

REGISTRATION OF ELECTORS BILL 2020

Explanatory Memorandum

1. This Bill is promoted by Mr Chris Thomas, MHK on behalf of the Cabinet Office.
2. *Clauses 1 and 2* deal, respectively, with the Short Title and Commencement of the resulting Act. Part 1 (introductory) of the Bill comprises these two clauses as well as clause 3.
3. *Clause 3* deals with the interpretation of key terms used in the Bill. Crucially, sub-clause (3) establishes a nexus between the resulting Act and the *Elections (Keys and Local Authorities) Act 2020*, in that it stipulates that expressions in the resulting Act that are not therein defined have the same meanings as they have in the *Elections (Keys and Local Authorities) Act 2020*.
4. *Clause 4*, which is the first clause of Part 2 (franchise and register of electors) entitles a qualifying person to vote in an election. The term “election” includes both national elections and local elections. The right of a qualifying person to vote, however, is contingent on the qualifying person’s having satisfied the registration requirement and having had his or her name entered in the register of electors for the electoral area in which he or she proposes to vote. It is expressly provided that, upon meeting the prerequisites to vote, a person is permitted no more than one vote. Failure to abide by this stipulation is an offence. The clause closes by providing a definition of “qualifying person”.
5. *Clause 5* imposes upon the Electoral Registration Officer (“the Officer”) the duty to ensure that a register of electors for each polling district is prepared, maintained and revised. That duty is, however, predicated on registered persons’ complying with the registration requirement. As such, the duty encompasses nothing more than ensuring that personal data submitted in fulfilment of the registration requirement are appropriately processed. Despite the Bill’s expressing a clear preference for electronic means of registration, *clause 5* empowers the Officer to submit a hard copy of the relevant form to a qualifying person, where the Officer believes the circumstances so warrant. The person to whom a form is submitted is expected to enter therein relevant personal data regarding himself or herself, and any other person who resides in the same “residential unit” as the person and so resides on terms of close association that do not include residence on a transient basis. Returning to the Officer an incomplete form (whether electronic or in hard copy) or failing to return the form at all is an offence for which the perpetrator is liable to a civil penalty. However, returning a form with deliberately inserted false information is an offence punishable on summary conviction by a fine not exceeding level 4 on the standard scale. If such a form is submitted by a third party at the data

subject's request, that third party is liable to prosecution for aiding and abetting; but has a valid defence if he or she was unaware that the information contained in the form was false. Finally, the clause stipulates that a person may only be entered in one polling district each for national elections and local elections.

6. *Clause 6* imposes the requirement for individual registration, pursuant to which each qualifying person is obliged to ensure that he or she is registered and is also obliged to ensure that the personal data he or she submits in compliance with this requirement are kept up to date. In so far as the duty to update the personal data is concerned, emphasis is placed on the duty to ensure that these data reflect the fact that the data subject has ceased to reside in the Island. The Officer is required to regularly issue up to date guidance on how persons may register. Failure to register may be met with a civil penalty, this at the option of the Officer.
7. *Clause 7* creates special categories of qualifying persons. Persons falling within this category may register in unconventional ways that may be specified in regulations subject to Tynwald approval. The categories of persons entitled to so register persons resident in the Island who are temporarily absent from the Island due to service in the armed forces of the Crown, Island residents enrolled in a course of study overseas, persons temporarily absent from the Island on account of their employment, and persons who are in extenuating circumstances that justify their being permitted to register anonymously.
8. *Clause 8* provides detail regarding the circumstances in which persons may be permitted to register anonymously. To qualify, persons must be adjudged vulnerable and at risk by the Officer. The Officer's determination in this regard may be influenced by an application by the person in question, or by support from the Isle of Man Constabulary, Social Services or a medical practitioner. The clause ends with an enabling power for the making of regulations that make provisions for persons registered anonymously to either become "eligible electors" (i.e. persons the names of whom appear on a register of electors) or be placed in a position equivalent to that of eligible electors.
9. *Clause 9* imposes on the Officer the duty of ensuring that every registered person's name is entered in a register of electors, with the effect of converting the registered person into an eligible elector. Regulations subject to Tynwald approval must prescribe other relevant personal data (besides the person's name) that must also be entered in a register of electors. The clause also tasks the Cabinet Office with issuing guidance on how soon after registering a person may expect his or her relevant personal data to be entered in a register of electors. The Cabinet Office must endeavour to ensure that those indicated timescales are kept to.
10. *Clause 10* empowers the Officer to refuse to enter on a register of electors the name, etc. of any ostensibly registered person about the veracity whose personal data the Officer is legitimately concerned. A person aggrieved by any such refusal may make an objection under Part 5 of the resulting Act.

11. *Clause 11*, which is the first clause under Part 3 (preparation, publication and maintenance of register), stipulates that a full and updated register of electors for each of the polling districts in each constituency, and for each district or ward, must be published in each calendar year. The clause asserts that the requirement must be complied with in accordance with clause 12, and specifies further detail regarding the mandatory method of compliance.
12. *Clause 12* specifies the permitted sources of the relevant personal data that the Officer may use in compiling an updated register of electors. The clause also specifically empowers Departments and Statutory Boards to disclose to the Officer personal data in their possession. Correspondingly, the Officer is empowered to accept and use these personal data for the purpose of compiling an updated register of electors.
13. *Clause 13* details the procedural steps the Officer must take following publication of registers that have been updated in accordance with clause 12.
14. *Clause 14* imposes on the Officer the duty to cause a copy of each register of electors maintained in accordance with the resulting Act to be made available for public inspection free of charge. The clause stipulates the places at which registers are to be made available, and requires notice to be given to the public regarding where and when they may inspect the registers. Such notice must specify the how and when objections to the contents of a register may be made, and must also state that persons whose names have been marked “J” in the register will be included in the jurors’ lists. Registers must also be made available for viewing *via* electronic means.
15. *Clause 15* provides for alteration notices, which are the means by which publication of more than one completed register of electors in a calendar year has been rendered unnecessary. Alteration notices are to be prepared and published on a monthly basis and are to record all changes regarding details in the register that have occurred since the last alteration notice was published. The names of persons who within that period came of age and are therefore newly entitled to register will appear in the alteration notice; of course, provided they have complied with the registration requirement.
16. *Clause 16* requires the Officer to promptly remove from a register of electors all relevant personal data of persons who have died or have moved away from the Island. This duty does not apply where the deceased persons had failed to comply with the registration requirement, with the result that there are no relevant personal data on the register for the Officer to remove. Further, it is provided that the Officer’s duty to remove from the register the relevant personal data of persons who have moved away from the Island exists regardless of whether the persons have updated their relevant personal data as required by clause 6(2).
17. *Clause 17* confers on the Cabinet Office discretion to allow a person to vote in an election even though the person’s relevant personal data do not appear on a register of electors. The exercise of this discretion is not required to be manifested in a statutory provision. This power ensures that a person will not

be denied his or her franchise where the absence of his or her personal data from a register of electors is due wholly to a clerical or administrative error on the part of the Cabinet Office or the Officer.

