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

DRAFT STATUTORY INSTRUMENTS

2014 No.

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The Anonymous Registration (Northern Ireland) 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), (1A) and (3) of the Northern Ireland Act 1998(**c**) and section 1 of the Northern Ireland (Miscellaneous Provisions) Act 2006(**d**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Introductory

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Anonymous Registration (Northern Ireland) 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**) Section 84(1A) was inserted by section 3(4) of the Elections Act 2001 (c. 7).
(**d**) 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.

(4) In this Order—

"the 1983 Act" means the Representation of the People Act 1983(**b**); and

"the 1985 Act" means the Representation of the People Act 1985(**c**).

Extension of provisions to Northern Ireland

Extension of anonymous registration provisions to Northern Ireland

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

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

(a) paragraphs 2 to 16 (amendments of the 1983 Act);

(b) paragraph 17 (amendments of the 1985 Act);

(c) paragraphs 24 to 30 (amendments of the Political Parties, Elections and Referendums Act 2000).

(3) In consequence of paragraphs (1) and (2), in section 78(2) of the Electoral Administration Act 2006(**f**)—

(a) in paragraph (a), omit ", 10";

(b) in paragraph (d), for "Parts 1 and" substitute "Part".

Parliamentary elections

Amendments of the 1983 Act

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

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

(a) in subsection (1)(a), after "10ZC"(**g**) insert "or 10A(1)(a)"(**h**);

(b) in subsection (6), after "10ZC" insert "or 10A(1)(a)";

(c) in subsection (7)(b), after "person" insert "(including an application which is treated as having been made by him by virtue of section 10A(2) below)"(**i**).

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

(**a**) 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**) 1985 c. 50.

(**d**) Sections 9B and 9C were inserted by section 10 of the Electoral Administration Act 2006 (c. 22). Section 9B(9) was repealed by 20 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14). Sections 9B and 9C were amended by paragraphs 7 and 8 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), but those amendments are not yet in force.

(**e**) Paragraphs 4(2), 5 and 6(2) of Schedule 1 to the Electoral Administration Act 2006 (c. 22) have been repealed by paragraph 23 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6), but those repeals have not yet been brought into force by Commencement Order.

(**f**) Section 78(2) confined the extent of certain provisions of the Electoral Administration Act 2006 (c. 22) to Northern Ireland.

(**g**) Section 10ZC was inserted by section 1 of the Electoral Registration and Administration Act 2013 (c. 6).

(**h**) Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(**i**) Section 10A(2) was amended by Schedule 7 to the Political Parties and Elections Act 2009 (c.12). Section 10A(2) was also amended by section 33 of that Act, but that amendment has not been brought into force and will be repealed by paragraph 24 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c. 6).

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

(b) after subsection (1) insert—

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

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

(a) the declaration made for the purposes of section 9B is cancelled, or

(b) the Chief Electoral Officer determines that the safety test is no longer satisfied,

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

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

(a) where P's anonymous entry is the result of an application under section 9B(1)(a), the date when P's entry in the register first takes effect; or

(b) where P's anonymous entry is the result of an application under section 9B(1)(b), the date when the Chief Electoral Officer determines under section 9B(2) that the safety test is satisfied.

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

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

(c) in subsection (2)—

(i) for "Subsection (1) above" substitute "This section", and

(ii) for the words from "the expiry of" to the end substitute "the time at which it would terminate under this section.";

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

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

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

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

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

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

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

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

(8) After rule 40 insert—

"Tendered postal ballot papers: anonymous entries in Northern Ireland

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

(**a**) Section 58 was substituted by paragraph 5 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(**b**) Rule 31A was added by section 45(2) of the Electoral Administration Act 2006 (c. 22).

(**c**) Rule 40 was amended by section 1 of the Elections (Northern Ireland) Act 1985 (c. 2); Schedule 5 to the Representation of the People Act 1985 (c.50); section 2 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); section 38 of, and paragraphs 37 and 81 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22); and paragraph 6 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(a) is an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland; or

(b) is entitled to vote by post as proxy for such an elector,

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

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

(3) The application—

(a) may be made by post or in person,

(b) must be accompanied by a specified document within the meaning of rule 37(**a**) (as it extends to Northern Ireland), and

(c) must be delivered to the Chief Electoral Officer—

(i) where the application is made by post, before 4 p.m. on the fourth day before the day of the poll, and

(ii) where the application is made in person, before 4 p.m. on the day before the day of the poll.

(4) If the Chief Electoral Officer—

(a) is satisfied as to P's identity, and

(b) has no reason to doubt that P has lost, or not received, a postal ballot paper,

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

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

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

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

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

(9) The Chief Electoral Officer must—

(a) endorse each tendered postal ballot paper with the entry in the register of the elector in question, and

(b) set it aside in a separate packet of tendered postal ballot papers.

