

## REGISTRATION OF ELECTORS BILL 2020

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**N.B. THIS IS A CONSOLIDATED VERSION, WHICH REFLECTS ALL THE AMENDMENTS MADE TO THE BILL IN THE KEYS.**

### Explanatory Memorandum

1. This Bill is promoted in the Legislative Council by Mr Bill Henderson, MLC, having completed its passage through the House of Keys. Mr Henderson promotes the Bill 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
<b>PART 1 – INTRODUCTORY</b>	<b>9</b>
1 Short title.....	9
2 Commencement.....	9
3 Interpretation.....	9
<b>PART 2 – FRANCHISE AND REGISTER OF ELECTORS</b>	<b>11</b>
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.....	15
9 Duty to convert registered persons into eligible electors.....	15
10 Right to refuse to enter name, etc. in the register.....	15
<b>PART 3 – PREPARATION, PUBLICATION AND MAINTENANCE OF REGISTER</b>	<b>16</b>
<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
<b>PART 4 – THE ELECTORAL REGISTRATION OFFICER</b>	<b>21</b>
18 Registration Officer.....	21
19 Provision of assistance to Electoral Registration Officer.....	22

<b>PART 5 – CLAIMS, OBJECTIONS AND CORRECTION OF THE REGISTERS</b>	<b>22</b>
20 Claims and objections .....	22
21 Determination of claims and objections .....	23
22 Modifications to registers of electors .....	24
<b>PART 6 – GENERAL AND MISCELLANEOUS PROVISIONS</b>	<b>25</b>
23 Restrictions on use of registers .....	25
24 General power to make regulations .....	25
25 Financial provisions .....	27
26 Use of personal data garnered for census purposes .....	27
27 Consequential amendments .....	27
28 Repeal of 2006 Act .....	29
<b>SCHEDULE 1</b>	<b>31</b>
CLAIMS, OBJECTIONS AND APPEALS	31
<b>SCHEDULE 2</b>	<b>35</b>
CIVIL PENALTIES	35
<b>SCHEDULE 3</b>	<b>37</b>
INTERCONNECTION BETWEEN “QUALIFYING PERSON”, “REGISTERED PERSON” AND “ELIGIBLE ELECTOR”	37





*Ellan Vannin*

## 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 any of the following 12 constituencies —

- 19 (a) Arbory, Castletown and Malew;  
 20 (b) Ayre and Michael;  
 21 (c) Douglas Central;  
 22 (d) Douglas East;  
 23 (e) Douglas North;

- 1 (f) Douglas South;
- 2 (g) Garff;
- 3 (h) Glenfaba and Peel;
- 4 (i) Middle;
- 5 (j) Onchan;
- 6 (k) Ramsey; and
- 7 (l) Rushen;

8 “**data protection legislation**” has the meaning given in regulation 5(1) of  
9 the GDPR and LED Implementing Regulations 2018<sup>1</sup>;

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

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

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

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

19 (n) otherwise, the district;

20 “**Electoral Registration Officer**” or “**Officer**” means the person  
21 appointed to be the Electoral Registration Officer under section  
22 18(1) or, whenever that person is unavailable, the Deputy  
23 Electoral Registration Officer appointed under section 18(2);

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

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

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

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

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

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

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

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

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<sup>1</sup> S.D. No. 2018/0145

