Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 and section 11(2) of the Electoral Registration and Administration Act 2013, 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

2019 No.

REPRESENTATION OF THE PEOPLE

The Representation of the People (Annual Canvass) (Amendment) Regulations 2019

Made - - - - ****

Coming into force in accordance with regulation 1

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by sections 53(1) and (3) and 201(3) of, and paragraphs 1(2), 1A and 13(1ZB) of Schedule 2 to, the Representation of the People Act 1983(**a**) ("the 1983 Act"), and sections 7(1) and (2), and 11(3), (4) and (5) of the Electoral Registration and Administration Act 2013(**b**) ("the 2013 Act").

The Minister for the Cabinet Office has consulted the Electoral Commission in accordance with section 53(5) of the 1983 Act(**c**) and section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**d**), and has consulted the Information Commissioner and such other persons as he considered appropriate in accordance with section 53(5) of the 1983 Act.

(**a**) 1983 c. 2 ("the 1983 Act"). Section 53(1) was amended by section 24 and paragraph 13(b) of Schedule 4 to the Representation of the People Act 1985 ("the 1985 Act"), and paragraph 13(b) of Schedule 1, and Part 1 of Schedule 7, to the Representation of the People Act 2000 (c. 2) ("the 2000 Act"). Section 201(3) was inserted by paragraph 21 of Schedule 1 to the 2000 Act. Paragraph 1A was inserted by paragraphs 1 and 2 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c. 6) ("the 2013 Act") and was amended by paragraph 18(1) and (2) of Schedule 19 to the Data Protection Act 2018 (c. 12). Paragraph 13(1ZB) was inserted by paragraph 4 of Schedule 2 to the 2013 Act. "Prescribed" in paragraph 13(1ZB) means, as defined in section 202, prescribed by regulations. Under article 3 of, and Schedule 1, paragraph (a) to, the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997) ("the 2016 Order") these powers are exercisable concurrently by the Secretary of State and the Minister for the Cabinet Office. A consequential amendment substituting section 199ZA of the 1983 Act was accordingly made by paragraph 3 of Schedule 2 to the 2016 Order. So far as the functions of the Secretary of State and Minister for the Cabinet Office are exercisable within devolved competence those functions were transferred to the Welsh Ministers by virtue of article 45 of and paragraph 7 of Schedule 1 to the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644) ("the 2018 Order"). By virtue of section 9 of the Scotland Act 2016 (c. 11) the 1983 Act is a pre-commencement enactment within the meaning of the Scotland Act 1998 (c. 46), so far as the functions of the Secretary of State under the 1983 Act are exercisable within devolved competence. As a result, those functions which are exercisable within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) 2013 c. 6. Powers under section 7 and 11 of the 2013 Act are vested in "the Minister", which is defined in section 25 of that Act. By virtue of article 3 of, and Schedule 1, paragraph (s), to the 2016 Order these powers are exercisable by the Secretary of State concurrently with the Minister for the Cabinet Office. A consequential amendment to section 25(1) was accordingly made by paragraph 26 of Schedule 2 to the 2016 Order. So far as the functions of the Secretary of State and Minister for the Cabinet Office are exercisable within devolved competence those functions were transferred to the Welsh Ministers by virtue of article 45 of and paragraph 7 of Schedule 1 to the 2018 Order. By virtue of section 9 of the Scotland Act 2016 the 2013 Act is a pre-commencement enactment within the meaning of the Scotland Act 1998 (c. 46), so far as the functions of the Minister for the Cabinet Office under the 2013 Act are exercisable within devolved competence. As a result, those functions which are exercisable within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**c**) Section 53(5) was inserted by paragraph 5 of Schedule 2 to the 2013 Act.

(**d**) 2000 c. 41. There are amendments to section 7 but none is relevant to this instrument.

In accordance with section 201(2) of the 1983 Act(**a**) and section 11(2) of the 2013 Act a draft of this instrument has been laid before and approved by a resolution of each House of Parliament. In accordance with section 8(6) of the 2013 Act, the draft instrument was accompanied by a report of the Electoral Commission.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Annual Canvass) (Amendment) Regulations 2019.

(2) This regulation and regulations 20 and 21 come into force on the day after the day on which these Regulations are made.

(3) Regulations 2 to 19 come into force on 31st December 2019.

(4) Any amendment made by these Regulations has the same extent as the provision to which it relates.

(5) Regulations 20 and 21 extend to England and Wales and Scotland only.

Amendments to the Representation of the People Act 1983

2. The Representation of the People Act 1983(**b**) is amended in accordance with regulations 3 to 5.

3. In section 9A (registration officers: duty to take necessary steps), in subsection (2)—

(a) before paragraph (a), insert—

"(za) for the purposes of a register of parliamentary electors in Great Britain, or a register of local government electors in England, sending to any address at least one communication to be used for the canvass under section 9D below;";

(b) in paragraph (a), for "or 10 below" substitute "(in the case of the canvass for the purposes of a register of local government electors in Scotland or in Wales) or the canvass under section 10;";

(c) before paragraph (c), insert—

"(ba) for the purposes of a register of parliamentary electors in Great Britain, or a register of local government electors in England, making on one or more occasions contact with persons by telephone;".

4. In section 9D (maintenance of registers: duty to conduct canvass in Great Britain)—

(a) in subsection (4), after "form" insert "or, except for the purposes of a register of local government electors in Scotland or Wales, one or more canvass communications";

(b) in subsection (5)(a), after "form" insert "or communication";

(c) after subsection (5)(a), insert—

"(aa) except for the purposes of a register of local government electors in Scotland or Wales, to obtain the information required by a canvass form,";

(d) in subsection (5)(b), after "form" insert "or communication";

(e) in subsection (5)(c), after "form" insert "or communication".

5.—(1) Schedule 2 (provisions which may be contained in regulations as to registration etc.) is amended as follows.

(**a**) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the 1985 Act and amended by article 5(b) of S.I. 1991/1728, paragraph 6(1) and 7(b) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13) ("the 2014 Northern Ireland Act").

(**b**) Section 9A(2) was inserted by section 9(1) of the Electoral Administration Act 2006 (c. 22) and amended by paragraphs 1 and 6(1) and (3) of Schedule 4 to the 2013 Act and section 18(3)(b) and (c) of the 2014 Northern Ireland Act; section 9D was inserted by section 4 of the 2013 Act; paragraph 1B of Schedule 2 was inserted by paragraph 20(3) of Schedule 4 to that Act, and paragraph 3C of Schedule 2 was inserted by paragraphs 20(1) and (5) of Schedule 4 to that Act.

