STATUTORY INSTRUMENTS

1986 No. 104

REPRESENTATION OF THE PEOPLE

The Representation of the People (Amendment) Regulations 1985

Approved by both Houses of Parliament

Made - - - -	*20th November* 1985
Laid before Parliament	*28th November* 1985
Coming into Operation	*3rd February* 1986

In exercise of the powers conferred upon me by sections 53 and 201(1) of, and paragraphs 11, 11A and 12 of Schedule 2 to, the Representation of the People Act 1983(**a**), having regard to the definition of "prescribed" in section 202(1) of that Act, I hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Representation of the People (Amendment) Regulations 1985.

(2) These Regulations shall, subject to their having been approved by resolution of each House of Parliament, come into operation on 3rd February 1986:

Provided that these Regulations shall not have effect in respect of any register of electors prior to the registers of electors which are required to be published not later than 15th February 1986 or any data relating to such registers.

(3) These Regulations do not extend to Scotland or Northern Ireland.

2. In these Regulations the expression "the principal Regulations" means the Representation of the People Regulations 1983(**b**).

3. In Regulation 3(1) of the principal Regulations (interpretation):—

(a) after the definition of "British Council employee" there shall be inserted the following—

' "candidate" means—

(a) in relation to a parliamentary election, a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;

(b) in relation to a local government election, a person having been nominated or having declared himself a candidate for election to the office to be filled at the election;

"constituency" means a parliamentary constituency;';

(**a**) 1983 c.2; paragraph 11A was inserted by paragraph 87*(c)* of Schedule 4 to the Representation of the People Act 1985 (c.50).
(**b**) S.I. 1983/435.

(b) after the definition of "Crown servant" there shall be inserted the following:—

' "data" and "data user" have the same meanings as in section 1 of the Data Protection Act 1984(**a**) ;', and

(c) after the definition of "registration officer" there shall be inserted the following:—

' "returning officer" means the acting returning officer;'.

4. For paragraphs (1) and (2) of Regulation 28 of the principal Regulations (free copies of register) there shall be substituted the following paragraphs:—

'(1) The registration officer shall, on request, supply free of charge to the Member of Parliament for the constituency one copy of so much of the register as relates to that constituency.

(2) The registration officer shall—

(a) on request, and

(b) if he is not the returning officer for the constituency in respect of which the request was made, after consultation with that officer,

supply free of charge—

(i) four copies of so much of the register (which may be printed on one side only) as relates to the constituency and—

(a) four copies of so much of Lists B and C of the electors lists as so relate, or

(b) in the case of the electors lists to which Regulation 17(6) applies, four copies of so much of the draft register as so relates,

so long as those lists, or the draft register, are kept published, to any person who satisfies the registration officer that he requires them for use in connection with his own or some other person's prospective candidature at a parliamentary election for that constituency:

Provided that not more than one person in respect of the same candidature shall be so supplied; and

(ii) two copies of so much of the register as relates to the constituency to each candidate at a parliamentary election for that constituency or his election agent.

(2A) The registration officer who is not the returning officer for a constituency shall supply free of charge to that officer as many copies of so much of the register as that officer needs for the purposes of a parliamentary election.'.

5. In Regulation 29 of the principal Regulations (sale of register) for the words "15p for each thousand (or part of one thousand)" there shall be substituted the words "20p for each thousand (or remaining part of one thousand)" and for the words "£1.50 for each one thousand (or part of one thousand)" there shall be substituted the words "£2 for each thousand (or remaining part of one thousand)".

6. After Regulation 29 of the principal Regulations, there shall be inserted the following Regulations:—

(**a**) 1984 c.35.

'Supply of data

29A.—(1) This Regulation applies only to a registration officer who is a data user.

(2) In this Regulation:—

"data to which this Regulation applies" means data consisting of the names of those persons included in the register of electors, together with any data, other than data to which paragraph (3) below applies, consisting of information relating to them including—

(i) their electoral numbers;

(ii) except where the address is excluded from the register under Regulation 15(2), their addresses, and

(iii) any distinguishing letter; and

"holds" has the same meaning as in section 1(5) of the Data Protection Act 1984.

(3) The registration officer shall not supply data which consists of information (including addresses) which is not required to be published in the register of electors in accordance with those provisions of the Act of 1983 or these Regulations which relate to the registration of electors:

Provided that this restriction shall not apply to the supply of data to the returning officer for the constituency.

