

Draft Regulations laid before the National Assembly for Wales under section 201(2) of the Representation of the People Act 1983 and section 11(2) of the Electoral Registration and Administration Act 2013, for approval by resolution before the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

**REPRESENTATION OF THE
PEOPLE, WALES**

**The Representation of the People
(Annual Canvass) (Amendment)
(Wales) Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Representation of the People (Annual Canvass) (Amendment) Regulations 2019 (S.I. 2019/1451) (“the 2019 Regulations”) make provision in relation to the reformed annual canvass in respect of a parliamentary register of electors and a local government register of electors in England. These Regulations and the 2019 Regulations make provision for the reformed annual canvass to apply to a register of local government electors in Wales.

Regulations 4 to 6 amend the Representation of the People Act (“the 1983 Act”). Regulation 4 amends section 9A(2) to amend the provision in respect of the steps which a registration officer may take in respect of a register of local government electors in Wales for the purposes of complying with the duty to maintain registers under section 9 of the 1983 Act. Regulation 5 amends section 9D of the 1983 Act in order to provide the Welsh Ministers with a power by regulations to require the Electoral Commission to design one or more canvass communications. Regulation 5 will also enable a registration officer conducting the canvass in respect of a register of local government electors in Wales to make house to house enquiries to obtain information required by a canvass form. Regulation 6 amends paragraph 3C of Schedule 2 to the 1983 Act in order to provide the Welsh Ministers with power to make provision by regulations authorising or requiring

a registration officer for a local government register in Wales to take specified steps for the purpose of obtaining information when conducting the canvass.

Regulations 8 to 19 amend the Representation of the People (England and Wales) Regulations (S.I. 2001/341)(“the 2001 Regulations”).

Regulation 8 amends the definition of “digital service” in regulation 3(1) (interpretation) of the 2001 Regulations to extend the application of the definition to a register of local government electors in Wales.

Regulation 9 revokes regulation 26(3)(eb) (applications for registration) in the 2001 Regulations.

Regulations 10 and 11 revoke regulations 32ZA (annual canvass: register of local government electors in Wales) and 32ZB (steps to be taken by a registration officer where no information in relation to a response to an annual canvass form is received in respect of a particular address) in the 2001 Regulations.

Regulation 12 amends regulation 32ZBA (annual canvass) in the 2001 Regulations so that it applies to a register of local government electors in Wales. Regulation 32ZBA requires a registration officer to conduct the annual canvass in accordance with regulation 32ZBD, unless the circumstances specified in regulation 32ZBA(4) and (5) arise. These allow the registration officer to conduct the canvass in accordance with regulations 32ZBE or 32ZBF.

Regulation 13 amends regulation 32ZBB (annual canvass data matching) of the 2001 Regulations so that the duty in paragraph (1) will apply to a registration officer in respect of a register of local government electors in Wales. Regulation 32ZBB requires registration officers to disclose certain data in respect of registered electors and authorises the comparison of that information against data held by the Secretary of State for Work and Pensions.

Regulation 14 amends regulation 32ZBC (processing of information in connection with the annual canvass data matching) to apply the provisions on processing of disclosed information to a canvass of local government electors in Wales.

Regulation 15 amends regulation 32ZBD (annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received). The first step in the process is for the registration officer to make contact with a person who is or may be eligible to be registered by either sending a paper communication or visiting the address (see Regulation 32ZBD(1)). Regulation 15(a) amends regulation 32ZBD(1) so that the requirement will apply to a canvass of local government electors in

Wales. Regulation 32ZBD(4) specifies how the registration officer can go about complying with the requirements in sub-paragraphs (2) and (3) to attempt to make contact with a person at the address. Regulation 32ZBD(4)(b) permits the registration officer to make a telephone call to persons aged 18 or over at the address where the registration officer has telephone numbers for them. Regulation 32ZBD(4)(c) permits the registration officer to send a communication by electronic means to persons aged 18 or over at the address where relevant contact details are held for them. Regulation 15(b) inserts new sub-paragraphs (ba) and (ca) to make provision that permits the registration officer to make a telephone call and/or send a communication by electronic means to persons aged 16 or over at the address where relevant contact details are held for them in respect of a register of local government electors in Wales. Regulation 15(c) amends regulation 32ZBD(9) to require a registration officer responsible for a register of local government electors in Wales to pre-populate the canvass form with any information already held by the registration officer in respect of a person who is on the register. Regulation 15(d) inserts new paragraph (9A) to prohibit the registration officer responsible for a register of local government electors in Wales from printing on the canvass form the date of birth of any person aged under 16.”

