

*Draft Regulations laid before Senedd Cymru under section 7(4) of the Elections and Elected Bodies (Wales) Act 2024, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2025 No. (W.)**

**REPRESENTATION OF THE  
PEOPLE, WALES**

**The Representation of the People  
(Electoral Registration without  
Applications) (Pilot Scheme)  
(Wales) Regulations 2025**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

As part of the introduction of electoral registration without applications, under the changes made by the Elections and Elected Bodies (Wales) Act 2024 (“the 2024 Act”), these Regulations establish a pilot scheme for the purposes of testing, in specified areas and for a specified period, how the changes brought in by Chapter 2 of Part 1 of the 2024 Act (electoral registration without applications) will work in practice.

In accordance with section 72(5) of the 2024 Act, the provisions of Chapter 2 of Part 1 of that Act may not be commenced until pilot provision of a kind described in section 5(4) of that Act have been made in Regulations and a report by the Electoral Commission into the operation of those Regulations has been sent to the Welsh Ministers and laid before Senedd Cymru.

Regulation 2 sets out the areas in relation to which these Regulations apply.

Regulation 4 and paragraph 1 of the Schedule modify the Representation of the People Act 1983 so that it has effect during the specified period (provided for in regulation 4(3)) as if section 3 and subsections (1) to (6) and (8) of section 4 of the 2024 Act were in force.

Regulation 5 specifies the objective of these pilot Regulations as required by section 6(1) of the 2024 Act.

Regulation 6 specifies the date before which the Electoral Commission is required to send a copy of its report on the pilot scheme under sections 6(1)(b) and 17(5)(a) of the 2024 Act to the Welsh Ministers.

The modifications result in there being a new registration duty on electoral registration officers to register eligible local government electors in Wales without the requirement for an application and to take specified steps in relation to this duty, including a requirement to notify in writing persons due to be registered, informing them of the new duty and their options with respect to it.

Persons who receive this notice will have a 60-day notice period during which they may choose to exercise the right to opt out of registration without applications or to consider applying for anonymous registration. If at the end of that period a person has not taken either of these options and remains entitled to be registered then they must be added to the register.

Paragraphs 2 to 5 of the Schedule modify the Representation of the People (England and Wales) Regulations 2001, to prescribe additional steps which electoral registration officers will be required to undertake in connection with the new registration duty. This includes requiring the disclosure of information to decide whether a person is eligible to be included in the register for the purpose of section 9ZA.

The Welsh Ministers have, in the development of this pilot scheme, consulted with such stakeholders as they consider appropriate in accordance with section 6(5) of the 2024 Act, including those they deem to represent vulnerable groups.

### **Regulatory Impact Assessment**

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

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**The Representation of the People  
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Applications) (Pilot Scheme)  
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*Made*

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*Coming into force*

*17 January 2025*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 5(1), (4), (6), 6(1) and 21 of the Elections and Elected Bodies (Wales) Act 2024<sup>(1)</sup>.

In accordance with section 6(5) of that Act, the Welsh Ministers have consulted with such persons as they consider appropriate, in particular with those that they deem to represent vulnerable groups.

In accordance with section 7(4) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru.

**Title and coming into force**

**1.—(1)** The title of these Regulations is the Representation of the People (Electoral Registration without Applications) (Pilot Scheme) (Wales) Regulations 2025.

**(2)** These Regulations come into force on 17 January 2025.

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<sup>(1)</sup> 2024 asc 5. Section 5(4) refers to ‘the subordinate legislation that may be made by virtue of [sections 3 and 4 of the Elections and Elected Bodies (Wales) Act 2024]’. The subordinate legislation making powers referred to here are contained in section 4(9) of the 2024 Act which makes various additions to the regulation making powers available in Schedule 2 to the 1983 Act. An additional regulation making power with respect to making provision about ‘giving notice’ is in section 9ZA(6) as inserted by section 3(2) of that Act.

## Application

2. These Regulations apply only in relation to—
- (a) Newport City and County Borough Council;
  - (b) Powys County Council;
  - (c) Gwynedd Council<sup>(1)</sup>.