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

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

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

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

(**b**) Rule 45(1) to (1A) was substituted by paragraph 82 of Schedule 4 to the Representation of the People Act 1985 (c.50); paragraph (1B) was inserted and paragraph (2) was amended by paragraph 10 of Schedule 6 to the Representation of the People Act 2000 (c.2); paragraph (1B) was amended by paragraph 73 of Schedule 1, and paragraph 1 of Schedule 2, to the Electoral Administration Act 2006 (c. 22); paragraph (2) was amended and paragraph (2A) was inserted by section 3 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); paragraphs (3A) and (8) were inserted by section 48 of the Constitutional Reform and Governance Act 2010 (c.25); and paragraph (4) was amended by paragraph 91 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(**c**) Section 13BA was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(a) in paragraph (1) for "in a register maintained" there were substituted "in respect of whom a notice under section 13BA(9) has been issued"; and

(b) in paragraphs (9)(a) and (10), for "entry in the register of the elector in question" there were substituted "entry relating to the elector in question on a notice issued under section 13BA(9)".".

(9) In rule 45 (the count)—

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

(ii) in paragraph (5), after "the tendered votes list" (in both places) insert "and tendered postal votes list".

(10) In rule 54 (sealing up of ballot papers)(**a**), in paragraph (2), after sub-paragraph (a) insert—

"(aa) tendered postal ballot papers,".

(11) In rule 55 (delivery of documents to registration officer)(**b**), in paragraph (1)(c), after "the tendered votes lists," insert "the tendered postal votes lists,".

Repeal of previous amendments of the 1983 Act

4. Paragraphs 9(4)(b) and 10(5) of Schedule 4 to the Electoral Registration and Administration Act 2013(**c**) (which amend sections 10 and 10A of the 1983 Act but are not in force) are repealed.

Amendments of the 1985 Act

5.—(1) The 1985 Act is amended as follows.

(2) In section 5 (manner of voting at parliamentary elections)(**d**), after subsection (5A) insert—

"(5AA) Nothing in subsections (1) to (5) applies to a person who has an anonymous entry in the register of parliamentary electors for the constituency; and such a person may only vote by post or by proxy (where entitled as an elector to vote by post or, as the case may be, by proxy at the election).".

(3) In section 6 (absent vote at elections for an indefinite period)—

(a) before subsection (2)(a) insert—

"(za) if he has an anonymous entry,"; and

(b) after subsection (4)(b) insert—

"(ba) if he ceases to have an anonymous entry, or".

(4) In section 7 (absent vote at a particular election and absent voters list), after subsection (4) insert—

"(4A) But in the case of a person who has an anonymous entry, the list mentioned in subsection (4)(a) or (b) must contain only—

(a) the person's electoral number, and

(b) the date on which the person's entitlement to remain registered anonymously will terminate under section 9C(1A) of the principal Act (in the absence of a further application under section 9B of that Act).".

(5) In section 9 (voting as proxy)—

(a) after subsection (1) insert—

(**a**) In rule 54, paragraph (2) was substituted by section 31 of the Electoral Administration Act 2006 (c. 22) and paragraph (3) was inserted by paragraph 6 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(**b**) Rule 55 was amended by section 13 of the Representation of the People Act 2000 (c. 2) and sections 31, 41 and 45 of, paragraphs 40 and 95 of Schedule 1 to, and paragraph 1 of Schedule 2 to the Electoral Administration Act 2006 (c. 22); and paragraph 6 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(**c**) 2013 c.6.

(**d**) Sections 5 to 9 were repealed in respect of England, Scotland and Wales only by section 12 of, and Part 2 of Schedule 7 to, the Representation of the People Act 2000 (c. 2). Sections 5 to 9 were amended in relation to Northern Ireland only by paragraphs 12 to 17 of Schedule 6 to, and by Part 3 of Schedule 7 to, the Representation of the People Act 2000 (c. 2).