Regulation 16 amends regulation 32ZBE (annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required) in the 2001 Regulations so that it applies to a register of local government electors in Wales. Regulation 16(c) amends regulation 32ZBE(3) to permit the registration officer conducting a canvass in respect of a register of local government electors in Wales to send a communication by electronic means to one or more persons aged 16 or over who are registered at the address in a register of local government electors in Wales where relevant contact details are held. Regulation 16(e) inserts paragraph (4A) which specifies the requirements made of a person to whom a communication is sent pursuant to regulation 32ZBE(3). Regulation 16(g) inserts paragraph (5A) which sets out the circumstances under which a registration officer must send canvass communication A (see regulation 32ZBG(1)(a)(i) of the 2001 Regulations) to an address in a register of local government electors in Wales. Regulation 16(h) amends regulation 32ZBE(6) which imposes a duty on the registration officer to print certain information on canvass communication A so that the provision will apply to a registration officer for a register of local government electors in Wales. Regulation 16(i) amends regulation 32ZBE(7) to require a registration

officer conducting a canvass in respect of a register of local government electors in Wales to conduct the canvass in accordance with Regulation 32ZBD if, after complying with the process set out in sub-paragraphs (3) to (6) a registration officer has reason to believe that it may be necessary to remove a person from the register or that there is a person at the address who may be entitled to be registered but is not aware of the person's name.

Regulation 17 amends regulation 32ZBF (annual canvass in respect of particular types of property) in the 2001 Regulations. Regulation 17(a) amends Regulation 32ZBF(4) so that the provision will apply to a registration officer conducting a canvass in respect of a register of local government electors in Wales. Regulation 17(b) inserts new paragraph (5A) which requires a registration officer in respect of a register of local government electors in Wales to make contact with the responsible person (defined in regulation 32ZBF(8)) and request information in relation to each person aged 14 or over who is residing at the address and eligible to vote and will apply to a register of local government electors in Wales. Regulation 17(c) makes provision that is consequential on the insertion of new paragraph (5A).

Regulation 18 amends regulation 32ZBG (electoral Commission requirements) in the 2001 Regulations. Regulation 32ZBG(1)(a) places a duty on the Electoral Commission to design paper communication forms for the reformed annual canvass. Regulation 32ZBG(4) makes provision about the information that must be included in canvass communication A. Regulation 18 (a) amends Regulation 32ZBG(4)(a), (b) and (d)(ii) so that canvass communication A is designed so that it is requires information specific to the canvass of local government electors in Wales. Regulation 18(b) inserts new paragraph (4)(d)(iii) in order to require that in relation to the registration of local government electors in Wales, the canvass communication must require additional information. Regulation 32ZBG(5) makes provision about the information that must be included in the canvass form. Regulation 18(c) amends Regulation 32ZBG(5)(a), (b) and (d) so that the requirements in paragraph (5) will apply to a register of local government electors in Wales. Regulation 18(e) inserts new paragraph (f) in order to require that in relation to the registration of local government electors in Wales, the canvass form must require additional information.

Regulation 19 revokes Regulation 93A(3) in the 2001 Regulations.

Regulation 21 amends Regulation 20(1) of the 2019 Regulations so that the duty in paragraph (1) will apply to a registration officer in relation to a register of local government electors in Wales.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessment was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from The Local Government Democracy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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DRAFT WELSH STATUTORY
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2019 No. (W.)

**REPRESENTATION OF THE
PEOPLE, WALES**

**The Representation of the People
(Annual Canvass) (Amendment)
(Wales) Regulations 2020**

Made

Coming into force in accordance with article 2

The Welsh Ministers make these Regulations in exercise of the powers conferred on the Secretary of State by sections 53(1) and (3) and 201(3) of, and paragraphs 1(2), 1A and 13(1ZB) of Schedule 2 to, the Representation of the People Act

1983(1) (“the 1983 Act”) and sections 7(1) and (2) and 11(3), (4) and (5) of the Electoral Registration and Administration Act 2013(2) (“the 2013 Act”) and now vested in them.

The Welsh Ministers have consulted the Electoral Commission in accordance with section 53(5) of the 1983 Act(3), section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(4), and has consulted the Information Commissioner and such other persons as they consider appropriate in accordance with section 53(5) of the 1983 Act.