(4) Any obligation on the registration officer to supply data under this Regulation imposes only an obligation to supply such data recorded in the form in which he holds it.

(5) The registration officer shall, on payment of a fee determined in accordance with paragraph (7) below, supply to a person, who is entitled to a free copy (or copies) of the whole or part of the register under paragraph (1), (2A), (3), (4) or (5) of Regulation 28, so much of the data to which this Regulation applies as relates to the part or parts of the register to which such a person is so entitled.

(6) The registration officer shall—

(a) on payment of a fee determined in accordance with paragraph (7) below, and

(b) if he is not the returning officer for the constituency in respect of which the application was made, after consultation with that officer,

supply to a person, who is entitled to free copies of the whole or part of the register under paragraph (2) of Regulation 28, so much of the data to which this Regulation applies as relates to the part or parts of the register to which such a person is so entitled:

Provided that not more than one person in respect of the same candidature shall be so supplied by virtue of the entitlement deriving from sub-paragraph (i) of Regulation 28(2).

(7) The fee for a person supplied with data under paragraph (5) or (6) above shall be at the rate of £1.50 for each thousand (or remaining part of one thousand) names in the data supplied, or £25, whichever is the greater.

(8) The registration officer may, on payment of a fee at the rate of £15 for each thousand (or remaining part of one thousand) names in the data supplied, supply data to which this Regulation applies to a person other than a person to whom paragraphs (5) and (6) above apply.

Supply of labels

29B.—(1) This Regulation applies only to a registration officer who is a data user.

(2) In this Regulation:—

"relevant information" means the name and address of any elector whose name and address appear on the register of electors; and such other information as appears on the register as the registration officer thinks fit, but not information constituting data to which Regulation 29A(3) applies.

(3) An application under this Regulation may request the registration officer to supply labels containing relevant information extracted from data to which Regulation 29A applies in respect of part only of the area for which the registration officer is authorised by this Regulation to supply such labels; and, if the registration officer supplies labels under this Regulation, he shall comply with that request.

(4) The registration officer may, on payment of a fee at the rate of £10 for each thousand (or remaining part of one thousand) labels supplied, supply to a person, who is entitled to a free copy (or copies) of the whole or part of the register under paragraph (1), (2A), (4) or (5) of Regulation 28, labels containing relevant information extracted from so much of the data to which Regulation 29A applies as relates to the part or parts of the register to which such a person is so entitled.

(5) The registration officer may—

(a) on payment of a fee at the rate of £10 for each thousand (or remaining part of one thousand) labels supplied, and

(b) if he is not the returning officer for the constituency in respect of which the application was made, after consultation with that officer,

supply to a person, who is entitled to free copies of the whole or part of the register under paragraph (2) of Regulation 28, labels containing relevant information extracted from so much of the data to which Regulation 29A applies as relates to the part or parts of the register to which such a person is so entitled:
Provided that not more than one person in respect of the same candidature shall be so supplied by virtue of the entitlement deriving from sub-paragraph (i) of Regulation 28(2).

(6) The registration officer may, on payment of a fee at the rate of £20 for each thousand (or remaining part of one thousand) labels supplied, supply labels containing relevant information extracted from data to which Regulation 29A applies to a person other than a person to whom paragraphs (4) and (5) above apply.'.

7. In Regulation 37 of the principal Regulations (correction of register) paragraph (2) shall cease to have effect.

8. After Regulation 49 of the principal Regulations (form of postal ballot paper) the following Regulation shall be inserted:—

'Combination of polls

49A. Where the poll at an election of members of the Inner London Education Authority is to be taken together with the poll at an election

of London borough councillors, the proceedings on the issue and receipt of postal ballot papers in respect of each election may be taken together.'.

9. In Regulation 50 of the principal Regulations (form of declaration of identity):—

(a) for the words "Form H" there shall be substituted the words "Form H.II where postal ballot papers for two elections are issued together under Regulation 49A above and in Form H.I for all other elections"; and

(b) at the end of Regulation 50 there shall be added the following paragraph:—

'(2) Where the proceedings on the issue of postal ballot papers in respect of two elections are taken together under Regulation 49A above, the same declaration of identity shall be sent to each elector, or as the case may be, proxy, for both elections.'.