18. *Clause 18*, which is the first clause of Part 4 (the Electoral Registration Officer), provides for the appointment by the Chief Secretary of an Electoral Registration Officer and a Deputy Electoral Registration Officer. The Deputy is required to perform all the duties of the Officer for the entire duration of the latter's unavailability.
19. *Clause 19* obliges the registrar of each district appointed for the purpose of registering births and deaths to supply to the Officer details of all deaths of persons of full age that have occurred. These details are to be supplied on dates prescribed in regulations subject to Tynwald approval. The clause also makes additional stipulations regarding assistance that specified persons are required, on pain of criminal penalty, to provide to the Officer.
20. *Clause 20*, which is the first clause of Part 5 (claims, objections and correction of the register), provides avenues for recourse for specified categories of aggrieved persons. Those aggrieved persons are persons who claim to be entitled to have their names entered in a register of electors, persons who object to their names' having been marked "J" in the register, and persons who object either to the presence of a person's name in the register or to a person's claim to be entitled to such entry. The available avenues for recourse are the lodging of a claim or the lodging of an objection. The Officer is required to take specified administrative steps on receipt of either a claim or an objection.
21. *Clause 21* specifies the procedural steps that must be taken with a view to the determination of claims and objections.
22. *Clause 22* requires the Officer to make, as may be necessary, modifications to a register of electors that are required by regulations subject to Tynwald approval. It also requires the Officer to place the letter "J" against the name of every person listed in a register of electors who is qualified to serve as a juror. Additionally, the clause specifies related information that the Officer must send to the Chief Registrar in accordance with regulations subject to Tynwald approval.
23. *Clause 23*, which is the first clause of Part 6 (general and miscellaneous provisions), authorises the Council of Ministers to make regulations imposing restrictions on the making of copies of registers of electors, as well as on the disclosure or unauthorised use of any information derived from such registers. Other restrictions may also be imposed by means of such regulations, which are subject to Tynwald approval. Such regulations may impose criminal offences for breach of their provisions.
24. *Clause 24* gives the Council of Ministers a general regulation-making power for the purpose of giving effect to the resulting Act. Such regulations are subject to Tynwald approval.

25. Clause 25 specifies how the expenses incurred for the purposes of the resulting Act are to be met. It also gives the Cabinet Office the power to, with the concurrence of the Treasury, make regulations prescribing fees to be charged for specified purposes. Such regulations are subject to Tynwald approval, and any fees collected pursuant to such regulations are required to be paid into and to form part of the General Revenue of the Island.
26. Clause 26 empowers the Cabinet Office or the Officer to receive and otherwise process, for the purpose of compiling or reviewing a register of electors under the resulting Act, personal data disclosed by the Treasury under the *Census Act 1929*. It expressly provides that the processing of such data must be in accordance with the data protection legislation.
27. Clause 27 specifies consequential amendments to various enactments. Among them are the *Census Act 1929*, the amendment to which is intended to provide a basis for the Treasury to disclose to the Cabinet Office or the Officer the personal data that clause 26 empowers either of those persons to process.
28. Clause 28 repeals the *Registration of Electors Act 2006*.
29. The Bill is expected to have both financial and human resources implications. These implications will be overwhelmingly positive, as the resulting Act will realise both direct and indirect cost savings. Individual registration will abolish the need to print, process and post more than 60,000 paper forms. As a result, Government will save approximately £40,000 per annum and staff will be relieved of a labour-intensive and time-consuming exercise. The staff time thus saved could then be put to more worthwhile use at no additional cost to Government, and an opportunity to re-assess the staff structure across the directorate would thereby be provided. Sharing of census data for electoral purposes will enhance accuracy and efficiency, thereby realising yet another saving in human effort and expenditure of time. These measures would also obviate the necessity for Government to engage additional staff on an *ad hoc* basis to support the work of canvassing as it is currently performed, once again realising a cost saving in the process. Against this background, the modest income loss of approximately £3000 per annum – which will result from the abolition of the edited register – pales into insignificance.
30. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the *Human Rights Act 2001*.



Ellan Vannin

REGISTRATION OF ELECTORS BILL 2020

Index

Section	Page
PART 1 – INTRODUCTORY	9
1 Short title.....	9
2 Commencement.....	9
3 Interpretation.....	9
PART 2 – FRANCHISE AND REGISTER OF ELECTORS	11
4 Franchise.....	11
5 Officer’s duty in respect of the register of electors.....	12
6 Individual registration.....	13
7 Special categories of qualifying persons.....	14
8 Anonymous registration.....	14
9 Duty to convert registered persons into eligible electors.....	15
10 Right to refuse to enter name, etc. in the register.....	15
PART 3 – PREPARATION, PUBLICATION AND MAINTENANCE OF REGISTER	16
<i>Annual publication of full and updated register</i>	<i>16</i>
11 Annual publication of register.....	16
12 Compilation of updated registers.....	16
13 Procedure following publication of registers.....	17
14 Publication of registers and updates.....	18
<i>Periodic updates to the register</i>	<i>19</i>
15 Alteration notices.....	19
16 Removal of relevant personal data from register.....	20
17 Discretion to permit persons to vote.....	20
PART 4 – THE ELECTORAL REGISTRATION OFFICER	21
18 Registration Officer.....	21
19 Provision of assistance to Electoral Registration Officer.....	21

PART 5 – CLAIMS, OBJECTIONS AND CORRECTION OF THE REGISTERS	22
20 Claims and objections	22
21 Determination of claims and objections	23
22 Modifications to registers of electors	24
PART 6 – GENERAL AND MISCELLANEOUS PROVISIONS	24
23 Restrictions on use of registers	24
24 General power to make regulations	25
25 Financial provisions	26
26 Use of personal data garnered for census purposes	27
27 Consequential amendments	27
28 Repeal of 2006 Act	29
SCHEDULE 1	31
CLAIMS, OBJECTIONS AND APPEALS	31
SCHEDULE 2	34
CIVIL PENALTIES	34
SCHEDULE 3	36
INTERCONNECTION BETWEEN “QUALIFYING PERSON”, “REGISTERED PERSON” AND “ELIGIBLE ELECTOR”	36



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REGISTRATION OF ELECTORS BILL 2020

- 1 **A BILL** to restate the enactments relating to the franchise and the registration of
 2 electors; to amend the law relating to the maintenance of electoral registers; and
 3 for connected purposes.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

4 **PART 1 – INTRODUCTORY**

5 **1 Short title**

6 The short title of this Act is the Registration of Electors Act 2020.

7 **2 Commencement**

8 (1) This Act (except this section and sections 1 and 3) will come into
 9 operation on such day or days as the Council of Ministers may by order
 10 appoint.

11 (2) An order under subsection (1) may make such consequential, incidental,
 12 supplemental and transitional provisions as appear to the Council of
 13 Ministers to be necessary or expedient for the purposes of the order.

14

15 **3 Interpretation**

16 [2006/12/15 and drafting]

17 (1) In this Act —

18 “**constituency**” means a constituency for the purposes of the *Elections*
 19 *(Keys and Local Authorities) Act 2020*;

20 “**data protection legislation**” has the meaning given in regulation 5(1) of
 21 the GDPR and LED Implementing Regulations 2018¹;

¹ S.D. No. 2018/0145

1 “**district**”, except in the expressions “polling district” and “registration
2 district” means a town district, village district or parish district,
3 and includes the borough of Douglas;

4 “**election**” means a national election or a local election, and includes a
5 by-election;

6 “**electoral area**”, in relation to a national election, means a constituency,
7 and in relation to a local election, —

8 (a) if the district of the local authority in question is divided
9 into wards, a ward of the district; or

10 (b) otherwise, the district;

11 “**Electoral Registration Officer**” or “**Officer**” means the person
12 appointed to be the Electoral Registration Officer under section
13 18(1) or, whenever that person is unavailable, the Deputy
14 Electoral Registration Officer appointed under section 18(2);

15 “**eligible elector**” — see section 4(1);

16 “**legal incapacity**” includes (in addition to any incapacity by virtue of
17 any subsisting provision of the common law) any disqualification
18 imposed by this Act or any other enactment;

19 “**local election**” means an election of a member or members of a local
20 authority, and in relation to the borough of Douglas, means an
21 election of a councillor or councillors of the borough;

22 “**national election**” means an election of a member or members of the
23 Keys;

24 “**Officer**” — see “**Electoral Registration Officer**”;

