3; Part 1 of Schedule 1 was amended by section 8 of, and paragraphs 1 and 3 of Schedule 3 to, the Representation of the People Act 2000 (c. 2); section 7 of the Electoral Fraud (Northern Ireland) Act 2002; section 30 of, and paragraph 7 of Schedule 4 to, NIMPA.

(9B) If it is, an entry in the list must be taken to mean that the tendered postal ballot papers were marked in respect of each election unless the list identifies the election at which a tendered postal ballot paper was marked.””

(5) In paragraph 19, in the text inserted by that paragraph after “tendered ballot papers” insert “or tendered postal ballot papers”.

(6) After paragraph 24, insert—

“Tendered postal ballot papers

24A. In rule 37A after paragraph (9) insert—

“(9A) The same list may be used for each election.

(9B) If it is, an entry in the list must be taken to mean that the tendered postal ballot papers were marked in respect of each election unless the list identifies the election at which a tendered postal ballot paper was marked.””

Amendments to the Juries (Northern Ireland) Order 1996

11.—(1) The Juries (Northern Ireland) Order 1996(a) is amended as follows.

(2) In article 2 (interpretation)(b), in paragraph (2), before the definition of “Chief Electoral Officer” insert—

““anonymous entry” has the same meaning as in the Representation of the People Act 1983 (see section 202(1) of that Act);”

(3) In article 4 (preparation of jurors lists)(c)—

(a) after paragraph (3A) insert—

“(3B) The list referred to in paragraph (3) shall identify any person who has an anonymous entry in the register of electors.”

(b) after paragraph (7) insert—

“(7A) The Divisional Jurors list shall identify any person who has an anonymous entry in the register of electors.”

(4) In article 6 (form of panel)(d), after paragraph (1A) insert—

“(1B) The panel shall identify any person who has an anonymous entry in the register of electors.”

(5) In article 26A (restriction on disclosure of juror information)(e)—

(a) in the heading, after “juror information” insert “or anonymous elector information”;

(b) in paragraphs (1) to (7), after “juror information”, wherever it occurs, insert “or anonymous elector information”.

(6) In article 26B (disclosure of juror information: lawful authority)—

(a) in the heading, after “juror information” insert “or anonymous elector information”;

(b) in paragraphs (1) and (6) to (8), after “juror information”, wherever it occurs, insert “or anonymous elector information”.

(a) S.I. 1996/1141; this Order has been amended by the Police Act 1997 (c. 50); the Police (Northern Ireland) Act 1998 (c. 32); the Police (Northern Ireland) Act 2000 (c. 32); the Justice (Northern Ireland) Act 2002 (c. 26); the Constitutional Reform Act 2005 (c. 4); the Serious Organised Crime and Police Act 2005 (c. 15); the Justice and Security (Northern Ireland) Act 2007 (c. 6); the Northern Ireland Act 2009 (c. 3); S.I. 1996/1298 (N.I. 8); S.I. 1998/1504 (N.I. 9); S.I. 1999/1042; S.R. 2003 No.474; S.I. 2005/1965 (N.I. 15); S.R. 2010 No.133; S.I. 2010/976; and S.I. 2011/2298.

(b) Article 2 was amended by S.R. 2010 No.133 and S.I. 2010/976.

(c) Article 4 was amended by S.R. 2003 No.474 and by section 11 of and Schedules 2 and 7 to the Justice and Security (Northern Ireland) Act 2007 (c. 6).

(d) Article 6 was amended by section 11 of and Schedules 2 and 7 to the Justice and Security (Northern Ireland) Act 2007 (c. 6).

(e) Articles 26A, 26B and 26C were inserted by section 10 of the Justice and Security (Northern Ireland) Act 2007 (c. 6). Articles 26A and 26B were also amended by S.R. 2010 No.133. Article 26C was also amended by section 3 of the Northern Ireland Act 2009.

(7) In article 26C (interpretation of Articles 26A and 26B), after paragraph (1) insert—

“(1A) “Anonymous elector information” means the name, address, date of birth or national insurance number of a person who is identified as having an anonymous entry in the register of electors on the Divisional Jurors List or on any panel prepared under Article 5, where such information was obtained as a result of its inclusion in the Divisional Jurors List or the panel prepared under Article 5.”

Assembly elections

Amendments to the Northern Ireland Assembly (Elections) Order 2001

12.—(1) The Northern Ireland Assembly (Elections) Order 2001(a) is amended as follows.

(2) In Schedule 1, after the entry relating to Rule 40 (tendered ballot paper), insert the following entry—

“Rule 40ZA (tendered postal ballot papers) ”

Date

Minister of State
Northern Ireland Office

SCHEDULE

Article 7(17) and (18)

Form 6A

Elector’s Official Postal Poll Card

[Put text of form here]

Form 7A

Proxy’s Official Postal Poll Card

[Put text of form here]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes a scheme of anonymous registration for people for whom the publication of their name and address on the electoral register would pose a threat to safety. This may include victims of domestic violence, witnesses in certain criminal cases and other vulnerable people who may wish to vote but are afraid that certain individuals may use the electoral register to establish their whereabouts.

Provision for anonymous registration in Great Britain was made by section 10 of the Electoral Administration Act 2006 (the “2006 Act”), which inserted sections 9B and 9C into the Representation of the People Act 1983 (the “1983 Act”). Part 1 of Schedule 1 to the 2006 Act made consequential amendments. Those provisions did not extend to Northern Ireland. Section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006 provides for a power to make equivalent provision in Northern Ireland.

(a) S.I. 2001/2599; this Order has been amended by S.I. 2002/1964; S.I. 2003/2989; S.I. 2007/308; S.I. 2009/256; and S.I. 2010/2892.

In February 2008 the Government consulted on making provision for anonymous registration in Northern Ireland (*Anonymous registration: Protecting voters at risk in Northern Ireland*). The Government published its response to consultation in February 2009 and committed to introducing a scheme allowing voters at risk to register anonymously. The response outlined the areas in which the provisions on anonymous registration would differ from those in Great Britain.

Article 2(1) extends sections 9B and 9C of the 1983 Act to Northern Ireland. Section 9B provides for electors to have an anonymous entry in the electoral register in certain circumstances. If a person is eligible for registration, but fears that his safety or that of another person resident in the same household would be at risk if he were identifiable from the electoral registers, he may apply to have an anonymous entry in the register. An anonymous entry contains only the person's electoral number and letters prescribed in regulations. Section 9C provides for the circumstances in which an anonymous entry will be removed from the register. Article 3(2) to (3) amends sections 9B and 9C of the 1983 Act to reflect the different legislative framework and policy in Northern Ireland. Unlike in Great Britain, the entitlement to remain registered with an anonymous entry will not terminate after 12 months. Instead, the entitlement to remain registered with an anonymous entry will terminate at the end of a period determined by the Chief Electoral Officer in accordance with regulations. That period can last for up to five years. Article 8(a) provides for sections 9B and 9C of the 1983 Act to apply to local and Assembly elections in Northern Ireland. Articles 4 and 5 deal with the amendments made to sections 9B, 9C, 10 and 10A by Schedule 4 to the Electoral Registration and Administration Act 2013.

