



HM Government

# **Post-legislative Scrutiny of the Electoral Registration and Administration Act 2013**

Memorandum to the Lords Electoral  
Registration and Administration Act  
2013 Committee

March 2020

CP 237





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## **Memorandum to the Lords Electoral Registration and Administration Act 2013 Committee**

Presented to Parliament  
by the Minister of State for the Constitution and Devolution  
by Command of Her Majesty

March 2020



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# Preamble

This memorandum provides a preliminary assessment of the Electoral Registration and Administration Act 2013 (“ERA 2013”/“the Act”) and has been prepared by Cabinet Office for submission to the House of Lords Electoral Registration and Administration Act 2013 Committee.

It is published as required by the process set out in the document *Post Legislative Scrutiny – The Government’s Approach* (Cm7320).

The content of this memorandum reflects our engagement with our key stakeholders in order to ensure that it is comprehensive and covers all areas of interest.

# Background

## Individual Electoral Registration

The main reason for legislating was to introduce Individual Electoral Registration (IER) in Great Britain. The introduction of IER had been called for by the Electoral Commission (EC) since 2003<sup>1</sup>. Their primary motivation was the belief that people should take personal control of their registration status, as they were often unaware of, and disconnected from, it. They were also motivated by a desire to increase protections against the potential for electoral fraud. Verifying applicants' identities against unique personal identifiers – name, date of birth and National Insurance number – provides strong safeguards against this potential for fraud, they argued.

In response to the EC's recommendation, the government of the day made provision for the introduction of IER across Great Britain in the Political Parties and Elections Act 2009 (repealed by ERA 2013) with implementation planned to be phased. At the time, this was considered to be the proportionate response, as it would provide the opportunity to review how successfully IER was being implemented and ensure that registration rates were being maintained. This would have been monitored by the EC, which would have been required to publish annual progress reports before making a final recommendation in 2014 on whether the change to individual registration should take place. Registration in Northern Ireland had already been on an individual basis since 2002.

In light of the consensus that emerged – that electoral registration needed modernising and bringing into line with other comparable democracies – the Coalition Government announced in 2010 that it was going to speed up the full-scale introduction of IER, and ERA 2013 made provision for its introduction by 2015.

As well as protecting against fraud, the Coalition Government was motivated by IER's focus on an individual's responsibility to actively participate in the democratic process. It also supported the right of individuals to choose when and where they wanted to apply to register. The White Paper published by the Coalition Government in June 2011 said: "Everyone who wants to be on the electoral register – and has the right to be – should be able to register easily and simply."

The Coalition Government consulted widely. It published a White Paper and draft legislation for public consultation (June to October 2011) and the Political and Constitutional Reform Select Committee carried out pre-legislative scrutiny of the draft legislation. There were also a number of debates and questions on the matter in both Houses of Parliament. The Electoral Registration and Administration Bill, when introduced, reflected feedback from these processes.

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<sup>1</sup> *The Electoral registration process: report and recommendations*, Electoral Commission, 2003.



IER, including the online application process, was introduced in England and Wales on 10 June 2014 and in Scotland on 19 September 2014, following the referendum on independence from the UK.

## Conduct of elections

The Act also included a package of measures relating to the administration and conduct of elections. The measures addressed issues that had been raised by the EC, electoral administrators and political parties. They made changes that were intended to improve the way elections are run, increase participation in the electoral process, and further improve the integrity and robustness of the electoral system.

# Summary of the objectives of the Act

The objectives of the legislation were stated as part of the Explanatory Memorandum.

Part 1 of the Bill, relating to IER:

- 1.1 Provide that each elector must apply individually to be registered to vote after the transition to the new system.
- 1.2 Make transitional arrangements for up to two years, including using data matching to verify entries, and providing for the 'carry forward' of electors who are not automatically verified and fail to register under the new system in the first year, so that they remain on the first register published under the new system (likely to be the register used for the 2015 General Election).
- 1.3 Create a legislative framework to allow alternative channels for registration, such as online registration, to be offered.
- 1.4 Provide for the use of data matching to verify applications, check existing entries in registers and find individuals who do not currently appear on the register.
- 1.5 Make provision for an annual canvass which is compatible with the new registration system and provide a power to amend or abolish the annual canvass in future, subject to a report by the EC and an order requiring the approval by a resolution of each House of Parliament.
- 1.6 Ensure that all those wishing to vote by post or proxy will need to be registered under the new registration system to utilise these voting methods after the first annual canvass under the new system.
- 1.7 Introduce a civil penalty for those who fail to make an application when required to do so by an Electoral Registration Officer (ERO).

Part 2 was directed towards improving the way elections are run, increasing voter participation, and further improving the integrity and robustness of the electoral system. In summary, it was stated that the clauses relating to the administration and conduct of elections would:

- 2.1 Extend the electoral timetable for UK parliamentary elections from 17 to 25 working days, which will also have the consequence of altering a number of the deadlines within the timetable (in particular the date for delivery of nominations) which are fixed to the start of the electoral timetable. This will allow more time for the postal vote process and facilitate the administration of elections more generally.

- 2.2 Provide for there to be two interim publication dates at UK parliamentary elections and other specified polls, where an election is pending, on which notices of alteration to the electoral register must be published. This helps realise the full benefits of a longer timetable. It allows postal ballot packs to be sent out earlier than was previously possible to electors who are included on the additional updates to the register and wish to vote by post.
- 2.3 As a consequence of an extended electoral timetable, move the deadline for appointing polling and counting agents at UK parliamentary elections from two to five days before polling day.
- 2.4 Make changes to the timing of polling place reviews in Great Britain to bring them in line with the five-year parliamentary terms established by the Fixed-term Parliaments Act 2011, and the five-year cycle for UK parliamentary boundary reviews implemented by the Parliamentary Voting System and Constituencies Act 2011.
- 2.5 Address an oversight in existing legislation to enable a UK parliamentary election candidate jointly nominated by two or more registered political parties to use, on the ballot paper, an emblem registered by one of the nominating parties.
- 2.6 Allow Police Community Support Officers (PCSOs) to enter polling stations (as police constables could).
- 2.7 Remove the automatic postponement of parish and community council elections in England and Wales that currently occurs when a Parliamentary or European Parliamentary general election falls on the ordinary day for local government elections.
- 2.8 Enable regulations to be made to place EROs under a duty to give notifications about rejected postal votes, and specify the circumstances where this duty arises. It is proposed that the regulations place EROs under a duty to inform (after an election) electors whose postal votes have been rejected because the postal vote identifiers (that is, signature and date of birth) did not match those stored on record for that elector. This will help voters who submit their postal ballot packs in good faith to avoid their vote being rejected at successive elections.
- 2.9 Provide that the Secretary of State may, upon a recommendation from the EC, withhold or reduce a Returning Officer's fee for reasons of poor performance. Returning Officers' fees and the expenses they incur in running UK Parliamentary and European Parliamentary elections are met by the Government out of the Consolidated Fund.

# Implementation

The Act received Royal Assent on 31 January 2013 and was commenced by commencement order in stages between 5 February 2013 and 15 September 2014, as set out in the secondary legislation section.

## Part 1

- Section 1 provided for the introduction of IER by inserting a new section into the Representation of the People Act 1983 that specifies when a registration officer must enter a person in an electoral register under the new system of IER in Great Britain. It also provided for regulations to be made to provide further detail as to the procedure for determining applications, and introduced Schedule 1, which contains amendments about the alteration of registers and removal from a register. The first regulations made under this new power were the Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013 (SI 2013/3198) and the Representation of the People (Description of Electoral Registers and Amendment) (Scotland) Regulations 2013 (SI 2013/3206). Subsequent regulations made under this power since the implementation of IER are listed in the secondary legislation section.
- Section 1 also required Registration Officers in Great Britain to have regard to any guidance issued by the Minister about determining applications to register. Ministerial Guidance was issued, providing advice to EROs on how to verify an applicant's identity, as part of their application to register to vote. This related to the process for determining applications to register and the relative weight given to different types of evidence. The duty to have regard to the Ministerial Guidance was time-limited, in that it expired five years after the legislation came into force: 10 June 2019 in England and Wales, and 19 September 2019 in Scotland.
- Section 2 amends Schedule 2 to the Representation of the People Act 1983 to provide the Minister with power to make regulations which enable a system to be established for the verification of the eligibility of applicants and registered electors in Great Britain, and verification that applicants are the person they claim to be. Section 2 also introduced Schedule 2, which contains amendments related to section 2. Powers inserted into the Representation of the People Act by section 2 and Schedule 2 were first used to make the Electoral Registration (Disclosure of Electoral Registers) Regulations 2013 (SI 2013/760), and then the Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013 (SI 2013/3198) and the Representation of the People (Description of Electoral Registers and Amendment) (Scotland) Regulations 2013 (SI 2013/3206). Subsequent regulations made under these powers since the implementation of IER are listed in the secondary legislation section.

- Section 3 provides for the amendment of Schedule 4 to the Representation of the People Act 2000 by substituting new requirements concerning eligibility for appointment as a proxy so that a person must themselves be registered if they are to vote on behalf of an elector at either local government or parliamentary elections in Great Britain. Further provision in relation to this was made in December 2013 by the Representation of the People (Provision of Information Regarding Proxies) Regulations 2013 (SI 2013/3199).
- Section 4 inserts a new section 9D into the Representation of the People Act 1983 Act, which restates the requirement for registration officers to carry out an annual canvass in Great Britain, but with some changes. This section also provides for regulations to be made to set out how the canvass is to be conducted, which may confer specific functions on the Electoral Commission. The power in section 9D was exercised in making the Representation of the People (Scotland) (Amendment) Regulations 2015 (SI 2015/450) and the Representation of the People (England and Wales) (Amendment) Regulations 2015 (SI 2015/467). Subsequent regulations made under the power are listed in the secondary legislation section.
- Section 5 provides for the insertion of a new section into the 1983 Act that requires registration officers in Great Britain to give Invitations to Register (ITRs) to unregistered persons of whom they are aware (whether identified through the annual canvass or by any other means). This is supported by a power to make regulations about such invitations, including how often they must be sent, the form and content of the invitations sent, what documents must be sent, and a provision to require invitations to be accompanied by other documents, including application forms. The regulations may confer functions on the Electoral Commission. The new section also provides that registration officers may, after sending an invitation, subsequently require the person to make an application for registration by a specified date. It enables regulations to make provision about the requirement to make an application and specify steps that a registration officer must take before imposing a requirement. The new section provides that a registration officer may impose a civil penalty on a person who fails to comply with a requirement to make an application by a specified date. The Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013 (SI 2013/3198) and the Representation of the People (Description of Electoral Registers and Amendment) (Scotland) Regulations 2013 (SI 2013/3206) include provision in relation to invitations to register and the civil penalty.
- Section 6 provides for the amendment of the Parliamentary Constituencies Act 1986. Under the Act, the four Boundary Commissions have the function of recommending the boundaries of UK Parliamentary constituencies. This section required them to submit their reports in the first review of boundaries to be conducted under changes made by the Parliamentary Voting System and Constituencies Act 2011 between 1 and 30 September 2018, instead of before 1 October 2013, as currently specified by the PC Act. The four Boundary Commissions submitted their final reports in the Boundary Review to Ministers on 5 September 2018.

- Sections 7, 8 and 9 relate to the annual canvass in Great Britain required under section 9D of the Representation of the People Act 1983 (inserted by section 4). Section 7 provides the Minister with a power to abolish, amend or reinstate the annual canvass in Great Britain. Section 8 provides that the EC prepare a report if the Minister consults it about a proposal to amend, abolish or reinstate the annual canvass in Great Britain under section 7. Section 9 provides that an order under section 7 to amend or abolish the annual canvass can have effect for a specified period (“a pilot scheme”), and that the Electoral Commission must report on any pilot scheme. Pilot schemes were run in 2016 and 2017 by virtue of the Electoral Registration Pilot Scheme (England) Order 2016 (SI 2016/739), the Electoral Registration Pilot Scheme (Scotland) Order 2017 (SI 2017/605), the Electoral Registration Pilot Scheme (England) (Amendment) Order 2017 (SI 2017/606) and the Electoral Registration Pilot Scheme (England and Wales) Order 2017 (SI 2017/610). The Representation of the People (Annual Canvass) (Amendment) Regulations 2019 have been made to reform the annual canvass in respect of the parliamentary register of electors and the local government register of electors in England. The Scottish Government and the Welsh Government have brought forward their own statutory instruments in respect of the application of these reforms to the registers of local government electors in Scotland and Wales, insofar as they relate to devolved matters.
- Section 10 provides the Minister with the power to pilot changes to electoral registration as set out in the Act; that is to say any provision in sections 1 and 2, and in Schedules 1, 2 and 4. The Electoral Registration Pilot Scheme Order 2014 (SI 2014/3178) was made under this power.
- Sections 11 and 12 provide supplementary information in relation to orders under Part 1 and the interpretation of Part 1. These provisions have been applied.
- Section 13 makes transitional provision and introduces Schedules 4 and 5, which make amendments and transitional provision, respectively, to do with Part 1 of the Act. In Schedule 4 paragraphs 9(4)(b) and 10(5) were not commenced, and subsequently were repealed by the Anonymous Registration (Northern Ireland) Order 2014 (SI 2014/1116). Additionally, paragraph 23 of Schedule 4 was not commenced in Northern Ireland, so far as it omits paragraphs 5 and 6(2) of Schedule 1 to the Electoral Administration Act 2006.
- Schedule 5 includes powers to make further transitional provision by Order. The following Orders were made in exercise of powers under Schedule 5:
  - The Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013 (SI 2013/794)
  - The Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013 (SI 2013/3197)
  - Electoral Registration and Administration Act 2013 (Transitional Provisions) (Amendment) Order 2014 (SI 2014/449)
  - The Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2015 (SI 2015/1520)

- Powers to prescribe steps in paragraphs 19(3), 23(3) or 27(3) of Schedule 5 were not relied on when making any of these Orders. These powers relate to prescribing steps for registration officers to take if a proxy appointment ceased to be in force because it was not preserved by provision in paragraphs 19(1), 23(1) and 27(1) of Schedule 5 respectively.

## Part 2

- Section 14 provides for the amendment of the Fixed-term Parliaments Act 2011 to provide that Parliament shall be dissolved 25, rather than 17, working days before the next UK Parliamentary general election. This provision therefore had the effect of extending the electoral timetable to 25 days.
- Section 15 repealed section 16 of the Representation of the People Act 1985 so that, in England and Wales, a poll at a parish or community council election may be held on the ordinary day of election of councillors, even if this is also the date of the poll at a Parliamentary or European Parliamentary general election. This allowed for polls at parish and community council elections to be more often run in combined form with polls at other elections.
- Section 16 provides for the amendment of the 1983 Act to add a new section 13AB that provides for there to be two interim publication dates, where an election is pending, on which notices of alteration to the electoral register must be published.
- Section 17 provides for provision about the timing of reviews of polling districts and places by local authorities in Great Britain in light of changes introduced by the Fixed-term Parliaments Act 2011. Section 17 amends section 18C of the 1983 Act to provide that a local authority must carry out and complete a review of all the polling districts and places in its area within the period of 16 months beginning with 1 October 2013, and the period of 16 months beginning with 1 October of every fifth year after that. This is to ensure that polling districts and places are reviewed on a regular basis.
- Section 18 provides for the insertion of a new section 29A into the Representation of the People Act 1983 after section 29 (payments by and to a returning officer). Section 29A allows for the Secretary of State, upon a recommendation by the EC, to withhold or reduce a returning officer's fee for reasons of poor performance.
- Sections 19 to 21 amend the parliamentary election rules, contained in Schedule 1 to the Representation of the People Act 1983.
  - Section 19 amends rule 37 to provide that voters queuing at a polling station, for the purpose of voting, at close of poll are issued with ballot papers and can vote despite the time of close of poll having passed.
  - Section 20 inserts new provisions in rule 19 to provide that a candidate standing on behalf of more than one party at a UK parliamentary election may request that the ballot paper contains against the candidate's details a registered emblem of one of those parties.

- Section 21 makes amendments in relation to Police Community Support Officers (PCSOs) in England and Wales. Rule 32, which deals with admission to polling stations, is amended to allow PCSOs to enter polling stations as police constables can. Section 21 also provides for the amendment of rule 31, which provides for the requirements of secrecy of the ballot (set out at section 66 of the 1983 Act) to be notified to those attending polling stations and counting venues during Parliamentary elections, with the effect that PCSOs, like police constables, will not need to be given such notification.
- In addition, section 21 amends paragraph 2(5) of Schedule 4 to the Representation of the People Act 2000 to enable PCSOs to vote at any polling station in the constituency or electoral area if they are prevented from voting at their own polling station by reason of their employment on the day of the poll for the purpose of the election. This amendment applies to Parliamentary and local government elections in England and Wales.
- Section 22 inserts paragraphs 7E and 7F into Schedule 4 of the Representation of the People Act 2000 (which includes provisions for the conduct of absent voting in Great Britain). The power in paragraph 7E applies to parliamentary elections and local government elections in England and Wales. Paragraph 7F confers the power in paragraph 7E on the Scottish Ministers in relation to local government elections in Scotland. The power allows regulations to specify the circumstances in which, following close of poll, a registration officer must notify a person that their postal ballot paper had been rejected. It specifies that this power covers proxy voters and the electors on whose behalf they are voting, where the proxy chooses to vote by post. The Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013 (SI 2013/3198) and the Representation of the People (Description of Electoral Registers and Amendment) (Scotland) Regulations 2013 (SI 2013/3206) exercise the new power in paragraph 7E.
- Section 23 repeals Part 1 of the Electoral Administration Act 2006 and repeals consequential provisions related to it. These provided the legislative basis to establish a Co-ordinated Online Record of Electors.

