EXPLANATORY MEMORANDUM TO

THE REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) (AMENDMENT) REGULATIONS 2007

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1. The Chief Electoral Officer for Northern Ireland ("CEO") is the registration officer for each constituency in Northern Ireland. These regulations enable him to obtain information from certain local or public authorities to help him ensure that the electoral register in Northern Ireland is as accurate and comprehensive as possible.

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

3.1. None.

4. Legislative Background

4.1 The electoral register in Northern Ireland used to be updated by requiring individual electors to re-register each year in the annual canvass. Section 2 of the Northern Ireland (Miscellaneous Provisions) Act 2006 ("2006 Act") removes the legal requirement to conduct the annual canvass in Northern Ireland. The new electoral registration scheme relies on 'targeted' continuous updating of the register. Section 4 of the 2006 Act, which amends the Representation of the People Act 1983 ("1983 Act"), sets out the objectives which the CEO must aim to meet in maintaining the electoral register. These objectives are, in summary, to ensure that everyone who is entitled to be on the register is on the register; that no one is on the register who should not be on it; and that none of the information contained in the register is false.

4.2. Section 7 of the 2006 Act amends the 1983 Act to enable regulations to be made that give the CEO the power to obtain information from local and public authorities to help him to meet his registration objectives. The current powers afforded to the CEO to obtain information, set out in regulations 35 and 35A of the Representation of the People (Northern Ireland) Regulations 2001 (S.I.2001/400)("2001 regulations"), are no longer sufficient. These regulations amend the 2001 regulations to enable the CEO to collect information which will help him to meet his new registration objectives.

4.3. This is the first time that the power under section 7 of the 2006 Act has been used.

5. Extent

5.1. This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

6.1. David Hanson has made the following statement regarding Human Rights:

In my view the provisions of the Representation of the People (Northern Ireland) (Amendment) Regulations 2007 are compatible with the Convention rights.

7. Policy Background

7.1. Following the abolition of the annual canvass the new system of electoral registration in Northern Ireland places a greater responsibility on the CEO to actively take steps to ensure the electoral register is accurate and comprehensive. The new system is intended to combat a downward drift in the numbers of people registered (particularly among groups which have been traditionally under-represented) and the possibilities for fraud.

7.2. The existing powers which the CEO has to obtain information under the 2001 regulations are no longer sufficient. These regulations amend the 2001 regulations to give the CEO a wider power to obtain information from a range of local or public authorities which will help him to track changes to the circumstances of individuals on the register (such as their name and address); to identify people not on the register but entitled to be; and to track the point at which individuals aged 16 or 17 will become eligible to be registered.

7.3. The Electoral Commission have been consulted on the draft instrument.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the public sector, businesses, charities or voluntary bodies.

9. Contact

9.1. Ruth Sloan at the Northern Ireland Office (tel: 020 7210 6569 or e-mail: ruth.sloan@nio.x.gsi.gov.uk) can answer any queries regarding the instrument.