In accordance with section 201(2) of the 1983 Act(5) and section 11(2) of the 2013 Act, a draft of this instrument was laid and approved by a resolution before the National Assembly for Wales. In accordance with section 8(6) of the 2013 Act, the draft instrument was accompanied by a report of the Electoral Commission.

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- (1) 1983 c.2 (“the 1983 Act”). Section 53(1) was amended by section 24 and paragraph 13(b) of Schedule 4 to the Representation of the People Act 1985 (“the 1985 Act”), and paragraph 13(b) of Schedule 1, and Part 1 of Schedule 7, of the Representation of the People Act 2000 (c.2) (“the 2000 Act”). Section 201(3) was inserted by paragraph 21 of Schedule 1 to the 2000 Act. Paragraph 1A of Schedule 2 was inserted by paragraph 2 of Schedule 2 to the Electoral Registration and Administration Act 2013 (c.6) (“the 2013 Act”) and was amended by paragraphs 18(1) and (2) of Schedule 19 to the Data Protection Act 2018 (c.12). Paragraph 13(1ZB) was inserted by paragraph 4 of Schedule 2 to the 2013 Act. “Prescribed” in paragraph 13(1ZB) means, as defined in section 202(1) of the 1983 Act, prescribed in Regulations. So far as the functions of the Secretary of State and Minister for the Cabinet Office are exercisable within devolved competence those functions were transferred to the Welsh Ministers by virtue of article 45 of and paragraph 1 of, Schedule 1 to S.I. 2018/644.
- (2) 2013 c.6. Powers of the Minister under sections 7 and 11 of the Electoral Registration and Administration Act 2013 (“the 2013 Act”) so far as exercisable within devolved competence were transferred to the Welsh Ministers by virtue of article 45 of and Schedule 1 to the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644). The power to make an order under section 7 of the 2013 Act may be exercised to make regulations by virtue of section 39 of the Legislation (Wales) Act 2019 (anaw 4).
- (3) Section 53(5) was inserted by paragraph 5 of Schedule 2 to the 2013 Act.
- (4) 2000 c.41.
- (5) Section 201(2) was substituted by section 24 and paragraph 69 of Schedule 4 to the 1985 Act and amended by article 5(b) of S.I. 1991/1728, paragraph 6(1) and (7)(b) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13) (the 2014 Northern Ireland Act”).

Title and commencement

1. The title of these Regulations is the Representation of the People (Annual Canvass) (Amendment) (Wales) Regulations 2020.

2. These Regulations come into force on the day after the day on which they are made.

Amendments to the Representation of the People Act 1983

3. The Representation of the People Act 1983(1) is amended in accordance with regulations 4 to 6.

4. In section 9A (registration officers: duty to take necessary steps), in subsection (2)—

- (a) in paragraph (za), after “a register of local government electors in England” insert “or Wales”;
- (b) in paragraph (a) omit “or in Wales”;
- (c) in paragraph (ba), after “register of local government electors in England,” insert “or in Wales”.

5. In section 9D (maintenance of registers: duty to conduct canvass in Great Britain)—

- (a) in subsection (4) omit “or Wales”;
- (b) in subsection (5)(aa) omit “or Wales”.

6. In paragraph 3C of Schedule 2 (provisions which may be contained in regulations as to registration etc.)—

- (a) in sub-paragraph (1), omit “or Wales”;
- (b) in sub-paragraph (1A), after “a register of local government electors in England” insert “or in Wales”.

Amendments to the Representation of the People (England and Wales) Regulations 2001

7. The Representation of the People (England and Wales) Regulations 2001(2) are amended in accordance with regulations 8 to 19.

(1) Section 9A(2) was inserted by section 9(1) of the Electoral Administration Act 2006 (c.22) and amended by paragraphs 1, 6(1) and (3) of Schedule 4 to the 2013 Act; section 9D was inserted by section 4 of the 2013 Act and amended; paragraph 1B of Schedule 2 was inserted by paragraph 20(3) of Schedule 4 to that Act, and paragraph 3C of Schedule 2 was inserted by paragraphs 20(1) and (5) of Schedule 4 to that Act. Each of these provisions was amended by S.I. 2019/1451. There are other amendments but none is relevant to this instrument.

(2) S.I. 2001/341. Relevant amendments to regulation 3 were made by S.I. 2013/3198 and 2019/1451. Regulation 26(3)(eb) was inserted by S.I. 2016/694 and amended by 2019/1451. Regulation 32ZA was inserted by S.I.

8. In regulation 3(1) (interpretation), in the definition of “digital service”, after “register of local government electors in England” insert “or in Wales”.

