

# Electoral Registration (Northern Ireland) Bill [HL]

## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Northern Ireland Office, are published separately as Bill 64 – EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr Secretary Murphy has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Electoral Registration (Northern Ireland) Bill [HL] are compatible with the Convention rights.

# Electoral Registration (Northern Ireland) Bill [HL]

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**B I L L**

TO

Make provision about the registration of electors in Northern Ireland in cases where required information is not provided.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Restoration to electoral register of names previously removed**

(1) Where—

- (a) on 15th October 2004 a person (“the former elector”) was for the time being registered in the register in respect of any address in Northern Ireland, 5
- (b) on the conclusion of the canvass conducted in Northern Ireland under section 10 of the 1983 Act (maintenance of registers: annual canvass) by reference to residence on that day, the name of the former elector was removed from the register in respect of that address—
  - (i) by virtue of section 10A(5)(a) of that Act, merely because the form mentioned in section 10(4) of that Act was not returned in respect of that address, or 10
  - (ii) by virtue of section 10A(5A) of that Act, and
- (c) the Chief Electoral Officer has no information which suggests that the former elector has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act, 15

the Chief Electoral Officer may enter the name of the former elector in the register in respect of that address.

- (2) The power conferred by subsection (1) may only be exercised— 20
  - (a) before 1st April 2005, or
  - (b) by including the appropriate alteration in any revised version of the register published under section 13(3) of the 1983 Act on that day;

and (in either case) the appropriate alteration shall have effect as from the beginning of that day. 25

- (3) Nothing in section 13A of the 1983 Act (alteration of registers) applies in relation to an alteration taking effect under this section.
- (4) Where by virtue of subsection (1) the Chief Electoral Officer enters the name of a person in the register in respect of any address –
- (a) the information supplied by that person pursuant to section 10(4A), 10A(1A) or 13A(2A) of the 1983 Act in connection with his previous registration is to be taken also to have been supplied by him in connection with his registration by virtue of this section, and 5
  - (b) any request duly made by that person in connection with his previous registration to be excluded from the version of the register published under regulation 88 of the Representation of the People (Northern Ireland) Regulations 2001 (S.I. 2001/400) (edited version of register) is to be taken also to have been made by him in connection with his registration by virtue of this section. 10
- (5) In this section – 15
- “the Chief Electoral Officer” means the Chief Electoral Officer for Northern Ireland;
  - “the register” means –
    - (a) the register of parliamentary electors maintained by the Chief Electoral Officer under section 9 of the 1983 Act, or 20
    - (b) the register of local electors maintained by him under that section as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3).

## 2 Temporary modifications of s. 10A of Representation of the People Act 1983

- (1) So long as this section remains in force, section 10A of the 1983 Act (maintenance of the registers: register of electors) is modified as follows. 25
- (2) At the beginning of subsection (5A) insert “Subject to subsection (7B),”.
- (3) For subsection (7) substitute –
- “(7) Subsection (6) has effect subject to subsection (7B), and does not apply if, or to the extent that, regulations so provide in relation to any prescribed circumstances.” 30
- (4) After subsection (7) insert –
- “(7A) Subsection (7B) applies in the case of a person who is registered in the register in respect of any address, other than a person who is registered by virtue of section 1 of the Electoral Registration (Northern Ireland) Act 2005 or a person whose entry is retained in the register by virtue of the previous application of subsection (7B), where on conclusion of a canvass under section 10 – 35
- (a) the Chief Electoral Officer for Northern Ireland is unable to satisfy himself that the person was, on the 15th October in question, resident at that address because – 40
    - (i) the form mentioned in section 10(4) was not returned in respect of that address, or
    - (ii) for any other reason, insufficient information was obtained as to whether that person was resident at that address on that date, or 45

(b) the circumstances fall within paragraph (a) or (b) of subsection (5A).

(7B) If the Chief Electoral Officer for Northern Ireland has no information which suggests that the person concerned is no longer resident at the address on the 15th October in question, subsections (5)(a) and (5A) do not prevent the Chief Electoral Officer from retaining the entry of that person in the register until the publication of a revised version of the register under section 13(1) in the year next following that in which the canvass referred to in subsection (7A) was conducted.” 5

(5) In subsection (8), for “subsection (5), (5A) or (6)” substitute “subsections (5) to (7B)”. 10

### 3 Duration of Act

(1) Subject to subsection (2), this Act shall cease to be in force at the end of the period of 12 months beginning with the day on which it is passed.

(2) The Secretary of State may, on one occasion only, by order made by statutory instrument provide for the provisions of this Act, apart from section 1, to continue in force for a period ending not more than 12 months after the end of the period specified in subsection (1). 15

(3) No order under subsection (2) may be made unless a draft of the statutory instrument containing the order has been laid before and approved by a resolution of each House of Parliament. 20

### 4 Interpretation, short title and extent

(1) In this Act “the 1983 Act” means the Representation of the People Act 1983 (c. 2).

(2) This Act may be cited as the Electoral Registration (Northern Ireland) Act 2005. 25

(3) This Act extends to Northern Ireland only.

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To make provision about the registration of electors in Northern Ireland in cases where required information is not provided.

*Brought from the Lords 22nd February 2005.*

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