### Part 3

- The final sections of the Act (sections 24 to 27) cover financial provisions, the meaning of “the Minister”, extent and commencement. All the sections have been applied.
- Section 25, which provides the meaning of “Minister”, has been amended by the Chancellor of the Duchy of Lancaster Order 2015 (SI 2015/1376) and subsequently by the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (SI 2016/997). As a result of the transfers of functions made by these Orders, “the Minister” means the Minister for the Cabinet Office or the Secretary of State.



## Changes to the devolution settlements in Scotland and Wales

Since the implementation of the ERA Act 2013, changes have been made to the Scotland Act 1998 by the Scotland Act 2016, and to the Government of Wales Act 2006 by the Wales Act 2017, to devolve to the Scottish Parliament and the National Assembly for Wales competence in respect of local government elections and elections to the Scottish Parliament and National Assembly for Wales respectively, subject to certain reservations. As a result of the Scotland Act 2016, some functions conferred to a Minister of the Crown under the ERA Act 2013 are now conferred on the Scottish Ministers. As a result of the Wales Act 2017 and the Welsh Ministers (Transfer of Functions) Order 2018 (SI 2018/644), some functions conferred to a Minister of the Crown under the ERA Act 2013 are now conferred on the Welsh Ministers.

## Secondary legislation

This is a list of relevant legislation, split into four different lists for ease:

1. The first sets out the Orders commencing the ERA Act 2013.
2. The second sets out statutory instruments (SIs) that either use powers conferred by that Act, use powers which were inserted or amended in other Acts by that Act, or use existing powers to implement the Act.
3. The third list is a number of draft affirmative SIs which were withdrawn.
4. The fourth is a Scottish statutory instrument (SSI) made under powers which were inserted or amended by the ERA Act 2013.

### Commencement orders

#### **Electoral Registration and Administration Act 2013 (Commencement No.1) Order 2013 (SI 2013/219)**

- Made on 4 February 2013 under sections 25(1), and 27(1) and (4) of the ERA 2013.
- Brought into force, on 5 February 2013, provision enabling regulations to be made about the disclosure of information for the purposes of electoral registration (Schedule 2) and provisions relating to the postponement of the annual canvass for 2013 to early 2014 (paragraph 9(1) and (5) to (7) of Schedule 5). It also brought into force on that day certain requirements for consultation and reports (Schedule 2 and paragraph 4(4) of Schedule 5) with sections 2(6) and 13(2) giving effect to Schedules 2 and 5.

#### **Electoral Registration and Administration Act 2013 (Commencement No. 2) Order 2013 (SI 2013/702)**

- Made on 21 March 2013 under sections 25(1) and 27(1) of the ERA 2013.
- Brought into force section 11 on 25 March 2013, which is about order-making powers relating to IER.
- Also brought into force sections 10, 15, 17, 22 and 23 on 2 April 2013.

### **Electoral Registration and Administration Act 2013 (Commencement No. 3) Order 2013 (SI 2013/969)**

- Made on 22 April 2013 under sections 25(1) and 27(1) of the ERA 2013.
- Brought into force section 6 of the ERA 2013 on 23 April 2013. That section provides for the first review of parliamentary constituencies by the Boundary Commissions under the Parliamentary Constituencies Act 1986 (c.56), as amended by the Parliamentary Voting System and Constituencies Act 2011, to be completed between 1 and 30 September 2018 instead of by 1 October 2013. The section also requires the arrangements for the review of the effects of the reduction in the number of constituencies brought about by the 2011 Act to be made in 2020 instead of 2015.

### **Electoral Registration and Administration Act 2013 (Commencement No.4 and Consequential Provision) Order 2014 (SI 2014/336)**

- Made on 13 February 2014 under sections 25(1) and 27(1), (5), (6) and (10) of the ERA 2013.
- This Order brought into force on 22 May 2014 provisions of the ERA 2013 providing for voters queuing at a polling station, for the purposes of voting, at the close of poll to be issued with ballot papers and to vote despite the time of close of poll having passed.

### **Electoral Registration and Administration Act 2013 (Commencement No. 5 and Transitory Provisions) Order 2014 (SI 2014/414)**

- Made on 25 February 2014 under sections 25(1) and 27(1), (4) and (10) of the ERA 2013.
- This Order brought into force the remainder of the ERA 2013, with the exception of paragraphs 9(4)(b) and 10(5) of Schedule 4, and provisions in Part 1 of the Act in respect of Northern Ireland.
- On the day after the Order was made, section 13(3) and (4) were brought into force. They made transitional provisions in relation to provisions in the Act dealing with the sentencing powers of magistrates' courts.
- On 6 April 2014, section 14 (which provides for the extension of the timetable for parliamentary elections), section 16 (which provides for the alteration of electoral registers pending elections), section 18 (which provides for the EC to recommend a reduction of charges payable to the returning officer for inadequate performance), section 20 (which provides for jointly nominated candidates to use an emblem on the ballot paper at a parliamentary election) and section 21 (which makes provision in relation to community support officers at polling stations) were brought into force. However, those provisions of the Act did not apply for the purposes of an election in respect of which the date of the poll specified in the notice of election is on or before 21 May 2014.
- On 10 June 2014 in England and Wales, and on 19 September 2014 in Scotland, the remaining provisions of the Act that relate to IER were brought into force.

### **Electoral Registration and Administration Act 2013 (Commencement No. 1) (Northern Ireland) Order 2014 (SI 2014/2439)**

- Made on 11 September 2014 under sections 25(1) and 27(1) and (4) of the ERA 2013.
- Brought into force on 15 September 2014 for Northern Ireland the remaining provisions in Part 1 extending to Northern Ireland in the ERA 2013, with the exception of paragraphs 9(4)(b), 10(5), and paragraph 23 (so far as it omits paragraphs 5 and 6(2) of Schedule 1 to the Electoral Administration Act 2006) to the Act. The provisions brought into force by this Order were commenced for England and Wales and Scotland by SI 2014/414.

Secondary legislation made under powers conferred by the Act; made under powers which were inserted or amended into other Acts by the Act; or that uses existing powers to implement the Act

### **The Electoral Registration (Disclosure of Electoral Registers) Regulations 2013 (SI 2013/760)**

- Made on 26 March 2013, coming into force on 27 March 2013, under section 53(1) and (3) of, and paragraphs 1A, 13(1ZB) and 13(2) of Schedule 2 to, the Representation of the People Act 1983. Of those powers paragraphs 1A and 13(1ZB) of Schedule 2 were inserted by section 2 of, and Schedule 2 to the ERA 2013.
- These Regulations allowed EROs throughout England, Wales and Scotland to undertake data matching, by making their registers available for comparison against data sets kept by the Department for Work and Pensions. The purpose of the matching was to enable registration officers to conduct a trial run of the process for confirming existing electors who appear on those registers, prior to that process being used to ease the transition to IER in 2014.

### **Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013 (SI 2013/794)**

- Made on 26 March 2013, coming into force on 27 March 2013, under sections 11(3), (4) and (5) and 25(1) of, and paragraph 9(1) of Schedule 5 to, the ERA 2013.
- This Order provided for the postponement of the 2013 annual household canvass, which would otherwise have taken place between July and December 2013. As a result of the Order the canvass was run from 1 October 2013 to 17 February 2014 in England and from 1 October 2013 to 10 March 2014 in Scotland and Wales. The objective in moving the canvass was to enable a more complete and accurate electoral register to be used for the transition to IER in the summer of 2014.

### **The National Assembly for Wales (Representation of the People) (Fresh Signatures for Absent Voters) Order 2013 (SI 2013/1514)**

- Made on 13 June 2013, coming into force on 14 June 2013, under section 13(1) and (4) of the Government of Wales Act 2006.
- This Order modified (for a limited period) the National Assembly for Wales (Representation of the People) Order 2007 in line with the transitional arrangements for the implementation of IER under the ERA 2013. It modified the provisions relating to the mandatory signature refresh for absent voters so that the absent voters who would otherwise be requested to provide a new example of their signature in January 2014 would instead be requested to do so between 1 and 19 August 2013.

### **The Elections (Fresh Signatures for Absent Voters) Regulations 2013 (SI 2013/1599)**

- Made on 20 June 2013, coming into force on 21 June 2013, under paragraph 7B of Schedule 4 to the Representation of the People Act 2000, by section 201(3) of the Representation of the People Act 1983 and by section 7(1) of the European Parliamentary Elections Act 2002.
- This instrument temporarily modified the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341), the Representation of the People (Scotland) Regulations 2001 (SI 2001/497) and the European Parliamentary Elections Regulations 2004 (SI 2004/293) to provide that absent voters in England and Wales who would otherwise be requested by the ERO to provide a fresh signature in January 2014, and absent voters in Scotland who would otherwise be requested by the ERO to provide a fresh signature in January 2014 or January 2015, were instead requested to do so between 1 and 19 August 2013. The instrument was in line with the transitional arrangements for the implementation of IER, and moved the timing of the signature refresh for absent voters scheduled for January 2014 to avoid it taking place at the same time as the annual household canvass from late 2013 to early 2014. The timing of the signature refresh scheduled for January 2015 in Scotland was moved to 2013 to avoid it taking place at the same time as activity by EROs in Scotland to implement IER.

### **The European Parliamentary Elections (Amendment) Regulations 2013 (SI 2013/2876)**

- Made on 3 November 2013, coming into force on 1 January 2014, under sections 2(2), 6(5) and 7 of the European Parliamentary Elections Act 2002, sections 17 and 18 of the European Parliament (Representation) Act 2003 and section 2(2) of the European Communities Act 1972.
- These Regulations made updates to the rules for the administration and conduct of European Parliamentary elections flowing from changes made for UK Parliamentary elections in the ERA 2013 and associated secondary legislation:
  - amending the European Parliamentary (Franchise of Relevant Citizens of the Union) Regulations 2001 to apply section 13AB of the Representation of the People Act 1983 to the electoral register created under those Regulations. Section 13AB was inserted by the ERA 2013 and requires a registration officer to publish updated registers in the period before an election

- amending the European Parliamentary Elections Regulations 2004 (“the 2004 Regulations”) as a consequence of the repeal, by the ERA 2013, of powers to establish a co-ordinated online record of electors
- amending the 2004 Regulations to enable a Police Community Support Officer to enter a polling station in England and Wales on the same terms as a constable. Similar changes were made for the purposes of Parliamentary elections by the ERA 2013
- amending the 2004 Regulations to allow a voter to vote if he or she is in a polling station or in a queue outside the polling station at 10pm on polling day. A similar change was made for the purposes of Parliamentary elections by the ERA 2013
- The Regulations also provided for the implementation of EU Directive 2013/1/EU concerning non-national EU citizens standing as candidates at European Parliamentary elections, and made other changes to the administration and conduct of these elections.

### **Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013 (SI 2013/3197)**

- Made on 18 December 2013, coming into force on 19 December 2013 (except for Article 5 (Applications for registration in Scotland made between 11 and 18 September 2014) which came into force on 11 September 2014) under section 11(3) and (5) of, and paragraphs 4, 8, 9, 12, 13, 17(7) and 29 of Schedule 5 to, the ERA 2013.
- This Order made transitional provision relating to the introduction of IER in Great Britain on 10 June 2014 in England and Wales and on 19 September 2014 in Scotland.
- The provisions required EROs throughout England, Wales and Scotland to undertake activities specific to the transition to IER, including confirmation data matching to ‘confirm’ electors onto the electoral register, and the letter *fan*d invitations sent to electors thereafter. The Order sets the dates for these activities and the annual canvasses in 2014 and 2015.

### **The Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013 (SI 2013/3198)**

- Made on 18 December 2013 under:
  - sections 9B(1)(c), 9E(2), (3) and (6), 10ZC(2) and (3), 10ZD(2) and (3), 10ZE(4) and (6)(a), 53(1), (3) and (4), and 201(1) and (3) of the Representation of the People Act 1983 (“the 1983 Act”)
  - Schedule ZA1, rules 24, 28(3) and (3A) and 32(3) of Schedule 1 and paragraphs 1(2) and (2A), 1A, 3ZA, 5(1B), 5A, 8C, 10B, 11(1) and (2), 12 and 13(1ZB) and (1A) of Schedule 2 to the 1983 Act
  - section 13AB of the 1983 Act
  - section 3(6)(b) of the Representation of the People Act 1985
  - paragraphs 4(2), 6(8) 7B and 7E of Schedule 4 to the Representation of the People Act 2000
- Of those powers in the 1983 Act the following were inserted or amended by the ERA 2013 (“the 2013 Act”):

- section 9E(2), (3) and (6) were inserted by section 5 of the 2013 Act
- section 10ZC(2) and (3) were inserted by section 1 of the 2013 Act
- section 10ZD(2) and (3) were inserted by paragraph 1 of Schedule 1 to the 2013 Act
- section 10ZE(4) and (6) were inserted by paragraph 1 of Schedule 1 to the 2013 Act
- section 13AB was inserted by section 16 of the 2013 Act
- Schedule ZA1 was inserted by Schedule 3 to the 2013 Act
- paragraph 1(2) of Schedule 2 was amended by section 13(1) of and paragraphs 1, 20(1) and (2)(a) of Schedule 4 to the 2013 Act
- paragraph 1(2A) of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
- paragraph 1A of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
- paragraph 3ZA of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
- paragraph 8C of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
- paragraph 13(1ZB) of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
- Of the powers in the Representation of the People Act 2000, paragraph 7E was inserted by section 22 of the 2013 Act.
- These Regulations amended the Representation of the People (England and Wales) Regulations 2001 to implement the ERA 2013. These set out the regulations for the operation of IER during and after the transition, including provision relating to the civil penalty, as well as introducing new wording around the two versions of the electoral register and making a number of improvements to the running of elections, designed to help voters participate effectively in elections and also to further reinforce the integrity of the voting process.
- Different provisions within the Regulations came into force on 19 December 2013; the day on which section 14 of the ERA 2013 came into force for all purposes; the day on which section 16 of the ERA 2013 came into force for all purposes; and 10 June 2014.

### **The Representation of the People (Provision of Information Regarding Proxies) Regulations 2013 (SI 2013/3199)**

- Made on 18 December, and coming into force on the day on which section 3 of the ERA 2013 came into force, under section 53(1) and (3) of and paragraph 5B of Schedule 2 to, the Representation of the People Act 1983. Paragraph 5B of Schedule 2 was inserted by paragraph 20(7) of Schedule 4 to the ERA 2013.
- These Regulations enabled registration officers in Great Britain to require other registration officers in Great Britain or Northern Ireland to provide information about

whether a person, whom an absent voter wishes to appoint as their proxy, has or will have an entry in a register of parliamentary or local government electors maintained by that officer. This enabled registration officers to ensure that the appointment complied with paragraph 6(3) or (3A) of Schedule 4 to the Representation of the People Act 2000.

### **The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (SI 2013/3206)**

- Made on 18 December 2013 under:
  - sections 9B(1)(c), 9E(2), (3) and (6), 10ZC(2) and (3), 10ZD(2) and (3), 10ZE(4) and (6)(a), 53(1), (3) and (4) and 201(1) and (3) of the Representation of the People Act 1983 (“the 1983 Act”)
  - Schedule ZA1, rules 24, 28(3) and (3A) and 32(3) of Schedule 1 and paragraphs 1(2) and (2A), 1A, 3ZA, 5(1B), 5A, 8C, 10B, 11(1) and (2), 12 and 13(1ZB) and (1A) of Schedule 2 to the 1983 Act
  - section 13AB of the 1983 Act
  - section 3(6)(b) of the Representation of the People Act 1985
  - paragraphs 4(2), 6(8) 7B and 7E of Schedule 4 to the Representation of the People Act 2000
- Of those powers in the 1983 Act the following were inserted or amended by the ERA 2013 (“the 2013 Act”):
  - section 9E(2), (3) and (6) were inserted by section 5 of the 2013 Act
  - section 10ZC(2) and (3) were inserted by section 1 of the 2013 Act
  - section 10ZD(2) and (3) were inserted by paragraph 1 of Schedule 1 to the 2013 Act
  - section 10ZE(4) and (6) were inserted by paragraph 1 of Schedule 1 to the 2013 Act
  - section 13AB was inserted by section 16 of the 2013 Act
  - Schedule ZA1 was inserted by Schedule 3 to the 2013 Act.
  - paragraph 1(2) of Schedule 2 was amended by section 13(1) of and paragraphs 1, 20(1) and (2)(a) of Schedule 4 to the 2013 Act
  - paragraph 1(2A) of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
  - paragraph 1A of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
  - paragraph 3ZA of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
  - paragraph 8C of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act
  - paragraph 13(1ZB) of Schedule 2 was inserted by section 2 of and Schedule 2 to the 2013 Act



- Of the powers in the Representation of the People Act 2000, paragraph 7E was inserted by section 22 of the 2013 Act.
- These Regulations amended the Representation of the People (Scotland) Regulations 2001 to implement the ERA 2013. These set out the regulations for the operation of IER during and after the transition, including provision relating to the civil penalty, as well as introducing new wording around the two versions of the electoral register and making a number of improvements to the running of elections, designed to help voters participate effectively in elections and also to further reinforce the integrity of the voting process.
- Different provisions within the Regulations came into force on 19 December 2013; the day on which section 14 of the ERA 2013 came into force for all purposes; the day on which section 16 of the ERA 2013 came into force for all purposes; and 10 June 2014.