- 1 “**registered person**” means a qualifying person who has complied with  
 2 the registration requirement; (*See Schedule 3, which contains a*  
 3 *diagram depicting the interconnection between “qualifying person”,*  
 4 *“registered person” and “eligible elector”.*)
- 5 “**register of electors**” –
- 6 (a) means a register in which are recorded all the relevant  
 7 personal data of eligible electors;
- 8 (b) when used in relation to an electoral area, means the register  
 9 of electors constituted for that area pursuant to section 13(3)  
 10 or (6), as the case may be; and
- 11 (c) when used in relation to a polling district, means the  
 12 relevant part of the register; (*see subsection (3)*);
- 13 “**registration requirement**” – see section 6(5)(a);
- 14 “**regulations**” means regulations made under this Act by the Council of  
 15 Ministers;
- 16 “**relevant personal data**” means personal data (as defined in the data  
 17 protection legislation) the processing of which is necessary for  
 18 registration of a qualifying person as required by section 6;
- 19 “**relevant registration date**” means a date that is prescribed for the  
 20 purpose;
- 21 “**residential unit**” means any building or portion of a building used as a  
 22 residence by one or more persons.
- 23 (2) Where a constituency is not divided into polling districts, any reference  
 24 in this Act to a polling district of that constituency must be construed as  
 25 a reference to the entire constituency.
- 26 (3) Other expressions in this Act have the same meanings as in the *Elections*  
 27 (*Keys and Local Authorities*) Act 2020.

## 28 PART 2 – FRANCHISE AND REGISTER OF ELECTORS

### 29 4 Franchise

30 [2006/12/2 & 3, and drafting]

- 31 (1) A qualifying person –
- 32 (a) who has satisfied the registration requirement; and
- 33 (b) whose name has been entered in the register of electors for an  
 34 electoral area,
- 35 is, in an election, entitled to vote in that electoral area. Such a person is  
 36 hereafter referred to as an “**eligible elector**”. (*See Schedule 3, which*  
 37 *contains a diagram depicting the interconnection between “qualifying person”,*  
 38 *“registered person” and “eligible elector”.*)

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

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

6 (3) A person is a “qualifying person” if —

7 (a) on the relevant registration date the person —

8 (i) has his or her usual place of abode in the electoral area in  
9 respect of which the person has met the registration  
10 requirement;

11 (ii) has, during the whole of the preceding 12 months, had his  
12 or her usual place of abode in the Island; and

13 (iii) is not subject to any legal incapacity to vote;

14 (b) the person has attained, or in the course of the current calendar  
15 year will attain, the age of 16 years; and

16 (c) no enactment disqualifies the person for meeting the registration  
17 requirement in respect of that electoral area.

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

## 20 **5 Officer’s duty in respect of the register of electors**

21 [2006/12/2(1) & 4(2), and drafting]

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

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

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

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

37 (a) the person; and

38 (b) where applicable, any other person who resides —

39 (i) in the same residential unit as the person; and

- 1 (ii) on terms of close association (which do not include  
2 residing in the residential unit on a transient basis),  
3 and the person to whom such a form is submitted (or otherwise made  
4 available) must comply with this requirement and, having done so, must  
5 return the completed form to the Officer in the manner stipulated by the  
6 Officer.
- 7 (4) The Officer may impose a civil penalty on a person who —  
8 (a) fails to insert the information (or any of it) required to be inserted  
9 on a form submitted to the person under subsection (3); or  
10 (b) fails to return the form to the Officer.
- 11 Schedule 2 contains further provisions about civil penalties.
- 12 (5) A person who returns to the Officer a form submitted to him or her  
13 under subsection (3) on which has been knowingly inserted false  
14 information in respect of the person, commits an offence and is liable on  
15 summary conviction to a fine not exceeding level 4 on the standard scale.
- 16 (6) The offence under subsection (5) is likewise committed by the person if  
17 the form containing the false information is submitted to the Officer by  
18 another person on the person's behalf and at the person's behest; and, in  
19 such a case, the person who submits the form is liable to be convicted as  
20 an aider and abettor unless he or she satisfies the tribunal of fact at the  
21 trial that he or she was unaware that the information was false.
- 22 (7) A person may only be entered in a register of electors —  
23 (a) in respect of one polling district for national elections; and  
24 (b) in respect of one polling district for local elections.
- 25 (8) For the sake of clarity, the polling district in which the person is  
26 registered under subsection (7)(a) need not be the same as that in which  
27 the person is registered under subsection (7)(b).