## Interpretation

3. In these Regulations—
- “the 1983 Act” (“*Deddf 1983*”) means the Representation of the People Act 1983<sup>(2)</sup>;
- “the 2001 Regulations” (“*Rheoliadau 2001*”) means the Representation of the People (England and Wales) Regulations 2001<sup>(3)</sup>;
- “the 2024 Act” (“*Deddf 2024*”) means the Elections and Elected Bodies (Wales) Act 2024;
- “specified areas” (“*ardaloedd penodedig*”) means the areas referred to regulation 2;
- “specified period” (“*cyfnod penodedig*”) has the meaning given in regulation 4(3).

## Provisions to be piloted for the specified period

4.—(1) These Regulations provide for a pilot of changes to legislation enacted by (or to be made under) Chapter 2 of Part 1 of the 2024 Act (electoral registration without applications) that have not yet been brought into force.

(2) For this purpose, the modifications of enactments in the Schedule have effect during the specified period.

(3) The specified period begins when these Regulations come into force and ends with 30 September 2025.

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(1) The county was established with the name Caernarfonshire and Merionethshire by the Local Government Act 1972 (c. 70), section 20 and Part 1 of Schedule 4 (as amended by the Local Government Wales Act 1994 (c. 19)). The name of the county was changed to Gwynedd in accordance with the Local Government Act 1972, section 74.

(2) 1983 c. 2. Relevant amendments are: the Representation of the People Act 2000 (c. 2), Schedule 1, paragraphs 1, 3 and 6; the Electoral Administration Act 2006 (c. 22), section 11(1) and (3); the Electoral Registration and Administration Act 2013 (c. 6), sections 5(1) and 16(3) and Schedule 4, paragraphs 1, 12, 13 and 18; the Elections and Elected Bodies (Wales) Act 2024 (asc 5), sections 3 and 4.

(3) S. I. 2001/341. Relevant amendments are: the Representation of the People (England and Wales) (Amendment) Regulations 2002 (S.I. 2002/1871), regulation 15; the Representation of the People (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/1234), regulations 2 and 3; the Representation of the People (England and Wales) (Amendment No. 2) Regulations 2014 (S.I. 2014/3161), regulation 6.

### **Pilot objective**

5. The objective of the pilot, for the purposes of sections 6(1)(a) and 17(2)(c) of the 2024 Act, is to test how the changes to the legislation work in practice with a view to identifying—

- (a) necessary or desirable changes to the effect of the legislative provisions governing the pilot, and
- (b) any recommendations for the administration of the legislation.

### **Specified date for the Electoral Commission report on the pilot scheme**

6. The specified date for the purposes of sections 6(1)(b) and 17(5)(a) of the 2024 Act (date before which the Electoral Commission must send its report) is 1 January 2026.

### **Savings provision following end of the specified period**

7.—(1) The modifications of enactments provided for in the Schedule to these Regulations continue to have effect after the specified period in relation to the registration of a person to whom a notice of registration in accordance with section 9ZA(3) of the 1983 Act is given before the end of the specified period, if one of the conditions in paragraph (2) applies in relation to the notice.

(2) The conditions are that—

- (a) the notice period under section 9ZA(4) of the 1983 Act has not expired before the end of the specified period, or
- (b) the notice period has expired before the end of the specified period but the registration officer has not yet discharged the duty under section 9ZA(5) of the 1983 Act.

(3) The references to the 1983 Act in paragraphs (1) and (2) are references to the 1983 Act as modified by the Schedule to these Regulations.

(4) The modifications of enactments provided for in paragraph 1 of the Schedule to these Regulations continue to have effect after the specified period in relation to the registration of a person who is registered—

- (a) during the specified period, or

(b) after the specified period by virtue of paragraphs (1) and (2).

*Name*

Cabinet Secretary for Housing and Local Government,  
one of the Welsh Ministers

Date

## Modifications to Enactments

### **Modification of the Representation of the People Act 1983**

1. The 1983 Act has effect as if the following provisions of the 2024 Act were in force—

- (a) section 3, and
- (b) subsections (1) to (6) and (8) of section 4.

### **Modification of the Representation of the People (England and Wales) Regulations 2001**

2. The 2001 Regulations have effect with the following modifications.

3. Regulation 32 (registration appeals) is to have effect as if in paragraph (1) after “(aa)” there was inserted “, (azaa)”.