25 “**polling district**” means (subject to subsection (2)) a polling district for
26 the purposes of the *Elections (Keys and Local Authorities) Act 2020*;

27 “**prescribed**” means, except in section 25(2), prescribed by regulations
28 made by the Council of Ministers under this Act;

29 “**qualifying person**” — see section 4(3);

30 “**registered person**” means a qualifying person who has complied with
31 the registration requirement; (*See Schedule 3, which contains a*
32 *diagram depicting the interconnection between “qualifying person”,*
33 *“registered person” and “eligible elector”.*)

34 “**register of electors**” —

35 (a) means a register in which are recorded all the relevant
36 personal data of eligible electors;

37 (b) when used in relation to an electoral area, means the register
38 of electors constituted for that area pursuant to section 13(3)
39 or (6), as the case may be; and

40 (c) when used in relation to a polling district, means the
41 relevant part of the register; (*see subsection (3)*);

- 1 “**registration requirement**” – see section 6(6)(a);
- 2 “**regulations**” means regulations made under this Act by the Council of
3 Ministers;
- 4 “**relevant personal data**” means personal data (as defined in the data
5 protection legislation) the processing of which is necessary for
6 registration of a qualifying person as required by section 6;
- 7 “**relevant registration date**” means a date that is prescribed for the
8 purpose;
- 9 “**residential unit**” means any building or portion of a building used as a
10 residence by one or more persons.
- 11 (2) Where a constituency is not divided into polling districts, any reference
12 in this Act to a polling district of that constituency must be construed as
13 a reference to the entire constituency.
- 14 (3) Other expressions in this Act have the same meanings as in the *Elections*
15 (*Keys and Local Authorities*) Act 2020.

16 PART 2 – FRANCHISE AND REGISTER OF ELECTORS

17 4 Franchise

18 [2006/12/2 & 3, and drafting]

- 19 (1) A qualifying person –
- 20 (a) who has satisfied the registration requirement; and
- 21 (b) whose name has been entered in the register of electors for an
22 electoral area,
- 23 is, in an election, entitled to vote in that electoral area. Such a person is
24 hereafter referred to as an “**eligible elector**”. (*See Schedule 3, which*
25 *contains a diagram depicting the interconnection between “qualifying person”,*
26 *“registered person” and “eligible elector”.*)
- 27 (2) An eligible elector must not vote more than once in the same election.
- 28 If an eligible elector contravenes this subsection, the eligible elector
29 commits an offence for which he or she is liable on conviction on
30 information to a fine or to custody for a term not exceeding 5 years, or to
31 both.
- 32 (3) A person is a “qualifying person” if –
- 33 (a) on the relevant registration date the person –
- 34 (i) has his or her usual place of abode in the electoral area in
35 respect of which the person has met the registration
36 requirement;
- 37 (ii) has, during the whole of the preceding 12 months, had his
38 or her usual place of abode in the Island; and

- (iii) is not subject to any legal incapacity to vote;
- (b) the person has attained, or in the course of the current calendar year will attain, the age of 16 years; and
- (c) no enactment disqualifies the person for meeting the registration requirement in respect of that electoral area.

(See Schedule 3, which contains a diagram depicting the interconnection between “qualifying person”, “registered person” and “eligible elector”.)

5 Officer’s duty in respect of the register of electors

[2006/12/2(1) & 4(2), and drafting]

- (1) The Officer must ensure that, in accordance with the provisions of this Act, a register of electors for each polling district is prepared, maintained and revised.

This duty is subject to subsections (2) and (3).

- (2) The Officer’s duty under subsection (1) is subject to qualifying persons’ compliance with the requirement to individually register in accordance with section 6. Accordingly, that duty does not extend beyond ensuring that relevant personal data submitted pursuant to section 6 is processed in a manner appropriate for the purposes of this Act.

- (3) Despite subsection (2), the Officer may (where in the Officer’s opinion the circumstances so require, whether for verification or otherwise) submit (or otherwise make available) to any person aged 16 years or older a form (either in hard copy or electronic format) on which the person is required to accurately and truthfully insert relevant personal data in respect of —

- (a) the person; and
- (b) where applicable, any other person who resides —
- (i) in the same residential unit as the person; and
- (ii) on terms of close association (which do not include residing in the residential unit on a transient basis),

and the person to whom such a form is submitted (or otherwise made available) must comply with this requirement and, having done so, must return the completed form to the Officer in the manner stipulated by the Officer.

- (4) The Officer may impose a civil penalty on a person who —
- (a) fails to insert the information (or any of it) required to be inserted on a form submitted to the person under subsection (3); or
- (b) fails to return the form to the Officer.

Schedule 2 contains further provisions about civil penalties.

- 1 (5) A person who returns to the Officer a form submitted to him or her
2 under subsection (3) on which has been knowingly inserted false
3 information in respect of the person, commits an offence and is liable on
4 summary conviction to a fine not exceeding level 4 on the standard scale.
- 5 (6) The offence under subsection (5) is likewise committed by the person if
6 the form containing the false information is submitted to the Officer by
7 another person on the person's behalf and at the person's behest; and, in
8 such a case, the person who submits the form is liable to be convicted as
9 an aider and abettor unless he or she satisfies the tribunal of fact at the
10 trial that he or she was unaware that the information was false.
- 11 (7) A person may only be entered in a register of electors —
12 (a) in respect of one polling district for national elections; and
13 (b) in respect of one polling district for local elections.
- 14 (8) For the sake of clarity, the polling district in which the person is
15 registered under subsection (7)(a) need not be the same as that in which
16 the person is registered under subsection (7)(b).

17 **6 Individual registration**

- 18 (1) A qualifying person must ensure that —
19 (a) he or she is registered; and
20 (b) his or her personal data are updated so as to be current (as far as
21 is reasonably practicable).
- 22 The personal data referred to in paragraph (b) are the personal data
23 submitted by or on behalf of the qualifying person in compliance with
24 the registration requirement.
- 25 (2) With respect to subsection (1)(b), the qualifying person must in particular
26 ensure that updates are promptly made in respect of any change to his or
27 her name or residential address (especially if the new residential address
28 is not in the Island).
- 29 (3) The Officer must, as often as he or she reasonably considers to be
30 necessary, —
31 (a) issue guidance to qualifying persons as to how to register and
32 how to update personal data submitted in the course of
33 registering; and
34 (b) take all reasonable steps to ensure that this guidance comes to the
35 attention of qualifying persons.
- 36 (4) The Officer may impose a civil penalty on a qualifying person who fails
37 to comply with this section.
- 38 Schedule 2 contains further provisions about civil penalties.
- 39 (5) In this Part —

- 1 (a) “the registration requirement” —
- 2 (i) means the requirement for a qualifying person to ensure
- 3 that his or her relevant personal data are submitted to the
- 4 Cabinet Office, in any manner which the Cabinet Office
- 5 may from time to time specify; and
- 6 (ii) is not to be confused with the Officer’s duty under section
- 7 5(1), compliance with which duty is (in respect of any
- 8 qualifying person) contingent on that qualifying person’s
- 9 having complied with the registration requirement; and
- 10 (b) the verb ‘to register’ —
- 11 (i) means to submit, or to have submitted on one’s behalf,
- 12 one’s relevant personal data, as referred to in paragraph
- 13 (a)(i); and
- 14 (ii) does not in any way relate to the entry of any name or
- 15 other relevant personal data on a register of electors.

