Draft Regulations laid before Parliament under section 13(2) of the European Parliamentary Elections Act 2002, section 18(4) of the European Parliament (Representation) Act 2003 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972, 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 European Parliamentary Elections (Anonymous Registration) (Northern Ireland) Regulations 2014

Made - - - -	***
Coming into force - -	*15th September 2014*

The Secretary of State is a minister designated for the purposes of section 2(2) of the European Communities Act 1972(**a**) in relation to the European Parliament(**b**).

In accordance with section 13(2) of the European Parliamentary Elections Act 2002(**c**), section 18(4) of the European Parliament (Representation) Act 2003(**d**) and paragraph 2(2) of Schedule 2 to the European Communities Act 1972(**e**), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

In accordance with section 7(1) and (2)(a) of the Political Parties, Elections and Referendums Act 2000(**f**) and with section 17(4) of the European Parliament (Representation) Act 2003, the Secretary of State has consulted with the Electoral Commission prior to these Regulations being made.

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(5) and 7(1), (2)(a), (3) and (4A)(**g**) 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.

(**a**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**b**) S.I. 2013/1445.
(**c**) 2002 c. 24.
(**d**) 2003 c. 7.
(**e**) Paragraph 2(2) of Schedule 2 to the European Communities Act 1972 was amended by section 27(2)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51).
(**f**) 2000 c. 41; amendments have been made to section 7 but they are not relevant to these Regulations.
(**g**) Subsection (4A) was inserted by section 22 of the European Parliament (Representation) Act 2003 (c. 7).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Anonymous Registration) (Northern Ireland) Regulations 2014 and come into force on 15th September 2014.

(2) Subject to paragraphs (3), (4) and (5), these Regulations extend to Northern Ireland only.

(3) This regulation extends throughout the United Kingdom and to Gibraltar.

(4) Regulations 2 to 8 extend throughout the United Kingdom.

(5) Regulation 53 extends to England and Wales, Scotland and Gibraltar only.

(6) In these Regulations—

"the 2001 Franchise Regulations" means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001(**a**); and

"the 2004 Regulations" means the European Parliamentary Elections (Northern Ireland) Regulations 2004(**b**).

Amendments of the 2001 Franchise Regulations

2. The 2001 Franchise Regulations are amended as follows.

3. In regulation 4 (entitlement of relevant citizen of the Union to be registered as European Parliamentary elector)(**c**), after paragraph (4) insert—

"(4A) If a person entitled to be registered by virtue of paragraph (4) above has an anonymous entry in the register, the references in paragraphs (a) and (b) of that paragraph to his entry in the register are to be read as references to his entry in the record of anonymous entries prepared under regulation 45A of the Representation of the People (England and Wales) Regulations 2001(**d**), regulation 45A of the Representation of the People (Scotland) Regulations 2001(**e**), or regulation 53A of the Representation of the People Regulations 2008(**f**), as applied by these Regulations.".

4. In regulation 5 (registration officers), in paragraph (3), for "names of" substitute "entries for".

5. In regulation 6 (form of application and declaration required by regulation 4(1))(**g**), in paragraph (1)—

(a) at the end of sub-paragraph (e) omit "and";

(b) at the end of sub-paragraph (f) insert—

"; and

(g) in the case of an applicant whose application is accompanied by an application for an anonymous entry, that fact.".

6. In regulation 8 (copies of certain applications and declarations to be sent to the Secretary of State)(**h**), in paragraph (1)—

(a) for "name of a relevant citizen" substitute "entry for a relevant citizen"; and

(b) for "entered the name in the register" substitute "registered the entry in the register".