"(1A) But in the case of a person entitled to vote as proxy for an elector who has an anonymous entry—

(a) subsection (1) does not apply, and

(b) the person may only so vote by post (where entitled as a proxy to vote by post).";

(b) in subsection (4), at the end of paragraph (b) insert "or" and after that paragraph insert—

"(c) the elector has an anonymous entry,";

(c) in subsection (7), at the end of paragraph (b) insert "or" and after that paragraph insert—

"(c) the elector has an anonymous entry.";

(d) after subsection (9) insert—

"(9A) In the case of a person who has an anonymous entry, the list mentioned in subsection (9)(a) or (b) must contain only—

(a) the person's electoral number, and

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

(9B) In the case of a person who is the proxy for an elector who has an anonymous entry, the list mentioned in subsection (9)(a) or (b) must contain only—

(a) the person's electoral number, and

(b) the date on which the elector's entitlement to remain registered anonymously will terminate under section 9C(1A) of the principal Act (in the absence of a further application under section 9B of that Act).";

(e) in subsection (11), after paragraph (b) insert—

"(ba) where he was included in the record on the ground mentioned in subsection (4)(c), if the elector ceases to have an anonymous entry,".

Local elections

Amendments to the Electoral Law Act (Northern Ireland) 1962

6.—(1) The Electoral Law Act (Northern Ireland) 1962(**a**) is amended as follows.

(2) In section 79 (presentation and service of local election petition)(**b**), after subsection (1) insert—

"(1A) The reference in subsection (1) to a person who voted as an elector or had a right so to vote at the election does not include a person who, on the day of the election, had an anonymous entry in the register of electors."

(3) In section 130 (interpretation)(**c**)—

(a) after the definition of "absent voters list" insert—

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

(b) after the definition of "qualifying address" insert—

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

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

(**c**) Section 130 was amended by the Electoral Law Act (Northern Ireland) 1968 (c.20) (N.I.); the Electoral Law Act (Northern Ireland) 1969 (c.26) (N.I.); S.I. 1972/1264 (N.I. 13); S.I. 1977/428; S.I. 1985/454; S.I. 1987/168; section 11 of and Schedule 3 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3); S.I. 1995/1948; S.I. 2001/417; S.I. 2010/2977; S.I. 2011/2085; S.I. 2013/3156; and, in relation to the definition of "Minister" and "Ministry", the functions of the Minister and Ministry of Home Affairs were transferred to the Secretary of State by S.I. 1973/2163.

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

(4) In Schedule 3A (control of donations to candidates at a local election)(**a**)—

(a) the existing text of paragraph 10 (statement of relevant donations) becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

"(2) If the statement states that the candidate's election agent has seen evidence of such description as is prescribed by the Secretary of State in regulations made by virtue of paragraph 2 of Schedule 6 to the Political Parties, Elections and Referendums Act 2000(**b**) that an individual donor has an anonymous entry in an electoral register, the statement must be accompanied by a copy of the evidence.";

(b) in paragraph 11 (donations from permissible donors), at the end of sub-paragraph (c) insert "(reading references in sub-paragraphs (3B) and (3C) to the registered party as references to the candidate's election agent)".

(5) Schedule 5 (Local Election Rules)(**c**) is amended as follows.

(6) In rule 6 (subscription of nomination paper)(**d**), after paragraph (7) insert—

"(8) But in this rule "elector" does not include a person who has an anonymous entry in the register.".

(7) In rule 21 (postal ballot papers)(**e**), in paragraph (1), for "at the addresses shown in the absent voters list" substitute "in accordance with Part 3 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985"(**f**).

(8) In rule 25(**g**)—

(a) in paragraph (1), omit the words from ", but a card need not" to the end; and

(b) after paragraph (4) insert—

"(5) In the case of an elector with an anonymous entry, the official poll card must not include the elector's name or qualifying address or the situation of the elector's polling station.

(6) In this rule, reference to an official poll card includes an official postal poll card.".

(9) In rule 26 (equipment of polling stations)(**h**), in paragraph (3)(c) for "names of" substitute "entries relating to".

(10) In rule 37 (tendered ballot papers)(**i**), after paragraph (9) insert—

"(10) This rule does not apply in relation to an elector who has an anonymous entry in the register.".

(11) After rule 37 insert—

(**a**) Schedule 3A was inserted by S.I. 2010/2977.
(**b**) This paragraph was inserted by Schedule 1 to the Electoral Administration Act 2006 (c. 22) and extended to Northern Ireland by this Order.
(**c**) Schedule 5 was substituted in its entirety by S.I. 1985/454.
(**d**) Rule 6 was amended by S.I. 2001/417.
(**e**) Rule 21 was amended by S.I. 1972/1264; S.I. 1987/168; and S.I. 2010/2977. In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment, and S.I. 2013/3156 made a non-textual amendment.
(**f**) S.I. 1985/454.
(**g**) Rule 25 was amended by S.I. 1987/168; and S.I. 2010/2977. 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.
(**h**) Rule 26 was amended by S.I. 2001/417; Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and S.I. 2010/2977. In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment, and S.I. 2013/3156 made a non-textual amendment.
(**i**) Rule 37 was amended by S.I. 1987/168; S.I. 2002/2835; Schedule 1 to the Electoral Administration Act 2006 (c. 22); and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment, and S.I. 2013/3156 made a non-textual amendment.