Article 2(2) extends to Northern Ireland many of the consequential amendments made by Part 1 of Schedule 1 to the 2006 Act. The following consequential amendments of the 1983 Act now extend to Northern Ireland: section 4(5A); amendments to section 9; section 10(3)(c); section 10A(3B); amendments to section 10A(5); section 49(4A); amendments to section 62; section 91(2A) to (2B); section 121(1A); amendments to section 201; rule 7(7), Schedule 1; rule 28(3A), Schedule 1; amendments to rule 29, Schedule 1; amendments to paragraphs 1, 2B, 3B, 5, 8A and 10 of Schedule 2; and paragraph 10(2), Schedule 2A. Section 3(4A) of the Representation of the People Act 1985 now extends to Northern Ireland. The following consequential amendments of the Political Parties, Elections and Referendums Act 2000 now extend to Northern Ireland: section 65(2A); paragraph 2(3B) to (3C) of Schedule 6; amendments to paragraph 3 of Schedule 6; paragraph 10(4A) of Schedule 7; paragraph 10(4) of Schedule 11; and paragraph 10(4) of Schedule 15. Article 8 applies many of those provisions to local elections in Northern Ireland by amending Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989.

Article 3(4) inserts subsection (1)(ba) into section 58 of the 1983 Act to provide for a right of appeal against the registration officer's determination in relation to an application for an anonymous entry or a review of entitlement to an anonymous entry.

Article 3(5) to (11) amends the Parliamentary Elections Rules in Schedule 1 to the 1983 Act to allow a person with an anonymous entry, or the proxy of a person with an anonymous entry, to mark a tendered postal ballot paper if that person claims to have lost or not received the issued postal ballot paper. Articles 7(6) to (15), 8(4) and 12 make equivalent amendments in relation to local and Assembly elections.

Article 6 amends sections 5 to 9 of the Representation of the People Act 1985, which provide for absent voting in parliamentary elections in Northern Ireland. In particular, the amendments provide that: persons with an anonymous entry and their proxies (where applicable) are automatically eligible for an absent vote; persons with an anonymous entry and their proxies (where applicable) can only vote by post and not in person; and the postal voters list and the list of proxies must contain only the person's electoral number and the period for which the anonymous entry has effect. Article 8 makes equivalent amendments to the Local Elections (Northern Ireland) Order 1985 in relation to absent voting in local elections.

Article 7 amends the Electoral Law Act (Northern Ireland) 1962 to provide that: persons with an anonymous entry on the register of local electors shall be issued with a certificate of anonymous registration; where a person with an anonymous entry has made a donation to a candidate, the candidate's election agent must provide a certificate of anonymous registration together with their

statement; a person with an anonymous entry cannot question a local election; “record of anonymous entries” is defined; and a person with an anonymous entry cannot subscribe a nomination paper for a local election.

Articles 7(15) and 8(3)(j), together with the Schedule, make amendments to the forms for local elections to remove the names of persons with an anonymous entry.

Article 10 amends the Schedule to the Elections Act 2001, which provides for the combination of local and parliamentary elections.

Article 11 amends the Juries (Northern Ireland) Order 1996 to ensure that the fact that a person has an anonymous entry is notified to the Juries Officer together with the information passed by the Chief Electoral Officer under Article 4 of that Order. Articles 26A to 26C are amended to ensure that the personal details of a person who has an anonymous entry on the register will not be disclosed.

APPENDIX B

STATUTORY INSTRUMENTS

2013 No.

NORTHERN IRELAND

POLITICAL PARTIES

The Electoral Administration Act 2006 (Commencement No. 2) (Northern Ireland) Order 2013

Made - - - - - ***

The Secretary of State, in exercise of the powers conferred by section 77(2) and (4) of the Electoral Administration Act 2006(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Electoral Administration Act 2006 (Commencement No. 2) (Northern Ireland) Order 2013.

(2) This Order extends to Northern Ireland only.

Provisions coming into force on 10th June 2014

2. Section 61 of the Electoral Administration Act 2006 (regulation of loans etc.) (b) shall come into force on 10th June 2014 insofar as not already in force.

Date

Minister of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force the remaining provisions of section 61 of the Electoral Administration Act 2006 in respect of Northern Ireland. Section 61 concerns the regulation of loans and other related transactions to political parties and, in certain circumstances, members and members associations of those parties and holders of elective offices. In relation to anonymous registration, it inserts section 71S(3) of, and paragraphs 2(3) and 3(2) of Schedule 6A to, the Political Parties, Elections and Referendums Act 2000. Those provisions are now in force in respect of Northern Ireland.

(a) 2006 c. 22.

(b) Section 61 was commenced in respect of Northern Ireland by article 2 of S.I. 2008/1656, except so far as (i) it provides, by subsection (1), for the insertion of section 71S(3) of the Political Parties, Elections and Referendums Act 2000; and (ii) it provides, by subsection (5), for the insertion of paragraphs 2(3) and 3(2) of Schedule 6A to that Act. Section 61 is now commenced in its entirety in respect of Northern Ireland.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Electoral Administration Act 2000 have been brought into force in Northern Ireland by commencement order made before the date of this Order. Amendments to that Act are not included in the sections or ranges of sections mentioned here.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 9	11th September 2006	2006/1972
Section 11	1st January 2007	2006/3412
Section 12	14th May 2008	2008/1316
Section 13	30th November 2007 and 14th May 2008	2007/3376 and 2008/1316
Section 14	1st January 2007	2006/3412
Section 15	11th September 2006	2006/1972
Section 16	1st July 2008	2008/1316
Section 17	7th February 2007	2007/230
Sections 18 to 22	1st July 2008	2008/1316
Section 23	11th September 2006 and 1st July 2008	2006/1972 and 2008/1316
Section 24	1st July 2008	2008/1316
Section 25	11th September 2006	2006/1972
Section 26	1st July 2008	2008/1316
Section 27	11th September 2006	2006/1972
Sections 28 to 30	1st July 2008	2008/1316
Section 31 (partially)	14th May 2008 and 1st July 2008	2008/1316
Sections 32 to 35	1st January 2007	2006/3412
Section 36	1st July 2008	2008/1316
Section 37	14th May 2008	2008/1316
Section 38	1st July 2008	2008/1316
Section 39 and 40	11th September 2006	2006/1972
Section 41	14th May 2008 and 1st July 2008	2008/1316
Sections 42 to 44 (partially)	1st January 2008 and 14th May 2008 and 1st July 2008	2007/3376 and 2008/1316
Sections 45 and 46	1st July 2008	2008/1316
Section 47 (partially)	11th September 2006 and 14th May 2008 and 1st July 2008	2006/1972 and 2008/1316
Section 48	11th September 2006	2006/1972
Section 49	1st January 2007	2006/3412
Sections 50 and 51	11th September 2006	2006/1972
Section 52 (partially)	11th September 2006 and 1st January 2007 and 7th February 2007 and 1st July 2008	2006/1972 and 2006/3412 and 2007/230 and 2008/1316
Sections 53 to 57	11th September 2006	2006/1972
Section 58	30th June 2007	2007/1847
Section 59 (partially)	1st July 2009	2009/1509
Section 60	11th September 2006	2006/1972
Section 61 (partially)	1st July 2008	2008/1656

Section 62	1st July 2008	2008/1656
Section 63	10th March 2008	2008/610
Sections 64 and 65	11th September 2006	2006/1972
Section 66	1st July 2008	2008/1376
Section 67	11th September 2006	2006/1972
Section 68	1st July 2008	2008/1316
Sections 70 to 72	1st January 2007	2006/3412
Section 73	1st July 2008	2008/1316
Section 74 (partially)	11th September 2006 and 1st January 2007 and 1st July 2008	2006/1972 and 2006/3412 and 2008/1316 and 2008/1656
Schedule 1 (partially)	11th September 2006 and 1st January 2007 and 7th February 2007 and 14th May 2008 and 1st July 2008 and 1st July 2009	2006/1972 and 2006/2268 and 2006/3412 and 2007/230 and 2008/1316 and 2008/1656 and 2009/1509
Schedule 2 (partially)	11th September 2006 and 1st January 2007 and 7th February 2007 and 1st July 2008	2006/1972 and 2006/3412 and 2007/230 and 2008/1316 and 2008/1656

APPENDIX C

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The Representation of the People (Northern Ireland) (Amendment) Regulations 2014

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	10th June 2014

In accordance with section 201(2) of the Representation of the People Act 1983(a), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(b), the Electoral Commission has been consulted prior to a draft of these Regulations being laid before Parliament.

