

REPRESENTATION OF THE PEOPLE BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Representation of the People Bill as brought from the House of Commons on 3 September 2026 (HL Bill 47).

- These Explanatory Notes have been prepared by the Ministry of Housing, Communities and Local Government in order to assist the reader of the Bill. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

- 1 This Bill amends existing electoral law and makes new electoral law provisions which aim to ensure that UK elections remain secure and protected against interference.
- 2 The Bill will allow the Government to meet its commitments to improve voter registration, address the inconsistencies in voter ID rules that prevent legitimate voters from voting, give 16- and 17-year-olds the right to vote in all elections, and to protect democracy by strengthening the rules around donations to political parties. The Bill also aims to deliver on several recommendations from the 2024 strategic review of electoral registration as outlined in the Government's report [*Restoring Trust in our Democracy: our strategy for modern and secure elections*](#).
- 3 The Bill is in 7 parts and 16 Schedules:
 - a. Part 1 will lower the voting age to 16. This includes provisions for pre-registration from age 14, mechanisms to enable identity verification of young people, and safeguards to protect their data.
 - b. Part 2 relates to electoral registration, including improving voter registration. This includes powers to test new approaches, including direct registration i.e. registration without the citizen having to make an application, with changes expected after testing has taken place. Part 2 also contains measures around modernising the Northern Ireland canvass, extending the length of the period for which a person can be registered anonymously, and removing the presumption that citizens will be added to the open register unless they opt out. Instead, they will not be added unless they actively opt in.
 - c. Part 3 relates to the conduct of elections and contains measures to address critical delivery risks and administrative barriers identified in partnership with the elections sector through the recent review of electoral law (registration and conduct). This includes application submission deadlines within the electoral timeline, and responsibilities of Electoral Registration Officers among others. Part 3 also expands the list of acceptable voter ID for use by electors or their proxies voting in person at parliamentary elections held in Great Britain to include in-date bank cards issued by UK authorised card issuers which show the voter's name.
 - d. Part 4 contains a package of measures on political finance. This includes risk-based due diligence guidance for political parties, restricting company donations to companies that have adequate connection to the UK or Ireland (for donations to Northern Ireland parties), and the introduction of stronger requirements for unincorporated associations ("UAs"). Part 4 also amends digital campaigning rules, including by applying digital imprint rules to organic material promoted by third party campaigners who are not recognised third parties and are not individuals, and disapplying ministerial and parliamentary approval procedures for minor corrective changes to digital imprint guidance.
 - e. Part 5 extends the role and powers of the Electoral Commission ("EC") to give the EC responsibility for enforcing candidate, local third party and recall petition campaigner offences, as well as all imprint offences. It also: makes provision to re-classify criminal offences in the Political Parties, Elections and Referendums Act 2000 ("PPERA") that relate to administrative requirements so that they are punishable only through civil sanctions imposed by the EC, allowing the police to focus on serious breaches;

provides the EC with explicit powers to share information with other regulators and enforcement bodies; and makes amendments supplementary to proposals to increase the EC's maximum fine.

- f. Part 6 comprises measures to address harassment and intimidation experienced by candidates during election campaigns. It will extend the remit of the existing disqualification order to apply to offenders of intimidatory offences against electoral staff (as well as candidates and campaigners). It also gives courts the power to treat hostility towards candidates, campaigners, electoral staff etc, as an aggravating factor for any offences linked to intimidation in an electoral context. It also ensures candidates' home addresses are not published as far as possible, reducing the gap relating to those candidates who act as their own election agent.
- g. Part 7 sets out general provisions, including power to make consequential provision, financial provision, territorial extent and commencement.

Policy background

Votes at 16

- 4 The age at which an eligible citizen can vote in reserved polls has stood at 18 since it was lowered from 21 by the Representation of the People Act 1969. More recently, the Scottish Government lowered the voting age to 16 for the Scottish Independence Referendum in 2014, and then for all devolved elections in Scotland in the Scottish Elections (Reduction of Voting Age) Act 2015 ("SE(RVA)A 2015"). Similarly, the Welsh Government lowered the voting age to 16 for all devolved elections in Wales via the Senedd and Elections (Wales) Act 2020 ("SE(W)A 2020").
- 5 In line with the Government Policy Paper, *Restoring trust in our democracy: Our strategy for modern and secure elections*, these legislative amendments will lower the voting age to 16 for UK parliamentary elections, local elections and referendums in England and Northern Ireland, Northern Ireland Assembly elections, and Police and Crime Commissioner ("PCC") elections in England and Wales. This will bring consistency to the voting age for all statutory elections across the UK.
- 6 As a consequence of lowering the voting age, the age at which an eligible individual is entitled to register in advance of attaining voting age is also being reduced. This cohort have previously been described as "attainers", as they are listed in the electoral register alongside the date on which they will attain the right to vote. Currently, an attainer is someone who turns 18 by the end of the twelve months following the first December after they make an application to register. This will be amended so that anyone will be entitled to register to vote from the date of their 14th birthday.
- 7 Alongside the provisions to lower the voting age, the Bill includes legislative amendments to update processes that affect special category electors, such as service voters and those without a permanent residence. The Bill extends existing Declaration of Local Connection provisions to encompass young people who are in the care of Local Authorities, enabling such individuals to register to vote at an address to which they have a previous connection. The Bill also introduces a new duty on local authorities (in Great Britain) and Health and Social Care Trusts (in Northern Ireland) to raise awareness of the right to vote and provide assistance to children in their care to register to vote.

- 8 Additional provisions will extend the entitlement to apply to register to vote in respect of a service declaration to the children of members of the armed forces, crown servants or British Council employees residing overseas. These provisions will entitle such an individual to rely upon their parent or guardian's status until their 19th birthday.
- 9 The Bill also introduces new requirements to protect the data of registered individuals under the age of 16. It will make provision to ensure that no individual under the age of 16 will appear on the open, or edited, electoral register. Furthermore, it ensures that individuals under the age of 16 will not appear on any published version of the full electoral register, except in extremely limited circumstances such as to enable them to participate in elections on their 16th birthday.
- 10 No individual under the age of 16 will be eligible to make a political donation even if they are on the electoral register before the age of 16.
- 11 The Bill will also ensure that anyone under the age of 18 who has already registered to vote as a local government elector in Scotland and Wales and would become eligible to vote in UK parliamentary and other reserved elections after the franchise change takes effect will not need to register for a second time.

Registration of Voters

Improving Voter Registration

- 12 In 2023, the EC reported that an estimated 7– 8 million eligible citizens are either incorrectly registered or not registered at all. These legislative amendments are intended to provide a basis for addressing this registration gap, by taking steps towards improving the completeness and accuracy of electoral registers. This will be achieved by harnessing data, moving towards a more automated registration system, and providing for the piloting of innovative registration approaches.
- 13 Currently, a person must make an application to be added to an electoral register. This can be done via a paper application or through the “Register to Vote” platform on GOV.UK. This allows for identity verification to be carried out and for an Electoral Registration Officer to assess eligibility. In some cases, the application process may include further engagement with an Electoral Registration Officer if identity and eligibility cannot be established through the application itself. Some countries, including Wales, have implemented or are trialling a system of “registration without application”. This Bill provides for a similar approach for UK electoral registers. This will place a duty on Electoral Registration Officers to notify eligible, but unregistered citizens, that they will be added to the electoral register after a notice period. The citizen will have the right to opt out of this process and register by application if they choose to do so. More detail about the contents of the notice will be set out in secondary legislation, although it will be a requirement for the Electoral Registration Officer to inform the citizen of their right to register as an anonymous elector, service voter, overseas elector, or as a voter with a declaration of local connection. The Bill also includes a provision which enables a similar process for updating an existing elector's name or address on an electoral register without an application being made.
- 14 Existing provisions in electoral law allow for pilots to be run on specific matters including, for example, the annual canvass. This Bill will introduce a power to make regulations to allow for pilots to be carried out which relate to a wider range of electoral registration matters. This power could be used to test innovative approaches to registration, including more automated approaches as technology and data use develops. Any pilots run using this power will be subject to review by the EC to understand how effective they are and to identify any

unintended consequences. This power could be used to pilot the registration and alterations without application provisions in this Bill before they are brought into effect.

- 15 Electoral Registration Officers can already inspect local authority information and records which would support their duty to maintain their electoral registers. However, the existing wording of this provision has created a barrier for some Electoral Registration Officers because local authorities interpret the extent of access they can provide in different ways. The changes proposed in this Bill amend an existing power to clarify that Electoral Registration Officers should be able to access, from the relevant local authority, information which would allow them to carry out their duties.
- 16 Electoral Registration Officers have limited access to information to identify eligible but unregistered citizens, or those registered incorrectly, despite existing powers for the Secretary of State to make regulations about sharing data to support EROs in their duties. A new power in the Bill will provide for further regulations to allow for data acquisition from any person or body, including but not limited to other government departments and public bodies, for electoral registration purposes. It is expected that, following agreements with other departments, the regulations would set out specific data matching or acquisition processes.

Northern Ireland Canvass

- 17 The existing canvass regime in Northern Ireland requires that the register be recreated from scratch every 10 years and specifies that electors must re-register as part of the canvass to remain on the register. The current law means that electors who do not respond to canvass should be removed from the register, even where the Chief Electoral Officer for Northern Ireland (“CEONI”) holds data to confirm that they remain eligible. This creates the risk that a significant number of eligible electors will be lost from the register, impacting its integrity. The CEONI and the EC deem the current canvass system unfit for purpose.
- 18 The Government intends to use powers in the Bill to modernise and reform the canvass system in Northern Ireland, allowing for the CEONI to retain those electors that they are satisfied are still resident where registered, avoiding the arbitrary removal of large numbers of voters and protecting the integrity of the register. This will support participation in elections in Northern Ireland as well as bringing Northern Ireland into closer alignment with Great Britain.

Northern Ireland: Late Registration

- 19 The current late registration requirements in Northern Ireland require that additional documentary evidence to support an application must be provided by anyone trying to register just before an election, even if the routine data checks carried out by the CEONI provide a clear address and identity match. Unless those provisions are repealed, they are likely to be a particular barrier to younger electors, who have fewer forms of documentary evidence than those over 18. The Bill will amend these requirements so that the CEONI will only ask for additional supporting documentation if the routine data checks do not provide a clear address and identity match.

Northern Ireland: electoral identity card, month and year of birth

- 20 The Bill seeks to address concerns that the Electoral Office for Northern Ireland (“EONI”) is, from limited budgets designed for electoral delivery, issuing cards to individuals who never intend to use them to vote. Third party organisations are using the card, as a primary piece of documentary evidence, to support identity for people applying for goods and services. This is not the primary purpose of this document.

- 21 To prevent misuse of electoral identity cards and alleviate some resource pressure on EONI, the Bill will allow EONI to produce a card that is sufficient to meet a narrow electoral requirement, by including on new cards the month and year of birth only, not the day. This would still be a sufficient check for electoral purposes i.e. the intended purpose of the electoral identity card, but would make it less likely to be accepted as a form of ID in other scenarios.

Open register

- 22 Currently, when registering to vote, applicants are asked if they want to opt-out of their inclusion on the open register. Best practice guidance from the [Information Commissioner's Office](#) strongly advises that opt-in mechanisms should be used instead of opt-out mechanisms to gain consent for data processing. As the UK moves towards more automated forms of registration, the Government recognises the need to improve the way in which people give their consent to being included on the open register. This Bill will ensure those registering to vote will instead be asked if they wish to opt-in to the open register.

Anonymous electors

- 23 When registering to vote some applicants may be eligible to register anonymously due to their personal circumstances. In practice this results in the elector's personal details being omitted from their entry on the register, usually with only a very small number of electoral administrators having access to those personal details. To register anonymously, applicants must satisfy a safety test: "the safety of the applicant for an anonymous entry or that of any other person of the same household would be at risk if the register contains the name of the applicant or their qualifying address".
- 24 To satisfy this test, applicants must either provide one of a specified series of pieces of supporting evidence (e.g. a "protection from harassment" order from a court), or an attestation from an individual from a specified list of professional positions.
- 25 Currently a period of anonymous registration can last for up to one year and the relevant elector must then make a further application prior to the end of that period if they wish to remain registered anonymously. The Government believes that this requirement places a disproportionate burden on both applicants and administrators. To address this, this Bill increases the length for which a period of anonymous registration can last from one year to five years. This change applies only to anonymous elector registered in Great Britain. Anonymous registration periods in Northern Ireland already last longer.
- 26 Many anonymous electors will choose to apply to vote by post, as many are in circumstances that make it more difficult to attend a polling station in person. Electors who have a postal vote for elections are required to make a new application every five years to retain their postal voting entitlement. Extending the length of time that an elector can be anonymously registered to five years will allow for the opportunity for these voting arrangements to be more closely aligned.
- 27 This Bill also ensures that an anonymous elector's electoral number is, as far as possible, kept the same for the duration of their registration by removing the requirement for the elector number of anonymous electors to run consecutively within the register.

Conduct of elections

Returning officers

- 28 The successful delivery of elections is essential to democracy, and the Government recognises the need for Returning Officers to have access to the resources required to deliver electoral events effectively. However, the legislative framework governing the use of local authority resources at UK parliamentary elections is inconsistent across Great Britain. While legislation in Scotland explicitly requires local authorities to place staff at the disposal of the Returning Officer, the same is not explicitly cited for UK parliamentary elections in England and Wales. This has led to differing practice and a lack of clarity about whether local authority staff can be called upon by the Returning Officer for the delivery of elections.
- 29 To address this, the Bill introduces a measure to amend section 24 of the Representation of the People Act 1983 ("RPA 1983) to mirror the provision on the use of local authority resources in section 25(2), ensuring that local authorities across Great Britain are required to make staff available to the Returning Officer for the purpose of delivering UK parliamentary elections. This measure aims to increase clarity and consistency across the UK. It puts existing practice and expectations for other centrally funded polls such as PCC elections on a legislative footing. The Bill will provide Returning Officers with a statutory basis for accessing staff support, with the aim of ensuring elections are delivered efficiently, consistently, and with the necessary operational resilience.
- 30 The Bill also introduces a requirement that the Returning Officer role be held by a sufficiently senior officer of the local authority, such as the Chief Executive or a statutory officer. These measures are intended to uphold the integrity of elections and responds to concerns about resilience and accountability in electoral delivery. In some instances, the role of Returning Officer has been held by less senior staff who lacked the authority to mobilise wider council resources when issues arose and were more susceptible to pressure from candidates and political parties. This has raised concerns about operational effectiveness. This measure aims to ensure that the Returning Officer has sufficient authority to command the use of council resources and, where necessary, to lead a whole-council approach to delivering elections, particularly in the event of disruption or challenge.

Improving candidate nominations

- 31 This Bill makes changes to the hours during which Returning Officers can accept nominations for candidates at UK parliamentary elections and at local elections in Northern Ireland, increasing the time available for political parties and prospective candidates to submit their nominations. However, the final deadline will be moved earlier to allow ballot papers to be printed earlier.
- 32 Under existing legislation, candidates at UK parliamentary and other elections are not required to show evidence of their identity when standing for election, unlike electors voting in person at a polling station. The Speaker's Conference on the security of candidates, MPs and elections recommended in its First Report (HC 570) that a requirement for candidates to produce ID should be introduced, along with stronger nomination requirements to protect elections from candidates seeking to mislead the electorate or undermine the integrity of the democratic process.
- 33 To address these issues, measures in the Bill will require candidates at parliamentary elections and local elections in Northern Ireland to include, with their nomination papers, documentary evidence of their identity. The types of documents that may be submitted by candidates as evidence of their identity will be set out in regulations made by the Secretary of State, and it is

expected that these will include a passport or driving licence. The Returning Officer would be able to deem a nomination to be invalid where there is a discrepancy between the candidate's full names as stated on the nomination paper and the candidate's name as stated in the submitted ID that cannot be resolved to the Returning Officer's satisfaction. The Returning Officer would be able to reject a nomination where the documents submitted as ID by, or on behalf of, the candidate leads them to doubt that the candidate is who they claim to be.

- 34 The Bill also includes a measure that requires candidates at those elections to make a new statutory declaration in writing - "declaration of truth" - confirming they understand it is an offence to provide false information on nomination papers and that their nomination papers do not contain any false statement or information.
- 35 The Bill includes further measures designed to improve the nominations process and to enhance the security of candidates. The Bill will enable political parties to withdraw support for candidates standing for them at parliamentary elections and at local elections in Northern Ireland who have already submitted their nomination papers to the Returning Officer prior to the close of nominations. Upon such a request being made by the party to the Returning Officer, the candidate's nomination would be cancelled and the candidate's name would not appear on the ballot paper for the party. This is not currently possible and will enable parties to take appropriate action where concerns about a candidate arise during the nomination period. It would still be possible for the candidate to resubmit nomination papers to stand, for another party or as an independent candidate, by the close of nominations. The party would be able to nominate a new candidate to stand in place of the original candidate.
- 36 The Bill also makes provision for candidates at parliamentary elections in Great Britain to optionally complete and return an additional form with their nomination papers that will capture their contact details. The Returning Officer will send the contact details to the relevant local police force (or forces) so they can contact the candidate to invite them to security briefings for the election.

Expanding IDs accepted at the polling station

- 37 The Elections Act 2022 ("EA 2022") introduced the requirement to show photographic ID when voting in person in non-devolved UK elections or referendums held in Great Britain. At the 2024 UK General Election a small but significant number (0.25%, approximately 50,000) of people who tried to vote at a polling station were initially turned away because they did not have an accepted form of identification. Of those, approximately 16,000 people across Great Britain (0.08% of people who tried to vote at a polling station) did not return to vote. Evidence consistently shows that at least 2% of people in Great Britain do not hold a form of ID on the current list.
- 38 The Bill amends the current requirements at UK parliamentary elections held in Great Britain to allow the use of non-photographic ID in the form of in-date UK authorised bank cards, providing the bank card displays the elector's or proxy's name. Adding in-date UK authorised bank cards to the list of ID accepted at the polling station ensures that elections are made more accessible for voters disproportionately impacted by the policy if they are less likely to hold currently accepted ID, such as younger electors or those with disabilities. This change will not apply in Northern Ireland, which has separate requirements regarding voter ID.
- 39 There is longstanding precedent of the use of bank cards as identification. Desk research on the ownership of bank cards, drawing on various online sources such as the World Bank and the Financial Conduct Authority ("FCA"), indicates that over 96% of the UK population is in possession of a bank account with the assumption that the majority of bank account holders are therefore likely to have a bank card. This research also shows that bank account

ownership has been increasing over the last decade. This change is expected to allow a far greater proportion of legitimate electors to easily meet the voter identification requirements.

- 40 Current voter ID legislation stipulates that ID accepted at the polling station at a UK parliamentary election held in Great Britain must be an original document; it does not specify that it must be a physical document. As documents already on the accepted list become available in digital form, these too will be accepted at polling stations. The digital Veteran Card was launched in October 2025 and the digital driving licence is planned to be introduced by the end of 2026. The Government recognises, however, that polling station staff must be able to quickly and easily satisfy themselves that they are looking at an original document, and the Bill clarifies that digital IDs accepted at the polling station must be verifiable via a visual check.

Northern Ireland: Calling out elector's details

- 41 The current “calling out” law in Northern Ireland requires poll clerks to shout out the name and electoral number of everyone to whom they deliver a ballot paper so that anyone seeking to commit personation may be caught out by anyone present. It also facilitates political party representatives sitting within the polling station (polling agents) to write down who has voted. This provision was originally UK-wide, but was removed for Great Britain in the EA 2022 when voter ID was introduced in Great Britain. The Government believes that “calling out” is an outdated and unnecessary practice. The Bill will move Northern Ireland into line with the rest of the UK and repeal these provisions.

Absent voting

- 42 The legislative framework governing absent voting was designed in a very different electoral context. Postal voting volumes have increased significantly, supply chains are more fragile, and voter expectations around delivery and reliability have changed. At the same time the current electoral timetable compresses printing, dispatch and return of postal ballots into a narrow window, placing increasing pressure on electoral administrators and increasing the risk that postal votes cannot be returned in time.
- 43 In order to address the challenges that have developed, the Bill makes changes to the absent voting system to improve flexibility and resilience as outlined below. These changes work in conjunction with proposals above around nomination timing and proposals to move the postal vote application deadline three days earlier. Apart from the changes outlined in paragraph 45 and 46, these changes will not apply to Northern Ireland. Absent votes in Northern Ireland contain a number of additional security features designed to prevent electoral fraud. On demand postal votes are not available in Northern Ireland.
- 44 The EA 2022 introduced a maximum three-year limit for postal and proxy postal voting arrangements. This required a re-application every three years, replacing the previous requirement of a ‘refresh’ of signature and date of birth every five years. A three-year reapplication cycle has been shown to add administrative burden to electors and administrators in submitting and processing applications. Measures in the Bill will therefore extend the maximum duration of postal and proxy postal voting arrangements from three to five years.
- 45 The EA 2022 provided for the introduction of identity verification requirements for absent vote applications, which means that many applications now take longer to process and electoral administrators may require additional information or evidence from electors. To deal with high levels of applications, Electoral Registration Officers apply different informal “determination deadlines” even though the elector may legally submit that information up until the close of poll and still legitimately expect to be granted their absent vote arrangement.

The consequence has been variations in practice across the country and often confused messaging. The Bill creates a power which will allow a clear statutory determination deadline, aiming to ensure consistent treatment of applications and clearer messaging for electors.

- 46 In NI an individual applying to register to vote as part of identity checks must provide their National Insurance Number (NINO) unless they do not have one and in which case they must state a reason. This is currently rare but happens, for example, where a Commonwealth citizen with leave to remain has not yet been issued with a NINO. In these circumstances, the CEO will attempt to verify the applicant's identity against other data sets held by the CEO. Following the introduction of votes at 16, 14- and 15-year-old attainers will be eligible to register to vote. As NINOs are issued when an individual turns 15 years and 9 months it is likely that many attainers will be unable to provide a NINO when they register. Therefore, it is expected that the numbers of people who initially apply without a NINO will increase.
- 47 A NINO is required to be held on an elector's record, along with date of birth, so that it can be used as a security check when an elector applies for an absent vote, electoral ID card or requests any information about their registration status.
- 48 Additionally, in order to grant an absent vote application, where the applicant makes a statement that they do not have a NINO, the CEO must be satisfied that they did not provide a NINO when registering to vote. The Bill will make a change so that where an application for an absent vote does not contain the NINO, the CEO must be satisfied that the applicant continues not to have a NINO. This will support the implementation of 'Votes at 16' for attainers, maintain the robustness of security checks on absent vote applications in NI, and modernise the NINO check on absent vote applications reflecting the increase in the quality of data available to the CEO since this provision was first introduced.
- 49 It is common for individuals to submit applications to register to vote and for postal voting arrangements close to the application deadline. Under existing law, a postal voting arrangement application may not be granted in respect of an individual until the Electoral Registration Officer is both satisfied that the person who made the registration application is the person named on the application *and* the statutory five-working-day "objections period" has passed. Where an individual has made both applications close to the deadline ahead of the day of poll at a particular election, the consequence is that their postal ballot for that election may not legally be issued until six working days before the day of poll; increasing the risk of insufficient time being available for the postal ballot to be delivered and returned before the close of poll. In practice, objections to registration are very rarely raised. Therefore, measures in this Bill will enable postal ballots to be issued to individuals who would be registered except for the objections period not having yet passed. Correspondingly, it also makes provision for their postal ballot to be subsequently cancelled in the event that an objection is raised and they are never registered. Consequential changes to existing legislation are also made, with the aim of ensuring that related voting offences will cover this cohort.
- 50 At present, legislation does not make clear provision for the cancellation of postal votes where an elector is removed from the register. Measures in this Bill aim to address this omission. Taken together with measures set out above, this is intended to ensure that there is clear provision to enable postal ballots to be cancelled in all relevant circumstances that may arise.
- 51 The review further highlighted a lack of legislative clarity around whether a postal ballot for a particular election should be issued when an elector's postal vote arrangement is due to expire during the electoral timetable for that election. A measure in this Bill will address this issue by making provision so that where a postal vote arrangement is otherwise due to expire during the electoral timetable, measures in the Bill will mean that the arrangement will effectively cease at the start of the electoral timetable. This will ensure that the elector is not sent a postal

vote pack that may, in fact, need to be subsequently cancelled - thereby eliminating the key source of existing confusion and uncertainty for both electors and administrators. There will be nothing to prevent the elector applying, or re-applying, in the normal way for an absent vote arrangement for the poll in question. Where a postal vote arrangement is due to expire between the Notice of Election and polling day at an election, this will create clarity for administrators and certainty for electors by ensuring that they are able to cast their ballot.

- 52 Under amendments made by the EA 2022, postal vote arrangements are limited to a maximum term of three years, expiring on 31 January the third year after application. In practice, many Electoral Registration Officers invite electors to renew their arrangements well in advance of the relevant expiry date to manage workloads. Due to the way the maximum postal vote terms are calculated, early re-applications result in shorter subsequent terms. This has had the unintended effect of shortening subsequent terms where applications are made early, increasing the frequency of renewals.
- 53 As well as extending the maximum duration of postal and proxy postal voting arrangements from three to five years, the Bill also introduces a new re-application window for maximum term postal and proxy postal voting arrangements. Where a new maximum term postal or proxy postal voting application is received and granted between 1 October and 30 January, the resulting arrangement may run until the sixth 31 January following the application. This aligns the operation of the provisions more closely with policy intent and with elector expectations.

Campaigning and political finance

Political finance

- 54 The Bill introduces a series of political finance reforms to strengthen the rules around political donations, which seek to address the risk posed by malign actors who may seek to interfere with and undermine UK democratic processes. These measures respond to long-standing recommendations from the Committee on Standards in Public Life and the EC¹. The political finance provisions in the Bill build upon and expand the existing framework set out in the PPERA and the RPA 1983, introducing new due diligence requirements for political donations.
- 55 In 2021, the Committee on Standards in Public Life published its report *Regulating Election Finances*, which recommended the introduction of an enhanced “Know-Your-Donor” due diligence framework. The existing rules do not require donees to consider the risk that a donor is facilitating an illegal donation. The Bill will strengthen the existing permissibility checks required under political finance law by requiring donees to consider the risk that a donor may be obscuring or facilitating an impermissible source.
- 56 The Bill will introduce a principles-based risk assessment requirement for donations exceeding £11,180 in value. A risk assessment will be required each time a donor gives £11,180 cumulatively (or as an individual donation), after which, the running total for the purposes of requiring a risk assessment will reset to zero. Both donations and relevant transactions from the same donor are aggregated for recipients of donations. Recipients of donations will be required to assess, on receipt of such donations, the risk that the donation originates from an impermissible source, and determine whether it should be accepted or returned. This reform

¹ Committee on Standards in Public Life (2021) *Regulating Election Finance: A Review* by the Committee on Standards in Public Life. Available at: https://assets.publishing.service.gov.uk/media/60e460b1d3bf7f56801f3bf6/CSPL_Regulating_Election_Finance_Review_Final_Web.pdf

aims to reduce the risk of illegal donations entering the system, while maintaining a proportionate compliance burden.

- 57 There will be a requirement for the political party, candidate, or other regulated entity to confirm they have carried out the relevant risk assessments as part of their declaratory requirements. The EC will produce guidance to assist donees with risk assessments and ‘Know Your Donor’ checks, and in particular how campaigners might approach the assessment and mitigation of risk in respect of donations.
- 58 The Bill will require political parties to verify that companies making donations meet strengthened eligibility criteria, including demonstrating sufficient profits and a qualifying connection to the UK or Ireland.
- 59 Under Section 54 of PPERA, unincorporated associations (“UAs”) are considered permissible donors if they are associations of two or more persons, carry out business or other activities wholly or mainly in the UK, and have their main office located in the UK. UAs are also permitted to donate to Northern Irish parties if they meet the UK criteria or alternatively carry on business wholly or mainly in Ireland and have their main office in Ireland.
- 60 The current framework does not explicitly regulate the permissibility of gifts received by UAs that are subsequently used to make political contributions. This Bill aims to close that gap by requiring that any gift used by a UA for the purpose of making a political contribution must originate from a permissible donor, which will not include UAs themselves, thus preventing political contributions being routed through chains of UAs. Where a gift is used in the making of a political contribution, it must be reported accordingly. Provision is also made in relation to certain trust donations to ensure that legitimate historic arrangements are not disrupted while preventing new arrangements being created to circumvent the strengthened controls.
- 61 The Bill introduces a number of related changes intended to enhance accountability and traceability. It introduces requirements for the UA to appoint a responsible person when registering with the EC, or confirmation of the person where an association already has an individual fulfilling that role who will be named on the public register and thereby provide the public with information on who is accountable for compliance with the rules within the association. Permissibility checks must be conducted prior to using gifts for political contributions, and UAs will be subject to additional reporting requirements in relation to gifts received. It will also extend reporting requirements to political contributions made to candidates. False declarations and the knowing provision of false information or the deliberate withholding of material information with intent to deceive in relation to information reported about gifts used for political purposes, will constitute a criminal offence and may be subject to prosecution.
- 62 The Bill will also change the regulatory thresholds applicable to UAs, bringing their obligations in line with those of political parties and other regulated campaigners. Currently, political parties and other campaigners must verify that donations over £500 in value come from permissible sources and report donations over £11,180 in value to central parties and over £2,230 in value to constituency parties. In contrast, UAs are only required to report gifts over £11,180 in value if they make aggregate contributions exceeding £37,270 annually. This Bill will reduce the contribution threshold for triggering reporting to £11,180 from £37,270 and reporting threshold to £2,230 from £11,180.
- 63 The Representation of the People Bill introduces new safeguards for political donations and regulated transactions, including restrictions on donations and regulated transactions involving cryptoassets, a cap on donations and loans made by overseas contributors, and restrictions on donations and loans made by companies and LLPs. These measures principally

apply to registered political parties. Political donations and regulated transactions also arise across a wider range of electoral regimes, including: regulated donees under Schedule 7 to PPERA, recognised third parties, permitted participants in certain referendums, parliamentary and local election candidates throughout the UK, police and crime commissioner candidates, and accredited campaigners in recall petitions. The Bill will therefore provide time-limited, regulation-making powers for the Secretary of State to impose restrictions on other forms of political donations, regulated transactions and loans which are of equivalent effect to specified measures (or are of similar effect to specified measures for unincorporated associations) applied to registered political parties. Use of such powers will be subject to affirmative procedure and certain consent requirements.

- 64 In December 2025, the Secretary of State for Housing Communities and Local Government commissioned Philip Rycroft to lead an independent review into foreign financial influence and interference in UK politics. Due to the security risks posed to election finance by cryptoassets, the Rycroft Review recommended a moratorium on political donations made in cryptoassets until Parliament and the Electoral Commission are confident in the regulatory environment surrounding this new technology. In response to this recommendation, the Bill will place a restriction on the ability for registered parties to accept cryptoasset donations. Donations made in cryptoassets will be considered as impermissible, and will have to be returned under the existing framework. At the commencement of these measures, this will be applied retrospectively from 25 March 2026. Recipients will then have thirty days to return any donations made in cryptoassets and accepted during this time.

Imprints

- 65 Imprint rules play an important role in upholding trust in UK democratic processes, by ensuring voters can see clearly who is behind political campaigning material. By extending the digital imprint rules, and placing enforcement of print and digital imprint rules on a clearer and more proportionate footing, the Bill is intended to strengthen the integrity of political campaigning and ensure voters can continue to make informed decisions in elections and referendums.
- 66 Under existing rules, third party campaigners who are not recognised are not required to include imprints on their organic digital campaigning material (material that has not been paid to be advertised). These third party campaigners are organisations who campaign around elections without standing candidates themselves, and who spend under the reporting threshold of £10,000 across the UK on regulated campaign activity, meaning they are not required to register with the EC and therefore are not subject to the same transparency requirements. This allows these third party campaign organisations (such as local branches of advocacy groups or single-issue campaign groups) to disseminate potentially influential campaigning material without disclosing its origin.
- 67 This Bill aims to address this by adding any person who is a third party campaigner, but is not a recognised third party or an individual, to the list of entities who are required to include digital imprints on their organic digital campaigning materials in scope of the regime. The Government intends this reform to ensure that the digital imprint regime promotes greater transparency and public trust, while protecting free expression and avoiding undue burdens on individuals simply expressing their political opinions online.
- 68 The Bill aims to improve the enforcement of digital and print imprint rules by extending the EC's remit to being the primary enforcer of all imprint rules, with the ability to continue referring cases to the police for criminal investigation and prosecution where appropriate. At present, enforcement of the imprint rules is split between the police and the EC depending on the purpose of the material. This division can create confusion for campaigners and

enforcement authorities. Moreover, the prospect of criminal investigation and prosecution – even for minor infractions – can be disproportionate and discourage participation, particularly among volunteers and first-time candidates.

- 69 Given the rapidly evolving digital campaigning environment, the Bill will also amend the procedural requirements for updates to the digital imprint guidance, removing the mandatory involvement of the Secretary of State and Parliament in approving minor corrective changes. Substantive changes will continue to require Secretary of State and parliamentary approval.

Enforcement and the Electoral Commission

- 70 The EC is the independent statutory body tasked with overseeing elections and regulating political finance in the UK. Its functions, powers, and governance are set out in PPERA. The EC is accountable to – and funded by – the UK Parliament via the Speaker’s Committee on the EC for its reserved functions. For its devolved Scottish and Welsh functions, it is accountable to – and funded by – the Scottish Parliament (via the Scottish Parliamentary Corporate Body) and the Senedd Cymru (via the Llywydd’s Committee).
- 71 As part of its statutory duties, the EC is responsible for monitoring and securing compliance with political finance rules and for investigating and enforcing certain offences under PPERA. The Bill introduces a series of reforms to the EC’s role and enforcement powers designed to address enforcement gaps, expand the EC’s civil sanctioning powers and improve operational effectiveness, ensuring that enforcement provides a clear deterrent against breaking the law whilst remaining proportionate. These reforms respond to long-standing recommendations from various stakeholders, including the Committee on Standards in Public Life (now the Ethics and Integrity Commission), the Public Administration and Constitutional Affairs Committee, and the EC itself.
- 72 Since 2010, the EC has been able to impose civil sanctions for certain PPERA offences committed by political parties, third party campaigners and permitted participants in referendums. However, offences committed by candidates and local third party campaigners under the RPA 1983 and recall petition campaigners under the Recall of MPs Act 2015 (“RoMPA”) can currently only be investigated by the police and referred for criminal prosecution. This has created an enforcement gap, because criminal prosecution is often considered to be disproportionate to the offence and not in the public interest.
- 73 The Bill aims to close this enforcement gap by extending the EC’s enforcement role and civil sanctioning powers to include candidate, local third party campaigner and recall petition campaigner political finance offences. As part of this, the Bill also reforms the process for candidates, local third parties, and recall petition campaigners delivering expense returns and declarations, to ensure that they are also delivered directly to the EC.
- 74 The Bill also enables the Electoral Commission to mandate the use of standardised campaign expenditure returns for political parties, recognised third parties and permitted participants, and to require additional information or statements to be included in those returns. Secondary legislation will be introduced to prescribe the relevant offences in legislation which will then be subject to civil sanctions and enforcement by the EC. This will mean that those offences could either be enforced through civil sanctions by the EC or be referred to the police for criminal prosecution. This will ensure that proportionate fines (rather than criminal prosecution) are available for minor infractions, whilst retaining illegal practice status (and the potential for disqualification) where serious breaches are referred for criminal prosecution or are subject to a successful election petition.