"Tendered postal ballot papers: anonymous entries

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

(a) is an elector with an anonymous entry in the register; or

(b) is entitled to vote by post as proxy for such an elector,

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

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

(3) The application—

(a) may be made by post or in person,

(b) must be accompanied by a specified document within the meaning of rule 34, and

(c) must be delivered to the Chief Electoral Officer—

(i) where the application is made by post, before 4 p.m. on the fourth day before the day of the poll, and

(ii) where the application is made in person, before 4 p.m. on the day before the day of the poll.

(4) If the Chief Electoral Officer—

(a) is satisfied as to P's identity, and

(b) has no reason to doubt that P has lost, or not received, a postal ballot paper,

the Chief Electoral Officer must issue a tendered postal ballot paper to P in the manner set out in Schedule 2 to the Local Elections (Northern Ireland) Order 1985.

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

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

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

(8) On receipt of a tendered postal ballot paper, the Chief Electoral Officer must deal with it in the manner set out in Schedule 2 to the Local Elections (Northern Ireland) Order 1985.

(9) The Chief Electoral Officer must—

(a) endorse each tendered postal ballot paper with the entry in the register of the elector in question, and

(b) set it aside in a separate packet of tendered postal ballot papers.

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

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

(12) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act (alteration of registers in Northern Ireland: pending elections)(**b**) as if—

(a) in paragraph (1) for "in the register" there were substituted "in respect of whom a notice under section 13BA(9) has been issued"; and

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(**a**) Rule 45 was amended by S.I. 1972/1264; S.I. 2002/2835; and S.I. 2010/2977. In addition, S.I. 2013/3156 made a non-textual amendment

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

(b) in paragraphs (9)(a) and (10), for "entry in the register of the elector in question" there were substituted "entry relating to the elector in question on a notice issued under section 13BA(9)".".

(12) In rule 45 (preliminary proceedings and conduct of the count)—

(i) at the end of paragraph (3) insert "or any tendered postal ballot paper"; and

(ii) in paragraph (5), after "the tendered votes list" (in both places) insert "and tendered postal votes list".

(13) In rule 57 (sealing up of ballot papers)(**a**), in paragraph (2), after "tendered ballot papers" insert "or of tendered postal ballot papers,".

(14) In rule 58 (forwarding of documents)(**b**), in paragraph (1)(c), after "the tendered votes lists," insert "the tendered postal votes lists,".

(15) The Appendix of Forms(**c**) is amended as follows.

(16) In form 5 (Declaration of Identity)—

(a) before "Name of witness" insert "*";

(b) before "Address" insert "*", and after that paragraph insert—

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

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

(17) After form 6 (Form of Elector's Official Poll Card), insert Form 6A in the Schedule.

(18) After form 7 (Form of Proxy's Official Poll Card), insert Form 7A in the Schedule.

Amendments to the Local Elections (Northern Ireland) Order 1985

7.—(1) The Local Elections (Northern Ireland) Order 1985(**d**) is amended as follows.

(2) In article 6 (manner of voting)(**e**), after paragraph (7A) insert—

"(7AA) Nothing in subsections (1) to (3) or (7) applies to a person who has an anonymous entry in the register of local electors; and such a person may only vote by post or by proxy (where entitled as an elector to vote by post, or as the case may be, by proxy at the election).".

(3) Part 1 of Schedule 2 (voting by post, by proxy and by post as proxy)(**f**) is amended as follows—

(a) in paragraph 1 (absent vote at local elections for indefinite period)(**g**)—

(i) before sub-paragraph (2)(a) insert—

"(za) if he has an anonymous entry,"; and

(ii) after sub-paragraph (4)(b) insert—

"(ba) if he ceases to have an anonymous entry, or";

(**a**) Rule 57 was amended by S.I. 2010/2977.
(**b**) Rule 58 was amended by S.I. 2010/2977. In addition, S.I. 2013/3156 made a non-textual amendment
(**c**) The Appendix of Forms was amended by S.I. 1987/168; section 3 of, and Schedule 2 to, the Elected Authorities (Northern Ireland) Act 1989; S.I. 1990/595; S.I. 1991/1715; paragraph 29 of Schedule 1 to the Elections Act 2001; S.I. 2001/417; S.I. 2002/2835; paragraphs 61 and 68 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); and S.I. 2010/2977. In addition, S.I. 2013/3156 made a non-textual amendment
(**d**) S.I. 1985/454. This Order has been amended by S.I. 1987/168; S.I. 1990/595; S.I. 1991/1715; S.I. 1992/809; S.I. 1997/867; S.I. 1998/3150; paragraph 31 of the Schedule to the Elections Act 2001 (c. 7) (a non-textual amendment); S.I. 2002/2835; S.I. 2005/1969; S.I. 2010/2977; and S.I. 2013/3156 (a non-textual amendment).
(**e**) Article 6 was amended by S.I. 1987/168. Article 6(7A) was inserted by S.I. 2010/2977.
(**f**) Part 1 of Schedule 2 was substituted by S.I. 1987/168.
(**g**) Paragraph 1 was amended by S.I. 2002/2835, S.I. 2005/1969 and S.I. 2010/2977.

