

CHAPTER No. 12

REGISTRATION OF ELECTORS ACT 2006

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REGISTRATION OF ELECTORS ACT 2006

Arrangement of Sections

Section

PART 1

FRANCHISE AND REGISTER OF ELECTORS

- 1.** Franchise
- 2.** Registers of electors
- 3.** Entitlement to registration
- 4.** Registration officer
- 5.** Provision of assistance to registration officer

PART 2

REVISION OF REGISTERS OF ELECTORS

- 6.** Revision of registers
- 7.** Preparation of registers
- 8.** Publication of registers and revisions

PART 3

CLAIMS, OBJECTIONS AND CORRECTION OF THE REGISTERS

- 9.** Claims and objections
- 10.** Determination of claims and objections
- 11.** Alterations to registers of electors

PART 4

GENERAL

- 12.** Restrictions on use of registers

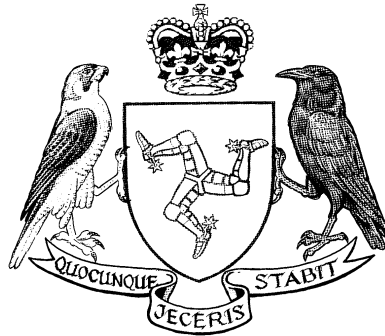
13. Supply of information contained in register
14. Financial provisions
15. Interpretation
16. Public documents
17. Consequential amendments and repeals
18. Short title and commencement

SCHEDULES —

Schedule 1 — Claims, objections and appeals

Schedule 2 — Consequential amendments

Schedule 3 — Consequential repeals



Isle of Man } Signed in Tynwald: 12th July 2006
 to Wit } Received Royal Assent: 12th July 2006
 Announced to Tynwald: 12th July 2006

AN ACT

to repeal and replace the enactments relating to the franchise and registration of electors; to amend the law relating to the preparation of registers of electors; and for connected purposes.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and 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 (that is to say):—

PART 1

FRANCHISE AND REGISTER OF ELECTORS

1. (1) Any person who is registered in the register of electors for an electoral area shall be entitled to vote in an election in that area, unless that person is subject to any legal incapacity to vote. Franchise
1984/3/1(1)
& (3)(b)

(2) No person shall vote more than once in the same election.

2. (1) Registers of electors shall be made of all persons entitled to vote at elections in accordance with this Act and regulations under this Act. Registers
of electors
1984/3/1(4)

(2) The registers of electors under the Registration of Electors Act 1984, as it had effect immediately before the date on which this Act comes into operation, shall, on that date, have effect [c.3]

as the registers of electors under this Act until revised in accordance with this Act.

Entitlement to registration

1984/3/1(2) & (3)(a)

3. (1) Any qualifying person shall be entitled to be registered in the register of electors for an electoral area.

(2) A person is a qualifying person if —

(a) on the relevant registration date that person —

(i) has his or her usual place of abode in that electoral area, and has, during the whole of the preceding 12 months, had his or her usual place of abode in the Island, and

(ii) is not subject to any legal incapacity to vote; and

(b) at any time between the relevant revision of the register under Part 2 and the subsequent revision, that person shall have attained the age of 16 years; and

(c) no enactment disqualifies that person for registration in the register of electors for the electoral area.

(3) No person shall be registered in more than one polling district.

Registration officer

1984/3/2 & 15(1) & (2)

4. (1) A registration officer shall be appointed for the purposes of this Act.

(2) The functions of the registration officer are —

(a) to prepare, maintain and revise the registers of electors for each polling district of all persons who are entitled to be registered in the register of electors for each constituency in accordance with this Act and regulations; and

(b) to undertake the other functions conferred by this Act and regulations.

(3) If the registration officer, or the clerk of any local authority, refuses or knowingly fails to carry out any duty imposed by this Act and regulations, he or she shall for each such refusal or failure be liable on summary conviction to a fine not exceeding £1,000.

