This Statutory Instrument corrects a defect in S.I. 2008/1741 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 and section 9(4) of the Electronic Communications Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. ****

REPRESENTATION OF THE PEOPLE, NORTHERN IRELAND

The Representation of the People (Northern Ireland) (Amendment) Regulations 2025

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 10A(5)(b), (7) and (9) and 53(1)(c) and (3) of, and paragraph 1(2) and (3) of Schedule 2 to, the Representation of the People Act 1983(**a**) and section 8 of the Electronic Communications Act 2000(**b**).

The Secretary of State has consulted the Electoral Commission, in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**c**).

In accordance with section 201(2) of the Representation of the People Act 1983(**d**) and section 9(4) of the Electronic Communications Act 2000, a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Northern Ireland) (Amendment) Regulations 2025.

(**a**) 1983 c. 2. Section 10A was inserted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 ("RPA 2000") (c. 2). Section 10A(5)(b) was substituted by section 12(5)(b) of the Electoral Administration Act 2006 (c. 22). Section 10A(7) was amended by paragraph 10(11) of Schedule 4 to the 2013 Act. Section 202(1) provides the definition of "prescribed". Section 53(3) was amended by paragraph 13(b) of Schedule 4 to the Representation of the People Act 1985 (c. 50). Paragraph 1(2) of Schedule 2 was amended by paragraph 24(2) of Schedule 1 to the RPA 2000 and by paragraph 20(2) of Schedule 4 to the 2013 Act. Paragraph 1(3) of Schedule 2 was inserted by paragraph 24(1) and (3) of Schedule 1 to the RPA 2000 and amended by paragraph 15(2) of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and paragraph 20(2)(b) of Schedule 4 to the 2013 Act.

(**b**) 2000 c. 7. Section 9(1) defines "the appropriate Minister" in Part 2 of the Act (and therefore for the purposes of section 8).

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

(**d**) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations, except for regulation 7, extend to Northern Ireland.

(4) Regulation 7 extends to the United Kingdom.

Amendment of the Representation of the People (Northern Ireland) Regulations 2008

2. The Representation of the People (Northern Ireland) Regulations 2008(**a**) are amended in accordance with regulation 3 to regulation 6.

Amendment of regulation 3 (interpretation)

3. In regulation 3(1), after the definition of "renewal declaration"(**b**) insert—

> ""retained elector" means a person in respect of whom there is a retained register entry, other than a person—
>
> (a) who has made an application for registration under section 10A(1)(a) of the 1983 Act which is yet to be determined; or
>
> (b) in respect of whom the registration officer has made or intends to make a determination under section 10A(5)(b) of the 1983 Act;
>
> "retained register entry" means an entry in the register which the registration officer would be required to remove under section 10A(6) of the 1983 Act but for regulation 46B(1)(**c**);".

Amendment of regulation 35 (summary procedure for determining in specified circumstances whether a person has ceased to satisfy conditions for registration)

4.—(1) In regulation 35(2)—

(a) for sub-paragraph (b), substitute—

> "(b) has received, from another registration officer, a notification that a person who is entered in the register in respect of an address in Northern Ireland has made an application for registration to that officer which included a statement that the person has ceased to reside at that address;";

(b) after sub-paragraph (f), insert—

> "(g) is, as a consequence of a residence audit, not satisfied that an elector is resident at the address in question.".

(2) In regulation 35(3), after the definition of "relative" insert—

> ""residence audit" has the meaning given in regulation 46C(**d**).".

Amendment of regulation 46B (retention of entries on the register following a canvass)

5. In regulation 46B(6), for the definition of "relevant period"(**e**), substitute—

> ""relevant period" means the period beginning with the conclusion of the canvass mentioned in paragraph (2) and expiring with the publication of a revised version

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(**a**) S.I. 2008/1741.
(**b**) The definition of "renewal declaration" was inserted by S.I. 2024/43.
(**c**) Regulation 46B(1) was inserted by S.I. 2013/1846.
(**d**) Regulation 46C is inserted by regulation 6 of this instrument.
(**e**) Regulation 46B was inserted by S.I. 2013/1846. The definition of "relevant period" was substituted by S.I. 2023/1116.

of the register under section 13(1) of the 1983 Act(**a**) in the sixth calendar year following that in which the canvass was conducted;".