## 28 6 Individual registration

- 29 (1) A qualifying person must ensure that —  
30 (a) he or she is registered; and  
31 (b) his or her personal data are updated so as to be current (as far as  
32 is reasonably practicable).
- 33 The personal data referred to in paragraph (b) are the personal data  
34 submitted by or on behalf of the qualifying person in compliance with  
35 the registration requirement.
- 36 (2) With respect to subsection (1)(b), the qualifying person must in particular  
37 ensure that updates are promptly made in respect of any change to his or  
38 her name or residential address (especially if the new residential address  
39 is not in the Island).

1 (3) The Officer must, as often as he or she reasonably considers to be  
2 necessary, —

3 (a) issue guidance to qualifying persons as to how to register and  
4 how to update personal data submitted in the course of  
5 registering; and

6 (b) take all reasonable steps to ensure that this guidance comes to the  
7 attention of qualifying persons.

8 (4) The Officer may impose a civil penalty on a qualifying person who fails  
9 to comply with this section.

10 Schedule 2 contains further provisions about civil penalties.

11 (5) In this Part —

12 (a) “the registration requirement” —

13 (i) means the requirement for a qualifying person to ensure  
14 that his or her relevant personal data are submitted to the  
15 Cabinet Office, in any manner which the Cabinet Office  
16 may from time to time specify; and

17 (ii) is not to be confused with the Officer’s duty under section  
18 5(1), compliance with which duty is (in respect of any  
19 qualifying person) contingent on that qualifying person’s  
20 having complied with the registration requirement; and

21 (b) the verb ‘to register’ —

22 (i) means to submit, or to have submitted on one’s behalf,  
23 one’s relevant personal data, as referred to in paragraph  
24 (a)(i); and

25 (ii) does not in any way relate to the entry of any name or  
26 other relevant personal data on a register of electors.

## 27 7 Special categories of qualifying persons

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

31 Tynwald procedure – affirmative.

32 (2) The categories referred to in subsection (1) are —

33 (a) persons ordinarily resident in the Island but who are at the  
34 material time temporarily absent from the Island on account of —

35 (i) their service in the armed forces of the Crown;

36 (ii) their enrolment in a course of study outside the Island;

37 (iii) their employment; and

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

1 **8 Anonymous registration**

2 (1) The Officer may allow a person to register anonymously if the Officer is  
3 satisfied that the person is vulnerable and at risk. In attempting to satisfy  
4 himself or herself, the Officer may have regard to such evidence as may  
5 be prescribed.

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 notices<sup>2</sup> published since the publication of the  
33 most recent full and updated register of electors; and

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<sup>2</sup> 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 local
- 18 authority is accessible to each local authority, via electronic means.
- 19 (5) Each local authority must notify the Officer of every error and omission
- 20 which it has discovered or, as the case may be, that it has discovered no
- 21 error or 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;

(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).

- 1 (2) In exercising its discretion under subsection (1), the Cabinet Office must  
2 have regard only to relevant considerations, including (where applicable)  
3 —
- 4 (a) any act or omission of the Cabinet Office (or any of its officers,  
5 agents or assigns) which was responsible, directly or indirectly,  
6 for the excluded person's exclusion; or
- 7 (b) any extenuating circumstance which prevented the excluded  
8 person from having taken all the steps required by this Act in  
9 order to entitle the excluded person to have been included in the  
10 last alteration notice published before the election.
- 11 (3) Where the Cabinet Office exercises its discretion under this section, it  
12 must —
- 13 (a) in writing communicate its decision to the excluded person in  
14 question; and
- 15 (b) where it decides to allow the excluded person to vote, publish its  
16 decision in the same manner as it published the last alteration  
17 notice published before the election.
- 18 (4) Any person who objects to the manner in which the Cabinet Office has  
19 exercised its discretion under this section may make an objection under  
20 Part 5.