(4) A prosecution for an offence under this section may be brought only by or with the consent of the Attorney General.

5. (1) The registrar of each registration district appointed for the purpose of registering births and deaths pursuant to the Civil Registration Act 1984 shall supply to the registration 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.

Provision of assistance to registration officer

1984/3/4(1)
& (2) & 3(6)
& (7)

[c.12]

(2) Every local authority shall assist the registration 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) The registration officer may require any householder or person owning or occupying any premises, or the agent of any such person, to give information required for the purpose of the registration officer's functions under this Act.

(4) Any person who without reasonable excuse fails to comply with a requirement under subsection (3), or gives false information in pursuance of such a requirement, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

PART 2

REVISION OF REGISTERS OF ELECTORS

6. (1) The registration officer shall, not later than the prescribed dates in each year, revise the registers of electors in accordance with this Act and regulations.

Revision of registers

1984/3/7(5)

(2) The revised registers of electors shall be in such form as the Treasury may determine.

(3) Regulations may make provision in respect of the revised registers of electors and in particular, but without prejudice to the generality of that power, may include provision —

- (a) for the preparation and making of revisions to the registers;
- (b) about the particulars of each elector to be included in the revised registers;
- (c) for the order in which electors appear in the revised registers.

(4) The registration officer shall place the letter "J" against the name entered in a register of electors of any person who is qualified to serve as a juror.

(5) The registration officer shall, in accordance with regulations, send to the coroner of each sheading and to the Chief Registrar —

- (a) a list of jurors for such 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 9(1)(c) in respect of any such list.

Preparation
of registers
1984/3/13

7. (1) On the completion of the register, the registration officer shall, 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 the completion of each revision, the registration officer shall, in accordance with regulations, allocate to each entry on the registers a unique register number.

(3) The registration officer shall sign the registers of electors, so ordered and numbered, for each constituency, and shall deposit the same in the General Registry not later than such date as is prescribed, and the said registers shall, subject to paragraph 14 of Schedule 1, constitute the register of electors for that constituency as from such date as is prescribed until the next revision.

(4) The registration officer shall, in accordance with regulations, place copies of the revised 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 and number the names on such registers in accordance with subsection (5), and shall, in accordance with regulations, send such copies, so ordered and numbered, and certified by the registration officer to be true copies of such registers, 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 shall be numbered in series by polling districts, unless the district is divided into wards, in which case they shall be numbered in series by wards, but if the local authority so directs, the names shall be numbered in one series for the entire district without reference to polling districts or wards.

(6) The certified copies of the register of electors sent under subsection (4) shall, 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 registers 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 revised.

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

(8) No register of electors shall be 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 registration officer.

(9) If for any reason —

- (a) no register of electors has been prepared for a polling district; or
- (b) a register of electors has not been made available for inspection at all; or
- (c) a register of electors has not been revised,

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

(10) In this section “revised” means revised in accordance with section 6 and, if required, altered under section 11.

8. (1) The registration officer shall, in accordance with regulations, cause a copy of the register of electors maintained in accordance with section 2 to be made available for public inspection free of charge —

- (a) at such places in each district to which the register relates as the Treasury may determine; and
- (b) at the office of the Treasury between 10 a.m. and 5 p.m. on every weekday other than a Saturday,

during such periods as may be prescribed with respect to each revision.

(2) The registration officer shall cause public notice to be given, during the 7 days before each relevant registration date, in at least 2 newspapers published and circulating in the Island, and in such other manner as the Treasury may direct, of the places

Publication
of registers
and revisions
1984/3/5

where the registers of electors, and the lists of claims and objections relating thereto, may be inspected.

- (3) Every notice given under subsection (2) —
- (a) shall specify the manner in which and the time within which claims and objections in respect of the registers of electors may be made; and
 - (b) shall 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 such jurors’ lists in pursuance of the Jury Act 1980, be liable to serve as jurors.