(b) after paragraph 2 (absent vote at a particular local election and absent voters list), after sub-paragraph (4) insert—

"(4A) But in the case of a person who has an anonymous entry, the list mentioned in sub-paragraph (4)(a) or (b) must contain only—

(a) the person's electoral number, and

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

(c) in paragraph 4 (voting as proxy)(**a**)—

(i) after sub-paragraph (1) insert—

"(1A) But in the case of a person entitled to vote as proxy for an elector who has an anonymous entry—

(a) sub-paragraph (1) does not apply, and

(b) the person may only so vote by post (where entitled as a proxy to vote by post).";

(ii) in sub-paragraph (4), at the end of paragraph (b) insert "or" and after that paragraph insert—

"(c) the elector has an anonymous entry,";

(iii) in sub-paragraph (6), at the end of paragraph (b) insert "or" and at the end of that paragraph insert—

"(b) the elector has an anonymous entry and the applicant is appointed in respect of a particular election following an application under paragraph 2(2)(b)."

(iv) after sub-paragraph (8) insert—

"(8A) In the case of a person who has an anonymous entry, the list mentioned in sub-paragraph (8)(a) or (b) must contain only—

(a) the person's electoral number, and

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

(8B) In the case of a person who is the proxy for an elector who has an anonymous entry, the list mentioned in sub-paragraph (8)(a) or (b) must contain only—

(a) the person's electoral number, and

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

(v) in sub-paragraph (10), after paragraph (b) insert—

"(ba) where he was included in the record on the ground mentioned in sub-paragraph (4)(c), if the elector ceases to have an anonymous entry,";

(d) in paragraph 5 (general requirements for applications)(**b**), at the end of sub-paragraph (1)(d) insert "and" and after that sub-paragraph insert—

"(e) where the applicant has, or has applied for, an anonymous entry, that fact";

(e) after paragraph 5B(2) (additional requirement for applications for ballot papers to be sent to different address from that in register)(**c**) insert—

"(3) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.";

(**a**) Paragraph 4 was amended by S.I. 2010/2977.
(**b**) Paragraph 5 was amended by S.I. 2010/2977.
(**c**) Paragraphs 5B and 5C were inserted by S.I. 2010/2977.

(f) in paragraph 5C, the existing text becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

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

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

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

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

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

(a) a person who has an anonymous entry, or

(b) the proxy of a person who has an anonymous entry.";

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

(j) In the Appendix(**b**), in the Form of Proxy Paper, in the section headed "Your Right to Vote as Proxy", after paragraph 4 insert—

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

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

(a) in paragraph 1 (interpretation)(**c**), after the definition of "returning officer" insert—

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

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

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

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

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

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

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

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

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

(ii) at the end of paragraph (c) add "(or, in the case of a proxy who has an anonymous entry or is the proxy for a person who has an anonymous entry, the proxy's electoral

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(**a**) Paragraph 15 was amended by S.I. 2010/2977.
(**b**) The Appendix was substituted by S.I. 1987/168 and amended by S.I. 2010/2977.
(**c**) Paragraph 1 was amended by S.I. 1987/168 and S.I. 2010/2977. In addition, S.I. 2013/3156 made a non-textual amendment
(**d**) Paragraph 2 was amended by S.I. 2010/2977.
(**e**) Paragraph 6 was amended by paragraph 31 of Schedule 1 to the Elections Act 2001 (c.7); S.I. 1987/168 and S.I. 2010/2977. In addition, S.I. 2013/3156 made a non-textual amendment
(**f**) Paragraph 12 was amended by S.I. 2010/2977.

number alone or, as the case may be, a statement that the proxy is not registered as an elector)";

(f) after paragraph 12 insert—

"Tendered postal ballot papers

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

(a) an envelope for the return of the tendered postal ballot paper (referred to as a "covering envelope") which shall be marked with the letter "D";

(b) a smaller envelope which shall be marked with—

(i) the letter "C",

(ii) the words "tendered postal ballot paper envelope", and

(iii) the number of the tendered postal ballot paper, unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed; and

(c) a declaration of identity in the form set out in the Appendix to the Local Elections Rules (form 5)(**b**) which is marked with the number of the tendered postal ballot paper.