(2) In paragraph 1B(1), after "canvass form" insert "or communication".

(3) In paragraph 3C—

(a) in sub-paragraph (1), for "in Great Britain" substitute "for the purposes of a register of local government electors in Scotland or Wales";

(b) after sub-paragraph (1), insert—

"(1A) Provision authorising or requiring a registration officer conducting a canvass for the purposes of a register of parliamentary electors in Great Britain, or a register of local government electors in England—

(a) to take specified steps for the purpose of obtaining any information that a registration officer may or must require persons to give by virtue of regulations under paragraph 1B(1) in respect of a particular address,

(b) to take specified steps for the purpose of obtaining information where no response is received in respect of a particular address.";

(c) in sub-paragraph (3), after "sub-paragraph (1)" insert ", (1A)".

Amendments to the Representation of the People (England and Wales) Regulations 2001

6. The Representation of the People (England and Wales) Regulations 2001(**a**) are amended in accordance with regulations 7 to 12.

7. In regulation 3(1)—

(a) in the definition of "digital service", for the words from "and for the purpose of verifying" to the end substitute ", for the purpose of verifying information under regulation 29ZA and for the purpose of the data matching under regulation 32ZBB in respect of the annual canvass for a register of parliamentary electors in England or Wales and a register of local government electors in England;";

(b) after the definition of "registration officer", insert—

""relevant contact details" means—

(a) an email address;

(b) a telephone number; or

(c) an electronic identifier unique to the individual;".

8. In regulation 26(3)(eb), at the beginning insert "in relation to the registration of local government electors in Wales,".

9. In regulation 32ZA—

(a) for the heading substitute "Annual canvass: register of local government electors in Wales"; and

(b) in paragraph (1), after "the 1983 Act" insert "in respect of a register of local government electors in Wales".

10. In regulation 32ZB(1), for "If", substitute "In relation to the annual canvass required by section 9D of the 1983 Act in respect of a register of local government electors in Wales, if".

11. After regulation 32ZB insert—

(**a**) S.I. 2001/341. Relevant amendments to regulation 3 were made by S.I. 2013/3198 and S.I. 2019/419. Regulation 26 was substituted by S.I. 2013/3198 and subsequently amended by S.I. 2015/1971, 2016/694, 2018/272 and 2018/312. Regulation 32ZA was inserted by S.I. 2013/3198 and was subsequently amended by S.I. 2015/467, 2015/1971, 2016/694, 2016/997 and 2018/644. Regulation 32ZA(3)(f) was also amended by paragraphs 252 and 256 of Schedule 19 to the Data Protection Act 2018 (c. 12). Regulation 32ZB was inserted by S.I. 2013/3198 and subsequently amended by S.I. 2016/694. Regulation 93A was inserted by S.I. 2013/3198 and was subsequently amended by S.I. 2018/312.There are other amendments but none is relevant to this instrument.

"Annual canvass

32ZBA.—(1) Before conducting the annual canvass required by section 9D(1) of the 1983 Act, each registration officer must comply with paragraph (1) of regulation 32ZBB in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England.

(2) Each registration officer must conduct the annual canvass in respect of a residential address in the area for which they are responsible in accordance with regulation 32ZBD, for the purposes of a register of parliamentary electors in England or Wales, or a register of local government electors in England.

(3) The obligation in paragraph (2) does not apply in a case described in paragraph (4) or (5) (but see paragraph (6)).

(4) The first case is where—

(a) having taken into account the information described in paragraph (7), the registration officer—

(i) is satisfied that it is not necessary to remove a person registered at the address from a register of parliamentary electors in England or Wales, or a register of local government electors in England; and

(ii) has no reason to believe that any addition may be required to such a register in respect of the address; and

(b) having proceeded to conduct the annual canvass in accordance with regulation 32ZBE—

(i) the registration officer remains satisfied as to the matters in sub-paragraph (a); or

(ii) in circumstances where the registration officer has reason to believe that—

(aa) it may be necessary to remove a person registered at that address from a register of parliamentary electors in England or Wales, or a register of local government electors in England; or

(bb) a person who resides at the address may be entitled to be added to such a register,

the registration officer is aware of that person's name.

(5) The second case is where—

(a) the address is in respect of a property to which regulation 32ZBF(2) applies;

(b) the registration officer has—

(i) identified a responsible person in respect of that property within the meaning of regulation 32ZBF(8); and

(ii) attempted to make contact with the responsible person in accordance with regulation 32ZBF(5); and

(c) the responsible person has, within a reasonable time of the registration officer making that attempt, communicated the information described in regulation 32ZBF(5)(a) to (c) to the officer.

(6) Where any of the information described in paragraph (7) or taken into account in accordance with paragraph (8) indicates that only persons under the age of 18 are registered at an address in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England, the registration officer must conduct the annual canvass in respect of that address in accordance with regulation 32ZBD.

(7) The information in this paragraph is—

(a) the results of the data comparison described in regulation 32ZBB, where disclosed to the registration officer by the Minister for the Cabinet Office in accordance with paragraph (6) of that regulation; and

(b) any information which the registration officer may hold following the determination of an application under section 10ZC(1) or 10ZD(1) of the 1983 Act(**a**) in respect of a person—

(i) whose name has not yet been published in a notice of alteration under section 13A(2) of that Act; or

(ii) excluded from the data comparison described in regulation 32ZBB by virtue of paragraph (7) of that regulation.

(8) In determining whether either of the cases described in paragraphs (4) or (5) is made out, the registration officer may take into account any other information which the officer may hold in writing or in data form for the purposes of the officer's registration duties in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England, or any information which that officer may inspect for those purposes.

Annual canvass data matching

32ZBB.—(1) Subject to paragraphs (7) and (8), each registration officer must disclose to the Minister for the Cabinet Office the matching data in respect of each person aged 16 or over who is registered in a register of parliamentary electors in England or Wales, or a register of local government electors in England, maintained by that registration officer.

(2) The matching data must be disclosed in such format and through such an infrastructure system as the Minister for the Cabinet Office may have notified to the registration officer in writing.

(3) Following receipt of the matching data from the registration officer, the Minister for the Cabinet Office may disclose that data to the Secretary of State.

(4) Where matching data has been disclosed to the Secretary of State under paragraph (3), the Secretary of State may compare it against information appearing in the following types of database kept by the Secretary of State—

(a) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Communities (Northern Ireland)); and

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

(5) The Secretary of State may disclose the results of the data comparison to the Minister for the Cabinet Office.