7. In regulation 10 (removal of names from the register)—

(a) in the header, for "names" substitute "entries";

(**a**) S.I. 2001/1184; any relevant amendments are referenced in these Regulations.
(**b**) S.I. 2004/1267; any relevant amendments are referenced in these Regulations.
(**c**) Paragraph (2) of regulation 4 was revoked by section 14 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), but that revocation is not yet in force.
(**d**) S.I. 2001/341; regulation 45A was inserted by S.I. 2006/2910. Other amendments are not relevant to this Order.
(**e**) S.I. 2001/497; regulation 45A was inserted by S.I. 2007/925. Other amendments are not relevant to this Order.
(**f**) Regulation 53A was inserted by S.I. 2014/XXXX.
(**g**) Paragraph (1)(c) of regulation 6 was revoked by section 14 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), but that revocation is not yet in force.
(**h**) Regulation 8 was amended by S.I. 2003/1557, S.I. 2009/726 and S.I. 2013/2876.

(b) in paragraph (2)(c), for "name" substitute "entry"; and

(c) in paragraph (4), for "name of" substitute "entry for".

8.—(1) The Schedule (application with modifications of the 1983 Act and various Representation of the People Regulations for registration under these Regulations)(**a**) is amended as follows.

(2) In Part 1 (the 1983 Act(**b**))—

(a) in the right hand column of the Schedule, alongside the entry in respect of section 9B (anonymous registration)(**c**)—

(i) for the paragraph beginning "In subsection (1)" substitute—

"In subsection (1)(a), for "section 10ZC or 10A(1)(a)" substitute "regulation 6 of the 2001 Regulations(**d**)".", and

(ii) after the paragraph beginning "In subsection (4)" insert—

"In subsection (6), for "section 10ZC or 10A(1)(a)" substitute "regulation 6 of the 2001 Regulations".."; and

(b) in the right hand column of the Schedule, alongside the entry in respect of section 9C (removal of anonymous entry), in the paragraph beginning "After subsection (1)"—

(i) for "After subsection (1)" substitute "After subsection (1E)",

(ii) the inserted subsection becomes subsection (1F), and

(iii) in that inserted subsection, for "by virtue of subsection (1)" substitute "by virtue of this section".

(3) In Part 2, in the section relating to the Representation of the People (Northern Ireland) Regulations 2008(**e**)—

(a) after the entry in respect of regulation 38 (hearing of reviews) insert—

"Regulation 38A (anonymous registration: applications and declarations)(**f**)	In paragraph (1)(b), for "regulation 27(1)(b)" substitute "regulation 6(1)(b) of the 2001 Regulations". For paragraph (7) substitute— "(7) In this regulation, "an application for an absent vote" means an application under regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004(**g**)."
Regulation 38B (anonymous registration: determination of applications by the registration officer)	
Regulation 38C (anonymous registration: evidence consisting of relevant court orders or	

(**a**) The Schedule was substituted in its entirety by S.I. 2009/726. Other amendments to the Schedule are not relevant to these Regulations.

(**b**) This relates to the Representation of the People Act 1983 (c. 2).

(**c**) 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), and S.I. 2014/1116, and those amendments will come into force on 10th June 2014 and 15th September 2014 respectively.

(**d**) When applied for the purpose of the register maintained under regulation 5 of the 2001 Franchise Regulations, references in the Representation of the People Act 1983 (c. 2) and the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) to the "2001 Regulations" is a reference to the 2001 Franchise Regulations (see the entry relating to section 202 of the 1983 Act in the Schedule to the 2001 Franchise Regulations).

(**e**) S.I. 2008/1741; relevant amendments are referenced in these Regulations.

(**f**) Regulations 38A to 38E are inserted by S.I. 2014/XXXX.

(**g**) S.I. 2004/1267; regulation 8 was amended by S.I. 2005/2114.

injunctions)	
Regulation 38D (anonymous registration: evidence by attestation)	
Regulation 38E (anonymous registration: review of entitlement to an anonymous entry)";	

(b) after the entry in respect of regulation 50 (order of names), insert—

"Regulation 50A (anonymous entries)(**a**);	
Regulation 53A (record of anonymous entries)	In paragraph (4), for the words from "section 6(6) or 9(12) of the 1985 Act" to the end substitute "regulation 8(8) or 11(11) of the European Parliamentary Elections (Northern Ireland) Regulations 2004(**b**)".
Regulation 53B (duties of registration officer and his staff in relation to record of anonymous entries)	
Regulation 53C (supply of the record of anonymous entries to police forces and other organisations)	
Regulation 53D (certificate of anonymous registration)".	