#### **The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (SI 2014/333)**

- Made on 13 February 2014 under section 333(2A) and paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 and section 38A(3) of the Planning and Compulsory Purchase Act 2004.
- These Regulations amended the Neighbourhood Planning (Referendums) Regulations 2012 (SI 2012/2031) (“the 2012 Regulations”). Their main purpose was to apply, for the purposes of neighbourhood planning referendums, changes made to the legislation relating to the administration of parliamentary and local government elections, for example, they amended the Neighbourhood Planning Referendums Rules to allow a voter to vote (and allow a person to return a postal vote) if he or she is in a polling station or in a queue outside a polling station at 10pm on polling day for the purpose of voting (or for the purpose of returning the postal vote), and made equivalent changes to the Neighbourhood Planning Referendums (Combination of Polls) Rules and the Neighbourhood Planning Business Referendums Rules. They also amended the provisions of the 2012 Regulations that apply certain elections legislation for the purposes of residential referendums. The amendments are to take account of amendments made to the Representation of the People Act 1983 by the ERA 2013 and of amendments made to the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) (“the 2001 Regulations”) by the Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013 (SI 2013/3198).
- Different provisions within the Regulations came into force on 14 February 2014; 24 February 2014; the day on which paragraph 16(3) of Schedule 4 to the ERA 2013 came into force; the day on which paragraph 17 of Schedule 4 to the ERA 2013 came into force; and 6 April 2014.

#### **The Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2014 (SI 2014/370)**

- Made on 13 February 2014, coming into force on 6 April 2014 but having no effect in relation to any election in respect of which the date of the poll specified in the

notice of election was on or before 21 May 2014, under sections 9HE, 44 and 105 of the Local Government Act 2000.

- These Regulations made changes to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (SI 2007/1024) (“the 2007 Regulations”). These changes included:
  - changes to rules 30 and 32 of the Mayoral Elections Rules and the Mayoral Election (Combination of Polls) Rules to provide that certain references to police constables in those rules include references to community support officers. This ensures that the changes made by the ERA 2013 to the parliamentary elections rules in the Representation of the People Act 1983 were reflected for mayoral elections
  - changes to the Mayoral Elections Rules and the Mayoral Election (Combination of Polls) Rules to reflect the changes made to parliamentary elections rules by the ERA 2013 and the ERA 2013 (Commencement No.4 and Consequential Provision) Order 2013 to allow voters queuing at a polling station at the close of the poll (10p.m. on polling day) to be issued with ballot papers and vote, or to return postal ballot papers and voting statements

#### **Electoral Registration and Administration Act 2013 (Transitional Provisions) (Amendment) Order 2014 (SI 2014/449)**

- Made on 27 February 2014, coming into force on 28 February 2014, under section 11(3) and (5) of, and paragraphs 4 and 29 of Schedule 5 to, the ERA 2013.
- This Order amended the ERA 2013 (Transitional Provisions) Order 2013 (SI 2013/3197) (“the 2013 Order”) to permit the matching of information on electoral registers from 10 June 2014 rather than 16 June, as part of the change to a system for individual registration of electors. This was to allow more time for people either to have their entitlement to be on the register confirmed or to be invited to register before August, to improve the likely response rate and increase the numbers of individually registered electors.

#### **The Electoral Registration (Disclosure of Electoral Registers) (Amendment) Regulations 2014 (SI 2014/450)**

- Made on 27 February 2014, coming into force on 28 February 2014, under section 53(1) and (3) of, and paragraph 1A of Schedule 2 to, the Representation of the People Act 1983.
  - Paragraph 1A of Schedule 2 was inserted by section 2 of, and paragraphs 1 and 2 of Schedule 2 to, the ERA 2013.
- These Regulations amended the Electoral Registration (Disclosure of Electoral Registers) Regulations 2013 (SI 2013/76) to allow EROs throughout England, Wales and Scotland to undertake data matching, by making their registers available for comparison against data sets kept by the Department for Work and Pensions. These Regulations extended the period during which EROs could conduct a trial run of the process for confirming existing electors who appear on those registers, in order to facilitate thorough testing of the Individual Electoral Registration Digital Service (IER DS) prior to the introduction of IER.

### **The Local Elections (Parishes and Communities) (England and Wales) (Amendment) Rules 2014 (SI 2014/492)**

- Made on 28 February 2014, coming into force 6 April 2014 but having no effect in relation to any election in respect of which the date of the poll specified in the notice of election was on or before 21 May 2014, under section 36(1) and (2) of the Representation of the People Act 1983.
- These Rules made changes to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (SI 2006/3305) (“the 2006 Rules”). The changes included:
  - changes to rules 28 and 30 of Schedules 2 and 3 to the 2006 Rules to provide that certain references to police constables in those rules include references to community support officers. This ensures that the changes made by the ERA 2013 to the equivalent parliamentary elections rules in the Representation of the People Act 1983 were reflected for parish and community elections
  - changes to Schedules 2 and 3 to the 2006 Rules to reflect the changes made to parliamentary elections rules by the ERA 2013 and the ERA 2013 (Commencement No.4 and Consequential Provision) Order 2014 to allow voters queuing at a polling station at the close of the poll (10p.m. on polling day) to be issued with ballot papers and vote, or to return postal ballot papers and postal voting statements

### **The Local Elections (Principal Areas) (England and Wales) (Amendment) Rules 2014 (SI 2014/494)**

- Made on 28 February 2014, coming into force 6 April 2014, but having no effect in relation to any election in respect of which the date of the poll specified in the notice of election was on or before 21 May 2014, under section 36(1) and (2) of the Representation of the People Act 1983.
- These Rules made changes to the Local Elections (Principal Areas) (England and Wales) Rules 2006 (SI 2006/3304) (“the 2006 Rules”). The changes included:
  - changes to rules 28 and 30 of Schedules 2 and 3 to the 2006 Rules to provide that certain references to police constables in those rules include references to community support officers. This ensured that the changes made by the ERA 2013 to the equivalent parliamentary elections rules in the Representation of the People Act 1983 (c. 2) were reflected for principal area elections
  - changes to Schedules 2 and 3 to the 2006 Rules to reflect the changes made to parliamentary elections rules by the ERA 2013 and the ERA 2013 (Commencement No.4 and Consequential Provision) Order 2014 to allow voters queuing at a polling station at the close of the poll (10pm on polling day) to be issued with ballot papers and vote, or to return postal ballot papers and postal voting statements

### **The Local Elections (Principal Areas) (Welsh Forms) (Amendment) Order 2014 (SI 2014/918)**

- Made on 3 April 2014, coming into force on 9 April 2014, but having no effect in relation to any election in respect of which the date of the poll specified in the notice of election was on or before 21 May 2014, under section 26(2) of the Welsh

Language Act 1993, as applied by section 22 of the Representation of the People Act 1985.

- This Order amended the Local Elections (Principal Areas) (Welsh Forms) Order 2007 (SI 2007/1015, “the 2007 Order”), which principally prescribes Welsh versions of certain forms to be used at county and county borough elections held in Wales. The forms included in this Order reflected changes made to the English versions of the forms and forms of words made by the Local Elections (Principal Areas) (England and Wales) (Amendment) Rules 2014 (SI 2014/494).

#### **The Local Elections (Communities) (Welsh Forms) (Amendment) Order 2014 (SI 2014/919)**

- Made on 3 April 2014, coming into force on 9 April 2014, but having no effect in relation to any election in respect of which the date of the poll specified in the notice of election was on or before 21 May 2014, under section 26(2) of the Welsh Language Act 1993, as applied by section 22 of the Representation of the People Act 1985.
- This Order amended the Local Elections (Communities) (Welsh Forms) Order 2007 (SI 2007/1013, “the 2007 Order”), which principally prescribes Welsh versions of certain forms or forms of words to be used at community elections held in Wales. The forms included in this Order reflected changes made to the English versions of the forms and forms of words made by the Local Elections (Parishes and Communities) (England and Wales) (Amendment) Rules 2014 (SI 2014/492).

#### **The Police and Crime Commissioner Elections (Amendment) Order 2014 (SI 2014/921)**

- Made on 3 April 2014 under sections 58(1) and (5) and 154(5) of the Police Reform and Social Responsibility Act 2011.
- This Order amended the Police and Crime Commissioner Elections Order 2012 (SI 2012/1917) (“the 2012 Order”). Its main purpose was to apply, for the purposes of police and crime commissioner (PCC) elections, changes made to the legislation relating to the administration of parliamentary and local government elections, including changes in consequence of parts 1 and 2 of the ERA 2013. The changes include:
  - enabling a community support officer to enter a polling station or a count venue on the same terms as a constable and enable a community support officer who is employed on the day of the poll for a purpose connected with the election to vote at any polling station within the relevant voting area
  - requiring a registration officer to notify a postal voter that the vote has been rejected because the personal identifiers on the postal voting statement could not be verified, and gives the registration officer a power to request that a voter provide a fresh signature
  - allowing a voter to vote (and allow a person to return a postal vote) if he or she is in a polling station or in a queue outside a polling station at 10pm on polling day for the purpose of voting (or for the purpose of returning the postal vote)

- Different provisions within the Regulations came into force on 4 April 2014; 22 May 2014; and 10 June 2014. The remainder of the Order came into force on 6 April 2014 but did not apply for the purposes of a PCC election in respect of which the date of the poll specified in the notice of election was on or before 21 May 2014.

### **The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014 (SI 2014/924)**

- Made on 3 April 2014 under sections 9MG and 105 of the Local Government Act 2000.
- These Regulations amend the Local Authorities (Conduct of Referendums) (England) Regulations 2012 (SI 2012/323) (“the 2012 Regulations”). Their main purpose was to apply, for the purposes of referendums relating to the governance arrangements of local authorities, changes that have been or are to be made to the legislation relating to the administration of parliamentary and local government elections. The changes included:
  - amending the Local Government Act Referendums Rules (Schedule 3 to the 2012 Regulations) to enable a community support officer to enter a polling station or a count venue on the same terms as a constable, and making equivalent changes to the Local Government Act Referendums (Combination of Polls) Rules (Schedule 5 to the 2012 Regulations)
  - amending the Local Government Act Referendums Rules to allow a voter to vote (or return a postal vote) if he or she is in a polling station or in a queue outside a polling station at 10pm on polling day for the purpose of voting (or returning the postal vote), making equivalent changes to the Local Government Act Referendums (Combination of Polls) Rules
  - amending the provisions in the 2012 Regulations that apply certain elections legislation for the purposes of referendums. The amendments were to take account of amendments made to the Representation of the People Act 1983 (c.2) by the ERA 2013 (c.6) and of amendments made to the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) by the Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013 (SI 2013/3198)
- Regulations 2 and 3 came into force on 4 April 2014 and the remainder of the Order came into force on 6 April 2014 but did not apply for the purposes of a referendum in respect of which the date of the poll was on or before 21 May 2014.

### **The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) (Amendment No.2) Regulations 2014 (SI 2014/925)**

- Made on 3 April under sections 52ZQ and 113 of the Local Government Finance Act 1992.
- These Regulations amended the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (SI 2012/444) (“the 2012 Regulations”). Their main purpose was to apply, for the purposes of referendums relating to increases in council tax, changes that have been or are to be made to the legislation relating to the administration of parliamentary and local government elections. The changes included:

- amending the Local Government Finance Act Referendums Rules (Schedule 3 to the 2012 Regulations) to enable a community support officer to enter a polling station or a count venue on the same terms as a constable, and making equivalent changes to the Local Government Finance Act Referendums (Combination of Polls) Rules (Schedule 5 to the 2012 Regulations)
- amending the Local Government Finance Act Referendums Rules to allow a voter to vote (or return a postal vote) if he or she is in a polling station or in a queue outside a polling station at 10pm on polling day for the purpose of voting (or returning the postal vote), and making equivalent changes to the Local Government Finance Act Referendums (Combination of Polls) Rules
- amending the provisions in the 2012 Regulations that apply certain elections legislation for the purposes of referendums. The amendments are to take account of amendments made to the Representation of the People Act 1983 (c.2) by the ERA 2013 (c.6) and of amendments made to the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) by the Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013 (SI 2013/3198)
- Regulations 2 and 3 came into force on 4 April 2014 and the remainder of the Order came into force on 6 April 2014 but did not apply for the purposes of a referendum in respect of which the date of the poll was on or before 21 May 2014.

#### **The Anonymous Registration (Northern Ireland) Order 2014 (SI 2014/1116)**

- Made on 28 April 2014, coming into force on 15 September 2014 under section 84(1), (1A) and (3) of the Northern Ireland Act 1998(3) and section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006.
- This Order established a scheme of anonymous registration in Northern Ireland for people for whom the publication of their name and address would pose a threat to safety. It extended anonymous registration provisions made in primary legislation for Great Britain to Northern Ireland and makes some amendments to reflect a slightly different policy in Northern Ireland. It also made provision for anonymous registration in relation to local elections in Northern Ireland and for some aspects of elections to the Northern Ireland Assembly.
- The Order repealed amendments made to sections 10 and 10A of the 1983 Act by Schedule 4 to the ERA 2013, which had not been commenced and were no longer necessary following the implementation of a system of anonymous registration in Northern Ireland.

#### **The Representation of the People (England and Wales) (Amendment) Regulations 2014 (SI 2014/1234)**

- Made on 13 May 2014, coming into force on 14 May 2014, under sections 9E(2), 53(1) and (3) and 201(3) of, and paragraphs 1(4) and 1A of Schedule 2 to, the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013:
  - Section 9E was inserted by section 5 of the ERA 2013.

- Paragraph 1A of Schedule 2 was inserted by section 2 of and paragraphs 1 and 2 of Schedule 2 to the ERA 2013.
- These Regulations amended the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) and the Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013 (SI 2013/3198) as part of the introduction of IER in England and Wales. The amendments enabled EROs in two-tier local government areas to inspect for electoral registration purposes data kept by the other tier council, similarly to their counterparts in unitary authorities, and permitted local authorities to disclose data to EROs subject to certain conditions. They also disapplied the usual provisions for follow-up in cases where an ERO has invited a person to register to vote who he or she has reason to believe would, if registered, be registered as a special category elector (such as an overseas voter or a person with a service declaration) or an elector with an anonymous entry.

### **The Representation of the People (Scotland) (Amendment) Regulations 2014 (SI 2014/1250)**

- Made on 13 May 2014, coming into force on 14 May 2014, under sections 9E(2), (3) and (6), 10ZC (2) and (3), 10ZD (2) and (3), 10ZE(4) and (6)(a), 53(1) and (3) and 201(1) and (3) of the Representation of the People Act 1983 (“the 1983 Act”) and Schedule ZA1 and paragraphs 1(2) and (2A), 1A, 3ZA, 8C, 10B, 11(1) and (2) and 13(1ZB) and (1A) of Schedule 2 to the 1983 Act. Of those powers the following were inserted or amended by the ERA 2013:
  - section 9E was inserted by section 5 of the ERA 2013
  - section 10ZC was inserted by section 1 of the ERA 2013
  - sections 10ZD and 10ZE were inserted by paragraph 1 of Schedule 1 to the ERA 2013
  - schedule ZA1 was inserted by Schedule 3 to the ERA 2013
  - paragraph 1(2) of Schedule 2 was amended by paragraphs 1, 20(1) and (2)(a) of Schedule 4 to the ERA 2013
  - paragraph 1(2A) of Schedule 2 was inserted by Schedule 2 to the ERA 2013
  - paragraph 1A of Schedule 2 was inserted by paragraph 2 of Schedule 2 to the ERA 2013
  - paragraph 3ZA of Schedule 2 was inserted by section 2 of the ERA 2013
  - paragraph 8C of Schedule 2 was inserted by paragraph 3 of Schedule 2 to the ERA 2013
  - paragraph 13(1ZB) of Schedule 2 was inserted by paragraph 4 of Schedule 2 to the ERA 2013
- These Regulations amended the Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (SI 2013/3206) as part of the introduction of IER in Scotland. The amendments confirmed that the date for the introduction of IER in Scotland would be 19 September 2014, and they disapplied the usual provisions for follow-up where an ERO had invited a person to register to vote whom he or she had reason to

believe would, if registered, be registered as a special category elector (such as an overseas voter or a person with a service declaration) or an elector with an anonymous entry.

### **The Representation of the People (Northern Ireland) (Amendment) Regulations 2014 (SI 2014/1808)**

- Made on 9 July and coming into force on 15 September 2014 under:
  - sections 9B, 9B(1A), 9C, 10A(1)(a), 13(13A)(1)(a), 53 and 201(3) of, and rules, 24, 28, 55(1)(f) and 57 of Schedule 1 to, and 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
  - sections 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
- Of those powers the following were inserted or amended by the ERA 2013:
  - sections 9B and 9C were amended by paragraphs 7 and 8 of Schedule 4 to the ERA 2013; extended to Northern Ireland by article 2 of SI 2014/1116; and amended by article 3 of that instrument
  - paragraph 109 of Schedule 1 was amended by paragraph 5 of Schedule 2 to the ERA 2013
- These Regulations made amendments to the Representation of the People (Northern Ireland) Regulations 2008 (SI 2008/1741) (“the 2008 Regulations”) to implement a scheme of anonymous registration in Northern Ireland. Under that scheme, an elector is entitled to have an anonymous entry in the electoral register for up to five years if the safety of the applicant, or that of any other person of the same household, would be at risk on publication of the applicant’s details in the register. The registration officer determines 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).

