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Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

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Dear Mike,

I am writing to inform you that the Welsh Government has today laid the draft Representation of the People (Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025. These draft Regulations will allow piloting activity to take place around the registration of electors without application in four local authorities across Wales during 2025.

In addition to the draft Regulations and accompanying Explanatory Memorandum we are also sharing with you the guidance that has been prepared for the participating authorities. We believe that this guidance read in conjunction with the Explanatory Memorandum provides the most robust explanation of how the draft Regulations will work in practice and how the registration without application system will sit alongside the existing Individual Electoral Registration system.

Yours sincerely

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Registration without Application – Pilots Scheme Regulations – Guidance

Summary

1. This note provides a summary guide to understanding the operation of the ‘electoral registration without applications’ pilot scheme as implemented by the *‘Representation of the People (Electoral Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025’* (“the pilot regulations”).
2. The pilot regulations are made pursuant to sections 5(1), (4), (6), (6)(1) and 21 of the Elections and Elected Bodies (Wales) Act 2024 (“the 2024 Act”).
3. Section 5(4) of the 2024 Act allows provision to be made for the purposes of testing, in specified areas and for a specified period, how the changes brought in by Chapter 2 of Part 1 of the 2024 Act (Electoral Registration without Applications) and the subordinate legislation making powers exercisable under those provisions, will work in practice.
4. The pilot regulations operate by applying temporary modifications to the Representation of the People Act 1983 (“the 1983 Act”), which will have effect as if, during the specified pilot period, section 3 and subsections (1) to (6) and (8) of section 4 of the 2024 Act were in force.
5. Modifications are also applied to the Representation of the People (England and Wales) Regulations 2001 (“the 2001 Regulations”) to prescribe additional steps which electoral registration officers will be required to undertake in connection with the new registration duty.
6. Regulation 2 of the pilot regulations sets out the local authorities to which the pilot regulations apply, these are Gwynedd County Council, Newport City Council and Powys County Council.
7. References in this guidance to provisions in the 1983 Act and the 2001 regulations are references to provisions as modified by the 2024 Act and applied by the pilot regulations.

Pilot Objective

8. Regulation 5 specifies the objective of these pilot Regulations as required by section 6(1) of the 2024 Act. This is to test how the changes to the legislation work in practice with a view to identifying—

- necessary or desirable changes to the effect of the legislative provisions governing the pilot, and
- any recommendations for the administration of the legislation.

Duty to Register

9. Registration officers to whom the pilot regulations apply will be under a new duty in section 9ZA of the 1983 Act (as introduced by section 3(2) of the 2024 Act) to register eligible local government electors in Wales without the need for an application for registration being received. This will sit alongside and form part of the existing duty to maintain the register of electors under section 9 of the 1983 Act (as modified by section 4(2) of the 2024 Act).

10. Under section 9ZA(2) of the 1983 Act this duty will apply if:

- a registration officer is aware of a person's name and address,
- the person is not registered in the register of local government electors maintained by the officer, and
- the officer is satisfied that the person is entitled to be registered in that register.

11. However, under section 9ZA(5) of the 1983 Act, a registration officer will not be required to register such a person if:

- they have been informed in writing by the person that they do not wish to be registered in accordance with this duty,
- they have been notified by the person that the person wishes to make (or has made) an application for anonymous registration, or
- the officer is no longer satisfied that the person is entitled to be registered in the register of local government electors (whether because of information provided by the person or otherwise).

12. If any of these circumstances arise then the current duties with respect to invitations to register and applications for anonymous registration will continue to apply as normal.

13. It is not necessary for a person to have actually made an application for anonymous registration for the duty to be paused, it is sufficient that a person has expressed that this is something that they would wish to do. Should a person subsequently communicate to the registration officer that they have changed

their mind on the matter and will not pursue an application then the duty would be re-activated.

14. Additionally, if a registration officer is unable to be satisfied of a person's entitlement to be registered having completed the specified steps with respect to identification and verification (outlined below) then the option of invitation to register will also continue to apply.

Identification of unregistered electors

15. In connection with the new duty to register persons without applications, registration officers will be required to undertake the steps the officer considers necessary to identify unregistered persons who may be entitled to be registered.

16. However, for the purpose of identifying unregistered persons, the officer must, a minimum of four times in a calendar year, inspect any records held by any person which the registration officer is permitted to inspect for the purposes of maintaining the register.

17. It is understood that this data search will generally consist of a search and comparison of the data currently available to the registration officer through their electoral management system ("EMS").

18. Registration officers may also undertake various other steps to identify unregistered electors including:

- Sending paper communications to the address of an unregistered person,
- visiting the address of an unregistered person,
- where the registration officer holds a telephone number for a person aged 18 or over, whom the registration officer believes are unregistered but entitled to be registered, the making of a telephone call to that person,
- Sending electronic communications to an unregistered person.