## 21 **PART 4 – THE ELECTORAL REGISTRATION OFFICER**

### 22 **18 Registration Officer**

23 [2006/12/4 and drafting]

- 24 (1) The Chief Secretary must appoint a person employed in the Cabinet  
25 Office as the Electoral Registration Officer (“the Officer”) to perform —
- 26 (a) the functions referred to in subsection (3); and
- 27 (b) such other functions in connection with elections as may be  
28 imposed by any other enactment.
- 29 (2) The Chief Secretary must also appoint a Deputy Electoral Registration  
30 Officer (“the Deputy”), whose duty it is to perform all the functions of  
31 the Officer whenever the Officer is unavailable. The person so appointed  
32 must also be a person employed in the Cabinet Office.
- 33 Accordingly, all the provisions in this and any other enactment  
34 conferring functions on the Officer must be construed as relating to the  
35 Deputy for the entire duration of the Officer's unavailability.
- 36 (3) In addition to performing the functions specified in section 5, the Officer  
37 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 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 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 register<sup>3</sup>;

(ii) to the entry of another person in the register;

(iii) to a claim by another person under paragraph (a); or

<sup>3</sup> See section 14(3)(b).



- 1 (iv) in accordance with section 17(4),  
2 may make a claim or objection in writing to the Officer.
- 3 (2) A claim under subsection (1)(a), or an objection under subsection (1)(b),  
4 may be made at any time.
- 5 (3) The Officer must, on receipt of a claim or objection under this section, —
- 6 (a) maintain such records in such form and containing such  
7 information as may be prescribed; and
- 8 (b) give notice of the making of the claim or objection, as the case  
9 may be, —
- 10 (i) to every person affected by it; and  
11 (ii) in such written form as must be prescribed.
- 12 (4) The Officer must, in accordance with regulations, cause copies of lists of  
13 such claims and objections to be available for public inspection free of  
14 charge at such times and places as may be prescribed, and must cause  
15 copies of all such claims and objections to be available for public  
16 inspection free of charge at the Cabinet Office.
- 17 Tynwald procedure – approval required.

## 18 **21 Determination of claims and objections**

19 [2006/12/10 and drafting]

- 20 (1) If the Officer is of the opinion that the particulars given in a claim or  
21 objection are insufficient, the Officer may ask for further information to  
22 be given within 7 days of the request, and no further action need be  
23 taken in respect of that claim or objection unless such information is  
24 supplied within that period.
- 25 (2) If the Officer is of the opinion that the claim may be allowed without a  
26 hearing, and there is no objection to the claim, the claim must be allowed,  
27 and the claimant notified accordingly.
- 28 (3) If the Officer is of the opinion that an objector is not entitled to object, the  
29 Officer must —
- 30 (a) disallow the objection; and  
31 (b) notify each person concerned accordingly.
- 32 (4) If the Officer is of the opinion that a claim or objection cannot be allowed  
33 because —
- 34 (a) the matter has been concluded by the decision of a court of  
35 competent jurisdiction; or  
36 (b) the particulars given in the claim or objection do not entitle the  
37 claimant or objector to succeed,
- 38 the Officer must give notice in writing to each person concerned of the  
39 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



- 1 directions of the Clerk of the Rolls, the names of those persons  
2 who may apparently be related to one another; and  
3 (b) a copy of every objection under section 20(1)(b)(i) in respect of  
4 any such list.  
5 Tynwald procedure – approval required

## 6 PART 6 – GENERAL AND MISCELLANEOUS PROVISIONS

### 7 23 Restrictions on use of registers

8 [2006/12/12 and drafting]

- 9 (1) Regulations under this section may –  
10 (a) impose prohibitions or restrictions relating to the extent (if any) to  
11 which persons inspecting the registers of electors in accordance  
12 with section 14 may –  
13 (i) make copies of the registers;  
14 (ii) disclose any information contained in them to other  
15 persons; or  
16 (iii) make use of any information otherwise than for any  
17 purposes specified in the regulations; or  
18 (b) impose, in relation to persons involved in the preparation of the  
19 registers of electors, prohibitions with respect to supplying copies  
20 of the registers and disclosing or making use of information  
21 contained in them.  
22 (2) 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 for a person to contravene any prohibition or restriction imposed under  
25 subsection (1) or to do so in any prescribed circumstances.  
26 (3) In this section, any reference to a register of electors includes a reference  
27 to any part of it.