(2) Where a local election is combined with another poll under section 15 of the Representation of the People Act 1985(**c**)—

(a) the envelope referred to in sub-paragraph (1)(a) must also be marked "Covering envelope for the [*insert the colour of the ballot paper*] coloured ballot paper]"; and

(b) on the envelope referred to in sub-paragraph (1)(b) after the words "tendered postal ballot paper envelope" there must be added "for the [*insert colour of the ballot paper*] coloured ballot paper".

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

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

(a) where P is an elector, the address that would be shown in the absent voters list but for paragraph 2(4A) of Part 1 of this Schedule;

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

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

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

(a) the entry in the register of the elector in question;

(b) the number of the tendered postal ballot paper issued under this paragraph; and

(c) where P is entitled to vote by post as proxy, the proxy's electoral number or, as the case may be, a statement that the proxy is not registered as an elector.

(**a**) Rule 37A is inserted by Article 6(11) of this Order.
(**b**) The form of declaration of identity has been substituted by article 7(15)(a) and the Schedule to this Order.
(**c**) 1985 c. 50; section 15 was amended by section 3 of the European Communities (Amendments) Act 1986 (c. 58) and section 3 of the Elections Act 2001 (c. 7).

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

(a) separate it from the covering envelopes of the other postal ballot papers; and

(b) place it in a separate ballot box for the reception of tendered postal ballot papers.

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

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

(a) is not void under rule 37A(7); and

(b) is accompanied by a valid declaration of identity which is marked with the same number as the tendered postal ballot paper.

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

(a) mark the tendered postal ballot paper as "rejected"; and

(b) place the tendered postal ballot paper, attached to the declaration of identity (if any), in a receptacle for rejected tendered postal papers.

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

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

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

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

(i) in paragraph (a), after "12" insert ", 12A(10)"; and

(ii) after paragraph (a), insert—

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

Amendments to the Elected Authorities (Northern Ireland) Act 1989

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

(2) In the entry beginning "Sections 9", after "9," insert "9B, 9C,";

(3) In the entry beginning "Section 53"—

(a) before "3" insert "2B,";

(b) after "3A," insert "3B,".

(4) In the entry beginning "Section 201", after "the definitions of" insert ""anonymous entry",".

Amendments to the Elections Act 2001

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

(2) In paragraph 4—

(a) for the words "paragraph (3)" substitute "paragraph (3A)"; and

(b) the inserted paragraph becomes paragraph (3B).

(**a**) Paragraphs 13 to 17 were substituted by S.I. 2002/2835.
(**b**) Paragraph 19 was amended by S.I. 2002/2835 and S.I. 2010/2977.
(**c**) 1989 c. 3; Part 1 of Schedule 1 was amended by section 8 of, and paragraphs 1 and 3 of Schedule 3 to, the Representation of the People Act 2000 (c. 2); section 7 of the Electoral Fraud (Northern Ireland) Act 2002; section 30 of, and paragraph 7 of Schedule 4 to, the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(3) In paragraph 5, in the text inserted by sub-paragraph (3), after "tendered ballot papers" insert "or tendered postal ballot papers".

(4) After paragraph 10, insert—

"Tendered postal ballot papers

10A. In rule 40ZA(**a**) after paragraph (10) insert—

"(10A) The same list may be used for each election.

(10B) If it is, an entry in the list must be taken to mean that the tendered postal ballot papers were marked in respect of each election unless the list identifies the election at which a tendered postal ballot paper was marked."".

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

(6) After paragraph 24, insert—

"Tendered postal ballot papers

24A. In rule 37A(**b**) after paragraph (10) insert—

"(10A) The same list may be used for each election.

(10B) If it is, an entry in the list must be taken to mean that the tendered postal ballot papers were marked in respect of each election unless the list identifies the election at which a tendered postal ballot paper was marked."".

(7) In paragraph 29, in the form inserted by sub-paragraph (2) (form 5A. declaration of identity (combined polls))(**c**)—

(a) before "Name of witness" insert "*";

(b) before "Address of witness" insert "*", and after that paragraph insert—

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

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

Amendments to the Local Elections (Northern Ireland) Order 2013

10.—(1) The Schedule to the Local Elections (Northern Ireland) Order 2013(**d**) (combination of polls) is amended as follows.

(2) In paragraph 7, in the text inserted by sub-paragraphs (b) and (c), after "tendered ballot papers" insert "or tendered postal ballot papers".