(6) On receipt of such results, the Minister for the Cabinet Office may disclose them to the registration officer in whose register the person concerned is registered.

(7) Where—

(a) a registration officer has successfully determined a person's application under section 10ZC(1) or 10ZD(1) of the 1983 Act at any time during the 90 day period ending with the day before the day on which the registration officer proposes to commence disclosure of matching data in accordance with paragraph (1); and

(b) that person's entry on the register has been published in a notice of alteration under section 13A(2) of the 1983 Act,

the registration officer may disclose matching data for that person to the Minister for the Cabinet Office but is not required to do so.

(8) Where a person falls within the scope of section 9D(6)(**b**) of the 1983 Act the registration officer must not disclose that person's matching data under paragraph (1).

(**a**) Section 10ZC was inserted by section 1 of the 2013 Act and section 10ZD was inserted by paragraph 1 of Schedule 1 to that Act.

(**b**) S.I. 2001/341. Section 9D was inserted by section 4 of the 2013 Act.

(9) In this regulation—

"infrastructure system" has the meaning given in Schedule 3A to the Communications Act 2003(**a**);

"matching data" means—

(a) a person's full name;

(b) where held by the registration officer, a person's date of birth;

(c) the address, including postcode, of the property at which a person is registered;

(d) where held by the registration officer, the unique property reference number of the property at which a person is registered; and

(e) any other information held by the registration officer which relates to a person's entry on the register and which the Minister for the Cabinet Office may have specified in writing;

"the Secretary of State" means the Secretary of State for the Department for Work and Pensions.

Processing of information in connection with annual canvass data matching

32ZBC.—(1) Information disclosed under regulation 32ZBB may not be disclosed to any other person, except—

(a) so that it may be taken into account by a registration officer for the purposes of determining whether the annual canvass may be conducted otherwise than in accordance with regulation 32ZBD in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England;

(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, or both.

(3) Any person who processes information under regulation 32ZBB must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office, including requirements as to the transfer, storage, destruction and security of that information.

(4) Where a registration officer processes the results of the data matching for the purposes of determining whether the officer may conduct the annual canvass required by section 9D(1) of the 1983 Act otherwise than in accordance with regulation 32ZBD, the officer must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office in relation to the register of parliamentary electors in England or Wales and the register of local government electors in England.

(5) Where the Minister for the Cabinet Office imposes requirements as to processing under paragraph (3) or (4), such requirements must be imposed before a registration officer is required to disclose that information under regulation 32ZBB.

(**a**) 2003 c. 21. Schedule 3A was inserted by section 4 of the Digital Economy Act 2017.

Annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received

32ZBD.—(1) A registration officer must attempt to make contact with a person who is, or may be eligible to be, registered, in a register of parliamentary electors in England or Wales, or a register of local government electors in England, at a residential address in the area for which the officer is responsible by–

(a) sending a paper communication to the address, or

(b) visiting the address in order to obtain the information required by the canvass form.

(2) If no information in response is received within a reasonable time following an attempt to make contact with a person under paragraph (1), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(3) If no information in response is received within a reasonable time following an attempt to make contact with at least one person under paragraph (2), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(4) Subject to paragraphs (6) to (9) a registration officer may comply with the requirements in paragraphs (2) and (3) by any of the following means—

(a) by sending a paper communication to the address;

(b) where the registration officer holds a telephone number for one or more persons aged 18 or over who are registered in the register of parliamentary electors in England or Wales, or the register of local government electors in England, at the address, and whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;

(c) where the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered in the register of parliamentary electors in England or Wales, or the register of local government electors in England, at the address, and whom the registration officer believes are resident at that address, by sending a communication by electronic means to each of those persons; or

(d) by visiting the address.

(5) Where a registration officer has complied with the requirements in paragraphs (1) and (2) but has not done so in either case by sending the canvass form to the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending that form to the address.

(6) Where a registration officer has complied with the requirement in paragraph (2) other than by sending a paper communication to the address or by visiting the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending a paper communication to the address or visiting the address but, where paragraph (5) applies, the registration officer must instead do so by sending the canvass form to that address.

(7) Where no information has been received in response to an attempt to make contact with a person under paragraph (3), and a registration officer has not already made an attempt to contact a person at that address by means of a telephone call or calls under paragraph (4)(b) or by visiting the address, the officer must make an attempt by one or other of these means in order to obtain the information required by the canvass form.

(8) A registration officer complies with the requirements in paragraphs (2), (3) or (7) by means of a telephone call or calls under paragraph (4)(b) without having to make a telephone call to each of the persons to whom that sub-paragraph relates, where—

(a) one of the persons to whom that sub-paragraph relates has provided the information required by the canvass form; or

(b) an identical telephone number is held in respect of all persons to whom that sub-paragraph relates.

(9) Where a registration officer complies with the requirements in paragraphs (1), (2) or (3) by sending a canvass form—

(a) before sending the form the registration officer must if practicable print on the form—

(i) any information required by the canvass form which the officer already holds in respect of each person who is registered at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act;

(ii) the full name and nationality of each person whose application to be registered at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and

(iii) an indication as to whether any person who is registered at that address is aged 76 or over; and

(b) the form must be accompanied by a pre-addressed reply envelope, the postage of which has been pre-paid.

(10) In this regulation—

"canvass form" means the canvass form designed by the Electoral Commission under regulation 32ZBG(1)(a)(ii);

"paper communication" means—

(a) the canvass form, or

(b) the canvass communication B designed by the Electoral Commission under regulation 32ZBG(1)(a)(iii).

Annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required

32ZBE.—(1) Paragraph (2) applies where, having taken into account the information described in regulation 32ZBA(7), a registration officer—

(a) is satisfied that it is not necessary to remove a person registered at a residential address in the area for which they are responsible from a register of parliamentary electors in England or Wales, or a register of local government electors in England; and

(b) has no reason to believe that any addition may be required to a register of parliamentary electors in England or Wales, or a register of local government electors in England in respect of the address.

(2) The registration officer may proceed to conduct the annual canvass for a register of parliamentary electors in England or Wales, or a register of local government electors in England, by complying with the requirements of paragraphs (3) to (6) (but see paragraph (7)).

(3) A registration officer must send either of the following—

(a) a canvass communication A to the address; or

(b) where the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary

electors in England or Wales, or a register of local government electors in England, a communication by electronic means to each of those persons.