9. Regulation 26(3)(eb) (applications for registration) is revoked.

10. Regulation 32ZA (annual canvass: register of local government electors in Wales) is revoked.

11. Regulation 32ZB (steps to be taken by a registration officer where no information in response to an annual canvass form is received in respect of a particular address) is revoked.

12. In regulation 32ZBA (annual canvass)—

- (a) in paragraph 1 omit “of parliamentary electors in England or Wales, or a register of local government electors in England”;
- (b) in paragraph 2 omit “of parliamentary electors in England or Wales, or a register of local government electors in England”;
- (c) in paragraph 4—
 - (i) in sub-paragraph (a)(i) for “a register of parliamentary electors in England or Wales, or a register of local government electors in England” substitute “a register”;
 - (ii) in sub-paragraph (a)(ii) omit “such”;
 - (iii) in sub-paragraph (b)(ii)(aa) for “a register of parliamentary electors in England or Wales, or a register of local government electors in England” substitute “a register”;
- (d) in paragraph 5, in sub-paragraph (b)(ii), after “regulation 32ZBF(5)” insert “or (5A)”;
- (e) in paragraph 6 omit “in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England”;
- (f) in paragraph 8 omit “in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England.”.

2013/3198 and was subsequently amended by S.I. 2015/467, 2015/1971, 2016/694, 2016/997, 2018/644 and 2019/1451. Regulation 32ZA(3)(f) was also amended by paragraphs 252 and 256 of Schedule 19 to the Data Protection Act 2018 (c.12). Regulation 32ZB was inserted by S.I. 2013/3198 and subsequently amended by S.I. 2016/694 and 2019/1451. Regulations 32ZBA to 32ZBG were inserted by S.I. 2019/1451. Regulation 93A was inserted by S.I. 2013/3198 and was subsequently amended by S.I. 2018/312 and S.I. 2019/1451. There are other amendments but none is relevant to this instrument.

13. In regulation 32ZBB(1) (annual canvass data matching) omit “of parliamentary electors in England or Wales, or a register of local government electors in England”.

14. In regulation 32ZBC(1)(a) (processing of information in connection with annual canvass data matching) omit “in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England”.

15. In regulation 32ZBD (annual canvass for properties where it may be necessary to make any addition to, or deletion from, an electoral register and steps to be taken where no response is received)—

(a) in paragraph 1 omit “of parliamentary electors in England or Wales, or a register of local government electors in England,”;

(b) in paragraph 4—

(i) after sub-paragraph (b) insert—

“(ba) where the registration officer holds a telephone number for one or more persons aged 16 or over who are registered in the register of local government electors in Wales, at the address, and whom the registration officer believes are resident at that address, by means of a telephone call to each of those persons;”;

(ii) at the end of sub-paragraph (c) omit “or”;

(iii) after sub-paragraph (c) insert—

“(ca) where the registration officer holds relevant contact details for one or more persons aged 16 or over who are registered in the register of local government electors in Wales, at the address, and whom the registration officer believes are resident at that address, by sending a communication by electronic means to each of those persons; or”;

(c) in paragraph 9—

(i) in sub-paragraph (a)(i) omit “in a register of parliamentary electors in England or Wales, or a register of local government electors in England,”;

(ii) at the end of sub-paragraph (a)(ii) omit “and”;

(iii) after sub-paragraph (a)(iii) insert—

“(iv) the full name, date of birth and nationality of each person whose application to be registered at the address in a register of local government electors in Wales,

under section 10ZC(1) or 10ZD(1) of the 1983 Act has been successfully determined, where the date on which the applicant's name will be published in a notice of alteration under section 13A(2) of the 1983 Act is after the date on which the form will be sent, with the exception of persons registered as mentioned in section 9D(6) of the 1983 Act; and”;

(d) after paragraph 9 insert—

“9A In relation to a register of local government electors in Wales, the registration officer must not, under paragraph 9, print on the form the date of birth of any person aged under 16.”

16. In regulation 32ZBE (annual canvass for properties where the registration officer is satisfied that it is not necessary to make any deletion from an electoral register and has no reason to believe that any additions to an electoral register may be required)—

(a) in paragraph 1(a) and (b) omit “of parliamentary electors in England or Wales, or a register of local government electors in England”;

(b) in paragraph 2 omit “of parliamentary electors in England or Wales, or a register of local government electors in England,”;

(c) in paragraph 3, for sub-paragraph (b) substitute—

“(b) where—

(i) the registration officer holds relevant contact details for one or more persons aged 18 or over who are registered at the address in a register of parliamentary electors in England or Wales, or a register of local government electors in England; or

(ii) the registration officer holds relevant contact details for one or more persons aged 16 or over who are registered at the address in a register of local government electors in Wales,

a communication by electronic means to each of those persons.”