(4) The registration officer shall send to each local authority a copy of every register of electors for any polling district which falls wholly or partly within the district of the authority, and the authority shall notify the registration 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 the register.

PART 3

CLAIMS, OBJECTIONS AND CORRECTION OF THE REGISTERS

Claims and
objections

1984/3/7

- 9.** (1) Any person who —
- (a) claims to be entitled to be entered in a register of electors; or
 - (b) is so entered, or claims to be entitled to be so entered, and objects —
 - (i) to the entry of another person in the register ; or
 - (ii) to a claim by another person under paragraph (a); or
 - (c) objects to having his or her name marked “J” in the register ;

may make a claim or objection in writing to the registration officer.

(2) A claim under subsection (1)(a), or an objection under subsection (1)(b) shall be made within the prescribed period.

(3) The registration officer shall, on receipt of a claim or objection under this section maintain such records in such form and containing such information as may be prescribed.

(4) The registration officer shall, 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 shall cause copies of all such claims and objections to be available for public inspection free of charge at the office of the Treasury.

10. (1) If the registration officer is of the opinion that the particulars given in a claim or objection are insufficient, the registration 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.

Determination
of claims and
objections

1984/3/8

(2) If the registration officer is of the opinion that a claim may be allowed without a hearing, and there is no objection to the claim, the claim shall be allowed, and the claimant notified accordingly.

(3) If the registration officer is of the opinion that an objector is not entitled to object, the registration officer shall disallow the objection, and shall notify each person concerned accordingly.

(4) If the registration officer is of the opinion that a claim or objection cannot be allowed because —

- (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 registration officer may 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 registration 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) Subject to subsection (1), in any case in which the registration officer does not allow or disallow a claim or objection under subsection (2), (3) or (4), the matter shall be referred for a hearing under Schedule 1, and the registration officer shall give to each person concerned 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 9(1)(a);

“person concerned” —

- (i) in relation to a claim, or an objection under section 9(1)(b)(ii) to a claim, means the claimant and the objector (if any);
- (ii) in relation to an objection under section 9(1)(b)(i), means the objector and the person with respect to whom the objection is made;

“objection” means an objection under section 9(1)(b).

Alterations
to registers
of electors

1984/3/9

11. (1) The registration officer shall, in accordance with regulations, make any alteration to a register of electors which is required —

- (a) to carry out a decision of the registration 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;
- (d) to correct any misnomer or inaccurate description;
- (e) to delete the name of any person who the registration officer is satisfied has died,

and shall sign the registers as so altered.

(2) Where it appears to the registration officer that it is necessary to make any alteration to a register of electors (other than an alteration under subsection (1)) in order to ensure that no person —

- (a) shall be incorrectly registered; or
- (b) shall be registered when not entitled;

the registration officer shall, in accordance with regulations, give to the person affected notice in writing of the proposed alteration, stating that that person may, within such period as is prescribed, in writing require the registration officer to refer the matter for a hearing.

(3) If no requirement is made pursuant to a notice under subsection (2), the registration officer may make the necessary

alteration to the register of electors, but otherwise the registration officer shall refer the matter for a hearing under Schedule 1, and shall give notice in writing to the person affected of the time and place at which the matter will be heard by the High Bailiff.

PART 4

GENERAL

12. (1) Regulations under this Act may —

(a) impose prohibitions or restrictions relating to the extent (if any) to which persons inspecting the registers of electors in accordance with section 8 may —

Restrictions
on use of
registers

1984/3/6(1),
(2) & (4)

(i) make copies of the registers,

(ii) disclose any information contained in them to other persons, or

(iii) make use of any such information otherwise than for any purposes specified in the regulations;

(b) imposing, 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 £5,000 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.