10. In paragraph (2) of Regulation 52 of the principal Regulations (declaration of secrecy), after the words "Greater London Council", in both places where they occur, there shall be inserted the words "or Inner London Education Authority".

11. At the end of Regulation 54 of the principal Regulations (marking of postal ballot papers) there shall be added the following paragraph:—

'(3) Where the proceedings on the issue of postal ballot papers in respect of two elections are taken together under Regulation 49A above:

(a) one mark shall be placed in the absent voters list or the list of postal proxies under paragraph (1) above in respect of both elections, except that, where a ballot paper is issued in respect of one election only, a different mark shall be placed in the absent voters list or the list of postal proxies, as the case may be, so as to identify the election in respect of which the postal ballot paper was issued; and

(b) the number of each postal ballot paper shall be marked on the declaration of identity under paragraph (2) above.'.

12. At the end of Regulation 55 of the principal Regulations (refusal to issue postal ballot paper) there shall be added the words "in respect of any one election".

13. In Regulation 56 of the principal Regulations (ballot paper envelope) after the words "the ballot paper", in both places where they occur, there shall be inserted the words "or, as the case may be, ballot papers".

14. In paragraph (3) of Regulation 58 of the principal Regulations (provision of postal voters' ballot box) after the words "electoral area" there shall be inserted the words "(or electoral areas)" and after the word "election" there shall be inserted the words "(or elections)".

15.—(1) After paragraph (1) of Regulation 60 of the principal Regulations (spoilt postal ballot paper) there shall be inserted the following paragraph:—

'(1A) Where two postal ballot papers in respect of different elections have been received and the postal voter has inadvertently dealt with one or both of them in the manner described in paragraph (1) above, both ballot papers should be returned under paragraph (1) above.'.

(2) In paragraph (2) of that Regulation after the words "ballot paper", in both places where they occur, there shall be inserted the words "or, as the case may be, ballot papers".

(3) In paragraph (3) of that Regulation, after the word "ballot" there shall be inserted the words "paper, and any other ballot paper issued with it under Regulation 49A above".

16. In paragraph (5) of Regulation 62 of the principal Regulations (opening of postal voters' ballot box) after the words "electoral area" there shall be inserted the words "(or electoral areas)" and after the word "election" there shall be inserted the words "(or elections)".

17.—(1) In paragraph (2) of Regulation 63 of the principal Regulations (opening of covering envelopes), after the words "envelope, a ballot paper" there shall be inserted the words "(or ballot papers)".

(2) In paragraph (3) of that Regulation, after the words "envelope, the ballot paper" there shall be inserted the words "(or ballot papers)".

(3) In paragraph (4) of that Regulation, after the word "number", in both places where it occurs, there shall be inserted the words "(or numbers)".

(4) For paragraphs (5) and (6) of that Regulation there shall be substituted the following paragraphs:—

'(5) Where there is no ballot paper envelope or the ballot paper envelope has been opened under paragraph (2) above, he shall place—

(a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity, duly signed and authenticated;

(b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked "rejected"; and

(c) in the receptacle for declarations of identity, any such declaration not disposed of under sub-paragraph *(b)* above.

(6) Where the number (or numbers) on the declaration of identity, duly signed and authenticated, is not the same as the number (or numbers) on the ballot paper envelope or that envelope has no number on it (or only one number where the declaration of identity has more than one) he shall open the envelope and shall place—

(a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity, duly signed and authenticated;

(b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked "rejected";

(c) in the receptacle for rejected votes, any declaration of identity, marked "rejected", in respect of a ballot paper envelope which either does not contain a ballot paper or, where more than one number appears on the declaration, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper); and

(d) in the receptacle for declarations of identity, any such declaration not disposed of under sub-paragraph *(b)* or *(c)* above.'.

(5) In paragraph (7) of that Regulation—

(a) after the words "whether the number" there shall be inserted the words "(or numbers)" and

(b) after the words "on the ballot paper" there shall be inserted the words "(or ballot papers)".

18. For paragraphs (2) to (5) of Regulation 65 of the principal Regulations (opening of ballot paper envelopes), there shall be substituted the following paragraph:—

'(2) He shall place—

(a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;

(b) in a separate receptacle, any other ballot paper which shall be marked "rejected" and to which shall be attached the ballot paper envelope; and

(c) in the receptacle referred to in sub-paragraph *(b)* above, any ballot paper envelope, marked "rejected", which either does not contain a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper);

and he shall seal up the receptacle referred to in sub-paragraph *(b)* above.'.

