Draft Order laid before Parliament under section 11(2) of the Electoral Registration and Administration Act 2013, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. XXXX

REPRESENTATION OF THE PEOPLE

The Electoral Registration Pilot Scheme Order 2014

Made - - - - 2014

Coming into force in accordance with article 1

The Lord President of the Council makes the following Order in exercise of the powers conferred by sections 10 and 11(3) of the Electoral Registration and Administration Act 2013(**a**).

In accordance with section 10(4) of that Act, the making of an Order under that section has been proposed by the registration officers for the areas to which the Order relates.

In accordance with section 11(2) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Electoral Registration Pilot Scheme Order 2014 and comes into force on the day after the day on which it is made.

Duration

2.—(1) For the purpose of testing how changes made by Schedule 2 to the Electoral Registration and Administration Act 2013 work in practice, articles 4 to 6 have effect for the period beginning with the coming into force of this Order and ending with 30th June 2015.

(2) This Order ceases to have effect on 31st October 2015.

Interpretation

3.—(1) In this Order—

"area" means an area which is—

(a) in England, a district or London borough;

(b) in Wales, a county or county borough;

(c) in Scotland, a local government area;

and which is specified in the Schedule;

"Lord President" means the Lord President of the Council.

(**a**) 2013 c.6; section 25(1) provides that "the Minister" means the Lord President of the Council or the Secretary of State.

(2) In articles 4(1), (2) and (3) and 5(1) references to a person acting on the Lord President's behalf are to a person appointed by the Lord President with the approval of the Secretary of State for Transport and the Secretary of State for Work and Pensions.

Disclosure of information

4.—(1) The registration officer for an area must disclose to the Lord President or to a person acting on the Lord President's behalf—

(a) a copy of the registers maintained by that officer which have effect on such date or dates as may have been specified in writing by the Lord President; and

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

(2) The requirement in paragraph (1) does not apply to those parts of the registers which consist of anonymous entries.

(3) The Secretary of State for Transport may disclose to the Lord President or to a person acting on the Lord President's behalf, in relation to addresses within each area, the name, address and, where included, date of birth—

(a) of each person in relation to whom that Secretary of State maintains a driving record (as defined in section 97A of the Road Traffic Offenders Act 1988)(**a**); and

(b) of each person who is shown as the keeper of a vehicle in the record kept by or on behalf of that Secretary of State of vehicles registered under section 21 of the Vehicle Excise and Registration Act 1994(**b**);

together with any information as to the dates of the entries, or of any amendment to the entries, in those records.

(4) The Secretary of State for Work and Pensions may disclose to the Lord President or to a person acting on the Lord President's behalf, in relation to addresses within each area—

(a) the name, address and date of birth of each person in relation to whom that Secretary of State maintains a record—

(i) for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development in Northern Ireland), and

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

(b) such other information as may be agreed by that Secretary of State and the Lord President which that Secretary of State holds and which relates to the name, address and date of birth of any person with an entry in a register referred to in paragraph (1)(a); and

(c) where that Secretary of State holds information which—

(i) has been disclosed under article 7(3) of the Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013(**c**), and

(ii) relates to people with an entry in a register referred to in paragraph (1)(a),

that information.

(5) Where information referred to in paragraph (1), (3) or (4) is disclosed, it must be disclosed—

(a) in such form and manner; and

(b) on or by such date or dates before 31st March 2015,

as may have been agreed in writing by the Lord President and, as the case may be, the registration officer, the Secretary of State for Transport or the Secretary of State for Work and Pensions.

(**a**) 1988 c.53; section 97A was inserted by section 8 of the Road Safety Act 2006 (c.49).

(**b**) 1994 c.22; section 21 was amended by paragraph 33 of Schedule 4 to the Finance Act 1995 (c.4) and paragraph 2 of Schedule 3 to the Finance Act 1997 (c.16).

(**c**) S.I. 2013/3197; there are amendments but none is relevant to this instrument.

Comparison of information

5.—(1) Where information is disclosed under article 4(3) and (4), the Lord President or a person acting on the Lord President's behalf must compare the information disclosed under article 4(1) with the information disclosed under article 4(3) and (4) for the purposes of—

(a) verifying information relating to a person with an entry in a register referred to in article 4(1)(a), and

(b) ascertaining the names and addresses of people with addresses in an area who are not registered but who are entitled to be registered.

(2) Where names and addresses of people in an area are ascertained for the purposes referred to in paragraph (1)(b)—

(a) the Lord President must notify the registration officer for that area of those names and addresses, and

(b) the registration officer must notify the Lord President of the response to any invitations to apply for registration which the officer sends to such people.

Results of comparison and usefulness of information

6. The Lord President must, on or before 30th June 2015—

(a) disclose to the registration officer for an area the results of the comparison of the information relating to that area which has been disclosed for the purposes referred to in article 5(1)(a), and

(b) give to the registration officer for each area, the Secretary of State for Transport and the Secretary of State for Work and Pensions an assessment of the usefulness of the information referred to in article 4(3) in fulfilling the purposes referred to in article 5(1)(a) and (b).

Disclosure and other processing of information

7.—(1) Information disclosed under article 4(1), (3) or (4) may not be further disclosed to any person except—

(a) in accordance with this Order; or

(b) for the purposes 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; and

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

(3) The fine referred to in paragraph (2)(b) is a fine—

(a) not exceeding the statutory maximum, where on the day on which this Order is made, section 85(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**b**) is not in force, or

(b) of any amount, where on that day that provision is in force.

8.—(1) Any person who discloses or otherwise processes information under this Order may do so only in accordance with a written agreement made between all of the Lord President, the Secretary of State for Transport, the Secretary of State for Work and Pensions and the registration

(**a**) Section 13(3) and (4) of the Electoral Registration and Administration Act 2013 makes transitional provision in respect of periods of imprisonment.
(**b**) 2012 c.10.

officers for the areas, which must include requirements as to the transfer, storage, security and destruction of that information.

(2) The agreement must be made, in relation to an area, before the registration officer for that area discloses information under article 4(1).

Signed by authority of the Lord President of the Council

Parliamentary Secretary
Cabinet Office

Date

SCHEDULE

Article 3

Areas

Blaby

Bournemouth

Carmarthenshire

City of Edinburgh

Conwy

Cotswold

Coventry

Croydon

Denbighshire

East Lothian

Flintshire

Harrow

Manchester

Medway

Midlothian

Newport

North Devon

Poole

Southwark

Stratford-on-Avon

Sunderland

Swindon

Trafford

West Lothian

EXPLANATORY NOTE

(This note is not part of the Order)

As part of the introduction of individual electoral registration, under changes made by the Electoral Registration and Administration Act 2013 (c.6), this Order establishes 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 (article 4). Information held by the Secretary of State for Work and Pensions may also be used in the exercise. Article 5 provides that the comparison must be made for the purposes of verifying existing entries in the electoral register and finding the details of people who are not registered but are entitled to be registered. The Lord President is to inform the ministers and the registration officers involved in the pilot about the results of the comparison and the usefulness of the information in fulfilling those purposes. Under article 7 it is an offence to disclose the information for any other purpose, unless it is required for criminal or civil proceedings. Article 8 requires there to be an agreement between the three ministers and registration officers as to the processing of the information. The Order ceases to have effect on 31st October 2015 (article 2).

An overall impact assessment in relation to the individual electoral registration scheme is available on the Cabinet Office website at https:///www.gov.uk/government/publications/individual-electoral-registration-impact-assessment.

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