- 75 Under the current enforcement framework, all political finance offences – regardless of their severity – are treated as possible criminal offences, even when they amount to administrative breaches, such as the late submission of reports. Whilst criminal investigation and prosecution for such offences is rare, there are concerns that the criminalisation of administrative offences can deter participation in campaigning.
- 76 The Bill and subsequent secondary legislation will therefore reclassify a range of administrative offences under PPERA, so that they will be punishable only through civil sanctions. This aims to clarify that it is the EC who is responsible for enforcing such breaches, allowing police resources to be directed toward tackling more serious criminal offences.
- 77 To strengthen the EC’s civil enforcement regime, the Government also intends to introduce subsequent secondary legislation to increase the maximum fine which the EC may impose. The current maximum is £20,000 per offence. Stakeholders have argued that the current level of maximum fine is an inadequate deterrent for non-compliance with the rules, particularly with respect to well-resourced campaigners².
- 78 This Bill will remove the cap on the maximum civil fine for certain summary offences in Scotland and Northern Ireland, which is currently limited to the maximum criminal fine that can be imposed for those offences (£10,000 in Scotland and £5,000 in Northern Ireland; the maximum criminal fine in England and Wales is an unlimited fine). This is to supplement the Government’s intention to provide the EC with a more meaningful deterrent by increasing the maximum fine that the EC may impose to an amount of up to £500,000. The Government intends to make this change in subsequent secondary legislation.
- 79 The Bill will also transfer the responsibility for granting permission to pay late and disputed invoices from the courts to the EC. Experience has demonstrated that most claims received outside of the statutory deadlines for paying elections related claims are late for simple administrative reasons and the current system of court oversight is inefficient and time consuming. The transfer of responsibility to the EC is intended to reduce administrative burdens on campaigners and the courts.
- 80 The Bill will repeal the power for the Secretary of State to designate a Strategy and Policy Statement for the EC. The clauses also omit associated duties on the EC to have regard to and report on a Statement, as well as powers for the Speaker’s Committee on the Electoral Commission to examine the EC’s performance of its duty to have regard to a Statement.
- 81 In addition, to examine the effectiveness of political finance laws, the terms of reference for the Rycroft Review included specific consideration of strengthening criminal enforcement measures, as well as the EC’s enforcement powers.
- 82 At introduction, the Bill introduced a statutory gateway enabling the EC to disclose information to certain regulators and enforcement bodies. Recommendation 9 of the Rycroft Review called for the extension of these provisions, so that the statutory gateway enables the EC to both disclose information to, and receive information from other regulators and enforcement bodies. In response, the Bill gives the EC a reciprocal statutory gateway to lawfully disclose information to, and receive information from relevant public authorities (as defined in the provisions), for the purpose of assisting the receiving body in the performance of its functions.
- 83 Recommendation 10 of the Review also called for the EC’s powers to compel information outside of an investigation to be expanded. Currently, under PPERA, where the EC does not have reasonable grounds to suspect an offence, it can only require disclosure of information

² [Regulating Election Finance - A Review by the Committee on Standards in Public Life](#)

from specified regulated entities. The Bill, therefore, introduces further amendments to give the EC a broader power to require information from any person outside of an investigation through a disclosure notice, so long as the information relates to the income and expenditure of a regulated entity and is reasonably required by the EC for carrying out its functions.

Harassment and intimidation of candidates

- 84 The Government wants as many people as possible to engage in the United Kingdom's democracy. The Government believes that harassment and intimidation of voters, electoral staff and campaigners, both online and in person, is unacceptable and has a profoundly detrimental impact on the UK's democratic processes.
- 85 The Elections Act 2022 ("EA 2022") introduced a new electoral sanction in the form of a disqualification order, which is intended to provide additional protection to those who participate in elections and contribute to the political debate, and to deter individuals from carrying out acts of intimidation. The disqualification order can be imposed on a person convicted of specific criminal offences (listed in Schedule 9 to EA 2022) motivated by hostility towards a candidate, future candidate, substitute or nominee (in Northern Ireland), campaigner or the holder of a relevant elective office. The effect of a disqualification order is a five-year disqualification from standing for, being elected to or holding certain elective offices. The Association of Electoral Administrators (AEA) has highlighted that electoral staff also faced unacceptable abuse and intimidation during the campaign for, and on the day of, the 2024 UK general election. This Bill will expand the scope of the imposition of disqualification orders so that they can also be imposed on those offenders who commit offences motivated by hostility towards electoral staff. This aims to ensure that electoral staff are provided the same protection as candidates, campaigners and elective office holders, and to underline the seriousness of seeking to abuse or intimidate those who deliver elections in the UK.
- 86 Disqualification orders are an important part of tackling unacceptable harassment and intimidation of those in public life. However, the Government believes that disqualification orders alone do not do enough to prevent those who have no interest in standing as a candidate from engaging in intimidatory or abusive behaviour. This Bill will introduce a new statutory aggravating factor to be considered by courts when sentencing offenders for intimidatory offences motivated by hostility towards candidates, campaigners, elective office holders and electoral staff. This will aim to introduce a significant new deterrent for those who seek to damage the UK's democracy or intimidate those who uphold it, ensuring that anyone who does so is subject to appropriate criminal justice penalties.
- 87 It is vital that candidates feel safe and secure in their homes. Under existing legislation, candidates have the option to prevent their home address from being published on the statement of persons nominated and on ballot papers. However, candidates who are acting as their own election agents will have their home address published on the notice of election agents if they do not have an office address. This Bill will remove this remaining requirement for candidates to publish their home address, provided that they provide an alternative correspondence address.

Legal background

- 88 The law governing the proceedings of elections and the requirements placed on those running for public office is set out in a number of statutes. This means that the Bill refers to and amends existing primary and secondary legislation which includes:

- i. Rules relating to UK Parliamentary Elections and Referendums, and certain local elections: Representation of the People Act 1983 (“RPA 1983”); Representation of the People Act 1985 (“RPA 1985”); Representation of the People Act 2000 (“RPA 2000”); the Political Parties, Elections and Referendums Act 2000 (“PPERA”); Elections Act 2022 (“EA 2022”);
- ii. Rules for principal area local elections for England and Wales: Local Government Act 1972; Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304) (now England only);
- iii. Rules for parish and community local elections in England and Wales: Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305) (now England only);
- iv. Rules for Local authority mayoral elections in England and Wales: Local Government Act 2000; Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024);
- v. Rules for Combined authority mayoral elections in England: Local Democracy, Economic Development and Construction Act 2009; Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67);
- vi. Rules for elections to the Greater London Authority: Greater London Authority Act 1999; Greater London Authority Elections Rules 2007 (S.I. 2007/3541);
- vii. Rules for Police and Crime Commissioner Elections in England and Wales: Police Reform and Social Responsibility Act 2011; Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917);
- viii. Provisions about Scottish Parliamentary Elections and Referendums: Scotland Act 1998; Scottish Parliamentary (Elections etc.) Order 2015 (S.S.I. 2015/425); Scottish Elections (Representation and Reform) Act 2025;
- ix. Provisions about Welsh Senedd Elections: Government of Wales Act 2006; Senedd Cymru (Representation of the People) Order 2025 (W.S.I. 2025/864 (W.150)); Elections and Elected Bodies (Wales) Act 2024; Senedd Cymru (Members and Elections) Act 2024;
- x. Provisions about Northern Ireland Assembly Elections: Northern Ireland Act 1998; Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) (“NIA(E)O 2001”); Elected Authorities (Northern Ireland) Act 1989 (“EA(NI)A 1989”);
- xi. Provisions about Local government elections in Scotland: Local Government (Scotland) Act 1973; Scottish Local Government Elections Order 2011 (S.S.I. 2011/399); Scottish Local Government Elections Amendment Order 2020 (S.S.I. 2020/239);
- xii. Provisions about local elections in Northern Ireland: Local Government Act (Northern Ireland) 1972; Electoral Law Act (Northern Ireland) 1962 (“ELA(NI) 1962”); EA(NI)A 1989;
- xiii. Provisions about the recall of MPs: Recall of MPs Act (“RoMPA”) and the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I. 2016/295);
- xiv. Provisions about local referendums in Wales: Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848 (W. 177));

- xv. Provisions about local referendums in England: Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323); Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444); Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031);
 - xvi. Rules about election petitions (challenging the results of an election): Election Petition Rules 1960 (S.I. 1960/543).
- 89 The RPA 1983 is the core Act dealing with the voting franchise for UK parliamentary elections and local government elections in England, Wales and Scotland, as well as other rules, and establishes the detailed procedure for conducting UK parliamentary elections. This Bill changes requirements in the RPA 1983, including in the parliamentary elections conduct rules, for example to amend the deadlines for candidate nominations, require candidates to provide ID when submitting their nomination papers, and allowing the withdrawal of party support for a candidate.
- 90 The RPA 1983 also covers the registration processes for registration on the parliamentary registers (UK) and local government registers (in Great Britain) and makes provision about the canvass (different provision applies to Great Britain than to Northern Ireland). The current requirements in the RPA 1983 include that a person must make a successful application before they can be added to the register. The EA(NI)A 1989 sets out the franchise for local Northern Ireland elections and the NIA(E)O 2001 provides that Assembly elections use the local franchise. Registration for Northern Ireland local elections is provided for in the RPA 1983 by virtue of Schedule 1 to the EA(NI)A 1989. The process for registration is amended by the Bill so that, where an Electoral Registration Officer (in Great Britain) or Chief Electoral Officer for Northern Ireland is satisfied that a person is entitled to be registered, they can start a process to register a person without them needing to make an application. Likewise, if the Electoral Registration Officer or Chief Electoral Officer for Northern Ireland becomes aware that a person has changed their name or address and is satisfied that they are entitled to be registered in respect of that name or address, the Bill enables those details to be amended without the person being required to apply for that change to be made.
- 91 The Bill also makes provision for canvass reform in Northern Ireland. The canvass was reformed in Great Britain under the Electoral Registration and Administration Act 2013, which also introduced individual elector registration, in place of household registration. A further key piece of legislation is PPERA. PPERA established the EC and sets out how political parties, third party campaigners and referendums are regulated in the UK, as well as setting out the powers, duties and governance of the EC. The EC's powers and role have been expanded a number of times, including in the Political Parties and Elections Act 2009. The EA 2022 further expanded the EC's remit to include the enforcement of and guidance around materials to be included on digital material for certain electoral purposes (see Part 6 of the EA 2022).
- 92 Campaign offences in relation to candidates, including campaign finance offences, are set out in the RPA 1983 (for parliamentary elections in the UK and local government elections in Great Britain). The ELA(NI) 1962 makes provision for candidate finance offences for local elections in Northern Ireland, and the NIA(E)O 2001 applies the candidate finance offences from the RPA 1983 to Assembly elections.
- 93 The Bill makes amendments to expand the EC's remit to include candidate finance offences under the RPA 1983 and the ELA(NI) 1962. Further offences in relation to recall petition campaigns under RoMPA will also be brought within the Commission's remit.

- 94 The Bill makes a number of further amendments to PPERA in relation to requirements for “know your donor” checks by donees, new rules on “donations” to and from unincorporated associations, making provision as to permissibility of donations by companies, clarifying the law on forfeiture of donations when received from a person who was not on an electoral register, and provision to amend the rules on expenditure by registered political parties which have electoral agreements with other registered political parties.
- 95 The EA 2022 introduced a new requirement for digital political material to contain an imprint, bringing this in line with information required on print imprints. This Bill expands the category of people subject to the new requirements, to include material which is created by unregulated third parties, who are already required to include imprints on “paid for” content, where this is for one of the purposes in section 45 of EA 2022 (for example to promote the success of a candidate, a party, an outcome at a referendum, or similar).
- 96 The EA 2022 also introduced a new disqualification order to be imposed at sentencing where certain violent or intimidatory offences are motivated by hostility towards candidates, holders of relevant elective offices and campaigners. This Bill expands the scope of the order so that it also covers offences motivated by hostility towards electoral administration staff.
- 97 The Scottish Government has previously made similar provision for disqualification orders for offenders who commit crimes of hostility against Scottish electoral administration staff by way of section 8 of the Scottish Elections (Representation and Reform) Act 2025. These Scottish disqualification orders are similar to the disqualification orders made under section 30 of the EA 2022 but only disqualify persons for devolved Scottish elective offices. This Bill will provide that offenders who receive a Scottish disqualification order are also disqualified from elective offices throughout the rest of the UK for a period of 5 years.
- 98 Section 67 RPA 1983 provides the rules for the appointment of election agents. Existing subsections allow a candidate to act as their own election agent without their home address being published for local elections in some parts of the UK. For Scottish local government elections, the relevant subsections are (6ZA) and (6ZB) (which apply to all election agents, not just candidates acting as their own agent), while for Welsh local government elections it is subsection (6A). This Bill will incorporate the existing Scottish measures into new subsections which will apply the same approach to UK parliamentary elections and to local government elections in England and Scotland. Subsection (6A) will remain in force for local government elections in Wales. This Bill also makes similar amendments to remove the need for publication of home addresses for sub-agents (section 68 of the RPA 1983) and agents in Northern Ireland local elections (section 34 of the ELA(NI) 1962).
- 99 Current requirements for absent voting at parliamentary elections and local government elections in Great Britain are set out in Schedule 4 to the RPA 2000, while RPA 1985 sets out current requirements for absent voting at parliamentary elections in Northern Ireland. This Bill makes amendments to the RPA 1985 and RPA 2000 in relation to absent voting.

Territorial extent and application

- 100 Clause 87 sets out the territorial extent of the Bill, that is, the jurisdictions in the UK of which the Bill forms part of the law; application applies to where the Bill has practical effect.
- 101 The Bill's territorial extent and application are complex. The Bill generally extends to the UK, subject to paragraphs 96-98 below, although application differs across provisions.
- 102 Extent varies across clauses due to the complexity of electoral law and devolution. There has been significant consultation among officials and the Bill has taken into consideration the views and concerns shared.
- 103 There is a convention that Westminster will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned.
- 104 The following provisions relate to matters within the legislative competence of the Scottish Parliament:
- a. **Open Register Opt-in** in so far as it relates to devolved register in Scotland.
 - b. **Administrative Measures** insofar as they relate to local government elections in Scotland. This includes the declaration of local connection ceasing to have effect in so far as it relates to local government elections (Clause 4). Clause 32- Anonymous registration, alignment with this will help maintain anonymous electors' identity; clause 33- Pre-election applications for registration; clause 36- Regulations as to registration etc: information to assist registration officers; clause 37- Edited register: electors to opt in; clause 39- Seniority of returning officers.
 - c. **Absent Voting Measures** insofar as they relate to local elections in Scotland. This includes: clause 48- Absent voting.
- 105 **Electoral Campaigning Measures:** these apply to devolved elections and possible offences relating to them. This includes the following measures: clause 54- Publication of election agents' addresses; clause 55 - Leave to pay late and disputed expenses claims; clause 56- Delivery and inspection of returns and declarations; clause 61- Risk assessments for donations to registered parties; clause 62- Permissible donors not to include individuals under 16; clause 63- Donations etc by companies and LLPs.; clause 67- Unincorporated associations making political contributions; clause 72- Decriminalisation of certain requirements; clause 73- Extension of the Electoral Commission's enforcement functions; clause 74- Abolition of maximum penalties in respect of offences triable summarily. Clause 56- Delivery and inspection of returns and declarations, relating to Electoral Commission enforcement. The following provisions relate to matters within the legislative competence of Senedd Cymru:
- a. **Open Register Opt-in** in so far as it relates to devolved register in Wales.
 - b. **Administrative Measures** insofar as they relate to local government elections in Wales. This includes the following measures: Clause 4- Declaration of local connection ceasing to have effect; clause 31- Seniority of electoral registration officers; clause 32- Anonymous registration; clause 33- Pre-election applications for registration; clause 36- Regulations as to registration etc: information to assist registration officers; clause 38- Provision of assistance by local authority officers to returning officers.
 - c. **Votes at 16 Measures** to support young people voting in devolved and reserved elections.

- d. These measures include: clause 15- Duty to raise awareness and provide assistance: Great Britain. The LCM process is engaged here because of DWAs, with similar duties already applying to local authorities under Welsh legislation.
- e. **Absent Voting Measures** insofar as they relate to local elections in Wales.
- f. This includes: clause 48- Absent voting.
- g. **Electoral Campaigning Measures**; these apply to devolved elections and possible offences relating to them.
- h. These measures include: clause 55- Leave to pay late and disputed expenses claims; clause 56- Delivery and inspection of returns and declarations; clause 61- Risk assessments for donations to registered parties; clause 62- Permissible donors not to include individuals under 16; clause 63- Donations by companies and LLPs etc; clause 72- Decriminalisation of certain requirements; clause 73- Extension of the Electoral Commission's enforcement functions; and clause 74- Abolition of maximum penalties in respect of offences triable summarily. Clause 75- Civil sanctions orders: combining reserved and devolved provision. This includes a power to make provision in relation to devolved matters (provided consent is obtained from the Scottish and Welsh Ministers first);
- i. **Harassment and intimidation of candidates and electoral staff**. Clause 81- Effect of Scottish disqualification orders.

106 The following provisions relate to matters within the legislative competence of the Northern Ireland Assembly:

- a. **Harassment and intimidation of candidates and electoral staff** insofar as relates to membership of a local council in NI. This is clause 81- Effect of Scottish disqualification orders.

107 The Secretary of State for Housing, Communities and Local Government has confirmed that the Government will seek approval from the Scottish Parliament, Senedd Cymru, and the Northern Ireland Assembly for a legislative consent motion in relation to these provisions.

108 If, following introduction of the Bill, there are amendments relating to matters within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, the consent of the relevant devolved legislature(s) will be sought for the amendments.

109 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of Bill

Part 1: Young Voters

Extension of right to vote etc to 16- and 17-year-olds

Clause 1: Extension of right to vote etc

- 110 Clause 1 amends RPA 1983, the EA(NI)A 1989, the Police Reform and Social Responsibility Act 2011, and the RoMPA, with the effect of lowering the age at which an individual is eligible to vote in all elections and polls for which responsibility is reserved to the UK Government.
- 111 Subsection (2) amends section 1(1)(d) of the RPA 1983 to change the voting age to 16 from 18 for UK parliamentary elections.
- 112 Subsection (3) amends section 2(1)(d) of the RPA 1983, changing the voting age to 16 from 18 for local government elections. To do so, it omits existing subsection (1A), which previously accounted for the difference in voting age between local government elections in England, Scotland and Wales. The revised section 2 reflects that the voting age will be 16 for all local elections in the UK, and (when read alongside section 52(1) of the Police Reform and Social Responsibility Act 2011) PCC elections in England.
- 113 Subsection (4) amends Schedule 6 to RPA 1983, which addresses ward elections in the City of London. Paragraph (a) changes the voting age to 16 from 18 for those ward elections. Paragraph (b) amends paragraph 3 of Schedule 6, which provides that where an individual is below voting age but will soon attain voting age, the ward list maintained by the clerk of the City will note the date on which the individual will attain voting age. Subsection (4)(b) amends paragraph 3 of Schedule 6 by reflecting that the voting age will be 16 rather than 18.
- 114 Subsection (5) amends the EA(NI)A 1989 such that the voting age is also lowered to 16 for local elections in Northern Ireland. Elections to the Northern Ireland Assembly rely on the local government franchise and therefore this amendment also effects the lowering of the voting age for elections to the Northern Ireland Assembly.
- 115 Subsection (6) amends the Police Reform and Social Responsibility Act 2011 such that the voting age is also lowered to 16 for PCC elections in Wales.
- 116 Subsection (7) amends RoMPA, to ensure that the age at which an individual is entitled to sign a recall petition reflects the voting age for all elections.

Clause 2: Disenfranchisement of detained 16- and 17-year-olds

- 117 Clause 2 makes amendments to section 3 of the RPA 1983, and Schedule 1 to the EA(NI)A 1989, which establish that convicted prisoners detained in penal institutions are legally incapable of voting. Clause 2 extends that principle to 16- and 17-year-olds, in line with the extension of voting rights to that age group.
- 118 Subsection (2) inserts new subsection (1ZA) into section 3 of the RPA 1983. New subsection (1ZA) of section 3 extends the definition of those disenfranchised to include individuals who are detained in “youth detention accommodation” for the duration of the sentence, as well as those who would be detained if they were not unlawfully at large.
- 119 Subsection (3) inserts new paragraph (ba) into section 3(2) of the RPA 1983 to define the term “youth detention accommodation” as used in new subsection 1ZA described above. This definition identifies all the institutions in which a convicted prisoner aged under 18 may be detained which are not already captured by the existing legislation. For example, in England,

some convicted prisoners under 18 may be held in Young Offender Institutes, while others may be held in Secure Children's Homes. Existing provisions would include Young Offender Institutes, but not Secure Children's Homes. These provisions aim to ensure all convicted prisoners are disenfranchised with regards to elections for which responsibility is reserved to the UK Government, regardless of their age or the institution in which they are detained.

120 Subsection (4) amends Schedule 1 to the EA(NI)A 1989, such that the provisions in this clause apply in the same way to local elections in Northern Ireland. As the franchise for the Northern Ireland Assembly flows from the franchise for local elections in Northern Ireland (see article 4 of the NIA(E)O 2001), this will achieve the same effect for Assembly elections as well.

121 Taken together, the provisions in this clause follow the principles established in existing section 3(1); that is, that convicted prisoners (with the exception of those imprisoned for contempt of court, or in default of paying a court-imposed fine) may not vote in UK parliamentary elections, PCC elections, elections to the Northern Ireland Assembly, or local elections in England or Northern Ireland. These provisions do not apply to elections for which responsibility is devolved; that is, elections to the Senedd Cymru, Scottish Parliament, or local government elections in Wales or Scotland.

Registration and participation in elections

Clause 3: Entitlement to be registered before reaching voting age

122 Clause 3 amends section 4 of the RPA 1983 and Part 2 of Schedule 1 to the EA(NI)A 1989, which set out entitlement to appear in the register of parliamentary or local government electors. The entitlement to be registered to vote is distinct from the entitlement to cast a vote. Clause 3 will allow all otherwise eligible individuals to register as an "attainer" from their 14th birthday on the parliamentary register, and the local government registers in England and Northern Ireland. The provision consolidates the equivalent provision currently in force for local government elections in Scotland.

123 Subsection (2) inserts new subsections (4A) and (4B) into section 4 of the RPA 1983. New subsection (4A) entitles an individual to be registered on the parliamentary register throughout the UK, or a local government register in Scotland or England, from their 14th birthday, as long as they meet the other eligibility criteria as set out elsewhere in section 4 of the RPA 1983.

124 New subsection (4B) requires that, when such an individual is added to the electoral register, that individual's entry in the register must give the date on which the person will attain voting age. Subsection (4B) further requires that this date be used to establish the point at which the individual can participate in an election, and they are not to be treated as an elector until that point. This consolidates provision including for Scottish local government elections, where the existing legislation follows the same provision.

125 Subsections (3), (4) and (5) are consequential amendments to maintain the position for local government elections in Wales, update the cross-references in other parts of that section, and reflect that separate provision is not needed for Scotland (the repeal of subsection (5B) and (5C)).

126 Subsection (6) amends the EA(NI)A 1989 such that the provisions in this clause apply in the same way to local elections in Northern Ireland (this also governs eligibility for Northern Ireland Assembly elections).

Clause 4: Declarations of local connection: looked after children and detained persons

- 127 Clause 4 amends section 7B of the RPA 1983 and inserts a new section – 7BA – into RPA 1983. It also amends Schedule 1 to the EA(NI)A 1989 to ensure that these provisions also apply for local elections in Northern Ireland, and makes modifications that are needed to make the equivalent provisions in the RPA 1983 work for Northern Ireland, in particular replacing “England” with “Northern Ireland”. These parts of the legislation concern the circumstances in which an individual may apply to register to vote using a “Declaration of Local Connection” (or “DoLC”) to an area, rather than using a fixed or permanent address.
- 128 The purpose of a declaration of local connection is to allow individuals to register to vote when their living arrangements would otherwise prevent them from being associated with a fixed or permanent address, or where they have a connection with another local authority area (for example where they are in care away from their previous home). The purpose of this clause is to expand the circumstances in which a declaration of local connection may be made to account for circumstances which individuals under the age of 18 may be in, such as individuals in care.
- 129 Subsection (3) amends section 7B(2) of the RPA 1983 to add an additional category of individual who may make a declaration of local connection. The new category is that of individuals who are either looked after by a local authority, were looked after by a local authority, or who are being kept in secure accommodation (but who do not also fall into one of the pre-existing categories). This category is defined in full in new section 7BA of the RPA 1983, which is inserted by subsection (7) in this clause, described below.
- 130 The purpose of the two new eligibility criteria for making a declaration of local connection – children looked after by a local authority, and those detained in secure accommodation – is as follows. In both cases, it allows individuals to register to vote as if they are resident somewhere other than their current accommodation (e.g. a previous address), because accommodation for looked after children and detention in secure accommodation may be short lived (though in both cases, the individuals may choose to register at their current address if they wish). In the case of looked after children, there is also a secondary purpose, which is to allow individuals to be registered to vote at an address within the local authority with responsibility for the individual (including, if necessary, the address of a local authority building itself). This allows the local authority with responsibility for the individual in question to also be responsible for the electoral registration of that person in cases where children looked after by a local authority may be housed at an address which is outside the area for which the local authority in question has responsibility.
- 131 Subsection (4) amends section 7B of the RPA 1983 such that subsections (2A) to (2D) - which concern how children looked after by a local authority, or individuals held in secure accommodation, may make a declaration of local connection for the purposes of devolved elections in Scotland and Wales - are removed, as they are consolidated with equivalent provisions for UK parliamentary elections and local government elections in England (by subsection (7)). The original effect of the omitted provisions is maintained.
- 132 Subsection (5) amends section 7B of the RPA 1983 such that when an individual makes a declaration of local connection on the grounds of being in the new category created by subsection (3) above, the declaration of local connection must include the individual’s age, and either the name of the local authority in question, or the address of the secure accommodation, as appropriate.

- 133 Subsection (6)(a) amends section 7B(4) to consolidate the existing definitions of “required address” that apply to different parts of the UK into a single definition for the whole of the UK.
- 134 Subsection (7) amends section 7B of the RPA 1983, adding a new subsection (6A). New subsection (6A) sets out four circumstances where a declaration of local connection does not have effect for registration on either the local government or parliamentary register.
- 135 New subsection (6A)(a) specifies that a declaration of local connection shall not have effect for parliamentary registration if the individual is not otherwise eligible to be registered on the parliamentary register (e.g. if they do not meet nationality requirements, age requirements, or is prevented from voting due to being a convicted prisoner).
- 136 New subsection (6A)(b) provides that the declaration of local connection does not take effect for a local government election if a person is not eligible to be registered on that register.
- 137 New subsection (6A)(c) provides that if an individual seeks to make a declaration of local connection on the basis of being either looked after by a local authority, having previously been looked after by a local authority, or being kept in secure accommodation, the declaration shall not be valid for parliamentary registration or registration on the local government register in England if the individual is legally prevented from voting due to new section 3(1ZA) of the RPA 1983, introduced by clause 2 above. This provision is considered necessary because some individuals are resident in certain facilities – for example Secure Children’s Homes - for welfare reasons, whilst others may be resident in the same facility in pursuance of a sentence following conviction. Individuals resident in a Secure Children’s Home (or similar) for welfare reasons (and who satisfy the other regular eligibility criteria: e.g. nationality) are eligible to register to vote at parliamentary elections, and accordingly the provisions in this clause provide for them to register via a declaration of local connection. However, individuals who are resident in a Secure Children’s Home in pursuance of a sentence following conviction are not eligible to register to vote at parliamentary elections. This subsection prevents the latter group from registering to vote.
- 138 New subsection (6A)(d) provides that if an individual seeks to make a declaration of local connection under section 7B(2)(d) of the RPA 1983 on the basis of being either looked after by a local authority, having previously been looked after by a local authority, or being kept in secure accommodation, the declaration shall not have effect for a local government register or a parliamentary register if the person does not satisfy the requirements of section 7BA that apply for that register. This means that, for example, if they are over the “applicable age” in relation to a local government register in Wales, then the DOLC will not take effect for the purpose of registration on that register.
- 139 Subsection (8) amends section 7B of the RPA 1983 such that subsections (7), and (7A) to (7C) - which provide that certain declarations of local connection (such as those made by qualifying foreign nationals, who do not have the right to vote in reserved elections) have effect for the purposes of devolved elections in Scotland and Wales only - are removed. This is done because subsection (7) of this clause incorporates these provisions into new subsection (6A) of section 7B, and in doing so combines them with similar provisions relating to UK parliamentary elections in Great Britain, and local government elections in England.
- 140 Subsection (9) inserts new subsection 7BA into the RPA 1983. New section 7BA describes the circumstances in which an individual may make a declaration of local connection under the new section 7B(2)(d) of RPA 1983.
- 141 New section 7BA(1) provides that in order to make a declaration of local connection under section 7B(2)(d) of the RPA 1983 (as inserted by subsection (3) of this clause), an individual

must meet the requirements in new section 7BA(2), and must also be under a certain age. These vary depending on the type of election in a declaration may apply to, and are specified in new section 7BA(3) below.

- 142 New section 7BA(2) provides that in order to make a declaration of local connection under section 7B(2)(d) of the RPA 1983 (as inserted by subsection (3) of this clause), an individual must be either looked after by a local authority, previously have been looked after a local authority, or be being kept in secure accommodation. These three circumstances are defined in new section 7BA(4) below.
- 143 New section 7BA(3) sets out the maximum ages which an individual may be in order to make a declaration of local connection under section 7B(2)(d) of the RPA 1983 (as inserted by subsection (3) of this clause). For UK parliamentary elections, local government elections in England or Scotland, or Scottish Parliamentary elections, an individual must be under 21; for local government elections in Wales or Senedd Cymru elections, the individual must be under 18.
- 144 New section 7BA(4) defines the terms “child looked after by a local authority” and “secure accommodation” used in new section for the purposes of registering on the UK Parliament register.
- 145 New section 7BA(5), (6), and (7), define the terms “child looked after by a local authority” and “secure accommodation” using the same definitions as are used in section 7BA(4), but apply those definitions to registrations for the local government registers. Whereas section 7BA(4) defined those terms for the purposes of registration as a parliamentary elector, subsection (5), defines those terms for the purposes of registering as a local government elector in England (which also governs eligibility to vote in PCC elections and local government referendums), subsection (6) defines the terms for the purposes of registering for local elections in Wales (which also governs eligibility for Senedd elections), and subsection (7) defines the terms for the purposes of registering for local elections in Scotland (which also governs eligibility for Scottish Parliament elections).
- 146 Subsections (10), (11), and (12) amend Part 2 of Schedule 1 to the EA(NI)A 1989 such that the changes made by this clause to RPA 1983 are adjusted as necessary to function in the same way in Northern Ireland as they do to Great Britain.

Clause 5: Service declarations

- 147 Clause 5 amends sections 14, 15, 16 and 17 of the RPA 1983, and Schedule 1 to the EA(NI)A 1989. These provisions deal with the process that allows members of the armed forces, Crown servants and British Council employees to register to vote while serving overseas or away from their home within the UK. This clause extends the right to make a service declaration to the children of service voters who live with them.
- 148 Subsection (2)(a) inserts new subsections (1ZA) and (1ZB) into section 14 of the RPA 1983. New subsection (1ZA) provides that an individual under the relevant age qualifies if they are residing with a parent or guardian who has a service qualification. New subsection (1ZB) defines the ‘relevant age’ as 19 for parliamentary or local government registers in England. The ‘relevant age’ of 18 remains unchanged for local government registers in Wales and Scotland.
- 149 Subsection (2)(b) amends section 14 of the RPA 1983 to remove existing subsection (1A) which currently makes provision for registration on the local government registers in Scotland and Wales in the same circumstances as new ss(1ZA). Subsection(2)(a) incorporates the effect of

the existing provisions into new subsection (1ZA), and in doing so creates unified provision for UK parliamentary registration and local government registration across Great Britain.

- 150 Subsection (3) amends section 15 of the RPA 1983 which regulates service declarations.
- 151 Subsection (3)(a) adds new provisions such that when an individual registers to vote using a service declaration made on the basis of residing with a parent or guardian who has a service qualification, that registration ceases to have effect when the declarant attains the relevant age.
- 152 Subsection (3)(b) to (d) omits existing devolved provision which is consolidated into the new provision in section 15(2)(d) and (5D).
- 153 Subsection (3)(e) inserts subsection (5D) which provides that a service declaration made by a child of a service voter does not have effect for a particular register if the individual does not meet the eligibility criteria for registration.
- 154 Subsection (3)(f) inserts new subsections (9A) and (9B), which provide the Secretary of State with the power to extend, by secondary legislation, the 12-month validity period of a qualifying child's service declaration up to five years. This is only exercisable in relation to parliamentary registration across the UK or registration on the local government register in England. This power is applied to local government registration in Northern Ireland by subsection (6)(b), and as set out above as the Northern Ireland Assembly franchise flows from the local election franchise it will also apply for the purposes of Northern Ireland Assembly elections.
- 155 Subsection (3)(g) and (h) amend subsections (10) and (11), which currently refer to regulations made under subsection (9), to insert a reference to regulations made under new subsection (9A). This means that regulations made under subsection (9A) can also include incidental provision, that the Secretary of State must consult the EC, and that the affirmative procedure applies, as it does to regulations made under subsection (9).
- 156 Subsection (3)(i) amends subsection (12) of section 15 of the RPA 1983 such that if the power created by Clause 5(3)(f) (at new subsection 15(9A)) is exercised in order to set a longer period than was previously in force, individuals who are already registered on the basis of a service declaration as the child of a service voter have the new, longer validity period of their service declaration applied to them.
- 157 Subsection (4) amends section 16 of the RPA 1983, which sets out information that must be included in a service declaration and how it must be attested.
- 158 Subsection (4)(a) renumbers the provision as it extends to Northern Ireland for consistency with the provision as it extends to England and Wales and Scotland. Paragraphs (b) and (d) omit existing text that is consolidated by other provision in this subsection.
- 159 Subsection (4)(c) inserts new subsection (1A) make clear that a declaration does not need to be attested where the declarant is a member of the armed forces (or their spouse / civil partner), or where the declarant is a child of a member of the armed forces. This consolidates the provision removed by paragraph (b) and (d).
- 160 Subsection (5) amends section 17 of the RPA 1983, which regulates the effect of a service declaration.
- 161 Subsection (5)(a) replaces the reference to "section 16(d)" in section (1)(a) of section 17 with "section 16(1)(d)". This is a fix of a typographical error in the existing legislation.

162 Subsection (5)(b) provides that a child of a service voter who is living abroad with their parent will no longer be treated as having a service qualification once they reach the relevant age.

163 Subsection (5)(c) removes subsection (3) of section 17 because subsection (5)(b) incorporates the effect of these provisions into new subsection (2A), and in doing so combines them with equivalent provisions relating to UK parliamentary elections in Great Britain, and local government elections in England.

164 Subsection (6) amends Part 2 of Schedule 1 to the EA(NI)A 1989, which applies and modifies provisions of the RPA 1983 for Northern Ireland. It ensures that these amendments extend to NI in the same way that they apply in Great Britain.

Clause 6: Further provision about registration and participation in elections etc

165 Clause 6 inserts schedule 1, which makes provisions relating to the registration of young people, and their participation in elections and recall petitions.

Schedule 1 — Further provision about registration of young voters etc

Part 1 – Amendments of enactments

166 Paragraph 1 amends Schedule 5 to the ELA(NI) 1962, which sets rules for the conduct of local elections in Northern Ireland.

167 Paragraph 1(a) amends rule 29, which concerns who may enter a polling station. Two amendments are made. The first changes the age of people who may accompany voters to polling stations is changed from “under the age of 18” to “under the age of 16”. The second changes the duty on presiding officers to regulate the total numbers of voters and individuals accompanying voters allowed into the polling station at once such that the maximum age of individuals accompanying voters is acknowledged to be “under the age of 16”, in line with the first change made by this subsection.

168 Paragraph 1(b) amends rule 36, which sets rules relating to voters with disabilities. The amendment changes the minimum age of people who may act as a companion to a voter with disabilities in polling stations from “18” to “16”.

169 Paragraph 1(c) amends form 10, which is the form through which an individual declares they are a companion of a voter with disabilities. This amendment changes the form to reflect the change made to rule 36 by paragraph 1(b).

170 Paragraphs 2 to 11 amend RPA 1983 as follows.

171 Paragraph 3 amends section 9 to remove the requirement for Electoral Registration Officers in Scotland and Wales to record when electors on their local electoral register aged 16 or 17 will attain the age of 18. These provisions may be removed as this Bill will cause the voting age for all elections in Scotland and Wales to be 16, making it unnecessary to store such information. Paragraph 3 also removes a cross-reference to a provision that has been repealed.