16 7 Special categories of qualifying persons

- 17 (1) A person falling in any of the categories specified in subsection (2) may
- 18 comply with section 6(1) and (2) in accordance with a prescribed,
- 19 bespoke procedure and, upon doing so, is entitled to vote by means of
- 20 postal vote (subject to the condition in subsection (3) having been
- 21 satisfied).
- 22 Tynwald procedure – affirmative.
- 23 (2) The categories referred to in subsection (1) are —
- 24 (a) persons ordinarily resident in the Island but who are at the
- 25 material time temporarily absent from the Island on account of —
- 26 (i) their service in the armed forces of the Crown;
- 27 (ii) their enrolment in a course of study outside the Island;
- 28 (iii) their employment; and
- 29 (b) persons whom the Officer permits to register anonymously, in
- 30 accordance with section 8.
- 31 (3) The condition referred to in subsection (1) is that the person would have
- 32 been entitled to become an eligible elector had he or she complied with
- 33 section 6(1) and (2) in the usual way, as opposed to doing so by means of
- 34 the prescribed, bespoke procedure.

35 8 Anonymous registration

- 36 (1) The Officer may allow a person to register anonymously if the Officer is
- 37 satisfied that the person is vulnerable and at risk. In attempting to satisfy
- 38 himself or herself, the Officer may have regard to any of the following —
- 39 (a) an application submitted to the Officer by the person; or

- 1 (b) any support for the person's being permitted to register
2 anonymously, provided by —
3 (i) the Isle of Man Constabulary;
4 (ii) Social Services; or
5 (iii) a medical practitioner.
- 6 (2) Regulations under section 7(1) must make provision for persons
7 registered anonymously to either —
8 (a) become eligible electors; or
9 (b) be placed in a position equivalent to that of eligible electors.
- 10 Such provision must, in particular, specify the notation on a register of
11 electors which is to relate to eligible electors who registered
12 anonymously.

13 **9 Duty to convert registered persons into eligible electors**

- 14 (1) Subject to section 10, the Officer must enter in a register of electors the
15 name and any other prescribed relevant personal data of every registered
16 person.
17 Tynwald procedure – approval required.
- 18 (2) The Cabinet Office must specify, in guidance published by it from time
19 to time, —
20 (a) how soon after compliance with the registration requirement; and
21 (b) the conditions subject to which,
22 a registered person is entitled to conclude that he or she has become an
23 eligible elector.
- 24 (3) The Cabinet Office must endeavour to ensure that a registered person
25 referred to in subsection (2) has become an eligible elector by the time the
26 guidance indicates the registered person is entitled to so conclude.

27 **10 Right to refuse to enter name, etc. in the register**

- 28 (1) The Officer may refuse to enter in a register of electors the name and
29 other prescribed relevant personal data of any person —
30 (a) who has purportedly complied with section 6(1) upon recently
31 becoming a qualifying person; but
32 (b) in respect of whose —
33 (i) identity;
34 (ii) age;
35 (iii) residential status; or
36 (iv) legal capacity to vote,

1 the Officer has reasonable doubt.

- 2 (2) The reasonable doubt referred to in subsection (1)(b) may be —
- 3 (a) because the material the person has submitted in purported proof
- 4 of any matter specified in subsection (1)(b) is of objectively
- 5 doubtful veracity; or
- 6 (b) for any other sufficient reason.
- 7 (3) A person who is the subject of the Officer's refusal under subsection (1)
- 8 may, if aggrieved, make an objection under Part 5.

9 **PART 3 – PREPARATION, PUBLICATION AND**

10 **MAINTENANCE OF REGISTER**

11 *Annual publication of full and updated register*

12 **11 Annual publication of register**

- 13 (1) Once in each calendar year, the Officer must publish a full and updated
- 14 register of electors for each of the polling districts in each constituency
- 15 and for each district (or, if a district is divided into wards, for each ward
- 16 of each district). Every such register must be compiled in accordance
- 17 with section 12.
- 18 (2) Publication must be on the same day of the corresponding month in each
- 19 calendar year (“the corresponding day”), unless the Officer has given 90
- 20 days' notice that publication will be on a day other than the
- 21 corresponding day.
- 22 This is subject to subsection (3).
- 23 (3) The requirement in subsection (2) to give 90 days' notice does not apply
- 24 if the reason publication will not be on the corresponding day is that the
- 25 corresponding day will fall on a weekend or be a public holiday.
- 26 (4) This section must be read and construed with section 14.

27 **12 Compilation of updated registers**

- 28 (1) In compiling an updated register of electors for each calendar year, the
- 29 Officer must utilise (as may be applicable)—
- 30 (a) relevant personal data processed for the purpose of compiling —
- 31 (i) the most recent full and updated register of electors;
- 32 (ii) all alteration notices² published since the publication of the
- 33 most recent full and updated register of electors; and

² See section 15.

- 1 (iii) information which, under section 19(1), must be supplied
2 to the Officer; and
- 3 (b) any relevant personal data submitted to the Officer –
- 4 (i) by –
- 5 (A) the data subject to whom the relevant personal data
6 relate; or
- 7 (B) another person, provided the person may lawfully
8 disclose the relevant personal data (in accordance
9 with the data protection legislation); and
- 10 (ii) by any means whatsoever.

11 This is subject to subsection (2).

- 12 (2) In complying with this section (which, for the avoidance of doubt, is
13 hereby declared to be in the public interest), the Officer may process
14 personal data relating to qualifying persons for the purpose of verifying
15 information that has come into the Officer's possession in accordance
16 with subsection (1)(b). Correspondingly, any Department or Statutory
17 Board may process personal data in its possession by disclosing the
18 personal data to the Officer, only to the extent necessary for the purpose
19 of verification.

20 **13 Procedure following publication of registers**

21 [2006/12/7 and drafting]

- 22 (1) On completion of the updating process in accordance with section 12, the
23 Officer must, in accordance with regulations, place the registers of
24 electors for all of the polling districts in each constituency in order and
25 allocate to each entry on the registers a unique register number.
- 26 (2) On completion of each update of a register, the Officer must, in
27 accordance with regulations, allocate to each new entry on the register a
28 unique register number.
- 29 (3) Once the registers of electors have been ordered and numbered as
30 required by subsections (1) and (2), the Officer must deposit them in the
31 Central Registry not later than such date as is prescribed, and the said
32 registers, subject to paragraph 14 of Schedule 1, constitute the register of
33 electors for that constituency as from such date as is prescribed until the
34 next update.
- 35 (4) The Officer must, in accordance with regulations, –
- 36 (a) place copies of the updated registers of electors for all of the
37 polling districts in each district (or, if a district is divided into
38 wards, in each ward of the district) in order;
- 39 (b) number the names on such registers in accordance with
40 subsection (5); and

(c) send such copies, so ordered and numbered, to the clerk of the local authority for the district.

(5) The names on the copies of registers prepared under subsection (4) for any district must be numbered in series by polling districts, unless the district is divided into wards, in which case they must be numbered in series by wards, but if the local authority so directs the names must be numbered in one series for the entire district without reference to polling districts or wards.

(6) The copies of the register of electors sent under subsection (4), subject to paragraph 14 of Schedule 1, constitute the register of electors to vote at any local election in the district in question, or the register of electors to vote at any local election in the respective wards of the district, as the case may be, until the register is next updated or the next alteration notice is published.

(7) The registers of electors for the respective wards of the borough of Douglas constitute the ward rolls, and the ward rolls together constitute the burgess roll of the borough, for the period referred to in subsection (6).

(8) No register of electors is invalidated by reason that it has not been made available for inspection for the full time required by this Act, or by reason of any default on the part of the Officer.

(9) If for any reason —

(a) no register of electors has been prepared for a polling district;

(b) a register of electors has not been made available for inspection at all; or

(c) a register of electors has not been updated as set out in the applicable alteration notices,

the applicable part of the register of electors for the electoral area in question which was previously in force must be taken to be the relevant part of the register of electors for that polling district.