4. The 2001 Regulations have effect as if after regulation 37 there was inserted—

*“Registration without application*

#### **Identification of unregistered electors**

**37A.**—(1) In connection with the duty under section 9ZA of the 1983 Act (duty to register eligible local government electors without applications), a registration officer must, in relation to the area for which the officer is responsible, take the steps the officer considers necessary to identify the names and addresses of persons not registered in the register of local government electors maintained by the officer.

(2) However, the officer must, a minimum of four times in a calendar year, inspect any records held by any person which the registration officer is permitted to inspect under, or by virtue of, any enactment, including the use of the data sources available to them by virtue of regulations 35 and 35A.

(3) Other steps that may be taken to identify unregistered persons include—

- (a) sending paper communications to the addresses of unregistered persons;
- (b) visiting the addresses of unregistered persons;
- (c) where the registration officer holds a telephone number for a person aged 18

or over, whom the registration officer believes is unregistered but entitled to be registered, the making of a telephone call to that person; or

(d) sending electronic communications to unregistered persons.

(4) For the purposes of this regulation a registration officer may rely on as many sources of data as the officer considers sufficient for the purposes of identifying an unregistered elector.

(5) Before giving notice under section 9ZA(3), a registration officer must be able to locate matching data from at least two sources which identify the unregistered elector (but see paragraph 7).

(6) In this regulation “matching data” includes in relation to the person—

- (a) the person’s full name;
- (b) where held by the registration officer, the person’s date of birth;
- (c) the address, including postcode of the property at which the person is residing;
- (d) where held by the registration officer, the unique property reference number of the property at which the person is residing;
- (e) any other information held by the registration officer which relates to the person’s potential entry in the register.

(7) Paragraph 5 does not apply and the registration officer may give the notice of registration in accordance with section 9A(3) without the need for matching data if—

- (a) there is information available to the registration officer from any education record relating to the person, and
- (b) that information is sufficient to satisfy the registration officer as to the person’s identity and entitlement to be registered.

**Processing of information provided or accessed in connection with registration under section 9ZA**

**37B.**—(1) If a person is required to provide an original document under regulation 37A the registration officer must make a copy of that document and return the original document to the person who provided it.



(2) Information disclosed under regulation 37A may not be disclosed to any other person, except—

- (a) for the purpose of determining the persons entitlement to be registered under section 9ZA;
- (b) for the purpose of any civil or criminal proceedings.

(3) A person who discloses information in breach of paragraph 2 is guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding one year, or a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates court, or to a fine not exceeding the statutory maximum, or to both.

(4) In this regulation “copy” includes an electronic copy.

#### **Notice of Registration**

**37C.**—(1) A notice given under section 9ZA(3) of the 1983 Act must include—

- (a) a statement that any information collected or provided for the purpose of the duty under section 9ZA of the 1983 Act has been processed in accordance with the data protection legislation;
- (b) where the person is under the age of 16 an explanation of how the person’s information will be held and used;
- (c) a statement that, if the person is not entitled to be registered, that person must, before the end of the notice period inform the registration officer of that fact;
- (d) a request that any other person who receives the notice who is resident at the address to which the notice is addressed inform the registration officer if the person to whom the notice is addressed is not resident at that address;
- (e) the date of the last day of the notice period, and
- (f) the registration officer’s contact details.

(2) Where the person to be registered resides at a property to which regulation 32ZBF(2) applies, the registration officer may give a copy

of the notice of registration to the responsible person in respect of the property.

(3) A registration officer may, during the notice period, send a reminder to the person or the responsible person to whom the notice period applies, reminding them of any or all of the matters mentioned in section 9ZA(3) of the 1983 Act and paragraph (1) of this regulation, as the registration officer considers appropriate.

(4) For the purposes of this regulation “responsible person” has the same meaning as in regulation 32ZBF(8).

(5) A notice of registration and any reminders must be made in writing, which may be given by sending the notice to the person’s address or sending it by electronic means.”

5. Regulation 93(1) (edited version of the register) is to have effect as if after paragraph (2A) there was inserted—

“(2B) In relation to the registration of local government electors for an area in Wales, the edited register must omit the entries of those registered in accordance with section 9ZA of the 1983 Act, and any information relating to them.”

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(1) Regulation 93 was inserted by S.I. 2002/1871, regulation 15. Paragraph (2A) was inserted by S.I. 2006/2910, regulation 23. There are other amendments to regulation 93 which are not relevant.