



Isle of Man

Ellan Vannin

AT 11 of 2020

REGISTRATION OF ELECTORS ACT 2020



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**Isle of Man***Ellan Vannin*

REGISTRATION OF ELECTORS ACT 2020

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AN ACT 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.

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:—

PART 1 – INTRODUCTORY

1 Short title

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

2 Commencement

- (1) This Act (except this section and sections 1 and 3) will come into operation on such day or days as the Council of Ministers may by order appoint.
- (2) An order under subsection (1) may make such consequential, incidental, supplemental and transitional provisions as appear to the Council of Ministers to be necessary or expedient for the purposes of the order.

3 Interpretation

[2006/12/15 and drafting]

- (1) In this Act —
“**constituency**” means any of the following 12 constituencies —
 - (a) Arbory, Castletown and Malew;
 - (b) Ayre and Michael;

- (c) Douglas Central;
- (d) Douglas East;
- (e) Douglas North;
- (f) Douglas South;
- (g) Garff;
- (h) Glenfaba and Peel;
- (i) Middle;
- (j) Onchan;
- (k) Ramsey; and
- (l) Rushen;

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

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

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

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

- (m) if the district of the local authority in question is divided into wards, a ward of the district; or
- (n) otherwise, the district;

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

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

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

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

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

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

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

¹ S.D. No. 2018/0145

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

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

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

“**register of electors**” –

- (a) means a register in which are recorded all the relevant personal data of eligible electors;
- (b) when used in relation to an electoral area, means the register of electors constituted for that area pursuant to section 13(3) or (6), as the case may be; and
- (c) when used in relation to a polling district, means the relevant part of the register; (*see subsection (3)*);

“**registration requirement**” – see section 6(5)(a);

“**regulations**” means regulations made under this Act by the Council of Ministers;

“**relevant personal data**” means personal data (as defined in the data protection legislation) the processing of which is necessary for registration of a qualifying person as required by section 6;

“**relevant registration date**” means a date that is prescribed for the purpose;

“**residential unit**” means any building or portion of a building used as a residence by one or more persons.

- (2) Where a constituency is not divided into polling districts, any reference in this Act to a polling district of that constituency must be construed as a reference to the entire constituency.
- (3) Other expressions in this Act have the same meanings as in the *Elections (Keys and Local Authorities) Act 2020*.

PART 2 – FRANCHISE AND REGISTER OF ELECTORS

4 Franchise

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

- (1) A qualifying person –
 - (a) who has satisfied the registration requirement; and
 - (b) whose name has been entered in the register of electors for an electoral area,

is, in an election, entitled to vote in that electoral area. Such a person is hereafter referred to as an “**eligible elector**”. (See Schedule 3, which contains a diagram depicting the interconnection between “qualifying person”, “registered person” and “eligible elector”.)

- (2) An eligible elector must not vote more than once in the same election.

If an eligible elector contravenes this subsection, the eligible elector commits an offence for which he or she is liable on conviction on information to a fine or to custody for a term not exceeding 5 years, or to both.

- (3) A person is a “qualifying person” if —
- (a) on the relevant registration date the person —
 - (i) has his or her usual place of abode in the electoral area in respect of which the person has met the registration requirement;
 - (ii) has, during the whole of the preceding 12 months, had his 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.

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

6 Individual registration

- (1) A qualifying person must ensure that —
 - (a) he or she is registered; and
 - (b) his or her personal data are updated so as to be current (as far as is reasonably practicable).

The personal data referred to in paragraph (b) are the personal data submitted by or on behalf of the qualifying person in compliance with the registration requirement.

- (2) With respect to subsection (1)(b), the qualifying person must in particular ensure that updates are promptly made in respect of any change to his or her name or residential address (especially if the new residential address is not in the Island).
- (3) The Officer must, as often as he or she reasonably considers to be necessary, —
 - (a) issue guidance to qualifying persons as to how to register and how to update personal data submitted in the course of registering; and
 - (b) take all reasonable steps to ensure that this guidance comes to the attention of qualifying persons.
- (4) The Officer may impose a civil penalty on a qualifying person who fails to comply with this section.

Schedule 2 contains further provisions about civil penalties.

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

7 Special categories of qualifying persons

- (1) A person falling in any of the categories specified in subsection (2) may comply with section 6(1) and (2) in accordance with a prescribed, bespoke procedure.