Amendments of the 2004 Regulations

9. The 2004 Regulations are amended as follows.

10. In regulation 2 (interpretation)(**c**)—

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

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

(b) in the definition of "elector", after "such a register" insert "(or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries)"; and

(c) after the definition of "the proxy postal voters list" insert—

""record of anonymous entries" means a record prepared under regulation 53A of the 2008 Regulations(**d**);".

11. In regulation 7 (manner of voting)(**e**), after paragraph (6) insert—

"(6ZA) Nothing in paragraphs (1) to (5) applies to a person who has an anonymous entry in the register of 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).".

12. In regulation 8 (absent vote at elections for an indefinite period)(**f**)—

(a) after paragraph (4)(a) insert—

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

(b) in paragraph (6)—

(i) at the end of sub-paragraph (b) omit "or", and

(**a**) Regulations 50A and 53A to 53D were inserted by S.I. 2014/XXXX.
(**b**) Regulation 8 was amended by S.I. 2005/2114 and regulation 11 was amended by S.I. 2009/813.
(**c**) Regulation 2 was substituted by S.I. 2009/813 and amended by S.I. 2011/2085, S.I. 2012/1809 and S.I. 2013/2893.
(**d**) Regulation 53A was inserted by S.I. 2014/XXXX.
(**e**) Regulation 7 was amended by S.I. 2009/813.
(**f**) Regulation 8 was amended by S.I. 2005/2114.

(ii) after sub-paragraph (b) insert—

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

13. In regulation 9 (absent vote at a particular election and absent voters list), after paragraph (6) insert—

"(6A) But in the case of a person who has an anonymous entry, the list mentioned in paragraph (6)(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)(**a**).".

14. In regulation 11 (voting as proxy)(**b**)—

(a) after 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) paragraph (1) does not apply, and

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

(b) in paragraph (4), at the end of sub-paragraph (b) insert—

"or

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

(c) in paragraph (6), at the end of sub-paragraph (b) insert—

"or

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

(d) after paragraph (8) insert—

"(8A) In the case of a person who has an anonymous entry, the list mentioned in 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 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).";

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

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

15. In regulation 18 (effect of registers)(**c**), after paragraph (1) insert—

(**a**) Sections 9B and 9C were inserted into the Representation of the People Act 1983 (c. 2) 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), and S.I. 2014/1116, and those amendments will come into force on 10th June 2014 and 15th September 2014 respectively.

(**b**) Regulation 11 was amended by S.I. 2009/813.

(**c**) Regulation 18 was amended by S.I. 2009/813.

"(1A) Paragraph (1) applies to an entry in the record of anonymous entries as it applies to an entry in the register of electors.".

16. In regulation 58 (candidate's right to send election address post free)(**a**), after paragraph (2) insert—

"(2A) A candidate may require the returning officer to make arrangements with the universal service provider for communications under paragraph (1)(b) to be sent to persons who have anonymous entries in the register and to persons who would be shown in the list of proxies for the election but for regulation 9(6A).

(2B) Arrangements under paragraph (2A) must be such as to ensure that it is not disclosed to any other person that the addressee of such a communication has an anonymous entry or is the proxy for an elector with an anonymous entry."

17. In regulation 80 (presentation and service of European Parliamentary election petitions), after paragraph (1) insert—

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

Amendments of the European Parliamentary Elections Rules

18. Schedule 1 to the 2004 Regulations (European Parliamentary elections rules)(**b**) is amended as follows.

19. In rule 29 (issue of official poll cards)—

(a) in paragraph (1), omit the words from "need not be sent to any person" to "and a card";

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

(c) after paragraph (2), insert—

"(2A) A proxy's official poll card must 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 regulation 9(6A).";

(d) after paragraph (3) insert—

"(3A) The official postal poll card issued to an elector who is on the absent voters list for the election must be in Form F1 in the Appendix of Forms.";

(e) after paragraph (4) insert—

"(4A) The official postal poll card issued to the proxy of an elector who is entitled to vote by post as proxy at the election must be in Form G1 in the Appendix of Forms."; and

(f) after paragraph (6) insert—

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

(8) 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.".

