



Electoral registration: Penalties for providing false information or refusing to provide information

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Where a person refuses to supply information to an Electoral Registration Officer, or provides the Officer with false information, certain penalties can be applied. This note provides details about the criminal and civil penalties that can be imposed in such circumstances.

Criminal penalties for failing to provide information, or providing false information have a long history - for example, a fine for not returning the canvass to the relevant officer was first introduced through the *Representation of the People Act 1918*.

The Government has recently introduced a power to impose civil penalties when an individual who has been required to make an application fails to do so (via the *Electoral Registration and Administration Act 2013*).

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1 Why is providing information to the Electoral Registration Officer important?

The Government has described the electoral register as being the 'key building block for our democracy' as it provides 'the fundamental record of those people entitled to vote at the various elections in the UK'.¹ It should also be noted that the register is also used for other purposes as well as being a record of those who are entitled to vote in elections. Credit Reference Agencies are able to buy the full register, as are Government departments. Copies of the full register also have to be supplied, without charge, to a number of organisations including the Office of National Statistics. Under the provisions of the *Juries Act 1974* copies of the full register must also be supplied to the courts for the purposes of summoning jurors.

Electoral Registration Officers are required maintain a register of parliamentary electors for each constituency, or part of one, in the area for which he or she acts. This includes a specific duty to take all steps necessary to obtain the information required for that purpose.

If a person fears for their safety, or if some other person in the household would be placed at risk if he or she were identifiable from the electoral registration, then such a person would be entitled to apply for anonymous registration pursuant to the provisions of the *Electoral Administration Act 2006*.

1.1 Criminal penalties

Penalties for failing to provide information to the Electoral Registration Officer (ERO) have a long history. For example, a fine for not returning the canvass to the relevant officer was first introduced through the *Representation of the People Act 1918*, which made provision for a householder to be fined if they did not return the form issued by the registration officer.

More recently, the *Representation of the People Act 1983* (as revised and strengthened by the *Electoral Administration Act 2006*) made provision for the issue of penalties for providing false information to the Electoral Registration Officer (ERO).

Section 13 provides:

13D Provision of false information

(1) A person who for any purpose connected with the registration of electors provides to a registration officer any false information is guilty of an offence.

The *Representation of the People (England and Wales) Regulations 2001* also made provision for it to be a criminal offence to fail to comply with, or provide false information to, the ERO in circumstances where they had been required to provide information for the purposes of that Officer's duties in maintaining and compiling registers of parliamentary and local government electors.

[Regulation 23](#) (entitled Power to Require Information) states that if any person fails to comply or gives false information they will be liable on summary conviction to a fine not exceeding level 3 on the standard scale (at the time of writing, this was £1,000).

There are not many prosecutions for not completing the canvass form even though EROs are under a duty to ensure that the register is as complete and as accurate as possible, but

¹ Individual Electoral Registration, Cm 8108, June 2011

some local authorities do prosecute householders who do not return the canvass forms. Most EROs make it clear on the canvass form that the householder is required by law to provide the information requested on the form.

1.2 Civil penalties

The most recent change to the rules has been made via the *Electoral Registration and Administration Act 2013*. Schedule 3 to the 2013 Act added a new Schedule ZA1 into the 1983 Act about civil penalties. The Act allowed for regulations to be made (which would require a registration officer to take certain steps before imposing a civil penalty). In particular, the Explanatory Notes to the Act indicate that:

The regulations must require a registration officer who issues a civil penalty to a person to give the person a written notice specifying the amount of the penalty, the reason for imposing it, and how and when it must be paid.

Schedule 3 of the Act came into force on 10 June 2014, pursuant to the *Electoral Registration and Administration Act 2013 (Commencement No. 5 and Transitory Provisions) Order 2014*.

1.3 Why are new civil penalties being introduced?

At second reading of the *Electoral Registration and Administration Bill* the (then) Minister, Mark Harper, said

The final major change we have made to our proposals is that we will enable electoral registration officers to issue a civil penalty when an individual who has been required to make an application fails to do so. Over the past few months, there have been discussions about whether an offence should be attached to an individual form. At the moment, it is not an offence not to be registered, which will not change, but there is a criminal offence of not returning the household canvass form. That, too, will remain, because by not doing so somebody can disfranchise other people.

We were faced with the question whether we should create a new criminal offence to be applied to the individual application form. We did not think it appropriate to criminalise people who simply did not register to vote. After careful consideration with key stakeholders, and after listening to Members, we believe it is appropriate to create a civil penalty—akin to a parking fine—for individuals who, after being required to make an application by a certain date, fail to do so.²

During consideration of the bill in the Lords, Lord Wallace argued that the purpose of the civil penalty was to encourage citizens to fulfil their civic duty and register to vote; the civil penalty was intended to be modest and reasonable.³ A Government amendment was agreed at Committee stage in the House of Lords which related to the new civil penalty which EROs can impose if an individual fails to register when required to do so. Lord Gardiner explained further:

The amendment maintains our declared policy of keeping the criminal offence alongside the new civil penalty. The criminal offence of non-disclosure or providing false information is an important part of electoral registration, giving registration officers the capacity to offer a warning on the canvass form and to insist that it is duly completed and returned.

² HC Deb 23 May 2012 c1179

³ HL Deb 29 October 2012 c441 and 442

The civil penalty is an additional tool for registration officers as they encourage individuals to register, but the criminal offence is still necessary to ensure that they receive as much information as possible in response to the annual canvass so that residents may be retained on the register or invited to make an individual application.⁴

1.4 Further information on electoral registration

The *Electoral Registration and Administration Act 2013* introduced a new system of individual electoral registration. More information on this can be found in the House of Commons Library Standard Note [Individual Electoral Registration](#) (SN6764).

⁴ HL Deb 14 Jan 2013 c534