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by the provisions which are specified in Schedule 1 to these Regulations.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2014 and come into force on 10th June 2014.

(2) These Regulations extend only to Northern Ireland.

(3) In the following provisions of these Regulations, unless otherwise stated, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in the Representation of the People (Northern Ireland) Regulations 2008(c).

Amendment of the Representation of the People (Northern Ireland) Regulations 2008

2. In regulation 3 (interpretation), after the definition of “candidate” insert—

(a) 1983, c.2 (the “1983 Act”); section 201(2) was substituted by section 24 of and Schedule 4 to the Representation of the People Act 1985 (c. 50) (the “1985 Act”), and amended by S.I. 1991/1728 and section 128 and Schedule 21 of the Political Parties, Elections and Referendums Act 2000 (c. 41) (“PPERA”).
(b) 2000 c. 41; amendments have been made to section 7 but they are not relevant to this Order.
(c) S.I. 2008/1741.

““certificate of anonymous registration” means a certificate issued in pursuance of regulation 53G;”

3. After regulation 26 insert—

“Reminders to persons who have an anonymous entry

26A.—(1) This regulation applies to a person who has an anonymous entry.

(2) Subject to paragraph (3), the registration officer must, during the relevant period, send to a person to whom this regulation applies a reminder that his entitlement to be registered will terminate on the determined date and that—

- (a) if he wishes to remain entered in the register anonymously after that date, he must make a fresh application for an anonymous entry under section 9B(1)(b) of the 1983 Act(a);
- (b) if he wishes to remain entered in the register without an anonymous entry, he must make a fresh application for registration under section 10A(1)(a) of the 1983 Act(b).

(3) Paragraph (2) does not apply where the registration officer has already received from that person a fresh application for an anonymous entry under section 9B(1)(b) of the 1983 Act.

(4) In this regulation—

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

“the relevant period” is the period beginning six months before the determined date and ending three months before that date.”

4.—(1) Regulation 27 (procedure for applications for registration) is amended as follows.

(2) In paragraph (1)—

- (a) at the end of sub-paragraph (e), omit “and”;
- (b) in sub-paragraph (f), after “applicant” insert “whose application is not accompanied by an application for an anonymous entry and”;
- (c) at the end of sub-paragraph (f) insert “and” and after that sub-paragraph insert—
“(g) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact.”

(3) After paragraph (9) insert—

“(10) Paragraphs (6) to (9) do not apply to an application for registration which is accompanied by an application for an anonymous entry.”

5. In regulation 29 (inspection of applications and objections), the existing text becomes paragraph (1) of that regulation and after paragraph (1) insert—

“(2) This regulation does not apply to an application for registration which is accompanied by an application for an anonymous entry.”

6.—(1) Regulation 30 (procedure for determining applications and objections) is amended as follows.

(2) After paragraph (3) insert—

-
- (a) Sections 9B and 9C were inserted into the 1983 Act by section 10 of the Electoral Administration Act 2006 (c. 22) (the “2006 Act”) and were amended by Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6) (the “2013 Act”), extended to Northern Ireland and by article 2 of the Anonymous Registration (Northern Ireland) Order 2013 (the “Anonymous Registration Order”) and amended by article 3 of that Order.
 - (b) Section 10A of the 1983 Act was inserted by Schedule 1 to the Representation of the People Act 2000 (c. 2) (the “2000 Act”). Section 10A(1A) and (1B) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13). Other amendments to section 10A are not relevant.

“(3A) Paragraph (3) does not apply to an application accompanied by an application for an anonymous entry.”.

(3) At the beginning of paragraph (7) insert “Subject to paragraph (7A)”.

(4) After paragraph (7) insert—

“(7A) In the case of an application for registration accompanied by an application for an anonymous entry, the registration officer may allow the application for registration without a hearing at any time.”.

7. In regulation 36 (procedure for reviewing entitlement to registration), after paragraph (2) insert—

“(2A) Paragraph (2)(b) does not apply where the subject of a review has an anonymous entry.”

8. In regulation 37 (list of reviews), after paragraph (3) insert—

“(4) This regulation does not apply to any review where the subject of the review has an anonymous entry.”

9. After regulation 38 insert—

“Anonymous registration: applications and declarations

38A.—(1) An application for an anonymous entry must state—

- (a) the applicant’s full name,
- (b) the address given in accordance with regulation 27(1)(b),
- (c) the reason for the application, and
- (d) the date of the application.

(2) The application must be in writing and signed by the applicant.

(3) The application must be accompanied by—

- (a) evidence of the nature prescribed in regulation 38C or 38D, and
- (b) an application for an absent vote.

(4) Where the evidence mentioned in paragraph (3)(a) relates not to the applicant, but to another person of the same household as the applicant, the application must be accompanied by evidence that that person is of that household.

(5) The application must be accompanied by a declaration made by the applicant that—

- (a) the particulars given in accordance with paragraph (1) are true,
- (b) so far as he is aware, the evidence provided in pursuance of paragraph (3)(a) is genuine, and
- (c) where paragraph (4) applies—
 - (i) the person to whom the evidence relates is a person of the same household of the applicant, and
 - (ii) so far as he is aware, the evidence provided in pursuance of paragraph (4) is genuine.

(6) The application may give an address to which the registration officer must send correspondence, other than the address given in accordance with paragraph (1)(b).

(7) In this regulation, “an application for an absent vote” means—

- (a) in relation to parliamentary elections, an application under section 6 of the 1985 Act(a);
- (b) in relation to local elections, an application under paragraph 1 of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(b).

Anonymous registration: determination of applications by the registration officer

38B.—(1) Paragraph (2) applies where—

- (a) in the case of an application under section 9B(1)(a) of the 1983 Act, the registration officer determines that the applicant for an anonymous entry is entitled to be registered, and
- (b) in the case of an application under section 9B(1)(a) or (b) of that Act, the application for an anonymous entry is made in accordance with regulation 38A.

(2) The registration officer must determine that the safety test is satisfied (and accordingly allow the application for an anonymous entry) where he is satisfied—

- (a) that the evidence provided in support of the application in pursuance of regulation 38A(3)(a) constitutes evidence of the nature prescribed in regulation 38C or 38D, and
- (b) in the case of an application where regulation 38A(4) applies, that the evidence provided in pursuance of that paragraph establishes that the person in question is a person of the same household as the applicant.

(3) The registration officer must determine the date on which the applicant's entitlement to remain registered with an anonymous entry terminates (the "date of termination") in accordance with paragraphs (4) and (5).

