EXPLANATORY MEMORANDUM TO

THE VOTER IDENTIFICATION (AMENDMENT OF LIST OF SPECIFIED DOCUMENTS) (LOCAL ELECTIONS) (NORTHERN IRELAND) ORDER 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Northern Ireland Office and is laid before by Command of His Majesty.

2. Declaration

2.1 Hilary Benn MP, Secretary of State for Northern Ireland at the Northern Ireland Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Eleanor Hayden, Deputy Director for Transformation, Constitution & Rights at the Northern Ireland Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Claire McGregor, Head of Elections Policy at the Northern Ireland Office can be contacted by email at the following address with any queries regarding the instrument: crsg@nio.gov.uk or by writing to the Northern Ireland Office at Erskine House, Belfast, BT1 4GF.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of this instrument is to amend the list of accepted identity documents that voters can show at polling stations to verify their identity for Local Council Elections in Northern Ireland. The documents being added are as follows: the Ministry of Defence Form 100 (HM Armed Forced Veterans Card), the Proof of Age Standards Scheme (a PASS card), the Commonwealth Passport and the Blue Badge from the Disabled Person's Parking Scheme (Northern Ireland).

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Northern Ireland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Northern Ireland.

5. Policy Context

What is being done and why?

5.1 The list of acceptable identity documents for Local Elections in Northern Ireland is being expanded with the aim of encouraging participation in local elections in Northern Ireland.

5.2 Increasing the number of acceptable identity documents will achieve this aim by reducing barriers to voting and improving the accessibility of voting for the electorate.

5.3 All of the identity documents being added to the list of accepted documents in Northern Ireland are already accepted at polling stations in Great Britain. These changes will therefore also bring Northern Ireland closer into line with Great Britain, while maintaining the long-standing requirement for voters in Northern Ireland to produce a photographic identity document to verify their identity.

What was the previous policy, how is this different?

5.4 The requirement to show photographic identification when voting in Northern Ireland has been in place since 2003, after the introduction of the Electoral Fraud (Northern Ireland) Act 2002 and the Local Elections (Northern Ireland) (Amendment) Order 2002 (2002/2835).

5.5 The previous policy allowed for a narrower list of accepted Ids. This instrument will expand this list whilst maintaining the requirement for photographic ID to be shown.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument amends the Local Election Rules which can be found at Schedule 5 to the Electoral Law Act (Northern Ireland) 1962. We will insert the new accepted documents at Rule 34(6) of Schedule 5.

6.2 It will also amend the Elector (Form 6) and Proxy (Form 7) poll cards in the Appendix of Forms found within Schedule 5 of the Electoral Law Act (Northern Ireland) 1962. These forms will be amended to include references to, and so inform electors about, the new permissible identity documents.

6.3 The amendments made by this instrument will come into force on the day after the day on which the instrument is made. Early commencement is considered justified because the amendments need to be in force well in advance of the local elections in May 2027. Early commencement will ensure that the electorate will have sufficient time to familiarise themselves with the revised list of acceptable voter identification and those who are responsible for administering the elections will have as much notice as possible as to the change in the rules that they will need to apply.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Both the Electoral Commission and the Chief Electoral Officer for Northern Ireland were consulted during the preparation of this draft instrument and support these measures. The Secretary of State has consulted the Electoral Commission in accordance with the statutory duty to consult the Electoral Commission under Section 7 of the Political Parties, Elections and Referendums Act 2000.

8. Applicable Guidance

8.1 There is no guidance accompanying these regulations.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant impact on the private, voluntary or public sector is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the regulations do not apply to businesses, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this is purely a technical change to improve the accessibility of elections in Northern Ireland.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the Northern Ireland Office will confirm the permitted identity documents under review in consultation with the Electoral Commission and the Chief Electoral Officer for Northern Ireland.

10.2

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Hilary Benn MP, the Secretary of State for Northern Ireland has made the following statement regarding Human Rights:
"In my view the provisions of the Voter Identification (Amendment of List of Specified Documents) (Local Elections) (Northern Ireland) Order 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").