172 Paragraph 4(a) amends section 9A, inserting new subsection (2ZA) and (2ZB). Section 9A of the RPA 1983 concerns inquiries which are care carried out by Electoral Registration Officers as part of their duty to maintain complete and accurate electoral registers. New subsection (2ZA) removes the requirement for Electoral Registration Officers to conduct house to house inquiries for any individual under the age of 16: such provision was already in place for local elections in Scotland and Wales, but until now was not necessary for UK parliamentary elections or local government elections in England or Northern Ireland, as no one under the age of 16 could previously be registered for those elections. This provision replaces the provision currently in place in Scotland and Wales for devolved elections (which is omitted by

paragraph 4(b) of this Schedule) and consolidates it into a single provision that applies for all elections across the UK, devolved and non-devolved. New subsection (2ZB) prevents Electoral Registration Officers from making telephone inquiries for any individual under the age of 16 for the purposes of the UK parliamentary register, or for the register of local government electors in England.

- 173 Paragraph 5 amends section 9D(6) such that Electoral Registration Officers in Great Britain are not required to conduct the annual canvass in respect of individuals who are detained in “youth detention accommodation” – as defined in clause 2 of this Bill. This change is consequential on the amendment made to section 3 of RPA 1983 made by clause 2 and is consistent with the exemptions to the Annual Canvass duties already in place with regards to convicted prisoners.
- 174 Paragraph 6 amends section 9E, inserting new subsection (5A). New subsection (5A) disappplies the ability for Electoral Registration Officers to require individuals to submit an application for registration where the individual is under the age of 16. This is because it is considered that under 16s should not be compelled to register.
- 175 Paragraph 7 amends section 10(3) to the same effect as Paragraph 5, except that the change is made in respect of the annual canvass conducted in Northern Ireland, instead of Great Britain.
- 176 Paragraph 8 amends section 13BD(1)(b)(ii) to reflect the change in the voting age in provisions related to applications for an electoral identity document (also known as a Voter Authority Certificate).
- 177 Paragraph 9 amends section 13BE(1)(b)(ii) to the same effect as paragraph 8, except that the change is made in respect of applications for an anonymous elector’s document in Great Britain.
- 178 Paragraph 10 amends Schedule 1 to the RPA 1983, which sets rules for the conduct of parliamentary elections.
- 179 Paragraph 10(a) amends rule 32, which regulates who may enter a polling station, in three ways. First, it changes the age of people who may accompany voters to polling stations from “under 18” to “under 16”. Second, it changes the minimum age of an individual able to enter a polling station for the purposes of returning a postal voting ballot paper or voting statement by hand to 16 instead of 18. Third, it changes the duty on presiding officers to regulate the total numbers of voters and individuals accompanying voters allowed into the polling station at once such that the maximum age of individuals accompanying voters is acknowledged to be “under 16”, in line with the first change.
- 180 Paragraph 10(b) amends rule 39, which sets rules relating to voters with disabilities, such that the minimum age of people who may act as a companion to a voter with disabilities in polling stations is changed from “18” to “16”.
- 181 Paragraph 11 amends paragraph 3C of Schedule 2, placing a limit on the existing power of the Secretary of State to make provision (in secondary legislation) to authorise or require Electoral Registration Officers to take certain steps when conducting the canvass. The limit created by paragraph 11 prevents that power from being used to require Electoral Registration Officers, as part of steps taken in relation to the register of UK parliamentary electors, or the local government register in England and Northern Ireland, to visit an address for the purpose of speaking to an individual under 16. This reflects the change in paragraph 4 of this Schedule.
- 182 Paragraph 12 amends section 8(4) of the RPA 1985 such that individuals may act as a proxy voter for the purpose of voting at UK parliamentary elections in Northern Ireland from the age of 16, rather than 18.

- 183 Paragraph 13 amends paragraph 3(3) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985, such that individuals may act as a proxy for an elector for the purpose of voting at local elections in Northern Ireland and at elections to the Northern Ireland Assembly from the age of 16, rather than 18.
- 184 Paragraph 14 amends paragraph 6 of Schedule 4 to the RPA 2000 such that individuals may act as a proxy for an elector for the purpose of voting at UK parliamentary elections and at local government elections in Great Britain from the age of 16, rather than 18. This subsection also removes text relating to local government elections in Wales and Scotland, as the text in question is rendered unnecessary because this Bill will cause the age at which an individual may act as a proxy voter to be consistent across all elections in the UK.
- 185 Paragraph 15 amends section 51 of the Police Reform and Social Responsibility Act 2011, in order to update who is eligible to give a notice of vacancy in the office of police and crime commissioner for a police area in Wales. The existing provision reflected the different franchises, and in particular the difference in voting age. The provision removes the current requirement for certain EU citizens who would be entitled to vote at PCC elections, to be over 18 to be able to give a notice of vacancy. This is to reflect the alignment of the voting age across elections.
- 186 Paragraph 16 amends sections 14 and 22 of the Recall of MPs Act 2015, in order to ensure that 16- and 17-year-olds voters are included in the calculation of the threshold which determines whether a recall petition is successful. It does this by substituting the number '18' in favour of the number '16' in three places. This change is consequential on the extension of the voting age to 16- and 17-year-olds.

Part 2 – Alignment of registers

- 187 Part 2 of Schedule 1 concerns individuals who are registered to vote in Wales and Scotland as 'attainers' or voters at devolved elections, but who are below voting age for reserved elections until the commencement of this Act, and who are otherwise eligible to be registered to vote in UK parliamentary elections (e.g. they satisfy nationality requirements).
- 188 These provisions allow for this group to be added to the UK parliamentary electoral register by the Electoral Registration Officer, once the Electoral Registration Officer has assessed their eligibility, after the voting age (and attainer age) for UK parliamentary elections is lowered. The purpose of these provisions is to remove the need for such individuals to re-apply to register to vote, as Electoral Registration Officers already hold the information necessary to determine such individuals' eligibility to be registered as UK parliamentary electors.
- 189 Paragraph 17(1) sets out the requirement for Electoral Registration Officers in Wales and Scotland to add individuals to their UK parliamentary electoral register if they are a "qualifying young person".
- 190 Paragraph 17(2) defines "qualifying young person" as a person who, on the day that the voting age is lowered to 16 for UK parliamentary elections is: (a) under the age of 18, (b) registered in the electoral register for local government elections for which the Electoral Registration Officer has responsibility, (c) not already registered in the UK parliamentary electoral register for which the Electoral Registration Officer has responsibility, and (d) the Electoral Registration Officer is satisfied that an individual is eligible to be registered as a UK parliamentary elector.
- 191 Paragraph 17(3) provides that the duty at paragraph 17(1) does not apply if an individual has themselves made an application to be registered as a UK parliamentary elector. This provision is included to ensure that if an individual has made a more recent application to register to

vote (for example to update their residential address), that application should be given precedence over the duty at paragraph 17(1) to copy over older information from the local government register.

- 192 Paragraph 17(4) provides that when an Electoral Registration Officer is assessing whether a person meets the requirements in paragraph 17(2)(d), which is that they are eligible to be a parliamentary voter, they should assess the individual's circumstances as of the day that the provisions in this Bill to lower the voting age take effect.
- 193 Paragraph 17(5) provides that, if the individual is registered anonymously, when the Electoral Registration Officer adds this person to the UK parliamentary register, they should also be added as an anonymous elector. Further, this paragraph provides that the expiry date for that individual's anonymous entry on the UK parliamentary register should be the same as it is for the devolved register (for example, if at the point they are added to the UK parliamentary register, the individual's anonymous registration on the devolved register is due to expire in six months, their entry on the UK parliamentary register will also be due to expire in six months).
- 194 Paragraph 17(6) provides that the RPA 1983 applies to entries made in the UK parliamentary register on the basis of paragraph 17 of this Schedule, but modified as set out in paragraph 17(6)(a) to (f).
- 195 The effect of the modification in paragraph 17(6)(a) is that where an individual is added to the UK parliamentary register on the basis of paragraph 17 of this Schedule and is under 16, their entry shall note the date on which they will attain voting age, and they shall not be treated as an elector until that date, unless an election is called where the date of the poll will fall on or after that date. Paragraph 17(6)(b) provides for the same effect as paragraph 17(6)(a), but with respect to those registered anonymously.
- 196 Paragraph 17(6)(c) modifies section 9 of the RPA 1983 so that, for the purposes of an Electoral Registration Officer's duty to maintain a register of electors, that duty applies to individuals added to the UK parliamentary register on the basis of paragraph 17 of this Schedule.
- 197 Paragraph 17(6)(d) disapplies section 9E(1) of the RPA 1983 during the period when the Electoral Registration Officer is determining whether to register a person under this paragraph. Section 9E concerns the duty for Electoral Registration Officers to invite individuals to register to vote when they become aware of an individual who may be entitled to be registered. This duty is disapplied to individuals where the Electoral Registration Officer is determining whether that individual may be added to the UK parliamentary register on the basis of paragraph 17 of this Schedule. The purpose of this provision is to avoid an Electoral Registration Officer being obliged to invite an individual to apply to register to vote when the effect of paragraph 17 of this Schedule may make such an application unnecessary.
- 198 Paragraph 17(6)(e) provides that section 13A(1)(za), which requires an Electoral Registration Officer to publish a notice of alteration when that Electoral Registration Officer has determined that the register needs to be altered, applies to a determination under this paragraph.
- 199 Paragraph 17(6)(f) provides for the extension of the existing right to appeal under section 56 of the RPA 1983 against a registration decision to a decision to register or not to register a person under paragraph 17.
- 200 Paragraph 17(7) defines terms used in this paragraph.

- 201 Paragraph 18 provides for the operation of the alignment process set out in paragraph 17 in scenarios where electors have made either a declaration of local connection, or a service declaration.
- 202 Paragraph 18(1) sets out that this paragraph applies to individuals with a “qualifying declaration of local connection”, or a “qualifying service declaration”.
- 203 “Qualifying declaration of local connection” is defined in sub-paragraph (3) as a declaration of local connection made in relation to registration as a local government elector in Wales or Scotland on the basis of being (or having been) looked after by the local authority, or being kept in secure accommodation or those who made their declaration of local connection only in relation to a local government election because they were too young to be registered as an attainer for a parliamentary election.
- 204 “Qualifying service declarations” are defined in sub-paragraph (5) and are those made in relation to registration as a local government elector in Wales or Scotland on the basis of being the child of a person with a service declaration, or where they were made only for a local government election because they were too young to be registered as an attainer for a parliamentary election.
- 205 Paragraph 18(2) provides that when an Electoral Registration Officer is considering whether an individual with a qualifying declaration of local connection or qualifying service declaration should be added to the UK parliamentary register on the basis of paragraph 17 of this Schedule, they treat those declarations as if they were made for the purposes of registration for UK parliamentary elections on the day that the provisions in this Bill to lower the voting age take effect.
- 206 Paragraph 18(3) provides for modifications of certain provisions of the RPA 1983. Paragraphs 18(3)(a) and (c) together provide that the expiry date for that individual’s entry on the UK parliamentary register on the basis of a qualifying declaration of local connection or qualifying service declaration (both of which expire after 12 months) should be the same as it is for the devolved local government electors register. For example, if at the point they are added to the UK parliamentary register, the individual’s registration on the devolved register is due to expire in six months, their entry on the UK parliamentary register will also be due to expire in six months. Paragraphs 18(3)(b) and (c) together prevent the operation of paragraph 17 from causing those declarations to expire, which would undermine the effect of paragraph 17.
- 207 Paragraph 18(4) provides the definition of “qualifying declaration of location connection” given above.
- 208 Paragraph 18(5) provides the definition of “qualifying service declaration” given above.
- 209 Paragraph 18(6) provides that the definition of “register of local government electors” and “register of parliamentary electors” are the same as those in of paragraph 15.
- 210 Paragraph 19 provides for the operation of the alignment process set out in paragraph 17 in scenarios where electors have an absent voting arrangement. This paragraph does not provide for absent voting arrangements to be duplicated for the purposes of UK parliamentary elections or PCC elections (Wales only). Instead, paragraph 19(1) and (2) provides that where an individual has been added to the UK parliamentary register on the basis of paragraph 17 of this Schedule, and the individual has an absent voting arrangement (whether postal or proxy, and whether for an indefinite period, a defined period, or for a particular election), the Electoral Registration Officer must write to the elector. That communication must do three things. First, it must state that the individual has been added to the register of UK

parliamentary electors. Second, it must contain information about the effect of their current absent voting arrangement (e.g. to state whether it is a proxy or postal arrangement, when it will expire, and to note that it applies to devolved polls only). Third, it must contain information about how to make an application for an absent vote for UK parliamentary elections.

211 Paragraph 19(3) provides that the definition of “register of parliamentary electors” are the same as those in of Paragraph 17.

Protection of information relating to persons aged under 16

Clause 7: Prohibition on registration officers disclosing information

212 The purpose of clause 7 is to protect the personal information of individuals under the age of 16.

213 Subsection (1) prevents an Electoral Registration Officer from publishing, supplying, or otherwise disclosing the “registration information” of anyone under the age of 16.

214 Subsection (2) provides that subsection (1) is subject to clause 8 and clause 9, and regulations made under clause 13. Clauses 8 and 9 together set out specific scenarios in which the electoral registration information of those under 16 *may* be supplied. Regulations under clause 13 may make further provision.

215 Subsection (3) defines the term “registration information” as used in subsection (1). This is defined as including all or part of an entry in either the “voters register”, the “absent voters record”, or an “overseas electors list”. Examples of information in these lists includes (but may not be limited to) name, date of birth, nationality, and residential address.

216 Subsection (4) defines the following five terms as used in clauses 8, 11, 12, 13 and 14:

- a. “absent voters record” includes records for all types of absent vote for UK parliamentary elections, PCC elections, and local elections in England and Northern Ireland, including proxy voting (including for a set period, an indefinite period, or for a particular election), and postal voting (including for a set period, an indefinite period, or for a particular election). It also includes records for individuals with arrangements to sign recall petitions under RoMPA via post or proxy (whether for a set period, an indefinite period, or for a particular petition).
- b. “overseas electors list” is a list of individuals registered as overseas electors for the purpose of voting at UK parliamentary elections and signing recall petitions (overseas electors are not eligible to vote in any other UK elections).
- c. “overseas elector’s declaration” is a declaration individuals must make when applying to register to vote as an overseas elector. It is used here as part of the definition of overseas electors.
- d. “registration officer” includes Electoral Registration Officers appointed by each local authority in Great Britain, and in Northern Ireland, the CEO (NI). It also includes “petition officers” for recall petitions, who in Great Britain is the relevant Returning Officer, and in Northern Ireland is the CEO (NI).
- e. “voters register” is defined as the register of UK parliamentary electors across all parts of the UK, the register of local government electors in England and Northern Ireland, any notice of alteration to those registers, or a register of voters entitled to sign a recall petition.

217 Subsection (5) provides that references to “registration officer” in this clause includes a deputy Electoral Registration Officer, and a person assisting the Electoral Registration Officer, for example regular members of staff in the Electoral Registration Officer’s office or those who may assist on a temporary basis.

Clause 8: Exceptions from prohibitions on disclosure

218 Clause 8 sets out limited circumstances in which the prohibition on disclosure of the information of 14- and 15-year-olds created by clause 7 does not apply.

219 Subsection (1) provides that the prohibition created by clause 7 does not prevent disclosure of information to a particular individual (the “recipient”) for the purposes of the recipient carrying out duties connected to the registration of electors (including for the purposes of a recall petition), or for the conduct of an election (including a recall petition, local government referendum, or parish poll). This is to ensure that Electoral Registration Officers can carry out their registration functions and that information from the registers can be delivered to Returning Officers and others involved in running elections, referendums and petitions, to enable them to verify that a person is entitled to receive a ballot paper or sign a petition.

220 Subsection (2) provides that the prohibition created by clause 7 does not prevent disclosure of information if such disclosure would be required in order to comply with one of the ‘supply enactments’ listed in clause 11 (the meaning of ‘supply enactments’ is explained further in the explanatory notes for that clause, below).

221 Subsection (3) places a limit on the exception created by subsection (2), in that such disclosure of the information of an individual under the age of 16 may only be made for the purposes of or in connection with a poll at which the individual in question will be old enough to vote. Such provision is made in order to allow individuals who will attain voting age either on or shortly before the date of a poll to receive materials (e.g. campaigning materials) which are relevant to the poll in question. Subsection (3) does however further prescribe that such disclosures must not contain information from which the date of birth of an individual may be ascertained. This means that the date on which the person will attain the voting age cannot be included in the information disclosed.

222 Subsection (4) provides that the prohibition created by clause 7 does not prevent disclosure of information which is necessary for the purpose of a criminal investigation or proceedings related to an offence which is related to the registration of electors or conduct of elections, recall petitions, referendums or parish polls (for example in relation to offences of providing false information to an Electoral Registration Officer).

223 Subsection (5) provides that the prohibition created by clause 7 does not prevent disclosure of information to the Security Service (MI5), the Government Communications Headquarters (GCHQ), or the Secret Intelligence Service (MI6).

224 Subsection (6) provides that the prohibition created by clause 7 does not prevent disclosure of a person’s information to an individual who has been appointed to act as that person’s proxy.

225 Subsection (7) defines the term “local government referendum” used in this clause. It is defined as including local authority governance referendums, council tax referendums, and referendums relating to neighbourhood development plans. All of these referendums apply in England only.

Clause 9: Exceptions for combined information

226 The purpose of clause 9 is to provide that the prohibition on disclosure of information created by clause 7 does not prevent the disclosure of information held in the combined electoral

registers, if relevant devolved legislation allows for such information to be disclosed. Such provision is made because reserved and devolved electoral registers are held in practice in a single combined register or record: this is referred to in this clause as “combined voters information” and “combined absent voters information”.

- 227 Subsection (1) defines “combined voters information” and “combined absent voters information”. “Combined voters information” is defined as all or part of an entry in a register where the entry relates to a person who is on the register for both UK parliamentary elections and for local government elections in Scotland or Wales, and where those entries are combined. That definition also includes notices of an alteration to the register. “Combined absent voters information” is defined as all or part of an entry in a record kept for the purposes of absent voting, where the record concerns both UK parliamentary elections and local government elections in Scotland or Wales.
- 228 Subsection (2) provides that the prohibition on disclosure of information created by clause 7 does not prevent the disclosure of information held in the combined electoral registers, if relevant devolved legislation – listed at subsection (1)(a) and (b) - allows for such information to be disclosed.
- 229 Subsection (3) ensures that subsection (2) may only be used if the disclosure of such information would not have been permitted under clause 8. This subsection is included to ensure that, if an exception in clause 8 would apply to disclosure, that clause 8 is relied upon instead of this clause. The purpose of this subsection is to ensure that restrictions placed on disclosure under clause 8 (such as restrictions on onward disclosure put in place by clause 12) apply.
- 230 Subsection (4) provides that in a scenario where disclosure is permitted both by clause 8 of this Bill (or regulations made under clause 13) and section 25 of SE(W)A 2020 or section 14 of SE(RVA)A 2015, any restrictions attached to such information in the relevant Scottish or Welsh Act would apply (for example a restriction on further disclosure by the recipient of the information), even if there were no such equivalent restriction in this Bill (or regulations made under this Bill).

Clause 10: Exceptions for combined information under devolved legislation

- 231 The purpose of clause 10 is to make equivalent and inverse provision to clause 9. That is, where if relevant devolved legislation prevents a disclosure, but relevant reserved legislation does not prevent it, disclosure is permitted.
- 232 Subsections (1) to (4) insert a new section – section 14A – into the Scottish Elections (Reduction of Voting Age) Act 2015. New section 14A makes an equivalent provision as subsections clause 9 (2) to (4) regarding disclosure of information governed by that Act. Whereas subsection (2) of clause 9 provided that clause 7 does not prevent disclosure of combined registration information if relevant devolved legislation allows such a disclosure, the new section 14A created by subsections (1) to (3) of this clause provide that section 13 of that Act, which is the equivalent prohibition to clause 7 does not prevent disclosure of combined registration information where such disclosure is permitted by clause 8 (or regulations made under clause 13) of this Bill. Included in this provision – at new section 14A(3) – is an equivalent provision to clause 9(3), which provides that disclosure under new section 14A may only be made if the disclosure of such information would not have been permitted under existing section 14 of that Act. When read alongside clause 9(4), the combined effect is that, in a scenario where a disclosure is permitted by both clause 8 of this Bill and section 14 (or regulations made under section 15) of the Scottish Elections (Reduction of Voting Age) Act 2015, any restrictions attached to such information, from either piece of legislation, would apply.

233 Subsections (4) to (7) insert a new section – section 25A – into the Senedd and Elections (Wales) Act 2020. New section 25A makes an equivalent provision to subsections (1) to (3), but with regards to disclosure of information governed by that Act.

Clause 11: Meaning of “relevant supply enactment”

234 Clause 11 sets out the supply enactments where the prohibition created by clause 7 does not apply, and as such the information of individuals under the age of 16 may be provided. The disclosures allowed by this subsection are subject to the limits put in place by clause 8 subsection (3), which means that they can only be disclosed for purposes relating to an election (or recall petition or referendum) at which that person will be entitled to vote or sign, and must not contain information allowing the recipient to learn the date of birth of the individual. This provision is to allow the personal information of individuals under the age of 16 to be protected, whilst also allowing individuals who will be old enough to vote in specific polls to be subject to campaigning (e.g. to be sent campaigning literature) relating to that poll.

235 Subsection (1)(a) lists four provisions under which the information of individuals under the age of 16 on the electoral register in England and Wales may be provided. The first allows records of postal and proxy voters under the age of 16 to be shared upon request with a candidate or political party. The second allows information of individuals under the age of 16 to be shared with the EC. The third allows information of individuals under the age of 16 to be shared with the Boundary Commission. The fourth allows information of individuals under the age of 16 to be shared with candidates upon request, or in the case of a petition for the recall of an MP: that MP, political parties, and accredited campaigners (as listed in RoMPA).

236 Subsection (1)(b) and (c) provide for the information of individuals under the age of 16 on the electoral register to be shared in the same four circumstances as the previous subsection, but with reference to Scotland and Northern Ireland respectively.

237 Subsection 1(d) provides for the information of individuals under the age of 16 on the electoral register to be shared for the same reason as subsection (1)(a)(iv) above – sharing with candidates upon request – but for the purposes of PCC elections.

238 Subsection 1(e) provides for four situations in which the information of individuals under the age of 16 on the electoral register may be provided in the context of a recall petition under RoMPA. The first allows information of individuals under the age of 16 to be provided to registered parties (excluding minor parties as defined in section 160(1) of PPERA). The second allows information of individuals under the age of 16 to be provided to the MP to whom the petition relates. The third allows information of individuals under the age of 16 to be provided to the EC. The fourth allows information of individuals under the age of 16 to be provided to “accredited campaigners”, as defined in Part 5 of Schedule 3 to RoMPA.

Clause 12: Prohibition on onward disclosure of information

239 Clause 12 prevents individuals who receive information under certain parts of clause 8 from passing that information on, and provides that contravention of this prohibition is a criminal offence and may result in a fine.

240 Subsection (1) provides that when information is disclosed under subsections (1), (4) or (6) of clause 8 – that is for the purpose of electoral registration or conduct, criminal investigation, or to a nominated proxy respectively – the recipient must not pass that information on other than as is specifically allowed in those subsections of clause 8. In circumstances where multiple exceptions to disclosure of information might accurately describe a given situation, the prohibitions to onward disclosure created by this clause are drafted to allow individuals to consider which exception they wish to ‘rely’ on. This prevents a situation where they may be

unduly prevented from further disclosing information simply because particular circumstances happen to fall within more than one of the exceptions created by clause 8.

241 Subsection (2) provides for the criminal offence.

Clause 13: Power to make further provision about disclosure of information

242 Clause 13 subsection (1) creates a power for the Secretary of State to make regulations concerning “protected information”.

243 Subsection (2) defines “protected information” as information described in section 7(1).

244 Subsections (3) to (5) set out the different types of changes which the power created by this clause may, and may not, be used to make.

245 Subsection (3)(a) provides that provision can be made permitting disclosure to additional recipients, and (b) enables provision to be made about the purposes for which that information may or may not be shared. Subsection (3)(c) specifies that the power may be used to restrict with whom people who have received protected information may share that information, and what people who have received protection information may do with it. Subsection (3)(d) builds on (3)(c) by specifying that the power may be used to create equivalent restrictions as may be made through (3)(c), but in respect of individuals who have received protected information by virtue of it being ‘passed on’ on the basis of regulations made via (3)(c). Subsection (3)(e) specifies that the power may be used to include additional restrictions on supply or disclosure by any other persons involved in preparation of an electoral register, a recall petition register, an absent voters record, or an overseas electors list.

246 Subsection (4)(a) specifies that the power may be used to provide for different requirements or restrictions for different purposes. Subsection (4)(b) provides that the power may be used to amend the disclosure provisions (other than the regulation making power, or clause 10, which amends devolved legislation). Subsection (4)(c) provides that the power may be used to apply other enactments relating to the supply or disclosure of the listed information, which is the same type of information covered here. Subsection (4)(d) provides that the power may be used to create offences but this can only be used to create an offence punishable by fine (of the same level as the offence in these clauses), not imprisonment. Subsection (4)(e) provides that the power may be used to make incidental, supplemental, consequential, transitional, transitory or saving provision.

247 Subsection (5) provides that the power may only be used to add or vary the definitions of “registration information”, “voter’s register”, “absent voters record”, or “overseas electors list” given in clause 7, or to omit new descriptions that were added by regulations made under this clause. This is to ensure that new types of record can be added into the protections of clause 7, if these are created, but that none of the records or lists currently included in clause 7 can be removed by regulations and lose the benefit of the protection of this clause.

248 Subsection (6) requires that before this power is used, the Secretary of State must consult the EC, and anyone else the Secretary of State considers appropriate.

249 Subsection (7) applies the draft affirmative parliamentary procedure.

Clause 14: Interpretation of sections 7 to 13

250 Clause 14 defines the terms used in clauses 7 to 13.

251 Subsection (2) provides that the definitions of the terms “absent voters record”, “overseas electors list”, “registration officer”, “registration information” and “voter’s register” which are used in in clauses 7 to 13 are the same as the definitions given for those terms at clause 7.

252 Subsection (3) defines “enactment” as used in in clauses 7 to 13 as including: (a) provision in a statutory instrument made under an Act of the UK Parliament, (b), provisions in an Act, Measure, or an instrument made under an Act or Measure of Senedd Cymru, (c) provisions in an Act or a an instrument made under an Act of the Scottish Parliament, or provisions in, or a statutory instrument made under, Northern Ireland legislation.

253 Subsection (4) defines “local government election” as used in clauses 7 to 13 as elections within the meaning of section 191, 203 or 204 of RPA 1983. That is, City of London corporation elections, local government elections in England and Wales, and local government elections in Scotland.

254 Subsection (5) defines “recall petition” as used in in clauses 7 to 13 as having the same meaning as is given in section 1(2) RoMPA. That is, a petition calling for an MP to lose their seat in the House of Commons, or a petition calling for a UK parliamentary by-election.

255 Subsection (6) defines “recall petition process” as the process for dealing with a recall petition.

Duty to raise awareness and provide assistance

Clause 15: Duty to raise awareness and provide assistance: Great Britain

256 The purpose of clause 15 is to create a duty for local authorities to assist certain young people in Great Britain to register to vote. This duty is intended in particular to assist individuals who may need to make a declaration of local connection when registering to vote.

257 Subsection (1) creates a duty for local authorities in England, Wales or Scotland to take steps that the authority considers necessary to promote awareness among “relevant young people” of the arrangements for registration as a UK parliamentary elector, and to assist such people to register as parliamentary electors.

258 Subsection (2) creates an identical duty as subsection (1) but which is limited to England, and which concerns the local government register in England. Comparable duties already exist for Wales and Scotland.

259 Subsection (3) defines the term “relevant young people” as used in this clause. “Relevant young people” is defined, in relation to a local authority, as: (a) a person who is a “child looked after by the local authority”, or (b) a person (other than a person within (a)) who is eligible for continuing care from that local authority. This subsection also provides that individuals who are prevented from voting due to being either a convicted prisoner or an offender in a mental hospital (as defined at sections 3 and 3A of RPA 1983 respectively) are not included in the definition of “relevant young people”.

260 The effect of subsection (3), in combination with clause 4(3), is to ensure that where an individual is registered to vote on the basis of a declaration of local connection, and is a looked after child, the duty created by this clause will apply to the same local authority which has responsibility for the electoral registration of that individual, even when the individual is housed at an address outside of that local authority area.

261 Subsection (4) defines the term “child looked after by the local authority” which is used in subsection (3) of this clause as part of the definition of “relevant young people”.

262 Subsection (5) defines the term “young person eligible for continuing care from a local authority” which is used in subsection (3) of this clause as part of the definition of “relevant young people”.

263 Subsection (6) defines the term “local authority” which is used in this clause.

Clause 16: Duty to raise awareness and provide assistance: Northern Ireland

- 264 The purpose of clause 16 is the same as that of clause 15, but applies to Northern Ireland instead of Great Britain. The nature of the duty is the same: that is, to take the steps considered necessary to both promote awareness among “relevant young people” of the arrangements for registration as a UK parliamentary elector, and to assist such people to register.
- 265 As with the duty in clause 15 as it applies to England, the duty created by this clause concerns registration for both the UK parliamentary register, and the register of local electors, but in Northern Ireland.
- 266 As with the duty in clause 15, the definition of “relevant young people” includes looked after children, and those eligible for continuing care, but excludes those who are prevented from voting due to being either a convicted prisoner or an offender in a mental hospital (as defined at sections 3 and 3A of the RPA 1983 respectively).
- 267 The definitions of looked after children and those eligible for continuing care are given in subsections (2) and (3) of this clause, and refer to comparable parts of Northern Ireland child social care legislation as are given in clause 15 for England, Scotland, and Wales.
- 268 The duty created by this clause differs from that in clause 15 in that instead of applying the duty to the local authority, it is applied to Health and Social Care trust (as defined in subsection (4) of this clause).

Part 2: Registration of voters

Registration, and alteration of registers, without an application

Clause 17: Registration without an application

- 269 Clause 17(1) would insert new clauses 12A, 12B, 12C and 12D to the RPA 1983.

12A Duty to register certain electors without an application

- 270 Subsection (1) of new section 12A provides for a new duty for registration officers to register certain people, in the relevant register which the officer maintains, using data obtained by the registration officer, without those individuals having submitted an application. To be able to do this, the officer must be satisfied that the criteria set out in the subsection have been met including that the person has been given notice of the registration officer’s intention to register them. Furthermore, either the response period specified in the notice must have ended, or the person must have confirmed during the response period that they wish to be registered under this section.
- 271 The definition of what is meant by the term “relevant register” is set out in subsection (2). The term refers to any relevant register of electors in the UK (as defined by the RPA 1983 and Interpretation Act 1978), except for registers of local government electors in Wales and Scotland.
- 272 The exceptions to the duty to register certain people without an application are described in subsection (3). It sets out that a registration officer should not register a person if during the response period; (a) a person notifies the officer that they do not wish to be registered in this manner, in the register maintained by the officer and to which the notice relates; (b) the registration officer receives an application from a person who appears to the officer to be the recipient of a notice, requesting to be registered in the register maintained by the officer and to which the notice relates; (c) the registration officer has received an application via a Northern

Ireland canvass form, for registration in the register maintained by the registration officer and to which the notice relates; (d) a person notifies the registration officer that they: (i) intend to make an application for registration in the register maintained by the registration officer and to which the notice relates; (ii) wish to make an application be registered in a register of electors with an anonymous entry; (iii) wish to be registered in a register of electors in pursuance of a declaration of local connection, a service declaration or an overseas elector's declaration.

- 273 The exception in subsection (3) for those wishing to be registered anonymously is provided to prevent vulnerable people being put at risk by their names or addresses being included on the full register without having made an application. Declarations of local connection are for those who have no fixed or permanent address, or are homeless. Members of the forces (as well as those employed in the service of the Crown or by the British Council in a post outside the UK) and their spouse or civil partner may choose to register as service voters, which reflects the itinerant nature of these positions. Where another entry is made in respect of someone registered with a service declaration or declaration of local connection, then they are no longer eligible to be registered in such a way. These groups are therefore not included among those entitled to be registered without an application, to reduce as far as possible the risk of a person with an existing service declaration or declaration of local connection (on a register other than the one maintained by the ERO), being directly registered without their knowledge, which could lead to their declaration ceasing to have effect.
- 274 Eligible British citizens who live overseas and have previously been registered to vote in the UK or have lived in the UK, can register to vote in UK parliamentary elections as an overseas elector. The use of the term 'British citizen' refers to whether a person is considered a British citizen as a matter of UK law and applies equally to Irish citizens born in Northern Ireland. An overseas elector's declaration becomes invalid should they be registered at a different address, so they are also exempted under subsection (3) from being registered without an application, to help avoid this happening.
- 275 As part of applying for any of these exempted types of registration (as set out in subsection (3)(d)(ii) and (iii)), unlike other types of registration, applicants are also required to provide specific additional information to the registration officer, which would be unobtainable as part of the process of registering people without an application.
- 276 The exception in subsection (3)(d)(i), which relates to a person who has notified the registration officer that they intend to apply to be added to the register maintained by the officer, is intended to allow individuals to choose to make their own application, should they so wish.
- 277 Paragraph (a) of subsection (4) makes it clear – by reference to paragraph (a) of subsection (3) – that a notification from a person stating that they do not wish to be registered under this section, includes a notification which indicates this by any means, whether or not it refers specifically to this section.
- 278 Paragraph (b) of subsection (4) explains that the reference to a “register of electors” in subsection (3)(d)(ii) and (iii), includes a register of local electors in Northern Ireland (as defined in section 130 of the ELA(NI) 1962).

12B Notice of duty to register under section 12A

- 279 Subsections (1) to (4) of the new section 12B set out the requirements which must be followed by a registration officer when providing a person with notice of the officer's intention to register that person without having received an application from them (using the powers provided by new section 12A).

- 280 Where a registration officer is aware of the name and address of an unregistered person who appears to be of voting age and eligible to be added to a relevant register maintained by that officer, subsection (1) requires the officer to provide notice to that person of their intention to register them. Exceptions to this are set out in subsection (2).
- 281 Subsection (2) advises that no notice should be provided, where (a) a registration officer has a record (kept under new section 12D) that the person does not wish to be registered in this manner in the register maintained by the officer, (b) the officer has received an (as yet unprocessed) application to be added to the register maintained by the officer, which was made by someone who appears to the officer to be that person (c) an application has been received via a Northern Ireland canvass form in relation to the register maintained by the officer and the application has not yet been determined, or (d) the officer has reason to believe that the person intends to make an application to be registered on the register maintained by the officer or wishes to be registered in a relevant register anonymously, using a declaration of local connection, as a service voter or as an overseas elector. These exceptions are provided due to the particular additional requirements or regulations attached to the registration of these categories of elector.
- 282 The exception in subsection (2)(d)(i), which relates to a person who has notified the registration officer that they intend to apply to be added to the register maintained by the officer, is intended to allow individuals to choose to make their own application, should they so wish.
- 283 The requirements for the written notice sent under subsection (1) are described in subsection (3). These requirements include setting out:
- a. A statement that the registration officer has a duty to register people who appear to them to be of voting age and entitled to be registered in the register maintained by the officer;
 - b. Information about the exceptions to that duty;
 - c. A response period (beginning with the day on which the notice is given) for the person to respond to the notice;
 - d. The effect if, during the response period, the person confirms that they wish to be registered under section 12A; and
 - e. The registration application options available to the person being notified (including in relation to an anonymous entry, a declaration of local connection, a service declaration or an overseas elector's declaration).
- 284 Subsection (4) states that the notice can relate to more than one register maintained by the registration officer.
- 285 Subsection (5) allows for regulations to be made that set out requirements in relation to the notices issued under the powers in subsection (1) of 12B.
- 286 Information about what the regulations referred to in subsection (5) may provide for, is set out in a non-exhaustive list in subsection (6), including the form of the notice, how the notice is given, the length of the response period and additional information which must be included in the notice.
- 287 Subsection (7) refers back to the definition of "relevant register" set out at 12A(2), which also applies to this new section.