20. In rule 30 (equipment of polling stations), in paragraph (3)(b) for "names of" substitute "entries relating to".

21. In rule 33 (return of postal ballot papers), after paragraph (1) insert—

(**a**) Regulation 58 was amended by S.I. 2011/2085.

(**b**) Schedule 1 was substituted in its entirety by Schedule 1 to S.I. 2009/813 and amended by S.I. 2013/2893 and S.I. 2013/3114.

"(1A) Paragraph (1) does not apply in relation to a vote on a tendered postal ballot paper (but see rule 43A).".

22. In rule 42 (tendered ballot papers: circumstances where available), after paragraph (9) insert—

"(10) This rule and rule 43 do not apply in relation to an elector who has an anonymous entry in the register.".

23. After rule 43 (tendered ballot papers: general provisions), insert—

"Tendered postal ballot papers: issue to persons with an anonymous entry

43A.—(1) This rule applies to a person ("P") who—

(a) is an elector with an anonymous entry in the register of electors, 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 returning 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 39, and

(c) must be delivered to the returning 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 returning 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 returning officer must issue a tendered postal ballot paper to P in the manner set out in paragraph 26A of Schedule 2(**a**).

(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 returning 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 50(2) and (3), is void.

(8) On receipt of a tendered postal ballot paper, the returning officer must deal with it in the manner set out in paragraph 26A of Schedule 2.

(9) The returning officer must—

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

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

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

(11) The returning officer must seal the packet of tendered postal ballot papers.

(**a**) Paragraph 26A is inserted by regulation 42 below.

(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)(**a**) as if—

(a) in paragraph (1) for "in the register of electors" 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 electors of the elector in question" there were substituted "entry relating to the elector in question on a notice issued under section 13BA(9)".".

24. In rule 50 (procedure at verification of ballot paper accounts)—

(a) at the end of paragraph (4) insert "or any tendered postal ballot paper"; and

(b) in paragraph (6), after "the tendered votes list" (in both places) insert "and the tendered postal votes list".

25. In rule 66 (sealing up of ballot papers), after paragraph (2)(a) insert—

"(aa) tendered postal ballot papers,".

26. In rule 67 (retention of documents by the Chief Electoral Officer for Northern Ireland), in paragraph (1)(c), after "the tendered votes lists," insert "the tendered postal votes lists,".

27.—(1) The Appendix of Forms is amended as follows.

(2) In the table of contents—

(a) after the entry for Form F (elector's official poll card) insert—

"Form F1	Official Postal Poll Card issued to an elector voting by post";

(b) after the entry for Form G (proxy's official poll card) insert—

"Form G1	Official Postal Poll Card issued to a proxy voting by post".

(3) After Form F (elector's official poll card), insert Form F1 in the Schedule to these Regulations.

(4) After Form G (proxy's official poll card), insert Form G1 in the Schedule to these Regulations.

Amendments of Schedule 2 to the 2004 Regulations

28. Schedule 2 to the 2004 Regulations (absent voters)(**b**) is amended as follows.

29. In paragraph 2 (general requirements for applications for an absent vote), in sub-paragraph (2)—

(a) at the end of paragraph (c) omit "and"; and

(b) at the end of paragraph (d) insert—

"; and

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

30. In paragraph 2A (additional requirement for applications for ballot papers to be sent to a different address to that in the register)(**c**), after sub-paragraph (2) insert—

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

(**a**) Section 13BA was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) and amended by section 16 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), but that amendment is not yet in force.
(**b**) Schedule 2 was substituted in its entirety by S.I. 2009/813; other relevant amendments are referenced in these Regulations.
(**c**) Paragraphs 2A and 2B were inserted by S.I. 2013/2893.