Retained register entries: residence audit and notices

6. After regulation 46B, insert—

"Retained register entries: residence audit

46C.—(1) During the relevant period, in each calendar year following that in which the canvass was conducted, the registration officer must conduct a residence audit in respect of all retained electors.

(2) The registration officer may, at any point during the relevant period, conduct a residence audit in respect of any retained elector.

(3) Where, as a consequence of a residence audit, the registration officer is not satisfied that a person is resident at the address in respect of which they are entered in the register, the registration officer must send a notice to the person by post containing the statements set out in paragraph (4) (a "removal warning").

(4) The statements are—

(a) the date of issue of the notice;

(b) that the recipient has not responded to the most recent canvass and therefore needs to apply for registration;

(c) that the registration officer is not satisfied that the recipient is resident at the address in respect of which they are entered in the register;

(d) that, if the recipient does not apply for registration within the period of 28 days beginning with the date of issue of the notice, the registration officer may remove the recipient's entry from the register;

(e) how to apply for registration.

(5) If the person referred to in paragraph (3) does not make an application for registration under section 10A(1)(a) of the 1983 Act within a period of 28 days beginning with the date of issue of the removal warning, the officer may make a determination under section 10A(5)(b) of the 1983 Act that the person has ceased to be resident at the address in respect of which they are entered in the register.

(6) In this regulation—

"relevant period" has the meaning given in regulation 46B(6)(**b**);

"residence audit" means an audit of information received by the registration officer pursuant to regulation 24, 27 or 41, for the purpose of assessing whether a retained elector remains resident at the address in respect of which they are entered in the register.

Retained register entries: household notice

46D.—(1) The registration officer must, in each of the fourth and fifth calendar years following that in which a canvass was conducted, send a notice, containing the statements set out in paragraph (2), in respect of each relevant address (a "household notice").

(2) The statements are—

(**a**) Section 13(1) was substituted by section 5(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).
(**b**) Regulation 5 of this instrument substitutes the definition of "relevant period" in regulation 46B(6).

(a) the names of the persons who are entered in the register in respect of the address to which the notice relates;

(b) which of those persons are retained electors;

(c) that each person named under paragraph (b)—

(i) has not responded to the most recent canvass;

(ii) is required, by the registration officer, to apply for registration; and

(iii) risks having their entry removed from the register if they do not apply for registration;

(d) how to apply for registration.

(3) The registration officer must send a household notice by post or by electronic means.

(4) In this regulation, "relevant address" means an address in respect of which one or more retained elector is entered in the register.

Retained register entries: final year notices

46E.—(1) The registration officer must, in the final year period, send to each retained elector a notice containing the statements set out in paragraph (2) (a "final year notice").

(2) The statements are—

(a) that the recipient has not responded to the most recent canvass;

(b) that the registration officer requires the recipient to apply for registration;

(c) that, if the recipient does not apply for registration, the recipient's entry will be removed from the register;

(d) the estimated date by which the recipient's entry will be removed;

(e) how to apply for registration.

(3) If the recipient of a final year notice does not make an application for registration under section 10A(1)(a) of the 1983 Act within such time as the registration officer considers reasonable, the registration officer must, by the end of the final year period, send to that recipient a further notice containing the statements set out in paragraph (2) (a "second final year notice").

(4) Where the registration officer has sent a second final year notice and the recipient of that notice does not make an application for registration under section 10A(1)(a) of the 1983 Act within such time as the registration officer considers reasonable, the registration officer must, by the end of the final year period, send to that recipient a notice containing the statements set out in paragraph (5) (a "final year removal warning").

(5) The statements are—

(a) the date of issue of the notice;

(b) that the recipient has not responded to the most recent canvass;

(c) that the recipient's entry will be removed from the register unless they apply for registration within a period of 28 days beginning with the date of issue;

(d) how to apply for registration.

(6) Where the registration officer has sent a final year removal warning, section 10A(6) of the 1983 Act does not apply in respect of the recipient's register entry for a period of 28 days beginning with the date of issue of the warning, and the registration officer is authorised to retain the register entry for that period.