Tynwald procedure – affirmative.
- (2) The categories referred to in subsection (1) are —
 - (a) persons ordinarily resident in the Island but who are at the material time temporarily absent from the Island on account of —
 - (i) their service in the armed forces of the Crown;
 - (ii) their enrolment in a course of study outside the Island; or
 - (iii) their employment; and

- (b) persons whom the Officer permits to register anonymously, in accordance with section 8.

8 Anonymous registration

- (1) The Officer may allow a person to register anonymously if the Officer is satisfied that the person is vulnerable and at risk. In attempting to satisfy himself or herself, the Officer may have regard to such evidence as may be prescribed.
- (2) Regulations under section 7(1) must make provision for persons registered anonymously to either —
 - (a) become eligible electors; or
 - (b) be placed in a position equivalent to that of eligible electors.

Such provision must, in particular, specify the notation on a register of electors which is to relate to eligible electors who registered anonymously.

9 Duty to convert registered persons into eligible electors

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

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

- (1) The Officer may refuse to enter in a register of electors the name and other prescribed relevant personal data of any person —
 - (a) who has purportedly complied with section 6(1) upon recently becoming a qualifying person; but
 - (b) in respect of whose —
 - (i) identity;
 - (ii) age;
 - (iii) residential status; or

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

PART 3 – PREPARATION, PUBLICATION AND MAINTENANCE OF REGISTER

Annual publication of full and updated register

11 Annual publication of register

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

12 Compilation of updated registers

- (1) In compiling an updated register of electors for each calendar year, the Officer must utilise (as may be applicable) —
 - (a) relevant personal data processed for the purpose of compiling —
 - (i) the most recent full and updated register of electors;

- (ii) all alteration notices² published since the publication of the most recent full and updated register of electors; and
 - (iii) information which, under section 19(1), must be supplied to the Officer; and
- (b) any relevant personal data submitted to the Officer —
- (i) by —
 - (A) the data subject to whom the relevant personal data relate; or
 - (B) another person, provided the person may lawfully disclose the relevant personal data (in accordance with the data protection legislation); and
 - (ii) by any means whatsoever.

This is subject to subsection (2).

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

13 Procedure following publication of registers

[2006/12/7 and drafting]

- (1) On completion of the updating process in accordance with section 12, the Officer must, in accordance with regulations, place the registers of electors for all of the polling districts in each constituency in order and allocate to each entry on the registers a unique register number.
- (2) On completion of each update of a register, the Officer must, in accordance with regulations, allocate to each new entry on the register a unique register number.
- (3) Once the registers of electors have been ordered and numbered as required by subsections (1) and (2), the Officer must deposit them in the Central Registry not later than such date as is prescribed, and the said registers, subject to paragraph 19 of Schedule 1, constitute the register of electors for that constituency as from such date as is prescribed until the next update.
- (4) The Officer must, in accordance with regulations, —

² See section 15.

- (a) place copies of the updated registers of electors for all of the polling districts in each district (or, if a district is divided into wards, in each ward of the district) in order;
 - (b) number the names on such registers in accordance with 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 19 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,
during such periods as may be prescribed.
Tynwald procedure – approval required
- (2) The Officer must cause public notice to be given –
- (a) during the 7 days before each relevant registration date;
 - (b) in a manner that the Officer deems adequate; and
 - (c) in such other manner as the Officer may direct,
of the places where the registers of electors, and the lists of claims and objections relating thereto, may be inspected.
- (3) Every notice given under subsection (2) must –
- (a) specify the manner in which claims and objections in respect of the registers of electors may be made;
 - (b) state that the names of persons marked “J” in the registers of electors will be included in the jurors’ lists, and that such persons will, subject to revision of the jurors’ lists in pursuance of the Jury Act 1980, be liable to serve as jurors.
- (4) The Officer must ensure that a copy of every register of electors for any polling district which falls wholly or partly within the district of the local authority is accessible to each local authority, via electronic means.
- (5) Each local authority must notify the Officer of every error and omission which it has discovered or, as the case may be, that it has discovered no error or omission in a register.