19. For the purposes of this duty the registration officer may rely on as many sources of data as they consider sufficient for the purposes of identifying an unregistered elector, though in most cases will be required to match identifying data from at least two. Common examples of such sources may include, **but are not limited to:**

- Council Tax records,
- Housing benefit records,

- Local authority education data,
- Council Housing data.

20. Where a registration officer may be aware of an unregistered person but cannot satisfy themselves as to the person's identity for the purposes of the electoral register through these steps and searches. Then they will not be able to complete any of the additional steps in connection with the new duty under 9ZA and may proceed instead down the Invitation to Register route as appropriate.

21. Before giving notice under section 9ZA(3), a registration officer must in most cases be able to locate 'matching data' from at least two sources.

22. For the purposes of these regulations, examples of relevant 'matching data' include:

- A person's full name;
- Where held by the registration officer a person's date of birth,
- The address, including postcode of the property at which a person is registered,
- Where held by the registration officer, the unique property reference number of the property at which a person is registered,
- any other information held by the registration officer which relates to a person's entry on the register.

23. The pilot regulations allow an exception to the need to find matching data from at least 2 sources and therefore to potentially be satisfied of a person's entitlement to be registered from a single data source in the event that the data source:

- Comes from any educational source relating to the person to be registered, and
- that information is sufficient to satisfy the registration officer as to the person's identity and entitlement to be registered.

24. The registration officer would have discretion with respect to any education data as to whether a data match with another source was still required.

25. Once a registration officer is satisfied following the identification and data comparison process, that a person they have identified is entitled to be registered in the register of local government electors then they must progress with the notice of registration in accordance with section 9ZA(3) of the 1983 Act.

Regulation 37B Processing of information provided or accessed in connection with registration under section 9ZA

26. This is a technical regulation with respect to the processing of data from original documents, which may or may not be required of a given person to be registered. This describes what actions should be taken should registration officers require any original documentation with respect to registration and restrictions on the use of that data.

Notice of Registration

27. Registration officers will be required to send a notice of registration to those whom they intend to register.

28. Once this notice is given the 'notice period' begins. This is a period of 60 days which must pass prior to the person being added to the register.

29. Various specifications as to what should be contained in the notice are provided for in section 9ZA(3) 1983 Act and regulation 37C of the 2001 regulations and these include:

- Informing the person of the registration officers duty to register the person at the end of the notice period,
- The exceptions to that duty, including a person's right to opt-out of registration without application or to apply for anonymous registration,
- The type of elections in which the person will be entitled to vote following registration under this section, and those they will not be entitled to vote in,
- A statement that any information collected or provided in accordance with the duty under section 9ZA has been processed in accordance with the data protection legislation,
- where the person is under the age of 16 an explanation of how the person's information will be held and used,
- a statement that, if the person to whom the notice is addressed is not entitled to be registered, they must, before the end of the notice period inform the registration officer of that fact,
- a request that any other person who receives the notice who is resident at the address to which the notice is addressed inform the registration officer if the addressee is not resident at that address,
- the date of the last day of the notice period, and

- the registration officers contact details.
30. The registration officer may add additional information if they choose to and have discretion as to the form of the notice. Though Welsh Ministers may in the future by regulations make further provisions to this effect.
31. Registration officers may during the notice period send reminders to the person to whom the notice applies.
32. A notice of registration may be sent to a person by post or by electronic means.
33. Regulation 37C(2) takes account of properties that would in the course of the annual canvass fall into route 3 and involve contact with a ‘responsible person’. The provision in this regulation allows the notice of registration to be sent to such a person, should a property of this kind be identified in the course of this duty.
34. At the end of the expiry of the 60-day notice period. If a person who received the notice has not decided to opt out or make an application to be anonymously registered and the registration officer remains satisfied that they are not on the register but entitled to be then the registration officer must add that person’s name to the local government register of electors.

Edited Register

35. For the purposes of the pilot scheme all those registered in accordance with section 9ZA of the 1983 Act will be omitted from the edited register of local government electors. Prior to the full roll out of registration without application, it is the intention as required by the 2024 Act to abolish the edited register of local government electors in Wales.

Evaluation of the Pilot Regulations

36. The Electoral Commission will conduct an evaluation of the pilot regulations in accordance with section 17(5)(a) of the 2024 Act. Regulation 6 of the pilot regulations specifies the date by which the Electoral Commission is required to give a copy of their report on the pilot scheme to the Welsh Ministers. As required by the 2024 Act, this report must be laid before the Senedd in advance of the full roll out of registration without application.