31. In paragraph 2B (additional requirement for applications for ballot papers to be sent to different address from that shown in the record kept under regulation 8(5) or regulation 9(5)), 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.".

32. In paragraph 3 (additional requirements for applications for the appointment of a proxy), the existing text becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

"(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 proxy, under—

(a) regulation 11(4) (application to vote by post as proxy at European Parliamentary elections for an indefinite period); or

(b) regulation 11(6) (application to vote by post as proxy at a particular election) in relation to the election.".

33. In paragraph 7 (additional requirements for applications by proxies to vote by post at a particular election), for "regulation 11(6)" substitute "regulation 11(6)(a)".

34. In paragraph 13 (records and lists kept under regulations 8, 9 and 11), after sub-paragraph (2) insert—

"(2A) The registration officer must not make available for inspection under sub-paragraph (2) 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.".

35. In paragraph 14 (marked register for polling stations), for "name of" substitute "entry for".

36. In paragraph 15 (interpretation of part 2)(**a**), after the definition of "spoilt postal ballot paper", insert—

""tendered postal ballot paper" has the meaning given in rule 43A of the European Parliamentary elections rules;".

37. In paragraph 17 (persons entitled to be present at proceedings on issue and receipt of postal ballot papers), the existing text becomes sub-paragraph (1) of that paragraph and after sub-paragraph (1) insert—

"(2) Paragraphs (b), (c) and (d) of sub-paragraph (1) do not apply to proceedings on issue or receipt of tendered postal ballot papers.".

38. In paragraph 18 (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers), after sub-paragraph (7) insert—

"(8) Nothing in this paragraph applies to the issue or receipt of tendered postal ballot papers.".

39. In paragraph 20 (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.".

40. In paragraph 21 (procedure on issue of postal ballot paper), in sub-paragraph (4)—

(a) in paragraph (a), after "absent voters list" insert "(or, where the elector has an anonymous entry, the address that would be so shown but for regulation 9(6A))"; and

(b) in paragraph (b), after "proxy postal voters list" 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 regulation 11(8A) or (8B))".

(**a**) Paragraph 15 was amended by S.I. 2011/2085.

41. In paragraph 26 (spoilt postal ballot papers), in sub-paragraph (7)—

(a) 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

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

42. After paragraph 26, insert—

"Tendered postal ballot papers: issue and receipt

26A.—(1) A tendered postal ballot paper issued to P under rule 43A of the European Parliamentary elections rules must be accompanied by—

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

(b) a smaller envelope which must 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 can be displayed; and

(c) a declaration of identity in the form set out in paragraph 16 (form of declaration of identity) which is marked with the number of the tendered postal ballot paper.

(2) Where the poll at a European Parliamentary election is combined with another poll under section 15 of the 1985 Act(**a**)—

(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 25 (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 regulation 9(6A);

(b) where P is entitled to vote by post as proxy, the address that would be shown in the proxy postal voters list but for regulation 11(8A) and (8B).

(5) Where P applies in person, the returning officer may hand a tendered postal ballot paper to P instead of delivering it in accordance with paragraph 25.

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

(a) the entry in the register of electors 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**) 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 returning 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 returning 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 43A of the European Parliamentary elections rules, the returning officer must satisfy himself that each tendered postal ballot paper—

(a) is not void under rule 43A(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 returning 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 votes.

(11) The returning officer must seal the contents of the receptacle for rejected tendered postal votes in a separate packet.".

43. In paragraph 29 (receipt of covering envelope), the existing text becomes sub-paragraph (1) of that 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.".

44. In paragraph 36 (retention of documents), in sub-paragraph (1)—

(a) in paragraph (a)—

(i) after "26(5)" insert ", 26A(11),"; and

(ii) at the end of the paragraph omit "and"; and

(b) after paragraph (a), insert—

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

45.—(1) The Appendix of Forms is amended as follows.