(4) Any communication sent under paragraph (3)(b) must require the recipient to—

(a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate; and

(b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 16 or over who is residing at the address and who is eligible to be registered in a register of parliamentary electors in England or Wales, or a register of local government electors in England, including an indication as to whether any of those persons is aged 76 or over.

(5) In circumstances where a registration officer—

(a) does not hold relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England; or

(b) has sent a communication by electronic means under paragraph (3)(b) to one or more persons in respect of the address and has not, within a reasonable time of sending the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.

(6) The registration officer must, before sending a canvass communication A, print the following information on the communication—

(a) the full name and nationality of each person—

(i) who is registered at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; or

(ii) whose application to be registered at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and

(b) if practicable, an indication as to whether any of those persons is aged 76 or over.

(7) If, after complying with the requirements of paragraphs (3) to (6), a registration officer has reason to believe—

(a) that it may be necessary to remove a person registered at that address from a register of parliamentary electors in England or Wales, or a register of local government electors in England; or

(b) that a person who resides at the address may be entitled to be registered in a register of parliamentary electors in England or Wales, or a register of local government electors in England,

but is not aware of that person's name, the officer must conduct the annual canvass in accordance with regulation 32ZBD in respect of the address.

(8) In this regulation, "canvass communication A" means a document in the form designed by the Electoral Commission under regulation 32ZBG(1)(a)(i).

Annual canvass in respect of particular types of property

32ZBF.—(1) Paragraph (4) applies where a registration officer has identified a responsible person in respect of a property to which paragraph (2) applies in the area for which the officer is responsible.

(2) Subject to paragraph (3), this paragraph applies to—

(a) a care home registered under Part 2 of the Care Standards Act 2000(**a**);

(b) a property at which is situated a care home service regulated under the Regulation and Inspection of Social Care (Wales) Act 2016(**b**), unless that service is provided wholly or mainly to persons under the age of 18;

(c) a house in multiple occupation within the meaning of section 254 of the Housing Act 2004(**c**);

(d) a building occupied by students within the meaning of paragraph 4 of Schedule 14 to the Housing Act 2004;

(e) a hostel, being a building in which is provided, for persons generally or for a class or classes of persons—

(i) residential accommodation otherwise than in separate and self-contained premises; and

(ii) either board or facilities for the preparation of food adequate to the needs of those persons, or both; and

(f) a property—

(i) at which persons reside who together do not form a single household; or

(ii) in respect of which a registration officer has made an attempt to deliver a document in the previous 18 months but has been unable to do so; and

in respect of which a registration officer reasonably believes that conducting the annual canvass in accordance with this regulation is more likely to fulfil its purpose under section 9D(2) of the 1983 Act than if conducted in accordance with any other part of these Regulations.

(3) Paragraph (2)(f) does not apply to a building containing two or more flats which are occupied or intended to be occupied wholly or mainly for residential purposes.

(4) The registration officer may proceed to conduct the annual canvass for that property in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England, by complying with paragraph (5) (but see paragraph (7)).

(5) The registration officer must attempt to make contact with the responsible person and must request the following information in respect of each person aged 16 or over who is residing at that property and is eligible to be registered in a register of parliamentary electors in England or Wales, or a register of local government electors in England—

(a) full name;

(b) nationality;

(c) an indication as to whether the person in question is aged 76 or over.

(6) A registration officer may comply with paragraph (5) by any means the registration officer thinks appropriate, including—

(a) by sending a paper communication;

(b) by visiting the property;

(c) by telephone;

(d) by electronic means.

(**a**) 2000 c. 14.
(**b**) 2016 anaw 2.
(**c**) 2004 c. 34.

(7) If, after complying with the requirements of paragraph (5), the registration officer does not receive the information requested within a reasonable time of having made the attempt to contact the responsible person the registration officer must conduct the annual canvass in respect of that property in accordance with regulation 32ZBD.

(8) For the purposes of this regulation "responsible person" means any person who lawfully holds or has access to, and may lawfully disclose to the registration officer, any of the information in paragraph (5) in relation to the residents of a property to which paragraph (2) applies.

Electoral Commission requirements

32ZBG.—(1) The Electoral Commission must—

(a) design the following—

(i) a paper canvass communication A;

(ii) a paper canvass form;

(iii) a paper canvass communication B;

(b) obtain the approval of the Minister for the Cabinet Office to the communications and the form; and

(c) make the designs available to registration officers.

(2) The Electoral Commission may design a version of each of the communications and the form referred to in paragraph (1)(a) for use in England and another version of each of them for use in Wales.

(3) Before giving the approval referred to in paragraph (1)(b), in respect of any form or communication to be used in Wales, the Minister for the Cabinet Office must consult the Welsh Ministers.

(4) The canvass communication A referred to in paragraph (1)(a)(i) must—

(a) include a space for the full name and nationality of each person who is registered in a register of parliamentary electors in England or Wales, or a register of local government electors in England, at the address to which the communication relates;

(b) include a space for the full name and nationality of each person whose application for registration at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent;

(c) where a person's personal data has been processed under regulation 32ZBB prior to the registration officer sending the communication, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the communication will be processed in accordance with such requirements;

(d) require the occupier or, if there is no occupier, or it is not reasonably practicable for the occupier to provide the required information, the person in charge of the premises—

(i) to notify the registration officer responsible for the area in which the address is situated if any of the information provided in the communication is incomplete or inaccurate; and

(ii) to provide the registration officer with the full name and nationality of each person aged 16 or over who is eligible to be registered in a register of parliamentary electors in England or Wales, or a register of local government

electors in England, and is residing at the address to which the communication relates, where that information is not included in the communication;

(e) set out the manner in which the responses referred to in subparagraph (d) may be provided, and—

(i) require a named person at the address to which the communication relates to make a declaration that the information contained in such responses is true; and

(ii) require an indication, if the person making the declaration is not resident at the address, of the capacity in which they are making it.

(5) The canvass form referred to in paragraph (1)(a)(ii) must—

(a) require the recipient to provide the full name and nationality of each person aged 16 or over who is eligible to be registered in a register of parliamentary electors in England or Wales, or a register of local government electors in England, and is residing at the address to which the form is delivered;

(b) include a space for the full name and nationality of each person whose application for registration at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the canvass form will be sent;

(c) where a person's personal data has been processed prior to the registration officer sending the form, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the form will be processed in accordance with such requirements;

(d) include space for the email address and telephone number or numbers of each person residing at the address who is entitled to be registered in a register of parliamentary electors in England or Wales, or a register of local government electors in England, together with an explanation that provision of this information is not mandatory;

(e) include a declaration that the information provided is true, to be made by a named person at the address to which the form is given and include an indication, if the person who is making the declaration is not resident at the address, of the capacity in which they are making it.".