19. In Regulation 67 of the principal Regulations (forwarding of documents):—

(a) in paragraph (1), before the words "in the case of a local government election" there shall be inserted the words "subject to paragraph (1A) below", and

(b) after paragraph (1) there shall be inserted the following paragraph:—

'(1A) In the case of an election of members of the Inner London Education Authority, the documents to be forwarded under paragraph (1) above shall be forwarded to the proper officer of the borough which includes the electoral division for which the election is held or, in the case of the electoral division which includes the City of London, the Inner Temple and the Middle Temple, the proper officer of the City of Westminster.'.

20. In Form H in Schedule 3 to the principal Regulations (declaration of identity) before the words *"Front of form"* there shall be inserted the words "I: For use at elections to which Regulation 49A does not apply"; and after the form there shall be inserted the following form:—

'II: For use at elections to which Regulation 49A applies

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper Nos.....

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter's signature (or mark) .....

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature .....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) the declaration of identity in the presence of a person known to you.

2. You may not vote for more than ..... candidates at the election of London borough councillors and you may not vote for more than 2 candidates at the election of members of the Inner London Education Authority.

3. Place a cross (X) on the right-hand side of the ballot paper opposite the name[s] of the candidate[s] for whom you vote. Do this secretly: if you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the ballot papers in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with this declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper *relating to the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at that election.

6. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil one or both of your postal ballot papers, you can apply to the returning officer for new ones. If you do this you MUST RETURN BOTH POSTAL BALLOT PAPERS. In addition to BOTH ballot papers, in your application for fresh postal ballot papers you must return, in your own envelope, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if fresh ballot papers are to be issued and counted.'.

Douglas Hurd,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
20th November 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Representation of the People Regulations 1983 ("the principal Regulations"). They make three main changes.

First, the two rates of fee for the sale of the register of electors which are set out in Regulation 29 of the principal Regulations are increased by Regulation 5 of these Regulations. The lower rate, which is increased from 15p for each thousand names in the register to 20p for each thousand names, is chargeable to persons who have been supplied with copies of the register free of charge pursuant to Regulation 28 of the principal Regulations (referred to below as "interested parties") and who want further copies of it. The higher rate, which is increased from £1.50 for each thousand names in the register to £2 for each thousand names, is chargeable to anyone else.

Second, Regulation 6 of these Regulations inserts new provisions into the principal Regulations providing for the supply of data (which, by virtue of the amendment made by Regulation 3*(b)* of these Regulations, has the same meaning as in the Data Protection Act 1984) and labels containing relevant information extracted from data. The new provisions apply only to electoral registration officers who are data users (within the meaning of the Data Protection Act 1984). Such an officer is required by Regulation 29A(5) and (6) of the principal Regulations (as inserted by Regulation 6 of these Regulations) to supply data consisting of information which is published in the register of electors to interested parties, on payment of the fee set out in Regulation 29A(7) (as inserted). Supply to other persons (for whom the fee is higher) is discretionary under Regulation 29A(8) (as inserted). The supply of labels containing relevant information extracted from data under Regulation 29B (as inserted) is discretionary in all cases, but interested parties can be supplied on payment of a fee at a lower rate than others.

Regulation 4 of these Regulations amends Regulation 28 of the principal Regulations so that it is the responsibility of the registration officer to supply copies of the register of electors under that provision whether or not he is also the acting returning officer for a constituency. Regulation 7 of these Regulations makes a consequential amendment.

The third main change is made by Regulations 8 to 20 of these Regulations which amend the provisions of Part V of the principal Regulations (the issue and receipt of postal ballot papers). Where the poll at an election of members of the Inner London Education Authority is to be taken together with the poll at an election of London borough councillors (under section 36(3AA) of the Representation of the People Act 1983, as inserted by paragraph 1(4) of Schedule 9 to the Local Government Act 1985 (c. 51)), Regulation 49A of the principal Regulations (as inserted by Regulation 8 of these Regulations) allows the proceedings on the issue and receipt of postal ballot papers in respect of each election to be taken together. Regulations 9 and 20 of these Regulations provide for a special form of the declaration of identity for use in such circumstances and allow the same covering envelope to be used for both ballot papers. Regulations 11 to 19 make miscellaneous amendments to give effect to these changes.

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