288 Subsection (8) confirms that for the purposes of assessing eligibility under subsection 12B(1)(c), entitlement will be determined by the person's eligibility status on the date on which it is assessed.

289 Subsection (9) explains that the reference to a "register of electors" in subsection (2)(d)(ii) and (iii), includes a register of local electors in Northern Ireland (as defined in section 130 of the ELA(NI) 1962).

12C Notice of person not being registered under section 12A

290 Where a registration officer has issued a notice under section 12B(1) of their intention to register a person and then subsequently establishes that the person does not meet the criteria in terms of age or eligibility, to be added to the register maintained by the registration officer, then subsection (1) requires the officer to issue that person with another notice to advise them that they will not be registered.

291 Subsections (2) and (3) require that the notice under 12C(1) be issued in writing as soon as reasonably practicable, after the response period set in the original notice has ended.

292 Subsection (4) allows for regulations to be made that set out requirements in relation to the notices issued under the powers in subsection (1).

293 A non-exhaustive list of what the regulations referred to in subsection (4) may provide for, are set out in subsection (5), including the information which must be included in the notice.

294 Subsection (6) refers back to the definition of "relevant register" set out at 12A(2), which also applies to this new section.

12D Record of notices under sections 12B(1) etc

295 When a registration officer issues a notice under section 12B(1) to notify a person of the officer's intention to register the person on the register maintained by the registration officer, registration officers are required by subsection (1) of new section 12D to keep a record of any notices they have sent.

296 The contents of the record required by subsection (1) of the new section 12D are set out in subsection (2).

297 The registration officer is permitted by subsection (3) of new section 12D to include in their records of the notices made under new section 12B(1), any additional information which they consider relevant in relation to their duties under new sections 12A, 12B and 12C.

298 Subsection (4) of new section 12D stipulates that the record of the notices issued under new 12B(1) does not need to be kept for longer than a 5 year period, which begins the day after the last day of the response period specified in the notice.

299 It is a requirement of subsection (5) that a registration officer must keep a record of any notifications received by the registration officer or their predecessor, which contain that person's name and address and advise that the person who notified the registration officer does not want to be registered without submitting an application, whether or not the notification was received in response to new 12B(1).

300 Subsection (6) provides that the record of each notification required to be kept by the registration officer under subsection (5) must contain the name and address of the person who provided the notification, the date the notification from them was received and the register to which the notification was related.

- 301 The registration officer is permitted by subsection (7) to include in their records of notices made under new section 12B(1), any additional information which they consider relevant in relation to their registration and notice giving duties under new sections 12A and 12B. Subsection (8) clarifies that the registration officer does not have to keep a record of this notification longer than 5 years, starting from the day on which the notification was received. In line with subsection (9), a registration officer must keep such a record referred to in subsection 5, whether or not the person responding has specifically referred to new section 12A in relation to the prospect of being registered without an application.
- 302 Subsection (10) states that a registration officer will have complied with subsections (1) and (5) of new section 12D if they have taken all reasonable steps to keep the required records.
- 303 Clause 17(2) inserts references to the new sections 12A, 12B, 12C and 12D of the RPA 1983 into Part 1 of Schedule 1 to EA(NI) 1989 (provisions of RPA 1983 applied) so that these sections of the RPA 1983 will also apply to local elections and local government registration in Northern Ireland.

Clause 18: Alteration of registers without an application

- 304 Clause 18(1) inserts new clauses 12E, 12F, 12G and 12H to the RPA 1983.

12E Duty to alter entries in certain registers without an application

- 305 New section 12E subsection (1) creates a duty for registration officers to change a person's name and/or address in the relevant register which the officer maintains, if the registration officer has become aware that the person's name or address have changed and no longer match their registration entry. To be able to do this, the officer must be satisfied that the criteria set out in the subsection have been met including that the person appears to the registration officer to be of voting age and entitled to be registered in the register maintained by the register officer in respect of the new name or address, the person has been notified of the registration officer's intention to update the register with the new name and/or address and either the response period specified in the notice has ended, or the person has confirmed during the response period that they wish the alteration specified in the notice to be made.
- 306 The definition of "relevant register" is set out in subsection (2). The term refers to any relevant register of electors in the UK (as defined by RPA 1983 and Interpretation Act 1978), except for registers of local government electors in Wales and Scotland.
- 307 The exceptions to the duty to alter a person's entry without an application, where their name or address have changed, are described in subsection (3). This subsection sets out that a registration officer should not alter an entry if during the response period; (a) the person notifies the officer that they do not wish their entry to be altered in this manner, in the register maintained by the officer and to which the notice relates; (b) the person notifies the officer that they intend to make an application for the alteration to be made to their entry in the register maintained by the officer and to which the notice relates; (c) the registration officer receives an application from a person who appears to the officer to be the recipient of the notice, requesting that the alteration be made to their entry in the register maintained by the officer and to which the notice relates; (d) the person notifies the registration officer that they (i) wish to be registered in a relevant register of electors with an anonymous entry; or (ii) wish to be registered in a relevant register of electors in pursuance of a declaration of local connection, a service declaration or an overseas declaration; or (e) the registration officer has received an application from a person who appears to the officer to be the recipient of the notice, to be registered in a register of electors as an anonymous entry, or in pursuance of a declaration of local connection, a service declaration or an overseas declaration.

- 308 The exception in subsection (3) for those who have applied or wish to be registered anonymously, is provided to prevent vulnerable people being put at risk, if their names or addresses were to be altered on the register without having made a request for such alterations. Declarations of local connection are for those who have no fixed or permanent address, or are homeless. Members of HM forces (as well as those employed in the service of the Crown or by the British Council in a post outside the UK) and their spouse or civil partner may choose to register as service voters, which reflects the itinerant nature of these positions. The alteration of these persons' entries on an electoral register without an application, risks errors being unintentionally made to entries, as there are likely to be challenges in contacting them. Therefore, they are not included among those entitled to have their name or address altered without an application.
- 309 Eligible British citizens who live overseas and have previously been registered to vote in the UK or have lived in the UK, can register to vote in UK parliamentary elections as an overseas elector. An overseas elector's declaration becomes invalid should they be registered at a different address, so they are exempted under subsection (3) to help avoid this happening.
- 310 Paragraph (a) of subsection (4) specifies that the reference in paragraph (a) of subsection (3) to a notification from a person stating that they do not wish an alteration to be made under this section, includes a notification which indicates this by any means, whether or not it refers to this section. Paragraph (b) of subsection (4) explains that the reference to a "register of electors" in subsection (3)(d), includes a register of local electors in Northern Ireland (as defined in section 130 of the ELA(NI) 1962).

12F Notice of duty to alter entries under section 12E

- 311 Subsections (1) to (4) of the new section 12F set out the requirements which must be followed by a registration officer when providing a person with notice of the officer's intention to alter that person's entry in the register without having received an application for alteration from them (using the powers provided by new section 12E).
- 312 Where a registration officer is made aware that the name and/or address of a registered person who appears to be of voting age and still be eligible to be on the relevant register, subsection (1) requires the officer to notify that person of this and of the intention to update their details on the register. Exceptions to this are set out in subsection (2).
- 313 Subsection (2) advises that no notice should be provided, where (a) a registration officer has a record (kept under new section 12H) that the person has already notified the officer (or their predecessor) that they do not wish an alteration reflecting the new name or address to be made in this manner, to the register maintained by the registration officer; (b) the officer has reason to believe the person intends to apply for the alteration to be made to the register maintained by the officer, or (c) the officer has received an application for an alteration to be made to the register maintained by the officer, from someone who appears to be that person but it is yet to be processed.
- 314 Under subsection (2), the requirement to provide notice, which is the start of the alteration process, also does not apply to those who have an anonymous entry in the register maintained by the registration officer, or who have an entry in the same register made in pursuance of a declaration of local connection, a service declaration or an overseas elector's declaration. The requirement to provide notice also does not apply to those persons where the officer has reason to believe that the person intends to make an application to be registered anonymously on a relevant register, or registered in a relevant register in pursuance of a declaration of local connection, a service declaration or an overseas elector's declaration. Where the officer has received an application for an anonymous entry in pursuance of a declaration of local

connection, a service declaration or an overseas elector's declaration from someone who appears to be that person but it is yet to be processed, then the requirement to provide a notice is also disapplied. These exceptions are provided due to the particular additional requirements or regulations attached to altering entries of these categories of elector.

315 The requirement to provide notice under subsection (1) also does not apply to those persons who the officer has reason to believe, wish to be registered in a relevant register anonymously, using a declaration of local connection, as a service voter or as an overseas elector. These exceptions are provided due to the particular additional requirements or regulations attached to the registration of these categories of elector.

316 The requirements for the notice sent under subsection (1) are described in subsection (3). The notice must:

- a. be in writing;
- b. state the registration officer's duty to alter a person's name or address in the register, where the officer is aware that the person's name or address has changed and it appears to the registration officer that the person is of voting age and eligible to be registered - in the register maintained by the officer and to which the notice relates - under the new name or address (or both);
- c. provide information about the exceptions to the duty to alter entries in certain registers without an application;
- d. specify the response period (starting on the day on which the notice is given);
- e. explain what would happen if the person confirms during the response period, that they agree to the alteration set out in the notice being made under section 12E;
- f. provide information about making an application for alteration under section 10ZD or 10A(4) as appropriate;
- g. provide information about making an application for registration in a relevant register, with an anonymous entry, or in pursuance of a declaration of local connection, a service declaration or an overseas elector's declaration.

317 Subsection (4) states that the notice can relate to more than one register maintained by the registration officer.

318 Information about what the regulations referred to in subsection (5) may provide for, is set out in a non-exhaustive list in subsection (6), including the form of the notice, how the notice is given, the length of the response period and additional information which must be included in the notice.

319 Subsection (7) refers back to the definition of "relevant register" set out at 12E(2), which also applies to this new section.

320 Subsection (8) explains that the reference to a "register of electors" in subsection (2)(d)(ii) and (iii), includes a register of local electors in Northern Ireland (as defined in section 130 of the ELA(NI) 1962).

12G Notice of entry in register not being altered under section 12E

321 Where a registration officer has issued a notice under section 12F(1) of their intention to alter a person's name or address and then subsequently establishes that the person does not meet the criteria, in terms of age or eligibility to be registered in the register maintained by the

registration officer, under the new name or address, then subsection (1) requires the officer to issue that person with another notice to advise them that their entry will not be altered.

322 Subsections (2) and (3) require that the notice under 12G(1) be issued in writing as soon as reasonably practicable, after the response period set in the original notice has ended.

323 Subsection (4) allows for regulations to be made that set out requirements in relation to the notices issued under the powers in subsection (1).

324 A non-exhaustive list of what the regulations referred to in subsection (4) may provide for, are set out in subsection (5), including the form of the notice, how the notice is given and information that must be included in the notice.

325 Subsection (6) refers back to the definition of “relevant register” set out at 12E(2), which also applies to this new section.

12H Record of notices under section 12F(1) etc

326 When a registration officer issues a notice under section 12F(1) to notify a person of the officer’s intention to update the person’s entry on the register maintained by the registration officer, registration officers are required by subsection (1) of new section 12H to keep a record of any notices they have sent.

327 The contents of the record required by subsection (1) of the new section 12H are set out in subsection (2). The information to be included in the record includes the name and address of the recipient, whether their register entry was altered under section 12E and if no alteration was made, the reason why.

328 The registration officer is permitted by subsection (3) of new section 12H to include in their records of notices made under new section 12H(1), any additional information which they consider relevant in relation to their duties under new sections 12E, 12F and 12G – namely to alter entries of certain people without an application (as per 12E), to provide notice of that (as per 12F) and to provide a notice should it come to light that the person in receipt of the first notice is not eligible (as per 12G).

329 Subsection (4) of new section 12H stipulates that the record of notices issued under 12F(1) does not need to be kept for longer than a 5 year period, which begins the day after the last day of the response period specified in the notice.

330 It is a requirement of subsection (5) that a registration officer must keep a record of any notifications received by the registration officer or their predecessor, which contain that person’s name or address and advise that the person who notified the registration officer does not want their details on the register to be changed in the manner set out in new section 12E, whether or not the notification was received in response to 12F(1).

331 Subsection (6) provides that the record of each notification required to be kept by the registration officer under subsection (5) must contain the name and address of the person who provided the notification, the date the notification from them was received, the register to which the notification was related and whether the notification related to the alteration of the person’s name or address (or both).

332 The registration officer is permitted by subsection (7) of new section 12H to include in their records of notices made under new section 12H(5), any additional information which they consider relevant in relation to their duties under 12E and 12F – namely to alter entries of certain people without an application (as per 12E), to provide notice of that (as per 12F) and to provide a notice should it come to light that the person in receipt of the first notice is not eligible to be registered to vote (as per 12G). Subsection (8) clarifies that the registration officer

does not have to keep a record of this notification longer than 5 years, starting from the day on which the notification was received. In line with subsection (9), a registration officer must keep such a record referred to in subsection 5, whether or not the person responding has specifically referred to 12E and the prospect of their details being altered.

333 Subsection (10) states that a registration officer will have complied with subsections (1) and (5) of new section 12H, if they have taken all reasonable steps to keep the required records.

334 Subsection (2) of the clause provides for references to sections 12E, 12F, 12G and 12H to be inserted into Part 1 of Schedule 1 to the EA(NI) 1989 (provisions of RPA 1983 applied) so that these sections of the RPA 1983 will also apply to local elections and local government registration in Northern Ireland.

Clause 19: Registration etc without an application: further provision

335 Clause 19 introduces Schedule 2, which makes further provision in connection with clauses 17 and 18 for registration without an application and the alteration of certain registers without an application, by making amendments to RPA 1983 and RPA 1985.

Schedule 2 — Registration etc without an application: further provision

RPA 1983

336 Paragraphs 2 -14 relate to amendments to RPA 1983.

337 Paragraph 2 amends part of subsection (6) of section 4 of the RPA 1983 (entitlement to be registered as parliamentary or local government elector) to provide an alternative definition of “relevant date” to ensure that this term works in instances where applications have not been made.

338 Paragraph 3 adds those who have been added by new section 12A (registration without an application) to those whose names must be included in the register in section 9(2) RPA 1983.

339 Paragraph 4 inserts a new subsection (1B), before the existing subsection (2) of section 9E of RPA 1983, which sets out exceptions from the requirement at 9E(1) of the RPA 1983 for registration officers to invite an apparently eligible person to apply to be added to the register. These exceptions have been included in order to ensure the duties for registration officers under new sections 12A and 12B, do not duplicate the duties of registration officers to issue invitations to register to vote.

340 The heading for section 10ZC of the RPA 1983 is amended by paragraph 5 so that it reads “Registration of electors in Great Britain: applications for registration”. Similarly, the heading for section 10ZD of the RPA 1983 is amended by paragraph (6) so that it reads “Registration of electors in Great Britain: applications for alterations”. These insertions reflect the fact that these sections relate to registration or alterations via application as opposed to the changes introduced by new sections 12A to 12H where registration or alterations are made without application.

341 Paragraphs 7 – 10 ensure that alterations notices are covered for registration and alterations without applications, in the same way as they are as if the person had made an application/ application for alteration.

342 Paragraphs 11 and 12 insert new paragraphs into sections 56 and 58 of the RPA 1983 (respectively) to provide that appeals can be made against any decision of a registration officer in England, Wales and Scotland, or the CEONI, to register a person (under section 12A(1)) or to alter a person’s entry in a register (under section 12E(1)).

343 Sub-paragraphs (a) and (b) of paragraph 13 add new 12B(5), 12C(4), 12F(5), 12G(4) to the sections listed in section 201 of the RPA 1983, specifically subsections (2) and (2A), so that regulations to be made under these sections are subject to the negative procedure. These regulations relate to notices made by registration officers carrying out their duty to register persons, without an application (under section 12A) or to alter register entries (under section 12E).

344 Paragraph 14 inserts a new 1BA into Schedule 2 to the RPA 1983. Paragraph 1BA provides the power to make specific regulations to authorise or require a registration officer to take specified steps (for example the regulations may set out the specific process a registration officer should take) to decide whether for the purposes of new sections 12A, 12B, 12E or 12F, a person is of voting age and eligible to be registered to vote.

RPA 1985

345 Paragraphs 16-19 relate to amendments to RPA 1985.

346 Paragraphs 16 – 19 insert new subsections, which set out when registration entries made without an application (under 9ZA or 12A of the RPA 1983) must be disregarded for persons who meet the tests/criteria set out in 1 to 1E of the RPA 1985 to be registered as an overseas elector. These insertions have been included in order to reduce the risk of a new entry being created without an application which could then invalidate the registration/declaration of an overseas elector. This invalidation could be caused by the “previous registration condition” or “previous residence condition” (ss.1A(2) and (3), 1C(2)(b), 1D(4)(d) and 1E(2)(b)1A(2) of the RPA 1985). These conditions mean that an overseas elector must be registered either at the last address they were registered at or the last address they resided at, before they left the UK. Furthermore, if a person is subsequently included on any other electoral register, in respect of any other address, then they no longer qualify as an overseas elector under s1A of the RPA 1985.

347 Paragraph 16 inserts a new subsection (4A) into section 1A of the RPA 1985. That subsection sets out when a new entry on a register for a person qualified to be registered as an overseas elector, should be disregarded. These circumstances relate to a person having been entered into a register without an application either under s.9ZA or new 12A of the RPA 1983. This is to ensure that where a person is entered into a register without an application incorrectly, this will not affect their eligibility to qualify as an overseas elector under subsections 1A (2)(b) and (3)(c) of the RPA 1985. This is only disregarded if, provided that immediately before the entry was made under section 9ZA or 12A of the RPA 1983, the person must still have been resident outside the UK and a British citizen. This requirement is because if a person did not meet these criteria then they should no longer be registered as an overseas elector and their new entry should supersede their registration as an overseas elector. The use of the term 'British citizen' refers to whether a person is considered a British citizen as a matter of UK law and applies equally to Irish citizens born in Northern Ireland.

348 Paragraph 17 inserts a new subsection into section 1C of the RPA 1985 to clarify that the new conditions for situations when registrations without an application should be disregarded also apply in relation to the previous registration condition in the overseas elector's declaration. This allows the declarant to make the required statement that they have not been included in any other electoral register, even where an entry has been made without an application and has been disregarded under new section 1A(4A) of the RPA 1985.

349 Paragraph 18 makes an equivalent change to section 1D of the RPA 1985 as is made by paragraph 16.

350 Paragraph 19 provides for the direct registration entry to be disregarded under section 1E(2)(b) as it would be under section 1D(4A) of the RPA 1985.

Piloting changes to the voter registration process

Clause 20: Power to pilot changes to the voter registration process

351 Clause 20 subsections (1), (2) and (3) provide for a new regulation making power that allows for the Secretary of State to make provisions relating to pilots that test new methods of electoral registration. These pilots will apply to electoral registers for all UK parliamentary elections as well as local elections in England and Northern Ireland. Pilots will last for a specified duration, with an option to extend.

352 Clause 20 subsections (4) and (5) set out that regulations must specify the purpose of the pilot (for example, to assess whether a change to registration process increases the completeness of the register), and set out the timeframe by which the EC must produce an evaluative report on the pilot's outcomes.

Clause 21: Voter registration provision

353 Clause 21, subsections (1) to (5), flesh out what is meant in clause 20 by 'voter registration provision' by outlining some examples of what is within scope of the provisions. These include:

- Commissioning pilots that register eligible individuals who are unregistered, removing ineligible individuals, and updating individuals' details on the electoral register;
- Commissioning pilots to explore innovative methods for identifying eligible individuals and facilitating their registration. (For example, this could be through enhancing the data available to registration officers.)
- Registering and updating individuals' details without them having to make an application;
- Testing the impact of altering administrative procedures relating to the register, such as its format and publication.

354 Clause 21, subsections (6) and (7), clarify that these provisions may be used to test the following new measures, as well as arrangements that have the same effect as regulations that could be made under clauses 17 to 18 and Schedule 2 in relation to registration and alteration of register entries without application, and clause 36, which allow regulations to be made enhancing access to data available to registration officers for their registration duties.

Clause 22: Further powers and restrictions

355 Clause 22, subsection (1), sets out that pilot schemes can be designed in various ways, such as: comparing the efficacy of the same registration changes across different geographical areas (this will be useful to understand which types of registration changes may be effective in areas with different profiles, for example, rural and urban); testing different electoral areas; and assessing the impact of new registration methods on specific demographic groups (e.g. renters).

356 Clause 22, subsection (2), sets out that a pilot scheme cannot proceed without the consent of the relevant registration officer, the official responsible for maintaining the register in that area. There are two exceptions: (a) if the pilot is not limited to a particular area (i.e. it tests

approaches across a number of different areas), and (b) if the Secretary of State considers it is appropriate to make provision without consent of the registration officer and has made a Written Ministerial Statement to that effect.

357 Clause 22, subsections (3) to (6), allow for pilot regulations to create, amend, and suspend financial penalties and summary offences. However, they cannot increase penalties beyond existing legal limits, nor introduce penalties or offences for individuals who fail to register or update their details.

358 Clause 22, subsection (7) provides that pilot regulations may cancel, modify, and be replaced by further regulations, including those that repeat or replicate earlier provisions.

359 Subsection (8) sets out legal definitions for the terms “enactment” and “the maximum term for summary “offences”.

Clause 23: Parliamentary procedure

360 Clause 23, subsections (1), (2) and (3) set out that pilot regulations must be made by statutory instrument subject to the affirmative procedure, except where a statutory instrument contains pilot regulations which only make provision extending the period of a pilot for more than 12 months or changing the date for the EC to report where the pilot period is extended, in which case the statutory instrument is subject to the negative procedure.

361 Clause 23, subsection (4) sets out the timings of when the Secretary of State must lay the statement made under clause 22 subsection (2)(b) before Parliament, where this is relevant.

Clause 24: Electoral Commission report

362 Clause 24, subsection (1) and (2) requires the EC to make a report assessing to what extent the pilot regulations achieved their objectives and whether they were a cost-effective means of achieving the objective(s). The report must be completed before a specified deadline. Under subsection (3), the Secretary of State is then responsible for publishing the report.

363 Subsection (4) requires registration officers to cooperate with any reasonable request made by the EC in connection with the preparation of the report.

Clause 25: Interpretation of sections 20 to 24

364 Clause 25 provides definitions for the following terms: pilot regulations; registration officer; report date; specified.

The Northern Ireland canvass

Clause 26: Power to amend the canvass in Northern Ireland

365 This Clause provides a new power for the Secretary of State to amend, by regulation, the process by which the Northern Ireland canvass is carried out. This includes amending the timing of canvass and the obligation on CEONI to remove an individual from the register if they do not respond to canvass. It also deals with pilot regulations and introduces a duty on the EC to produce a report on the new canvass system.

366 Subsection (1) provides a power for the Secretary of State to make provision in connection with how the canvass is carried out, by regulations.

367 Subsection (2) sets out that when making regulations to amend the canvass duty under this power the Secretary of State must have regard to the Northern Ireland registration objectives. CEONI is also subject to these as set out in section 10ZB of the RPA 1983 to ensure as far as reasonably practicable that everyone who is entitled to be registered is registered, that anyone

not entitled to be registered is not on the register, and that the information on the register is correct.

368 Subsection (3) provides that this power may be used to modify section 10 of the RPA 1983 or any other provision relating to a canvass under that section. It specifically excludes any power to abolish the duty to conduct a canvass. This is explicitly prohibited.

369 Subsection 4 provides that the regulations may, among other things, make provision about how a canvass is conducted, when it takes place, and how CEONI alters registers following a canvass. Under subsection (5), any regulations made under this section may include a power to make further subordinate legislation. This must be made by an affirmative statutory instrument.

370 Subsection 6 allows any regulations made under this clause to include consequential, saving or transitional provision; modification of an enactment by the regulations; provision to be made generally or more specifically; and different provision for different purposes or areas. This will allow flexibility when making regulations to ensure they can be targeted to specific geographical areas or demographic groups e.g. renters or young people.

371 Consultation with the EC on any draft regulations is a statutory obligation on the Secretary of State under subsection 7.

372 Subsections (8) and (9) provide that regulations made under this section must be by affirmative statutory instrument.

373 Subsection (10) sets out definitions for terms used in this clause.

Clause 27: Electoral Commission report on proposals under section 26

374 Clause 27 places a duty on the EC to prepare a report, where consulted by the Secretary of State about proposals to make regulations under clause 26(7).

375 Subsection (1) outlines the scope of the EC's assessment when preparing a report, which must include the extent to which the Northern Ireland registration objectives are currently met; the extent to which those objectives would be met if the proposed regulations were made; and the merits of alternative ways of assisting the CEO to achieve those objectives.

376 Subsection (2) provides that where the proposed canvass regulations make provision for a particular purpose or specific area then that is all the EC's report needs to relate to. Subsection (3) requires the EC to provide a copy of its report to the Secretary of State before a specified date and subsection (4) stipulates that the specified date must be at least three months after the Secretary of State consults the Commission. Subsection (5) requires that when a draft statutory instrument is laid under section 26 it must be accompanied by the EC's report.

Clause 28: Power to pilot proposals under section 26

377 Clause 28 allows for regulations to be made on changes to the Northern Ireland canvass for a trial period. Subsection (1) allows for the regulations under clause 26 to have effect only for a specified period ('pilot regulations').

378 Subsection (2) allows pilot regulations to make provision in connection with the expiry of the specified period as well as consequential, supplementary or saving provisions.

379 Subsection (3) provides that pilot regulations can be replaced by further pilot regulations.

380 Under subsection (4) the pilot regulations must specify the date before which the EC must report on the regulations under clause 29.

381 Subsection (5) clarifies that the Secretary of State is not required to consult and the EC is not required to provide a report on the pilot regulations.

Clause 29: Electoral Commission report on pilot regulations

382 Clause 29 subsection (1) and (2) requires that where pilot regulations are made, the EC must make a report assessing to what extent the Northern Ireland registration objectives were met before the pilot regulations had effect, and to what extent they were met during the period that the pilot regulations had effect. The report must be completed before a specified deadline and a copy given to the Secretary of State and Chief Electoral Officer. Under subsection (4), the Secretary of State is required to publish the report.

Other provision about registration

Clause 30: Local connection and service declarations ceasing to have effect

383 Clause 30 amends section 7C of the RPA 1983 to allow regulations to be made such that when the circumstances on the basis of which an individual made a declaration of local connection change, that declaration ceases to have effect. For example, if an individual had made a declaration of local connection on the basis of homelessness, and they subsequently cease to be homeless, that declaration (and by extension, their electoral registration), will cease to have effect.

384 Subsection (2)(a) provides that a registration based on a declaration of local connection ceases to have effect when a registration officer determines – in accordance with regulations made by “the appropriate national authority” – in two circumstances. The first circumstance is that an individual is no longer in circumstances under which they would be able to make a declaration of local connection at all under section 7B (e.g. homelessness, or being held on remand). The second circumstance is that an individual’s circumstances are no longer those on the basis of which they made a declaration of local connection and therefore they no longer fall into the category of person to whom section 7B applies which is specified in their declaration. This second circumstance accounts for situations where an individual may still be eligible to make a declaration of local connection, but the circumstances under which they may make one have changed: for example, if an individual ceases to be homeless (as defined at section 7B(2)(c) of the RPA 1983), but is instead a patient at a mental hospital (as defined at section 7B(2)(a) of the RPA 1983).

385 Where a registration officer removes a person with a declaration of local connection from the register, due to another entry (of any type) being made in respect of that person in another register, subsection(2)(b) inserts a new requirement for the officer to inform the person in writing as soon as reasonably practicable. The notice must also state the reason for the action taken, as well as providing information about how to apply for another declaration of local connection.

386 Subsection (2)(c) inserts subsection (5) into section 7C of the RPA 1983, which defines the term “the appropriate national authority”. In the case of the local government register in Wales, this is defined as the Welsh Ministers. In the case of the local government register in Scotland, this is defined as the Scottish Ministers. In the case of all other elections, this is defined as the Secretary of State.

387 Subsection (2)(c) also inserts new subsections (6) and (7) into section 7C of the RPA 1983 which require that when regulations are made by the Welsh Ministers or the Scottish Ministers under the provisions of this clause, those regulations are subject to the Senedd approval procedure and the affirmative procedure in the Scottish Parliament, respectively.

388 Where a registration officer removes a person with a service declaration from the register, due to another entry (of any type) being made in respect of that person in another register, subsection (3) inserts new subsection (3ZA) into section 15 of the RPA 1983, which requires the officer to inform the person in writing as soon as reasonably practicable. The notice must also state the reason for the action taken, as well as providing information about how to apply for another service declaration.

389 Subsection (4) makes amendments to section 201 of the RPA 1983.

390 Paragraphs (a) and (b) of subsection (4) make amendments to section 201 of the RPA 1983 (regulations), to provide that regulations made by Scottish Ministers are not made by statutory instrument. Regulations made by Scottish Ministers must instead be made by Scottish statutory instrument.

391 Paragraph (c) of subsection (4) provides that all regulation making powers under the RPA 1983 carry with them power to make incidental etc. provision, not just those made by the Secretary of State (which would include those transferred to Welsh and Scottish Ministers under the devolution settlements).

Clause 31: Termination of entitlement to be registered as overseas elector

392 Clause 31 amends the RPA 1985 to create four new ‘termination events’: events where, should they occur, an Electoral Registration Officer may remove an Overseas Elector from the register.

393 These termination events are: i) an overseas elector is not a British citizen, ii) an overseas elector is resident in the UK, iii) an overseas elector is subject to legal incapacity to vote at parliamentary elections (age apart), or iv) an overseas elector has fallen within one of the previous categories at some point since the last time they registered to vote as an Overseas Elector.

394 Currently, an individual who falls into one of these categories after previously registering as an Overseas Elector – for example someone who ceases to be a British citizen – would be able to remain registered until they are next due to renew their registration. This clause allows an individual who falls within one of the four categories above to be removed from the register immediately.

Clause 32: Seniority of electoral registration officers

395 Clause 32 amends the RPA 1983 to require that Electoral Registration Officers appointed by councils in England and Wales are “senior officers” of the respective council.

396 Subsection (3) replaces the existing reference to “an officer” in the RPA 1983 with “a senior officer” for the appointment of Electoral Registration Officers by councils in England.

397 Subsection (4) introduces the definition of a “senior officer” for councils in England to mean: the head of paid service designated under section 4 of the Local Government and Housing Act 1989 (“LGHA 1989”); the monitoring officer designated under section 5 of that LGHA 1989; a statutory chief officer as defined in section 2(6) of the LGHA 1989.

398 Subsection (5) makes the equivalent amendment for Wales, replacing the requirement for councils in Wales to appoint “an officer” as the Electoral Registration Officer with “a senior officer” in subsection (2A) of section 8 of the RPA 1983.

399 Subsection (6) introduces the definition of “senior officer” for councils in Wales. This reflects devolved legislation and means: the chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021; the head of democratic services designated

under section 8 of the Local Government (Wales) Measure 2011; the monitoring officer designated under section 5 of the LGHA 1989; a statutory chief officer as defined in section 2(6) of that Act.

400 Subsection (7) makes an amendment to section 203(4)(a) of the RPA 1983, which relates to the appointment of Electoral Registration Officers in the Isles of Scilly. The amendment replaces the reference to “an officer of the council” with “a senior officer of the council (as defined in section 8(2ZA))” to ensure consistency with the new terminology.

401 This amendment ensures that Electoral Registration Officers are sufficiently senior officers of an authority and are in a position to command the resources needed to facilitate the successful running of elections.

Clause 33: Anonymous registration

402 Clause 33 makes changes to RPA 1983 related to anonymous registration in England, Wales and Scotland.

403 Subsection (2) amends section 9(4) RPA 1983, which places a duty on Electoral Registration Officers to ensure that electors’ electoral numbers, so far as reasonably practicable, in each separate part of the register they maintain run consecutively. Subsection (2) inserts new section 9(4A) which provides an exception to this duty in respect of electoral numbers allocated to anonymous electors. This greatly increases the possibility that anonymous electors will keep the same electoral number for the duration of their anonymous registration.

404 Subsection (4) amends section 9C of the RPA 1983 (removal of anonymous entry) to extend the length of time that an elector can be registered to vote anonymously without further application from 12 months to five years.

405 Subsection (5) inserts new subsection (1ZA) into new section 9C which defines the point at which the five-year period of anonymous registration begins. This is either the date when the person’s entry in the register first takes effect or, where a further period of anonymous registration follows a further application, when the registration officer has determined that the safety test is satisfied.

Clause 34: Pre-election applications for registration

406 Clause 34 introduces a clearly defined registration deadline for elections across the UK.

407 Subsection (2) inserts a new subsection (3ZB) into section 13B of the RPA 1983. This subsection sets an explicit registration deadline before any election in Great Britain, after which any applications received, will not be added to the electoral register until after that election. This is 5pm, 12 working days before a poll. This is achieved by this subsection providing that in the circumstance that a registration officer receives a registration application after 5pm on the 12th day before the date of the poll, the registration officer does not need to issue a notice specifying this alteration to the electoral register in any subsequent publication before the poll. Under section 119(2) of the RPA 1983 (applied by section 13B(6) for elections in Great Britain and section 13BA(13) for Northern Ireland), “days” excludes weekends, bank holidays, Easter Friday, Easter Monday, Christmas Eve and Christmas Day.

408 Subsection (3) inserts a new subsection (6A) into section 13BA of the RPA 1983. In relation to elections in Northern Ireland, this produces the same effect as subsection (2). In the event that a registration officer receives an application for registration after the deadline, if approved, the person’s registration would not take effect until after the election.

409 Subsection (4) introduces new section 13BAA. Section 13BAA(1) provides “the appropriate national authority” with a power to make regulations change the date and time of the

deadline set out in new subsection (3A) of section 13B and new subsection (6A) of section 13BA of the RPA 1983.

- 410 Section 13BAA(2) requires that the appropriate national authority must consult the EC before making regulations under these powers.
- 411 Section 13BAA(3) defines “the appropriate national authority” as being the Scottish Ministers in relation to Scottish Parliament elections or local government elections in Scotland; the Welsh Ministers in relation to Senedd Cymru elections or local government elections in Wales; and otherwise, the Secretary of State.
- 412 Under subsection (4) of new section 13BAA, regulations in relation to devolved elections in Scotland (local government elections and Scottish Parliament elections) are subject to the affirmative procedure in the Scottish Parliament, and under subsection (5) of new section 13BAA, regulations made by Welsh Ministers are subject to the Senedd approval procedure. Regulations made by UK government ministers are subject to the affirmative procedure under the existing provisions in the RPA 1983 (see section 201(2)).
- 413 Subsection (5) of the clause amends Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (“EA(NIA 1989”) (application and modification of RPA 1983), to apply new the Section 13BAA to elections to elections to district councils in Northern Ireland. This subsection also makes a modification to enable regulations made by the Secretary of State to include provision which amends Part 2 of Schedule 1 to the EA(NI)A 1989. This would allow the Secretary of State to make provision to change the registration deadline for local elections in Northern Ireland.

Clause 35: Pre-election alteration of Northern Ireland registers: supporting evidence

- 414 Clause 35 amends RPA 1983 by modifying sections 13A, 13BA, and 13BC. It amends the requirement to provide additional supporting material for alterations to the register before an election in Northern Ireland.
- 415 Subsection (2) amends Section 13A (alteration of registers) and also updates a reference within section 13A(4) from “13BA(3), (6)” to “13BA(6)”.
- 416 Subsection (3) makes a number of changes to Section 13BA, concerning the alteration of registers in Northern Ireland for pending elections.
- 417 Subsection (3)(a) changes the deadline for altering registers before an election from “final nomination day” to “fifth day before the date of the poll” and removes “unless”.
- 418 Subsection (3)(b) omits subsections (2) to (3B), which require additional supporting material to be provided for alterations in this timeframe before the poll.
- 419 Subsections (3)(c), (d), and (e) amend various parts of section 13BA (specifically subsections (5)(a), (5)(b), and (6A)) to replace “decision or determination” with “decision, determination or requirement,” broadening the scope of these provisions.
- 420 Subsection (3)(f) makes a consequential amendment to omit “(3),” from subsection (11).
- 421 Subsection (4) amends various parts of section 13BC, concerning the alteration of registers and recall petitions.
- 422 Subsection (4)(a) modifies subsection (2) by inserting “and” at the end of paragraph (b), omitting “and” at the end of paragraph (c), and omitting paragraph (d), which mandates additional supporting material in Northern Ireland.
- 423 Subsection (4)(b) changes a reference in subsection (4) from “13BA(2) and (5)” to “13BA(5)”.