(3) After paragraph 13, insert—

"**13A.** Rule 37A(**e**) applies as if after paragraph (10) there were inserted—

"(10A) The same list may be used under paragraph (10) for the local election and the European Parliamentary election and, where it is so used, an entry in the list must be taken to mean that the tendered postal ballot papers were marked in respect of

(**a**) Rule 40ZA is inserted by article 3 of this Order.
(**b**) Rule 37A is inserted by article 6(11) of this Order.
(**c**) Form 5A was inserted only for the purpose of a combined local and parliamentary election by paragraph 29 of the Schedule to the Elections Act 2001 (c. 7), and that inserted form was amended by S.I. 2010/2977.
(**d**) S.I. 2013/3156.
(**e**) Rule 37A is inserted by Article 6(11) of this Order.

each election, unless the list identifies the election at which a tendered postal ballot paper was marked.””.

(4) In paragraph 23, in the form inserted by sub-paragraph (1)(c) (form 5ZA declaration of identity (combined polls))—

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

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

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

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

Amendments to the Juries (Northern Ireland) Order 1996

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

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

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

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

(a) after paragraph (3A) insert—

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

(b) after paragraph (7) insert—

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

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

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

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

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

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

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

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

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

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

“(1A) “Anonymous elector information” means the name, address, date of birth or national insurance number of a person who is identified as having an anonymous entry in

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(**a**) S.I. 1996/1141 (N.I. 6); any relevant amendments are referenced below.
(**b**) Article 2 was amended by S.R. 2010 No.133 and S.I. 2010/976.
(**c**) Article 4 was amended by S.R. 2003 No.474 and by section 11 of, and Schedules 2 and 7 to, the Justice and Security (Northern Ireland) Act 2007 (c. 6).
(**d**) Article 6 was amended by section 11 of, and Schedules 2 and 7 to, the Justice and Security (Northern Ireland) Act 2007 (c. 6).
(**e**) Articles 26A, 26B and 26C were inserted by section 10 of the Justice and Security (Northern Ireland) Act 2007 (c. 6). Articles 26A and 26B were also amended by S.R. 2010 No.133. Article 26C was also amended by section 3 of the Northern Ireland Act 2009 (c. 3).

the register of electors on the Divisional Jurors List or on any panel prepared under Article 5, where such information was obtained as a result of its inclusion in the Divisional Jurors List or the panel prepared under Article 5.".

Assembly elections

Amendments to the Northern Ireland Assembly (Elections) Order 2001

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

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

"Rule 40ZA (tendered postal ballot papers)"

Richard Tilbrook
Clerk of the Privy Council

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

SCHEDULE

Article 6(17) and (18)

Form 6A

Elector's Official Postal Poll Card

Front of card

LOCAL COUNCIL ELECTION

ELECTOR'S OFFICIAL POSTAL POLL CARD

..... District Council
..... District Electoral Area

Polling day .....
Polling hours: 7 a.m. to 10 p.m.

Number on register .....

*Name .....

*Address .....

**(Returning Officer to omit where postal poll card sent to an anonymous elector. Postal poll card sent to an anonymous elector must be delivered in a sealed envelope.)*

This poll card is to tell you that you have asked to vote by post at this election and will not be able to vote in a polling station. If you wish to cancel your postal vote please call *[helpline number]* before 5pm on *[day/date deadline]*.

SEE INFORMATION ON THE BACK OF THIS CARD

Back of card

LOCAL COUNCIL ELECTION

When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.

You must **sign the declaration of identity** in the presence of a person known to you. That person should **sign the declaration as a witness**, adding his or her name and address. You must also **provide your date of birth**. This is a security measure. It will not affect your vote or mean it can be identified. Without your witnessed signature and date of birth the declaration of identity will not be valid and your vote will not be counted. The Returning Officer will check your signature and date of birth against records that they hold.

If you are registered anonymously your witness should not provide his or her name and address. However, it is important that both you and your witness sign the declaration.

If you accidentally spoil your ballot paper, please call the helpline number below as soon as possible. It is only possible to issue replacement postal ballot papers before 5pm on *[day/date of day before the poll]*.

Complete and return your postal vote as soon as possible. The Returning Officer must receive your vote by 10 p.m. on [*day/date of poll]*. Postal voting papers cannot be accepted at polling stations.

If you need any assistance, please phone *[helpline number]*.

ISSUED BY THE RETURNING OFFICER

Form 7A

Proxy's Official Postal Poll Card

Front of card

PROXY'S OFFICIAL POSTAL POLL CARD

*Proxy's name

*Proxy's address

**(Returning Officer to omit where postal poll card sent to the proxy of an anonymous elector. Postal poll card sent to the proxy of an anonymous elector must be delivered in a sealed envelope.)*

LOCAL COUNCIL ELECTION

..... District Council
..... District Electoral Area

Polling day .....
Polling hours: 7 a.m. to 10 p.m.