### **The Representation of the People (Supply of Information) Regulations 2014 (SI 2014/2764)**

- Made on 15 October 2014 and coming into force on 1 January 2015 under section 53(1) and (3) of, and paragraphs 10B(1) and (2) and 11A of Schedule 2, to the Representation of the People Act 1983.
- These Regulations required EROs in Great Britain to supply national and local political parties, for a limited period, with information as to whether entries on an electoral register were made following an application under the system of IER, which began in 2014, or included as a result of the entry having been confirmed in accordance with the transitional arrangements for the new system. The information was only to be used for the purposes of electoral registration (or of civil or criminal proceedings) and was not to be used after 7 May 2015.



### **The Representation of the People (Scotland) (Amendment No. 2) Regulations 2014 (SI 2014/3124)**

- Made on 25 November 2014, coming into force 14 days after this date, under sections 16(g) and 53(1) and (3) of, and paragraphs 1A, 2A and 4(1) of Schedule 2 to, the Representation of the People Act 1983. Of those powers, paragraph 1A was inserted in Schedule 2 by section 2 of, and paragraphs 1 and 2 of Schedule 2 to, the ERA 2013.
- These Regulations amended the Representation of the People (Scotland) Regulations 2001 (SI 2001/497) to facilitate the administration of IER in Scotland. They provided that the declaration made by a Crown servant or British Council employee working abroad, when that person applies to be registered in an electoral register, no longer has to be sent via their employer, but provided for an additional requirement to include their staff number in the declaration and that a declaration may be made online. They required that EROs must, where necessary, send a second reminder to people (such as overseas electors or service voters) who are registered by virtue of a declaration, that their declaration is about to expire. The amendments also updated statutory references in the regulations relating to registration appeals and provided for the disclosure of certain local authorities' record to EROs for electoral registration purposes.

### **The Representation of the People (England and Wales) (Amendment No. 2) Regulations 2014 (SI 2014/3161)**

- Made on 25 November 2014, coming into force 14 days after this date, under sections 16(g) and 53(1) and (3) of, and paragraphs 2A and 4(1) of Schedule 2 to, the Representation of the People Act 1983.
- These Regulations amended the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341). They provided that the declaration made by a Crown servant or British Council employee working abroad, when that person applies to be registered in an electoral register, no longer has to be sent via their employer, but provided for an additional requirement to include their staff number in the declaration and that a declaration may be made online. They required EROs, where necessary, to send a second reminder to people, such as overseas electors, who are registered by virtue of a declaration that their declaration is about to expire, and updated statutory references in the regulation about registration appeals.

### **Electoral Registration Pilot Scheme Order 2014 (SI 2014/3178)**

- Made on 25 November 2014, coming into force on 26 November 2014, under sections 10 and 11(3) of the ERA 2013.
- This Order established a pilot scheme enabling information about entries in electoral registers in specified areas of Great Britain to be compared with information held by the Secretary of State for Transport about individuals' driving records and vehicle registration documents. Information held by the Secretary of State for Work and Pensions could also be used in the exercise. The comparison had to be made for the purposes of verifying existing entries in the electoral register and finding the details of people who were not registered but are entitled to be registered. The Order ceased to have effect on 31 October 2015.

### **The Elections (Policy Development Grants Scheme) (Amendment) Order 2015 (SI 2015/128)**

- Made on 4 February 2015, coming into force on 2 March 2015, under section 12 of the Political Parties, Elections and Referendums Act 2000.
- This Order amended the Policy Development Grants Scheme 2006 (the Scheme), set out in the Schedule to the Elections (Policy Development Grants Scheme) Order 2006 (SI 2006/602), as amended by the Elections (Policy Development Grants Scheme) (Amendment) Order 2014 (SI 2014/556). As a consequence of the referendum on the independence of Scotland on 18 September 2014 and the introduction of IER, the annual canvass in Scotland, which would normally have concluded with the publication of revised electoral registers by 1 December 2014, was postponed by the ERA 2013 (Transitional Provisions) Order 2013 (SI 2013/3197). The figures for the number of people on the register on 1 December 2014 would, but for this Order, have been used to determine the appropriate allocations of policy development grants. As the revised register was not published by that date in Scotland, the Order substituted the number of electors on the register on 2 March 2015.

### **The Elections (Policy Development Grants Scheme) (Amendment) (No. 2) Order 2015 (SI 2015/302)**

- Made on 16 February 2015, certain provisions coming into force on 1 March 2015 and the remainder coming into force on 2 March 2015, under section 12 of the Political Parties, Elections and Referendums Act 2000.
- This Order amended the Policy Development Grants Scheme 2006 (“the Scheme”), set out in the Schedule to the Elections (Policy Development Grants Scheme) Order 2006 (SI 2006/602), as amended by the Elections (Policy Development Grants Scheme) (Amendment) Order 2014 (SI 2014/556). This Order revoked the Elections (Policy Development Grants Scheme) (Amendment) Order 2015 (SI 2015/128) and replaced the amendments made by that Order, to correct errors in paragraphs 3 and 4 of the Schedule to that Order.
- As a consequence of the referendum on the independence of Scotland on 18 September 2014 and the introduction of IER, the annual canvass in Scotland, which would normally have concluded with the publication of revised electoral registers by 1 December 2014, was postponed by the ERA 2013 (Transitional Provisions) Order 2013 (SI 2013/3197). The figures for the number of people on the register on 1 December 2014 would, but for this Order, be used to determine the appropriate allocations of policy development grants. As the revised register was not published by that date in Scotland, the Order substitutes the number of electors on the register on 2 March 2015.

### **The Representation of the People (Scotland) (Amendment) Regulations 2015 (SI 2015/450)**

- Made on 3 March 2015, coming into force on 4 March 2015, under sections 9D(3) and (4), 10ZC(3), 10ZD(3), 13A(2), 13AB(2) and 13B(3), (3B) and (3D) and 53(1) and (3) of, and paragraphs 1, 1A, 1B, 3ZA and 12 of Schedule 2 to, the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013 (“the 2013 Act”).

- sections 9D, 10ZC and 10ZD were inserted by, respectively, sections 4 and 1 of, and paragraph 1 of Schedule 1 to, the 2013 Act
- section 13AB was inserted by section 16 of the ERA 2013
- amendments were made to paragraph 1 of Schedule 2 to the 1983 Act by section 2 of, and paragraphs 1 and 20 of Schedule 4 to, the 2013 Act
- paragraph 1A of Schedule 2 was inserted by paragraphs 1 and 2 of Schedule 2 to the 2013 Act
- paragraph 1B of Schedule 2 was inserted by paragraphs 1 and 20 of Schedule 4 to the 2013 Act
- paragraph 3ZA of Schedule 2 was inserted by section 2 of the 2013 Act
- As part of the introduction of IER these Regulations amended certain regulations in the Representation of the People (Scotland) Regulations 2001 (SI 2001/497) to amend the process for registered electors to change their name on the published register, and made amendments to how information in the annual canvass form may be returned to EROs.

#### **The European Parliamentary Elections (Amendment) Regulations 2015 (SI 2015/459)**

- Made on 2 March 2015, coming into force on 3 March 2015, under section 7(1) of the European Parliamentary Elections Act 2002.
- These Regulations made consequential changes to the European Parliamentary Elections Regulations 2004 arising out of provisions in the ERA 2013, amending provisions that relate to the date relevant to assessing certain grounds for exclusion from voting and requiring proxies at a European Parliamentary election in Great Britain to be entitled to vote at that election. The Regulations also made provision for the sending of further notifications to persons whose postal voting statements were rejected at the European Parliamentary election on 22 May 2014, in addition to those already sent immediately after the election under paragraph 31A of Schedule 2 to the European Parliamentary Elections Regulations 2004, save for those people who are no longer postal voters or where a suspected offence has occurred in relation to the person's registration or the postal vote.

#### **The Representation of the People (England and Wales) (Amendment) Regulations 2015 (SI 2015/467)**

- Made on 2 March 2015, coming into force on 3 March 2015, under sections 9D(3) and (4), 10ZC(3), 10ZD(3), 13A(2), 13AB(2) and 13B(3), (3B) and (3D) and 53(1) and (3) of, and paragraphs 1, 1A, 1B and 3ZA of Schedule 2 to, the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013:
  - sections 9D, 10ZC and 10ZD were inserted by, respectively, sections 4 and 1 of and paragraph 1 of Schedule 1 to the ERA 2013
  - section 13AB was inserted by section 16 of the ERA 2013
  - relevant amendments were made to paragraph 1 of Schedule 2 to the 1983 Act by section 2 of, and paragraphs 1 and 20 of Schedule 4 to, the ERA 2013.

- paragraph 1A of Schedule 2 was inserted by paragraphs 1 and 2 of Schedule 2 to the ERA 2013
- paragraph 1B of Schedule 2 was inserted by paragraphs 1 and 20 of Schedule 4 to the ERA 2013
- paragraph 3ZA of Schedule 2 was inserted by section 2 of the ERA 2013
- These Regulations amended certain regulations in the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) which relate to the new system of IER. They provided that, where people wish to change their name in the electoral register, the requirement to provide documentary evidence of the change of name is not limited to particular documents. They also provided that responses to the annual canvass form do not have to be made by completing and returning the form and made minor clarificatory and correcting amendments.

#### **The Parliamentary Elections (Returning Officers' Charges) Order 2015 (S.I. 2015/476)**

- Made on 26 February 2015, coming into force on 27 February 2015, under section 29(3), (3A) and (4C) of the Representation of the People Act 1983. Section 29 was amended section 18(1) of the ERA 2013.
- This Order provided for payments for services and expenses of returning officers in connection with the conduct of parliamentary elections in England, Wales and Scotland. It replaced the Parliamentary Elections (Returning Officers' Charges) Order 2010 (SI 2010/830). Under section 29(3) of the Representation of the People Act 1983 a returning officer may recover their charges for services and expenses, provided they were necessarily rendered or incurred for the efficient and effective conduct of the parliamentary election and the total does not exceed the overall maximum recoverable amount specified by the Minister in an order. Section 29(3A) enables the Minister to specify by order a maximum recoverable amount for particular services or expenses.

#### **The Scottish Parliament (Returning Officers' Charges) (Revocation) Order 2015 (SI 2015/761)**

- Made on 17 March 2015 and coming into force on 30 June 2015 under section 29(3), (3A) and (4C) of the Representation of the People Act 1983. Section 29 was amended by section 18 of the ERA 2013.
- This Order revoked the Scottish Parliament (Returning Officers' Charges) Order 2011 ("the 2011 Order"), which specified the maximum amounts that are recoverable by regional and constituency returning officers for their services and expenses in connection with the conduct of elections for membership of the Scottish Parliament.

#### **The Parliamentary Elections (Returning Officers' Charges) (Northern Ireland) Order 2015 (SI 2015/885)**

- Made on 20 March 2015, coming into force on 21 March 2015, under section 29(3) and (4C) of the Representation of the People Act 1983. Section 29 was amended by section 18 of the ERA 2013.

- Section 29(3) of the Representation of the People Act 1983 enables the Secretary of State to specify in an Order the overall maximum recoverable amount that a returning officer may recover in respect of services rendered or expenses incurred for or in connection with a parliamentary election.
- This Order specified those amounts in respect of each constituency in Northern Ireland (of which there are 18).

### **The Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2015 (SI 2015/1520)**

- Made on 15 July, coming into force on 6 August 2015, under sections 13(2) and 25(1) of, and paragraph 28(1) of Schedule 5 to, the ERA 2013.
- This order brought forward the end of the transition to IER following the “second new canvass”. The effect of the Order was that EROs in Great Britain were required to remove the entry of any person who has neither had his or her entitlement to remain registered confirmed nor made a successful new application for registration in the register immediately before publication of a register following the second new canvass, instead of the third new canvass.

### **The Northern Ireland (Elections) (Amendment) (No. 2) Order 2015 (SI 2015/1939)**

- Made on 26 November 2015, coming into force on 30 November 2015, under section 10A(7) of the Representation of the People Act 1983 and section 34(4) and (6) of the Northern Ireland Act 1998. Of those powers section 10A(7) of the Representation of the People Act 1983 was amended by the ERA 2013.
- The Order amended the Representation of the People (Northern Ireland) Regulations 2008 (“the 2008 Regulations”) to allow the entries of electors who were retained on the register for a period of two years following the last canvass in 2013, to remain on the register for one further year. This instrument also made amendments to the Northern Ireland Assembly (Elections) Order 2001 (“the 2001 Order”) to allow the Returning Officer to correct procedural errors at Assembly elections to ensure consistency with legislation for local, Parliamentary and European Parliamentary elections. Further amendments were made to the 2001 Order following changes to the legislation for Parliamentary elections.

### **The Representation of the People (Scotland) (Amendment) (No. 2) Regulations 2015 (SI 2015/1966)**

- Made on 1 December 2015, coming into force on 2 December 2015, under sections 10ZC(3), 10ZD(3), 13A(2), 13AB(2) and 13B(3), (3B) and (3D) and 53(1) and (3) of, and paragraphs 1A and 3ZA of Schedule 2 to, the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013 (“the 2013 Act”):
  - sections 10ZC and 10ZD were inserted by section 1 of and paragraph 1 of Schedule 1 to the 2013 Act
  - section 13AB was inserted by section 16 of the 2013 Act
  - paragraph 1A of Schedule 2 was inserted by paragraphs 1 and 2 of Schedule 2 to the 2013 Act

- paragraph 3ZA was inserted by section 2 of the 2013 Act
- The Regulations removed the mandatory requirement to provide details of any previous name by which the applicant has been known within 12 months before the date of the application when applying to register to vote under IER. The Regulations also made changes to the correspondence required to be sent by EROs to applicants for registration and the manner of sending that correspondence, with the aim of reducing both the potential for confusion for members of the public and the overall cost of electoral registration; and they made a minor consequential amendment to an existing regulation concerning disclosure of postal vote identifiers.

### **The Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2015 (SI 2015/1971)**

- Made on 2 December 2015, coming into force on 3 December 2015, under sections 10ZC(3), 10ZD(3), 13A(2), 13AB(2) and 13B(3), (3B) and 53(1) and (3) of, and paragraphs 1, 1A, 1B, 2 and 3ZA of Schedule 2 to, the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013 (“the 2013 Act”):
  - sections 10ZC and 10ZD were inserted by section 1 of, and paragraph 1 of Schedule 1 to the 2013 Act
  - section 13AB was inserted by section 16 of the 2013 Act
  - amendments were made to paragraph 1 of Schedule 2 to the Representation of the People Act 1983 by section 2 of, and paragraphs 1 and 20 of Schedule 4 to, the 2013 Act
  - paragraph 1A of Schedule 2 was inserted by paragraphs 1 and 2 of Schedule 2 to the 2013 Act
  - paragraph 1B of Schedule 2 was inserted by paragraph 20(3) of Schedule 4 to the 2013 Act
  - paragraph 3ZA was inserted by section 2 of the 2013 Act
- The Regulations removed the mandatory requirement to provide details of any previous name by which the applicant has been known within 12 months before the date of the application when applying to register to vote under IER. The Regulations also updated the online application process and forms relating to voter registration in order to bring them into line with changes to the jury summoning age in England and Wales and ensure that information relevant for this purpose was collected on the electoral register. The Regulations made changes to the correspondence required to be sent by EROs to applicants for registration and the manner of sending that correspondence, with the aim of reducing both the potential for confusion for members of the public and the overall cost of electoral registration. The Regulations also authorised EROs in England and Wales to inspect marriage records in order to improve the accuracy and completeness of the electoral register; and they made a minor consequential amendment to an existing regulation concerning disclosure of postal vote identifiers.

### **The Greater London Authority Elections (Amendment) Rules 2016 (SI 2016/24)**

- Made on 12 January 2016, coming into force on 8 February 2016 (with rules 2 to 10 apply only in respect of an Authority election the poll for which is on or after 1 May 2016), under sections section 36(2A) and (2B) of the Representation of the People Act 1983.
- This instrument made changes to the rules for the administration and conduct of elections to the Greater London Authority (GLA), and to the ballot papers and forms used by voters at those elections. In particular, the instrument applied electoral conduct provisions that were contained in the ERA 2013 and which have not otherwise been applied to GLA elections by virtue of changes made to the legislation that governs local elections more generally.

### **The National Assembly for Wales (Representation of the People) (Amendment) Order 2016 (SI 2016/272)**

- Made on 3 March 2016, coming into force on 4 March 2016 (with articles 2 to 20 only applying in respect of an election the poll for which was on or after 1 May 2016), under sections sections 13(1), (2) and (4) and 157(2)(c) of the Government of Wales Act 2006 (as extended by section 26(3) of the Welsh Language Act 1993).
- The Order made changes to the rules for the administration and conduct of elections to the National Assembly for Wales (NAW) for the combination of polls at NAW and PCC elections when they are held on the same day. The instrument also applied electoral conduct provisions that were contained in the ERA 2013 and associated secondary legislation for the purposes of NAW elections.

### **The Northern Ireland Assembly Elections (Returning Officers' Charges) Order 2016 (SI 2016/473)**

- Made on 22 March 2016, coming into force on 23 March 2016, under section 29(3)(1) and (4C)(2) of the Representation of the People Act 1983, as applied to Assembly elections by article 3(1) of and Schedule 1 to the Northern Ireland Assembly Elections Order 2001. Section 29(3) was amended by section 18 of the ERA 2013.
- Section 29(3) of the Representation of the People Act 1983, as applied to Northern Ireland Assembly elections by the Northern Ireland Assembly (Elections) Order 2001, enables the Secretary of State to specify in an Order the overall maximum recoverable amount that the returning officer may recover in respect of services rendered or expenses incurred for or in connection with an Assembly election.
- This Order specified those amounts in respect of each constituency in Northern Ireland. Six members of the Assembly are returned for each of the Parliamentary constituencies in Northern Ireland.