12. In regulation 93A(3), for "A registration officer" substitute "In relation to the registration of local government electors in Wales, a registration officer".

Amendments to the Representation of the People (Scotland) Regulations 2001

13. The Representation of the People (Scotland) Regulations 2001(**a**) are amended in accordance with regulations 14 to 19.

14. In regulation 3(1)—

(**a**) S.I. 2001/497. Relevant amendments to regulation 3 were made by S.I. 2013/3206, S.I. 2016/997 and S.I. 2019/419. Regulation 26 was substituted by S.I. 2013/3206 and subsequently amended by S.I. 2015/1966, 2017/602, 2017/604, 2018/427, S.I 2018/89 and the Scottish Elections (Reduction of Voting Age) Act 2015 (asp. 7) ("the 2015 Act").Regulation 32ZA was inserted by S.I. 2013/3206 and subsequently amended by S.I. 2015/450, 2015/, 2016/694, 2016/997, 2017/602, 2018/644 and the 2015 Act. Regulation 32ZA(3)(f) was also amended by paragraph 256 of Schedule 19 to the Data Protection Act 2018 (c. 12). Regulation 32ZB was inserted by S.I. 2013/3206 and subsequently amended by S.I. 2017/604. Regulation 93A was inserted by S.I. 2013/3206 and subsequently amended by S.I. 2018/427 and S.S.I. 2018/89. There are other amendments but none is relevant to this instrument.

(a) in the definition of "digital service" for the words from "and for the purpose of verifying" to the end substitute ", for the purpose of verifying information under regulation 29ZA and for the purpose of data matching under regulation 32ZBB in respect of the annual canvass for a register of parliamentary electors";

(b) after the definition of "registration officer", insert—

""relevant contact details" means—

(a) an email address;

(b) a telephone number; or

(c) an electronic identifier unique to the individual.".

15. In regulation 26(3)(eb), at the beginning insert "in relation to the registration of local government electors,".

16. In regulation 32ZA—

(a) for the heading substitute "Annual canvass: register of local government electors"; and

(b) in paragraph (1), after "the 1983 Act" insert "in respect of a register of local government electors".

17. In regulation 32ZB(1), for "If", substitute "In relation to the annual canvass required by section 9D of the 1983 Act in respect of a register of local government electors, if".

18. After regulation 32ZB insert—

"Annual canvass

32ZBA.—(1) Before conducting the annual canvass required by section 9D(1) of the 1983 Act, each registration officer must comply with paragraph (1) of regulation 32ZBB in respect of a register of parliamentary electors.

(2) Each registration officer must conduct the annual canvass in respect of a residential address in the area for which they are responsible in accordance with regulation 32ZBD, for the purposes of a register of parliamentary electors.

(3) The obligation in paragraph (2) does not apply in a case described in paragraph (4) or (5) (but see paragraph (6)).

(4) The first case is where—

(a) having taken into account the information described in paragraph (7), the registration officer—

(i) is satisfied that it is not necessary to remove a person registered at the address from a register of parliamentary electors; and

(ii) has no reason to believe that any addition may be required to such a register in respect of the address; and

(b) having proceeded to conduct the annual canvass in accordance with regulation 32ZBE—

(i) the registration officer remains satisfied as to the matters in sub-paragraph (a); or

(ii) in circumstances where the registration officer has reason to believe that—

(aa) it may be necessary to remove a person registered at that address from a register of parliamentary electors; or

(bb) a person who resides at the address may be entitled to be added to such a register,

the registration officer is aware of that person's name.

(5) The second case is where—

(a) the address is in respect of a property to which regulation 32ZBF(2) applies;

(b) the registration officer has—

(i) identified a responsible person in respect of that property within the meaning of regulation 32ZBF(8); and

(ii) attempted to make contact with the responsible person in accordance with regulation 32ZBF(5); and

(c) the responsible person has, within a reasonable time of the registration officer making that attempt, communicated the information described in regulation 32ZBF(5)(a) to (c) to the officer.

(6) Where any of the information described in paragraph (7) or taken into account in accordance with paragraph (8) indicates that only persons under the age of 18 are registered at an address in respect of a register of parliamentary electors, the registration officer must conduct the annual canvass in respect of that address in accordance with regulation 32ZBD.

(7) The information in this paragraph is—

(a) the results of the data comparison described in regulation 32ZBB, where disclosed to the registration officer by the Minister for the Cabinet Office in accordance with paragraph (6) of that regulation; and

(b) any information which the registration officer may hold following the determination of an application under section 10ZC(1) or 10ZD(1) of the 1983 Act in respect of a person—

(i) whose name has not yet been published in a notice of alteration under section 13A(2) of that Act; or

(ii) excluded from the data comparison described in regulation 32ZBB by virtue of paragraph (7) of that regulation.

(8) In determining whether either of the cases described in paragraphs (4) or (5) is made out, the registration officer may take into account any other information which the officer may hold in writing or in data form for the purposes of the officer's registration duties in respect of a register of parliamentary electors, or any information which that officer may inspect for those purposes.

Annual canvass data matching

32ZBB.—(1) Subject to paragraphs (7) and (8), each registration officer must disclose to the Minister for the Cabinet Office the matching data in respect of each person aged 16 or over who is registered in a register of parliamentary electors maintained by that registration officer.

(2) The matching data must be disclosed in such format and through such an infrastructure system as the Minister for the Cabinet Office may have notified to the registration officer in writing.

(3) Following receipt of the matching data from the registration officer, the Minister for the Cabinet Office may disclose that data to the Secretary of State.

(4) Where matching data has been disclosed to the Secretary of State under paragraph (3), the Secretary of State may compare it against information appearing in the following types of database kept by the Secretary of State—

(a) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Communities (Northern Ireland)); and

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

(5) The Secretary of State may disclose the results of the data comparison to the Minister for the Cabinet Office.

(6) On receipt of such results, the Minister for the Cabinet Office may disclose them to the registration officer in whose register the person concerned is registered.

(7) Where—

(a) a registration officer has successfully determined a person's application under section 10ZC(1) or 10ZD(1) of the 1983 Act at any time during the 90 day period ending with the day before the day on which the registration officer proposes to commence disclosure of matching data in accordance with paragraph (1); and

(b) that person's entry on the register has been published in a notice of alteration under section 13A(2) of the 1983 Act,

the registration officer may disclose matching data for that person to the Minister for the Cabinet Office but is not required to do so.

