This Statutory Instrument corrects omissions in S.I. 2014/1116 (ISBN 978-0-11-111444-5) and is being issued free of charge to all known recipients of that Statutory Instrument.

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

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The Anonymous Registration (Northern Ireland) (No. 2) Order 2014

Made - - - - ***

Coming into force - - *15th September 2014*

At the Court at Buckingham Palace, the *** day of *** 2014

Present,

The Queen's Most Excellent Majesty in Council

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

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

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(1) and (3) of the Northern Ireland Act 1998 and section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006(**c**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Anonymous Registration (Northern Ireland) (No. 2) Order 2014 and comes into force on 15th September 2014.

(**a**) 2000 c. 41; amendments have been made to section 7 but they are not relevant to this Order.
(**b**) 1998 c. 47.
(**c**) 2006 c. 33.

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

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

Amendments to the Representation of the People Act 1983

2.—(1) Schedule 1 to the Representation of the People Act 1983 (parliamentary elections rules)(**b**) is amended as follows.

(2) In rule 28 (issue of official poll cards)(**c**)—

(a) in paragraph (2), omit "and a proxy's to his address as shown in the list of proxies"; and

(b) after that paragraph insert—

"(2A) A proxy's official poll card shall be sent or delivered to the address which—

(a) is shown as the proxy's address in the list of proxies; or

(b) in the case of a proxy for an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland, would be so shown but for section 7(4A) of the Representation of the People Act 1985(**d**)."

Amendments to the Electoral Law Act (Northern Ireland) 1962

3.—(1) Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules)(**e**) is amended as follows.

(2) In rule 25 (issue of official poll cards)(**f**)—

(a) in paragraph (2) omit "and a proxy's to his address as shown in the list of proxies"; and

(b) after that paragraph insert—

"(2A) A proxy's official poll card shall be sent or delivered to the address which—

(a) is shown as the proxy's address in the list of proxies; or

(b) in the case of a proxy for an elector with an anonymous entry, would be so shown but for paragraph 2(4A) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(**g**).".

Amendments to the Local Elections (Northern Ireland) Order 1985

4.—(1) Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (absent voting)(**h**) is amended as follows.

(2) In paragraph 9 of Part 1 (additional requirements for applications for appointment of a proxy)(**i**), the existing provision becomes sub-paragraph (1) and after that sub-paragraph insert—

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

(**b**) 1983 c. 2.

(**c**) Rule 28 has been amended by paragraphs 14 and 70 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(**d**) 1985 c. 50; section 7(4A) was inserted by S.I. 2014/1116.

(**e**) 1962 c. 14 (N.I.); relevant amendments to Schedule 5 are referenced below.

(**f**) Rule 25 was amended by S.I. 1987/168; S.I. 2010/2977 and S.I. 2014/1116. In addition, paragraph 18 of Schedule 2 to the Elections Act 2001 (c. 7) made a non-textual amendment, and S.I. 2013/3156 made a non-textual amendment.

(**g**) S.I. 1985/454; paragraph 2(4A) was inserted by S.I. 2014/1116. Other relevant amendments are referenced below.

(**h**) This Order has been amended by S.I. 1987/168; S.I. 1990/595; S.I. 1991/1715; S.I. 1992/809; S.I. 1997/867; S.I. 1998/3150; paragraph 31 of the Schedule to the Elections Act 2001 (c. 7) (a non-textual amendment); S.I. 2002/2835; S.I. 2005/1969; S.I. 2010/2977; S.I. 2013/3156 (a non-textual amendment); and S.I. 2014/1116.

(**i**) Part 1 of Schedule 2 was substituted in its entirety by S.I. 1987/168.

"(2) Where the application mentioned in sub-paragraph (1) is made by an elector with an anonymous entry, the application must be accompanied by an application, by the person to be appointed as proxy, under—

(a) paragraph 4(4)(**a**) (application to vote by post as proxy at local elections for an indefinite period); or

(b) paragraph 4(6) (application to vote by post as proxy at a particular election) in relation to the election.".

(3) In paragraph 3 of Part 3 (persons entitled to be present at issue and receipt of postal ballot papers)(**b**), after sub-paragraph (8) insert—

"(9) Sub-paragraphs (1) to (8) do not apply in relation to the issue or receipt of tendered postal ballot papers.

(10) No person may be present at the proceedings on issue or receipt of tendered postal ballot papers other than—

(a) the returning officer and his clerks; and

(b) persons who are entitled to be present at the issue or receipt of postal ballot papers by virtue of section 6A, 6B, 6C or 6D of the Political Parties, Elections and Referendums Act 2000(**c**).".

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Anonymous registration is available to those persons for whom the publication of their name and address in the electoral register would pose a threat to safety. This may include victims of domestic violence, witnesses in certain criminal cases and other vulnerable people who may wish to vote but are afraid that certain individuals may use the electoral register to establish their whereabouts. Provision for anonymous registration in Great Britain was made by section 10 of, and Schedule 1 to, the Electoral Administration Act 2006 (c. 22). Those provisions were extended to Northern Ireland, with some modifications, by the Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116). This Order makes further amendments to fully implement that system.

Regulations 2 and 3 provide that an official postal poll card will be sent to a proxy at the address that would be shown in the proxy postal voters list if that information were not confidential.

Regulation 4 provides that an application by a person with an anonymous entry for the appointment of a proxy at a local election must be accompanied by an application by the proxy for a postal vote. Regulation 4 also makes minor and technical amendments in relation to tendered postal ballot papers at local elections.

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

(**a**) Paragraph 4 was amended by S.I. 2010/2977.
(**b**) Paragraph 3 was amended by S.I. 2010/2977.
(**c**) 2000 c. 41; sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c. 22) and amended by S.I. 2007/1388, paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c. 13), section 11 of the Local Electoral Administration (Scotland) Act 2011 asp 10.

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