Tynwald procedure – approval required

14 Publication of registers and updates

[2006/12/8 and drafting]

(1) The Officer must, in accordance with regulations, cause a copy of each register of electors maintained in accordance with sections 5(1), 11 and 12 to be made available for public inspection free of charge —

(a) at such places in each district to which the register relates as the Cabinet Office may determine; and

(b) at the Cabinet Office between 10 a.m. and 5 p.m. on every working day,

- 1 during such periods as may be prescribed.
- 2 Tynwald procedure – approval required
- 3 (2) The Officer must cause public notice to be given –
- 4 (a) during the 7 days before each relevant registration date;
- 5 (b) in a manner that the Officer deems adequate; and
- 6 (c) in such other manner as the Officer may direct,
- 7 of the places where the registers of electors, and the lists of claims and
- 8 objections relating thereto, may be inspected.
- 9 (3) Every notice given under subsection (2) must –
- 10 (a) specify the manner in which and the time within which claims
- 11 and objections in respect of the registers of electors may be made;
- 12 (b) state that the names of persons marked “J” in the registers of
- 13 electors will be included in the jurors’ lists, and that such persons
- 14 will, subject to revision of the jurors’ lists in pursuance of the Jury
- 15 Act 1980, be liable to serve as jurors.
- 16 (4) The Officer must ensure that a copy of every register of electors for any
- 17 polling district which falls wholly or partly within the district of the
- 18 authority is accessible to each local authority, via electronic means.
- 19 (5) Each authority must notify the Officer of every error and omission which
- 20 it has discovered or, as the case may be, that it has discovered no error or
- 21 omission in a register.

22 *Periodic updates to the register*

23 **15 Alteration notices**

- 24 (1) On a monthly basis, the Officer must ensure that an alteration notice is
- 25 prepared and published.
- 26 (2) An alteration notice –
- 27 (a) is a notice that sets out all changes made to the register of electors
- 28 since the publication of the last full and updated register of
- 29 electors or the last alteration notice;
- 30 (b) performs the function of listing in a single document all the
- 31 alterations or modifications made to the register of electors since
- 32 the most recent publication of a full and updated register of
- 33 electors; or
- 34 (c) constitutes the final definitive document on which will appear the
- 35 names and other relevant personal details of persons who –
- 36 (i) became eligible electors since the most recent publication
- 37 of a full and updated register of electors; and

(ii) accordingly, in an imminent election, will for the first time be permitted to vote in an election in the Island.

(3) The changes referred to in subsection (2)(a) are, where applicable, changes to the register of electors —

(a) necessitated by updates made by (or on behalf of) qualifying persons to their relevant personal data in accordance with section 6(1)(b) and (2);

(b) necessitated by the submission, in accordance with section 6(1) and (2), of relevant personal data by (or on behalf of) persons who within the relevant period became qualifying persons;

(c) made by the Officer, in respect of a relevant change of circumstance of a person described in section 7(2)(a); and

(d) made by the Officer, in compliance with section 16.

16 Removal of relevant personal data from register

(1) The Officer must promptly update each register of electors by removing from it all relevant personal data of every eligible elector who —

(a) has died; or

(b) has ceased to reside in the Island.

(2) The Officer's duty under —

(a) subsection (1)(a) is subject to the Officer's having received information which, under section 19(1), is required to be supplied to him or her; and

(b) subsection (1)(b) is irrespective of whether or not the eligible elector has updated his or her change of residential status, as required by section 6(2).

17 Discretion to permit persons to vote

(1) Discretion is hereby conferred on the Cabinet Office to allow to vote in an election a person whose name or other relevant personal data does not appear in the last alteration notice published before that election ("an excluded person"). The exercise of this discretion is not required to be manifested in a statutory provision.

This is subject to subsection (2).

(2) In exercising its discretion under subsection (1), the Cabinet Office must have regard only to relevant considerations, including (where applicable) —

(a) any act or omission of the Cabinet Office (or any of its officers, agents or assigns) which was responsible, directly or indirectly, for the excluded person's exclusion; or

- 1 (b) any extenuating circumstance which prevented the excluded
2 person from having taken all the steps required by this Act in
3 order to entitle the excluded person to have been included in the
4 last alteration notice published before the election.
- 5 (3) Where the Cabinet Office exercises its discretion under this section, it
6 must –
- 7 (a) in writing communicate its decision to the excluded person in
8 question; and
- 9 (b) where it decides to allow the excluded person to vote, publish its
10 decision in the same manner as it published the last alteration
11 notice published before the election.
- 12 (4) Any person who objects to the manner in which the Cabinet Office has
13 exercised its discretion under this section may make an objection under
14 Part 5.

15 PART 4 – THE ELECTORAL REGISTRATION OFFICER

16 18 Registration Officer

17 [2006/12/4 and drafting]

- 18 (1) The Chief Secretary must appoint a person employed in the Cabinet
19 Office as the Electoral Registration Officer (“the Officer”) to perform –
- 20 (a) the functions referred to in subsection (3); and
- 21 (b) such other functions in connection with elections as may be
22 imposed by any other enactment.
- 23 (2) The Chief Secretary must also appoint a Deputy Electoral Registration
24 Officer (“the Deputy”), whose duty it is to perform all the functions of
25 the Officer whenever the Officer is unavailable. The person so appointed
26 must also be a person employed in the Cabinet Office.
- 27 Accordingly, all the provisions in this and any other enactment
28 conferring functions on the Officer must be construed as relating to the
29 Deputy for the entire duration of the Officer’s unavailability.
- 30 (3) In addition to performing the functions specified in section 5, the Officer
31 must undertake the other functions conferred by this Act.

32 19 Provision of assistance to Electoral Registration Officer

33 [2006/12/5 and drafting]

- 34 (1) The registrar of each district appointed for the purpose of registering
35 births and deaths pursuant to the *Civil Registration Act 1984* must supply
36 to the Officer, on the prescribed dates in each year, lists of all the persons

of full age whose deaths have been registered in the registration district since the previous list was supplied.

Tynwald procedure – approval required

- (2) Every local authority must assist the Officer in the preparation of the register of electors for any polling district which falls wholly or partly within the district of the authority.
- (3) If the clerk of any local authority refuses or knowingly fails to carry out any duty necessary for the fulfilment of the local authority’s obligation under subsection (2), each such refusal or failure is an offence for which he or she is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) A prosecution for an offence under subsection (3) may be brought only by or with the consent of the Attorney General.
- (5) The Officer may require any person owning or occupying any premises, or the agent of any such person, to give information required for the purpose of the Officer’s functions under this Act.
- (6) Any person who without reasonable excuse fails to comply with a requirement under subsection (5), or knowingly gives false information in pursuance of such a requirement, commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

PART 5 – CLAIMS, OBJECTIONS AND CORRECTION OF THE REGISTERS

20 Claims and objections

[2006/12/9 and drafting]

- (1) Any person—
- (a) who claims to be entitled to have his or her name entered in a register of electors; or
- (b) whose name has been entered in a register of electors, or claims to be entitled to such entry, and objects —
- (i) to having his or her name marked “J” in the register³;
- (ii) to the entry of another person in the register; or
- (iii) to a claim by another person under paragraph (a),
- may make a claim or objection in writing to the Officer.
- (2) A claim under subsection (1)(a), or an objection under subsection (1)(b), may be made at any time.

³ See section 14(3)(b).

- 1 (3) The Officer must, on receipt of a claim or objection under this section,
2 maintain such records in such form and containing such information as
3 may be prescribed.
- 4 (4) The Officer must, in accordance with regulations, cause copies of lists of
5 such claims and objections to be available for public inspection free of
6 charge at such times and places as may be prescribed, and must cause
7 copies of all such claims and objections to be available for public
8 inspection free of charge at the Cabinet Office.
- 9 Tynwald procedure – approval required.