### **The Representation of the People (England and Wales) (Amendment) Regulations 2016 (SI 2016/694)**

- Made on 27 June 2016, coming into force on 28 June 2016, under sections 9D(3), 9E(2), 10ZC(3), 10ZD(3), 53(1) and (3) of, and paragraphs 1(2), 1(2A), 3ZA, 3C, 10B, 12 and 13(2) of Schedule 2 to, the Representation of the People Act 1983 and

paragraph 7B of Schedule 4 to the Representation of the People Act 2000. Of those powers the following were inserted or amended by the ERA 2013:

- section 9D was inserted by section 4, and section 9E by section 5 of the ERA 2013 (“the 2013 Act”)
- sections 10ZC and 10ZD were inserted by section 1 of and paragraph 1 of Schedule 1 to the 2013 Act
- paragraphs 1(2) and 3C of Schedule 2 were amended by section 13(1) of, and paragraph 20 of Schedule 4 to, the 2013 Act
- paragraphs 1(2A) and 3ZA of Schedule 2 were inserted by section 2(1) of the 2013 Act
- These Regulations amended the application to register forms in England and Wales to allow applicants to identify that they are the only person resident at the address aged 16 or over and to provide more discretion to EROs as to when canvass forms must be given where such information has been given; and they also enabled EROs to send ITRs and ITR reminders by electronic means. The Regulations allowed an attester to an applicant's identity to be registered in any local authority area in England and Wales to allow more eligible applicants to become registered to vote.
- The Regulations corrected an error in the legislation concerning the requirement to provide fresh signatures following rejection of a postal voting statement, made a technical amendment concerning the rejected postal vote provisions at Greater London Authority elections, allowed the full electoral register to be provided to the Local Government Boundary Commission for England correcting an oversight following the transfer of functions in section 60 of the Local Democracy, Economic Development and Construction Act 2009, and made a consequential amendment substituting Local Government Boundary Commission for Wales, for Local Democracy and Boundary Commission for Wales as a consequence of the Local Government (Democracy)(Wales) Act 2013.

### **Electoral Registration Pilot Scheme (England) Order 2016 (SI 2016/739)**

- Made on 12 July 2016, coming into force on 13 July 2016, under sections 7(1) and (2)(a), 9(1) and (7)(b), and 11(5)(a) of the ERA 2013.
- This Order established a pilot scheme giving EROs in specified areas of England wider discretion over the manner in which they conduct the annual canvass under section 9D of the Representation of the People Act 1983. The Order required EROs in the specified areas to canvass each residential address in the area for which they act at least once, but the manner in which they did so and whether they took further steps where no information was received in respect of a particular address was at the ERO's discretion. The Order specified the date by which the EC was required to give a copy of their report on the pilot scheme under section 9(7)(b) of the ERA 2013 to the Minister and the EROs.

### **The Combined Authorities (Mayoral Elections) Order 2017 (SI 2017/67)**

- Made on 30 January 2017, coming into force on 31 January 2017, under sections 114 and 117(1A) and (5) of, and paragraph 12 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009.



- This Order makes provision for the conduct of elections for combined authority mayors. The Order is modelled on the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (SI 2007/1024 as amended). The Order applies with modifications provisions in the Representation of the People Act 1983, including section 13AB (which was inserted by the ERA 2013) and section 40 (which was amended by the ERA 2013).

### **The Representation of the People (Scotland) (Amendment) Regulations 2017 (SI 2017/604)**

- Made on 26 April 2017, coming into force on 27 April 2017, under sections 9D(3), 9E(2) and (6), 10ZC(3), 10ZD(3), 53(1) and (3) of, and paragraphs 1(2) and (2A), 3ZA, 3C, and 13(2) of Schedule 2 to, the 1983 Act and paragraph 7B of Schedule 4 to the Representation of the People Act 2000. Of those powers the following were inserted or amended by the ERA 2013:
  - section 9D was inserted by section 4, and section 9E by section 5, of the ERA 2013 (“the 2013 Act”)
  - sections 10ZC and 10ZD were inserted by section 1 of and paragraph 1 of Schedule 1 to the 2013 Act
  - paragraphs 1(2) of Schedule 2 was amended by section 12(1) of, and paragraph 20 of Schedule 4 to the 2013 Act
  - paragraph 3C of Schedule 2 to the 1983 Act was amendment by paragraph 20 of Schedule 4 to the 2013 Act
  - paragraph 1(2A) and 3ZA of Schedule 2 to the 1983 Act were inserted by section 2 of the 2013 Act
- These Regulations amended the application to register forms in Scotland to allow applicants to identify that they are the only person resident at the address aged 14 or over and to provide more discretion to EROs as to when canvass forms must be given where such information has been given; and they also enabled EROs to send ITRs and ITR reminders by electronic means. The Regulations allowed an attester to an applicant’s identity to be registered in any local authority area in Scotland to allow more eligible applicants to become registered to vote. The Regulations also corrected an error in the legislation concerning the requirement to provide fresh signatures following rejection of a postal voting statement.

### **Electoral Registration Pilot Scheme (Scotland) Order 2017 (SI 2017/605)**

- Made on 26 April 2017, coming into force on 30 June 2107, under sections 7(1) and (2)(a), 9 and 11(5)(a) of the ERA 2013.
- This Order established a pilot scheme in Scotland giving EROs in the local authority areas of Dumfries and Galloway and the City of Glasgow wider discretion over the manner in which they conducted the annual canvass under section 9D of the Representation of the People Act 1983. The Order required EROs in those areas to canvass each residential address in the area for which they act at least once but the manner in which they do so and whether they take further steps where no information is received in respect of a particular address will be at the ERO’s discretion. The Order specified the date by which the EC was required to give a copy of their report on the pilot scheme under section 9(7)(b) of the ERA 2013 to

the Minister and the EROs. The Order came into force on 30 June 2017 and ceased to have effect on 6 July 2018.

### **Electoral Registration Pilot Scheme (England) (Amendment) Order 2017 (SI 2017/606)**

- Made on 26 April 2017, coming into force 21 days after that date, under sections 7(1) and (2)(a), 9(1) and (7)(b), and 11(5)(a) of the ERA 2013.
- This Order amended the Electoral Registration Pilot Scheme (England) Order 2016 (SI 2016/739) (“the 2016 Order”) to extend the period of the pilot for a further year. The 2016 Order gave greater discretion to EROs in the specified areas as to how they conduct their annual canvass under section 9D of the Representation of the People Act 1983 (c.2). By extending the period of the pilot, this Order enabled them to test those methods for a second year running. The date for the EC to give a copy of their report on the pilot scheme to the Minister was also amended, and this Order provided for SI 2016/739 to cease to have effect on 6 July 2018.

### **Electoral Registration Pilot Scheme (England and Wales) Order 2017 (SI 2017/610)**

- Made on 26 April 2017, coming into force on 30 June 2017, under sections 7(1) and (2)(a), 9(1) and (7)(b), and 11(5)(a) of the ERA 2013.
- This Order established a pilot scheme giving EROs in specified areas in England and Wales wider discretion over the manner in which they conducted the annual canvass under section 9D of the Representation of the People Act 1983. The Order required EROs in those areas to canvass each residential address in the area for which they act at least once but the manner in which they do so and whether they take further steps where no information is received in respect of a particular address will be at the ERO’s discretion. The Order specified the date by which the EC was required to give a copy of their report on the pilot scheme under section 9(7)(b) of the ERA 2013 to the Minister and the EROs. The Order came into force on 30 June 2017 and ceased to have effect on 6 July 2018.

### **The Parliamentary Elections (Returning Officers’ Charges) Order 2017 (SI 2017/637)**

- Made on 3 May 2017, coming into force on 4 May 2017, under section 29(3), (3A) and (4C) of the Representation of the People Act 1983. Section 29(3) was amended by section 18 of the ERA 2013.
- This Order provided for payments for services and expenses of returning officers in connection with the conduct of parliamentary elections in England, Wales and Scotland. It replaced the Parliamentary Elections (Returning Officers’ Charges) Order 2015 (SI 2015/476).
- Under section 29(3) of the Representation of the People Act 1983 a returning officer may recover their charges for services and expenses, provided they were necessarily rendered or incurred for the efficient and effective conduct of the parliamentary election and the total does not exceed the overall maximum recoverable amount specified by the Minister in an order. Section 29(3A) enables the Minister to specify by order a maximum recoverable amount for particular services or expenses.

### **The Parliamentary Elections (Returning Officers' Charges) (Northern Ireland) Order 2017 (SI 2017/652)**

- Made on 9 May 2017, coming into force on 10 May 2017, under section 29(3)(b) and (4C) of the Representation of the People Act 1983. Section 29(3) was amended by section 18 of the ERA 2013.
- Section 29(3) of the Representation of the People Act 1983 enables the Secretary of State to specify in an Order the overall maximum recoverable amount that a returning officer may recover in respect of services rendered or expenses incurred for or in connection with a parliamentary election.
- This Order specified the overall maximum recoverable amounts in respect of each constituency in Northern Ireland (of which there are 18). This Order also revoked the Parliamentary Elections (Returning Officers' Charges) (Northern Ireland) Order 2015 (SI 2015/885).

### **The Parliamentary Elections (Returning Officers' Charges) (No. 2) Order 2017 (SI 2017/671)**

- Made on 5 June 2017, coming into force on 6 June 2017, under section 29(3), (3A) and (4C) of the Representation of the People Act 1983. Section 29(3) was amended by section 18 of the ERA 2013.
- This Order provided for payments for services and expenses of returning officers in connection with the conduct of parliamentary elections in England, Wales and Scotland. It replaced the Parliamentary Elections (Returning Officers' Charges) Order 2017 (SI 2017/637).
- Under section 29(3) of the Representation of the People Act 1983 a returning officer may recover their charges for services and expenses, provided they were necessarily rendered or incurred for the efficient and effective conduct of the parliamentary election and the total does not exceed the overall maximum recoverable amount specified by the Minister in an order. Section 29(3A) enables the Minister to specify by order a maximum recoverable amount for particular services or expenses.

### **The Representation of the People (England and Wales) (Amendment) Regulations 2018 (SI 2018/312)**

- Made on 6 March 2018, with regulations 3 to 8 and 12 coming into force on 1 July 2018 and the remainder coming into force on 7 March 2018, under sections 9B(1A)(3), 10ZC(3), 10ZD(3), 10ZE(4) and 53(1)(b)(i) and (c), and (3) of, and paragraphs 1(2) and (2A), 3ZA, 5(1B), 10 and 13(2) of Schedule 2 to, the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013:
  - section 9B(1A) was substituted by paragraphs 1 and 7(1) and (2) of Schedule 4 to the ERA 2013 ("the 2013 Act")
  - sections 10ZC, 10ZD and 10ZE were inserted by section 1 of, and paragraph 1 of Schedule 1 to, the 2013 Act

- paragraph 1(2) of Schedule 2 was amended by section 12(1) of, and paragraph 20 of Schedule 4 to, the 2013 Act
- paragraph 1(2A) and 3ZA of Schedule 2 were inserted by section 2 of the 2013 Act
- These Regulations amend the Representation of the People (England and Wales) Regulations 2001. These amendments relate to the anonymous registration scheme, and the wider registration system. The changes aim to improve access to the anonymous registration scheme for those whose safety is at risk by appearing on the electoral register, and enhance the wider registration system. The wider registration system measures in these Regulations sought to improve the registration system in England and Wales by adding additional warnings on the application form, expanding the sources of information that can be used to delete deceased voters and changing the status of some correspondence from mandatory to discretionary.

#### **The Representation of the People (Northern Ireland) (Amendment) Regulations 2018 (SI 2018/331)**

- Made on 6 March 2018, coming into force on 7 March 2018, under sections 9B(1A)(1) and 53(1)(b)(i) and (3)(2) of, and paragraph 5(1B) of Schedule 2(3) to, the Representation of the People Act 1983. Of those powers section 9B(1A) was substituted by paragraphs 1 and 7(1) and (2) of Schedule 4 to the ERA 2013.
- These Regulations amended the Representation of the People (Northern Ireland) Regulations 2008 (SI 2008/1741) (“the RPR 2008”). These amendments related to the anonymous registration scheme with changes aiming to improve access to the scheme for those whose safety is at risk by appearing on the electoral register.

#### **The Representation of the People (Scotland) (Amendment) Regulations 2018 (SI 2018/427)**

- Made on 26 March 2018, with regulations 3 to 7 and 11 coming into force on 1 July 2018 and the remainder coming into force on 1 April 2018, under sections 9B(1A)(3), 10ZC(3), 10ZD(3), 10ZE(4) and 53(1)(b)(i) and (c), and (3) of, and paragraphs 1(2) and (2A), 3ZA, 5(1B), 10 and 13(2) of Schedule 2 to, the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013:
  - section 9B(1A) was substituted by paragraphs 1 and 7(1) and (2) of Schedule 4 to the ERA 2013 (“the 2013 Act”)
  - sections 10ZC, 10ZD and 10ZE were inserted by section 1 of, and paragraph 1 of Schedule 1 to, the 2013 Act
  - paragraph 1(2) of Schedule 2 was amended by section 12(1) of, and paragraph 20 of Schedule 4 to, the 2013 Act
  - paragraph 1(2A) and 3ZA of Schedule 2 were inserted by section 2 of the 2013 Act
- These Regulations amend the Representation of the People (Scotland) Regulations 2001. These amendments relate to the anonymous registration scheme, and the wider registration system. The changes aim to improve access to the anonymous

registration scheme for those whose safety is at risk by appearing on the electoral register, and enhance the wider registration system. The wider registration system measures in these Regulations sought to improve the registration system in relation to the Parliamentary register in Scotland by adding additional warnings on the application form, expanding the sources of information that can be used to delete deceased voters and changing the status of some correspondence from mandatory to discretionary.

### **The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (SI 2018/699)**

- Made on 29 May 2018, coming into force on 30 May 2018, under sections 10A(1)(a), (3) and (6), 13A(1)(a), 16(1)(g), 53(1)(c) and (3) and 201(3) of, and paragraphs 1A, 3A, 4(1), 5, 6 and 8C of Schedule 2 to, the Representation of the People Act 1983, including as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989; sections 2(3) and 3(5)(b) of the Representation of the People Act 1985; sections 8 and 9(6) of the Electronic Communications Act 2000; and sections 18(1) and 21(3) of the Recall of MPs Act 2015.
- Of those powers the following were inserted or amended by the ERA 2013:
  - section 10A was amended by paragraph 10(2) of Schedule 4 to the ERA 2013 (“the 2013 Act”)
  - paragraph 1A of Schedule 2 was inserted by paragraph 2 of Schedule 2 to the 2013 Act
  - paragraph 3A of Schedule 2 was amended by paragraph 20(4) of Schedule 4 to the 2013 Act
  - paragraph 5 of Schedule 2 was amended by paragraph 20(6) of Schedule 4 to the 2013 Act
  - paragraph 8C of Schedule 2 was inserted by paragraph 3 of Schedule 2 to the 2013 Act
- These Regulations made provision to allow citizens in Northern Ireland to register online to vote in Northern Ireland. They made changes to the absent vote process to facilitate digital registration including the introduction of a digital registration number that would be used by those who register online to apply for an absent vote. The Regulations also enabled the sharing of data to verify the identity of registration applicants, made changes to the requirements of registration for overseas and service electors and other technical changes.

### **The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (SI 2018/1310)**

- Made on 3 December 2018, and not yet in force, under sections 8(1), 23(1) and (6), and 24(3) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.
- These Regulations make consequential and saving provision as a result of the repeal of the European Parliamentary Elections Act 2002 Act and the European Parliament (Representation) Act 2003 Act, and to correct deficiencies in retained

EU law arising as a result of the UK no longer having representation in the European Parliament or participating in elections to the European Parliament after the UK has left the EU. These provisions include the repeal of section 13AB(8)(b) of the Representation of the People Act 1983, which was inserted by section 16(3) of the ERA 2013.

### **The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) (Amendment) Regulations 2019 (SI 2019/1389)**

- Made on 24 October 2019, coming into force on 25 October 2019, under sections 8(1), 23(1) and (6), and 24(3) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.
- These Regulations amend the coming into force date of the European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (SI 2018/1310) from “exit day” to 31 December 2020. SI 2018/1310 includes the repeal of section 13AB(8)(b) of the Representation of the People Act 2013 1983, which was inserted by section 16(3) of the ERA 2013.

### **The Representation of the People (Annual Canvass) (Amendment) Regulations 2019 (SI 2019/1451)**

- Made on 4 November 2019, with Regulations 1, 20 and 21 coming into force on 5 November 2019 and the remainder coming into force on 31 December 2019, under sections 7(1) and (2), and 11(3), (4) and (5) of the ERA 2013, and sections 53(1) and (3) and 201(3) of and paragraphs 1(2), 1A and 13(1ZB) of Schedule 2 to the Representation of the People Act 1983.
- Of the powers in the Representation of the People Act 1983 the following were inserted or amended by the ERA 2013:
  - paragraph 1A of Schedule 2 was inserted by paragraphs 1 and 2 of Schedule 2 to the ERA 2013
  - paragraph 13(1ZB) of Schedule 2 was inserted by paragraph 4 of Schedule 2 to the ERA 2013
- These Regulations modify the provisions in respect of the annual canvass to be conducted under section 9D of the Representation of the People Act 1983 in respect of the parliamentary register of electors in England and Wales and the local government register of electors in England. These Regulations also amend the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) and the Representation of the People (Scotland) Regulations 2001 (SI 2001/497) in order to make further provision in respect of the reformed annual canvass.

