

Deadline for registration ahead of an election

Further to [Bulletin 64](#) ([Bulletin 53](#) in Scotland) this note provides more detail on the clarification of the deadline for making an application for registration before an election.

Background

1. The deadline for making an application for registration prior to an election was altered by section 11 of the Electoral Administration Act 2006. Section 11, which inserted a new section 13B(2) into the Representation of the People Act 1983, would have produced a registration deadline of eleven days before the election. This was in line with the stated policy intention, which was also reflected in paragraph 72 of the Explanatory Notes to the Electoral Administration Act 2006 (*'Registration cannot take effect until the registration officer has determined entitlement and issued a notice amending the register. The five day period for public objections, currently provided for in secondary legislation, will mean that the final date for applying to be registered will be eleven days prior to polling day'*). However amendments made to Regulation 29(4) of the Representation of the People (England and Wales) [and (Scotland)] Regulations 2001 which took effect on the same day as the amendment made by section 11 of the Electoral Administration Act 2006 came into force (1 January 2007) added a day to the process. This had the effect of making the last day for making registration applications before an election twelve working days before the poll.

Detail

2. Section 13B(2) of the Representation of the People Act 1983 (as amended) provides that the duty to issue the final election notice of alteration applies where:

(a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to an ERO, by virtue of subsection (1) of that section, in connection with a determination, requirement or decision falling within any of paragraphs (a) to (d) of that subsection;

(b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election area; and

(c) no alteration made in consequence of the determination, requirement or decision-

(i) has already taken effect, or

(ii) is due to take effect,

under subsection (2) of that section on or before the fifth day before the date of the poll.

3. The 'appropriate publication date' is defined in Section 13B(5) as either the sixth (E-6) or the fifth (E-5) day before the date of the poll, as the ERO determines. To maximise the time available for individuals to register to vote, we assume that EROs will determine this date to be E-5.
4. The duty to issue the notice is set out in Section 13B(3), which states that the ERO must issue a notice specifying the appropriate alteration in the register; and-
 - (a) the notice shall be so issued by him on the appropriate publication date; and
 - (b) the alteration shall take effect as from the beginning of that day.
5. Therefore, the duty to publish the election notice of alteration applies where 'at any time before the appropriate publication date' (e.g. E-5) the ERO has determined that an applicant for registration is entitled to be registered under Section 13A(1)(a). It is therefore not possible to include those whose applications have been determined on the appropriate publication date (as well as those who have been determined after it) in the election notice of alteration.
6. Therefore, assuming that the election notice of alteration is to be published on E-5, the deadline for determining applications for registration in time for the inclusion of the applicant on the notice is E-6.

7. This has a knock-on effect on the deadline for submitting registration applications. Regulation 29(4) of the Representation of the People (England and Wales) [and (Scotland)] Regulations 2001 (both as amended) provides that the ERO may allow an application without a hearing provided that no objection is made within the period of five days beginning with the day following the entry of the application in the list of applications (which we assume will be the day of its receipt). Given that an ERO can only allow an application without a hearing if no objection is made within the period of five days beginning with the day following the entry of the application in the list of applications, this means that five clear working days for objections starting with the day after listing must pass before a determination can be made. Leaving five clear days for objections working back from E-6 (the deadline for making a determination) results in the deadline for the receipt of an application being E-12.
8. Taking the 2014 European Parliamentary election as an example:
 - the election will be held on Thursday 22 May 2014
 - the final election notice we assume will be published on Thursday 15 May (E-5)
 - the determination deadline will be Wednesday 14 May (E-6)
 - the application deadline will be Tuesday 6 May (E-12)
9. The wording of the provision for interim election notices of alteration (Section 13AB), which we expect will be commenced to take effect for the elections on 22 May 2014, follows the same drafting as in Section 13B, so the deadlines for those notices will be calculated along the same lines as above.

If you have any questions please contact your [local Commission team](#) in the first instance.

The Electoral Commission
10 January 2014