EXPLANATORY MEMORANDUM TO

THE REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 2008

2008 No. [DRAFT]

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations make provision that will improve the administration of Parliamentary elections in Northern Ireland. Key changes are made to allow for the implementation of provisions of the Electoral Administration Act 2006 ("the 2006 Act") to Northern Ireland relating to registration and voting procedures and other matters relating to the conduct of Parliamentary elections. The Regulations also allow voters to register to vote closer to polling day and contain amendments to extend the types of photographic ID available for use at elections. Provision is also made to assist in encouraging the registration of young people to vote in Northern Ireland. The Regulations replace the existing Representation of the People (Northern Ireland) Regulations 2001 ("the 2001 Regulations").

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The 2001 Regulations made provision for the conduct of Parliamentary elections in Northern Ireland, and were amended in 2001, 2002, 2003 and 2007. These Regulations consolidate these amendments and, in doing so, replace the 2001 Regulations.

4.2 The Regulations make provision flowing from the 2006 Act. The new provisions broadly mirror the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 ("the 2006 Regulations").

4.3 The Regulations make provision to ensure the successful introduction of late registration in Northern Ireland under section 13BA of the Representation of the People Act 1983 ("1983 Act") as inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006.

5. Extent

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

Paul Goggins, has made the following statement regarding Human Rights:

In my view the provisions of the Representation of the People (Northern Ireland) Regulations 2008 are compatible with the Convention rights.

7. Policy background

7.1 The 2006 Act contains provisions designed to improve access to and engagement in UK elections and to maintain the professional delivery of them. The Regulations broadly mirror the 2006 Regulations in order to ensure the successful implementation of the 2006 Act provisions to Northern Ireland with some important additions which are set out below. The Electoral Commission and the Northern Ireland political parties were consulted on the content of these Regulations.

Late Registration

7.2 The Regulations make provision to allow for the successful implementation of the late registration provisions in section 13BA of the 1983 Act. Electors will now be able to register to vote up to 11 days before polling day. This is broadly similar to the position in England and Wales. However due to concerns about voter fraud in Northern Ireland, additional material will be required to support late registration applications, and absent voting will not be allowed for late registration applicants. Regulation 25 introduces this new late registration deadline, and lists the additional material (aimed at establishing proof of eligibility to register) that must be provided in order to support a late registration application.

Photographic ID at Polling Stations

7.3 In Northern Ireland there is a legal requirement that electors produce current photographic ID as proof of identity when voting at a polling station. It is estimated that in the March 2007 elections 2,400 electors were turned away because the form of ID produced was not valid. Regulation 15 extends the list of acceptable ID to include two new types of travel card – the Blind Person's SmartPass and the War Disabled SmartPass – and removes the requirement that ID must be "current" in order to be acceptable. Presiding Officers are required to satisfy themselves that the ID confirms an elector's identity and will they will continue to ensure that only those who can be satisfactorily identified through their photographic ID may vote.

Registration of young people

7.4 In Northern Ireland, the Chief Electoral Officer (CEO) may gather information on individuals aged 16 and over from certain bodies in order to target them for electoral registration. Regulation 42 extends the list of bodies to include secondary schools in Northern Ireland. This will allow the CEO to invite pupils aged 16 and 17 to register to vote, and is aimed at increasing the level of voter registration amongst young people, who are currently underrepresented on the electoral register.

Consolidation

7.5 The 2001 Regulations have been amended significantly since they came into force. The Regulations consolidate these amendments and replace the 2001 Regulations

to ensure that they are more accessible, and promote ease of understanding and use by the CEO, his staff and others.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies in the United Kingdom.

8.2 The impact on the public sector is primarily to the Chief Electoral Officer for Northern Ireland (CEO). The Regulations contain provisions which will assist the CEO in facilitating elections in Northern Ireland and the CEO was consulted during the preparation of the Regulations.

9. Contact

Martin Adams at the Northern Ireland Office Tel: 020 7210 0263 or email:martin.adams@nio.x.gsi.gov.uk can answer any queries regarding the instrument.

Northern Ireland Office
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