### **The Parliamentary Elections (Returning Officers' Charges) Order 2019 (SI 2019/1454)**

- Made on 4 November 2019, coming into force on 5 November 2019, under section 29(3), (3A) and (4C) of the Representation of the People Act 1983. Section 29(3) was amended by section 18 of the ERA 2013.

- This Order provided for payments for services and expenses of returning officers in connection with the conduct of parliamentary elections in England, Wales and Scotland. It replaced the Parliamentary Elections (Returning Officers' Charges) (No. 2) Order 2017 (SI 2017/671).
- Under section 29(3) of the Representation of the People Act 1983 a returning officer may recover their charges for services and expenses, provided they were necessarily rendered or incurred for the efficient and effective conduct of the parliamentary election and the total does not exceed the overall maximum recoverable amount specified by the Minister in an order. Section 29(3A) enables the Minister to specify by order a maximum recoverable amount for particular services or expenses.

### **The Parliamentary Elections (Returning Officers' Charges) (Amendment) Order 2019 (SI 2019/1470)**

- Made on 18 November 2019, coming into force on 19 November 2019, under section 29(3), (3A) and (4C) of the Representation of the People Act 1983. Section 29(3) was amended by section 18 of the ERA 2013.
- This Order amends the table in the Schedule to SI 2019/1454 which provided for payments for services and expenses of returning officers in connection with the conduct of parliamentary elections in England, Wales and Scotland.
- Under section 29(3) of the Representation of the People Act 1983 a returning officer may recover their charges for services and expenses, provided they were necessarily rendered or incurred for the efficient and effective conduct of the parliamentary election and the total does not exceed the overall maximum recoverable amount specified by the Minister in an order. Section 29(3A) enables the Minister to specify by order a maximum recoverable amount for particular services or expenses.

## **Withdrawn draft affirmative statutory instruments**

### **The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013**

- Laid on 18 July 2013, and subsequently withdrawn and replaced by a draft SI of the same name laid on 23 October 2013.
- The draft SI laid on 23 October 2013 was subsequently withdrawn and replaced by a draft SI of the same name, which was made on 18 December 2013 (SI 2013/3206).

### **The Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013**

- Laid on 17 July 2013, and subsequently withdrawn and replaced by a draft SI of the same name, which was made on 18 December 2013 (SI 2013/ 3198).

### **Explanation for withdrawal**

- The two versions of the Draft Representation of the People (Description of Electoral Registers and Amendment) Regulations 2013 were originally laid on 17 July 2013. Following comments from Counsel to the Joint Committee on Statutory Instruments, the Minister approved the withdrawal, amendment and re-laying of these two instruments. The withdrawal and re-laying took place on 23 October 2013; Scotland regulations were re-laid 30 October 2013 following a technical error made on 23 October.
- We hoped that these issues had been resolved in July, and wanted to lay the instruments in order to give stakeholders certainty about their policy content. This was important for the development of Guidance – produced by the Electoral Commission and including Ministerial guidance sections – and training materials to prepare electoral administrators for the change to IER.
- Following further legal scrutiny, however, we decided that further drafting changes would improve the instruments. We took the opportunity to make some minor improvements and clarifications in the Regulations as well. As a result of these changes the SIs successfully passed JCSI.

### **Differences from the versions laid in July**

- Only a small number of changes were made to the regulations. Most of those that were made are matters of clarification or minor improvements to the drafting.
- The process for an elector changing their name on the register was improved, allowing those who cannot provide the required documentary evidence of their change of name to provide their personal identifiers on the change of name application form instead of on an IER application form. These identifiers can then be used to verify the person's identity to assure the ERO that the stated change comes from the elector. The use of identifiers was not new, only the way they were supplied.
- The open or edited register provisions were amended slightly so that there was a requirement that an updated version of this register be published when any changes are made to the main register – for example entries being removed – even if those changes are not related to electors' positions with regard to the open register. It will also be published during the period prior to a revised register, when the full register is not being updated monthly.
- There was clarification about who should complete the household enquiry form (HEF), making it clearer who is liable to the criminal offence for not providing the information required.
- There were also some drafting changes around the exceptions process, but the policy did not change.

### **The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014**

- Laid on 24 February 2014, and subsequently withdrawn and replaced by a draft SI of the same name, which was made on 3 April 2014 (SI 2014/924).



- This draft SI was withdrawn as, because of a printing error in the form of declaration to be made by the companion of a voter or proxy with disabilities, in Schedule 1 to the Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014, the boxes for the companion's signature and the date were omitted from the draft.

### **The Representation of the People (England and Wales) (Amendment) Regulations 2015**

- Laid on 10 December 2014, and subsequently withdrawn and replaced by a draft SI of the same name, which was made on 2 March 2015 (SI 2015/467).

### **The Representation of the People (Scotland) (Amendment) Regulations 2015**

- Laid on 10 December 2014, and subsequently withdrawn and replaced by a draft SI of the same name, which was made on 3 March 2015 (SI 2015/450).

### **Explanation for withdrawal**

- The versions of the regulations laid in December 2014 included a draft provision that would have required applicants for electoral registration to provide details of their present name and the name by which they had previously been known, however long ago they may have changed their name. This would have replaced the requirement to provide details of any previous name by which the applicant had been known in the 12 months preceding the application. The intention behind this provision was to increase the number of applications successfully verified through the IER Digital Service and so reduce the number of applicants put to the time and trouble of having to provide documentary evidence.
- The draft provision that would have required a previous name (if applicable) was removed from these versions of the regulations following feedback from citizens, including that received from the transgender community.

## **Scottish Statutory Instrument**

### **The Representation of the People (Scotland) Amendment Regulations 2018 (SSI 2018/89)**

- Made by the Scottish Ministers on 28 February 2018, regulations 3 to 7 and 10 came into force on 1 July 2018 and the remainder came into force on 1 April 2018, under sections 9B(1A), 10ZC(3), 10ZD(3), 10ZE(4) and 53(1)(b)(i) and (c) and (3) and paragraphs 1(2) and (2A), 3ZA, 5(1B), 10 and 13(2) of schedule 2 of the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013:
  - section 9B(1A) was substituted by paragraph 7(2) of schedule 4 of the ERA 2013 ("the 2013 Act")
  - section 10ZC was inserted by section 1(1) of the 2013 Act
  - sections 10ZD and 10ZE were inserted by section 1(2) and paragraph 1 of schedule 1 of the 2013 Act

- paragraph 1(2) of schedule 2 was amended by paragraph 20(2)(a) of Schedule 4 of the 2013 Act
- paragraph 1(2A) of schedule 2 was inserted by section 2(2) of the 2013 Act
- paragraph 3ZA of schedule 2 was inserted by section 2(3) of the 2013 Act
- These Regulations amended the Representation of the People (Scotland) Regulations 2001. These amendments related to the anonymous registration scheme and the wider registration system. The changes aimed to improve access to the anonymous registration scheme for those whose safety is at risk by appearing on the register of local government electors, and enhance the wider registration system. The wider registration system measures in these Regulations sought to improve the registration system in relation to the local government register in Scotland by adding additional warnings on the application form, expanding the sources of information which can be used to delete deceased voters' entry from the register and changing the status of some correspondence from mandatory to discretionary.

#### **The Representation of the People (Annual Canvass) Amendment (Scotland) Order 2020 (SSI 2020/62)**

- Made by the Scottish Ministers on 26 February 2020, coming into force on 3 March 2020, under sections 7(1) and (2), and 11(3) and (4) of the ERA 2013.
- This Order amended provisions on the annual canvass in the Representation of the People Act 1983 in respect of the local government register of elections in Scotland, making equivalent changes to the 1983 Act as were made by the Representation of the People (Annual Canvass) (Amendment) Regulations 2019 (SI 2019/1451) and the Representation of the People (Annual Canvass) (Amendment) (Wales) Regulations 2020 (SI 2020/50 (W. 6)).

#### **The Representation of the People (Data Matching) (Scotland) Regulations 2020 (SSI 2020/63)**

- Made by the Scottish Ministers on 26 February 2020, coming into force on 3 March 2020, under sections 53(1) and (3) and 201(3), and paragraphs 1A and 13(1ZB) of Schedule 2 to the Representation of the People Act 1983. Of those powers the following were inserted or amended by the ERA 2013:
  - paragraph 1A of Schedule 2 was inserted by paragraphs 1 and 2 of Schedule 2 to the ERA 2013
  - paragraph 13(1ZB) of Schedule 2 was inserted by paragraph 4 of Schedule 2 to the ERA 2013
- These Regulations amend the Representation of the People (Annual Canvass) (Amendment) Regulations 2019 (SI 2019/1451). Those Regulations include provisions for a data match that allows registration officers to match the names and addresses of those registered in a register of parliamentary electors in Great Britain or a register of local government electors in England, against other data sources. These Regulations extend this data matching confirmation to a register of local government electors in Scotland.

## Welsh Statutory Instrument

### **The Representation of the People (Annual Canvass) (Amendment) (Wales) Regulations 2020 (SI 2020/50 (W. 6))**

- Made by the Welsh Ministers at 7:40pm on 21 January 2020, coming into force on 22 January 2020, under sections 53(1) and (3) and 201(3), and paragraphs 1(2), 1A and 13(1ZB) of Schedule 2 to the Representation of the People Act 1983 and sections 7(1) and (2) and 11(3), (4) and (5) of the ERA 2013.
- Of the powers in the Representation of the People Act 1983 the following were inserted or amended by the ERA 2013:
  - paragraph 1A of Schedule 2 was inserted by paragraphs 1 and 2 of Schedule 2 to the ERA 2013
  - paragraph 13(1ZB) of Schedule 2 was inserted by paragraph 4 of Schedule 2 to the ERA 2013
- These Regulations together with the Representation of the People (Annual Canvass) (Amendment) Regulations 2019 (SI 2019/1451) modify the provisions in respect of the annual canvass to be conducted under section 9D of the Representation of the People Act 1983 and amend the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) to make provision for the reformed annual canvass to apply to a register of local government electors in Wales.

# Reports and scrutiny

## Reports pertaining to Part 1 of the Act

IER has been scrutinised by a range of organisations, including the EC, AEA (Association of Electoral Administrators) and Law Commissions. Great Britain's system of electoral registration was also considered as part of (the then) Sir Eric Pickles review of electoral fraud, as well as a number of organisations.

### Headline assessment of Individual Electoral Registration

It is acknowledged by the organisations listed above – most recently by the AEA in their report 'The Electoral Landscape in 2019' (September 2019)<sup>2</sup> – that IER has been successfully implemented. All reports also identify areas for improvement and make recommendations for further work.

The EC, in its report on the 2015 Registers (July 2016),<sup>3</sup> stated that IER is an important improvement in how people register to vote, a necessary step towards a more modern and secure system, and that the improvements made to the accuracy of the registers were welcome and had been managed well.

In its most recent assessment, on the completeness and accuracy of the 2018 registers (September 2019),<sup>4</sup> the EC found that while completeness had remained stable at 85%, accuracy has dropped by two percentage points to 89%. As Sir John Holmes, Chair of the EC, says: "these figures are not significantly different from those in previous recent surveys." The Government continues to work to modernise the system of electoral registration (including canvass reform – see later) and wants to ensure EROs have the tools needed to carry out their roles effectively.

In its report on the 2017 General Election (July 2017)<sup>5</sup> the EC said that the online registration service had significantly improved access to elections in Great Britain. (The then) Sir Eric Pickles, in his review into Electoral Fraud (August 2016)<sup>6</sup> stated that IER had made a significant improvement to the security of electoral registration; he reiterated this view when giving evidence to the Lords Electoral Registration and Administration Act 2013 Committee on 23 July 2019.

<sup>2</sup> [The Electoral Landscape in 2019 – An AEA Position Statement](#)

<sup>3</sup> [The December 2015 Electoral Registers in Great Britain – Accuracy and completeness of the registers in Great Britain and the transition to Individual Electoral Registration](#)

<sup>4</sup> [2018 Report: Accuracy and Completeness of the electoral registers in Great Britain](#)

<sup>5</sup> [Electoral registration at the June 2017 UK general election – Report on the UK Parliamentary general election held on 8 June 2017](#)

<sup>6</sup> [Securing the Ballot: Report of Sir Eric Pickles' Review into Electoral Fraud](#)

In its 2015 report, the AEA (July 2015)<sup>7</sup> observed that, in spite of the introduction of IER with online registration, electoral registration was still operating with old processes, a household canvass and additional bureaucracy, and that a review would be required to make IER more efficient and less bureaucratic – points echoed in the ‘Missing Millions Still Missing’ report (August 2019)<sup>8</sup>. Most recently, the AEA’s report (February 2020)<sup>9</sup> on the 2019 General Election highlighted the confusion caused to electors by having to complete two registration processes during the annual canvass period to get on to the electoral register, recommending that the government simplify this process (more information on this ‘two-stage’ process is included in the *Preliminary assessment of the Act* section).

The EC cited concerns (December 2015) as to the sustainability of IER in the medium-to-long-term future, and also that changes to registration processes had not had any significant impact on overall levels of completeness. The Pickles report (August 2016) also highlights a number of other issues with the processes for electoral registration which were not resolved by IER.

### **Register to Vote website**

There have consistently been positive views expressed about the introduction of the Register to Vote website, with the EC and AEA among others praising the benefits to citizens because of the ease with which individuals can register to vote. The system, however, has also been identified as facilitating the unintended issue of duplicate applications to register to vote – applications made by individuals who are already correctly registered.

Consequently, reports in 2015 by the EC (July 2015),<sup>10</sup> AEA (July 2015)<sup>11</sup> and Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (July 2015)<sup>12</sup> each highlighted the issue, especially with regards to the additional cost and time burdens for electoral administrators.

The government responded (September 2016)<sup>13</sup> and agreed that further action needed to be taken to reduce the number of duplicate applications. As a result, the government committed to exploring a number of options to find solutions that were proportionate to the extent of the issue and would not undermine the fundamental principles of IER. The action Cabinet Office has taken is detailed in the Preliminary Assessment of the Act section.

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<sup>7</sup> [Elections and Individual Electoral Registration – The challenge of 2015](#)

<sup>8</sup> [Missing Millions Still Missing – A vision for electoral modernisation in the UK](#)

<sup>9</sup> [The 2019 UK Parliamentary General Election – delivered on time for Christmas](#)

<sup>10</sup> [The May 2015 UK – Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election](#)

<sup>11</sup> [Elections and Individual Electoral Registration – The challenge of 2015](#)

<sup>12</sup> [United Kingdom of Great Britain and Northern Ireland General Election 7 May 2015 OSCE/ODIHR Election Expert Team Final Report](#)

<sup>13</sup> [The UK Government’s Response to the reports of the Electoral Commission, the Association of Electoral Administrators and the Royal National Institute for the Blind on the 2015 UK Parliamentary General Election](#)

In their reports on the 2017 General Election, the EC (July 2017) and AEA (September 2017)<sup>14</sup> raised the issue once more. In its report, the AEA recognised the changes made by Cabinet Office to reduce the number of duplicate applications – such as the additional page on the Register to Vote website to explain that electors do not need to re-register if they are already registered – and the positive effect they had.

In their 2017 report, the AEA particularly favoured an option to introduce a “look-up tool” to allow citizens to check their registration status. In response to the ongoing need to reduce the numbers of duplicate applications, the government’s response (November 2018)<sup>15</sup> renewed its commitment to keep options under review. In response to specific calls for the look-up tool, a number of concerns were outlined including security concerns, the value of results for citizens themselves and the high associated cost. This, therefore, was not one of the solutions taken forward.

In its report on the 2019 General Election, the AEA once again raised the issue of duplicate applications to register. The organisation said that the general election had seen a significant increase in the number of applications being made in the run up to the registration deadline which, they contended, may have been made worse by the registration deadline coinciding with the annual canvass, meaning many electors were receiving ITRs at the same time as applying to register online.

### **Annual canvass**

Another key area of interest for the AEA has been the annual canvass and registration of particular groups, such as those in student halls and care homes. The AEA, in its July 2015 report, questioned the need for the annual canvass of electors and recommended a full review of IER processes, given the move towards year-round registration that had resulted since the introduction of IER. In the government’s response (September 2016) the vision for modernising registration – in favour of less prescriptive processes, which allow administrators to target their resources more effectively – was set out. This work has since been carried forward, with ongoing projects including reform of the annual canvass.

Recognising this, the EC’s report (July 2017) also cited the questions surrounding the effectiveness and efficiency of the canvass, committing to continue working with the government to review the processes. Subsequently, the Government has worked closely with the AEA, EC, Scottish Assessors’ Association, Scottish Government and Welsh Government on legislation to change the annual canvass – as set out in the government’s response (November 2018). A key part of the reforms has been to allow the more effective canvassing of those in care homes, student halls of residence and houses of multiple occupancy (HMOs). Additionally, EROs will be able to use data to inform their approach to canvassing their local areas. These changes address additional calls from the EC and AEA in their 2015 and 2017 reports to facilitate more effective

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<sup>14</sup>[It’s time for urgent and positive Government action – The AEA’s review of the 2017 local government elections and the UK Parliamentary general election](#)

<sup>15</sup>[The UK Government’s Response to the Electoral Commission’s reports on the 2017 UK Parliamentary General Election, Incorporating a response to the Association Electoral Administrator’s report on the 2017 UK Parliamentary General Election](#)

canvassing of individuals in these residences and to allow for greater use of data in registration processes.