424 Subsection (5) repeals paragraph 6(3) and (4) of Schedule 2 to RoMPA, as a consequence of the repeal of section 13BA(2), (3A), and (3B) of RPA 1983.

425 Subsection (6) amends a definition of “voters register” in section 13 of this Act.

Clause 36: Electoral identity card issued in Northern Ireland: month and year of birth

426 This Clause amends section 13C of RPA 1983, which governs electoral identity cards in Northern Ireland. The amendment changes the information included on electoral identity cards.

427 Subsection (1) amends section 13C(4)(a) of RPA 1983 by substituting “date of birth” with “month and year of birth”. This means that electoral identity cards will only display the month and year of birth, rather than the full date of birth.

Clause 37: Regulations as to registration etc: information to assist registration officers

428 Clause 37 subsection (2) amends an existing regulation making power that allows for provisions to be made requiring a local authority, or anyone providing services to that authority, to give registration officers access to their records (by any means) in order to support the registration officers’ duties. This is intended to clarify that provisions can be made that allow electoral registration officers to have clear access to relevant local authority data in any form and any manner they choose to access it and use it to carry out their registration duties.

429 Clause 37 subsections (3)(a), introduces a new regulation power that will allow for provisions to be made authorising or requiring the sharing of information between persons, where it will assist a registration officer in their duties. Subsections (3)(b) and (c) ensure that existing paragraphs 1A(2) and (3) apply to this new paragraph. A “person” includes the registration officer and provision made under this paragraph includes provision for disclosure to or by a registration officer. This new power will allow for regulations to be made to enable relevant data to be shared between any persons such as, but not limited to, Government departments, public bodies and other entities, and the registration officer, where it can be used to support registration officers in carrying out their functions. This is likely to include data which would support a registration officer to identify and contact potentially eligible but unregistered, or incorrectly registered, individuals and then register those individuals or alter their registration entry, in line with registration officers’ duties under 12A and 12E.

Clause 38: Edited register: electors to opt in

430 Clause 38 amends Paragraph 10 of Schedule 2 to the RPA 1983. This makes changes to the powers granted by provisions so that electors must explicitly opt-in to their inclusion on the edited register and to exclude those under the age of sixteen appearing on the edited register. The edited register is the legal term for what is commonly referred to as the open register.

431 Subsection (2) amends sub-paragraph (1) of paragraph 10 of Schedule 2 to the RPA 1983 to alter the provisions so as to ensure a “registered person” must explicitly consent to their inclusion on the edited register. In practice, this means that applicants registering to vote will be asked whether they wish to be included on the edited register, rather than asking whether they wish to be excluded, which is the case at present.

432 Subsection (3) omits sub-paragraph (1A), which excludes anonymous electors from the edited register. Provision to ensure that anonymous electors are excluded is reintroduced by subsection (4).

433 Subsection (4) introduces new sub-paragraph (1B) which defines a “registered person” as someone with an entry on the full register other an anonymous elector or an individual under

the age of 16. This means that the edited register must not include information about anonymous electors and those under the age of 16.

- 434 Subsection (5)(a) and (b)(ii) ensures that regulations will not enable a person to opt-in on another person's behalf. Subsection 5(b)(i) amends sub-paragraph (2)(b) of paragraph 10, changing the provision of the scope of words that can be set by regulations to reflect the fact that electors or applicants must consent to their inclusion on the edited register, rather than request their exclusion.

Part 3: Conduct of elections etc

Returning Officers

Clause 39: Provision of assistance by local authority officers to returning officers

- 435 Clause 39 adds a new provision to section 24 of the RPA 1983. It introduces a requirement for all local authorities in England and Wales to make their staff available to support the Returning Officer for any UK parliamentary constituency that falls wholly or partly within their area.
- 436 This means that local authority officers must be placed 'at the disposal' of the relevant Returning Officer to help them carry out their legal duties in relation to running a parliamentary election.
- 437 The provision ensures that Returning Officers have access to the staff support they need to deliver elections effectively.
- 438 This provision is already in place in legislation for Scotland. The changes introduced by this clause aim to ensure a consistent approach across Great Britain. The provision will not apply in Northern Ireland, where separate arrangements are in place.

Clause 40: Seniority of returning officers

- 439 Clause 40 introduces equivalent seniority requirements for Returning Officers across UK parliamentary elections in Scotland (subsection (2)) and for local elections in England (subsections (3) and (4)).
- 440 Subsection (2) amends section 25 of the RPA 1983 to require that each local authority in Scotland appoints a "senior officer" as the Returning Officer for UK parliamentary elections. This amendment introduces a seniority requirement on officers that can be appointed by the relevant local authority (as defined in the subsection). The definition of "senior officer" mirrors that used in clause 32 for the Electoral Registration Officers.
- 441 Subsection (3) amends section 35 of the RPA 1983 requiring that the Returning Officers for local elections in England must also be "senior officers" of the council. Subsection (3) (a) replaces references to "an officer" for local elections with "a senior officer" and introduces definitions consistent with clause 32.
- 442 Subsection (3)(d) and (3)(f) also replaces references to "an officer" for "a senior officer" for the Greater London Authority elections and London Borough elections respectively. Subsection (3)(d) introduces a seniority requirement on officers that can be appointed required for the Greater London Returning Officer under the Greater London Authority Act 1999.
- 443 These legislative changes ensure consistency in the seniority of Returning Officers across England and Scotland, mandating that sufficiently senior officers of an authority occupy the role of Returning Officer, and are thereby in a position to command the resources needed to facilitate the successful running of elections. The amendments are intended to also help

mitigate potential operational challenges in combined polls, particularly where different seniority requirements might otherwise apply.

Rules

Clause 41: Timing of proceedings for nominations

- 444 Subsections (2) to (4) of clause 41 amend rule 1 of Schedule 1 to the RPA 1983 (which sets out the timetable at UK parliamentary elections) in relation to the timing of proceedings for candidate nominations at UK parliamentary elections.
- 445 Subsection (2) provides that at a general election or by-election, nomination papers may be delivered to the Returning Officer between 9 a.m. and 5 p.m. on any day of the nomination period except the last day, and between 9 a.m. and 12 noon on the last day for submitting nomination papers (currently, nomination papers may be delivered between 10 a.m. and 4 p.m. on any day in the period for submitting nominations, including the final day). Subsection (2) sets out the definition of “the nomination period” for these purposes.
- 446 Subsection (3) makes changes to the timing of the making of objections to nomination papers as a consequence of the change to the deadline for nominations on the last day of the nomination period. It provides that objections to nominations may be made between noon and 5 p.m. on the penultimate day for delivery of nomination papers, and for the final day for delivery, during the hours allowed for delivery of nomination papers and the hour following (i.e. from 9 a.m. to 1 p.m.) though no objection may be made in that hour following except to a nomination paper delivered on that last day.
- 447 Subsection (4) provides that where no objections are made, the statement of persons nominated must be published by the Returning Officer not later than one hour after the close of the time for objections against nomination papers (i.e. 2 p.m. on the final day for nominations). This must currently be done by the deadline for the making of objections and the provision will therefore provide an additional hour for administrators to finalise the candidate list. Where objections are made, the final deadline for the publication of the statement will be 24 hours after the last time for delivery of nomination papers, i.e. 12 noon on the day after the last day of the nomination period.
- 448 Subsections (5) to (7) of clause 41 amend rule 1 of Schedule 5 to the ELA (NI) 1962 (which sets out the timetable at local elections in Northern Ireland) in relation to the timing of proceedings for candidate nominations at local elections in Northern Ireland.
- 449 Subsection (6)(a) provides that at a local election (but not a local by-election) in Northern Ireland, nomination papers may be delivered to the Returning Officer between 9 a.m. and 5 p.m. on any day of the nomination period except the last day, and between 9 a.m. and 12 noon on the last day for submitting nomination papers (currently, nomination papers may be delivered between 10 a.m. and 4 p.m. on any day during the period for submitting nomination papers but no later than 1 p.m. on the final day for submitting nominations). Subsection (6)(a) sets out the definition of “the nomination period” for these purposes. Subsection (6)(b) amends the timetable for a local by-election in Northern Ireland and makes the same provision for the timing of the delivery of nomination papers at by-elections as for local elections under subsection (6)(a) and sets out a definition of “the nomination period” for these purposes.
- 450 Subsection (7) provides that at a local election in Northern Ireland, where fresh proceedings are commenced following the death of a candidate standing for a political party, nomination papers may be delivered to the Returning Officer between 9 a.m. and 5 p.m. on any day of the nomination period except the last day, and between 9 a.m. and 12 noon on the last day for

submitting nomination papers (currently, nomination papers may be delivered between 10 a.m. and 4 p.m. on any day during the period for submitting nomination papers but no later than 1 p.m. on the final day for submitting nominations). Subsection (7) sets out the definition of “the nomination period” for these purposes.

Clause 42: Identification of candidates at parliamentary elections

- 451 Clause 42 makes changes to the parliamentary elections rules in Schedule 1 to the RPA 1983 in relation to the requirements for candidates standing at these elections.
- 452 Subsection (3) adds provisions to rule 6 (nomination of candidates) to require candidates to provide documentary evidence of their identity with their nomination paper. There is provision for the documents that may be submitted as evidence of the candidate’s identity to be prescribed by the Secretary of State in regulations subject to the affirmative procedure. Copies of the documents may be submitted though where the original document is provided the Returning Officer must make a copy of the original document and return that document to the person who delivered it.
- 453 Subsection (4) updates rule 8 (consent to nomination) to clarify that, where a candidate is outside of the UK and the Returning Officer is satisfied that it would not be reasonable to require them to deliver their consent to nomination in writing in the usual way, it can be sent by email or similar means of communication (the existing provision refers to a telegram or similar means).
- 454 Subsection (5) inserts new rule 8A to require a candidate to make a “declaration of truth” in order to be validly nominated. The person making the declaration must confirm that they are aware of the offences relating to false statements in nomination papers, and that their nomination papers do not contain any statement or information that they know to be false. The declaration must be signed by the candidate and delivered at the place and within the time for delivery of nomination papers.
- 455 Subsection (6) amends rule 11 (right to attend nomination) to provide that the Returning Officer may not permit a candidate’s identity evidence to be inspected by any other person other than for a purpose authorised by law.
- 456 Subsection (7) amends rule 12 (decisions as to validity of nomination papers) to set out circumstances where the Returning Officer may decide that a nomination is invalid in relation to the new requirement for candidates to include ID in their nomination papers. The Returning Officer would be able to deem a nomination to be invalid where there is a discrepancy between the candidate’s full names as stated on the nomination paper and the candidate’s name as stated in the submitted ID that cannot be resolved to the Returning Officer’s satisfaction (including, where appropriate, by production of further proof of the candidate’s identity). The Returning Officer would be able to reject a nomination where the documents submitted as ID by, or on behalf of, the candidate leads them to doubt that the candidate is who they claim to be.
- 457 Subsections (8) and (9) amend rule 53A (destruction of home address forms) to require the Returning Officer to destroy identity evidence within the time limits set out in that provision for the destruction of home address forms following an election, i.e. on the next working day following the 21st day after the Returning Officer has returned the name of the member elected; or if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.

Clause 43: Identification of candidates at local elections in Northern Ireland

458 Clause 43 makes changes to the local elections rules in Schedule 5 to the ELA (NI) 1962 in relation to the requirements for candidates standing at these elections.

459 Subsection (2) adds provisions to rule 5 (nomination of candidates) to require candidates to provide documentary evidence of their identity with their nomination paper. There is provision for the documents that may be submitted as evidence of the candidate's identity to be prescribed by affirmative Order in Council. Copies of the documents may be submitted though where the original document is provided the Returning Officer must make a copy of the original document and return that document to the person who delivered it.

460 Subsection (3) inserts new rule 7A to require a candidate to make a "declaration of truth" in order to be validly nominated. The person making the declaration must confirm that they are aware of the offences relating to false statements in nomination papers, and that their nomination papers do not contain any statement or information that they know to be false. The declaration must be signed by the candidate and delivered at the place and within the time for delivery of nomination papers.

461 Subsection (4) amends rule 9 (right to attend nomination) to provide that the Returning Officer may not permit a candidate's identity evidence to be inspected by any other person other than for a purpose authorised by law.

462 Subsection (5) amends rule 10 (decisions as to validity of nomination papers) to set out circumstances where the Returning Officer may decide that a nomination is invalid in relation to the new requirement for candidates to include ID in their nomination papers. The Returning Officer would be able to deem a nomination to be invalid where there is a discrepancy between the candidate's full names as stated on the nomination paper and the candidate's name as stated in the submitted ID that cannot be resolved to the Returning Officer's satisfaction (including, where appropriate, by production of further proof of the candidate's identity). The Returning Officer would be able to reject a nomination where the documents submitted as ID by, or on behalf of, the candidate leads them to doubt that the candidate is who they claim to be.

463 Subsections (6) and (7) amend rule 56A (destruction of home address forms and date of birth lists) to require the Returning Officer to destroy identity evidence within the time limits set out in that provision for the destruction of home address forms and dates of birth lists following an election, i.e. on the next working day following the 22nd day after the Returning Officer has returned the name of the member elected; or if an election petition questioning the election or return is presented before that day, as soon as reasonably practical following the conclusion of proceedings on the petition or on appeal from such proceedings.

Clause 44: Withdrawal of certificates authorising candidate descriptions

464 Subsections (2) to (4) of clause 44 amend the parliamentary elections rules in Schedule 1 to the RPA 1983 to make provision for political parties to withdraw certificates issued by them to candidates at UK parliamentary elections authorising them to use a party description. This will have the effect of invalidating the nomination and the candidate will no longer be able to stand on behalf of the party at the election. If the prospective candidate wants to stand in the election, they can submit fresh nomination papers as an independent or for another party, if they do so before the close of nominations.

465 Subsection (3) adds new provisions to rule 6A (nomination papers: name of registered political party) to make provision for a registered political party to withdraw a certificate it has previously issued to a candidate standing at a parliamentary election that allows the candidate to use an authorised description of the party. The party will be required to give

written notice to the Returning Officer where it wishes to do this, and the notice must be given by or on behalf of the registered nominating officer of the party or at least one of the parties, where the candidate is standing on behalf of two or more parties. The notice must be received by the Returning Officer not later than 48 hours before the close of nominations. As soon as practicable after receiving such a notice, the Returning Officer must inform the candidate that the certificate previously issued has now been withdrawn.

466 Subsection (4) amends rule 12 (decisions as to validity of nomination papers) to provide that where a political party withdraws a certificate issued to a candidate authorising the use of a party description by the candidate, and the effect of this is that candidate's nomination becomes invalid, the Returning Officer is required to give a decision to that effect as soon as practicable after receiving the withdrawal notice from the party.

467 Subsections (6) to (10) amend the local elections rules in Schedule 5 to ELA(NI) 1962 to make provision for political parties to withdraw certificates issued by them to candidates at local elections in Northern Ireland authorising them to use a party description. This will have the effect of invalidating the nomination and the candidate will no longer be able to stand on behalf of the party at the election. If the prospective candidate wants to stand in the election, they can submit fresh nomination papers as an independent or for another party, if they do so before the close of nominations.

468 Subsection (7) adds new provisions to rule 5A (nomination papers: name of registered political party) to make provision for a registered political party to withdraw a certificate it has previously issued to a candidate standing at a local election in Northern Ireland that allows the candidate to use an authorised description of the party. The party will be required to give written notice to the Returning Officer where it wishes to do this, and the notice must be given by or on behalf of the registered nominating officer of the party or at least one of the parties, where the candidate is standing on behalf of two or more parties. The notice must be received by the Returning Officer not later than 48 hours before the close of nominations. As soon as practicable after receiving such a notice, the Returning Officer must inform the candidate that the certificate previously issued has now been withdrawn.

469 Subsection (8) amends rule 10 (decisions as to validity of nomination papers) to provide that where a party withdraws a certificate issued to a candidate authorising the use of a party description by the candidate, and the effect of this is that candidate's nomination becomes invalid, the Returning Officer is required to give a decision to that effect as soon as practicable after receiving the withdrawal notice from the political party.

Clause 45: Subscription of nomination paper

470 Subsection (1) of clause 45 adds new provisions to rule 7 (subscription of nomination paper) of the parliamentary elections rules in Schedule 1 to the RPA 1983 to provide that a person who has previously subscribed the nomination paper of a candidate at a parliamentary election where the party withdraws its authorisation for the candidate to use a party description, or the certificate authorising the use of a party description is found to be defective - and which as a consequence invalidates the nomination - may subscribe another nomination paper.

471 Subsection (2) of the clause amends rule 6 (subscription of nomination paper) of the local elections rules in Schedule 5 to ELA(NI) 1962 to make similar provision in relation to the subscription of nomination papers at local elections in Northern Ireland.

Clause 46: Police contact form

472 Clause 46 inserts new provisions into the parliamentary elections rules in Schedule 1 to the RPA 1983 in relation to candidates standing at UK parliamentary elections in Great Britain.

473 Subsection (2) adds new rule 7A which makes provision for candidates to complete and return an additional form – a “police contact form” - with their nomination papers that will set out their contact details and a statement that the candidate wishes to be contacted by the police in connection with matters relating to the candidate’s safety. The Returning Officer is required on receipt of the form to send a copy of it to the relevant chief officer (or officers) of police as soon as practicable after publication of the statement of persons nominated. This is to facilitate the relevant police force (or forces) contacting the candidate to invite them to security briefings for the election. Completion of the form by candidates will be optional.

474 Under new rule 11(6) inserted by subsection (3), the Returning Officer may not permit a candidate’s police contact form to be inspected by any other person other than for a purpose authorised by law.

Clause 47: Calling out and completed corresponding number lists etc

475 Clause 47 amends the RPA 1983 and the ELA(NI) 1962 to remove the requirement for poll clerks to call out an elector's name and their electoral number when they deliver a ballot in polling stations in Northern Ireland.

476 Subsection (1) amends rule 34 of Schedule 5 to the ELA(NI) 1962, which pertains to voting procedure and identification requirements in local elections. It omits sub-paragraph (b) from paragraph (1). A consequential amendment is made to omit sub-paragraph (a) from paragraph (1A). Subsections (2) makes amendments to rule 37 of Schedule 1 to the RPA 1983, which deals with voting procedure and voter identification requirements in parliamentary elections in Northern Ireland. Subsection (3) omits sub-paragraph (b) from paragraph (1) which mandates the calling out of the elector's name and number. Subsection 3 also makes a consequential amendment to paragraph (1ZA).

477 Sub sections (4) and (5) amend rule 43 of Schedule 1 to the RPA 1983 and section 44 of the Electoral Administration Act 2006 regarding the completed corresponding number lists. The amendments update incorrect references to correctly refer to the rule that governs the keeping and custody of this list.

478 Subsection 6 clarifies that amendments made by subsections (4)(a) and (5) are retrospective.

Clause 48: Voter identification requirements

479 Clause 48 makes amendments to rule 37 of Schedule 1 to the RPA 1983 (parliamentary elections: voting procedure and voter identification requirements), relating to voter identification rules. This clause only amends the voter identification rules relating to UK parliamentary elections in England, Scotland, and Wales – it does not amend the similar voter identifications rules in Northern Ireland. Corresponding amendments to the voter identification rules relating to other types of polls in England, Scotland, and Wales will be brought forward via other secondary legislation.

480 Rule 37 includes provisions setting out which documents can be accepted as identification at the polling station - these are referred to as “specified document(s)”. Rule 37 sets out a list of the types of documents that can be specified documents, and any further conditions they must also meet.

481 Subsection (2)(a) amends the definition of a specified document by adding the additional conditions inserted by subsection (3). It further amends the definition by removing the clarification a document can be accepted in whatever form it is issued in (e.g. where there are different versions of that document, such as a digital or physical version) and removing the blanket requirement for specified documents to contain a photograph. The clarification that a

document can be accepted in whatever form it is issued in is re-inserted but subsection (3), though with a new exception.

482 Subsection (2) (b) adds bank cards to the list of documents that can be accepted as identification (“a payment card... or a cash withdrawal card”), and sets out three conditions specific to this type of document to be a specified document – that it must be issued by a relevant UK-authorised person, that they must show the holders first name or first initial and the holder’s surname, and that the card must show when it expires. Further definition for “payment card” and “relevant UK-authorised person” are set out in new paragraph (1JA), which is inserted by subsection (4).

483 Subsection (3) inserts three new conditions that a document must meet to be a specified document, and which of the types of documents these conditions apply to.

- a. The first condition is set out in new paragraph (1HA) and requires that all the documents listed in paragraphs (1H) (a) to (l) must contain a photograph of the holder in order to be a specified document. These are the types of documents currently accepted as identification, and this condition will not apply to the new type of document - bank cards.
- b. The second condition is set out in new paragraph (1HB) which specifies that documents can be accepted in whatever format they are issued in, with the exception of the bank cards, which must be in a physical form (i.e. not a digital bank card).
- c. Finally, the third condition, set out in new paragraph (1HC), specifies that any digital documents can only be specified documents if they can be verified by a visual inspection.

484 Subsection (4) inserts new paragraph (1JA) which defines, for the purposes of this legislation, what is meant by “payment card” and “relevant UK-authorised person” as referred to in subsection (2)(b). Subsection (5) and (6) inserts new paragraph (1NA) which provides that paragraph (1M) does not apply in the case of bank cards (paragraph 1M ordinarily allows documents to be used regardless of expiry date) and then specifies that a bank card is a specified document only if it has not expired.

485 Subsection (7) amends paragraph (1Q) - this paragraph sets out which parts of the rule can be amended by regulations, and what changes can be made.

- a. Subsection (7)(a) amends which paragraphs can be amended by regulation, so that all paragraphs can now be amended.
- b. Subsection (7)(b) restricts the power to add references to documents (e.g. adding a new type of document to the list that can be accepted) to only apply to paragraph (1H) - this is the list of documents. Subsection (7)(c) and (7)(d) similarly update the power for removing and varying references to documents to only apply to paragraph (1H) (referred to as “that paragraph”).
- c. Subsection (7)(e) clarifies that the power to vary references to documents in the list of documents in (1H) includes amending other paragraphs that set out further definitions for those documents. When amending a paragraph that contains a definition, the power can add to, vary or repeal that paragraph. Subsection (7)(e) sets out the current and new paragraphs that contain definitions – paragraphs (1I), (1J), and (1JA) - but this power will also apply to any new paragraphs containing definitions that might be created in the future.

486 Subsection (8) creates new powers to make regulations relating to voter ID provisions which would allow for changes to the conditions on what is a specified document. Conditions may be created, modified or removed relating to whether a document must contain a photograph, whether it must be issued in a particular format (e.g. physical or digital), whether it must be able to be verified by a particular method (e.g. if it must be scanned by an electronic method), or whether it must be in-date.

487 Subsection (9) amends paragraph (1R). This paragraph currently restricts the existing power to amend the list of accepted documents so that it can only be used to remove documents with the approval of the EC. Subsection (7) extends this restriction so that it also applies to any changes made by the powers in new paragraph (1QA) relating to photographs and formats – if a change would result in documents ceasing to be specified documents (e.g. if a type of document had physical and digital versions, and a new condition set out that only a digital version would be a specified document) then that change will also require the approval of the EC.

Clause 49: Absent voting

Absent Voting

488 Clause 49 introduces Schedule 3, which makes provisions related to absent voting.

Schedule 3 — Absent voting

Absent Voting in Great Britain

489 Paragraphs 1 to 12 make amendments to Schedule 4 to the RPA 2000 (absent voting in Great Britain).

490 Paragraph 2 amends paragraph 1 of Schedule 4 to clarify in new sub-paragraphs (1A) and (1B) that a reference to “someone who will be registered” in the Schedule includes someone who has applied to be registered and is otherwise likely to be registered but for whom the objections period (also defined) has not yet ended. New sub-paragraph (1C) clarifies that provisions in this Schedule are subject to regulations under paragraph 7G, which relates to applications being refused or disregarded in certain prescribed circumstances.

491 Paragraph 3 inserts new paragraph 1A, which restates the ability of “appropriate national authorities” to make regulations under Schedule 4 and provides that regulations made under this schedule will be made by “the appropriate national authority”, which is defined as: for local government elections in Scotland, Scottish Ministers; for local government elections in Wales, Welsh Ministers; and for all other elections, the Secretary of State. It also provides that where regulations under Schedule 4 are made by Scottish Ministers, they will be subject to the affirmative procedure in the Scottish Parliament, and when made by Welsh Ministers, they will be subject to the Senedd approval procedure.

492 Paragraph 4 amends paragraph 3 of Schedule 4, which relates to absent voting arrangements at elections for a period of time.

493 Sub-paragraphs (2) and (3) alter the definition of the “maximum permitted period” of a postal voting arrangement under paragraph 3(1), to extend by a year in defined cases. Sub-paragraph (3) defines the “maximum permitted period” to be the period ending with the sixth 31 January following the date on which the application is granted, in the case where an Electoral Registration Officer both receives and grants the application for that postal voting arrangement between 1 October and 30 January. Where an application is received and granted before this period, the maximum of the fifth 31 January will remain.

- 494 Sub-paragraph (4) amends sub-paragraph (4) of paragraph 3 of Schedule 4 to clarify that Electoral Registration Officers are required to keep records of those whose applications for absent vote have been granted, and whether the applications are in respect of parliamentary elections, local government elections or both. It does this by substituting “this paragraph” in sub-paragraph (4), with “sub-paragraph (1) and (2)”, which pertain to the granting of postal and proxy vote applications.
- 495 Sub-paragraph (5) inserts new sub-paragraph (4A) into paragraph 3 of Schedule 4 to require Electoral Registration Officers to keep records of only the latest information for an applicant that pertains to a particular kind of election for a period. For example, if a person applies for a postal vote at UK parliamentary elections, and they subsequently apply to the Electoral Registration Officer to vote by proxy at those same elections, only information on the latter, most recent arrangement should be recorded and in this way, the new arrangement would replace the old.
- 496 Sub-paragraph (6) amends sub-paragraph (5) of paragraph 3 of Schedule 4, which relates to the circumstances in which an Electoral Registration Officer is required to remove a person’s entry from the absent vote record kept under paragraph 3(4). The amendments require Electoral Registration Officers to remove an entry from the record in specified circumstances. These are where (in new sub-paragraph (5)(a)) a person applies to be removed; (new sub-paragraph (5)(aza)) where a person’s new short term arrangement (i.e. to vote by post or proxy at a particular election) overrides the previous long term arrangement; and (new sub-paragraph (5)(azb)) where a person’s postal or proxy application was granted on the basis that the person “will be registered” as described in new paragraph 1(1A) of Schedule 4 RPA 2000 and that person’s application to register as an elector is then refused or withdrawn.
- 497 Sub-paragraph (7) inserts new sub-paragraphs (5A) and (5B) to require Electoral Registration Officers to grant an application by a person to be removed from the absent vote record where it meets the prescribed requirements. New sub-paragraph (5B) allows regulations under sub-paragraphs (5)(aza) to make provisions relating to the Electoral Registration Officer’s satisfaction as to any matter.
- 498 Sub-paragraph (8) omits sub-paragraphs (6) (7) (7A) and (7B) from paragraph 3. These sub-paragraphs, which expressly provided for an existing arrangement holder to be able to apply for an arrangement of the other kind, are no longer necessary as a result of new sub-paragraph (4A).
- 499 Paragraph 5 makes provisions for alternative postal vote arrangements for particular elections by inserting paragraph 3A into Schedule 4 to the RPA 2000. Where a person is shown in the record under paragraph 3(4) as having a longer-term arrangement to vote by post at elections of a particular kind, new paragraph 3A(1)(a) and (b) provide that they may apply for their ballot paper to be sent to an address different to that on the record, or to vote instead in person, as an alternative arrangement for the purposes of a particular election, and new paragraph 3A(2) requires the Electoral Registration Officer to grant this application if it meets prescribed requirements.
- 500 Paragraph 6 amends paragraph 4 of Schedule 4 to the RPA 2000, which relates to absent votes arrangements for the purposes of voting at a particular election. It omits sub-paragraphs (3) and (4), as the insertion of new paragraph 3A and other changes made to Schedule 4 to the RPA 2000 by this Schedule mean that those sub-paragraphs, which provide for alternative arrangements for a particular election by longer-term postal vote arrangement holders (e.g. to allow a person’s ballot paper to be sent to a different address or to vote by proxy) are now redundant.

- 501 Paragraph 7 amends paragraph 5 of Schedule 4 to the RPA 2000, relating to the absent voters lists which are generated by Electoral Registration Officers for the purposes of a particular election. The amendments clarify the requirements for registration officers regarding the creation and keeping of these postal voter lists and lists of proxies.
- 502 Sub-paragraph (2) amends sub-paragraph (2)(b) of paragraph 5, which requires an Electoral Registration Officer to include certain longer-term postal voting arrangement holders in the postal voters list for a particular election. Sub-paragraph (2)(a), (c) and (d) makes small amendments to cross-references resulting from amendments made to paragraph 3 of Schedule 4 to the RPA 2000. Sub-paragraph (2)(b) requires that those who are “excluded persons” are not to be included in the postal voters lists, and links to new paragraph 5(2A).
- 503 Sub-paragraph (3) inserts sub-paragraph (2A), (2B) and (2C) into paragraph 5. New sub-paragraph (2A) defines who is an “excluded person” for the purposes of the postal vote list. This includes (under new sub-paragraph (2A)(c)) a person whose period of postal voting arrangement expires on or after the day on which the notice of election, for the election to which the list relates, must be published and before the day of poll for that election. New sub-paragraph (2B) requires an Electoral Registration Officer to record only the latest application information for a person in the postal voters list, thereby meaning that the details of any new postal voting arrangement obtained by a person would replace the details of any previous arrangement in that list. New sub-paragraph (2C) sets out the circumstances in which an Electoral Registration Officer must remove a person’s entry from the postal voters list.
- 504 Sub-paragraphs (4) and (5) make similar amendments relating to the list of proxies as sub-paragraphs (2) and (3) make in relation to the postal voters list. Additionally, sub-paragraph (5) inserts new paragraph 5(3D). New paragraph 5(3D) requires an Electoral Registration Officer to grant an application under new paragraph 5(2C)(a) or (3C)(a) to cancel a particular election postal or proxy voting arrangement where the cancellation application meets prescribed requirements.
- 505 Paragraph 8 amends paragraph 6 of Schedule 4 to the RPA 2000, relating to the appointment of proxies for the purpose of voting at elections.
- 506 Sub-paragraph (2) amends paragraph 6(3) of Schedule 4 to clarify that a person described in new paragraph 1(1A) of that Schedule, i.e. a person who is not yet registered for the purpose of voting at parliamentary elections but whose application is received and is still within the objections period, is not eligible to be appointed as a proxy on behalf of another elector for the purpose of voting at such elections.
- 507 Sub-paragraph (3) amends paragraph 6(3A), which governs eligibility for proxy appointments for the purpose of voting at local government elections in Great Britain, in the same way as sub-paragraph (2) amends paragraph 6(3) relating to proxy eligibility for the purpose of voting at parliamentary elections.
- 508 Sub-paragraphs (4) and (5) make small consequential amendments to paragraph 6(7)(b) and (8) of Schedule 4 to the RPA 2000 as a result of other changes made to that Schedule.
- 509 Sub-paragraph (6) amends paragraph 6(10) of Schedule 4 to the RPA 2000, relating to the cancellation of proxy appointments. Sub-paragraph (6)(b) provides that a proxy appointment ceases if a registration officer grants an application by an elector to cancel the appointment. Sub-paragraph (6)(c) and (d) clarify that the proxy appointment ceases when the person appointed as proxy ceases to be registered on the relevant electoral register.
- 510 Sub-paragraph (7) inserts new sub-paragraphs (10A) into paragraph 6 of Schedule 4 to the RPA 2000. These provide that an Electoral Registration Officer must grant a proxy

appointment cancellation application under new paragraph 6(10)(za) where that application meets prescribed requirements.

- 511 Sub-paragraph (8) amends paragraph 6(11) of Schedule 4, which relates to other circumstances in which a proxy appointment ceases to have effect, to clarify those circumstances in consequence of the other amendments made to that Schedule.
- 512 Paragraph 9 amends paragraph 7 of Schedule 4 to the RPA 2000, relating to voting as proxy. Paragraph 9(2) substitutes paragraph 7(5A)(a) with a new sub-paragraph that defines voting by post as proxy to be for ‘the maximum permitted period’ as defined in new sub-paragraph (5B). Paragraph 9(3) inserts new sub-paragraph (5B), defining the maximum permitted period (in the same way as defined by virtue of new paragraph 3(1AA) in respect of longer-term postal voting arrangements held by electors).
- 513 Paragraph 9(4) inserts new sub-paragraph (6A) relating to the requirement for Electoral Registration Officers to keep a record of those entitled to vote by post as proxy. Sub-paragraph (6A) inserts a requirement for Electoral Registration Officers to keep a record of only the latest information for an applicant that pertains to elections of the kind in question.
- 514 Paragraph 9(5) omits sub-paragraph (7) of paragraph 7 of Schedule 4 to the RPA 2000, relating to Electoral Registration Officers granting applications for postal ballot papers to be sent to a different address from that shown in the record. The insertion of new paragraph 7ZA effectively replaces this provision (i.e. by allowing a proxy’s postal ballot paper to be sent to a different address).
- 515 Paragraph 9(6) amends sub-paragraph (8)(a), relating to Electoral Registration Officers’ creation and keeping of the proxy postal voters list in respect of a particular election. Sub-paragraph (6)(a) provides that only those proxies who aren’t “excluded persons” as defined in new sub-paragraph (8ZA) should be included. Sub-paragraph (6)(b) substitutes a reference to sub-paragraph (7) with a reference to new paragraph 7ZA(1)(a), in consequence of that new provision.
- 516 Paragraph 9(7) inserts new sub-paragraphs (8ZA) and (8ZB). Sub-paragraph (8ZA) sets out the circumstances for a person being ‘excluded’ from a proxy postal voters list. Sub-paragraph (8ZB) inserts a requirement for Electoral Registration Officers to keep a record of only the latest information for an applicant that pertains to elections of the kind in question.
- 517 Paragraph 9(8) amends sub-paragraph (9) of paragraph 7 of Schedule 4 to the RPA 2000, relating to circumstances in which an Electoral Registration Officers should remove a person’s entry from the proxy postal voters list. Sub-paragraph (8)(a) inserts a clarification point that sub-paragraph (9) should be in respect of a kind of election, thereby reflecting the fact that a proxy can have different arrangements in respect of local government or parliamentary elections.
- 518 Sub-paragraph (8)(b) substitutes sub-paragraph (9)(a), relating to the circumstances in which a person’s entry must be removed from the record of those proxies with longer-term proxy postal voting arrangements. These circumstances are: where a person applies to be removed (sub-paragraph (9)(a)); and where a new application is granted to vote by post as proxy at a particular parliamentary or local government election, overriding the existing arrangement (new sub-paragraph (9)(aa)).
- 519 Sub-paragraph (9) inserts new sub-paragraphs , (9A) and (9B) into paragraph 7, that relates to the circumstances in which a proxy’s entry relating to a particular election proxy postal voting arrangement must be removed from the proxy postal voters list. New sub-paragraph (9A) outlines these circumstances. Sub-paragraph (9B) requires Electoral Registration Officers to

grant an application under new sub-paragraph (9)(a) or (9A)(a) to cancel a particular election proxy postal voting arrangements where the application meets prescribed requirements.

520 Paragraph 10 inserts new paragraph 7ZA into Schedule 4 to the RPA 2000. It provides for a proxy with a proxy postal voting arrangement to be able to apply for alternative arrangements to voting by post as proxy in particular elections. It is equivalent to new paragraph 3A.

521 Paragraph 11 omits paragraph 7F which is redundant as a result of new paragraph 1A.

522 Paragraph 12 inserts new paragraph 7G, which allows regulations to make provisions prescribing circumstances in which an Electoral Registration Officer must refuse or disregard an absent vote application during an election period. New paragraph 7G(2) also allows regulations under this paragraph to make provisions relating to the Electoral Registration Officer's satisfaction as to any matter, and about the information to be included in an absent vote list where an application must be disregarded.