Periodic updates to the register

15 Alteration notices

- (1) On a monthly basis, the Officer must ensure that an alteration notice is prepared and published.
- (2) An alteration notice –
 - (a) is a notice that sets out all changes made to the register of electors since the publication of the last full and updated register of electors or the last alteration notice;
 - (b) performs the function of listing in a single document all the alterations or modifications made to the register of electors since the most recent publication of a full and updated register of electors; or

- (c) constitutes the final definitive document on which will appear the names and other relevant personal details of persons who –
 - (i) became eligible electors since the most recent publication 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;
 - (b) has ceased to reside in the Island; or
 - (c) has ceased to be a qualifying person.
- (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;
 - (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); and
 - (c) subsection (1)(c) is subject to the Officer's having received prescribed information in a manner that has been prescribed in conformity with the data protection legislation.
Tynwald procedure – approval required

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

PART 4 – THE ELECTORAL REGISTRATION OFFICER

18 Registration Officer

[2006/12/4 and drafting]

- (1) The Chief Secretary must appoint a person employed in the Cabinet Office as the Electoral Registration Officer (“the Officer”) to perform —
 - (a) the functions referred to in subsection (3); and
 - (b) such other functions in connection with elections as may be imposed by any other enactment.
- (2) The Chief Secretary must also appoint a Deputy Electoral Registration Officer (“the Deputy”), whose duty it is to perform all the functions of the Officer whenever the Officer is unavailable. The person so appointed must also be a person employed in the Cabinet Office.

Accordingly, all the provisions in this and any other enactment conferring functions on the Officer must be construed as relating to the Deputy for the entire duration of the Officer’s unavailability.

- (3) In addition to performing the functions specified in section 5, the Officer must undertake the other functions conferred by this Act.

19 Provision of assistance to Electoral Registration Officer

[2006/12/5 and drafting]

- (1) The registrar of each district appointed for the purpose of registering births and deaths pursuant to the *Civil Registration Act 1984* must supply to the Officer, on the prescribed dates in each year, lists of all the persons aged 16 years or older 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 local 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;
- (iii) to a claim by another person under paragraph (a); or
- (iv) in accordance with section 17(4),

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) The Officer must, on receipt of a claim or objection under this section, —
 - (a) maintain such records in such form and containing such information as may be prescribed; and
 - (b) give notice of the making of the claim or objection, as the case may be, —
 - (i) to every person affected by it; and
 - (ii) in such written form as must be prescribed.
- (4) The Officer must, in accordance with regulations, cause copies of lists of such claims and objections to be available for public inspection free of charge at such times and places as may be prescribed, and must cause copies of all such claims and objections to be available for public inspection free of charge at the Cabinet Office.

Tynwald procedure – approval required.

21 Determination of claims and objections

[2006/12/10 and drafting]

- (1) If the Officer is of the opinion that the particulars given in a claim or objection are insufficient, the Officer may ask for further information to be given within 7 days of the request, and no further action need be taken in respect of that claim or objection unless such information is supplied within that period.
- (2) If the Officer is of the opinion that the claim may be allowed without a hearing, and there is no objection to the claim, the claim must be allowed, and the claimant notified accordingly.
- (3) If the Officer is of the opinion that an objector is not entitled to object, the Officer must —
 - (a) disallow the objection; and
 - (b) notify each person concerned accordingly.
- (4) If the Officer is of the opinion that a claim or objection cannot be allowed because —

³ See section 14(3)(b).

- (a) the matter has been concluded by the decision of a court of competent jurisdiction; or
- (b) the particulars given in the claim or objection do not entitle the claimant or objector to succeed,

the Officer must give notice in writing to each person concerned of the opinion and the grounds thereof, and stating that the claim or objection will be disallowed unless a person concerned, within 7 days from the date of service of the notice, requires the Officer in writing to refer the matter for a hearing, and if no such requirement is made within that period, the claim or objection may be disallowed.

- (5) In any case in which —

- (a) the Officer does not allow or disallow a claim or an objection; or
- (b) the Officer either allows or disallows a claim or an objection, and any person has in writing advised that Officer that the person is aggrieved by the allowance or disallowance, as the case may be,

the Officer must refer the matter for a hearing under Schedule 1 and must give to each person concerned a notice in writing of the time and place at which the matter will be dealt with under that Schedule.

- (6) In this section —

“claim” means a claim under section 20(1)(a);

“person concerned” —

- (a) in relation to a claim, or an objection under section 20(1)(b)(iii) to a claim, means the claimant and the objector (if any);
- (b) in relation to an objection under section 20(1)(b)(ii), means the objector and the person with respect to whom the objection is made;

“objection” means an objection under section 20(1)(b).