13. (1) Regulations shall make provision —

(a) requiring the registration officer to prepare, in addition to the registers of electors under section 7 (“the full registers”), versions of those registers which omit the names and addresses of electors by or on behalf of whom requests have been made to have their names and addresses excluded from that version of it (“the edited registers”);

Supply of
information
contained
in register

1984/3/14(1),
(2) & (4)

(b) specifying a form of words to be used by the registration officer for the purpose of —

- (i) explaining to persons registered or applying to be registered, or persons acting on behalf of such persons, the purposes for which the full register and the edited register may each be used, and
 - (ii) ascertaining whether the exclusion of their names and addresses from the edited register is requested by or on behalf of such persons;
- (c) requiring copies of the full register and other documents, or prescribed parts of them, to be available for inspection by the public at such places as may be prescribed;
- (d) requiring the Chief Registrar —
 - (i) to supply to such persons as may be prescribed copies of the full register and other documents, or prescribed parts of them, whether free of charge or on payment of a prescribed fee;
 - (ii) to supply to any persons copies of the edited register, or any prescribed part of it, on payment of a prescribed fee;
- (e) specifying, in relation to any description of persons prescribed under paragraph (d)(i), 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;
- (f) imposing prohibitions or restrictions relating to the extent (if any) to which persons inspecting the full register in accordance with regulations under paragraph (c) may make copies of the register;
- (g) imposing prohibitions or restrictions relating to the extent (if any) to which persons to whom copies of the full register are supplied (whether in accordance with regulations under paragraph (d)(i) 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;

(h) imposing, in relation to persons —

(i) to whom copies of the full 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 (g);

(i) 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.

(2) Regulations under this section may make it an offence punishable on summary conviction by a fine not exceeding £5,000 —

(a) for a person to contravene any prohibition or restriction imposed under subsection (1)(f), (g), (h) or (i) or to do so in any prescribed circumstances, or

(b) where such a 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.

(3) In this section any reference to the full register includes a reference to any part of it.

14. (1) The expenses incurred for the purposes of this Act by the Treasury, the Clerk of the Rolls, the High Bailiff and the registration officer shall be paid out of moneys provided by Tynwald.

Financial provisions
1984/3/16

(2) The Treasury may by regulations prescribe any fees which may be prescribed for the purposes of section 13(1)(d) and

such fees shall be paid into and form part of the General Revenue of the Island.

Interpretation **15.** (1) In this Act —

1984/3/17
1984/3/1(2) &
(3)(a)

[c.13]

“constituency” means a constituency for the purposes of the Representation of the People Act 1995;

“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, —

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

(b) otherwise the district;

“legal incapacity” includes any disqualification for voting imposed by any 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) a member or members of the Keys; or

(b) a non-Tynwald member or members of the Isle of Man Board of Education;

“polling district” means (subject to subsection (2)) a polling district for the purposes of the Representation of the People Act 1995;

“prescribed” means, except in section 14(2), prescribed by regulations made by the Council of Ministers under this Act and “regulations” shall be construed accordingly;

“register of electors”, in relation to an electoral area, means the register of electors constituted for that area pursuant to section 7(3) or (6), as the case may be, and in relation

to a polling district means the relevant part of the register;

“registration officer” means the person appointed to be registration officer under section 4;

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

(2) Where a constituency is not divided into polling districts, any reference in this Act to a polling district of that constituency shall be construed as a reference to the entire constituency.

(3) Other expressions in this Act have the same meanings as in the Representation of the People Act 1995.

16. (1) The Council of Ministers may make regulations for the purpose of giving effect to this Act. Public documents

(2) Regulations under this Act shall not come into operation unless they are approved by Tynwald.

17. (1) The enactments specified in Schedule 2 are amended in accordance with that Schedule. Consequential amendments and repeals

(2) The enactments mentioned in column 1 of Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

18. (1) This Act may be cited as the Registration of Electors Act 2006. Short title and commencement

(2) This Act shall come into operation on such day as the Treasury may by order appoint.

(3) An order under subsection (2) may make such transitional provisions or savings as the Treasury may consider necessary in connection with any provision brought into force by the order.