(8) Where a person falls within the scope of section 9D(6) of the 1983 Act the registration officer must not disclose that person's matching data under paragraph (1).

(9) In this regulation—

"infrastructure system" has the meaning given in Schedule 3A to the Communications Act 2003(**a**);

"matching data" means—

(a) a person's full name;

(b) where held by the registration officer, a person's date of birth;

(c) the address, including postcode, of the property at which a person is registered;

(d) where held by the registration officer, the unique property reference number of the property at which a person is registered; and

(e) any other information held by the registration officer which relates to a person's entry on the register and which the Minister for the Cabinet Office may have specified in writing;

"the Secretary of State" means the Secretary of State for the Department for Work and Pensions.

Processing of information in connection with annual canvass data matching

32ZBC.—(1) Information disclosed under regulation 32ZBB may not be disclosed to any other person, except—

(a) so that it may be taken into account by a registration officer for the purposes of determining whether the annual canvass may be conducted otherwise than in accordance with regulation 32ZBD in respect of a register of parliamentary electors;

(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, or both.

(3) Any person who processes information under regulation 32ZBB must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office, including requirements as to the transfer, storage, destruction and security of that information.

(4) Where a registration officer processes the results of the data matching for the purposes of determining whether the officer may conduct the annual canvass required by section 9D(1) of the 1983 Act otherwise than in accordance with regulation 32ZBD, the officer

(**a**) 2003 c. 21. Schedule 3A was inserted by section 4 of the Digital Economy Act 2017.

must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office in relation to the register of parliamentary electors.

(5) Where the Minister for the Cabinet Office imposes requirements as to processing under paragraph (3) or (4), such requirements must be imposed before a registration officer is required to disclose that information under regulation 32ZBB.

Annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received

32ZBD.—(1) A registration officer must attempt to make contact with a person who is, or may be eligible to be, registered, in a register of parliamentary electors, at a residential address in the area for which the officer is responsible by–

(a) sending a paper communication to the address, or

(b) visiting the address in order to obtain the information required by the canvass form.

(2) If no information in response is received within a reasonable time following an attempt to make contact with a person under paragraph (1), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(3) If no information in response is received within a reasonable time following an attempt to make contact with at least one person under paragraph (2), the registration officer must make a further attempt to make contact with at least one person at the address in order to obtain the information required by the canvass form.

(4) Subject to paragraphs (6) to (9) a registration officer may comply with the requirements in paragraphs (2) and (3) by any of the following means—

(a) by sending a paper communication to the address;

(b) where the registration officer holds a telephone number for one or more persons aged 18 or over who are registered in the register of parliamentary electors at the address, and whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;

(c) where the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered in the register of parliamentary electors at the address, and whom the registration officer believes are resident at that address, by sending a communication by electronic means to each of those persons; or

(d) by visiting the address.

(5) Where a registration officer has complied with the requirements in paragraphs (1) and (2) but has not done so in either case by sending the canvass form to the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending that form to the address.

(6) Where a registration officer has complied with the requirement in paragraph (2) other than by sending a paper communication to the address or by visiting the address, and the registration officer is required to comply with paragraph (3), the registration officer must do so by sending a paper communication to the address or visiting the address but, where paragraph (5) applies, the registration officer must instead do so by sending the canvass form to that address.

(7) Where no information has been received in response to an attempt to make contact with a person under paragraph (3), and a registration officer has not already made an attempt to contact a person at that address by means of a telephone call or calls under paragraph (4)(b) or by visiting the address, the officer must make an attempt by one or other of these means in order to obtain the information required by the canvass form.

(8) A registration officer complies with the requirements in paragraphs (2), (3) or (7) by means of a telephone call or calls under paragraph (4)(b) without having to make a telephone call to each of the persons to whom that sub-paragraph relates, where—

(a) one of those persons to whom that sub-paragraph relates has provided the information required by the canvass form; or

(b) an identical telephone number is held in respect of all persons to whom that sub-paragraph relates.

(9) Where a registration officer complies with the requirements in paragraphs (1), (2) or (3) by sending a canvass form—

(a) before sending the form the registration officer must if practicable print on the form—

(i) any information required by the canvass form which the officer already holds in respect of each person who is registered at the address in a register of parliamentary electors, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and

(ii) the full name and nationality of each person whose application to be registered at the address in a register of parliamentary electors, under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and

(b) the form must be accompanied by a pre-addressed reply envelope, the postage of which has been pre-paid.

(10) In this regulation—

"canvass form" means the canvass form designed by the Electoral Commission under regulation 32ZBG(1)(a)(ii);

"paper communication" means—

(a) the canvass form, or

(b) the canvass communication B designed by the Electoral Commission under regulation 32ZBG(1)(a)(iii).

Annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required

32ZBE.—(1) Paragraph (2) applies where, having taken into account the information described in regulation 32ZBA(7), a registration officer—

(a) is satisfied that it is not necessary to remove a person registered at a residential address in the area for which they are responsible from a register of parliamentary electors; and

(b) has no reason to believe that any addition may be required to a register of parliamentary electors in respect of the address.

(2) The registration officer may proceed to conduct the annual canvass for a register of parliamentary electors by complying with the requirements of paragraphs (3) to (6) (but see paragraph (7)).

(3) A registration officer must send either of the following—

(a) a canvass communication A to the address; or

(b) where the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors, a communication by electronic means to each of those persons.

(4) Any communication sent under paragraph (3)(b) must require the recipient to—

(a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of parliamentary electors, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate; and

(b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 16 or over who is residing at the address and who is eligible to be registered in a register of parliamentary electors.

(5) In circumstances where a registration officer—

(a) does not hold relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors; or

(b) has sent a communication by electronic means under paragraph (3)(b) to one or more persons in respect of the address and has not, within a reasonable time of sending the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.

(6) The registration officer must, before sending a canvass communication A, print on the communication the full name and nationality of each person—

(a) who is registered at the address in a register of parliamentary electors, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; or

(b) whose application to be registered at the address in a register of parliamentary electors under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act.

(7) If, after complying with the requirements of paragraphs (3) to (6), a registration officer has reason to believe—

(a) that it may be necessary to remove a person registered at that address from a register of parliamentary electors; or

(b) that a person who resides at the address may be entitled to be registered in a register of parliamentary electors,

but is not aware of that person's name, the officer must conduct the annual canvass in accordance with regulation 32ZBD in respect of the address.