22 Modifications to registers of electors

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

- (1) The Officer must, in accordance with regulations, make any modification to a register of electors which is required —
- (a) to carry out a decision of the Officer with respect to any claim or objection;
 - (b) to carry out a decision or order under Schedule 1 with respect to any claim or objection;
 - (c) to correct any clerical error; or
 - (d) to correct any misnomer or inaccurate description.

- (2) The Officer must place the letter “J” against the name entered in a register of electors of any person who is qualified to serve as a juror.
- (3) The Officer must, in accordance with regulations, send to the Chief Registrar –
 - (a) a list of jurors for each sheading, made up in alphabetical order, of the names marked “J” in the register of electors applicable to such sheading but separating on the list, in accordance with any directions of the Clerk of the Rolls, the names of those persons who may apparently be related to one another; and
 - (b) a copy of every objection under section 20(1)(b)(i) in respect of any such list.

Tynwald procedure – approval required

PART 6 – GENERAL AND MISCELLANEOUS PROVISIONS

23 Restrictions on use of registers

[2006/12/12 and drafting]

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

Tynwald procedure – approval required

24 General power to make regulations

[2006/12/13 and drafting]

- (1) The Council of Ministers may make regulations for the purpose of giving effect to this Act.
- (2) Without limiting subsection (1), regulations must make provision —
 - (a) requiring copies of the register and other documents, or prescribing parts of them, to be available for inspection by the public at such places as may be prescribed;
 - (b) requiring the Central Registry to supply to such persons as may be prescribed copies of the register and other documents, or prescribed parts of them, whether free of charge or on payment of a prescribed fee;
 - (c) specifying, in relation to any description of persons prescribed under paragraph (b), the purposes for which copies supplied to such persons under such regulations, or information contained in them, may be used whether by such persons or by employees or other persons authorised by them in accordance with the regulations to have access to such copies or information contained in them;
 - (d) imposing prohibitions or restrictions relating to the extent (if any) to which persons inspecting the register in accordance with regulations under paragraph (a) may make copies of the register;
 - (e) imposing prohibitions or restrictions relating to the extent (if any) to which persons to whom copies of the register are supplied (whether in accordance with regulations under paragraph (b) or in accordance with any other enactment) may —
 - (i) supply those copies, or otherwise disclose any information contained in them, to other persons; or
 - (ii) make use of any such information otherwise than for any purposes specified in the regulations or (as the case may be) for which the copies have been supplied in accordance with any such provision ;
 - (f) imposing, in relation to persons —
 - (i) to whom copies of the register have been supplied, or information contained in such copies has been disclosed, in accordance with regulations made in pursuance of this paragraph; or
 - (ii) who otherwise have access to such copies or information, prohibitions or restrictions corresponding to those which may be imposed by virtue of paragraph (e);

- (g) imposing, in relation to persons involved in the preparation of the full register, prohibitions with respect to supplying copies of the full register and disclosing information contained in it.
- (3) Regulations under this section may make it an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale —
- (a) for a person to contravene any prohibition or restriction imposed under subsection (2)(d), (e), (f) or (g) or to do so in any prescribed circumstances; or
 - (b) where such contravention occurs on the part of a person in the employment, or otherwise under the direction or control, of a body corporate or unincorporate, for a director of the body, or any other person concerned with its management, to fail to take such steps as it is reasonable for that director or manager to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of such contraventions on the part of such persons.

Tynwald procedure – approval required.

25 Financial provisions

[2006/12/14 and drafting]

- (1) The expenses incurred for the purposes of this Act by the Treasury, the Cabinet Office, the Clerk of the Rolls, the High Bailiff and the Officer must be paid out of moneys provided by Tynwald.
- (2) The Cabinet Office, with the concurrence of the Treasury, may by regulations prescribe any fees which may be prescribed for the purposes of section 24(2)(b) and such fees must be paid into and form part of the General Revenue of the Island.

Tynwald procedure – approval required.

26 Use of personal data garnered for census purposes

- (1) The Cabinet Office or the Officer may process, for the purpose of compiling or reviewing a register of electors, personal data disclosed by the Treasury under section 7 of the *Census Act 1929*.
- (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 Cabinet Office and the Officer must comply with the provisions of the data protection legislation.