(7) The registration officer must—

(a) send any final year notices (including second final year notices) by post or electronic means;

(b) send any final year removal warnings by post.

(8) In this regulation, "final year period" means each period—

(a) beginning at the same time as the sixth calendar year following that in which the canvass was conducted; and

(b) ending with the publication of a revised version of the register under section 13(1) of the 1983 Act in that year.

Retained register entries: failure to respond to request for information

46F.—(1) The registration officer may request registration information from a retained elector who has made a relevant registration application.

(2) A request for information under paragraph (1) must—

(a) be in writing;

(b) specify the format in which the information must be provided; and

(c) specify the date by which the information must be provided.

(3) Where the registration officer has requested information from a person under paragraph (1) and the information has not been provided by the date specified under paragraph (2)(c), the registration officer must remove that person's entry from the register.

(4) In this regulation—

"registration information" means information which the registration officer requires in order to determine a relevant registration application;

"relevant registration application" means an application for registration which proceeds from a notice sent under regulation 46C(3), 46D(1) or 46E(1), (3) or (4).".

Amendment of the Representation of the People Act 1983

7. In section 10B(7)(b) of the Representation of the People Act 1983(**a**) (digital registration number)—

(a) omit the "or" after sub-paragraph (i);

(b) after sub-paragraph (ii), insert—

", or

(iii) if the applicant has given a mobile telephone number in an application or form mentioned in subsection (1A), (1B) or (2), by text message to that number.".

Name
Secretary of State
Northern Ireland Office

(**a**) Section 10B was inserted by S.I. 2018/699 and subsection (7) was amended by S.I. 2020/581.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) ("the 2008 Regulations") and the Representation of the People Act 1983 (c. 2) ("the 1983 Act").

Regulation 3 inserts the "retained register entry" and "retained elector" definitions in regulation 3(1) of the 2008 Regulations. A "retained elector" is a person who has not responded to the most recent canvass but whose register entry has been retained under regulation 46B of the 2008 Regulations, except for persons who have a pending registration application and persons in respect of whom the registration officer has made or intends to make determination under section 10A(5)(b) of the 1983 Act.

Regulation 4 amends regulation 35 of the 2008 Regulations, which permits the registration officer to make, in specified circumstances, the determination specified in regulation 34(2)(b)(ii) without following the regulation 36 to 38 procedure. Regulation 4(1)(a) corrects an error by substituting regulation 35(2)(b), specifying as a circumstance notification by another registration officer that an elector has indicated that they no longer claim to be entitled to be entered in the register in respect of an address in Northern Ireland. Regulation 4(1)(b) specifies a circumstance by reference to the residence audit and regulation 4(2) inserts a definition of "residence audit" in regulation 35(3).

Regulation 5 amends regulation 46B of the 2008 Regulations, extending the relevant period (the period for which the registration officer is authorised to retain certain register entries following a canvass) from three to six years.

Regulation 6 inserts new regulations 46C, 46D and 46E in the 2008 Regulations, which require the registration officer to keep under review and communicate with retained electors during the relevant period. Regulation 46C provides for a residence audit (which involves the registration officer considering information relating to the residence of retained electors) and sets out the steps to be followed where, as a consequence of a residence audit, the registration officer is not satisfied that an elector is resident at the address in respect of which they are entered in the register. Regulation 46D provides for a notice to be sent to households in respect of which retained electors are entered in the register in the fourth and fifth calendar years following the canvass year. Regulation 46E provides for three further notices which may be sent in the sixth calendar year following the canvass year (but prior to the end of the relevant period). At the end of the relevant period (and after the 28-day period set out in the "final year removal notice"), the registration officer will remove the entries of all remaining retained electors who have not applied for registration.

Regulation 6 inserts a new regulation 46F in the 2008 Regulations, which provides that the registration officer may request, from a person, information which is required in order to determine a registration application, where that application proceeded from a notice sent under regulation 46C, 46D or 46E. Where the information is not provided by the stated deadline, the registration officer must remove the person's entry from the register.

Regulation 7 inserts a new sub-paragraph in section 10B(7)(b) of the 1983 Act, adding text message to the list of methods by which the registration officer may issue a further notification of a digital registration number.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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