Absent Voting in Northern Ireland

523 Paragraphs 13 to 17 amend the RPA 1985, in relation to absent voting arrangements for voting at UK parliamentary elections in Northern Ireland.

524 Paragraph 14 amends section 6, relating to absent vote arrangements for voting at elections for an indefinite period. Sub-paragraphs 14(2) and 3 amend the checks on national insurance numbers the Electoral Registration Officer must carry out when determining an application for an absent vote. Sub-paragraph (2) removes the current check for applications for an indefinite absent vote that the Electoral Registration Officer is required to carry out where an application for an absent vote does not contain a national insurance number. Sub-paragraph (3) replaces this check with a new check that the Electoral Registration Officer will need to carry out in these circumstances. The new requirement is that no national insurance number was provided on a previous application to register or for an electoral identity document, and the Electoral Registration Officer does not have any reason to believe the applicant has a national insurance number.

525 Sub-paragraph 14(4) inserts new section 6(4)(aa), relating to circumstances in which the Electoral Registration Officer must remove a person from the proxy and postal lists. New section 6(4)(aa) requires that the Electoral Registration Officer must remove a person's entry where their application for registration was refused or withdrawn during the objections period, meaning that they no longer fall within the wider meaning of "will be registered" as provided by new subsection (9), which is inserted by sub-paragraph 14(5), together with new subsection (10). This wider meaning includes those that have applied for registration and who would otherwise be registered except that "the objections period", as defined in new subsection (10), has not yet expired.

526 Paragraph 15 amends section 7, relating to absent voting arrangements for the purpose of voting at a particular election, in a similar way to the changes made to section 6 by paragraph 14. It also amends section 7 to mirror existing provisions in section 6 where by the Electoral Registration Officer must remove a person from the absent voter's list if they cease to be registered or be registered at the same qualifying address or cease to be or become registered as a service voter or in pursuance of a declaration of local connection or an overseas elector's declaration.

527 Paragraph 16 amends section 8 of the RPA 1985, relating to the appointment of proxies for the purpose of voting at UK parliamentary elections held in Northern Ireland. Sub-paragraph 15(2) inserts new subsection (7B), which allows a proxy to be appointed by an elector who "will be registered" within the wider meaning provided by new section 6(9)(a).

- 528 Sub-paragraph 16(3) inserts new paragraphs (a) and (b) into subsection (9), thereby requiring the cancellation of a proxy appointment made in reliance upon new subsection (7B) where the appointing elector's registration application is then subsequently refused or withdrawn.
- 529 Paragraph 17 amends section 9, relating to voting as proxy. Paragraph 17(2) inserts subsection (10A), which allows applications for proxy postal voting arrangements to be granted where the elector for whom the proxy acts falls within the wider meaning of "will be registered" which is provided by new section 6(9)(a). Paragraph 17(3) inserts new subsection (11)(aa), thereby requiring the cancellation of a longer-term proxy postal voting arrangement where the elector on behalf of whom the proxy acts fell within that wider meaning of "will be registered" when the arrangement was granted and then subsequently the elector's registration application is refused or withdrawn within the objections period.
- 530 Paragraph 17(4) inserts new subsection (11ZA) into section 9, requiring the Electoral Registration Officer to remove a person's entry from the proxy postal voters list which relates to a proxy postal voting arrangement for a particular election in the circumstances set out in that new subsection.

Offences

- 531 Paragraphs 18 to 22 make amendments to the RPA 1983, relating to offences.
- 532 Paragraphs 19 and 20 amend sections 13CA and 13D of the RPA 1983 respectively, to provide that the offences in those sections relating to the provision of false information to an Electoral Registration Officer in connection with an absent voting application apply to all applications under Schedule 4 to the RPA 2000.
- 533 New paragraph 21 of Schedule 3 amends the RPA 1983, inserting new subsections (1B) and (1C) into section 61. New subsection (1B) clarifies, for the purposes of the proxy voting offence in section 61(1A), that a reference to a person being a person who "will be registered" includes a person who has applied to be registered pending the statutory objections period. This ensures that a person who may lawfully be granted a proxy voting arrangement while their registration application is pending completion of the objections period falls within the scope of the offence in section 61(1A), and may therefore be held criminally liable if they act as a proxy in breach of the statutory proxy voting limits during that period.
- 534 New subsection (1C) defines "the objections period" for these purposes by reference to the relevant registration provisions for Great Britain and Northern Ireland.
- 535 Paragraph 22 amends section 62A, which relates to offences relating to applications for postal and proxy votes. It extends the definition of an offence to include where persons make a false statement in an application for a person to be removed from a postal or proxy list, or in an application to switch from a postal vote to vote in person at a particular election. It does this by inserting next text into subsection (2)(b) of section 62A, and subsection (4A) after subsection (4) with a reference to applications under Schedule 4 to the RPA 2000. Subsection (4A)(b) clarifies that the reference to absent voting applications in subsection 2(b) also refers to applications for an absent vote under sections 6 to 9 of the RPA 1985 (absent voting in Northern Ireland).
- 536 Paragraph 23 amends section 62B, which relates to Scottish local government elections: offences relating to applications for postal and proxy votes. In the same way as paragraph 18, it extends the definition of an offence to include where persons make a false statement in an application for a person to be removed from a postal or proxy list, or in an application to switch from a postal vote to vote in person at a particular election. It does this by inserting next text into subsection (3)(b) of section 62B.

Regulations as to registration

537 Paragraph 24 amends Schedule 2 to the RPA 1983, which relates to provisions which may be contained in regulations as to registration, absent voting etc. Sub-paragraph (2) and (3) defines references in this paragraph to an Electoral Registration Officer's, and in Northern Ireland, the Chief Electoral Officer's, registration duties to include references to absent vote applications made under Schedule 4 to the RPA 2000 for Great Britain not previously referenced, and also section 9 of the RPA 1985 in Northern Ireland.

538 Sub-paragraph (4), which amends paragraph (5ZB) of Schedule 2 to the RPA 1983 which relates to use of the UK digital service for devolved absent voting applications, links the definition of a "relevant devolved absent voting application" to those applications made under Schedule 4 to the RPA 2000. It does this by omitting a reference to "paragraph 3, 4 or 6 of". Sub-paragraph (5) makes a similar amendment to paragraph 13(1ZZA) of Schedule 2 to the RPA 1983.

539 Paragraph 25 amends part 1 of the EA(NI)A 1989 to remove reference to paragraph 5ZB of Schedule 2 to the RPA 1983, to clarify that paragraph (5ZB) has no application in respect of local elections in Northern Ireland.

Information to assist understanding of elections etc

Clause 50: Power to obtain election related information etc

540 Clause 50 creates a new power for the Secretary of State to make regulations to require specified officers to provide information to either the EC, the Secretary of State, or both, about specified elections, referendums, or recall petitions for the purpose of helping people to understand the election, referendum or recall petition process. Clause 50(6) provides that the regulations are subject to negative procedure (i.e. subject to annulment in pursuance of a resolution of either House of Parliament).

541 Clause 50(2) and (3) sets out the information that may be required by regulations for the stated purpose of helping people to understand the election, referendum or recall petition process. The non-exhaustive list set out at 50(2) is intended to capture a wide range of factual information including, but not limited to: information on polling stations – including location, the area served and the accessibility equipment available there; information on statutory application deadlines for electors - including applications to register to vote and apply for an absent vote; information on expected dispatch and delivery dates of postal ballot packs; and factual information about candidates. This information should be limited to factual information only. Clause 50(3) prevents regulations under the new power from requiring personal data about individuals. It is envisioned that information provided by specified officers will be made publicly available on an electronic platform that electors would be able to use as a single source of information about elections.

Clause 51: Specified officers

542 Clause 51 sets out officers who are specified for the purposes of such regulations.

Clause 52: Specified elections etc

543 Clause 52 sets out the elections, referendums and recall petitions in respect of which information may be requested by such regulations.

Other provision about the conduct of elections etc

Clause 53: Effect of the death of the Sovereign on certain elections and referendums

- 544 Clause 53 gives effect to Schedule that adds new section 20A into the RPA 1985 which in turn inserts new Schedule 2A into the Act that makes provision about the effect of the death of the Sovereign on certain elections and referendums.

Schedule 4 — Effect of the death of the Sovereign on certain elections and referendums

- 545 Paragraph 1 sets out the circumstances in which the provisions in Schedule 2A concerning the demise of the Crown apply to a relevant election or local referendum (as defined in paragraph 11). The provisions apply to a relevant election or local referendum if a demise of the Crown occurs and condition A or B is met. Condition A is where the polling day for the election or referendum must be fixed under legislation and has not been fixed when the demise of the Crown occurs and could only be fixed as a day which falls within the period of 30-working days after the demise. Condition B applies where the polling day for the election or referendum is known when the demise of the Crown occurs and is within 30-working days after the demise. Paragraphs 2, and 5 to 11 apply in any case where Schedule 2A applies. Paragraph 3 applies only in a case where condition A is met. Paragraph 4 applies only in a case where condition B is met.
- 546 Paragraph 2 makes provision concerning the computation of periods of time for the purpose of these provisions. It provides that any working day within the period of 13 days beginning with the day after the demise of the Crown must be disregarded in computing any period of time in relation to the election or referendum and must not be treated as a day for the purpose of any proceedings before the polling day. This has the effect of creating a pause of 14 days in the elections timetable for the polls being held. This paragraph is subject to paragraph 7.
- 547 Paragraph 3 applies only in a case where condition A in paragraph 1(2) is met. It concerns the setting of polling day for an election or referendum where this is not fixed when the demise of the Crown occurs but would have needed to occur within the period of 30 working days after the demise. When a vacancy occurs, a Returning Officer may be required to hold a by-election within a certain timeframe (for example, for local council vacancies in England, a Returning Officer must hold a by-election within 35 working days of receiving notice of the vacancy arising or a vacancy being declared by the High Court or the council). This condition could therefore be met if demise occurred after the vacancy occurred but before the Returning Officer had fixed the polling day for the subsequent by-election. It provides that any working day within the period of 13 days beginning with the day after the demise of the Crown must be disregarded when calculating when polling day must occur (for this example of local council vacancies in England, this would mean these days did not count towards the 35 working days within which polling day must occur). Furthermore, the polling day must be fixed as a day falling after the end of the 30-working day period after the demise.
- 548 Paragraph 4 applies only in a case where condition B in paragraph 1(3) is met. It provides for the postponement of polling day for certain elections and referendums in the event of the demise of the Crown. Paragraph 4 has the effect that for certain polls (other than UK parliamentary general elections), the polling day would be the 14th day after the expected polling day, as is currently the case for a UK parliamentary general election in these circumstances. The paragraph is subject to paragraphs 5 and 6.
- 549 Paragraph 5 applies where the election or referendum is not combined with a UK parliamentary general election. For these polls, the paragraph confers a new power for a Minister of the Crown by regulations to appoint an alternative polling day that is 7 days

earlier or later than the delayed date of poll (similar to the existing power exercised by the Sovereign in these circumstances under section 20(3A) of the RPA 1985 in relation to the date of UK parliamentary general elections). A Minister of the Crown may not make regulations unless the EC has recommended that those regulations should be made. Also, before making regulations in relation to the election of a member of Senedd Cymru, or a member of a Welsh local authority, a Minister of the Crown must also consult the Welsh Ministers.

550 Under paragraph 6, where the Sovereign exercises the power to appoint an alternative polling day for a UK parliamentary general election that is 7 days earlier or later than the delayed date of poll, the new date of poll applies to other polls being combined with the UK parliamentary general election, avoiding the need for additional regulations under paragraph 5.

551 Paragraph 7 makes consequential change to computation of periods of time. Where the polling date of a relevant election is adjusted as a result of paragraphs 5, or 6, the pause in electoral timetables provided for by paragraph 2 will be extended or reduced by the same number of days as the adjustment.

552 Paragraph 8 makes provision for when the terms of office for certain elected postholders end or start where the expected polling day for an election is moved to a different day due to the provisions in Schedule 2A.

553 Paragraph 9 makes provision in relation to any legislation that limits the maximum amount of election and referendum expenses that may be incurred, in local referendums or by candidates in elections. The paragraph provides that any such legislation has effect as if the maximum amount were increased by one half.

554 Paragraph 10 provides that any notice or other document relating to an election or local referendum must be issued in accordance with the provisions of Schedule 2A, or if already issued, must be read in accordance with that Schedule.

555 Paragraph 11 sets out the meaning of a number of terms used in Schedule 2A, including “relevant election” and “local referendum”.

Clause 54: Form of documents for elections and referendums

556 These provisions make amendments to primary legislation relating to elections and referendums. The provisions create powers to prescribe the form of certain documents used for the purposes of those elections and referendums in secondary legislation requiring consultation with the EC. Where there are already existing powers to prescribe the form of certain documents, the provisions make amendments to the method of parliamentary scrutiny of such secondary legislation. Finally, where currently the prescribed form of such a document is contained in primary legislation the provisions repeals those existing forms.

557 Subsection (1) repeals two Appendices and one Schedule (described in paragraphs (a) to (c)) to remove those prescribed forms of documents from primary legislation, which will subsequently be prescribed instead in secondary legislation.

558 Subsection (2) introduces Schedule 5.

Schedule 5 — Form of documents for elections and referendums

559 Paragraphs 1 to 5 make amendments to the ELA(NI) 1962.

560 Paragraph 2 amends section 41, which relates to the authorisation of candidate expenses at local elections in Northern Ireland, to remove references to forms set out in the Tenth Schedule and instead require those documents to be in a prescribed form. It also inserts new

section 41(7) defining “prescribed” for the purposes of section 41 as meaning prescribed by regulations made under new section 84A of the Northern Ireland Act 1998.

- 561 Paragraph 3 makes similar amends to section 47, which relates to declarations as to expenses incurred by those candidates.
- 562 Paragraph 4 makes a consequential amendment to the definition of “prescribed” in section 130 to clarify that it applies except where otherwise provided (for example in new sections 41(7) and 47(5)).
- 563 Paragraph 5 amends Schedule 5 to the ELA(NI) 1962, which contains the conduct rules for local elections in Northern Ireland. It makes consequential amendments by repealing rule 3A (which relates to forms and the Appendix at the end of the Schedule which is also repealed) and inserting new rule 3B, which defines references to a prescribed form of a document as meaning a form prescribed by regulations made by the Secretary of State under section 84A of the Northern Ireland Act 1998.
- 564 Paragraph 5 also amends a number of individual rules in Schedule 5 (including rules 5, 6, 7, 16, 16A, 21, 25, 26, 29 and 36) so that references to forms set out in the Appendix are replaced with references to a prescribed form (i.e. a form prescribed in regulations made by the Secretary of State under section 84A of the Northern Ireland Act 1998).
- 565 Paragraphs 6 to 11 make amendments to the RPA 1983.
- 566 Paragraph 7 inserts new section 36(8) of the RPA 1983, enabling provision which would otherwise be made by rules subject to the negative procedure to be included in regulations that are subject to the affirmative procedure.
- 567 Paragraph 8 amends section 82 of the RPA 1983 so that, in respect of candidates at UK parliamentary elections or at local government elections in England, declarations as to such a candidate’s election expenses are required to be in a prescribed form (rather than as currently set out in Schedule 3 to the RPA 1983).
- 568 Paragraph 9 amends section 201 of the RPA 1983 to make specific provision applying the negative parliamentary procedure to regulations which make provision about the form of certain documents used primarily at UK parliamentary elections but also in some cases at local government elections in England.
- 569 Paragraph 9(3) inserts new section 201(2D), enabling provision normally subject to the negative procedure to be included in regulations subject to the affirmative procedure.
- 570 Paragraph 10 amends Schedule 1 to the RPA 1983, which contains the conduct rules which govern UK parliamentary elections. Paragraph 10(2) and (9) makes amendments to rules containing provision about the writ issued to begin the parliamentary election process in a parliamentary constituency. It replaces references to forms connected to the writ, which are currently set out in the Appendix to Schedule 11, with references to forms instead specified by Order in Council. Paragraph 10(3) to (8) provides for a number of other documents used at parliamentary elections (for which the prescribed form is currently set out in the Appendix to Schedule 1) to be in a form prescribed in secondary legislation instead.
- 571 Paragraph 11 makes minor amendments to the Form of Declarations in Schedule 3 to the RPA 1983 to reflect the fact that, as a result of other changes, the Form will only apply in respect of local government elections in Scotland and Wales.
- 572 Paragraphs 12 to 14 make amendments to the RPA 1985.

- 573 Paragraph 13 amends section 8(8) of the RPA 1985 to require proxy papers issued in respect of UK parliamentary elections held in Northern Ireland to be in the prescribed form.
- 574 Paragraph 14 inserts new section 27(2B) of the RPA 1985, providing that regulations under section 8(8) prescribing the form of proxy papers are subject to the negative procedure.
- 575 Paragraphs 15 to 18, 23 and 26 to 28 make amends to a number of existing powers under which secondary legislation governing the conduct of certain elections and referendums is made. These amendments apply the negative procedure (instead of the affirmative procedure) for secondary legislation which only prescribes the form of a document, (except where the document in question is a ballot paper), and enables provision otherwise subject to the negative procedure to be included in instruments subject to the affirmative procedure.
- 576 Paragraphs 19 to 22 make amendments to the Northern Ireland Act 1998.
- 577 Paragraph 20 amends the italic heading before section 84 of the Northern Ireland Act 1998 to refer expressly to regulations.
- 578 Paragraph 21 inserts new section 84A of the Northern Ireland Act 1998, conferring a power on the Secretary of State to make regulations specifying the form of documents for use in district council elections in Northern Ireland.
- 579 Paragraph 22 inserts new section 96(2E) of the Northern Ireland Act 1998, providing that regulations under new section 84A are subject to the affirmative procedure.
- 580 Paragraph 24 amends section 7 of PPERA to require consultation with the EC on regulations prescribing the form of documents under the Representation of the People Acts and the Northern Ireland Act 1998.
- 581 Paragraph 25 amends Schedule 4 to the RPA 2000 to provide that regulations specifying the form of proxy papers is to be issued to proxies who are appointed on behalf of electors to vote at UK parliamentary elections held in Great Britain or at local government elections in England are subject to the negative procedure.

Part 4: Campaigns and political expenditure

The election agent

Clause 55: Removal of requirement to publish election agents' addresses

- 582 Clause 55 ensures that candidates acting as their own election agent do not have to publish their home address, by giving election agents and sub-agents the option to request that a correspondence address is published in place of their home address.
- 583 Subsection (2) makes amendments to section 67 of the RPA 1983 which allow election agents to provide an alternative correspondence address within the United Kingdom in addition to their primary address. It also states that they may choose for the correspondence address to be included in a public notice rather than the primary address. These changes apply in UK parliamentary elections and all local elections in England and Scotland. This incorporates an existing provision relating to local elections in Scotland with similar effect.
- 584 Subsection (3) makes amendments to section 68 of the RPA 1983 which allow sub-agents to request that an alternative correspondence address be published in the same way as for election agents. This applies to UK parliamentary elections and Greater London Authority elections. Section 68 subsections (3A) and (3B) currently contain provisions purporting to affect sub-agents in Scottish local government elections. There are no sub-agents in Scottish

local government elections and section 68 as a whole does not apply to Scottish local government elections. The ineffective sub-sections will therefore be repealed.

585 Subsection (4) makes equivalent amendments to the ELA(NI) 1962, to give election agents in Northern Ireland the option to provide a correspondence address to be included in public notices.

Campaign expenses and returns

Clause 56: Leave to pay late and disputed expenses claims

586 Clause 56 introduces Schedule 6 which makes provision for the EC, rather than the courts, to give permission for campaigners to pay late and disputed claims in respect of certain expenses. In practice, campaigners will now be required to apply to the EC rather than the courts to pay late or disputed claims.

Schedule 6 — Leave to pay late and disputed expenses claims

587 Paragraph 1 makes provision for the amendment of leave to pay procedures for late and disputed claims for candidates and election agents at relevant elections under the ELA(NI) 1962. Sub-paragraph 2 amends section 43(3) of the ELA(NI) 1962 to stipulate that rather than the courts, it is the EC (by written notice) and if satisfied for any special reason that it is appropriate to do so, who is responsible for granting leave to pay to candidates and election agents for late election expense claims at relevant elections in Northern Ireland. Sub-paragraph 3 makes consequential amendments to section 46 of the ELA(NI) 1962 which details the process for compiling and submitting returns for election expenses. These amendments remove references to the previous court process for approving late and disputed claims. Where leave to pay has been granted, a candidate or their election agent will be required to deliver to the Returning Officer a return of the sums paid in pursuance of the leave alongside a copy of the EC's written confirmation (by way of a notice) that leave has been granted. By virtue of section 44(4) of ELA(NI) 1962, these reforms to late claims apply in relation to a disputed claim.

588 Paragraph 2 makes equivalent amendments for leave to pay procedures for late and disputed claims by candidates and election agents at relevant elections under the RPA 1983. Where leave to pay has been granted, a candidate or their election agent will be required to deliver to the appropriate officer a return of the sums paid in pursuance of the leave alongside a copy of the EC's written confirmation (by way of a notice) that leave has been granted.

589 Paragraph 3 makes equivalent amendments to PPERA for leave to pay procedures for late and disputed claims relating to political party campaign expenditure. Where leave to pay has been granted, the treasurer of the party will be required to deliver to the EC a return of any sums paid in pursuance of the leave alongside a copy of the EC's written confirmation (by way of a notice) that leave has been granted.

590 Paragraph 4 makes equivalent amendments to PPERA for leave to pay procedures for late and disputed claims relating to controlled expenditure incurred by recognised third parties. Where leave to pay has been granted, the responsible person will be required to deliver to the EC a return of any sums paid in pursuance of the leave alongside a copy of the EC's written confirmation (by way of a notice), that leave has been granted.

591 Paragraph 5 makes equivalent amendments to PPERA for leave to pay procedures for late and disputed claims relating to referendum expenditure claims. Where leave to pay has been granted, the responsible person will be required to deliver to the EC a return of any sums paid in pursuance of the leave alongside a copy of the EC's written confirmation (by way of a notice), that leave has been granted.

592 Paragraph 6 makes equivalent amendments to RoMPA for leave to pay procedures for late and disputed claims relating to recall petition expenditure claims. Where leave to pay has been granted, the responsible person will be required to deliver to the petition officer, a return of any sums paid in pursuance of the leave alongside a copy of the EC's written confirmation (by way of a notice) that leave has been granted.

Clause 57: Powers to prescribe form and contents of campaign expenditure returns etc

593 This clause amends sections 80, 96 and 120 of PPERA, which set out the requirements for campaign expenditure returns submitted by registered political parties, recognised third parties and permitted participants, respectively.

594 Sub-section (2) amends section 80 of PPERA to alter the Electoral Commission regulation making power to prescribe a form of election expenses return for registered parties. The power currently provides that the form that is prescribed "may" be used. Paragraph (b) means that the Electoral Commission may choose to prescribe a form that may be used, or a form that must be used. Paragraph (a) enables the Electoral Commission to prescribe additional matters that must be included in expenditure returns.

595 Sub-section (3) makes equivalent changes to section 96 of PPERA in relation to expenditure returns submitted by recognised third parties.

596 Sub-section (4) makes equivalent changes to section 120 of PPERA in relation to referendum expense returns submitted by permitted participants.

Clause 58: Delivery and inspection of returns and declarations

597 Clause 58 introduces Schedule 7 which provides for amendments to the process for the delivery of certain returns which are required under ELA(NI) 1962, RPA 1983, and RoMPA, so that they are also delivered to the EC. This is pursuant to adjacent provisions in section 66 which extend the enforcement functions of the EC.

598 Subsections (2) and (3) amend section 51 of the ELA(NI) 1962 and section 88(a) of the RPA 1983 respectively, giving Returning Officers greater discretion in how they fulfil this duty, allowing them to publish a notice of the time and place for inspection in a manner as they see as appropriate, and removing specific requirements relating to the duty of Returning Officers to publish a notice of the time and place for the inspection of returns.

Schedule 7 — Delivery of returns and declarations directly to the Electoral Commission

599 Paragraph 1 amend section 46 of the ELA(NI) 1962 to require persons who are required to submit certain returns and declarations under this legislation to also send a copy of such returns and declarations to the EC, and stipulates requirements for the EC to make such returns and declarations available for public inspection.

600 Sub-paragraph (2) inserts new subsection (3A) into section 46 of the ELA(NI) 1962 making equivalent amendments to those in paragraph 1(2) of Schedule 7 to the Bill. Sub-paragraph (3) inserts new section 50A into ELA(NI) 1962, requiring that any person transmitting a return or declaration to a Returning Officer must also send a copy, including accompanying documents, to the EC. Sub-paragraph (4) amends section 52 of the ELA(NI) 1962, providing that copies of returns, declarations, or accompanying documents received by the EC are subject to the inspection and access provisions of section 149 of PPERA, with modifications to reflect the Commission's role and the retention period from receipt.

- 601 Sub-paragraph (5) inserts subsection (3) into section 127 ELA(NI) 1962. This subsection disapplies that section in relation to the prescription of forms under section 46(3A), because these forms are prescribed in regulations by the EC, not Ministers.
- 602 Paragraph 2 to Schedule 7 sets out amendments to the process for delivering certain returns and declarations under RPA 1983 to provide for them to also be delivered directly to the EC.
- 603 Sub-paragraph (2) amends section 81(10A) of the RPA 1983 to alter the EC regulation making power to prescribe a form of election expenses return. The power currently provides that the form that is prescribed “may” be used. This amendment means that the EC may choose to prescribe a form that may be used, or a form that must be used.
- 604 Sub-paragraph (3) substitutes the previously existing section 87A of the RPA 1983 – which detailed duties required that appropriate officers forward returns and declarations to the EC – for a new section 87A which provides that it is the responsibility of persons required to submit returns and declarations under sections 75, 75A, 81, or 82 to also deliver a copy of those returns to the EC.
- 605 Sub-paragraph (4) omits section 87B of the RPA 1983, a similar provision relating to previously existing duties for appropriate officers in local government elections in Scotland.
- 606 Sub-paragraph (5) inserts new provisions into section 89 of the RPA 1983, stipulating new requirements for the EC to make returns and declarations it receives available for public inspection. This includes the application of the same requirements and duties that currently apply to the appropriate officer under section 89 of the RPA 1983 with respect to the inspection of returns and declarations, as well as the application of further stipulations which currently apply to the EC in respect of the inspection of registers under section 149 PPERA.
- 607 Paragraph 3 effects similar amendments to equivalent provisions in Schedule 5 to RoMPA. The consequence of these amendments is to require persons who must deliver a relevant return to a petition officer under the legislation, to also deliver a copy of that return to the EC.
- 608 Sub-paragraph (4) amends the list of infractions which constitute an offence and illegal practice under paragraph 7 of Schedule 5 to RoMPA, which consequently will now include failure to fulfil requirements relating to the delivery of returns or documents to the EC.
- 609 Sub-paragraph (5) omits paragraph 8 of Schedule 5 to RoMPA, which is no longer required as relevant persons must deliver returns directly to the EC.
- 610 Sub-paragraph (6) amends the heading of paragraph 9 of Schedule 5 to RoMPA to clarify that the requirements within that paragraph apply to petition officers. Sub-paragraph (7) then inserts new paragraph 9A that details requirements for the EC when making returns and documents available for public inspection.

Clause 59: Recall campaign donations: transfer of powers to prescribe content of returns

- 611 Subsections (2) and (3) of clause 59 amend Schedule 5 to RoMPA. Given the extension of the EC’s enforcement remit to include recall petition campaign finance rules, subsections (2) and (3) amend paragraphs 3 and 4 of Schedule 5, transferring the power to make regulations from Ministers to the EC, regarding any such other information required in a recall petition return relating to accepted and rejected donations. Subsections (2) and (3) also make consequential amendments omitting the requirement to consult the EC before any regulations are made under these paragraphs and removes the requirement for regulations made under paragraph 3 and 4 being subject to the negative resolution procedure, as regulations made by the EC are not subject to parliamentary procedure.

612 Subsection (4) makes consequential amendments to section 21(2) of RoMPA. It provides that regulations made by the EC under paragraph 3(1)(a)(iv), 4(2)(f) and 4(3)(f) are not to be made by statutory instrument, and clarifies that the EC's regulation making powers under Schedule 5 may relate to both the form and content of a recall petition return.

Control of political donations

Clause 60: Meaning of “donation”

Schedule 8 – Meaning of “donation”

613 Clause 60 amends the meaning of donation for the purposes of existing provisions about the control of donations to candidates, registered parties and other persons to include property transferred to pay expenses of those recipients by a donor. This change will apply to any transfer of property for such a purpose, but will also ensure that any expenses paid for using cryptoassets are captured by the ban introduced in this Bill.

614 Subsection (2) amends Part 4 PPERA to insert “or other property transferred”. Subsection (2)(b) clarifies that, when property other than money is transferred to pay an expense, it is the value of the expense owed which is recorded as a donation.

615 Subsection (3) makes corresponding amendments to section 161 of PPERA, to ensure that references to money spent in relation to the payment of expenses are read as including the transfer of property.

616 Subsection (4) introduces Schedule 8, which makes corresponding amendments across electoral finance regimes governing donations to individuals and members' associations, recognised third parties, referendum campaigners, election candidates, accredited campaigners in recall petitions, candidates at local elections in Northern Ireland, permitted participants in Scottish referendums and police and crime commissioner candidates.

Clause 61: Donations in the form of cryptoassets

617 Clause 61 places a restriction on the ability for registered parties to accept cryptoasset donations, by making it so that cryptoasset donations are regarded as being received from someone who is not a permissible donor. This clause also applies retrospectively to donations received between 25 March 2026 and commencement.

618 Subsection (2) amends section 52 of PPERA to ensure donations made in cryptoassets valued at £500 or less are not disregarded by the PPERA donations framework, as donations not more than £500 usually are.

619 Subsection (3) amends section 55 of PPERA to ensure that the donation circumstances that are outlined in that section are subject to the cryptoasset restriction introduced in new section 55A.

620 Subsection (5) amends section 56 of PPERA in order to require that parties should attempt to identify any donor of cryptoassets, and to record relevant details in the same manner as required by paragraph 6 of Schedule 6 of PPERA for donations returned to identifiable donors. It is anticipated that the potential for anonymity provided by cryptoassets may result in cases where the identity of the donor cannot be verified. Where it is not possible to do so by taking “reasonable steps”, it will be possible for the party to return the donation following the steps prescribed for an unidentifiable donor (see subsection (4) of new section 55A PPERA).

621 When a cryptoasset donation is required to be returned under section 56(2) and the recipient fails to do so within the allotted time, the party and its treasurer will be guilty of an offence under either section 56(3) or 56(4). Subsection (5)(c) makes it so that the defence within

subsection 3A is not applicable if the donation was made in cryptoassets. This relies on enquiries into the permissibility of the donor which will not be relevant where the donor is being regarded as impermissible due to the donation being in cryptoassets.

622 Subsection (6) disappplies the requirement for a party to supply the name and address of an impermissible donor in a quarterly report, in the circumstances that the party cannot ascertain the identity of the donor, but know that they would be impermissible. This could occur, for example, if a donation in cryptoassets was made anonymously.

623 Subsection (7) applies this clause retrospectively to donations made in cryptoassets that have not been returned between 25 March 2026 and commencement of this section. This was the date on which the Secretary of State announced this policy in Parliament and outlined the intent for it to apply retrospectively.

624 Subsection (8) outlines that quarterly reports required to be prepared under section 62 of PPERA before commencement do not need to include or be revised to include donations considered as a result of this clause.

625 Subsection (9) introduces schedule 9, which makes transitional provisions and apply the retrospective period on commencement.

626 Subsection (10) introduces schedule 10, which makes amendments and transitional provisions to apply to regulated transactions with registered parties involving cryptoassets.

Section 55A PPERA - Cryptoassets

627 New section 55A of PPERA (as inserted by subsection (4) of clause 59) ensures donations received by registered parties in cryptoassets are considered impermissible, and must be returned by recipients.

628 Subsection (2) outlines that any cryptoasset donation received by a registered party should be considered as a donation made by someone who is not a permissible donor.

629 Subsection (3) specifies that when only part of a donation is made with cryptoassets, this part of the donation should be considered as a separate donation. Monetary donations and donations of other property are already treated separately and cryptoassets are recognised as a type of property other than money. Subsection (3) ensures that if a recipient receives a donation that consists of a mixture of various types of asset, some of which are cryptoassets, it can consider the other elements of the donation separately, without having to return them just because the donation was made partly in cryptoassets. The part of the donation that consists of cryptoassets, now being considered as a separate donation, would have to be returned, but if the donor is otherwise permissible the remaining elements of the original donation might be accepted.

630 Subsection (4) obliges parties to return donations made in cryptoassets using the relevant existing return mechanisms, as outlined in section 56 of PPERA. This will be section 56(2)(a) if the donor can be identified and section 56(2)(b) if the donor cannot be identified.

631 Subsection (5) outlines in which circumstances cryptoassets are given to a party and can be considered a donation. This mirrors the definitions of donations laid out in Section 50(2) of PPERA.

632 Subsection (6) defines “cryptoasset” and subsection (7) provides that the Secretary of State can amend that definition by regulations.

Schedule 9 – Donations in cryptoassets: transitional provision

633 Paragraph 2 sets out how section 56 of PPERA applies to donations made in cryptoassets that were received between 25 March 2026 and commencement, which have not already been returned. It requires section 56 to be read so that the reasonable steps to verify information relevant to the reporting of such a donation must be taken as soon as practicable after commencement of the provisions. It further requires that the cryptoasset donations must be returned under section 56(2) within 30 days from commencement (instead of 30 days from when the donation was received). Paragraph 3 requires that parties who have accepted cryptoasset donations in that period will be obliged to produce a report, in line with the information required in a Schedule 6 PPERA quarterly report, within 60 days of commencement of the relevant provisions.

634 Paragraph 4 applies the conditions for the register of donations, as specified by of section 69 of PPERA, to the details contained within the report required by paragraph 3 of this schedule.

635 Paragraph 5 sets out that these transitional provisions will not apply to donations mentioned in section 55A(5)(d) until the change made to section 50(2)(d) of PPERA by clause 58 of this Bill have been commenced.

Schedule 10 - Regulated transactions involving cryptoassets

636 Paragraph 1 specifies that if a security supporting a loan, offer of credit or other transaction is wholly or partly made in cryptoassets, the person giving the security is not considered an authorised participant. By virtue of s71J of PPERA, the giving of the security and the transaction it supports will both be made void.

637 Paragraph 2 applies paragraph 1 retrospectively to agreements entered into on or after 25 March 2026. This is the date on which these measures were announced. Agreements entered into before that date will not be affected.

638 Paragraphs 3 and 4 provide the transitional arrangements for agreements involving security given wholly or partly in cryptoassets, that were entered into between 25 March 2026 and the day of commencement of these provisions. Any such arrangement that has not already ended by the date of commencement will then have a further 30 days in which the security given in the form of cryptoassets might be voluntarily discharged. If security is still being given in cryptoassets at the end of the 30-day period, the person giving the security will be deemed to have ceased to be an authorised participant on that date, and the giving of security and the transaction it supports will be made void.

Clause 62: Cap on donations etc from overseas contributors

639 Clause 62 makes amendments to Part 4 of PPERA, which controls donations to registered parties and their members, in order to provide for a £100,000 annual cap on donations from overseas contributors. It makes associated provision for how to treat bequests, making of declarations, reporting of donations, and offences.

640 New section 55B of PPERA sets out the conditions of when an overseas contributor is not treated as a permissible donor. It excludes service voters from being classified as overseas contributors and sets out the policy on bequests.

641 New section 55C of PPERA explains how to identify and value an individual's relevant previous contributions for the purposes of the £100,000 cap.

642 New section 55D of PPERA sets out declaration requirements for overseas contributors. It details what must be in the declaration and requires that political parties retain declarations for 12 months.