The 2019 ‘Missing Missions Still Missing’ report cited major progress in this area. The report recognised the importance of the canvass remaining in place – as opposed to being abolished – but that reforms are necessary.

### **Completeness of the electoral register**

The AEA’s report (July 2015) also highlighted the impact of IER on certain demographic groups, in particular students and care home residents. This report noted that the registration of these groups under IER was extremely difficult, and had resulted in far fewer students at their term-time address and care home residents being registered. The report recommended that the government review the registration of students and care homes under IER, with a view to making legislative changes to allow EROs to register people at “institutions” directly.

The government’s (September 2016) response to this recommendation focused on the need to make electoral registration as accurate as possible, working with key stakeholders to do so, while remaining consistent with the principles of IER – that people are able to choose when and where they want to make an application to register to vote.

The government has worked collaboratively in Parliament, and with the EC and AEA, to progress a programme of work with regard to student electoral registration. This work has focused on the need to inform and remind Higher Education providers and EROs in England about EROs’ existing legislative powers – namely Regulation 23 of the Representation of the People (England and Wales) Regulations 2001 – to request information from others for the purposes of maintaining the completeness and accuracy of their local electoral registers. Another objective was that in England Higher Education providers cooperate with EROs to promote electoral registration amongst their student populations.

The legislative vehicle used to implement these policy objectives was the Higher Education & Research Act (HERA) 2017. The HERA permits the Office for Students (OfS) to impose a condition of registration upon English Higher Education providers, which requires their governing bodies to take steps, as specified by the OfS, to facilitate cooperation with EROs in England. Importantly, the HERA places this requirement firmly within the new Higher Education regulatory framework, which came into force in August 2019, while maintaining and supporting the current statutory roles and responsibilities of EROs in England for ensuring the completeness and accuracy of their local electoral registers.

While drafting its own guidance to English Higher Education providers, the OfS has been obliged to have regard to the Ministerial Guidance – drafted in collaboration between the Cabinet Office and the Department for Education and in consultation with the EC and AEA – given to it by the Secretary of State for Education. Acting on a commitment made in Parliament, the Ministerial Guidance includes a set of examples – collated from Higher Education providers – showing the different ways in which institutions have facilitated student electoral registration with their student populations. The Guidance suggests activity that Higher Education providers might take to assist

EROs. The OfS guidance also makes explicit reference to the importance of ensuring the accuracy of local electoral registers and the negative impact on the integrity of the register, resulting from the high turnover witnessed in student residences and insecure postal arrangements.

The Government has, therefore, continued to make reforms to the electoral registration system to make it responsive to the needs of specific groups, including students, while maintaining the principles of IER. The AEA returned to this issue in its 2017 report, in which it welcomed the condition on student electoral registration in the HERA; this was similarly welcomed in the 'Missing Millions Still Missing' (August 2019) report. The AEA went on to reiterate the need to deliver an effective solution to the registration of under-registered groups. The government's November 2018 response to the AEA noted that it was continuing to develop policies and projects in partnership with others who are most familiar with the under-registered groups in question. The collective aim of this work was to increase voter registration and democratic participation. The response, therefore, referred to the Government's Democratic Engagement Plan<sup>16</sup> (December 2017) which set out how to tackle democratic exclusion and increase participation among under-registered groups over a five-year period.

In line with efforts to improve the completeness and accuracy of the registers, systems of full or partial automatic registration have been recommended and are often cited as viable solutions to increasing the number of individuals from under-registered groups on the register. For example, in its 2017 report, the EC recommended that automatic registration methods be explored further – something that they reiterated in recently published feasibility studies (July 2019).<sup>17</sup> The 'Missing Millions Still Missing' report (August 2019) has most recently recommended moving towards more automatic processes, in addition to automatic registration for all eligible citizens and a single electoral register.

The government's response to the EC took note of the recommendation, but established that it was not considering introducing automatic registration due to it not being compatible with the fundamental principles of IER – namely that individuals take ownership of their registration status, deciding when and where they want to be registered. This remains the Government's position with regard to automatic registration.

Furthermore, no clear system has been identified that would allow an ERO to establish all aspects of eligibility to register to vote, in particular nationality and immigration status, which would be necessary for automatic registration. Moreover, as the law currently stands, EROs are responsible for maintaining the completeness and accuracy of their local electoral registers. The introduction of automatic registration would potentially be at odds with this, since it would be likely to require a single, national electoral register and/or rely on the introduction of a national database containing

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<sup>16</sup> [Democratic Engagement Plan - Every Voice Matters: building a democracy that works for everyone.](#)

One year on from publishing the Democratic Engagement Plan, the government revisited and mapped progress against the pledges made in its January 2019 report: [Democratic Engagement: Respecting, Protecting and Promoting our Democracy](#)

<sup>17</sup> [Modernising electoral registration: feasibility studies](#)



personal identifiers, with responsibility, at least in part, being transferred to central government – a change that the Government would oppose.

The AEA's report 'The Electoral Landscape in 2019' (September 2019) notes that there exists a frustration that data that could assist EROs is not being readily shared, to the detriment of citizens. Cabinet Office is considering a number of ways of using local and national data to make the process of electoral registration easier and more efficient for both individual electors and EROs. As part of this, Cabinet Office has recently begun engaging with those in the electoral community to better understand the barriers to sharing local data and some of the ways these might be overcome.

## Reports pertaining to Part 2 of the Act

The provisions within Part 2 of the Act have been scrutinised by the EC and AEA.

The EC has published one report reviewing activity under Part 2 of the Act – their July 2015 Report<sup>18</sup> – to which the government has responded (September 2016).<sup>19</sup>

In addition to the comments on electoral registration, the purpose of the EC's report was to comment on the administration of the May 2015 polls and to offer their observation on how well the polls were run.

The report cited a number of areas where Part 2 of the Act proved beneficial for electors. For example, the extension of the electoral timetable for the UK Parliamentary elections was noted as being particularly beneficial for overseas postal voters, as it provided more time for completed postal votes to be received, completed and returned. There was also praise for section 19 of the Act, which allowed voters queueing to vote at their polling station at 10pm to be issued with their ballot papers, enabling them to cast their vote during the 2015 UK Parliamentary general election.

Despite the changes to the electoral timetable, which allowed postal ballot packs to be sent out earlier than at previous elections, the EC expressed concerns about reports they received from overseas postal voters. There were some overseas postal voters who reportedly did not receive their postal ballot pack in sufficient time to return to the Returning Officer before polling day, and some who did not receive their postal ballot pack at all before polling day.

The government's response (September 2016) stated that, ahead of future polls, they will work with electoral administrators and their suppliers to ensure that they are able to take full advantage of the longer electoral timetable. The Government continues to work with electoral administrators and their suppliers on the matter.

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<sup>18</sup>[The May 2015 UK elections – Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election](#)

<sup>19</sup>[The UK Government's Response to the reports of the Electoral Commission, the Association of Electoral Administrators and the Royal National Institute for the Blind on the 2015 UK Parliamentary General Election](#)

The AEA has published two reports reviewing activity under Part 2 of the Act – their July 2015<sup>20</sup> and September 2017<sup>21</sup> reports – and the government has responded to each. The government will consider carefully the AEA’s latest report (February 2020) ‘The 2019 UK Parliamentary General Election – delivered on time for Christmas, An AEA Position Statement’<sup>22</sup>. The purpose of these reports and the position statement was to present the issues and experiences expressed by electoral administrators in delivering the May 2015, June 2017 and December 2019 elections, and to offer the AEA’s recommendations for changes in relation to the electoral process.

The 2015 report welcomed the extension of the Parliamentary election timetable, describing it as “a move forward”. The 2015 report, however, also raised some concern that the extension was not long enough and recommended that a review of all election/poll timetables be carried out with a view to extending some aspects, as well as a standardisation of a legislative timetable that should apply to all UK elections.

The government’s response (September 2016) detailed how the Law Commission had similarly recommended a standard legislative timetable in their interim report reviewing electoral law, and confirmed that the government was working with the Law Commission on the next steps following their report.

Another concern the AEA raised in their July 2015 report related to combined polls. Part 2 of the Act removed the automatic postponement of parish and community council elections in England and Wales that occurred when a Parliamentary or European Parliamentary general election fell on the ordinary day for local government elections. The AEA highlighted some issues that electoral administrators encountered when running combined polls and made the recommendation that, subject to the recommendations of the Law Commission as to the maximum number of polls that can be combined, a review should be carried out as to whether the polls at parish and community council elections should be combined with polls at a UK Parliamentary general election and local elections held on the same day.

In their 2017 report, the AEA made a recommendation similar to one in their 2015 report. The recommendation suggested that a full review of the combination of polls should be undertaken that considers (a) which polls should be automatically combined, (b) what the maximum number of polls to be combined on the same day should be and (c) the combination of polls for parish and community councils, and neighbourhood planning and council tax referendums, with UK Parliamentary general elections.

The government’s response in November 2018 drew attention to the benefits that combined polls can bring, such as enhancing voter participation and reducing costs. However, the government also acknowledged that this area can raise challenges and confirmed that in recent years it had been working with the EC, the AEA and Returning Officers on the matter, and would continue to work with stakeholders to identify issues and how they could be addressed.

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<sup>20</sup> [Elections and Individual Electoral Registration – The challenge of 2015](#)

<sup>21</sup> [It’s time for urgent and positive Government action – The AEA’s review of the 2017 local government elections and the UK Parliamentary general election](#)

<sup>22</sup> [The 2019 UK Parliamentary General Election - delivered on time for Christmas, An AEA Position Statement.](#)

In its 2020 position statement on the 2019 UK Parliamentary General Election, the AEA recommended that the UK Government should introduce changes to legislation so that in the event of an unscheduled UK national poll or referendum, local authorities may extend their polling district and polling places review. It also listed its previous recommendations which have not yet been actioned including its recommendation to conduct a review of the combination of polls. The Government will consider carefully the issues raised in the AEA's position statement.

# Preliminary assessment of the Act

For clarity and ease of reference, each objective identified in the ‘Summary of the Objectives of the Act’ section has been assessed in order.

## Part 1

### **Objective 1.1 – Individual Electoral Registration**

Part 1 of the Act was primarily concerned with the introduction of IER. IER was introduced in England and Wales on 10 June 2014 and in Scotland on 19 September 2014, following the referendum on independence. There was a transitional period – which ended on 1 December 2015 – during which electors who had registered under the old household system of registration could be transferred to the new register, if it had been confirmed that their registration status was still accurate. The first major poll that people who registered under the new system of IER voted in was the 2015 General Election.

To provide practical support for the implementation of IER, Cabinet Office coordinated a number of measures to support local authorities throughout Great Britain. This included hiring regional delivery managers who were experienced electoral administrators. They were seconded to the Cabinet Office to provide targeted support to electoral teams to ensure they were ready to implement the changes required under IER. Additionally, one Authority Lead IER Trainer per local authority received detailed IER training that could then be cascaded down to their teams. Additionally, Electoral Management Software (EMS) training was provided by their suppliers on the new functionalities that came with IER. A web monitoring portal was established to track the progress of each local authority in preparing for the change, which doubled as a Q&A forum for any queries or concerns to be raised and addressed.

IER has proved to be a success. It has made electoral registration more responsive to the needs of both citizens and EROs. It has also made the system of electoral registration more secure – a point which the EC has noted. Moreover, evidence from EC research in 2016 found that the accuracy of the electoral registers had increased by 4%, from 87% to 91%, since the introduction of IER. There was also no significant drop in the completeness of the registers as a result of this change, as some had feared, with the figure remaining at around 85%. The EC’s latest report – analysing the 2018 electoral registers (September 2019) – shows a two percentage point drop in accuracy. The Government will analyse the reasons for this drop and consider what action might be taken to help address it. Reform of the annual canvass is one measure – helping to further modernise the system of electoral registration.

The process for verifying individuals' identities – and, therefore, their eligibility to register – using name, National Insurance number and date of birth has proved to work well, providing a much more reliable safeguard against the potential for fraud (over 47 million applications have been successfully verified via the IER digital service). This was noted by Lord Pickles both in his review of the integrity of electoral registration and elections processes, and during his evidence session to the Lords Electoral Registration and Administration Act 2013 Committee on 23 July 2019.

While the policy and implementation of IER has generally been a success, it has also introduced added complexity into the system of electoral registration – effectively creating a 'two-stage' process. This is because, since the introduction of IER, the annual canvass has, in effect, become an information gathering exercise and is no longer the vehicle by which individuals are added to or deleted from the register. To be added to the register, EROs use information gathered by the annual canvass to identify where there has been a change in the composition of households. They then use this information to send individuals they believe to be eligible an Invitation to Register (ITR). It is only once an individual has returned their ITR, and their eligibility has been confirmed by the ERO, that they are then added to their local register. This 'two-stage' process is a necessary consequence and direct result of the principle underpinning IER that an individual should be responsible for their own application to register to vote. The requirement to complete an ITR also provides an additional safeguard against fraud, which was one of the main reasons IER was introduced.

### **Objective 1.2 – Transitional arrangements**

In addition to making provision for the introduction of IER, the Act made transitional arrangements over two or three years. It provided for the 'carry forward' of electors who were not automatically verified and failed to register under the new system in the first year, so that they remained on the first register published under the new system.

The transition to IER was successful, with almost 9 in 10 registered electors being securely and automatically transferred to the new IER registers without having to take any action. The remaining unresponsive carry forward entries had been targeted intensively prior to the end of the transition. At least nine separate attempts were made by EROs to contact each elector with a remaining carry forward entry before it was removed. These entries, therefore, were likely to be 'ghost entries' – individuals who were not eligible, or were no longer eligible, to be registered. Indeed, as Lord Pickles indicated during his evidence session to the Lords Electoral Registration and Administration Act 2013 Committee, the process for registering under IER ensures that those who are entered onto the register are genuine – dramatically reducing the potential for fraud.

The government made the decision to bring forward the end date for the transition to IER to December 2015 – 12 months earlier than the original deadline, as provided for in the Act. The government's argument for ending the transition earlier was to open the way for inaccurate, pre-IER entries on the register to be removed. Ensuring the registers were as accurate as possible for the December 2015 register was of particular importance, as this was due to be used for calculating the electoral quota for the Boundary Commissions' review of boundaries. Keeping inaccurate entries on the register would have skewed constituency data and would not have properly reflected the electorate for individual constituencies.

Some stakeholders, such as the EC, were concerned about the nature of these entries and had advised against moving the end of transition forward from December 2016 to December 2015. Others, such as the AEA, however, favoured ending the transition to IER in 2015. Following the transition, the EC agreed that the results of their completeness and accuracy study “suggests that there was no notable effect on the completeness of the registers from the removal of these entries and that the main impact is likely to have been an improvement in accuracy”.

### **Objective 1.3 – Online registration**

The Act created a legislative framework to allow for alternative channels for registration, such as online registration. In line with the introduction of IER, online registration was introduced in England and Wales on 10 June 2014 and in Scotland on 19 September 2014, following the referendum on independence.

The IER Digital Service has processed over 47 million applications since its launch in 2014 – over 75% of which have been made online – and the Register to Vote service has sustained an average user satisfaction rating of over 90%. The success of the service is demonstrated by the fact that it processed 3,850,859 applications to register between 29 October (when the 2019 General Election was announced) and the registration deadline of 26 November 2019. This period of huge demand culminated in 659,666 applications being submitted on the deadline day itself (97.14% online applications) – the largest number of applications received in one day. As Lord Pickles said in his evidence to the Lords Electoral Registration and Administration Act 2013 Committee, IER has not led to a reduction in the number of people registering to vote despite fears that this would be the case before the new system was introduced.

Online registration has helped the electoral registration system keep pace with changing public expectations about the provision of public services – easy, accessible and digital. From May 2018, citizens in Northern Ireland have also been able to apply online to register to vote, which means that the service is now available for residents of the whole of the UK.

As Peter Stanyon, Chief Executive of the AEA, said in his evidence to the Lords Electoral Registration and Administration Act 2013 Committee, online registration has also allowed for further efficiencies to be made to the electoral registration system. Making an application to register to vote takes individuals less than five minutes and does not necessarily require any initial involvement from EROs. The Government has welcomed, and continues to welcome, activity undertaken by civil society organisations and others to promote electoral registration and direct individuals to the Register to Vote website.

The introduction of online registration has supported groups that have traditionally experienced barriers to making an application to register, such as people with a disability. Cabinet Office regularly reviews the accessibility of the Register to Vote service to ensure compliance with international Web Content Accessibility Guidelines (WCAG) 2.1 AA. The last accessibility audit on the live service was in 2018. The next iteration of the Register to Vote service, due to launch in May 2020, has certification at WCAG 2.1 AAA level.

The ability to make an application to register online has made registration easier than ever before. While this is largely a positive development, it has also led to consequences that were not foreseen during the passage of the Act. For example, one of the biggest issues introduced by IER is the significant increase in the number of duplicate applications to register EROs receive, particularly in the period immediately before a major poll.

While this illustrates the transformative effect that the Register to Vote website has had on individuals' ability to engage with the registration process, and while the introduction of the Register to Vote website has created some efficiencies – as the process of making an application to register to vote online does not necessarily involve any initial involvement from EROs – it has nonetheless also created a new burden for electoral administrators.