28 Tynwald procedure – approval required

### 29 24 General power to make regulations

30 [2006/12/13 and drafting]

- 31 (1) The Council of Ministers may make regulations for the purpose of giving  
32 effect to this Act.  
33 (2) Without limiting subsection (1), regulations must make provision –  
34 (a) requiring copies of the register and other documents, or  
35 prescribing parts of them, to be available for inspection by the  
36 public at such places as may be prescribed;

- 1 (b) requiring the Central Registry to supply to such persons as may  
2 be prescribed copies of the register and other documents, or  
3 prescribed parts of them, whether free of charge or on payment of  
4 a prescribed fee;
- 5 (c) specifying, in relation to any description of persons prescribed  
6 under paragraph (b), the purposes for which copies supplied to  
7 such persons under such regulations, or information contained in  
8 them, may be used whether by such persons or by employees or  
9 other persons authorised by them in accordance with the  
10 regulations to have access to such copies or information contained  
11 in them;
- 12 (d) imposing prohibitions or restrictions relating to the extent (if any)  
13 to which persons inspecting the register in accordance with  
14 regulations under paragraph (a) may make copies of the register;
- 15 (e) imposing prohibitions or restrictions relating to the extent (if any)  
16 to which persons to whom copies of the register are supplied  
17 (whether in accordance with regulations under paragraph (b) or  
18 in accordance with any other enactment) may —
- 19 (i) supply those copies, or otherwise disclose any  
20 information contained in them, to other persons; or
- 21 (ii) make use of any such information otherwise than for any  
22 purposes specified in the regulations or (as the case may  
23 be) for which the copies have been supplied in accordance  
24 with any such provision ;
- 25 (f) imposing, in relation to persons —
- 26 (i) to whom copies of the register have been supplied, or  
27 information contained in such copies has been disclosed,  
28 in accordance with regulations made in pursuance of this  
29 paragraph; or
- 30 (ii) who otherwise have access to such copies or information,  
31 prohibitions or restrictions corresponding to those which may be  
32 imposed by virtue of paragraph (e);
- 33 (g) imposing, in relation to persons involved in the preparation of the  
34 full register, prohibitions with respect to supplying copies of the  
35 full register and disclosing information contained in it.
- 36 (3) Regulations under this section may make it an offence punishable on  
37 summary conviction by a fine not exceeding level 5 on the standard scale  
38 —
- 39 (a) for a person to contravene any prohibition or restriction imposed  
40 under subsection (2)(d), (e), (f) or (g) or to do so in any prescribed  
41 circumstances; or
- 42 (b) where such contravention occurs on the part of a person in the  
43 employment, or otherwise under the direction or control, of a

1 body corporate or unincorporate, for a director of the body, or any  
2 other person concerned with its management, to fail to take such  
3 steps as it is reasonable for that director or manager to take to  
4 secure the operation of procedures designed to prevent, so far as  
5 reasonably practicable, the occurrence of such contraventions on  
6 the part of such persons.

7 Tynwald procedure – approval required.

## 8 **25 Financial provisions**

9 [2006/12/14 and drafting]

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

17 Tynwald procedure – approval required.

## 18 **26 Use of personal data garnered for census purposes**

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

## 26 **27 Consequential amendments**

- 27 (1) In accordance with the succeeding provisions of this section, the  
28 following Acts and Measure are amended –
- 29 (a) the *Census Act 1929*, to the extent specified in subsection (2);
- 30 (b) the *Jury Act 1980*, to the extent specified in subsection (3);
- 31 (c) the *Douglas Municipal Corporations Act 1895*, to the extent specified  
32 in subsection (4);
- 33 (d) the *Education Act 2001*, to the extent specified in subsection (5);  
34 and
- 35 (e) the *Representation of the People Act 1995*, to the extent specified in  
36 subsection (6);
- 37 (f) the *Representation of the People (Amendment) Act 2015*, to the extent  
38 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 –

“7 **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.”.