(4) Where the evidence provided under paragraph 38A(3)(a) is evidence of the nature prescribed in regulation 38C, the date of termination is whichever is the earlier of the following—

- (a) the date on which the relevant order or injunction will expire or will cease to be a relevant order or injunction within the meaning of regulation 38C(3)(a)(c) (where such a date is specified in the relevant order or injunction), or
- (b) the end of the period of five years, beginning with—
 - (i) in the case of an application under section 9B(1)(a) of the 1983 Act, the date when P's entry in the register first takes effect; or
 - (ii) in the case of an application under section 9B(1)(b) of that Act, the date when the Chief Electoral Officer determines under section 9B(2) of that Act that the safety test is satisfied.

(5) Where the evidence provided under paragraph 38A(3)(a) is evidence of the nature prescribed in regulation 38D, the date of termination is the date on which the attestation will cease to have effect under regulation 38D(3)(d).

Anonymous registration: evidence consisting of relevant court orders or injunctions

38C.—(1) Evidence which meets the following conditions is prescribed for the purpose of regulation 38A(3)(a).

(a) 1985 c. 50; sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the 2000 Act; sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the 2000 Act and by article 6 of the Anonymous Registration Order.

(b) S.I. 1985/454; paragraph 1 was amended by S.I. 2002/2835, S.I. 2005/1969 and S.I. 2010/2977.

(c) An order might cease to be a relevant order or injunction within the meaning of regulation 38C(3) where, although the order remains in force, the power of arrest attached to that order has expired (see regulation 38C(3)(p)).

(d) An attestation under regulation 38D(3) can have effect for a maximum period of five years from the date the attestation was made.

(2) The first condition is that the evidence is, or is a copy of, a relevant order or injunction.

(3) A relevant order or injunction is—

- (a) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997(a);
- (b) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997;
- (c) a restraining order made under section 5(1) of the Protection from Harassment Act 1997;
- (d) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997;
- (e) a non-harassment order, interdict or interim interdict made under section 8 or 8A of the Protection from Harassment Act 1997;
- (f) a non-harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995(b);
- (g) a non-molestation order made under section 42(2) of the Family Law Act 1996(c);
- (h) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under article 5 of the Protection from Harassment (Northern Ireland) Order 1997(d);
- (i) a restraining order made under article 7 of the Protection from Harassment (Northern Ireland) Order 1997;
- (j) a restraining order on acquittal made under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997;
- (k) a non-molestation order made under article 20(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(e).
- (l) a matrimonial interdict within the meaning of section 14 of the Matrimonial Homes (Family Protection) Scotland Act 1981(f);
- (m) a domestic interdict within the meaning of 18A of the Matrimonial Homes (Family Protection) Scotland Act 1981;
- (n) a relevant interdict within the meaning of section 113 of the Civil Partnership Act 2004(g);
- (o) an interdict that has been determined to be a domestic abuse interdict within the meaning of section 3 of the Domestic Abuse (Scotland) Act 2011(h);

(a) 1997 c. 40; sections 3, 3A and 5 were amended by section 125 of the Serious Organised Crime and Police Act 2005 (c. 15). Section 5 was amended by section 12 of and Schedules 10 and 11 to the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 5A was inserted by section 12 of the Domestic Violence, Crime and Victims Act 2004 (c. 28). Section 8 was amended by section 1 of the Domestic Abuse (Scotland) Act 2011 asp 13 and section 16 of, and Schedule 2 to, the Damages (Scotland) Act 2011 asp 7. Section 8A was inserted by section 1(2) of the Domestic Abuse (Scotland) Act 2011 asp 13.

(b) 1995 c. 46; section 234A was inserted by section 11 of the Protection from Harassment Act 1997 (c. 40) and was amended by section 15 of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13, section 49 of the Criminal Justice (Scotland) Act 2003 asp 7 and Schedule 3 to the Crime and Punishment (Scotland) Act 1997.

(c) 1996 c. 27; section 42 was amended by Schedule 10 and 11 to the Domestic Violence, Crime and Victims Act 2004 (c. 28) and by Schedule 9 to the Civil Partnership Act 2004 (c. 33).

(d) S.I. 1997/1180 (N.I. 9); article 7 was amended by section 13 of and Schedules 10 and 11 to the Domestic Violence, Crime and Victims Act 2004 (c. 28) and article 7A was inserted by section 13 of that Act.

(e) S.I. 1998/1071 (N.I. 6); article 20 was amended by section 206 of and Schedule 19 to the Civil Partnership Act 2004 (c. 13) and by S.I. 2005/1452.

(f) 1981 c. 59; section 14 was amended by section 10 of, and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2 and by S.S.I. 2006/384; and section 18A was inserted by section 31 of that Act.

(g) 2004 c. 33; section 113 was amended by sections 33 and 45 of, and Schedules 1 and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2, and by S.S.I. 2006/384.

(h) 2011 asp 13.

- (p) any interdict with a power of arrest made under section 1 of the Protection from Abuse (Scotland) Act 2001(a) attached;
 - (q) a forced marriage protection order or interim forced marriage protection order made under any of the following provisions—
 - (i) Part 4A of the Family Law Act 1996(b);
 - (ii) section 2 of, and paragraph 1 of Schedule 1 to, the Forced Marriage (Civil Protection) Act 2007(c);
 - (iii) section 1 of the Forced Marriage etc. (Protection & Jurisdiction) (Scotland) Act 2011(d);
 - (iv) section 5 of the Forced Marriage etc. (Protection & Jurisdiction) (Scotland) Act 2011.
- (4) The second condition is that the relevant order or injunction is made for the protection, or otherwise for the benefit, of—
- (a) the applicant for an anonymous entry, or
 - (b) another person of the same household as him.
- (5) The third condition is that the relevant order or injunction is in force on the day on which the application for an anonymous entry is made.

Anonymous registration: evidence by attestation

38D.—(1) An attestation within the meaning of this regulation is prescribed for the purposes of regulation 38A(3)(a).

- (2) The attestation must—
- (a) certify that the safety of the applicant, or of another named person of the same household as him, would be at risk if the register contained the name of the applicant or his qualifying address,
 - (b) state the date on which it is made, and
 - (c) be in writing and signed by a qualifying officer.
- (3) The attestation must state the period for which it has effect, being a period of between one and five years beginning with the date on which the attestation is made.
- (4) Qualifying officer means—
- (a) a police officer of or above the rank of superintendent of the Police Service of Northern Ireland;
 - (b) a police officer of or above the rank of superintendent of any police force in England and Wales;
 - (c) a police officer of or above the rank of superintendent of the Police Service of Scotland;
 - (d) the Director General of the Security Service;
 - (e) the Director General of the National Crime Agency;
 - (f) any director of adult social services in England within the meaning of section 6(A1) of the Local Authority Social Services Act 1970(e);

(a) 2001 asp 14; section 1 was amended by sections 32 and 45 of, and Schedule 3 to, the Family Law (Scotland) Act 2006 asp 2.

(b) 1996 c. 27; Part 4A was inserted by section 1 of the Forced Marriage (Civil Protection) Act 2007 (c. 20) and amended by Schedule 11 to the Crime and Courts Act 2013 (c. 22) (not yet in force).

(c) 2007 c. 20.

(d) 2011 asp 15.

(e) 1970 c. 42; subsection (A1) was inserted by, and subsection (1) was amended by, Schedule 2 to the Children Act 2004 (c. 31).

- (g) any director of social services in Wales within the meaning of section 6(1) of the Local Authority Social Services Act 1970;
- (h) any director of children's services in England within the meaning of section 18 of the Children Act 2004(a);
- (i) any chief social work officer in Scotland within the meaning of section 3 of the Social Work (Scotland) Act 1968(b);
- (j) the director of social care and children of the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(c);
- (k) any executive director of social work of a Health and Social Services Trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(d).