This is a burden that Cabinet Office has been keen to mitigate. We have worked with electoral administrators and their representative bodies to identify potential solutions, and concluded the most cost-effective way of reducing the number of duplicate applications to register was through providing clearer messaging to citizens when they use the Register to Vote website. This includes making it clearer that citizens do not need to register separately for each election; that they are properly registered if they voted in the last election and have not moved address since; and that they are correctly registered if they have received a poll card or postal ballot. Comparing the exit rates from the website in the 2015 and the 2017 general elections and the exit rate in the 2019 General Election, it increased from 31% and 37%, respectively, to 52%. This suggests that clearer messaging has been effective in reducing the number of duplicate applications. Cabinet Office continues to consider how the number of duplicates might be further reduced and is committed to continuing to work with electoral administrators to reduce their workload.

Another issue experienced by the Register to Vote website was the crash of the service ahead of the 2016 EU Referendum. This took place at approximately 10.15pm, on 7 June 2016, and the website went down for around 100 minutes, with service being restored minutes before the midnight registration deadline. The crash was the result of intense user traffic – double the previously highest recorded level received for the General Election in 2015. As a result of the crash, the registration deadline was extended by 48 hours by the European Union Referendum (Voter Registration) Regulations 2016.

Since the 2016 EU Referendum Cabinet Office has made significant technical improvements to the digital service and undertaken considerable performance testing of the new infrastructure. With the system now in place, there is higher user capacity than before that well exceeds any level of previous user demand. Of course, it is not possible to offer a 100% guarantee that the website will be up and running at all times. There is always the risk of events outside the Government's control affecting its operation. Cabinet Office has therefore tested a number of scenarios and prepared relevant responses, including disaster recovery options. Contingency plans have been developed for communicating with citizens and administrators in the event of a website failure.

Cabinet Office has used the lessons learned from the experience and taken all necessary and appropriate action to ensure the digital service is as reliable as can be

ensured for the future. This means that today we are able to offer an online registration service to the public that consistently receives over 90% satisfaction ratings.

#### **Objective 1.4 – Data matching**

The Act provided for the use of data matching to verify applications, check existing entries in registers and find individuals who do not currently appear on the register. The Electoral Registration (Disclosure of Electoral Registers) Regulations 2013, as amended by the Electoral Registration (Disclosure of Electoral Registers) (Amendment) Regulations 2014, required EROs throughout England, Wales and Scotland to undertake data matching by disclosing their registers for comparison against data sets kept by the Department for Work and Pensions. This was a critical measure to ensure that the new register was as complete and accurate as possible immediately after transition.

#### **Objective 1.5 – Power to amend the annual canvass**

Part 1 of the Act provided a power for the annual canvass to be either amended or abolished. Orders were made to provide for pilot schemes through sections 7 and 9 of the Act in 2016 and 2017. These were for a number of pilots of alternative arrangements for conducting the annual canvass in specified local authority areas. Using Sections 7 and 11 of the Act, the Representation of the People (Annual Canvass) (Amendment) Regulations 2019 were made on 4 November 2019 and amend the annual canvass. The Representation of the People (Annual Canvass) (Amendment) (Wales) Regulations 2020 were made on 23 January 2020. Three statutory instruments are required to implement canvass reform in relation to the Scottish local government register. The Representation of the People (Annual Canvass) Amendment (Scotland) Order 2020 and the Representation of the People (Data Matching) (Scotland) Regulations 2020 were made on 26 February. The Representation of The People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 were laid on 3 March and are expected to be made by the end of April.

The reformed annual canvass is less prescriptive and provides EROs with the flexibility necessary to tailor the canvass as appropriate for their area. Full details of the policy are set out in the Final Statement of Policy, which can be found on GOV.UK, along with the Impact Assessment (IA). Details of anticipated savings expected to be achieved through reform of the annual canvass are outlined in the supporting IA.

#### **Objective 1.6 – Applications to vote by proxy**

Section 3 of the Act made provisions to ensure that those wishing to vote by proxy had to be registered under IER. Further provision in relation to this was made in December 2013 by the Representation of the People (Provision of Information Regarding Proxies) Regulations 2013, and came into force on the day on which section 3 of ERA 2013 came into force. We are not aware of any issues with the provisions in these Regulations and section 3 of the Act.

#### **Objective 1.7 – Civil Penalty**

The Act made provision for EROs to levy a civil penalty against those who fail to make an application to register after having been required to by an ERO. This was



implemented by amendments made to the Representation of the People (England and Wales) Regulations 2001, and the Representation of the People (Scotland) Regulations 2001, by the Representation of the People (Description of Electoral Registers and Amendment) (England and Wales) Regulations 2013 and the Representation of the People (Description of Electoral Registers and Amendment) (Scotland) Regulations 2013 respectively.

The civil penalty was introduced, following extensive consultation with the public and Parliament, to encourage registration under IER. It was seen as necessary because it is an effective way of ensuring that people are aware of their need to register to vote. Qualitative research conducted on behalf of the EC in January 2014 indicated that the possibility of receiving a civil penalty encourages applications.

It was considered important, however, that the civil penalty is not seen as a threat by electors. It should only be issued in extreme circumstances and has always been viewed as a measure of last resort. It can only be issued after the registration officer has given a person an invitation to apply for registration. If the person has not made an application within a reasonable time of receiving the invitation, the registration officer must send a second invitation, and if the person has still not made an application within a reasonable time, a third invitation. The registration officer must also visit the address at least once if no application has been received in response to the third invitation. Following those steps, the registration officer can issue a notice requiring the person to make an application by a specified date and the registration officer may issue a civil penalty if they do not receive an application before that date. A civil penalty also cannot be issued unless an individual has been issued with a formal requirement to register and the ERO is able to determine that the individual: has received an ITR; has been informed how to make an application; has been informed that a civil penalty may be issued if they do not register; is resident at the address at which the ITRs were sent; and has still not responded.

Cabinet Office is not aware of any instances where a civil penalty has been issued by an ERO, as a result of an individual not responding to a request to complete an ITR.

We have no direct evidence that introducing the power for EROs to levy a civil penalty has encouraged more applications, beyond anecdotal feedback from administrators. It does not appear to have caused undue concern among electors. Since the start of 2016, Cabinet Office has received 10 items of correspondence expressing concern about the civil penalty, making it one of the policy areas on which we least interact with the public.

### **Issuance of Ministerial Guidance**

Section 1 of the Act made provision for a Minister of the Crown to issue guidance to which EROs must have regard. This is related to the process for determining applications to register and the relative weight given to different types of evidence.

Ministerial Guidance was issued, providing advice to EROs on how to verify an applicant's identity, as part of their application to register to vote. EROs were required to have regard to the Ministerial Guidance; this differed from guidance published by the EC, to which there is no requirement for EROs to have regard.

The duty to have regard to the Ministerial Guidance was time-limited, in that it expired five years after the legislation came into force. This provision was included because, after five years, the new registration system and the process for determining applications were likely to have reached a steady state and such guidance would no longer be necessary.

In advance of the expiration of the duty to have regard to the Ministerial Guidance (10 June 2019 in England and Wales and 19 September 2019 in Scotland), Cabinet Office agreed with its stakeholders that the majority of the Guidance should be subsumed into the existing EC guidance issued to EROs. There was one exception to this which is in respect of applications to the register. The amended legislation would stipulate that any local data used by an ERO to verify the identity of a registration applicant who does not match against the Department for Work and Pensions data, should be assessed using specified criteria (as detailed in section 2.4.3 of the Ministerial Guidance). Officials are currently exploring the legislative options available.

### **Timing of boundary reviews**

Section 6 of the Act required the four Boundary Commissions to submit their reports in the first review of boundaries to be conducted under changes made by the Parliamentary Voting System and Constituencies Act 2011 between 1 and 30 September 2018, instead of before 1 October 2013 as was originally specified in the Parliamentary Constituencies Act 1986.

The Government is committed to ensuring we have updated and equal parliamentary boundaries, making sure every vote has equal value. The final reports of the four Boundary Commissions in the 2018 Boundary Review were submitted to the Government and laid before Parliament in September 2018. The Government continues to monitor closely the current legal proceedings in relation to the Boundary Commission for Northern Ireland's final report. The Government will release further details in due course.

## **Part 2**

The provisions in Part 2 of the ERA 2013 primarily relate to UK Parliamentary elections. The government at the time wished to ensure that, where appropriate, the changes should be applied to other elections and referendums for which the UK government has responsibility. Therefore, following the enactment of the provisions in Part 2 of the Act, the government made a series of SIs that updated the rules for the conduct of other elections and referendums (set out in secondary legislation) in order to apply for those polls the changes made by the ERA 2013 for UK Parliamentary elections.

A number of additional changes were made through SIs to the rules governing the conduct of UK Parliamentary elections, and other elections and referendums, that were designed to assist in the implementation of the measures in Part 2 of the Act and to maximise their benefits and enhance the overall effectiveness of the measures.

The measures in Part 2 of the Act, and associated provisions, first took effect at the polls held in May 2014, including the European Parliamentary and local government

election held then, and they were applied at subsequent polls. Further details as to when, and for which polls, the measures first took effect are set out below:

**2014** – European Parliament, local authority mayors, local government and parish/community councils (England and Wales), local referendums (England)

**2015** – UK Parliamentary general election

**2016** – Greater London Authority (GLA), Police and Crime Commissioner (PCC), National Assembly for Wales

**2017** – Combined Authority Mayors.

The changes have applied at subsequent elections.

Part 2 of the Act included a package of measures relating to the administration and conduct of elections. These measures responded to issues that had been raised by the EC, electoral administrators and political parties, such as the length of election timetables to allow more time for effective administration and reduce risk of error, and notifying postal voters where their ballot was rejected so they could avoid errors in future or flag up impropriety.

Overall, the measures in Part 2 have been a success. They have made sensible and practical changes that have enhanced the service to electors, improved the administration of elections, and strengthened the integrity and robustness of the electoral system.

### **Objectives 2.1-2.3 – Extension of timetable for parliamentary elections**

A key measure in Part 2 of the Act was to extend the electoral timetable for UK parliamentary general elections from 17 to 25 working days. This aligned the timetable for UK Parliamentary general elections with that already in place at other polls, including local government elections. As indicated above, additional measures were introduced by way of secondary legislation, which were designed to realise the benefits of the extended timetable applied to UK Parliamentary elections and other polls. The changes, which were intended to allow more time for the postal vote process and facilitate the administration of elections more generally, are as follows:

#### i) Enable postal votes to be issued as soon as practicable at a poll

The restriction on Returning Officers issuing postal votes to postal voters ahead of the 11th working day before the election was removed at UK Parliamentary elections and other polls. This is to facilitate the earlier issue of postal votes after the deadline for candidates' nominations (adding eight additional working days for most polls) and give administrators the flexibility to dispatch postal votes earlier than was previously possible.

#### ii) Cancellation of postal votes

As a consequence of allowing the earlier dispatch of postal votes, electors who have a postal vote are now able to cancel their postal vote arrangement following the receipt of it by the elector, provided they do this before the postal vote application deadline (i.e. at least 11 working days before the poll) and that the postal ballot

papers have not been completed and returned to the Returning Officer by the elector. This ensures the flexibility afforded to electors to change their voting arrangements up to the deadline is maintained despite the ability to send them out earlier.

### iii) Changes to the timing of proceedings within the electoral timetable

Changes were made to the timing of certain proceedings relating to the nomination of candidates to ensure there is greater consistency with the position across the piece at elections, and to facilitate the earlier despatch of postal votes. The deadline for candidates to withdraw at local government, parish council, local mayoral, GLA and PCC elections was aligned with the deadline for nominations at these polls (for example, at local government elections, the deadline for candidate withdrawals was moved from 16 working days before polling day to the deadline for nominations on the 19th working day before polling day). Also, the deadline for the publication of persons nominated became no later than 4pm on the day following the close of nominations (for example, this is 18 working days before polling day at local government elections). The changes provide that there is certainty, earlier than was previously the case, as to the candidates who are standing for election, and from this point the ballot papers for the poll can be printed and postal ballot papers issued to postal voters.

These above changes are designed support changes made in Part 2 of the ERA 2013 to enable postal votes to be issued to postal voters sooner than was previously the case.

Extending the timetable for parliamentary elections has proved to be a positive change that assists both electors and administrators.

Electors have benefited from a longer timetable as they have more time to receive and return their postal votes. This is particularly useful for overseas electors. It has also brought significant benefits to electoral administrators as they have more time to undertake the required work prior to polling day. As quoted in the AEA's 2015 report, "the new extended timetable is one of the most important electoral reforms of the last two decades."

Although it is clear that the extension has had a positive impact, we remain alert to the concerns that there is still a relatively short period of time to make the necessary preparations, particularly relating to the voting process for overseas electors. We will continue to work with the EC, the AEA and other relevant stakeholders to address these issues.

### **Objective 2.7 – Timing of parish and community elections in England and Wales**

Section 15 of the Act allows parish and community council elections to be run in a combined form with UK Parliamentary General Elections and European Parliamentary Elections. We note that combined polls can raise challenges for electoral administrators. The Government has worked with the EC, the AEA and Returning Officers in recent years on this matter and we will continue to work with stakeholders to identify issues and how they can be addressed.

## **Objective 2.8 – Notification of rejected postal votes**

Part 2 of the Act included the measure to require regulations to be made to provide for EROs to send postal vote rejection notifications following an election to postal voters whose postal vote was rejected. This is to help ensure those electors are aware that their postal voting statements were rejected, can participate effectively in future elections and do not have their ballot papers rejected at successive polls because of a signature degradation, or because they are making inadvertent errors. EROs are not obliged to inform individuals where fraud is suspected.

As indicated above, a series of SIs were made to implement these “rejected postal vote” provisions at reserved polls across the piece. The provisions first took effect at the polls in May 2014, and they were applied at subsequent polls, including the 2015 UK Parliamentary General Election.

Under the changes, after each election, within three months of the poll, EROs are required to notify postal voters whose postal vote was rejected at the election due to:

- one or both of the personal identifiers on the postal voting statement completed by the postal voter being rejected due to a failure to match with the identifiers held on record by the ERO; or
- a failure by the voter to provide one or both personal identifiers on the postal voting statement.

A similar provision has also been introduced at devolved elections in Scotland and Wales indicating support for this useful measure.

Prior to the 2013 Act, if an elector’s postal vote was rejected due to the personal identifiers given when voting not matching those in the initial postal vote application, the elector would not be informed and would be at risk of having it rejected at subsequent elections, if the same mistake is repeated.

## **Objective 2.9 – Withholding of a Returning Officer’s fee**

As a result of Part 2 of the ERA 2013, the fee payable to Returning Officers for the services provided in the delivery of elections is liable to be reduced or not paid on the recommendation of the EC if they think that an election was badly run or the Returning Officer did not manage it effectively.

We are not aware of any instances of the EC recommending that a fee be reduced or withheld. However, there have been two instances of Returning Officers who have, subject to this provision being put in place, voluntarily opted not to claim a fee where issues with administration have arisen.

## **Objectives 2.4-2.6 – Other measures**

Several other measures were introduced in Part 2 of the act including:

- a measure to allow electors who are queuing at a polling station at the close of poll at 10pm to be issued with a ballot paper
- publishing alterations to electoral registers in the run up to a poll

- a review of polling districts and places by local authorities under the new cycle established by the Act in the period 1 October 2013 to 31 January 2015
- the use of emblems on ballot papers
- allowing community support officers to enter polling stations
- repealing the powers to establish a coordinated online record of electors

We are not aware of any significant issues with these provisions. Overall, we consider that the changes implemented through Part 2 have had a positive impact on the electoral process. The EC's reports published after the 2015 and 2017 Parliamentary General Elections reflect that the changes brought benefits for voters and that the elections were successfully delivered. The EC's research with the public, following the 2015 General Election, reflected that "the UK continues to enjoy well-run elections with high levels of voter satisfaction and confidence."<sup>23</sup>

We will continue to consider and assess electoral legislation to ensure that it supports electors' participation in elections and the effective administration of polls.

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<sup>23</sup> [The May 2015 UK elections – Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election](#), page 5.

# Conclusion

Since the Act was passed, a total of 72 SIs have been made that either commence provisions in the Act, use powers conferred by that Act, use powers that were inserted or amended into other Acts by that Act, or use existing powers to implement the Act.

Analysis, outlined in this memorandum, shows that the Act implemented changes that have improved electoral registration and electoral administration for both citizens and electoral administrators.

The government's primary objective for Part 1 of the Act was to reduce the risk of fraud in the registration system. Despite the issues associated with measuring the effect of this change, it is widely accepted that the Act has strengthened the electoral registration system by improving the overall security. This has justified the calls from the EC and other organisations, over a number of years, for the introduction of IER.

The Government acknowledges that the electoral community's hard work towards the implementation of IER has been a key part of its success. Local Authorities' electoral registration teams must, therefore, be commended for their efforts, often in the face of substantial workloads. As with large changes to any system, however, it is necessary to observe how such changes bed in over time in order to assess what, if any, further changes may be necessary. That is why, since IER's introduction and especially since the 2015 General Election, the Government has worked alongside the electoral community to explore and implement changes to address such issues.

Part 2 of the Act enabled changes that were pragmatic and widely welcomed by the electoral community, and national and international organisations. Where the changes have also benefited citizens, as has been suggested, such changes typically go unnoticed by the public. This does not, however, reduce the benefit of such changes and it demonstrates the system is working as it should.

The Act has brought necessary improvements that have modernised electoral registration, bringing the system into the 21st century. It has also improved the conduct of elections. The Government continues to keep our country's system of electoral registration and the way we conduct elections under review and seek opportunities for further improvements. As always, we welcome contributions from Parliament and from others with an interest in how our country's democracy might be further enhanced.







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