10 **21 Determination of claims and objections**

11 [2006/12/10 and drafting]

- 12 (1) If the Officer is of the opinion that the particulars given in a claim or
13 objection are insufficient, the Officer may ask for further information to
14 be given within 7 days of the request, and no further action need be
15 taken in respect of that claim or objection unless such information is
16 supplied within that period.
- 17 (2) If the Officer is of the opinion that the claim may be allowed without a
18 hearing, and there is no objection to the claim, the claim must be allowed,
19 and the claimant notified accordingly.
- 20 (3) If the Officer is of the opinion that an objector is not entitled to object, the
21 Officer must –
- 22 (a) disallow the objection; and
23 (b) notify each person concerned accordingly.
- 24 (4) If the Officer is of the opinion that a claim or objection cannot be allowed
25 because –
- 26 (a) the matter has been concluded by the decision of a court of
27 competent jurisdiction; or
28 (b) the particulars given in the claim or objection do not entitle the
29 claimant or objector to succeed,
- 30 the Officer may give notice in writing to each person concerned of the
31 opinion and the grounds thereof, and stating that the claim or objection
32 will be disallowed unless a person concerned, within 7 days from the
33 date of service of the notice, requires the Officer in writing to refer the
34 matter for a hearing, and if no such requirement is made within that
35 period, the claim or objection may be disallowed.
- 36 (5) Subject to subsection (1), in any case in which the Officer does not allow
37 or disallow a claim or objection under subsection (2), (3) or (4), the matter
38 must be referred for a hearing under Schedule 1, and the Officer must
39 give to each person concerned notice in writing of the time and place at
40 which the matter will be dealt with under that Schedule.

- 1 (6) In this section —
- 2 “claim” means a claim under section 20(1)(a);
- 3 “person concerned” —
- 4 (a) in relation to a claim, or an objection under section
- 5 20(1)(b)(iii) to a claim, means the claimant and the objector
- 6 (if any);
- 7 (b) in relation to an objection under section 20(1)(b)(ii), means
- 8 the objector and the person with respect to whom the
- 9 objection is made;
- 10 “objection” means an objection under section 20(1)(b).

11 22 Modifications to registers of electors

12 [2006/12/6(4) & (5), and 11; and drafting]

- 13 (1) The Officer must, in accordance with regulations, make any modification
- 14 to a register of electors which is required —
- 15 (a) to carry out a decision of the Officer with respect to any claim or
- 16 objection;
- 17 (b) to carry out a decision or order under Schedule 1 with respect to
- 18 any claim or objection;
- 19 (c) to correct any clerical error; or
- 20 (d) to correct any misnomer or inaccurate description.
- 21 (2) The Officer must place the letter “J” against the name entered in a
- 22 register of electors of any person who is qualified to serve as a juror.
- 23 (3) The Officer must, in accordance with regulations, send to the Chief
- 24 Registrar —
- 25 (a) a list of jurors for each sheading, made up in alphabetical order, of
- 26 the names marked “J” in the register of electors applicable to such
- 27 sheading but separating on the list, in accordance with any
- 28 directions of the Clerk of the Rolls, the names of those persons
- 29 who may apparently be related to one another; and
- 30 (b) a copy of every objection under section 20(1)(b)(i) in respect of
- 31 any such list.
- 32 Tynwald procedure – approval required

33 PART 6 – GENERAL AND MISCELLANEOUS PROVISIONS

34 23 Restrictions on use of registers

35 [2006/12/12 and drafting]

- 36 (1) Regulations under this section may —

- 1 (a) impose prohibitions or restrictions relating to the extent (if any) to
2 which persons inspecting the registers of electors in accordance
3 with section 14 may –
4 (i) make copies of the registers;
5 (ii) disclose any information contained in them to other
6 persons; or
7 (iii) make use of any information otherwise than for any
8 purposes specified in the regulations; or
9 (b) impose, in relation to persons involved in the preparation of the
10 registers of electors, prohibitions with respect to supplying copies
11 of the registers and disclosing or making use of information
12 contained in them.
- 13 (2) Regulations under this section may make it an offence punishable on
14 summary conviction by a fine not exceeding level 5 on the standard scale
15 for a person to contravene any prohibition or restriction imposed under
16 subsection (1) or to do so in any prescribed circumstances.
- 17 (3) In this section, any reference to a register of electors includes a reference
18 to any part of it.
- 19 Tynwald procedure – approval required

20 **24 General power to make regulations**

21 [2006/12/13 and drafting]

- 22 (1) The Council of Ministers may make regulations for the purpose of giving
23 effect to this Act.
- 24 (2) Without limiting subsection (1), regulations must make provision –
25 (a) requiring copies of the register and other documents, or
26 prescribing parts of them, to be available for inspection by the
27 public at such places as may be prescribed;
28 (b) requiring the Central Registry to supply to such persons as may
29 be prescribed copies of the register and other documents, or
30 prescribed parts of them, whether free of charge or on payment of
31 a prescribed fee;
32 (c) specifying, in relation to any description of persons prescribed
33 under paragraph (b), the purposes for which copies supplied to
34 such persons under such regulations, or information contained in
35 them, may be used whether by such persons or by employees or
36 other persons authorised by them in accordance with the
37 regulations to have access to such copies or information contained
38 in them;
39 (d) imposing prohibitions or restrictions relating to the extent (if any)
40 to which persons inspecting the register in accordance with
41 regulations under paragraph (a) may make copies of the register;

- 1 (e) imposing prohibitions or restrictions relating to the extent (if any)
2 to which persons to whom copies of the register are supplied
3 (whether in accordance with regulations under paragraph (b) or
4 in accordance with any other enactment) may –
- 5 (i) supply those copies, or otherwise disclose any
6 information contained in them, to other persons; or
- 7 (ii) make use of any such information otherwise than for any
8 purposes specified in the regulations or (as the case may
9 be) for which the copies have been supplied in accordance
10 with any such provision ;
- 11 (f) imposing, in relation to persons –
- 12 (i) to whom copies of the register have been supplied, or
13 information contained in such copies has been disclosed,
14 in accordance with regulations made in pursuance of this
15 paragraph; or
- 16 (ii) who otherwise have access to such copies or information,
17 prohibitions or restrictions corresponding to those which may be
18 imposed by virtue of paragraph (e);
- 19 (g) imposing, in relation to persons involved in the preparation of the
20 full register, prohibitions with respect to supplying copies of the
21 full register and disclosing information contained in it.
- 22 (3) Regulations under this section may make it an offence punishable on
23 summary conviction by a fine not exceeding level 5 on the standard scale
24 –
- 25 (a) for a person to contravene any prohibition or restriction imposed
26 under subsection (2)(d), (e), (f) or (g) or to do so in any prescribed
27 circumstances; or
- 28 (b) where such contravention occurs on the part of a person in the
29 employment, or otherwise under the direction or control, of a
30 body corporate or unincorporate, for a director of the body, or any
31 other person concerned with its management, to fail to take such
32 steps as it is reasonable for that director or manager to take to
33 secure the operation of procedures designed to prevent, so far as
34 reasonably practicable, the occurrence of such contraventions on
35 the part of such persons.

36 Tynwald procedure – approval required.

37 25 Financial provisions

38 [2006/12/14 and drafting]

- 39 (1) The expenses incurred for the purposes of this Act by the Treasury, the
40 Cabinet Office, the Clerk of the Rolls, the High Bailiff and the Officer
41 must be paid out of moneys provided by Tynwald.

- 1 (2) The Cabinet Office, with the concurrence of the Treasury, may by
 2 regulations prescribe any fees which may be prescribed for the purposes
 3 of section 24(2)(b) and such fees must be paid into and form part of the
 4 General Revenue of the Island.
 5 Tynwald procedure – approval required.