SCHEDULES

Section 10(5)

SCHEDULE 1

CLAIMS, OBJECTIONS AND APPEALS

Hearing and determination of claims, objections, etc

1. The High Bailiff shall hear and determine —

- (a) all claims and objections under section 9(1)(a) and (b); and
- (b) all proposals for alterations under section 11(2);

which are referred for a hearing under this Schedule.

2. A hearing under this Schedule —

- (a) shall be held in public; and
- (b) subject to paragraph 6(a), shall be held on or before such dates as may be prescribed.

3. At least 14 days before a hearing, the registration officer shall cause public notice to be given, in at least 2 newspapers published and circulating in the Island, and in such other manner as the Treasury may direct, of the time and place at which the hearing will be held.

4. The following persons shall be 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 9(1)(a) or (b), a person concerned (as defined in section 10(6));
- (b) in the case of a proposed alteration under section 11(2), the person affected;
- (c) in any case, the registration officer,

and any person so entitled may make written representations.

5. The registration officer shall 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.

Powers of High Bailiff

6. The High Bailiff shall have 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; SCH. 1
- (c) to require the attendance, by summons under the hand of the High Bailiff, of any person, and by such 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 or attempted 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.

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

8. If execution for costs is granted against any person under paragraph 6(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.

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

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

Appeals

11. 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.

12. The registration officer may appear by an advocate in any appeal.

13. No costs shall be awarded against the registration 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 registration officer.

SCH. 1

14. Notice of the decision on any appeal under this Schedule shall 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 clerk shall, on receipt of such notice, make and sign such alterations to the registers of electors as may be required to give effect to such decision.

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

Section 17(1)

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

*Douglas Municipal Corporation Act 1895 (Vol. VII p.27)***1.** For section 10 substitute —

“**10.** A person shall be deemed to be a burgess for the purposes of this Act and to be enrolled as a burgess only if that person is registered as an elector in the register of electors for a ward of the borough under the provisions of the Registration of Electors Act 2006.”.

*Jury Act 1980 (c.9)***2.** (1) In section 1(2), for “1984” substitute “2006”.

(2) In section 5(1), for “section 7(1)(c) of the Registration of Electors Act 1984” substitute “section 9(1)(c) of the Registration of Electors Act 2006”.

(3) In section 5(6), for “section 7(5)(a) of the Registration of Electors Act 1984” substitute “section 6(5)(a) of the Registration of Electors Act 2006”.

*Representation of the People Act 1995 (c.13)***3.** In section 77, in the definition of “registration officer” for “1984” substitute “2006”.*Education Act 2001 (c.33)***4.** In Schedule 2, in paragraph 1(2)(b), for “1984” substitute “2006”.

Section 17(2)

SCHEDULE 3

CONSEQUENTIAL REPEALS

<i>Chapter no.</i>	<i>Short title</i>	<i>Extent of repeal</i>
1984 c.3	Registration of Electors Act 1984	The whole Act.
1985 c.25	Treasury Act 1985	In Schedule 2, entry 362 and the cross-heading relating to that entry.
1986 c.9	Jury (Amendment) Act 1986	Section 2.
1989 c.6	Statute Law Revision Act 1989	Section 3.
1990 c.8	Civil Service Act 1990	In Schedule 3, entry 17 and the cross-heading relating to that entry.
1995 c.13	Representation of the People Act 1995	In section 4(1)(b), the words from “after” to “force”. Section 76 and the cross-heading relating to that section. In Schedule 2, in paragraph 7(8) — (a) in the definition of “elector”, the words from “or who” to the end of the definition; (b) in the definition of “electoral number” the words from “or, pending” to the end of the definition. In Schedule 7, entry 2 and the cross-heading relating to that entry.
2002 c.2	Data Protection Act 2002	In section 57, the words “and the Registration of Electors Act 1984”. In Schedule 9, entry 2 and the cross-heading relating to that entry.
2006 c. 5	Representation of the People (Amendment) Act 2006	Section 4(2).