(d) in paragraph 4, for “(3)(b)” substitute “(3)(b)(i)”;

(e) after paragraph 4 insert—

“(4A) Any communication sent under paragraph 3(b)(ii) must require the recipient to—

- (a) confirm to the registration officer whether the information it contains in respect of persons who are registered at the address in a register of local government electors in Wales, with the exception of persons falling within section 9D(6) of the 1983 Act, is complete and accurate;
 - (b) provide to the registration officer, except where it is already included in the communication, the full name and nationality of each person aged 14 or over who is residing at the address and who is eligible to be registered in a register of local government electors in Wales, including an indication as to whether any of those persons is aged 76 or over; and
 - (c) provide to the registration officer the date of birth of each person aged 14 or 15 who is residing at the address and who is eligible to be registered in a register of local government electors in Wales.”
- (f) in paragraph 5(b) for “(3)(b)” substitute “(3)(b)(i)”;
- (g) after paragraph 5 insert—

“(5A) In circumstances where a registration officer for a register of local government electors in Wales—

- (a) does not hold relevant contact details for one or more persons aged 16 or over who are registered at the address; or
- (b) has sent a communication by electronic means under paragraph (3)(b)(ii) to one or more persons in respect of the address and has not, within a reasonable time of sending the communication, received the required information from at least one person in respect of the address,

the registration officer must send a canvass communication A to the address.”

- (h) in paragraph 6—
- (i) in sub-paragraph (a)(i) omit “in a register of parliamentary electors in England or Wales, or a register of local government electors in England,”;

- (ii) in sub-paragraph (a)(ii) omit “in a register of parliamentary electors in England or Wales, or a register of local government electors in England”;
- (i) in paragraph 7—
 - (i) in sub-paragraph (a) omit “of parliamentary electors in England or Wales, or a register of local government electors in England”;
 - (ii) in sub-paragraph (b) omit “in a register of parliamentary electors in England or Wales, or a register of local government electors in England”.

17. In regulation 32ZBF (annual canvass in respect of particular types of property)—

- (a) in paragraph 4—
 - (i) omit “in respect of a register of parliamentary electors in England or Wales, or a register of local government electors in England”;
 - (ii) after “paragraph 5” insert “or (5A)”;
- (b) after paragraph (5) insert—

“(5A) The registration officer for a register of local government electors in Wales must attempt to make contact with the responsible person and must request the following information in respect of each person aged 14 or over who is residing at that property and is eligible to be registered in a register of local government electors in Wales—

 - (a) full name;
 - (b) date of birth;
 - (c) nationality;
 - (d) an indication as to whether that person is aged 76 or over.”
- (c) in paragraphs 6, 7 and 8 after “paragraph (5)” insert “or (5A)”.

18. In regulation 32ZBG (Electoral Commission requirements)—

- (a) in paragraph 4(a), (b) and (d)(ii) omit “in a register of parliamentary electors in England or Wales, or a register of local government electors in England,”;
- (b) after paragraph 4(d)(ii) insert—

“(iii) to provide the registration officer with the full name, date of birth and nationality of each person aged 14 or 15 who is eligible to be registered in a register of local government electors in Wales, and is residing at the address to which the communication relates, where that

information is not included in the communication;”;

- (c) in paragraph 5(a), (b) and (d) omit “in a register of parliamentary electors in England or Wales, or a register of local government electors in England;”;
- (d) in paragraph 5(e), at the end omit “.” and insert “,”;
- (e) after paragraph 5(e) insert—

“(f) require the recipient to provide the full name, date of birth and nationality of each person aged 14 or 15 who is eligible to be registered in a register of local government electors in Wales, and is residing at the address to which the form is given.”.

19. In regulation 93(A) (notifying registration officer of change to edited register preference), omit paragraph (3).

Amendment to the Representation of the People (Annual Canvass) (Amendment) Regulations 2019

20. The Representation of the People (Annual Canvass) (Amendment) Regulations 2019⁽¹⁾ are amended in accordance with regulation 21.

21. In regulation 20(1) (data matching confirmation), after “a register of local government electors in England” insert “or Wales”.

Name

Minister for Housing and Local Government, one of the Welsh Ministers

Date

(1) S.I. 2019/1451.