6 **26 Use of personal data garnered for census purposes**

- 7 (1) The Cabinet Office or the Officer may process, for the purpose of
 8 compiling or reviewing a register of electors, personal data disclosed by
 9 the Treasury under section 7 of the *Census Act 1929*.
 10 (2) For the avoidance of doubt, subsection (1) is subject to the data
 11 protection legislation and, accordingly, when acting as authorised by
 12 subsection (1) the Cabinet Office and the Officer must comply with the
 13 provisions of the data protection legislation.

14 **27 Consequential amendments**

- 15 (1) In accordance with the succeeding provisions of this section, the
 16 following Acts and Measure are amended –
 17 (a) the *Census Act 1929*, to the extent specified in subsection (2);
 18 (b) the *Jury Act 1980*, to the extent specified in subsection (3);
 19 (c) the *Douglas Municipal Corporations Act 1895*, to the extent specified
 20 in subsection (4);
 21 (d) the *Education Act 2001*, to the extent specified in subsection (5);
 22 and
 23 (e) the *Representation of the People Act 1995*, to the extent specified in
 24 subsection (6);
 25 (f) the *Representation of the People (Amendment) Act 2015*, to the extent
 26 specified in subsection (7); and
 27 (g) the Churchwardens Measure (Isle of Man) 2013, to the extent
 28 specified in subsection (8).

- 29 (2) The *Census Act 1929* is amended by inserting the following new section
 30 immediately after section 6 –

31 | “7 **Disclosure of census data for electoral purposes**

- 32 | (1) The Treasury may, for the sole purpose of allowing
 33 | the Cabinet Office or the Electoral Registration
 34 | Officer (“the Officer”) to verify personal data
 35 | submitted to it under the *Registration of Electors Act*
 36 | *2020*, disclose to the Cabinet Office or the Officer so
 37 | much of the personal data gathered as the Cabinet
 38 | Office or the Officer may from time to time request.

(2) For the avoidance of doubt, subsection (1) is subject to the data protection legislation and, accordingly, when acting as authorised by subsection (1) the Treasury, the Cabinet Office and the Officer must comply with the provisions of the data protection legislation.

(3) In this section —

“Electoral Registration Officer” has the meaning given in section 3(1) of the *Registration of Electors Act 2020*;

“data protection legislation” has the meaning given to that term in regulation 5(1) of the GDPR and LED Implementing Regulations 2018.”.

(3) The *Jury Act 1980* is amended —

(a) in section 1(2), by substituting “section 4 of the *Registration of Electors Act 2020*” for “section 1 of the *Registration of Electors Act 2006*”; and

(b) in section 5, by substituting —

(i) “section 20(1)(b)(i) of the *Registration of Electors Act 2020*” for “section 9(1)(c) of the *Registration of Electors Act 2006*” in subsection (1);

(ii) “section 20(1)(b)(i)” for “section 9(1)(c)” in subsection (3); and

(iii) “section 22(3)(a) of the *Registration of Electors Act 2020*” for “section 6(5)(a) of the *Registration of Electors Act 2006*” in subsection (6).

(4) The *Douglas Municipal Corporation Act 1895* is amended in section 10 by substituting “the *Registration of Electors Act 2020*” for “the *Registration of Electors Act 2006*”.

(5) The *Education Act 2001* is amended in Schedule 2, paragraph 1(2)(b) by substituting “the *Registration of Electors Act 2020*” for “the *Registration of Electors Act 2006*”.

(6) The *Representation of the People Act 1995* is amended —

(a) in section 10D(5), by substituting ~~“the *Registration of Electors Act 2020*”~~ for “the *Registration of Electors Act 2006*”;

(b) in sections 10N and 77(1), in the definition of “**Electoral Registration Officer**”, by substituting ~~“section 18(1) of the *Registration of Electors Act 2020*”~~ for “section 4(1) of the *Registration of Electors Act 2006*”; and

(c) in section 77, by omitting the definition of “**registration officer**”.

- 1 (7) Section 6 of the *Representation of the People (Amendment) Act 2015* is
2 amended, in subsection (5) of the new section 10B of the *Representation of*
3 *the People Act 1995* which the aforementioned 2015 Act inserts, by
4 substituting **“the Registration of Electors Act 2020”** for “the
5 *Registration of Electors Act 2006*”.
- 6 (8) The Churchwardens Measure (Isle of Man) 2013 is amended in section 3
7 by substituting “the *Registration of Electors Act 2020*” for “the *Registration*
8 *of Electors Act 2006*” in the definition of “register of electors”.

9 **28 Repeal of 2006 Act**

10 The *Registration of Electors Act 2006* is repealed.

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SCHEDULE 1

2

CLAIMS, OBJECTIONS AND APPEALS

3

[Section 21(5) & 22(1)(b)]

4

Hearing and determination of claims, objections etc.

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1. The High Bailiff must hear and determine all claims and objections under paragraphs (a), (b)(ii) and (b)(iii) of section 20(1) which are referred for a hearing under this Schedule.

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2. A hearing under this Schedule —

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(a) must be held in public; and

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(b) subject to paragraph 6(a), must be held on or before such dates as may be prescribed.

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3. At least 14 days before a hearing, the Officer must cause public notice to be given, in at least 1 newspaper published and circulating in the Island, and in such other manner as the Cabinet Office may direct, of the time and place at which the hearing will be held.

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4. The following persons are entitled to appear and to be heard, either in person or by an advocate, at a revision court —

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(a) in the case of a claim or objection under section 20(1)(a) or (b), a person concerned (as defined in section 21(6)); or

19

20

(b) in any case, the Officer,

21

and any person so entitled to make written representations.

22

5. The Officer must cause every person referred to in paragraph 4(a) and (b) to be notified in writing of the decision or order of the High Bailiff with respect to the claim, objection or alteration in question.

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Powers of High Bailiff

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6. The High Bailiff has power —

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(a) to adjourn from time to time, or from place to place;

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(b) to take evidence on oath, and for that purpose to administer oaths, or to require a person examined to make and subscribe a declaration of truth of the matter in respect of which that person is examined;

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(c) to require the attendance, by summons under the hand of the High Bailiff, of any person, and by summons to require the production by any person of all such books and documents as the High Bailiff may consider necessary, and to require any person so summoned to answer any questions touching the matter before the court;

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1 (d) to award costs against any person whom the High Bailiff considers to
2 have made an attempt to sustain a groundless, frivolous or vexatious
3 claim or objection, and to grant execution therefor; and

4 (e) except where otherwise provided by this Act, to proceed in the same
5 manner as, and to exercise all the powers of, a returning officer of a
6 constituency at an election.

7 7. If an appeal on a point of law is made from a decision of the High Bailiff under
8 this Act, any execution for costs granted in the same case must be suspended, and must
9 follow the decision on appeal; unless the High Court directs otherwise.

10 8. If execution for costs is granted against any person under paragraph 6(d), the
11 High Bailiff may refuse to hear any other objection made by the same person until the
12 amount of such execution has been paid or secured to the satisfaction of the court.

13 9. Any summons, execution or order issued, granted or made by the High Bailiff
14 under this Act must be served, recovered or enforced in like manner and by the same
15 officers, and has the like effect, as if issued, imposed, granted or made by the High
16 Court.

17 10. Every witness summoned to give evidence at a revision court, if not in
18 contempt, is entitled to receive wages from the person at whose instance the witness is
19 summoned.