Anonymous registration: review of entitlement to an anonymous entry

38E.—(1) The registration officer must discharge the function of determining under section 9C(1B) of the 1983 Act whether the safety test is no longer satisfied in respect of a person in accordance with this regulation.

(2) The registration officer may conduct a review in respect of a person entered in the register with an anonymous entry.

(3) Where the registration officer is of the opinion that the safety test is no longer satisfied in respect of the subject of the review, he must, as he considers appropriate, send to that person a notice which—

- (a) states that the registration officer is of the opinion that the safety test is no longer satisfied in respect of the subject of the review and the grounds for his opinion;
- (b) states the reason for the review and requires the subject of the review to provide such further information as might be specified in the notice; or
- (c) states the reason for the review and that the registration officer intends to conduct a hearing of it.

(4) The subject of a review may require a hearing of the review.

(5) Where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (3)(a); and
- (b) that person does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the safety test is no longer satisfied in respect of the subject of the review.

(6) Where—

- (a) the registration officer sends to the subject of the review a notice in the form specified in paragraph (3)(b); and
- (b) that person does not respond to the registration officer's satisfaction, or at all, within 28 days beginning with the date of that notice,

(a) 2004 c. 31; section 18 was amended by section 16 of and Schedule 3 to the Childcare Act 2006 (c. 21), Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 2 to the Further Education and Training Act 2007 (c. 25), section 194 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), and S.I. 2010/1158.

(b) 1968 c. 49; section 3 was substituted by Local Government etc. (Scotland) Act 1994 (c. 39).

(c) 2009 c. 1.

(d) S.I. 1991/194 (N.I. 1); article 10 was amended by sections 32 and 34 of and Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1).

the registration officer may send a further notice to the subject of the review which states that he is of the opinion that the safety test is no longer satisfied in respect of the subject of the review and the grounds for his opinion.

(7) Where—

- (a) the registration officer sends to the subject of the review a further notice in pursuance of paragraph (6); and
- (b) the subject of the review does not, within 14 days beginning with the date of that notice, notify the registration officer that he requires the review to be heard,

the registration officer may determine without a hearing that the safety test is no longer satisfied in respect of the subject of the review.

(8) Where the registration officer determines that a hearing of the review should be conducted, the notice given under paragraph (3)(c) must also state the time and place at which he proposes to hear the review.

(9) Paragraphs (2) to (5) of regulation 38 apply to the hearing of a review under this regulation as they apply to the hearing of a review under regulations 36 to 38.

(10) The registration officer may determine that the safety test is no longer satisfied in respect of the subject of the review, despite the failure of that person (or any other person entitled to appear and be heard) to attend.

(11) In making a determination under paragraph (5), (7) or (10), the registration officer must take into account any written representations made to him by the subject of the review and may take into account the written representations of any other person who appears to him to be interested.

(12) In this regulation—

“review” must be construed in accordance with paragraph (1); and

“the subject of the review” means the person in respect of whom the review is conducted.”

10. In regulation 39 (registration appeals), after paragraph (1)(b) insert—

- “(c) a determination of the registration officer under section 9B(2) of the 1983 Act made in accordance with regulation 38B; or
- (d) a determination of the registration officer under section 9C(1B) of the 1983 Act made in accordance with regulation 38E.”

11. After regulation 50 insert—

“Anonymous entries

50A.—(1) An anonymous entry of a person consists of that person’s electoral number together with the letter “N”.

(2) The entry is to be entered in the register—

- (a) at the end of the part of the register which relates to the qualifying address of the person entitled to the entry,
- (b) under the heading of “Other electors” as mentioned in regulation 50(3)(b), and
- (c) following the names grouped together under that heading in pursuance of that regulation.”

12. In regulations 51 (marking of names), 67 (marked register for polling stations) and 109(7) (Sale of full register etc: restrictions on supply, charges, etc), wherever it occurs, for “name” substitute “entry”.

13.—(1) Regulation 53 (preparation and publication of list of overseas electors) is amended as follows.

(2) 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(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).”
- (3) In paragraph (2)—
- (a) after “each part” insert “who do not have an anonymous entry”; and
 - (b) after “alphabetical order” insert “, followed by the electoral numbers of persons with an anonymous entry”.
- (4) In paragraph (4), after “name” insert “(or, in the case of a person with an anonymous entry, electoral number)”.

14. After regulation 53, insert—

“Record of anonymous entries

53A.—(1) The registration officer must keep a record of anonymous entries.

(2) The registration officer must enter in the record each person (“P”) who is entered in the register with an anonymous entry.

(3) The entry in the record must contain the following particulars—

- (a) P’s full name;
- (b) P’s electoral number;
- (c) P’s qualifying address;
- (d) where P has given in his application for an anonymous entry an address other than his qualifying address to which correspondence should be sent, that address;
- (e) the date on which P’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).

(4) Where P’s application to vote by post or by proxy is granted, the registration officer must also enter in the record the address to which the postal ballot paper is to be sent as given in his application under section 6(6) or 9(12) of the 1985 Act, as the case may be.

Duties of registration officer and his staff in relation to record of anonymous entries

53B.—(1) This regulation applies to—

- (a) the Chief Electoral Officer for Northern Ireland;
- (b) any temporary deputy of his; and
- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his duties.

(2) Where the Chief Electoral officer is also the counting officer at a referendum held by or under an Act of Parliament^(a) (and so has access to the record of anonymous entries without being supplied with a copy of it), this regulation also applies to—

- (a) the Chief Electoral Officer in that capacity,
- (b) any deputy counting officer,

(a) In relation to a referendum to which Part 7 of PPERA applies, the Chief Electoral Officer for Northern Ireland is the Chief Counting Officer at any referendum held only in Northern Ireland, and in any other case is treated as having been appointed as a counting officer for the whole of Northern Ireland (section 128 of that Act).

- (c) any person appointed to assist any such officer or who in the course of his employment is assigned to assist any such officer in his duties in respect of the referendum in question.

(3) No person to whom this regulation applies may—

- (a) supply to any person a copy of the record,
- (b) disclose information contained in it, or
- (c) make use of such information,

otherwise than in accordance with an enactment (including these Regulations) or the order of any court or tribunal made at any hearing or during the course of any proceedings.

(4) Nothing in paragraph (3) applies to the supply or disclosure by a person to whom this regulation applies to another such person in connection with his registration duties or for the purposes of an election or referendum.

(5) The persons to whom this regulation applies must take proper precautions for the safe custody of the record.

(6) In this regulation and regulation 53C “enactment” has the same meaning as in section 17(2) of the 2000 Act.

Supply of the record of anonymous entries to police forces and other organisations

53C.—(1) The registration officer must supply a copy of the record of anonymous entries, at the request in writing of a senior officer, to—

- (a) a police force in Great Britain;
- (b) the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve);
- (c) the National Crime Agency;
- (d) the Police Information Technology Organisation; and
- (e) any body of constables established under an Act of Parliament.

(2) Senior officer means—

- (a) in the case of the forces and organisations mentioned in paragraph (1)(a), (b), (d) and (e), an officer of a rank senior to that of superintendent;
- (b) in the case of the National Crime Agency, the Director General of that Agency.

(3) No person serving whether as a constable, officer or employee of any of the forces and organisations mentioned in paragraph (1) may—

- (a) supply to any person a copy of the record,
- (b) disclose any information contained in it, or
- (c) make use of any such information,

otherwise than for the purposes specified in paragraph (4).