(8) In this regulation, "canvass communication A" means a document in the form designed by the Electoral Commission under regulation 32ZBG(1)(a)(i).

Annual canvass in respect of particular types of property

32ZBF.—(1) Paragraph (4) applies where a registration officer has identified a responsible person in respect of a property to which paragraph (2) applies in the area for which the officer is responsible.

(2) Subject to paragraph (3), this paragraph applies to—

(a) a property at which is situated a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010(**a**), where "care home service" has the meaning given by paragraph 2 of Schedule 12 to that Act;

(**a**) 2010 asp 8.

(b) a house in multiple occupation within the meaning of section 125 of the Housing (Scotland) Act 2006(**a**);

(c) a building which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education;

(d) a property—

(i) at which persons reside who together do not form a single household; or

(ii) in respect of which a registration officer has made an attempt to deliver a document in the previous 18 months but has been unable to do so, and

in respect of which a registration officer reasonably believes that conducting the annual canvass in accordance with this regulation is more likely to fulfil its purpose under section 9D(2) of the 1983 Act than if conducted in accordance with any other part of these Regulations.

(3) Paragraph (2)(d) does not apply to a building containing two or more flats which are occupied or intended to be occupied wholly or mainly for residential purposes.

(4) The registration officer may proceed to conduct the annual canvass for that property in respect of a register of parliamentary electors by complying with paragraph (5) (but see paragraph (7)).

(5) The registration officer must attempt to make contact with the responsible person and must request the following information in respect of each person aged 16 or over who is residing at that property and is eligible to be registered in a register of parliamentary electors—

(a) full name;

(b) nationality.

(6) A registration officer may comply with paragraph (5) by any means the registration officer thinks appropriate, including—

(a) by sending a paper communication;

(b) by visiting the property;

(c) by telephone;

(d) by electronic means.

(7) If, after complying with the requirements of paragraph (5), the registration officer does not receive the information requested within a reasonable time of having made the attempt to contact the responsible person the registration officer must conduct the annual canvass in respect of that property in accordance with regulation 32ZBD.

(8) For the purposes of this regulation "responsible person" means any person who lawfully holds or has access to, and may lawfully disclose to the registration officer, any of the information in paragraph (5) in relation to the residents of a property to which paragraph (2) applies.

Electoral Commission requirements

32ZBG.—(1) The Electoral Commission must—

(a) design the following—

(i) a paper canvass communication A;

(ii) a paper canvass form;

(iii) a paper canvass communication B;

(b) obtain the approval of the Minister for the Cabinet Office to the communications and the form; and

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(**a**) 2006 asp 1. Section 125 was amended by section 13 of the Private Rented Housing (Scotland) Act 2011 (asp 14).

(c) make the designs available to registration officers.

(2) Before giving the approval referred to in paragraph (1)(b) the Minister for the Cabinet Office must consult the Scottish Ministers.

(3) The canvass communication A referred to in paragraph (1)(a)(i) must—

(a) include a space for the full name and nationality of each person who is registered in a register of parliamentary electors at the address to which the communication relates;

(b) include a space for the full name and nationality of each person whose application for registration at the address in a register of parliamentary electors under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the communication will be sent;

(c) where a person's personal data has been processed under regulation 32ZBB prior to the registration officer sending the communication, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the communication will be processed in accordance with such requirements;

(d) require the occupier or, if there is no occupier, or it is not reasonably practicable for the occupier to provide the required information, the person in charge of the premises—

(i) to notify the registration officer responsible for the area in which the address is situated if any of the information provided in the communication is incomplete or inaccurate; and

(ii) to provide the registration officer with the full name and nationality of each person aged 16 or over who is eligible to be registered in a register of parliamentary electors, and is residing at the address to which the communication relates, where that information is not included in the communication;

(e) set out the manner in which the responses referred to in subparagraph (d) may be provided, and—

(i) require a named person at the address to which the communication relates to make a declaration that the information contained in such responses is true; and

(ii) require an indication, if the person making the declaration is not resident at the address, of the capacity in which they are making it.

(4) The canvass form referred to in paragraph (1)(a)(ii) must—

(a) require the recipient to provide the full name and nationality of each person aged 16 or over who is eligible to be registered in a register of parliamentary electors and is residing at the address to which the form is delivered;

(b) include a space for the full name and nationality of each person whose application for registration at the address in a register of parliamentary electors under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the canvass form will be sent;

(c) where a person's personal data has been processed prior to the registration officer sending the form, include a notification that such processing was carried out in accordance with any applicable requirements relating to the protection of personal data, and that any information provided in response to the form will be processed in accordance with such requirements;

(d) include space for the email address and telephone number or numbers of each person residing at the address who is entitled to be registered in a register of parliamentary electors, together with an explanation that provision of this information is not mandatory;

(e) include a declaration that the information provided is true, to be made by a named person at the address to which the form is given and include an indication, if the person who is making the declaration is not resident at the address, of the capacity in which they are making it.".

19. In regulation 93A(3), for "A registration officer" substitute "In relation to the registration of local government electors, a registration officer".

Data matching confirmation

20.—(1) Subject to paragraphs (7) and (8) each registration officer must disclose to the Minister for the Cabinet Office the matching data in respect of each person aged 16 or over who is registered in a register of parliamentary electors in Great Britain, or a register of local government electors in England, maintained by that registration officer.

(2) The registration officer must disclose the matching data—

(a) within the specified period; and

(b) in such a format, and through such an infrastructure system as the Minister for the Cabinet Office may have notified to the registration officer in writing.

(3) Following receipt of the matching data from the registration officer, the Minister for the Cabinet Office may disclose that data to the Secretary of State.

(4) Where matching data has been disclosed to the Secretary of State under paragraph (3), the Secretary of State may compare it against information appearing in the following types of database kept by the Secretary of State—

(a) databases kept for the purposes of functions relating to social security (including such information kept on behalf of the Department for Communities (Northern Ireland)); and

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

(5) The Secretary of State may disclose the results of the data comparison to the Minister for the Cabinet Office.

(6) On receipt of such results, the Minister for the Cabinet Office may disclose them to the registration officer in whose register the person concerned is registered.

(7) Where—

(a) a registration officer has successfully determined a person's application under section 10ZC(1) or 10ZD(1) of the 1983 Act at any time during the 90 day period ending with the day before the day on which the registration officer proposes to commence disclosure of matching data in accordance with paragraph (1); and

(b) that person's entry on the register has been published in a notice of alteration under section 13A(2) of the 1983 Act,

the registration officer may disclose matching data for that person to the Minister for the Cabinet Office but is not required to do so.