20 *Appeals*

21 11. Any person entitled to appear before the High Bailiff with respect to a claim,
22 objection or alteration, who is aggrieved by the decision of the High Bailiff thereon,
23 may, having exercised the right to appear before or to make written representations to
24 the High Bailiff, within 7 days of receipt of the notification of the decision, question the
25 decision on the ground that it is wrong in law by requiring the High Bailiff to state a
26 case for the opinion of the High Court.

27 12. The Officer may appear by an advocate in any appeal.

28 13. Costs may not be awarded against the Officer in any appeal under this
29 Schedule unless the High Court is satisfied that the decision appealed against was due
30 to breach of duty on the part of the Officer

31 14. Notice of the decision on any appeal under this Schedule must be sent by the
32 Chief Registrar to —

33 (a) the Clerk of the Rolls; and

34 (b) the clerk of every local authority to whose district the register of electors
35 the subject of the appeal relates,

36 and the Clerk of the Rolls and such other clerk must, on receipt of such notice, make
37 and sign such alterations to the register of electors as may be required to give effect to
38 such decision.

1 15. The right to vote at an election is not affected by any pending appeal, and the
2 decision on an appeal does not alter or affect any poll or return in relation to an
3 election the writ for which is issued while such an appeal is pending.

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SCHEDULE 2**CIVIL PENALTIES**

[Sections 5(4) & 6(4)]

P1983/2/Schedule ZA1 (for the whole Schedule)

1 Introduction

This Schedule is about civil penalties under sections 5(4) and 6(5).

2 Interpretation

In this Schedule “**civil penalty**” includes any interest or additional penalty (*see paragraph 8 below*).

3 Amount of penalty

The amount of a civil penalty is to be prescribed.

4 Penalty procedure

- (1) The procedure for imposing a civil penalty on a person is to be set out in regulations.
- (2) The regulations must, in particular, require the Electoral Registration Officer to give the person written notice specifying—
 - (a) the amount of the civil penalty;
 - (b) the reasons for imposing it; and
 - (c) the date by which and manner in which it is to be paid.

5 Penalty procedure: preliminary steps

Regulations may specify steps which the Electoral Registration Officer must take before imposing a civil penalty.

6 Reviews and appeals

- (1) Regulations may give a person on whom a civil penalty is imposed—
 - (a) a right to request a review of the decision to impose the penalty;
or
 - (b) a right to appeal against the decision to a court of summary jurisdiction.
- (2) Regulations under this paragraph may, in particular—
 - (a) specify the grounds on which a person may request a review or appeal;

- (b) specify the time within which a person must request a review or appeal;
- (c) require a person to request a review before appealing;
- (d) make provision about the procedure for a review; or
- (e) make further provision about reviews and appeals (including provision as to the powers available on a review or appeal).

7 Circumstances in which a penalty may not be imposed, and when it may be cancelled

Regulations may specify circumstances in which—

- (a) a civil penalty may not be imposed; or
- (b) a civil penalty may be cancelled.

8 Interest and additional penalties

Regulations may—

- (a) allow interest to be charged on a civil penalty that is paid late;
- (b) allow an additional penalty to be imposed for late payment.

9 Accounting

A civil penalty received by the Electoral Registration Officer must be paid into the General Revenue of the Island.

10 Recovery

Regulations may provide for the recovery of civil penalties by the Electoral Registration Officer.

11 Supplemental

Regulations may make further provision about civil penalties.

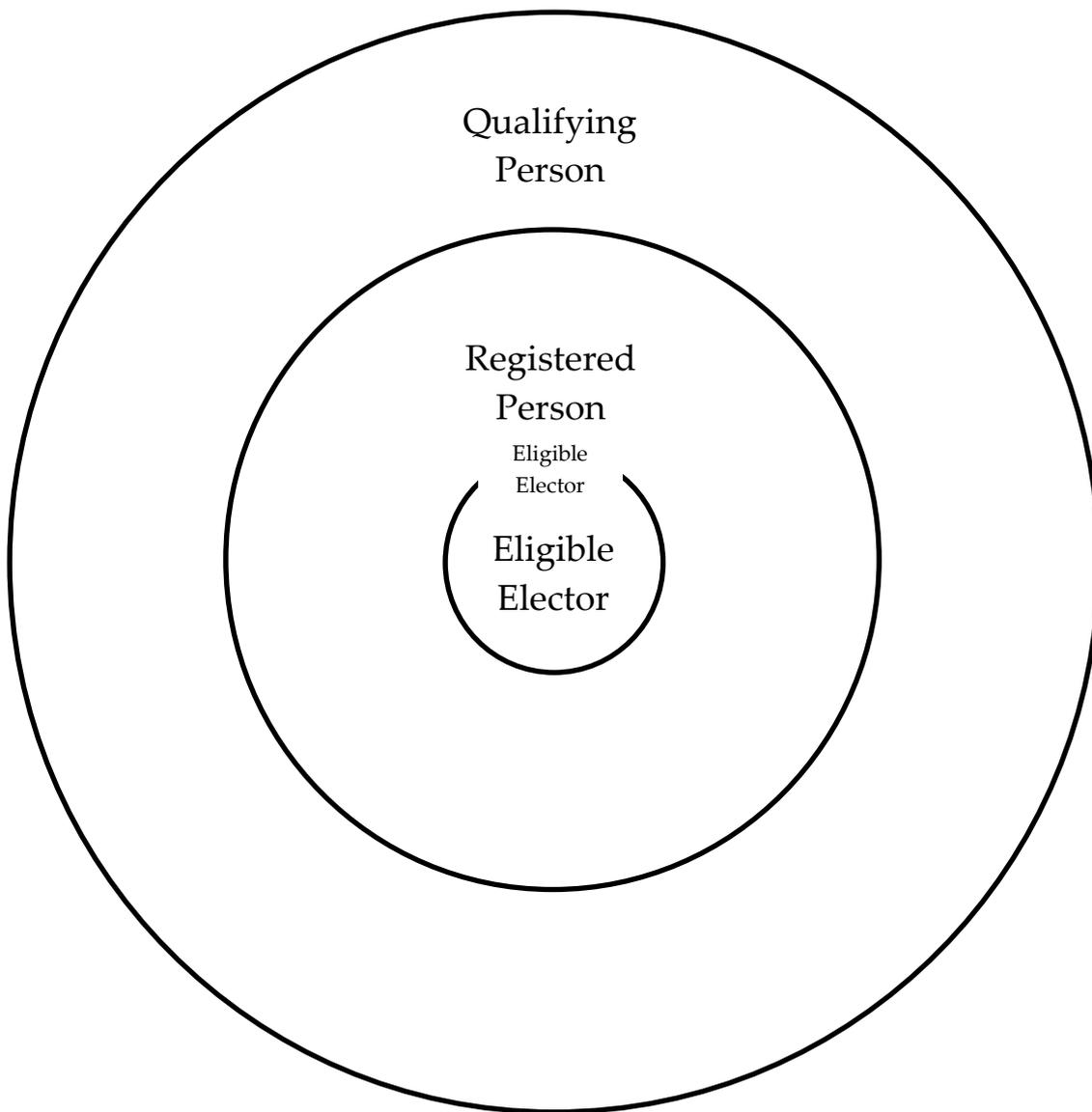
12 Tynwald procedure

Regulations made under this Schedule must not commence unless they have been approved by Tynwald.

SCHEDULE 3

INTERCONNECTION BETWEEN “QUALIFYING PERSON”, “REGISTERED PERSON” AND “ELIGIBLE ELECTOR”

[Section 3(1), 4(1) & (3)]



IN THE KEYS

REGISTRATION OF ELECTORS BILL 2020

A **BILL** to restate the enactments relating to the franchise and the registration of electors; to amend the law relating to the maintenance of electoral registers; and for connected purposes.

Leave to introduce given by the Council of Ministers on 13 February 2020.

MR THOMAS

25 FEBRUARY 2020