(4) The purposes are—

- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in Northern Ireland or elsewhere);
- (b) the vetting of a relevant person for the purpose of safeguarding national security.

(5) Relevant person means—

- (a) a constable or officer or prospective constable or officer of the force or organisation;
- (b) an employee of, or applicant for employment by, the force or organisation.

(6) Each person supplied with a copy of the record under this regulation must take proper precautions for its safe custody.

Certificate of anonymous registration

53D.—(1) Where the registration officer enters a person in the record of anonymous entries, he must issue to that person a certificate of anonymous registration.

(2) A certificate of anonymous registration must be in writing and signed by the registration officer.

(3) A certificate of anonymous registration must state—

- (a) that it has been issued by the Chief Electoral Officer for Northern Ireland;
- (b) the name, electoral number and qualifying address of the person who has the anonymous entry;
- (c) the date on which the anonymous entry took effect; and
- (d) the date on which the entitlement to remain registered anonymously will terminate in accordance with section 9C(1A) of the 1983 Act, unless a fresh application for an anonymous entry is made.

Certificate of anonymous registration prescribed for purposes of donations and loans

53E. A certificate of anonymous registration issued under regulation 53F is evidence that an individual has an anonymous entry in an electoral register for the purposes of paragraph 10(2) of Schedule 2A to the 1983 Act.”

15. In regulation 55 (general requirements for applications for an absent vote), in paragraph (2), at the end of sub-paragraph (d) insert “and” and after that sub-paragraph insert—

“(e) where the applicant has, or has applied for, an anonymous entry, that fact.”

16. In regulation 55A (Additional requirement for applications for ballot papers to be sent to a different address to that in the register)(a), after paragraph (2) insert—

“(3) This regulation does not apply where an applicant has, or has applied for, an anonymous entry.”

17. In regulation 55B (Additional requirement for applications for ballot papers to be sent to different address from that shown in the record kept under section 6(3) or section 9(6) of the 1985 Act), the existing text becomes paragraph (1) of the regulation and after paragraph (1) insert—

“(2) This regulation does not apply where the applicant has, or has applied for, an anonymous entry.”

18. In regulation 56 (additional requirements for applications for the appointment of a proxy), the existing text becomes sub-paragraph (1) of the regulation and after paragraph (1) insert—

“(2) If made by an elector with an anonymous entry, the application mentioned in paragraph (1) must be accompanied by an application by the proxy to vote by post as proxy under section 9 of the 1985 Act or, as the case may be, paragraph 4 of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(b).”

19. In regulation 60 (Additional requirements for applications by proxies to vote by post at a particular election), for “section 9(7)” substitute “section 9(7)(a)”.

20. In regulation 66 (Records and lists kept under sections 6, 7 and 9 of the 1985 Act), after paragraph (2) insert—

“(2A) The registration officer must not make available for inspection under paragraph (2) a copy of any record relating to—

- (a) a person who has an anonymous entry; or
- (b) the proxy of a person who has an anonymous entry.”

(a) Regulations 55A and 55B were inserted by S.I. 2010/278.

(b) S.I. 1985/454; paragraph 4 was amended by S.I. 2010/2977.

21. In regulation 73 (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers), after paragraph (9) insert—

“(10) Nothing in this regulation applies to the issue or receipt of tendered postal ballot papers under rule 40ZA of the elections rules.”

22. In regulation 75 (notice of issue of postal ballot papers), after paragraph (2) insert—

“(3) Nothing in this regulation applies to the issue of tendered postal ballot papers under rule 40ZA of the elections rules.”

23. In regulation 76 (procedure on issue of postal ballot paper), in paragraph (5)—

- (a) in paragraph (a), after “list” insert “(or, where the elector has an anonymous entry, the address that would be so shown but for section 7(4A) of the 1985 Act(a))”;
- (b) in paragraph (b), after “1985 Act” insert “(or, where the proxy has an anonymous entry or is the proxy for a person who has an anonymous entry, the address that would be so shown but for section 9(9A) or (9B) of that Act)”.

24. In regulation 81 (spoilt postal ballot papers), in paragraph 7—

- (a) at the end of sub-paragraph (a), add “(or, in the case of an elector who has an anonymous entry, his electoral number alone)”;
- (b) at the end of sub-paragraph (c), add “(or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy’s electoral number alone or, as the case may be, a statement that the proxy is not registered as an elector)”.

25. After regulation 81 insert—

“Tendered postal ballot papers

81A.—(1) A tendered postal ballot paper issued to a person (“P”) under rule 40ZA of the elections rules (tendered postal ballot papers: anonymous entries in Northern Ireland)(b) must be accompanied by—

- (a) an envelope for the return of the tendered postal ballot paper (referred to as a “covering envelope”) which shall be marked with the letter “D”;
- (b) a smaller envelope which shall be marked with—
 - (i) the letter “C”;
 - (ii) the words “tendered postal ballot paper envelope”; and
 - (iii) the number of the tendered postal ballot paper, unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed; and
- (c) a declaration of identity in the form set out in regulation 71 (form of declaration of identity) which is marked with the number of the tendered postal ballot paper.

(2) Where the polls are taken together—

- (a) the envelope referred to in paragraph (1)(a) must also be marked “Covering envelope for the [*insert the colour of the ballot paper*] coloured ballot paper”; and
- (b) on the envelope referred to in paragraph (1)(b) after the words “tendered postal ballot paper envelope” there must be added “for the [*insert colour of the ballot paper*] coloured ballot paper”.

(3) Subject to paragraph (5), regulation 80 (delivery of postal ballot papers) applies to the issue of a tendered postal ballot paper.

(a) Sections 7(4A) and section 9(9A) to (9B) were inserted by article 6 of the Anonymous Registration Order.
(b) Rule 40ZA was inserted by article 3 of the Anonymous Registration Order.

(4) The tendered postal ballot paper, the declaration of identity and the envelopes must be sent to—

- (a) where P is an elector, the address that would be shown in the absent voters list but for section 7(4A) of the 1985 Act;
- (b) where P is entitled to vote by post as proxy, the address that would be shown in the special list kept under section 9(9) of the 1985 Act but for section 9(9A) or (9B) of that Act.

(5) Where P applies in person, the Chief Electoral Officer may hand a tendered postal ballot paper to P instead of delivering it in accordance with regulation 80.

(6) The Chief Electoral Officer must enter in a list kept for the purpose (“the list of tendered postal ballot papers”)—

- (a) the entry in the register of the elector in question;
- (b) the number of the tendered postal ballot paper issued under this regulation; and
- (c) where P is entitled to vote by post as proxy, the proxy’s electoral number or, as the case may be, a statement that the proxy is not registered as an elector.

(7) On receipt of a covering envelope of a tendered postal ballot paper before the close of the poll, the Chief Electoral Officer must—

- (a) separate it from the covering envelopes of the other postal ballot papers; and
- (b) place it in a separate ballot box for the reception of tendered postal ballot papers.

(8) As soon as practicable after the close of the poll, the Chief Electoral Officer must count and record the number of covering envelopes of tendered postal ballot papers and open each covering envelope separately.

(9) Before proceeding under rule 40ZA(9) of the elections rules, the Chief Electoral Officer must satisfy himself that each tendered postal ballot paper—

- (a) is not void under rule 40ZA(7); and
- (b) is accompanied by a valid declaration of identity which is marked with the same number as the tendered postal ballot paper.

