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

DRAFT STATUTORY INSTRUMENTS

2013 No. XXXX

REPRESENTATION OF THE PEOPLE

The Electoral Registration (Disclosure of Electoral Registers) Regulations 2013

Made - - - - ****

Coming into force in accordance with regulation 1

The Lord President of the Council makes the following Regulations in exercise of the powers conferred on him by 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(**a**).

In accordance with section 201(2) of that Act a draft of these Regulations has been approved by a resolution of each House of Parliament.

The Lord President of the Council has consulted the Electoral Commission, the Information Commissioner and such other persons as he considered appropriate in accordance with section 53(5) of the Representation of the People Act 1983 and section 7(1) of the Political Parties, Elections and Referendums Act 2000(**b**).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Electoral Registration (Disclosure of Electoral Registers) Regulations 2013 and come into force on the day after the day on which they are made.

(2) These Regulations do not extend to Northern Ireland

(3) In these Regulations—

"the Act" means the Representation of the People Act 1983;

"the Lord President" means the Lord President of the Council;

"the Secretary of State" means the Secretary of State for Work and Pensions;

"conduit system" has the same meaning as in paragraph 1 of Schedule 2 to the Telecommunications Act 1984(**c**);

"registration officer" means the electoral registration officer.

(**a**) 1983 c. 2; paragraphs 1A and 13(1ZB) were inserted by section 2 of and Schedule 2 to the Electoral Registration and Administration Act 2013 c. 6. Section 53(3) has been amended by section 24 of and paragraph 13 of Schedule 4 to the Representation of the People Act 1985 c. 50. Article 3 of the Lord President of the Council Order 2010 (S. I. 2010/1837) provides that the Secretary of State's functions under the 1983 Act (with exceptions which are not relevant here) are exercisable concurrently by the Secretary of State and the Lord President of the Council.

(**b**) 2000 c. 41.

(**c**) 1984 c. 12; paragraph 1 of Schedule 2 was amended by section 106(2) of the Communications Act 2003 c. 21.

Disclosure of electoral registers

2.—(1) Subject to regulation 4, each registration officer must disclose to the Lord President—

(a) a copy of the electoral registers maintained by that registration officer; and

(b) any other information held by the registration officer and which the Lord President may have specified in writing which relates to the information contained in the electoral registers.

(2) Each registration officer must disclose the information in paragraph (1) on the date or dates notified to the registration officer in writing by the Lord President, which shall be within the period starting with the date these Regulations come into force and ending with 17th February 2014 in relation to England and with 10th March 2014 in relation to Scotland and Wales.

(3) The registration officer must disclose the information in such a format and through such a conduit system as the Lord President may have notified to the officer in writing.

(4) Following receipt of the information pursuant to paragraph (2), the Lord President may disclose it to the Secretary of State.

(5) Where information has been disclosed to the Secretary of State under paragraph (4), the Secretary of State may compare it against—

(a) the name, date of birth and address, including postcode, of individuals appearing in the following types of databases kept by the Secretary of State—

(i) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development); and

(ii) databases relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty's Revenue and Customs); and

(b) any other information contained in those databases which relates to the information disclosed under paragraph (4).

(6) The Secretary of State may disclose the results of the comparison to the Lord President.

(7) On receipt of such results, the Lord President may disclose them to the registration officer.

Processing of information disclosed

3.—(1) Information disclosed under regulation 2(1), (4), (6) or (7) may not be disclosed to any other person except—

(a) for a purpose mentioned in paragraph 1A(1) of Schedule 2 to the Act; or

(b) for the purpose of any civil or criminal proceedings.

(2) A person who discloses information in breach of paragraph (1) is guilty of an offence and liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

4.—(1) Any person who discloses information under these Regulations must process it in accordance with any requirements as to the processing of that information that may have been imposed by the Lord President in writing, including requirements as to the transfer, storage, destruction and security of that information.

(2) Any requirements, in accordance with which a person must process information, must be imposed by the Lord President before a registration officer is required to disclose that information under regulation 2(1).

Signed by the authority of the Lord President of the Council

Name

Ministerial title
Date Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require registration officers in Great Britain to disclose the electoral registers and any related information maintained by them and authorise the comparison of that information against data held by the Secretary of State for Work and Pensions in order to assist registration officers in Great Britain for the purposes set out in paragraph 1A of Schedule 2 to the Representation of the People Act 1983, as amended by the Electoral Registration and Administration Act 2013. Those purposes are—

to verify information relating to a person who is registered in a register maintained by the officer,

to ascertain the names and addresses of people who are not registered but who are entitled to be registered, or

to identify those people who are registered but who are not entitled to be registered.

Regulation 2 requires each registration officer in Great Britain to disclose to the Lord President a copy of the electoral registers maintained by that officer and any other related information on a date or dates to be notified to the registration officer by the Lord President in writing but which shall be, for England, by 17th February 2014 and, for Scotland and Wales, by 10th March 2014. Regulation 2(3) enables the Lord President to specify in writing to the registration officer the format and means by which the information must be disclosed. The Lord President may then disclose the information to the Secretary of State for Work and Pensions for comparison against the data it holds set out in regulation 2(5). The Secretary of State for Work and Pensions may disclose the results of the comparison to the Lord President, who may disclose them to the registration officer for the purposes set out above.

Regulation 3 makes provision for the processing of the information disclosed under these Regulations. Regulation 3(1) provides that information may only be disclosed for one of the purposes set out above or for the purpose of any civil or criminal proceedings. Regulation 3(2) makes it an offence to disclose information in breach of regulation 3(1).

Regulation 4 provides, in accordance with paragraph 1A(3)(d) of Schedule 2, that where the Lord President has imposed requirements on the processing of information disclosed under these regulations, that information must be processed in accordance with those requirements. If the Lord President imposes any such requirements in relation to information to be disclosed under these regulations, he must do so before the registration officer is required to disclose that information under regulation 2(1).

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

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