27 Consequential amendments

- (1) In accordance with the succeeding provisions of this section, the following Acts and Measure are amended —

- (a) the *Census Act 1929*, to the extent specified in subsection (2);
 - (b) the *Jury Act 1980*, to the extent specified in subsection (3);
 - (c) the *Douglas Municipal Corporations Act 1895*, to the extent specified in subsection (4);
 - (d) the *Education Act 2001*, to the extent specified in subsection (5); and
 - (e) the *Representation of the People Act 1995*, to the extent specified in subsection (6);
 - (f) the *Representation of the People (Amendment) Act 2015*, to the extent specified in subsection (7); and
 - (g) the *Churchwardens Measure (Isle of Man) 2013*, to the extent specified in subsection (8).
- (2) The *Census Act 1929* is amended by inserting the following new section immediately after section 6 –

67 Disclosure of census data for electoral purposes

- (1) The Treasury may, for the sole purpose of allowing the Cabinet Office or the Electoral Registration Officer (“the Officer”) to verify personal data submitted to it under the *Registration of Electors Act 2020*, disclose to the Cabinet Office or the Officer so much of the personal data gathered as the Cabinet 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. **68**.

- (3) The *Jury Act 1980* is amended –
- (a) in section 1(2), by substituting **69** section 4 of the *Registration of Electors Act 2020* **70** for “section 1 of the *Registration of Electors Act 2006*”; and
 - (b) in section 5, by substituting –
 - (i) **69** section 20(1)(b)(i) of the *Registration of Electors Act 2020* **70** 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**”.
- (7) Section 6 of the *Representation of the People (Amendment) Act 2015* is amended, in subsection (5) of the new section 10B of the *Representation of the People Act 1995* which the aforementioned 2015 Act inserts, by substituting **¶** the *Registration of Electors Act 2020* **¶** for “the *Registration of Electors Act 2006*”.
- (8) The *Churchwardens Measure (Isle of Man) 2013* is amended in section 3 by substituting **¶** the *Registration of Electors Act 2020* **¶** for “the *Registration of Electors Act 2006*” in the definition of “register of electors”.

28 Repeal of 2006 Act

The *Registration of Electors Act 2006* is repealed.

SCHEDULE 1

CLAIMS, OBJECTIONS AND APPEALS

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

Hearing and determination of claims, objections etc.

1. The High Bailiff must hear and determine all claims and objections under paragraphs (a), (b)(ii), (b)(iii) and (b)(iv) of section 20(1) which are referred for a hearing under this Schedule.
2. A hearing under this Schedule —
 - (a) must be held in public; and
 - (b) subject to paragraph 8(a), must be held on or before such dates as may be prescribed.
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.
4. The following persons are entitled to appear and to be heard, either in person or by an advocate, at a revision court —
 - (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
 - (b) in any case, the Officer,

and any person so entitled to make written representations.

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.

Hearing and determination of appeals of decisions made by the Officer

6. Where, pursuant to section 21(5)(b), the Officer refers a matter for a hearing under this Schedule, the High Bailiff must hear and determine the aggrieved person's appeal against the Officer's decision to allow or disallow the claim or objection, as the case may be.
7. Paragraphs 2 to 5 apply *mutatis mutandis* to a hearing referred to in paragraph 6.

Powers of High Bailiff

8. The High Bailiff has power —
 - (a) to adjourn from time to time, or from place to place;

- (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;
- (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;
- (d) to award costs against any person whom the High Bailiff considers to have made an attempt to sustain a groundless, frivolous or vexatious claim or objection, and to grant execution therefor; and
- (e) except where otherwise provided by this Act, to proceed in the same manner as, and to exercise all the powers of, a returning officer of a constituency at an election.

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

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

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

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

Provisions specific to an appeal to the High Bailiff

13. When hearing an appeal referred to in paragraph 6, the High Bailiff has —
- (a) the power conferred by paragraph 8; and
 - (b) the power to either affirm or overrule the decision being appealed.
14. Paragraphs 16 to 20 also apply to the decision of the High Bailiff on an appeal referred to in paragraph 6.
15. The High Bailiff must endeavour to reach a decision on an appeal before the day of the election to which the decision being appealed (“**the decision**”) relates; but where, despite best endeavours, a decision is not reached before the election, the appellant and any other person affected by the decision must be permitted to vote in the election regardless of whether or not the effect of the decision is that such voting ought not to be permitted.