(10) Where the Chief Electoral Officer is not so satisfied, that officer must—

- (a) mark the tendered postal ballot paper as “rejected”; and
- (b) place the tendered postal ballot paper, attached to the declaration of identity (if any), in a receptacle for rejected tendered postal votes.

(11) The Chief Electoral Officer must seal the contents of the receptacle for rejected tendered postal votes in a separate packet.”

26. In regulation 84 (receipt of covering envelope), the existing text becomes sub-paragraph (1) of the regulation and after paragraph (1) insert—

“(2) This regulation does not apply to the receipt of a covering envelope for a tendered postal ballot paper.”

27. In regulation 91 (forwarding of documents), in paragraph (1)—

(a) in sub-paragraph (a), after “81(5)” insert “, 81A(11)”; and

(b) after sub-paragraph (a) insert—

“(aa) the list of spoilt ballot papers and the list of tendered postal ballot papers; and”.

28. In regulation 93 (edited version of register), after paragraph (2) insert—

“(2A) The edited register shall omit all anonymous entries in the register, and any information relating to them.”

29.—(1) Regulation 114 (offences in respect of contravention of Part 6)(a) is amended as follows.

- (2) In the heading, before “Part 6” insert “Part 3 or”.
- (3) In paragraph (2), after “regulations” insert “53C(3),”.

Amendment of Schedule 3 to the Representation of the People (Northern Ireland) Regulations 2008

30.—(1) Schedule 3 (forms) is amended as follows.

(2) In the Arrangement of Forms—

- (a) after the entry for Form A insert—

“Form A1: Elector’s Official Postal Poll Card”;

- (b) after the entry for Form B insert—

“Form B1: Proxy’s Official Postal Poll Card”.

(3) After Form A (elector’s official poll card), insert Form A1 in Schedule 2.

(4) After Form B (proxy’s official poll card), insert Form B1 in Schedule 2.

(5) In Form E, (proxy paper), in the section headed “your right to vote as proxy”, after paragraph 4 insert—

“5. If you have been appointed as a proxy on behalf of an elector who has an anonymous entry in the register, you can only vote by post. If you have not already been granted a postal vote, you should contact the electoral registration officer.”.

(6) In Form L (declaration of identity)—

- (a) before “Name of witness” insert “*”;

- (b) before “Address of witness” insert “*”, and after that paragraph insert—

“*(Returning officer to omit where ballot papers sent to an anonymous elector.)”;

- (c) in the section entitled “Instructions to the voter”, at the end of paragraph 1 insert “If you are an elector with an anonymous entry in the register, or you are the proxy for such a person, the name and address of the witness should not be included. However, you do need to sign this declaration in the presence of a witness and the witness must sign the form.”.

(7) In Form M (declaration of identity (combined polls))—

- (a) before “Name of witness” insert “*”;

- (b) before “Address of witness” insert “*”, and after that paragraph insert—

“*(Returning officer to omit where ballot papers sent to an anonymous elector.)”;

- (c) In the section entitled “Instructions to the voter”, at the end of paragraph 1 insert “If you have an anonymous entry in the register, or you are the proxy for such a person, the witness must not add his or her name and address.”.

(8) In Form N (statement as to postal ballot papers)—

- (a) after paragraph 10 insert—

“10A. Number of tendered postal ballot papers issued

10B. Number of covering envelopes for tendered postal ballot papers received”;

- (b) after paragraph 13 insert—

“14. Number of tendered postal ballot papers marked rejected”.

(a) Regulation 114 was amended by regulation 4 of S.I. 2013/1846.

SCHEDULE 1

Enabling powers

These Regulations are made under the following powers—

- a) sections 9B, 9C, 53 and 201(3) of, and rule 57 of Schedule 1 to, paragraphs 2B, 3A, 3B, 5(1B), 5A, 7, 8, 8A, 9C, 10, 10B and 12 of Schedule 2 to, the Representation of the People Act 1983(a);
- b) having regard to the definition of “prescribed” in section 202(1) of the Representation of the People Act 1983, section 9B(1A), 10A(1)(a) and 13A(1)(a) of, rules 24, 28, 55(1)(f) of Schedule 1 to, and paragraph 10(2) of Schedule 2A to that Act(b);
- c) section 6(1)(c) and (5), 7(3), 8(6) and (7) and 9(4), (7) and (8) of the Representation of the People Act 1985(c).

SCHEDULE 2

Regulation 31

Forms

Form A1

Elector’s Official Postal Poll Card

Put text of form here

Form B1

Proxy’s Official Postal Poll Card

Put text of form here

Date

Minister of State
Northern Ireland Office

-
- (a) 1983 c. 2. Sections 9B and 9C were inserted into the 1983 Act by section 10 of the 2006 Act and were amended by paragraphs 7 and 8 of Schedule 4 to the 2013 Act, extended to Northern Ireland and by article 2 of the Anonymous Registration Order and amended by article 3 of that Order. Section 53 was amended by section 24 of and Schedule 4 to the 1985 Act, Schedules 1 and 7 of the 2000 Act, Schedule 1 to the 2006 Act, and Schedule 2 to the 2013 Act. Section 201(3) was amended by Schedule 1 to the 2000 Act and Schedule 21 to PPERA. Rule 57 was amended by sections 31 and 41 of, and paragraph 95 of Schedule 1 to, the 2006 Act. Paragraphs 2B, 3B, 5(1B) and 8A of Schedule 2 were inserted by Schedule 1 to the 2006 Act and extended to Northern Ireland by article 2 of the Anonymous Registration Order. Paragraph 3A of Schedule 2 was inserted by Schedule 1 to the 2000 Act. Paragraph 5A of Schedule 2 was inserted by section 11 of the 1985 Act and amended by Schedule 6 to the 2000 Act. Paragraph 8 of Schedule 2 was substituted by section 24 of the 1985 Act and amended by Schedule 1 to the 2000 Act. Paragraph 10 of Schedule 2 was substituted by section 9 of the 2000 Act and amended by Schedule 1 to the 2006 Act, and the latter amendment was extended to Northern Ireland by article 3 of the Anonymous Registration Order. Paragraph 10B of Schedule 2 was substituted by section 9 of the 2000 Act. Paragraph 12 of Schedule 2 was substituted by Schedule 6 to the 2000 Act and amended by Schedule 1 to the 2006 Act.
 - (b) Section 10A was inserted by Schedule 1 to the 2000 Act. Section 13A was inserted by Schedule 1 to the 2000 Act. Rule 24 was substituted by section 37 of the 2006 Act. Rule 28(3) was amended by Schedule 1 to the 2006 Act and the amendment was extended to Northern Ireland by article 2 of the Anonymous Registration Order. Schedule 2A was inserted by Schedule 16 to PPERA and paragraph 10(2) of Schedule 2A was inserted by Schedule 1 to the 2006 Act and extended to Northern Ireland by article 2 of the Anonymous Registration Order.
 - (c) 1985 c. 50. Sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the 2000 Act. Sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the 2000 Act, and by article 6 of the Anonymous Registration Order.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Representation of the People (Northern Ireland) Regulations 2008/1741 (“the 2008 Regulations”) to implement a scheme of anonymous registration in Northern Ireland.