(8) Where a person falls within the scope of section 9D(6) of the 1983 Act the registration officer must not disclose that person's matching data under paragraph (1).

(9) In this regulation—

"infrastructure system" has the same meaning as in Schedule 3A to the Communications Act 2003;

"matching data" means—

(a) a person's full name;

(b) where held by the registration officer, a person's date of birth;

(c) the address, including postcode, of the property at which a person is registered;

(d) where held by the registration officer, the unique property reference number of the property at which a person is registered; and

(e) any other information held by the registration officer which relates to a person's entry on the register and which the Minister for the Cabinet Office may have specified in writing.

"specified period" means the day or dates notified in writing to the registration officer by the Minister for the Cabinet Office, such day or dates to be no later than July 2020;

"the Secretary of State" means the Secretary of State for the Department for Work and Pensions.

Processing of information in connection with data matching confirmation

21.—(1) Information disclosed under regulation 20 may not be disclosed to any other person, except—

(a) for a purpose mentioned in paragraph 1A(1) of Schedule 2 to the Representation of the People Act 1983(**a**);

(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, or both.

(3) Any person who discloses information under regulation 20 must process it in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office, including requirements as to the transfer, storage, destruction and security of that information.

(4) Where a registration officer processes any results they receive under regulation 20(6) they must do so in accordance with any requirements as to the processing of information that may have been imposed by the Minister for the Cabinet Office in relation to a register of parliamentary electors in Great Britain or a register of local government electors in England.

(5) Any requirements, in accordance with which a person must process information, must be imposed by the Minister for the Cabinet Office before a registration officer is required to disclose that information under regulation 20.

Signed by the authority of the Minister for the Cabinet Office

Name
Minister for the Constitution
Cabinet Office

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the provisions in respect of the annual canvass to be conducted under section 9D of the Representation of the People Act 1983 ("the 1983 Act"), in respect of the parliamentary register of electors in England and Wales and the local government register of electors in England. These Regulations also amend the Representation of the People (England and

(**a**) Paragraph 1A was inserted by paragraph 2 of Schedule 2 to the 2013 Act.

Wales) Regulations 2001 (S.I. 2001/341) ("the England and Wales Regulations") and the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) ("the Scotland Regulations") in order to make further provision in respect of the reformed annual canvass.

Regulations 2 to 5 of these Regulations amend the 1983 Act. Regulation 3 amends the provision in respect of the steps which a registration officer may take under section 9A(2) in light of the amendments made to section 9D. Regulation 4 amends section 9D of that Act in order to provide for the reformed canvass process. Regulation 5 amends paragraphs 1B and 3C of Schedule 2 to the Act in order to provide the Secretary of State concurrently with the Minister for the Cabinet Office with powers to make further provision in respect of the reformed canvass by regulations.

Regulations 6 to 12 of these Regulations amend the England and Wales Regulations. Regulation 11 inserts new regulations 32ZBA to 32ZBG in the England and Wales Regulations setting out the reformed annual canvass process for the parliamentary register in England and Wales, and the local government register in England. Regulations 6 to 10 and 12 make consequential changes to regulations 3(1), 26(3)(eb), 32ZA, 32ZB and 93A(3) of the England and Wales Regulations as a result of the insertion of new regulations 32ZBA to 32ZBG.

Regulations 13 to 19 of these Regulations amend the Scotland Regulations. Regulation 18 inserts new regulations 32ZBA to 32ZBG into the Scotland Regulations setting out the reformed annual canvass process for the parliamentary register. Regulations 14 to 17 and 19 of these Regulations make consequential changes to regulations 3(1), 26(3)(eb), 32ZA, 32ZB and 93A(3) of the Scotland Regulations as a result of the insertion of new regulations 32ZBA to 32ZBG.

In both the England and Wales Regulations and the Scotland Regulations, regulation 32ZBA sets out the requirements of the reformed annual canvass. Regulations 32ZBB and 32ZBC provide for a data matching step as part of the reformed canvass. Regulation 32ZBB requires registration officers to disclose to the Minister for the Cabinet Office certain data in respect of registered electors and authorises the comparison of that information against data held by the Secretary of State for Work and Pensions in order to assist registration officers to determine how the annual canvass is to be conducted. Regulation 32ZBC makes provision for the processing of the information disclosed under regulation 32ZBB, the use of that data, its retention and deletion and provides that an offence will be committed if information is disclosed in breach of the regulation.

Regulation 32ZBA requires a registration officer to conduct the annual canvass in accordance with regulation 32ZBD, unless the circumstances specified in regulation 32ZBA(4) or (5) arise. These allow the registration officer to conduct the canvass in accordance with regulations 32ZBE or 32ZBF.

Regulation 32ZBE sets out how the annual canvass is to be conducted in respect of properties where, after conducting the data matching step, the registration officer is satisfied that it is not necessary to make any deletions from the relevant electoral registers, and has no reason to believe that any additions may be required to such registers.

Regulation 32ZBD also applies where a registration officer has taken steps set out in regulation 32ZBE and has reason to believe that it may be necessary to remove a person registered at that address from the relevant register(s) and is not aware of that person's name, or has reason to believe that a person who resides at that address may be entitled to be registered in such a register and is not aware of that person's name (see regulation 32ZBE(7)).

Regulation 32ZBF sets out how the annual canvass is to be conducted in respect of certain properties where the registration officer has identified a responsible person in relation to that property who lawfully holds or has access to, and may lawfully disclose to the registration officer, information in respect of each person aged 16 or over who is eligible to be registered and is residing at that property.

Regulation 32ZBG places functions on the Electoral Commission in respect of the design of the canvass form and communications.

Regulations 20 and 21 of these Regulations require registration officers to disclose to the Minister for the Cabinet Office data in respect of certain registered electors 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 for the purposes set out in paragraph 1A of Schedule 2 to the Representation of the People Act 1983, being to verify information relating to a person who is registered in a register maintained by a registration 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. The data is to be disclosed to the Minister for the Cabinet Office within a period to be specified in writing by that Minister. Regulation 21 makes provision with respect to the processing of the information disclosed under regulation 20 including the use of that data and its retention and deletion, and provides that an offence will be committed if information is disclosed in breach of regulation 21(1).

An impact assessment has been prepared and is annexed to the Explanatory Memorandum which is available alongside these Regulations on legislation.gov.uk or from the Modern Registration Division, Constitution Group, Cabinet Office, 1 Horse Guards Road, London, SW1A 2HQ.

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