(2) In Form K, (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.".

(3) In Form L (declaration of identity)—

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

(b) before "Address of witness" insert "*";

(c) before the paragraph beginning "SEE INSTRUCTIONS" insert—

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

(d) 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.".

(4) In Form M (statement as to postal ballot papers)—

(a) after paragraph 10 insert—

"10A. Number of tendered postal ballot papers issued

10B. Number of covering envelopes for tendered postal ballot papers received";

(b) after paragraph 13 insert—

"14. Number of tendered postal ballot papers marked rejected".

Amendments of Schedule 4 to the 2004 Regulations

46. Schedule 4 to the 2004 Regulations (control of donations to candidates) is amended as follows.

47. 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 a certificate of anonymous registration issued pursuant to regulation 53D of the 2008 Regulations(**a**), regulation 45G of the Representation of the People (England and Wales) Regulations 2001(**b**), regulation 45F of the Representation of the People (Scotland) Regulations 2001(**c**), or the equivalent provision forming part of the law of Gibraltar, which is evidence that an individual donor has an anonymous entry in an electoral register, the statement must be accompanied by a copy of that certificate of anonymous registration.".

48. In paragraph 11 (donations from permissible donor), in sub-paragraph (c), after "the 2000 Act" insert "(reading references in sub-paragraphs (3B) and (3C)(**d**) to the registered party as references to the candidate's election agent)".

Amendments of Schedule 6 to the 2004 Regulations

49. Schedule 6 to the 2004 Regulations (combined polls)(**e**) is amended as follows.

50. In paragraph 6—

(a) in new paragraph (5A) inserted by sub-paragraph (b), after "that of the ballot papers" insert "(other than tendered ballot papers or tendered postal ballot papers"); and

(b) in new paragraph (6A) inserted by sub-paragraph (d), after "tendered ballot papers" insert "or tendered postal ballot papers".

51. After paragraph 12, insert—

"**12A.** Rule 43A applies as if after paragraph (10) there were inserted—

"(10A) The same list may be used under paragraph (10) for each relevant 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 each election, unless the list identifies the election at which a tendered postal ballot paper was marked.".".

52. In paragraph 22, in the form inserted by that paragraph (form N declaration of identity (combined polls))—

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

(b) before "Address of witness" insert "*";

(c) before the paragraph beginning "SEE INSTRUCTIONS" insert—

(**a**) Regulation 53D was inserted by S.I. 2014/XXXX.
(**b**) S.I. 2001/341; regulation 45G was inserted by S.I. 2006/2910. Other amendments are not relevant to this Order.
(**c**) S.I. 2001/497; regulation 45F was inserted by S.I. 2007/925. Other amendments are not relevant to this Order.
(**d**) Sub-paragraphs (3B) and (3C) of paragraph 2 of Schedule 6 were inserted by paragraph 26 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
(**e**) Schedule 6 was substituted in its entirety by S.I. 2009/813 and was amended by S.I. 2013/3114.

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

(d) 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.".

Amendment of the European Parliamentary Elections Regulations 2004

53.—(1) Schedule 6 to the European Parliamentary Elections Regulations 2004 (control of donations to individual candidates)(**a**) is amended as follows.

(2) In paragraph 10 (statement of relevant donations)(**b**), after "the 2001 Scotland Regulations" insert ", regulation 53D of the Representation of the People (Northern Ireland) Regulations 2008(**c**)".

Name
Minister of State
Date Northern Ireland Office

(**a**) S.I. 2004/293;
(**b**) Paragraph 10 was amended by S.I. 2009/186.
(**c**) S.I. 2008/1741; regulation 53D was inserted by S.I. 2014/XXXX. Other amendments are not relevant to this Order.

SCHEDULE

Regulation 27

Forms

Form F1

Elector's Official Postal Poll Card

Front of card

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

OFFICIAL POSTAL POLL CARD

Polling Day: _____

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 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*]. If you are registered anonymously you can only vote by post.