This card is to tell you that the elector named on the back of this card has appointed you as their proxy and you have asked to vote by post. You will not be able to vote on behalf of the elector in a polling station. If you wish to cancel your postal vote please call *[helpline number]* before 5pm on *[day/date deadline]*.

SEE INFORMATION ON THE BACK OF THIS CARD

Back of card

*The elector identified below has appointed you as proxy and you will be voting by post on their behalf.

*Number on register

*Name (of elector)

*Address

When you receive your postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.

You must **sign the declaration of identity** in the presence of a person known to you. That person should **sign the declaration as a witness**, adding his or her name and address. You must also **provide your date of birth**. This is a security measure. It will not affect your vote or mean it can be identified. Without your witnessed signature and date of birth the declaration of identity will not be valid and your vote will not be counted. The Returning Officer will check your signature and date of birth against records that they hold.

If you are voting on behalf of someone registered anonymously your witness should not provide his or her name and address. However, it is important that both you and your witness sign the declaration.

If you accidentally spoil your ballot paper, please call the helpline number below as soon as possible. It is only possible to issue replacement postal ballot papers before 5pm on *[day/date of day before the poll]*.

Complete and return your postal vote as soon as possible. The Returning Officer must receive your vote by 10pm on *[day/date of poll]*. Postal voting papers cannot be accepted at polling stations.

It is illegal to vote as proxy for some other person if you know that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

If you need any assistance, please phone *[helpline number]*.

ISSUED BY THE RETURNING OFFICER

*(Where postal poll card sent to the proxy of an anonymous elector substitute for the text marked with * above: -*

This poll card is to tell you that for this election you are appointed as proxy for the anonymous elector whose electoral number is shown below and you have decided to vote by post.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

……
(Elector's number on register))

EXPLANATORY NOTE

(This note is not part of the Order)

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

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

In February 2008 the Government consulted on making provision for anonymous registration in Northern Ireland (*Anonymous registration: Protecting voters at risk in Northern Ireland*). The Government published its response to consultation in February 2009 and committed to introducing a scheme allowing voters at risk to register anonymously. The response outlined the areas in which the provisions on anonymous registration would differ from those in Great Britain. In September 2013, the Government undertook a further public consultation (*Anonymous registration: protecting voters at risk in Northern Ireland*), which included draft legislation.

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

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

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

Article 3(5) to (11) amends the Parliamentary Elections Rules in Schedule 1 to the 1983 Act to allow a person with an anonymous entry, or the proxy of a person with an anonymous entry, to

mark a tendered postal ballot paper if that person claims to have lost or not received the issued postal ballot paper. Articles 6(10) to (14), 7(4) and 12 make equivalent amendments in relation to local and Assembly elections.

Article 4 repeals amendments made to sections 10 and 10A of the 1983 Act by Schedule 4 to the Electoral Registration and Administration Act 2013, which are no longer necessary following the implementation of a system of anonymous registration in Northern Ireland.

Article 5 amends sections 5 to 9 of the Representation of the People Act 1985, which provide for absent voting in parliamentary elections in Northern Ireland. In particular, the amendments provide that: persons with an anonymous entry and their proxies (where applicable) are automatically eligible for an absent vote; persons with an anonymous entry and their proxies (where applicable) can only vote by post and not in person; and the postal voters list and the list of proxies must contain only the person's electoral number and the period for which the anonymous entry has effect. Article 7(1) to (3) makes equivalent amendments to the Local Elections (Northern Ireland) Order 1985 in relation to absent voting in local elections. These changes, together, will apply to Assembly elections.

Article 6(1) to (9) amends the Electoral Law Act (Northern Ireland) 1962 to provide that: a person with an anonymous entry cannot question a local election; "record of anonymous entries" is defined; where a person with an anonymous entry has made a donation to a candidate, the candidate's election agent must provide a certificate of anonymous registration together with their statement; a person with an anonymous entry cannot subscribe a nomination paper for a local election; postal voters, including those with an anonymous entry and their proxies, will receive an official postal poll card.

Articles 6(15) to (18) and 7(3)(j), together with the Schedule, make amendments to the forms for local elections to remove the names of persons with an anonymous entry.

Articles 9 and 10 amend the Schedule to the Elections Act 2001 and the Schedule to the Local Elections (Northern Ireland) Order 2013, which provide for the combination of local and parliamentary elections and local and European Parliamentary elections respectively.

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

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

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