Anonymous registration is available to those persons for whom the publication of their name and address on the electoral register would pose a threat to safety. This may include victims of domestic violence, witnesses in certain criminal cases and other vulnerable people who may wish to vote but are afraid that certain individuals may use the electoral register to establish their whereabouts. Provision for anonymous registration in Great Britain was made by section 10 of, and Schedule 1 to, the Electoral Administration Act 2006 (c. 22). Those provisions were extended to Northern Ireland, with some modifications, by the Anonymous Registration (Northern Ireland) Order 2013. Under that scheme, an elector is entitled to have an anonymous entry in the electoral register for up to five years if the elector would be at risk on publication of the elector’s details in the register. The registration officer will determine when a person’s entitlement to an anonymous entry will expire and, unless the person makes a fresh application for such an entry or for a regular entry in the register, the person’s entry will be removed from the register on that date (sections 9B and 9C, Representation of the People Act 1983). A person with an anonymous entry (and, where applicable, the proxy of such a person) is not entitled to vote at the polling station in person, and instead must vote by post (sections 5 to 9, Representation of the People Act 1985).

Regulation 3 inserts new regulation 26A into the 2008 Regulations, which provides for a reminder to be sent to each person who has an anonymous entry between three and six months before it is due to expire, unless the registration officer has received a fresh application for an anonymous entry.

Regulations 4 to 8 make amendments to the requirements of an application for registration, the inspection of such applications and the procedure for determination of such applications. If an application for registration is accompanied by an application for an anonymous entry, the application for registration must state that fact and that application cannot be inspected by the public or objected to. Where the registration officer conducts a review of the elector’s entitlement to be registered, that review will not be included in the list of reviews.

Regulation 9 inserts new regulations 38A to 38E into the 2008 Regulations. These regulations provide for the contents of an application for an anonymous entry. Such an application must include either evidence of a relevant injunction or order (regulation 38C) or an attestation by a qualifying officer, such as a senior police officer or a senior social worker, that the applicant is at risk (regulation 38D). The date upon which the relevant order or injunction or the attestation will expire or cease to have effect will be the date upon which the anonymous entry will expire, but the maximum period for which an entry can have effect without a further fresh application is five years (regulation 38B). During that period, the registration officer may conduct a review of the person’s entitlement to an anonymous entry (regulation 38E).

Regulation 10 amends regulation 39 of the 2008 Regulations and provides for the exercise of a person’s right of appeal against the registration officer’s decision that the person is not entitled, or is no longer entitled, to an anonymous entry.

Regulation 11 inserts new regulation 50A into the 2008 Regulations, which provides for the content and location of an anonymous entry in the register.

Regulation 13 amends regulation 53 of the 2008 Regulations and provides that the list of overseas electors must contain, in respect of a person with an anonymous entry, only the electoral number and the date upon which the anonymous entry will expire.

Regulation 14 inserts new regulations 53A to 53E into the 2008 Regulations. The registration officer is required to maintain a record of anonymous entries, which will contain details about persons with an anonymous entry (regulation 53A). The registration officer and his staff, and other persons to whom the record can be supplied in relation to crime and national security, are under

specific duties of confidentiality in relation to that record (regulations 53B and 53C). The registration officer is required to issue a certificate of anonymous entry to persons with an anonymous entry (regulation 53D), which can be used as evidence that the person has an anonymous entry in the register for the purpose of political donations (regulation 53E). Regulation 30 includes the disclosure of information contrary to new regulation 53C in the list of offences under regulation 114 of the 2008 Regulations.

Regulations 15 to 21, 24 and 25 make amendments to the 2008 Regulations in relation to applications for an absent vote by persons with an anonymous entry or their proxies. Persons with an anonymous entry must state that fact on an application for an absent vote, and will not have to provide an explanation for a ballot paper to be sent to a different address from that in the register or the record of those who have been granted an absent vote. An application by a person with an anonymous entry for the appointment of a proxy must be accompanied by an application by the proxy for a postal vote. The registration officer must not make available for inspection a copy of any record relating to a person with an anonymous entry or the proxy of such a person. The postal ballot papers issued to a person with an anonymous entry or the proxy of such a person must be sent to the address that would have appeared in the absent voters list or the list of proxy voters if such information had not been confidential. If a person with an anonymous entry or the proxy of such a person is to be included in the list of spoilt ballot papers, that list must show only the person's electoral number.

Regulations 22, 23, 24, 27 and 28 provide for the issue of tendered postal ballot papers to persons with an anonymous entry who have lost or did not receive their postal ballot papers. Such persons are not permitted to mark a tendered ballot paper at the polling station in the normal way (see rules 40 and 40ZA of the parliamentary elections rules contained in Schedule 1 to the Representation of the People Act 1983, as amended) so a new mechanism is created to allow such persons to submit an equivalent by post.

Regulation 29 ensures that the edited register shall omit all anonymous entries in the register and any information relating to them.

Regulations 2, 12, 15 and 31 make minor and consequential amendments to the 2008 Regulations in relation to anonymous registration.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

APPENDIX D

STATUTORY INSTRUMENTS

2014 No.

POLITICAL PARTIES

DONATIONS

The Political Donations and Regulated Transactions (Anonymous Electors) (Northern Ireland) Regulations 2014

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	10th June 2014

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 65(2A) of, and paragraphs 2(3B),(3C), 3(2) and 3(3) of Schedule 6, paragraphs 2(3) and 3(2) of Schedule 6A, paragraph 10(4A) of Schedule 7, paragraph 10(4) of Schedule 11, and paragraph 10(4) of Schedule 15 to the Political Parties, Elections and Referendums Act 2000(a):

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Political Donations and Regulated Transactions (Anonymous Electors) (Northern Ireland) Regulations 2014 and come into force on 10th June 2014.

(2) These Regulations extend to Northern Ireland only.

Evidence of anonymous registration

2. A certificate of anonymous registration issued under regulation 53F of the Representation of the People (Northern Ireland) Regulations 2008(b) is evidence that an individual has an anonymous entry in an electoral register for the purposes of the following provisions of the Political Parties, Elections and Referendums Act 2000—

- (a) section 65(2A);
- (b) paragraphs 2(3B),(3C), 3(2) and 3(3) of Schedule 6;
- (c) paragraph 2(3) and 3(2) of Schedule 6A;
- (d) paragraph 10(4A) of Schedule 7;
- (e) paragraph 10(4) of Schedule 11;
- (f) paragraph 10(4) of Schedule 15.

(a) Section 65(2A), paragraphs 2(3B),(3C), 3(2) and 3(3) of Schedule 6, paragraph 10(4A) of Schedule 7, paragraph 10(4) of Schedule 11, and paragraph 10(4) of Schedule 15 were inserted by Schedule 1 to the Electoral Administration Act 2006 (c. 22) and extended to Northern Ireland by the Anonymous Registration (Northern Ireland) Order 2013. Paragraphs 2(3) and 3(2) of Schedule 6A were inserted by section 61(5) of the Electoral Administration Act 2006 (c. 22), and will be commenced in respect of Northern Ireland by S.I. 2013/XXXX, which will come into force on 1 July 2014.

(b) S.I. 2008/1742; regulation 53F was inserted by S.I. 2013/XXXX and will come into force on 1 July 2014.

Date

Minister of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Political donations may only be accepted from an individual if that individual is registered in an electoral register. Similarly, a registered political party may only enter into a regulated transaction (as defined by section 71F of the Political Parties, Elections and Referendums Act 2000 (c.41) as inserted by section 61 of the Electoral Administration Act 2006 (c.22)) with an individual if that individual is registered in an electoral register.

These Regulations prescribe the form of evidence required to establish that a donor who has an anonymous entry in an electoral register is indeed a registered elector. Regulation 2 states that the prescribed form of evidence is a certificate of anonymous registration issued under regulation 53F of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741).