SEE INFORMATION ON THE BACK OF THIS CARD

Back of card

EUROPEAN PARLIAMENTARY 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 10pm 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 G1

Proxy's Official Postal Poll Card

Front of card

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

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.)*

Polling day:

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*]. If you are a proxy for a person who is registered anonymously you can only vote by post.

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 are entitled 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 Regulations)

These Regulations make amendments to the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (the "2001 Franchise Regulations"), the European Parliamentary Elections (Northern Ireland) Regulations 2004 (the "2004 Regulations") and the European Parliamentary Elections Regulations 2004 to implement a scheme of anonymous registration for European Parliamentary elections in Northern Ireland. The 2001 Franchise Regulations give effect to Article 22.2 of the Treaty on the Functioning of the European Union and the requirements of Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

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 in respect of parliamentary and local elections, with some modifications, by

the Anonymous Registration (Northern Ireland) Order 2014. 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 will determine 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 (c. 2)). These Regulations apply those provisions to European Parliamentary elections in Northern Ireland and make further changes to implement the system of anonymous registration.

Regulations 2 to 8 amend the 2001 Franchise Regulations so that relevant citizens of the Union entitled to vote at European Parliamentary elections in Northern Ireland will be able to apply for an anonymous entry on the register. This means that relevant citizens of the Union will have the same entitlement to be registered anonymously as a voter who is a national of the UK (see Council Directive 93/109/EC (OJ L 329, 30.12.1993, p.34)). Regulation 8 amends Schedule 1 to the 2001 Franchise Regulations to ensure that the application of sections 9B and 9C of the Representation of the People Act 1983 takes into account recent amendments of those sections, and to apply certain provisions of the Representation of the People (Northern Ireland) Regulations 2008 to applications for an anonymous entry on the register.

Regulations 11 to 14, 19, 27, 29 to 34, 40, 41, 45, 52 and the Schedule provide for absent voting by persons with an anonymous entry and their proxies at European Parliamentary elections in Northern Ireland. In particular, the amendments provide that: persons with an anonymous entry and their proxies are automatically eligible for an absent vote; persons with an anonymous entry and their proxies can only vote by post and not in person; the postal voters list and the list of proxies must contain only the elector's electoral number and the period for which the anonymous entry has effect; persons with an anonymous entry must state that fact on an application for an absent vote, and will not have to provide an explanation for a ballot paper to be sent to a different address from that in the register or the record of those who have been granted an absent vote; an application by a person with an anonymous entry for the appointment of a proxy must be accompanied by an application by the proxy for a postal vote; the registration officer must not make available for inspection a copy of any record relating to a person with an anonymous entry or the proxy of such a person; postal voters, including those with an anonymous entry and their proxies, will receive an official postal poll card; the postal ballot papers issued to a person with an anonymous entry or the proxy of such a person must be sent to the address that would have appeared in the absent voters list or the list of proxy voters if such information had not been confidential; and if a person with an anonymous entry or the proxy of such a person is to be included in the list of spoilt ballot papers, that list must show only the person's electoral number.

Regulations 21 to 26, 36 to 39, 42 to 44, 50 and 51 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.

Regulation 16 provides that candidates may require the returning officer to make arrangements to send election post free of charge to persons with an anonymous entry and their proxies.

Regulation 17 provides that a person with an anonymous entry cannot question a European Parliamentary election.

Regulations 47 and 48 provide that where a person with an anonymous entry has made a donation to a candidate at a European Parliamentary election, the candidate's election agent must provide a certificate of anonymous registration together with their statement as evidence that the donor is on a UK electoral register. Regulation 53 provides that a certificate of anonymous registration issued by the Chief Electoral Officer can also be used by a candidate in a European Parliamentary election in Great Britain as evidence that the donor is on a UK electoral register.

Regulations 10, 15, 20 and 35 make minor and consequential amendments to the 2004 Regulations in relation to anonymous registration.

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

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