(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*”.

- 1 (5) The *Education Act 2001* is amended in Schedule 2, paragraph 1(2)(b) by  
2 substituting “the *Registration of Electors Act 2020*” for “the *Registration of*  
3 *Electors Act 2006*”.
- 4 (6) The *Representation of the People Act 1995* is amended —
- 5 (a) in section 10D(5), by substituting “the *Registration of Electors Act*  
6 *2020*” for “the *Registration of Electors Act 2006*”;
- 7 (b) in sections 10N and 77(1), in the definition of “**Electoral**  
8 **Registration Officer**”, by substituting “section 18(1) of the  
9 *Registration of Electors Act 2020*” for “section 4(1) of the  
10 *Registration of Electors Act 2006*”; and
- 11 (c) in section 77, by omitting the definition of “**registration officer**”.
- 12 (7) Section 6 of the *Representation of the People (Amendment) Act 2015* is  
13 amended, in subsection (5) of the new section 10B of the *Representation of*  
14 *the People Act 1995* which the aforementioned 2015 Act inserts, by  
15 substituting “the *Registration of Electors Act 2020*” for “the  
16 *Registration of Electors Act 2006*”.
- 17 (8) The *Churchwardens Measure (Isle of Man) 2013* is amended in section 3  
18 by substituting “the *Registration of Electors Act 2020*” for “the *Registration*  
19 *of Electors Act 2006*” in the definition of “register of electors”.

20 **28 Repeal of 2006 Act**

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

22

23

24



1

## SCHEDULE 1

2

## CLAIMS, OBJECTIONS AND APPEALS

3

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

4

*Hearing and determination of claims, objections etc.*

5

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.

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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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18

(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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*Hearing and determination of appeals of decisions made by the Officer*

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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.

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7. Paragraphs 2 to 5 apply *mutatis mutandis* to a hearing referred to in paragraph 6.

31

*Powers of High Bailiff*

32

8. The High Bailiff has power —

33

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

- 1 (b) to take evidence on oath, and for that purpose to administer oaths, or to  
2 require a person examined to make and subscribe a declaration of truth  
3 of the matter in respect of which that person is examined;
- 4 (c) to require the attendance, by summons under the hand of the High  
5 Bailiff, of any person, and by summons to require the production by any  
6 person of all such books and documents as the High Bailiff may consider  
7 necessary, and to require any person so summoned to answer any  
8 questions touching the matter before the court;
- 9 (d) to award costs against any person whom the High Bailiff considers to  
10 have made an attempt to sustain a groundless, frivolous or vexatious  
11 claim or objection, and to grant execution therefor; and
- 12 (e) except where otherwise provided by this Act, to proceed in the same  
13 manner as, and to exercise all the powers of, a returning officer of a  
14 constituency at an election.

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

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

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

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

28 *Provisions specific to an appeal to the High Bailiff*

29 13. When hearing an appeal referred to in paragraph 6, the High Bailiff has —

- 30 (a) the power conferred by paragraph 8; and  
31 (b) the power to either affirm or overrule the decision being appealed.

32 14. Paragraphs 16 to 20 also apply to the decision of the High Bailiff on an appeal  
33 referred to in paragraph 6.

34 15. The High Bailiff must endeavour to reach a decision on an appeal before the  
35 day of the election to which the decision being appealed (“**the decision**”)  
36 relates; but where, despite best endeavours, a decision is not reached before the  
37 election, the appellant and any other person affected by the decision must be  
38 permitted to vote in the election regardless of whether or not the effect of the  
39 decision is that such voting ought not to be permitted.



1 *Appeals regarding decisions of the High Bailiff*

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

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

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

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

14 (a) the Clerk of the Rolls; and

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

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

20 20. The right to vote at an election is not affected by any pending appeal, and the  
21 decision on an appeal does not alter or affect any poll or return in relation to an  
22 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.