643 The clause also amends existing provisions in PPERA relating to the acceptance, forfeiture and reporting of donations. It enables parties to rely on declarations received from overseas contributors when determining whether the cap has been exceeded, provided they have no reasonable grounds for believing the information supplied to be inaccurate. Donations from overseas contributors must also be separately identified in reports submitted to the Electoral Commission.

644 Subsection (8) of clause 62 inserts new Schedule 5A into PPERA.

645 Part 1 of Schedule 5A sets out what donations are covered by the overseas donations cap, how the value of a donation should be determined, and the relevant refusal provisions for each donation as defined in PPERA.

646 Part 2 of Schedule 5A sets out the same as Part 1 in the case of relevant overseas transactions, including the determination of the value and the refusal provisions. It also sets out requirements on parties in relation to reporting, as well as the offence for making a false declaration.

Schedule 11 - Cap on donations to registered parties by overseas contributors: application and transitional provision

647 This Schedule makes provision for the application of the overseas contributor donation cap to donations and other contributions made before the relevant provisions come into force and associated transitional arrangements.

648 Paragraph 2 provides for the application of the overseas contribution cap to donations received by registered parties on or after 25 March 2026. For donations received on or after 25 March 2026 but before commencement day the Schedule applies the cap only where the individual was an overseas elector when the donation was received, or where the individual had been an overseas elector during all or part of the period beginning with 25 March 2026 and ending when the donation was received. Sub-paragraph (5) makes equivalent provision for donations made by way of bequest.

649 Paragraph 3 provides that the declaration requirement applies only in relation to donations received by a registered party on or after commencement day.

650 Paragraph 4 provides that the amendments which relate to reporting requirements connected to the overseas contribution cap apply in relation to a quarterly report required to be prepared for a period ending on or after commencement day.

651 Paragraphs 5, 6 and 7 make further transitional provision in relation to donations received before commencement which are subject to the cap. This includes provision about the steps that registered parties must take to verify information about individuals and, where necessary, return donations which are impermissible.

652 Paragraph 8 of the Schedule also requires registered parties to provide supplementary reports to the Electoral Commission in relation to relevant donations received during the period beginning on 25 March 2026 and ending immediately before commencement.

Schedule 12 - Cap on loans etc to registered parties from overseas contributors

653 This Schedule amends Part 4A of PPERA, which regulates loans to, and related transactions with, registered parties. It applies the overseas contributor cap to regulated transactions, including loans, credit facilities and connected transactions. The effect is that an individual who is an overseas contributor ceases to be treated as an authorised participant in a regulated transaction where the value of that transaction, or the aggregate amount of that transaction and the individual's relevant previous contributions, is more than £100,000.

654 Paragraph 5 of the Schedule inserts new sections 71HB to 71HE into PPERA.

655 New section 71HB PPERA (Caps on loans etc from overseas contributors) sets out when an individual who is an overseas contributor is not to be treated as an authorised participant in a regulated transaction. Subsection (1) provides that section 71HB applies where an overseas contributor event takes place in relation to an individual and a regulated transaction, and, at that time, the value of the transaction, or the aggregate amount of that transaction and the individual's relevant previous contributions, is more than £100,000. Subsection (2) provides that, where section 71HB applies, the individual is not to be treated as an authorised participant in the regulated transaction by virtue of section 54(2)(a), as read with section 71H(3) and new section 71H(3ZZA), at the time when the overseas contributor event takes place.

656 New section 71HC PPERA explains how to identify and value an individual's relevant previous contributions for the purposes of the cap in section 71HB.

657 New section 71HD PPERA requires an individual who is a party to a regulated transaction to notify the relevant registered party if they become registered, or cease to be registered, in an electoral register in pursuance of an overseas elector's declaration. It also creates an offence for an individual who fails to give this notice.

658 New section 71HE PPERA requires an individual to provide a written declaration where there is a declaration event in relation to that individual and a regulated transaction. It sets out the information that must be in the declaration, as well as how to value the regulated transaction. It provides for situations where a regulated transaction would be void if a declaration was not given, and sets out relevant offences and reporting requirements. The section also sets out transitional provisions.

659 Paragraph 6 of the Schedule inserts new section 71JA into PPERA. New section 71JA PPERA provides for situations where a declaration is not provided in regard to a regulated transaction. It sets out a reasonable defence for the offence under Section 71L and reporting requirements for regulated transactions. The section also sets out provisions on transitional provisions.

Clause 63: Risk assessments for donations etc

660 Clause 63 subsections (1) and (2) introduce a new requirement for registered political parties to undertake risk assessments on certain donations. Specifically, donations exceeding £11,180 from a donor must not be accepted unless a risk assessment is completed within 30 days of receipt. Multiple benefits from the same donor within a calendar year (or the relevant reference period or election, as the case may be) are to be aggregated for the purposes of this threshold. All regulated campaigners are required to undertake risk assessments each time relevant benefits or relevant donations from the same donor cumulatively (or individually) exceed the £11,180 threshold. These changes aim to strengthen transparency and due diligence around high-value donations.

661 Subsection (3) inserts new sections 54C and 54D into PPERA to establish a statutory framework for risk assessments on political donations. Section 54C sets out the requirement for registered parties to assess the risk that a donation may originate from an impermissible source. In conducting the assessment, parties must consider specified risk factors listed. The Secretary of State may amend these factors by regulation, either following a recommendation from or after consultation with the EC. Where legislation modifies risk factors in devolved areas, the Secretary of State must obtain the consent of the relevant devolved administration. Parties must retain records of each assessment and the associated supporting information for at least six years.

- 662 Section 54D requires the EC to issue guidance on how to undertake risk assessments. The Commission may revise the guidance and must do so if directed by the Secretary of State. Before finalising the guidance, the Commission must consult registered parties, and other relevant stakeholders, and submit the draft to the Secretary of State for approval. Prior to approval the Secretary of State must consult with Welsh and Scottish ministers where guidance relates to devolved areas of competence. Once approved, the guidance must be laid before Parliament and may only come into force if neither House objects within 40 days. These provisions aim to ensure consistency, transparency and accountability in the assessment of donation risks. Where the Commission revises the guidance without changing the substance of the guidance, they do not need to undertake the formal steps, including a consultation, to change the guidance.
- 663 Subsection (7) adds that the treasurer must confirm that the party has undertaken a risk assessment for every donation accepted during the reporting period where such an assessment is required under section 54(1A) for quarterly reports. The declaration for quarterly reports must also confirm that all donations required to be recorded by the party or the party's central organisation (as the case may be) in the report have been included. This subsection also inserts cross-references in registration and reporting provisions so that new risk assessment requirements are reportable.
- 664 Subsection (8) introduces new reporting requirements, by amending Schedule 6 to PPERA, for donations that a party is prohibited from accepting due to a failure to carry out a risk assessment under section 54(1A). Parties must include specific details in their quarterly donation reports for each such donation. Where applicable, the report must also include information about any deception or concealment employed by the donor, and how this was uncovered by the party or its accounting unit.
- 665 Subsection (10) lists equivalent amendments set out in Schedule 12 to be made so the requirement for risk assessments and declarations apply to relevant donations and loans, etc. to other regulated entities. These amendments ensure that the duty to assess the permissibility of donations is applied consistently across the political finance framework, extending beyond political parties to cover a wider range of political actors and transactions.

Schedule 13 — Risk assessments for donations etc

- 666 Schedule 13 introduces a new reporting requirement for relevant regulated donees into Schedule 7 of PPERA in relation to regulated transactions that cannot be accepted due to a failure to carry out a required risk assessment under section 54(1A). Quarterly donation reports must include the name and address of the donor (or apparent donor), or if unknown, details of how the donation was made; any known attempts at deception or concealment by the donor, and how these were uncovered; the date and method by which the donation was handled in accordance with section 56(2). Subsections (8)-(17) mirror the requirements for donations set out in clause 58 to include regulated transactions such as loans. The reference period for third party campaigners is a calendar year, so aggregation occurs for relevant donations across all elections as opposed to the same election during a regulated period. Schedule 13 also sets out that the failure to conduct a risk assessment from recipients of donations on relevant donations and transactions will lead to civil and/or criminal charges as well as the potential forfeiture of funds.
- 667 Additionally, the provisions align definitions of donations and regulated transactions so that references throughout the regime are consistently framed around 'relevant benefits' or 'relevant controlled benefits'. They also update the threshold references within the RPA 1983 so that they operate by reference to a 'threshold amount', rather than the specified amount of £11,180. This approach intends to make it easier for the Ministers in the Scottish Government

and Welsh Government to exercise the new power to vary the risk assessment threshold for devolved electoral matters, reflecting their existing responsibilities.

Clause 64: Permissible donors not to include individuals under 16

668 Clause 64 amends PPERA and RoMPA to prevent under-16s from making donations to political parties, other campaigners and regulated donees. This Bill introduces changes which will enhance protection for registration data of under-16s (known as “attainers”). It will restrict access to registration data of under-16s, which means it cannot be verified in the same way as for other individuals on the register who are of voting age. To reduce the risk of impermissible donations under 16s will not be permitted to make political donations.

Clause 65: Donations etc by companies and LLPs

669 Clause 65 makes amendments to Part 4 of PPERA (control of donations to registered parties and their members etc.) and Schedule 14 makes equivalent amendments to Part 4A of PPERA (regulation of loans and related transactions). The amendments restrict which companies and limited liability partnerships (‘LLPs’) are classed as a “permissible donor” for the purpose of making donations to registered political parties, and what tests they must meet in order to be defined as such. Schedule 13 makes provision to ensure that equivalent restrictions apply to which companies and LLPs can enter into regulated transactions with registered parties.

670 Section 54(2) of PPERA sets out a list of those who are “permissible donors” for the purpose of making donations to, or entering into regulated transactions with, registered political parties. Subsection (2)(a) and (b) of clause 60 substitutes section 54(2)(b) and (f) of PPERA, which set out the requirements for companies and LLPs respectively. New section 54(2)(b)(iv) PPERA adds the requirement for a company to satisfy the significant control test in new section 54E.

671 New section 54(2)(f)(iii) adds a similar requirement for LLPs, that they can only be classed as a permissible donor if they satisfy the significant control test in new section 54F.

672 Subsection (2)(c) of clause 65 inserts new section 54(3ZA) of PPERA, which requires a company or LLP to also have sufficient remaining available profits (calculated in accordance with new section 54H PPERA) to cover the amount of the donation, at the time the donation is received, in order to be considered a permissible donor. It also requires that the company or LLP has satisfied the relevant account filing obligation in new section 54I of PPERA in order to be considered a permissible donor.

673 Subsection (2)(d) of clause 65 inserts new section 54(3ZB) of PPERA, which provides an exception from the new requirements at section 54(2)(b)(iv) and (f)(iii) and (3ZA) for certain types of donations which exceed the threshold, (including where aggregated with similar donations from the same donor over the course of the same calendar year).

Section 54E PPERA – Significant control test for companies

674 New section 54E of PPERA (as inserted by subsection (3) of clause 65) sets out the “significant control test” for the purposes of determining whether a company meets the permissible donor requirement under section 54(2)(b)(iv). The test relates to the ownership and control of that company.

675 Subsection (1) provides that, to meet the significant control test, the company must be one to which Part 21A of the Companies Act 2006 applies, i.e. only companies or LLPs required to maintain information about their persons of significant control (‘PSCs’) on the company’s entry on the company register can satisfy the test. The subsection also requires the company to meet one of four conditions (A-D).

- 676 Subsection (2) sets out Condition A, which applies where the company has no PSCs, i.e. no registrable person and no registrable relevant legal entity (see section 54E(10) for definitions of these terms).
- 677 Subsection (3) sets out Condition B, which is met where any registrable person who holds more than 50% of shares or voting rights in the company is either registered on an electoral register or is a British citizen usually resident in the UK and there are no registrable relevant legal entities with over 50% of shares or voting rights in the company.
- 678 Subsection (4) sets out Condition C, which applies where no registrable person or legal entity holds more than 50% of the shares/voting rights in a company but at least two registrable persons each hold more than 25% of those shares/voting rights and they are each either registered on an electoral register or a British citizen usually resident in the UK.
- 679 Subsection (5) sets out Condition D, which applies where all registrable persons meet the electoral/citizenship requirements described above and there are no registrable relevant legal entities. This condition recognises companies where the control structure may not meet the exact thresholds of the earlier conditions but remains transparent because every PSC is individually eligible.
- 680 Subsections (6) and (7) provide that where there is a registrable person ("P") or registrable legal entity who is registrable as a result of having significant influence or control over a trust of firm that is not in its own right a legal person under the law under which it is governed, for the purpose of section 54E any shares or voting rights held by the trustees of that trust, or members of that firm, are treated as if they were also held by the registrable person or legal entity. Subsection (7)(b) also adds that where this type of person ("P") is present, in relation to condition C where there are at least two persons who are registrable persons holding more than 25% of the shares or voting rights, the two persons includes person "P".
- 681 Subsection (8) provides that a person who does not count as a registrable person or registrable relevant legal entity by provision made under section 790J(2)(e) of the Companies Act 2006, they are also treated in this way for the purposes of section 54E.
- 682 Subsection (9) applies parts of Schedule 1A to the Companies Act 2006 (rules on how shares and voting rights are attributed) for the purposes of this section.
- 683 Subsection (10) contains other definitions used in the section.

Section 54F PPERA – Significant control test for LLPs

- 684 New section 54F of PPERA provides the parallel significant control test for limited liability partnerships (LLPs), adapting the company-based test in section 54E to reflect LLP structures.

Section 54G PPERA – Power to revise significant control tests

- 685 New section 54G of PPERA allows the Secretary of State to make amendments to sections 54E and 54F of PPERA via regulations as a consequence of regulations made under provisions the Companies Act 2006 or the Limited Liability Partnerships Act 2000 (which could alter the relevant companies/LLPs legislation on which the significant control test legislation is based).
- 686 Subsection (5) of clause 65 inserts new subsection (1B) and (1C) into section 56 of PPERA. Section 56(1) PPERA requires a registered political party, in respect of any received donation that is not immediately refused, to take steps to verify the identity of the donor and whether the donor is a permissible donor. New section 56(1B) of PPERA provides circumstances in which the requirement of verifying or ascertaining whether a company or LLP meets conditions A to D in new sections 54E and 54F are to be treated as having been

complied with. The requirement is treated as having been complied with if the party has reviewed relevant publicly available information on Companies House and found that one of the conditions (A to D in section 54E or 54F) was met and the party has no other reason to believe that the company or LLP did not meet the conditions at the time of the donation's receipt. New section 56(1C) of PPERA provides that when determining whether a registered party has taken reasonable steps to verify or ascertain whether a company or LLP satisfies the significant control test, it can rely on a Companies House notice under section 790LC of the Companies Act 2006, provided the notice existed before the donation was received and there was nothing on the Companies House record to show that the notice had later been suspended.

687 Subsection (6) inserts paragraph 2ZA into Schedule 6 to PPERA. Paragraph 2ZA introduces additional quarterly reporting requirements for recordable donations from companies and LLPs, ensuring that parties document when they checked publicly available PSC information and who the registrable persons were at the time of the donation.

688 New paragraph 2ZA(2)(a) requires a quarterly report to include the date on which the registered party inspected the PSC register for a company donor, while paragraph 2ZA(2)(b) requires the report to set out the names of any registrable persons or registrable relevant legal entities shown in that PSC register at the time of inspection, and paragraph 2ZA(2)(c) requires the reporting of the relevant addresses of those registrable persons.

689 New paragraph 2ZA(3)(a) provides the equivalent quarterly reporting for limited liability partnerships (LLPs), adapting the company-based quarterly reporting requirements in paragraph 2ZA(2) to reflect LLP structures.

690 New paragraph 2ZA(4) and (5) sets out definitions used in new paragraph 2ZA.

691 Subsection (7) make consequential amendments relating to the new regulation making powers at section 54H(8) and 54G.

Section 54H PPERA – Donations by Companies and LLPs: remaining available profits

692 New section 54H of PPERA (as inserted by subsection (4) of clause 65) provides for how the remaining available profits is to be calculated for the purpose of determining whether a company or LLP is a permissible donor, in accordance with new section 54(3ZA).

693 New section 54H(2) of PPERA provides that where the company or LLP is not a parent undertaking, the remaining available profits present at the time of the donation's receipt by the party is calculated by adding together the company or LLP's profits (defined in new section 54H(5) of PPERA) for each financial year that falls wholly within the relevant period (both defined in new section 54H(10) of PPERA), and then deducting the value of any relevant benefits (defined in new section 54H(8) of PPERA) the party has already received from that company or LLP in the same calendar year.

694 New section 54H(3) of PPERA provides that where the company or LLP is a parent undertaking, the remaining available profits present at the time of the donation's receipt by the party is calculated in a similar way by adding together the company or LLP's profits (defined in new section 54H(5) PPERA) for each financial year that falls wholly within the relevant period, but including the profits of each subsidiary undertaking for each financial year of the subsidiary undertaking that falls wholly within the relevant period. From this is deducted the value of any relevant benefit the party has already received from that parent company or LLP in the same calendar year.

695 New section 54H(4) provides, by reference to new section 54I(3), for circumstances in which a parent undertaking is to be treated as if it were not one for the purposes of this section.

696 New section 54H(5) of PPERA defines “profit” for the purposes of that section. Section 54H(6) of PPERA provides that a company’s profit for a financial year must be taken from a profit and loss account, income statement or equivalent financial statement prepared in accordance with generally accepted accounting practice, and that where this information cannot be determined from such statements, the financial year is to be treated as one in which the person does not make a profit.

697 Section 54H(7) provides a power for the Secretary of State to specify (by regulations) that certain types of income or expenditure are to be ignored when determining a person’s profit under this new section.

698 Section 54H(8) defines “relevant benefit” for the purposes of section 54E. Section 54H(9) provides that a donation which has been received but not yet accepted or refused must be treated as if it were a relevant benefit provided to the party by the donor, and that this benefit is treated as having accrued at the point the donation was received. New section 54H(9A) provides that a regulated transaction that has come to an end, or become void, by the time of a donation’s receipt is to be ignored in determining whether a company or LLP’s donation meets the remaining available profits test. New section 54H(9B) defines when a loan is treated as coming to an end. New section 54H(9C) outlines how a “relevant benefit” that is a regulated transaction would be valued for the purposes of the remaining available profits test.

699 New section 54H(10) defines other terms used in section 54H. New section 54H(11) of PPERA provides that references to the Companies Act 2006 apply in respect of LLPs as applied with modifications under relevant secondary legislation made under the Limited Liability Partnerships Act 2000.

Section 54I PPERA – Donations by Companies and LLPs: accounts filing obligations

700 New section 54I of PPERA sets out what is expected in terms of donating companies and LLP and their filing of accounts, in order to be deemed permissible donors.

701 Where the company or LLP donating is not a parent undertaking, new section 54I(1)(a) provides that they must have filed individual accounts with Companies House in at least one of the financial years in the relevant period. Where the company or LLP is a parent undertaking, new section 54I(1)(b) provides that they must have filed group accounts with Companies House for at least one of the financial years and this must fall wholly within the relevant period. Section 54I(2) and (3) provides that a parent company or LLP meets this filing obligation if they have filed individual accounts for at least one financial year during the relevant period, but if so the company or LLP is treated as if it were not a parent undertaking for the purposes of section 54H.

702 Section 54I(4) contains definitions of terms used in the section.

Schedule 14 - Loans etc to registered parties by companies and LLPs

703 This Schedule amends Part 4A of PPERA to make provision to ensure that the strengthened rules for donations by companies and LLPs operate in the same way in relation to regulated transactions involving registered parties.

Clause 66: Power to extend certain restrictions to other types of donation and loan etc

704 Clause 66 confers powers on the Secretary of State to make regulations to impose equivalent or similar prohibitions and restrictions on other political donations, transactions and gifts to those introduced by the Bill regarding relevant donations to and relevant transactions involving registered political parties in relation to the moratorium on cryptoassets, the cap on donations made and transactions entered into by overseas contributors, and

transactions/donations to registered parties by company and LLPs in clause 65 and its associated Schedules.

- 705 Subsection (1) enables the Secretary of State to make provision by regulations so as to achieve, in relation to relevant donations and relevant transactions, effects equivalent to those produced by specified provisions of the Act. These are the provisions relating to relevant donations and relevant transactions involving cryptoassets, the cap on donations and loans etc made by overseas contributors, and certain restrictions on donations and loans etc made by companies and LLPs.
- 706 Subsection (2) enables the Secretary of State to impose prohibitions and restrictions on the use of gifts by unincorporated associations for making political contributions, which are similar to those prohibitions and restrictions imposed by the Act in relation to the cap on donations made by overseas contributors and relevant restrictions on donations made by companies and LLPs. The subsection also enables Secretary of State to make related provision, including about declarations, accounts, reports, offences and transitional provision.
- 707 Subsections (3) to (5) define the categories of relevant donations and relevant transactions to which the power may apply. “Relevant donation” includes specified donations to: regulated donees, recognised third parties, certain referendum campaigners, candidates at parliamentary, devolved and local elections, police and crime commissioner candidates and accredited campaigners in recall petitions. “Relevant transactions” refers to controlled transactions within the meaning of Schedule 7A to the Political Parties, Elections and Referendums Act 2000 and specified regulated transactions relating to Scottish referendums.
- 708 Subsection (6) provides that regulations made under subsection (1)(a) or (b), relating to cryptoassets and overseas contributors, may include provision which has retrospective effect as from 25 March 2026. The powers under subsection (1)(c) and subsection (2), relating to companies and LLPs and unincorporated associations respectively, do not include a power to make such provision.
- 709 Subsection (7) enables regulations concerning unincorporated associations (as made pursuant to the power under subsection (2)) to provide that gifts used by unincorporated associations for making political contributions are included when determining whether the £100,000 cap on contributions from overseas contributors has been exceeded.
- 710 Subsection (8) provides that regulations made under subsection (1) or (2) may, among other things, make supplementary, consequential, incidental, transitional, transitory or saving provision, create or amend offences, amend existing legislation, and confer power on the Secretary of State to make orders or regulations by statutory instrument.
- 711 Subsection (9) provides that where regulations under subsection (1) make certain provision relating to orders and regulations, the Secretary of State must by regulations make provision for any such orders or regulations to apply in relation to Scottish or Welsh devolved matters only if, before making such orders or regulations, the Secretary of State obtained the consent of Scottish Ministers or Welsh Ministers.
- 712 Subsections (10) and (11) provide that regulations made under subsection (1), (2) or (9) are to be made by statutory instrument and are subject to the affirmative procedure.
- 713 Subsection (12) requires the Secretary of State, in relation to subsection (1), (2) or (9), to consult the Electoral Commission before laying a draft statutory instrument. Where regulations relate to Scottish or Welsh devolved matters, the Secretary of State must also obtain the consent of the Scottish Ministers or Welsh Ministers respectively.

714 Subsection (13) provides that the regulation-making powers under subsection (1), (2) or (9) expire at the end of the period of 18 months beginning with the day on which the Act is passed.

Clause 67: Forfeiture of certain donations to registered parties

715 Clause 67 introduces amendments to section 58-59 of PPERA and Schedule 4 to the RoMPA to clarify rules on forfeiting donations from individuals not registered in an electoral register at the time of donation.

716 Subsection (2) inserts new subsection (2A) to section 58 of PPERA to clarify that where a donation is received from an individual not registered in an electoral register at the time of receipt, it is immaterial whether that individual was entitled to be registered. It also adds new subsection (6) to section 58 defining what an “electoral register” means for the purposes of forfeiture.

717 Subsection (3) updates subsection (4) of section 59 of PPERA to include reference to new subsection (2A) from section 58 for appeals against forfeiture orders.

718 Subsections (4)-(6) amends Schedule 4 to RoMPA to mirror amendments made in section 58 and 59 of PPERA. A new sub-paragraph (2A) is added to paragraph 17 clarifying donor permissibility, and another new sub-paragraph (7) defines “electoral register” in line with PPERA. Paragraph 18 is updated to reflect new forfeiture rules in PPERA, inserting sub-paragraphs (5A) and (5B) to clarify applicability and definitions.

Clause 68: Entering into of regulated transactions under Part 4A of PPERA 2000

719 Clause 68 amends Part 4A of PPERA (regulation of loans and related transactions) to make changes to the circumstances in which a regulated transaction is entered into.

720 New subsection (2) amends section 71F PPERA (regulated transactions) by adding subsection (9A) which states that a regulated transaction is “entered into” for the purposes of Part 4A where the terms of the transaction are later varied so that the transaction’s value is increased.

721 New subsection (3) removes subsection (12) from section 71L PPERA (offences relating to regulated transactions) in consequence of new section 71F(9A).

722 New subsections (4) and (5) make changes to Schedule 7A PPERA (control of loans etc. to individuals and members associations), mirroring the change made by subsections (2) and (3) of this clause for controlled transactions.

Clause 69: Unincorporated associations making political contributions

723 Clause 69 subsection (1) lists amendments to be made to Schedule 19A to PPERA to strengthen the regulation of unincorporated associations making political contributions. The definition of political contribution is expanded to include, for example, contributions to candidates at additional types of election. The threshold at which the reporting requirement is triggered is reduced from £37,270 to £11,180 annually, and the threshold for reportable gifts is lowered from £11,180 to £2,230. Unincorporated associations subject to these requirements must report additional donor information about gifts retained and used to make political contributions, appoint a person responsible for compliance of the Schedule 19A provisions, and are prohibited from using gifts from impermissible donors in the making of political contributions.

724 Subsection (2) lists further amendments to be made to Schedule 19A by Schedule 8, for example, extending the investigatory powers of the EC under Schedule 19B to PPERA to include unincorporated associations that are subject to political contribution reporting requirements. This ensures that the EC can exercise its powers to request information and

conduct inquiries in relation to these bodies. Also included in the list, are consequential amendments to Schedule 20 to update the penalties framework accordingly for unincorporated associations. These changes reinforce the Commission's oversight and enforcement capabilities in relation to political funding from unincorporated associations.

Schedule 15 — Unincorporated associations making political contributions

725 Paragraph 4(2) of Schedule 15 amends Schedule 19A to PPERA concerning the notification obligations of unincorporated associations ("UAs") making political contributions. The threshold at which such associations must notify the EC of their contributions is reduced from £37,270 to £11,180.

726 Paragraph 4(3) expands the definition of political contributions to include donations to candidates at a wider range of elections, such as those to Senedd Cymru, the Scottish Parliament, Northern Ireland local elections, and Police and Crime Commissioner elections. It also includes donations to permitted participants in Scottish referendums. The clause clarifies that elections under the RPA 1983 include those held under related statutory instruments, ensuring comprehensive coverage. It also updates definitions and valuation rules to ensure consistency across different electoral contexts.

727 Paragraph 5 inserts new paragraphs 1A to 1C into Schedule 19A, introducing additional compliance duties for UAs. UAs must appoint a responsible person to oversee compliance and notify the EC of the appointment, or confirm an appointed person is to continue to be the responsible person. They are prohibited from using gifts over £500 from impermissible or anonymous donors to make political contributions. UAs will not be a permissible donor of these gifts to prevent political contributions being routed through chains of UAs.

728 Sub-paragraph (8) introduces new reporting requirements for political gifts that UAs receive and retain for the purposes of making a political contribution. Reports must include details such as the date, form and value of the gift, and the donor's name and address alongside how the gift was handled. The Commission may also require additional information to be included by regulation.

729 Sub-paragraph (13) sets out new offences relating to UAs. An association and its responsible person each commits an offence if the UA uses a non-permissible gift to make a relevant political contribution, and the responsible person knew or should reasonably have known this. Additionally, false declarations and knowingly providing false information or the deliberate withholding of material information with intent to deceive, in relation to information reported about gifts used for political purposes, will constitute a criminal offence and may be subject to prosecution.

Clause 70: Power of Scottish Ministers to vary sums in Schedule 7 to PPERA 2000

730 Clause 70 amends section 155(1A) of the Political Parties, Elections and Referendums Act 2000 to provide a power for the Scottish Ministers to vary the sums in Schedule 7 (control of donations to individuals and member associations), so far as they relate to areas of devolved competence. This provides that Ministers in the Scottish Government have the power to vary the £11,180 risk assessment threshold for the Know Your Donor regime reflecting their existing responsibilities for devolved electoral matters.

Clause 71: Procedure for regulations under PPERA 2000

731 This clause amends section 156 of PPERA 2000, in order to apply the affirmative procedure to certain regulation-making powers introduced in other clauses of the Bill.

Information to be included with electronic material

Clause 72: Electronic material promoted by third parties

732 Subsection (1) amends section 44 of EA 2022 which concerns the conditions where a digital imprint is required for other electronic material. Other electronic material refers to material which has not been paid to be published as an advertisement by either the promoter or the person on behalf of whom the material is published, as set out in section 44(4). Subsection (1) amends the second condition regarding the relevant entities who are required to include an imprint if they are the promoter of the material or the person on whose behalf the material is published. Subsection (1) provides that any person who is not within paragraphs (a) to (f) of section 44(3) other than an individual, is required to include an imprint, if the first condition in section 44(2) and the third condition in section 44(4) is met. The effect of this amendment is that any person who is a third party campaigner but is not recognised (section 88(5) PPERA), with the exception of individuals, will be required to include a digital imprint on other electronic material in scope of the digital imprint regime.

733 Subsection (2) repeals Part 8 of the Scottish Elections (Representation and Reform) Act 2025 consequentially upon the extension of the UK-wide digital imprint regime.

Clause 73: Electoral Commission guidance relating to electronic material: minor revisions

734 Subsection (1) amends section 54 of the EA 2022, inserting new subsection 11A. This new subsection disapplies the ministerial and parliamentary approval procedures in subsection (3) to (9) of section 54 where the EC revises digital imprint guidance without changing the substance of the guidance. For example, corrective changes which do not change the substance of the guidance might include correcting spelling or grammatical errors, updating the name of platforms, or fixing broken hyperlinks. Subsections (b) and (c) of new subsection 11A provide that the Commission must issue the revised guidance and arrange for it to be published, and that the revised guidance comes into force on the day specified by the Commission in the revised guidance.

Part 5: Enforcement and the Electoral Commission

Clause 74: Decriminalisation of certain requirements

735 Clause 74 makes provision for the decriminalisation of certain offences relating to administrative requirements. Subsection (1) introduces Schedule 16 which removes relevant offences from PPERA and makes subsequent amendments for the purpose of making the requirements and restrictions to which those offences relate enforceable only by the EC through its investigatory and civil sanctioning powers. Schedule 6 also makes consequential amendments to PPERA.

736 Subsection (2) clarifies that Schedule 15 has no effect in relation to the enforcement of offences that are committed prior to this section coming into force.

Schedule 16 – Decriminalisation of certain administrative requirements

737 Part 1 of Schedule 16 details the amendments to PPERA which have the effect of abolishing specific offences which relate to administrative restrictions and requirements for registered parties, recognised third parties, permitted participants in referendums, and unincorporated associations. Those restrictions and requirements will be prescribed in secondary legislation – making them only subject to enforcement by the EC.

738 Part 2 Schedule 16 makes amendments to related legislation as a consequence of the removal of the offences detailed in Part 1.

739 Paragraph 16 makes consequential amendments to PPERA, including the removal of remaining references to relevant administrative offences that are being removed by virtue of Part 1. For instance, sub-paragraph (2) removes a remaining reference in section 48(9) to offences contained in section 47 of PPERA (and powers for the EC to disapply provisions contained therein) that have been removed by Part 1. Sub-paragraphs (3), (4) and (5) make consequential amendments to ensure that provisions that cross-referred to these offences continue to operate in the same way.

740 Sub-paragraph (6) removes the criminal penalties detailed in Schedule 20 to PPERA for the relevant administrative offences that are being abolished by virtue of Part 1.

741 Paragraph 17 makes consequential repeals of the provisions of the Political Parties and Elections Act 2009 which inserted these offences.

Clause 75: Extension of Electoral Commission's enforcement functions

742 Clause 75 makes provision for the extension of the EC's investigatory and civil sanctioning powers to electoral finance and imprint offences committed by candidates and local third parties under the RPA 1983, the ELA(NI) 1962, and the EA 2022. It also makes provision for the extension of the EC's investigatory and civil sanctioning powers to recall campaign offences committed by accredited campaigners under RoMPA.

743 Schedule 19C to PPERA established the EC's civil sanction regime for certain offences or breaches of certain restrictions and requirements. Under Schedule 19C, the EC is empowered, if satisfied beyond reasonable doubt that a person has committed an offence, or contravened a prescribed restriction or requirement, to impose civil sanctions, including fixed monetary penalties, discretionary requirements (including variable monetary penalties) and stop notices. Subsection (1) introduces amendments to the scope of the civil sanctions regime set out in Schedule 19C to PPERA.

744 Subsection (2) removes wording ("under this Act") from relevant paragraphs in Schedule 19C which restricts the EC's regime to offences, restrictions and requirements contained in PPERA.

745 Subsection (3) introduces new paragraph 17A which provides that an offence can be prescribed if it is an offence under PPERA, an electoral finance offence (i.e. an offence relating to donations and expenses under RPA 1983 or ELA (NI) 1962), an imprint offence (i.e. an offence relating to imprints on campaign material) or a recall campaign offence (i.e. an offence relating to donations and expenses under the Recall of MPs Act 2015) and sets out the meaning of these terms.

746 Subsection (4) introduces Schedule 17 which makes further provision relating to the extension of the EC's investigatory and enforcement functions.

747 Subsection (5) provides that changes to the EC's enforcement functions and remit as provided in this section and Schedule 17 do not have effect in relation to an offence or contravention committed before this section comes into force. However this will not preclude the EC from requiring documents or information generated prior to commencement in relation to offences or contraventions committed after commencement.

Schedule 17 — Extension of Electoral Commission's enforcement functions

748 Part 1 of clause 75, Schedule 17 makes various amendments to PPERA. Section 145 of PPERA confers on the EC the general function of monitoring and securing compliance by certain regulated entities in respect of restrictions and requirements set out in PPERA and other

relevant enactments. Paragraph 3(2) and (3) of Schedule 17 amends this section to extend this duty to cover the provisions that could be brought within the EC's regime as a result of the changes in clause 66.