Appeals regarding decisions of the High Bailiff

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

17. The Officer may appear by an advocate in any appeal.

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

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

- (a) the Clerk of the Rolls; and
- (b) the clerk of every local authority to whose district the register of electors the subject of the appeal relates,

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

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



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.

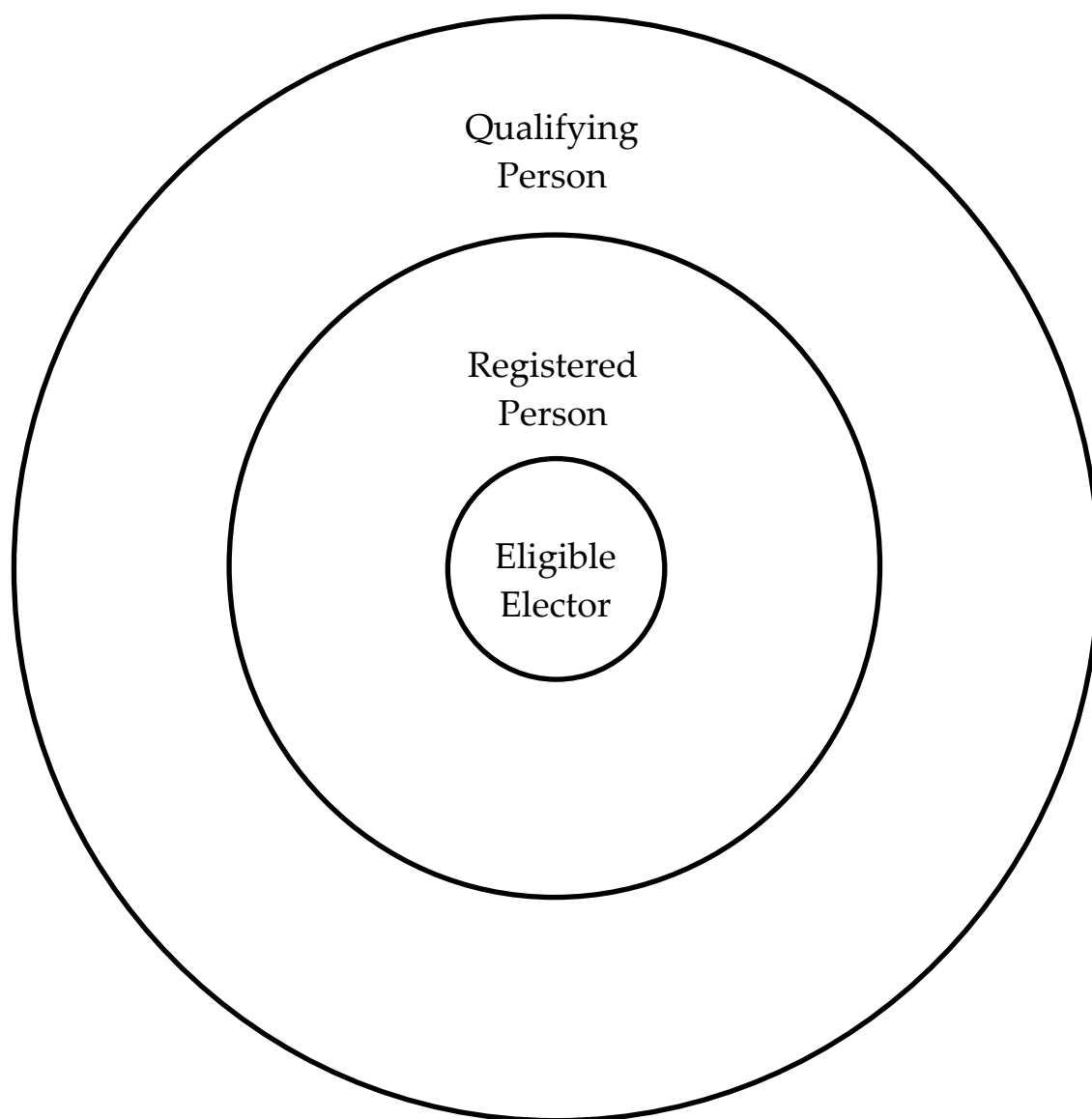
12 Tynwald procedure

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)]



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