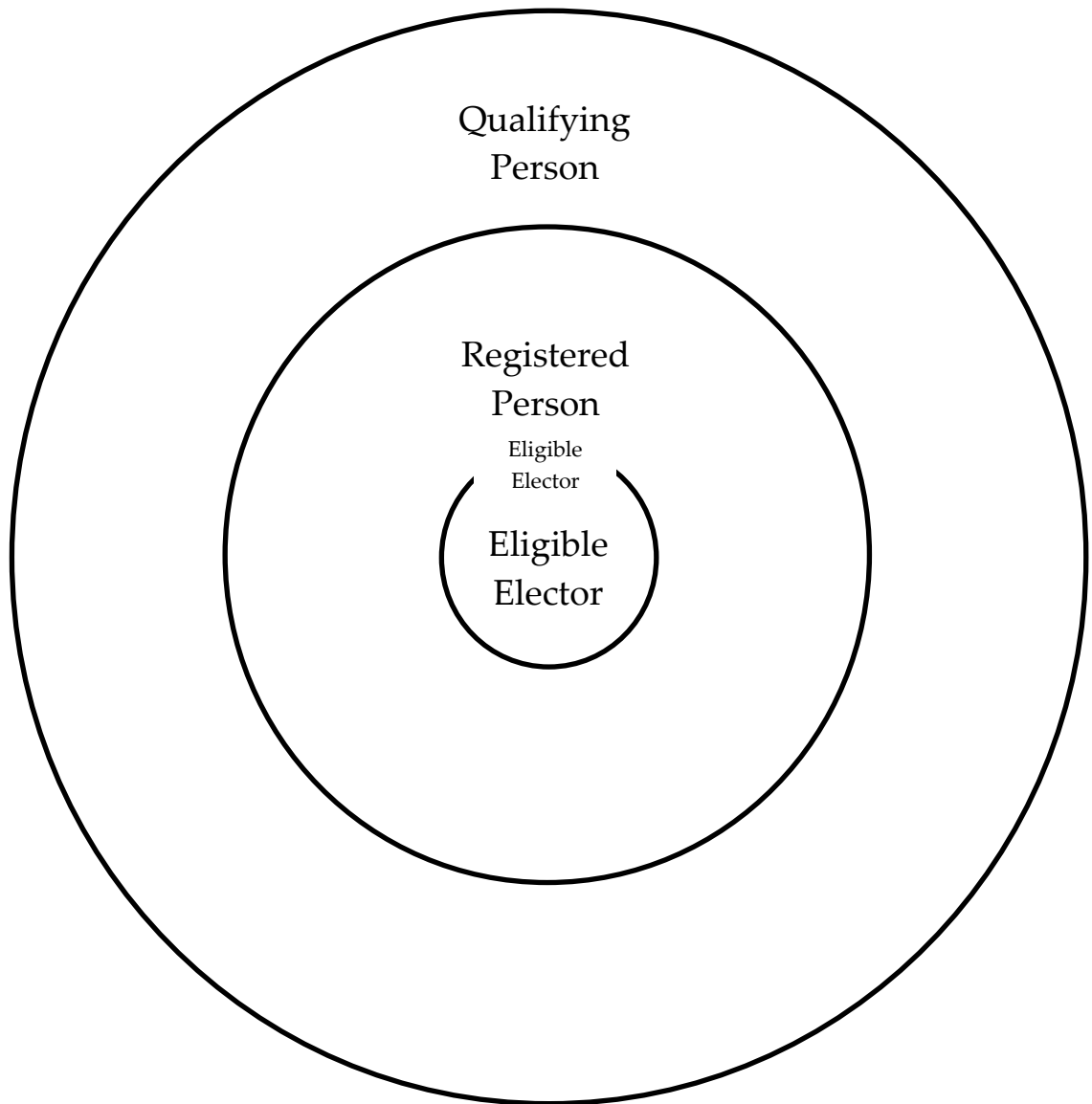
## **12 Tynwald procedure**

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 COUNCIL

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**REGISTRATION OF ELECTORS BILL 2020**

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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 in the Council,  
following passage in the Keys.

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MR HENDERSON

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27 MAY 2020