- 749 Paragraph 3(3) is a consequential amendment which omits subsection (7), which contains a definition of "election" and "election agent" for the purposes of section 145, section 178 of and Schedule 19B to PPERA. Definitions of these terms have been moved to new section 148A of PPERA, added by paragraph 6 of Schedule 17.
- 750 Paragraph 4 amends section 147 of PPERA such that provision under Schedule 19C can be made for civil sanctions in relation to the commission of offences under RPA1983, ELA(NI) 1962 and RoMPA.
- 751 Paragraph 5 makes various amendments to section 148 of PPERA. These amendments relate to existing general offences which guard against the evasion of the requirements of any provisions of PPERA through the alteration or suppression of relevant documents or through the withholding or false supply of information.
- 752 Sub-paragraphs (2) to (7)(a) extend these general offences such that they apply not only to the evasion of provisions of PPERA, but any relevant enactment which confers functions on the EC, or an enactment in relation to which the EC has enforcement functions.
- 753 Sub paragraph (7)(b) amends the definition of 'supervised individuals'. This term is used in section 148 in the context of making it an offence for a person, with intent to deceive, to intentionally withhold from a supervised individual, information which is required by that person for the purposes of PPERA. Supervised individual means an individual who is, a regulated donee; a regulated participant; a recognised third party; a permitted participant; a candidate at an election; the election agent for such a candidate; subject to third-party election campaigning requirements, or an accredited recall campaigner.
- 754 Sub paragraph (7)(c) expands the list of entities known as 'supervised organisations'. Under section 148, it is an offence for a person to intentionally withhold information from the relevant person within a supervised organisation with intent to deceive. The list is amended to add a person, other than an individual, who is subject to third party election campaigning requirements and accredited recall campaigners who are not individuals.
- 755 Sub paragraph (7)(d) amends section 148(6) of PPERA to expand the definition of 'relevant person' to include the 'relevant person' in respect of accredited recall campaigners, and individuals subject to third party election campaigning requirements, because they will need to be able to require information to be provided to them in order to comply with their obligations. This means that the offence in section 148 will apply to withholding information from those who have been added to the definition of "relevant person".
- 756 For the purposes of section 148 of PPERA, sub-paragraph (8) provides a definition of a person who is subject to local third-party election campaigning requirements under RPA 1983 and ELA(NI) 1962.
- 757 Paragraph 6 of Schedule 17 adds new section 148A which sets out interpretations for the terms "accredited recall campaigner", "candidate", "election" and "election agent" for the purposes of sections 145 to 148, and Schedules 19B and 19C of PPERA.
- 758 Paragraph 7 of Schedule 17 amends section 156(4A) of PPERA to maintain the position that regulations that include provision under paragraphs 1, 5 and 10 of Schedule 19C are subject to the affirmative procedure, in order to ensure that the same procedure applies to the equivalent powers introduced by paragraph 9

- 759 Paragraph 8 of Schedule 17 amends provisions in Schedule 19B to PPERA to extend the EC's investigatory powers. Sub-paragraph (4) (extends the EC's investigatory powers in Schedule 19B to PPERA to candidates, local third-party campaigners and recall petition campaigners. Sub-paragraph (8) introduces new paragraph 1A which provides the EC with an additional power under Schedule 19B to require the disclosure of documents and information from any person or organisation about the finances of regulated entities outside of an investigation, and sub-paragraphs (2), (3), (5) to (7) make consequential amendments. Sub-paragraph (8) also introduces new paragraph 1B which provides the EC with the power to apply to a court for a disclosure order if the recipient of the original disclosure notice under either paragraph 1 or paragraph 1A fails to comply. A person who fails to comply with an information disclosure order may not, in respect of that failure, be both punished for contempt of court and convicted of an offence under paragraph 13(1) of PPERA in relation to failing to comply with any requirement imposed under Schedule 19B of PPERA.
- 760 Paragraph 8(9) extends the EC's investigatory powers in paragraph 3 of Schedule 19B to offences brought within the EC's remit as a result of these clauses, and sub-paragraphs (10) to (18) make further consequential changes.
- 761 Paragraph 9 of Schedule 17 makes further amendments to Schedule 19C to PPERA relating to the EC's civil sanctions regime. Paragraph 9(2)(a) of Schedule 16 inserts new sub-paragraph 1(2A) into Schedule 19C. This provision clarifies that the EC can impose a fixed monetary penalty on an accounting unit in respect of prescribed restrictions or requirements or prescribed offences committed by the registered treasurer of the accounting unit.
- 762 Paragraph 9(2)(b) of Schedule 17 inserts sub-paragraphs (4A), (4B) and (4C) into paragraph 1 of Schedule 19C of PPERA. These provisions enable the EC to impose penalties on the responsible person of a members' association for a prescribed restriction or requirement contravened by that association, a relevant electoral candidate for a prescribed offence committed by the candidate's election agent, and an accredited recall campaigner for a prescribed offence committed by the responsible person.
- 763 Paragraph 9(2)(c) of Schedule 17 inserts sub-paragraph (7) into paragraph 1 of Schedule 19C. This clarifies that liability to a sanction remains even after a person ceases to fall within a category referred to in paragraph 1 of Schedule 19C.
- 764 The amendments in paragraph 9(3) of Schedule 17 makes a consequential amendment to ensure that where a person is subject to a fixed monetary penalty under PPERA in respect of the new offences brought within the EC's remit, they cannot be criminally prosecuted.
- 765 Paragraph 9(4)(a) of Schedule 17 inserts paragraph 5(2A) into Schedule 19C to PPERA. This clarifies that the EC can impose a discretionary requirement on an accounting unit for breaches committed by the registered treasurer of the accounting unit.
- 766 Paragraph 9(4)(b) of Schedule 17 replicates the change in paragraph 8(2)(b), in relation to the EC's power to impose a discretionary requirement.
- 767 Paragraph 9(4)(c) of Schedule 17 inserts sub-paragraph (9) into paragraph 5 of Schedule 19C. This clarifies that liability to a sanction remains even after a person ceases to fall within a category referred to in paragraph 5 of Schedule 19C (for example after they stop being candidate).
- 768 Paragraph 9(5) of Schedule 17 makes the same change as paragraph 8(3) but in relation to where a discretionary requirement has been imposed.

- 769 Paragraph 9(6) makes a consequential amendment to reflect that the controls referred to in paragraph 10 of Schedule 19C cover more than just controls in relation to political finance in PPERA.
- 770 Paragraph 9(7), (8), (9) and (10) make consequential changes to paragraphs 15, 20, 23 and 25 of Schedule 19C to PPERA to reflect that that Schedule now applies to offences from other legislation.
- 771 Paragraph 9(11) inserts definitions of “relevant electoral candidate” and expands the definition of “responsible person” to cover the new bodies and individuals who are brought within scope of the EC’s civil sanctions regime.
- 772 Paragraph 10 amends Schedule 7 to PPERA, by inserting new paragraph 17(2A). Paragraph 17 of Schedule 7 to PPERA provides that a regulated donee who is a holder of a relevant elective office may appoint an individual as compliance officer. Paragraph 17(2)(a) provides that a compliance officer may discharge a duty that is imposed on the office-holder. New paragraph 17(2A) provides that if a regulated donee who is a holder of a relevant elective office has appointed an individual as a compliance officer, then in relation to a prescribed restriction or requirement imposed by or by virtue of Schedule 7 which is contravened by an office holder, (at a time when a notice under paragraph 17 of Schedule 7 is in force), the compliance officer is treated as also contravening the restriction or requirement. This means the EC may impose a civil sanction upon the compliance officer as well as the office-holder.
- 773 Paragraph 11 amends Schedule 7A to PPERA, by inserting paragraph 18(2A). New sub-paragraph (2A) provides that in relation to an offence committed under paragraph 8 of Schedule 7A or a prescribed restriction and requirement contravened under Schedule 7A by an office holder, (at a time when a notice under paragraph 17 of Schedule 7 is in force), the compliance officer is treated as also committing the offence or contravening the restriction or requirement. This means that the EC may impose a civil sanction upon the compliance officer as well as the office holder.
- 774 Part 2 of Schedule 17 makes minor and consequential amendments to other pieces of legislation. Paragraph 12 makes amendments to ELA(NI) 1962. Paragraph 12(2) amends section 49(7) RPA 1983 to insert a reference to PPERA. This means that any court order made granting an authorised excuse for failures in respect of a return or declaration to a candidate or election agent, relieves the candidate or election agent of any liabilities in relation to that return or declaration under both ELA(NI) 1962 and PPERA. This is to reflect that, as a consequence of clause 66 these offences can be prescribed under PPERA and enforced under the EC, so the court order must also relieve a person from liabilities under PPERA as well.
- 775 Paragraph 12(3) amends section 120 ELA(NI) 1962 by removing a duty placed on the Director of Public Prosecutions in NI to make inquiries and institute prosecutions where they have been given information pertaining to a possible electoral offence. This clarifies that information pertaining to possible offences should be given to the police or EC which have the responsibility for investigating suspected offences.
- 776 Paragraph 13 makes equivalent amendments to RPA 1983 in relation to liabilities under PPERA avoided where the court allows excuse for non-compliance, and the removal of duties placed on the Director of Public Prosecutions where they have been given information pertaining to a possible offence under the Act.
- 777 Paragraph 14 omits section 50 and section 53(2) of the EA 2022. This removes provisions which apply the EC’s investigatory and civil sanctioning powers to digital imprint offences, given clause 75 and Schedule 17 insert provisions into PPERA that will instead directly provide for the application of such powers.

Clause 76: Abolition of maximum penalties in respect of offences triable summarily

778 Clause 76, subsection (1) removes provisions contained in Schedule 19C to PPERA relating to the level of maximum fine that is applicable for certain offences. Those provisions stipulate that where offences are triable summarily by a court and punishable on summary conviction by a fine, the amount of the penalty imposed by the EC may not exceed that which can be imposed by the court. The maximum fine that can be imposed by a court in such instances is unlimited in England and Wales, £10,000 in Scotland, and £5,000 in Northern Ireland. Those legislative provisions therefore have the effect of restricting the maximum fine which the EC can impose for certain offences to £10,000 in Scotland and £5,000 in Northern Ireland. Secondary legislation will be used to increase the maximum fine which the EC may impose, and removing this legislative restriction will ensure that the maximum fine is applicable uniformly across all relevant offences across the UK.

779 Subsection (2) clarifies that this section has no effect in relation to the enforcement of offences that are committed prior to this section being commenced and coming into force.

Clause 77: Civil sanctions orders : combining reserved and devolved provision

780 Subsection (1) inserts paragraph 16A into Schedule 19C to PPERA. Paragraph 16A provides that the Secretary of State can make provision that could be made by supplementary order (under paragraph 16 of Schedule 19C) by the Welsh or Scottish Ministers but only with the consent of Scottish or Welsh Ministers.

Clause 78: Removal of strategy and policy statement

781 Clause 78(1) amends Part 1 of PPERA, by omitting sections 4A to 4E and section 13ZA. This removes the powers which enable the Secretary of State to designate a Strategy and Policy Statement for the Electoral Commission, and removes all associated duties on the Electoral Commission in relation to the Statement. It also ensures that the Speaker's Committee on the Electoral Commission no longer have powers to examine the Electoral Commission's performance of its duty to have regard to the Statement. Clause 78(2) makes consequential amendments to omit the sections from the Elections Act 2022 that inserted those provisions.

782 Clause 78(3) clarifies that the Electoral Commission is not required to publish a report on what actions it has taken in consequence of any Statement which was designated during a 12-month period ending on or after the day on which this section comes into force.

Clause 79: Sharing of information between the Electoral Commission and others

783 Clauses 79(1) and 79(2) insert new sections 148B to 148H into PPERA. The new sections establish powers which enable the sharing of information between the Electoral Commission and relevant public authorities.

New section 148B - Disclosure of information to the Commission

784 Subsection (1) of new section 148B provides for the disclosure of information from a relevant public authority (as defined in new section 148G) to the Electoral Commission, where the information is being shared for the purpose of assisting the performance of the Commission's functions.

785 Subsection (2) of new section 148B provides that the power to disclose information in subsection (1) is subject to any existing legislative restrictions on such information being disclosed. The words in brackets are intended to avoid a conundrum whereby Act A prevents disclosure unless authorised by Act B, and Act B authorises disclosure unless restricted by Act A.

786 Subsection (3) of new section 148B makes it clear that any disclosures made under subsection (1) do not contravene any other restriction on disclosure, including any duty of confidence. Subsection (4) clarifies that this section does not limit the ability of a relevant public authority to disclose information through other lawful means, such as memoranda of understanding.

New section 148C - Disclosure of information by the Commission

787 Subsection (1) of new section 148C provides for the disclosure of information by the Commission to relevant public authorities, where the information is being shared for the purpose of assisting the performance of the relevant public authority's functions.

788 Subsection (2) of new section 148C provides that the power for the Commission to disclose information in subsection (1) is subject to certain restrictions. This includes the restrictions in new sections 148D to 148F which relate to the onward disclosure of information disclosed by HM Revenue and Customs, the Welsh Revenue Authority and Revenue Scotland (referred to as "revenue authorities" hereafter). Subsection (2) also clarifies that the power for the Commission to disclose information in subsection (1) is subject to any other existing legislative restrictions on such information being disclosed. Subsections (3) and (4) of new section 148C mirror subsections (3) and (4) of section 148B for the purposes of the disclosure of information by the Electoral Commission.

New sections 148D to 148F - Information disclosed by revenue authorities

789 New sections 148D, 148E and 148F make provision about the onward disclosure of information disclosed to the Commission by revenue authorities. Subsection (2) of new sections 148D, 148 E and 148F, all prohibit the Commission from inwardly disclose information received from the revenue authorities, except with the consent of the relevant revenue authority. Permission can be granted on an individual disclosure basis or on a more general basis, where ongoing disclosure is required for the same purpose and with the same individual or organisation.

790 Subsection (3) of new sections 148D, 148E and 148F set out that if a third party receives the information disclosed by the relevant revenue authority to the Electoral Commission, directly or indirectly from the Electoral Commission, then the third party must not further disclose the information without the consent of the relevant revenue authority. As above, permission can be granted on an individual disclosure basis, or on a more general basis, where ongoing disclosure may be required for the same purpose and with the same individual or organisation.

791 Subsection (4) of new sections 148D, 148E and 148F makes it an offence for any person to contravene the non-disclosure provisions in subsections (2) and (3) of sections 148D, 148E, and 148F, where the disclosure relates to personal information as defined in sections 148D(7), 148E(6) and 148F(6).

792 Subsection (5) of new sections 148D, 148E and 148F, provides for certain defences for a person charged with an offence under subsections (2) and (3) of new sections 148D, 148E and 148F. In particular, a person will not be guilty of the offence, if they prove that they reasonably believed that the disclosure was lawful, that is that the disclosure fell within the terms of new sections 148D, 148E and 148F. Similarly, a person would not be guilty if they proved that they reasonably believed that the information had already been made available to the public, and that this had been done lawfully. It would be no defence as regards a subsequent unlawful disclosure to say that the information had been disclosed previously, if that previous disclosure was itself unlawful. These defences mirror the provisions in section 19 of the Commissioners for Revenue and Customs Act 2005.

793 Subsection (6) of new section 148D provides that a prosecution for an offence under this section may be instituted in England and Wales only by or with the consent of the Director of Public Prosecutions, and in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

794 Subsection (7) of new section 148D, and subsection (6) of new section 148E and new section 148F, defines personal information for the purposes of these sections.

795 Subsection (8) of new section 148D, and subsection (7) of new section 148E and new section 148F, provides that the prosecution of the relevant offence in each section does affect the pursuit of any other remedies for unlawful disclosure in relation to the contravention (e.g. remedies for breach of relevant duties of confidentiality).

New section 148G - Meaning of “relevant public authority”

796 New section 148G defines “relevant public authority” for the purposes of new sections 148B and 148C. This includes a government department, an officer listed in subsection (2), persons connected with law enforcement as listed in subsection (4), relevant revenue authorities as listed in subsection (6) and relevant parliamentary bodies and officers as listed in subsection (7). It also includes any other person not mentioned who discharges regulatory functions, or enforcement functions, of a public nature in relation to any description of activities.

797 Subsection (8) provides that the Secretary of State may by regulations amend the definition of “relevant public authority” by adding a reference to a person or a description of person (including a description relating to a person’s functions) or removing or varying a reference to a person or a description of person that was previously added under this power.

798 Subsection (9) requires the Secretary of State to consult the Electoral Commission before making regulations under subsection (8).

799 Subsection (10) mandates that the Secretary of State may make regulations removing or varying a reference to a person or a description of a person only on, or in accordance with, a recommendation of the Commission.

800 Subsection (11) defines “enforcement function” for the purposes of new section 148G.

New Section 148H - Interpretation of sections 148B to 148G

801 New section 148H defines “enactment” and “the Revenue and Customs” for the purposes of new sections 148B to 148G.

802 Clause 79 (3) amends section 156 of PPERA to provide that regulations made under new section 148G(8) are subject to the affirmative procedure.

803 Clause 79 (4) amends Schedule 20 to PPERA to specify the penalties applicable to offences under new sections 148D(4), 148E(4) and 148F(4) relating to the onward disclosure of personal information disclosed to the Commission by relevant revenue authorities.

Part 6: Hostility towards candidates etc: disqualification orders and sentencing

Clause 80: Hostility towards electoral officers and their staff

804 Clause 80 amends Part 5 of the EA 2022 to add relevant electoral officers and their staff to the persons against which hostility, when found to be a motivating factor in the commission of certain offences, may lead to the offender being made subject to a disqualification order.

- 805 Subsections (2)(a) and (b) make minor amendments to section 30 of the EA 2022, to include references to the new section 34A. Because Scottish electoral officials are already covered by Scottish legislation for offences committed in Scotland, subsection (2)(c) ensures that a Scottish court will not have to impose a disqualification order under the EA 2022 in cases where they would already be able to impose a Scottish disqualification order.
- 806 Subsection (3) inserts section 34A into EA 2022, adding the new category of “Relevant officers and their staff”, hostility towards whom will be relevant to the making of disqualification orders under section 30 and the aggravating factor in sentencing introduced in the subsequent clauses of this Bill.
- 807 New section 34A(1) lists the relevant electoral officers for the purposes of this clause as being an Electoral Registration Officer, a Returning Officer, a petition officer, a counting officer, any person who carries out some or all the functions of these officers, and members of their staff. New section 34A(2) does the same for Scottish officials.
- 808 New section 34A(3) gives definitions for each of these types of officer, and defines a “member of a relevant officer’s staff” to be a person who is employed by or works under the direction of a relevant officer. The staff member’s role must involve duties which relate to the relevant officer’s functions in order to qualify for this purpose.
- 809 New section 34A(4)(a) makes it clear that where an enactment provides that a person should be treated as if they were a relevant officer, then they should be considered to be such an officer for the purposes of this new section.
- 810 New section 34A(4)(b) ensures that a relevant officer is not excluded simply because of a job title that contains words in addition to “counting officer” or “Returning Officer”. For example, a “chief counting officer” would be included.
- 811 New section 34A(5) provides definitions for the relevant Scottish officers.
- 812 Subsection (4) amends the Armed Forces Act 2006 (“AFA 2006”) to ensure that disqualification orders in civilian courts are mirrored in military courts.

Clause 81: Hostility as aggravating factor: England and Wales and armed forces

- 813 Clause 81 amends the Sentencing Code and AFA 2006 to add a new statutory aggravating factor for intimidatory offences motivated by hostility towards a candidate, campaigner, elective office holder, or electoral officer (or their staff). This clause applies in England and Wales and in military courts.
- 814 Subsection (3) amends the Sentencing Code by inserting new section 66A and sets out how the aggravating factor works. Firstly, the aggravating factor only applies to offences listed in Schedule 9 to the EA 2022 (these are the same offences for which a disqualification order can be made). This includes offences committed by aiding, abetting or procuring a Schedule 9 offence. The offence must be motivated by hostility towards a candidate, campaigner, elective office holder, or electoral officer (or their staff) as they are defined in sections 32 to 34A EA 2022 for the purposes of disqualification orders. New section 66A(3) makes it clear that hostility is also defined in the same way as for disqualification orders, by applying Subsections (4) and (5) of section 30 of the EA 2022. Where these conditions are met, the court must treat this hostility as an aggravating factor and must state in court that the offence is so aggravated.
- 815 Subsection (4) amends the AFA 2006 to ensure that the aggravating factor is also applied in military courts. Equivalent offences under the AFA 2006 are defined such that they mirror the offences in Schedule 9 to the EA 2022.

Clause 82: Hostility as aggravating factor: Scotland and Northern Ireland

816 Clause 82 amends the EA 2022 to introduce an aggravating factor as above for Northern Ireland and amends the placement of the pre-existing Scottish aggravating factor within the Act. These provisions sit in the EA 2022 because the Sentencing Code only applies to England and Wales.

817 Subsections (2) to (4) introduce new headings for Part 5 of the EA 2022 to improve ease of reading and omits the existing subsections which contain the Scottish aggravating factor, which is being moved to a separate section along with the aggravating factor that applies in Northern Ireland.

818 Subsection (5) amends the EA 2022 to add the aggravating factors that apply in Scotland and Northern Ireland. A link is provided to the Sentencing Code to ensure that the reader can access the equivalent clauses for England and Wales. The language for the Scottish aggravating factor replicates the effect of the pre-existing clause which was omitted by subsection (4), including the restriction of the aggravating factor in Scotland to offenders over the age of 18, whereas the aggravating factor for Northern Ireland more closely mirrors the language used in the equivalent clauses for England and Wales in the Sentencing Code.

Clause 83: Effect of Scottish disqualification orders

819 The Scottish Elections (Representation and Reform) Act 2025 introduced Scottish disqualification orders which are equivalent to the disqualification orders in EA 2022 but disqualify the subject from standing in or holding office for devolved elections in Scotland. The Scottish Elections (Representation and Reform) Act 2025 also established that any person subject to a disqualification order under EA 2022 is also disqualified from standing in or holding office for devolved elections in Scotland.

820 Clause 83 amends Part 5 of the EA 2022 to ensure that there is a fully reciprocal relationship between disqualification orders in Scotland and the rest of the UK.

821 Subsection (2) establishes that any person subject to a Scottish disqualification order under the Scottish Elections (Representation and Reform) Act 2025 is also disqualified from standing in or holding office for all relevant elections in the rest of the UK.

822 Subsections (3) to (5) make further amendments to Part 5 of the EA 2022 to add references to Scottish disqualification orders where relevant.

Clause 84: Effect of disqualification orders: minor and consequential provision

823 Clause 84 amends various pieces of legislation concerning relevant elections to reflect the fact that Scottish disqualification orders will now disqualify people from holding the related elective offices.

Part 7: General

Clause 85: Power to make consequential provision

824 Clause 85 allows the Secretary of State to make provision in regulations as a consequence of the Bill. It includes a power to amend primary legislation (including devolved primary legislation) in consequence of the Bill, and if used in this way is subject to the affirmative procedure. It also includes a power to make transitional or savings provision.

Clause 86: Power to amend references to subordinate legislation etc

825 Clause 86 provides for a power to allow amendments to the Act, or any provisions inserted by the Act into other Acts, as a consequence of the amendment or revocation of any secondary

legislation referenced in the Act. This is to allow for the updating of references to secondary legislation (or particular parts of secondary legislation) if the whole or part of that instrument is replaced.

Clause 87: Interpretation of references to other Acts

826 Clause 87 defines terms used in the Bill.

Clause 88: Financial provision

827 This clause sets out the financial provision for the Bill.

Clause 89: Extent

828 Clause 89 sets out the territorial extent of the Bill, that is the jurisdictions of which the Bill forms part of the law. The effect of this section is described in more detail at the Territorial Extent and Application section of these explanatory notes.

Clause 90: Commencement

829 Clause 90 makes provision regarding when measures in this Bill will come into force. It gives the Secretary of State the power to make regulations to specify when provisions come into force, other than those set out in subsection (2), which come into force upon the Bill receiving Royal Assent.

Clause 91: Short title

830 Clause 91 cites the short title of the Act which would result from the Bill as the Representation of the People Act.

Financial implications of the Bill

831 The financial implications arising from the Bill are likely to include the following:

- a. **Extension of the franchise to 16- and 17-year olds** – new funding to local authorities will be required to enable the successful enfranchisement of 16- and 17-year-olds in all UK elections. This includes:
 - i. The increased registration and canvassing costs faced by Electoral Registration Officers, as a result of having a larger electorate.
 - ii. The increased conduct costs faced by Returning Officers, as a result of running elections with a larger electorate.
 - iii. The public awareness campaigns led by local authorities to support the successful implementation of the policy.
- b. **Improving Registration** - new funding to local authorities will be required to enable them to:
 - i. Process the increased volume of registrations from electors who were previously either not registered or incorrectly registered.
 - ii. Conduct elections with a greater number of electors who are correctly registered and therefore able to vote.
- c. **Voter Identification** - new funding to local authorities will be required to enable them to support the introduction of in-date UK-authorised bank cards as an accepted form of voter identification through public awareness campaigns.

832 The Impact Assessment for this Bill has not identified any monetisable costs to Government departments relating to these parts of this Bill: Candidate ID and Nominations changes, Outcomes of the Elections Review, Harassment and Intimidation, Political Finance, the EC and Enforcement, Imprints or Northern Ireland Specific Measures.

833 The Impact Assessment for this Bill includes monetisable costs borne by the EC, which have been identified by the EC itself, related to:

- a. The enhanced role and powers of the EC in order to strengthen enforcement and regulation of political finance.
- b. Public awareness campaigns and other activities to support the successful implementation of measures in this Bill.

Parliamentary approval for financial costs or for charges imposed

834 The House of Commons passed a money resolution for this Bill on 2 March 2026, to cover expenditure by the Secretary of State, increased expenditure under other Acts, and the payment of sums into the Consolidated Fund.

835 A number of provisions confer functions on the EC which are expected to result in increased expenditure. These include reporting duties (see for example clause 24), taking over responsibility for determining leave to pay late and disputed expenses claims (see Schedule 6), functions in relation to the regulation of political expenditure (see clause 61 and Schedule 12) and extended enforcement functions (see Part 5).

836 Functions that are conferred or imposed on Electoral Registration Officers include duties relating to the extension of the franchise (see Part 1), as well as new duties to register electors without an application (see clause 17) and to provide information, for example about election processes (see clause 49). Clause 15 places new functions on local authorities to raise awareness among young people about registering as an elector. In England, these new functions may result in an increase in the revenue support grant payable under the Local Government Finance Act 1988.

837 Various provisions of the Bill, including requirements relating to the conduct of elections (see for example clauses 41 and 47) and a new duty to provide information (for example about election processes) to the Secretary of State (see clause 49), may lead to increased expenses for Returning Officers (which are paid out of the Consolidated Fund for parliamentary elections).

838 The money resolution also provides for the payment of sums into the Consolidated Fund. This covers amounts received by the EC by virtue of the forfeiture of certain donations (see paragraph 58 of Schedule 12).

Compatibility with the European Convention on Human Rights

839 Baroness Taylor of Stevenage, Parliamentary Under-Secretary of State for the Ministry of Housing, Communities and Local Government has made a statement under section 19(1)(a) of the Human Rights Act 1998 that, in her view, the provisions of the Bill are compatible with the Convention rights, on introduction of the Bill in the House of Lords.

Environmental Law

840 Baroness Taylor of Stevenage, Parliamentary Under-Secretary of State for the Ministry of Housing, Communities and Local Government is of the view that the Bill as introduced into the House of Lords does not contain provision which, if enacted, would be environmental law for the purposes of section 20 of the Environment Act. Accordingly, no statement under that section has been made.

NI trade statements of divergence

841 Baroness Taylor of Stevenage, Parliamentary Under-Secretary of State for the Ministry of Housing, Communities and Local Government, is of the view that the Bill as introduced into the House of Lords does not contain provision which, if enacted, would affect trade between Northern Ireland and the rest of the United Kingdom. Accordingly, no statement under section 13C of the European Union (Withdrawal) Act 2018 has been made.

Related documents

842 The following documents are relevant to the Bill and can be read at the stated locations:

- *Restoring Trust in our Democracy: our strategy for modern and secure elections* (July 2025): <https://www.gov.uk/government/publications/restoring-trust-in-our-democracy-our-strategy-for-modern-and-secure-elections/restoring-trust-in-our-democracy-our-strategy-for-modern-and-secure-elections>
- *Voter ID at the 2024 UK general election*, Electoral Commission Report on the 2024 UK Parliamentary general election and the May 2024 elections (November 2024): <https://www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/voter-id-2024-uk-general-election>
- *How to bring resilience and capacity to UK Democracy*, The Association of Electoral Administrators in their New Blueprint for a Modern Electoral Landscape (February 2025): <https://www.aea-elections.co.uk/blueprint2025/>
- *Regulating Election Finances* (2021), Committee on Standards in Public Life: <https://www.gov.uk/government/publications/regulating-election-finance-report>

Annex A – Territorial extent and application in the United Kingdom

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Part 1 Young voters							
Clause 1 Extension of right to vote	In part	In part	No	In part	No	In part	No
Clause 2 Disenfranchisement of detained 16 and 17 year olds	In part	In part	No	In part	No	Yes	No
Clause 3 Entitlement to be registered before reaching voting age	In part	In part	No	In part	No	Yes	No
Clause 4 Declarations of local connection: looked after children and detained persons	In part	In part	No	In part	No	Yes	No
Clause 5 Service declarations	In part	In part	No	In part	No	Yes	No
Clause 6 and schedule 1 Further provision about registration and participation in elections	In part	In part	No	In part	No	In part	No
Clause 7 Prohibition on registration officers disclosing information	Yes	Yes	No	Yes	No	Yes	No
Clause 8 Exceptions from prohibitions on disclosure	Yes	Yes	No	Yes	No	Yes	No
Clause 9 Exceptions for combined information	Yes	Yes	No	Yes	No	No	No
Clause 10 Exceptions for	No	In part	No	In part	No	No	No

These Explanatory Notes relate to the Representation of the People Bill as brought from the House of Commons on 3 September 2026 (HL Bill 47)

combined information under devolved legislation							
Clause 11 Meaning of "relevant supply enactment"	Yes	Yes	No	Yes	No	Yes	No
Clause 12 Prohibition on onward disclosure of information	Yes	Yes	No	Yes	No	Yes	No
Clause 13 Power to make further provision about disclosure of information	Yes	Yes	No	Yes	No	Yes	No
Clause 14 Interpretation of sections 7 to 13	Yes	Yes	No	Yes	No	Yes	No
Clause 15 Duty to raise awareness and provide assistance: Great Britain	Yes	Yes	Yes	Yes	No	No	No
Clause 16 Duty to raise awareness and provide assistance: Northern Ireland	No	No	No	No	No	Yes	No
Part 2 Registration of voters							
Clause 17 Registration without an application	In part	In part	No	In part	No	Yes	No
Clause 18 Alteration of registers without an application	In part	In part	No	In part	No	Yes	No
Clause 19 and Schedule 2 Registration, and alteration of registers, without application: further provision	Yes	Yes	No	Yes	No	Yes	No
Clause 20 Power to pilot changes to the voter registration process	Yes	Yes	No	Yes	No	Yes	No
Clause 21 Voter registration	Yes	Yes	No	Yes	No	Yes	No

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provision							
Clause 22 Further powers and restrictions	Yes	Yes	No	Yes	No	Yes	No
Clause 23 Parliamentary procedure	Yes	Yes	No	Yes	No	Yes	No
Clause 24 Electoral commission report	Yes	Yes	No	Yes	No	Yes	No
Clause 25 Interpretation of sections 20 to 24	Yes	Yes	No	Yes	No	Yes	No
Clause 26 Power to amend the canvass in Northern Ireland	No	No	No	No	No	Yes	No
Clause 27 Electoral Commission report on proposals under section 26	No	No	No	No	No	Yes	No
Clause 28 Power to pilot proposals under section 26	No	No	No	No	No	Yes	No
Clause 29 Electoral Commission report on pilot regulations	No	No	No	No	No	Yes	No
Clause 30 Local connection and service declarations ceasing to have effect	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 31 Termination of entitlement to be registered as overseas elector	Yes	Yes	No	Yes	No	Yes	No
Clause 32 Seniority of electoral registration officers	In part	In part	No	No	No	No	No
Clause 33 Anonymous registration	Yes	Yes	Yes	Yes	Yes	No	No
Clause 34 Pre-election applications for registration	In part	In part	Yes	In part	Yes	In part	No
Clause 35 Pre-election alteration of Northern Ireland	No	No	No	No	No	Yes	No

These Explanatory Notes relate to the Representation of the People Bill as brought from the House of Commons on 3 September 2026 (HL Bill 47)

registers: supporting evidence							
Clause 36 Electoral identity card issued in Northern Ireland: month and year of birth	No	No	No	No	No	Yes	No
Clause 37 Regulations as to registration etc: information to assist registration officers	In part	In part	Yes	In part	Yes	Yes	No
Clause 38 Edited register: electors to opt in	Yes	Yes	Yes	Yes	Yes	Yes	No
Part 3 Conduct of elections etc							
Clause 39 Provision of assistance by local authority officers to returning officers	Yes	Yes	Yes	No	No	No	No
Clause 40 Seniority of returning officers	In part	No	No	In part	Yes	No	No
Clause 41 Timing of proceedings for nominations	In part	In part	No	In part	No	Yes	No
Clause 42 Identification of candidates at parliamentary elections	Yes	Yes	No	Yes	No	Yes	No
Clause 43 Identification of candidates at local elections in Northern Ireland	No	No	No	No	No	Yes	No
Clause 44 Withdrawal of certificates authorising candidate descriptions	In part	In part	No	In part	No	Yes	No
Clause 45 Subscription of nomination paper	In part	In part	No	In part	No	Yes	No
Clause 46 Police contact form	Yes	Yes	No	Yes	No	No	No

These Explanatory Notes relate to the Representation of the People Bill as brought from the House of Commons on 3 September 2026 (HL Bill 47)

Clause 47 Calling out and completed corresponding number lists etc	In part	In part	No	In part	No	Yes	No
Clause 48 Voter identification requirements	Yes	Yes	No	Yes	No	No	No
Clause 49 Absent voting	In part	In part	Yes	In part	Yes	In part	No
Clause 50 Power to obtain election related information etc	Yes	Yes	No	Yes	No	No	No
Clause 51 Specified officers	Yes	Yes	No	Yes	No	No	No
Clause 52 Specified elections etc	Yes	Yes	No	Yes	No	No	No
Clause 53 Effect of the death of the Sovereign on certain elections and referendums	Yes	Yes	No	Yes	No	Yes	No
Clause 54 Form of documents for elections and referendums	In part	In part	No	In part	No	In part	No
Part 4 Campaigns and public expenditure							
Clause 55 Removal of requirement to publish election agents' addresses	In part	In part	No	In part	Yes	In part	No
Clause 56 Leave to pay late and disputed expenses claims	In part	In part	Yes	In part	Yes	Yes	No
Clause 57 Powers to prescribe form and contents of campaign expenditure returns etc	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 58 Delivery and inspection of returns and declarations	In part	In part	Yes	In part	Yes	Yes	No
Clause 59 Recall campaign donations: transfer of powers to prescribe content	Yes	Yes	No	Yes	No	Yes	No

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of returns							
Clause 60 Meaning of “donation”	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 61 Donations in the form of cryptoassets	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 62 Cap on donations etc from overseas contributors	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 63 Risk assessments for donations etc	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 64 Permissible donors not to include individuals under 16	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 65 Donations etc by companies and LLPs etc	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 66 Power to extend certain restrictions to other types of donation and loan etc	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 67 Forfeiture of certain donations to registered parties	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 68 Entering into of regulated transactions under Part 4A of PPERA 2000	Yes	Yes	No	Yes	No	Yes	No
Clause 69 Unincorporated associations making political contributions	Yes	Yes	No	Yes	No	Yes	No
Clause 70 Power of Scottish Ministers to vary sums in Schedule 7 to PPERA 2000	No	No	No	Yes	Yes	No	No
Clause 71 procedure for	Yes	Yes	No	Yes	No	Yes	No

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regulations under PPERA 2000							
Clause 72 Electronic material promoted by third parties	In part	In part	No	Yes	No	In part	No
Clause 73 Electoral Commission guidance relating to electronic material: minor revisions	Yes	Yes	No	Yes	No	Yes	No
Part 5: Enforcement and Electoral Commission							
Clause 74 Decriminalisation of certain requirements	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 75 Extension of Electoral Commission's enforcement functions	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 76 Abolition of maximum penalties in respect of offences triable summarily	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 77 Civil sanctions orders: combining reserved and devolved provision	No	Yes	Yes	Yes	Yes	No	No
Clause 78 Removal of strategy and policy statement	Yes	Yes	No	Yes	No	Yes	No
Clause 79 Sharing of information between the Electoral Commission and others	Yes	Yes	Yes	Yes	No	Yes	No
Part 6: Hostility towards candidates etc: disqualification and sentencing							
Clause 80 Hostility towards electoral officers and their staff	Yes	Yes	No	Yes	No	Yes	No
Clause 81 Hostility as aggravating factor: England	Yes	Yes	No	In part	No	In part	No

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and Wales and armed forces							
Clause 82 Hostility as aggravating factor: Scotland and Northern Ireland	No	No	No	Yes	No	Yes	No
Clause 83 Effect of Scottish disqualification orders	Yes	Yes	Yes	Yes	No	Yes	Yes
Clause 84 Effect of disqualification orders: minor and consequential provision	In part	In part	Yes	In part	No	In part	No
Part 7: General							
Clause 85 Power to make consequential provision	Yes	Yes	Yes	Yes	Yes	Yes	No
Clause 86 Power to amend references to subordinate legislation etc	Yes	Yes	No	Yes	No	Yes	No
Clause 87 Interpretation of references to other Acts	Yes	Yes	No	Yes	No	Yes	No
Clause 88 Financial provision	Yes	Yes	No	Yes	No	Yes	No
Clause 89 Extent	Yes	Yes	No	Yes	No	Yes	No
Clause 90 Commencement	Yes	Yes	No	Yes	No	Yes	No
Clause 91 Short title	Yes	Yes	No	Yes	No	Yes	No

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REPRESENTATION OF THE PEOPLE BILL

EXPLANATORY NOTES

These Explanatory Notes relate to the Representation of the People Bill as brought from the House of Commons on 3 September 2026 (HL Bill 47).

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