

Subsidiary Legislation made under s.25.

## **Electors Registration Rules 2019**

### **LN.2019/021**

	<i>Commencement</i>	<b>31.1.2019</b>
Amending enactments	Relevant current provisions	Commencement date
LN 2019/124	rr. 10(2)-(3), (7), 13(3), 17(3)	20.6.2019

**ARRANGEMENT OF RULES**

Rule

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2. Commencement.

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THE REGISTER**

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**PART V**  
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23. Repeal.

**SCHEDULE**  
FORM RA  
FORM RB  
FORM RC

**Title.**

1. These Rules may be cited as the Electors Registration Rules 2019.

**Commencement.**

2. These Rules come into operation on the day of publication.

**PART I**

**THE REGISTER**

**Separate part or register for each polling place.**

3. The register shall be framed in separate parts for each polling place and the name of each elector shall be entered in only one part of the register.

**Order of names in register.**

- 4.(1) The names of electors shall be arranged in such manner as the registration officer may think fit.

(2) The names in the register shall be numbered as far as is reasonably practicable consecutively with a separate series of numbers (beginning with the number one) for each polling place.

**Marking of names in the register to indicate when a person is entitled to vote.**

5. A person entitled to vote by virtue of the second proviso to section 3 (1) of the Act (which relates to persons coming of age) shall have a letter or some other distinguishing mark placed against his name in the register, as the registration officer may think fit.

**PART II**

**APPLICATIONS AND CORRECTIONS**

**Form of Application.**

6. A person entitled to be entered in the register pursuant to section 3(1) of the Act or who already is entered in the register but who wishes to amend any of the particulars contained in the register shall submit to the registration officer a properly completed application in the form of RB in the Schedule and such form shall be dated and signed by the applicant.

**Correction of Clerical Errors and Removal of Names of Dead Persons in Register.**

7. The registration officer shall make any correction to the register which seems to him to be necessary in order to correct any clerical error (including any misnomer or inaccurate description) or to remove the name of any person who he is satisfied is dead.

**Other Corrections to Register.**

8.(1) Where it appears to the registration officer that it is necessary to make any correction to the register in order to ensure that no person shall be registered more than once or continue to be registered when not entitled, he shall send to the person affected by the correction a notice stating the proposed correction and shall give him an opportunity within five days from the date of such notice of objecting to the correction proposed and, if necessary, of appearing and being heard in accordance with sub-rule (3).

(2) If no notice of objection is received the registration officer shall after the five days have elapsed make such correction, if any, as seems to him to be necessary.

(3) On the hearing of an objection, the objector and any other person who the registration officer deems necessary shall be entitled to appear and be heard. The right to be heard includes the right to make written representations.

(4) The registration officer may, at the request of the person entitled to appear, or if he thinks fit, without such a request, require that the evidence tendered with respect to the objection shall be given on oath and may administer an oath for that purpose.

**Notice of Amendments to Registers.**

9.(1) The registration officer shall on or before the 15<sup>th</sup> day of January 2020 and on or before the 15<sup>th</sup> day of January of each year thereafter publish a notice in the form of RA in the Schedule informing the public that he has published a list of amendments to the register of electors.

(2) The notice shall be published in the Gazette and in any other way the registration officer thinks best calculated to bring it to the attention of the public.

**Insufficient Information and/or Objection to Information Contained in Application Form.**

10.(1) If the registration officer is of the opinion that the particulars given in an RB form received are insufficient, he may ask for further information and he shall take no further action until such further information is supplied.

(2) If the registration officer is of the opinion that the particulars given in an RB form received do not entitle the applicant to succeed in the application made he may send to the applicant a notice stating his opinion and the grounds thereof and that he intends to reject the application made unless the applicant gives the registration officer notice within five days from the date of the first mentioned notice that the applicant requires the application made to be heard, and if the registration officer receives no such notice within that time he may reject the application.

(3) If the applicant informs the registration officer within the time period given that he requires his application to be heard pursuant to sub-rule (2) the registration officer shall send the applicant a notice stating the time and place at which he proposes to hear the applicant.

(4) The time fixed for the hearing of the applicant shall not be earlier than the fifth day of the notice referred to in sub-rule (3).

(5) The right to be heard includes the right to make written representations.

(6) Any person entitled to appear may do so either in person or by any other person on his behalf.

(7) The registration officer may at the request of the applicant or, if the registration officer thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath and may administer an oath for that purpose.

### **PART III**

#### **PUBLICATION AND SALE OF REGISTER**

##### **Publication of Register.**

11.(1) The registration officer shall on or before the 1<sup>st</sup> day of June 2020 and on or before the 1<sup>st</sup> day of June of each year thereafter publish the register in accordance with the provisions of section 5(3) and (4) of the Act.

(2) Notice of the publication of the register shall be given in the Gazette and in any other way that the registration officer thinks best calculated to bring it to the attention of the public.

(3) The registration officer shall publish the register by making copies available at any of the place or places he may deem fit.

##### **Free copies of register.**

12. The registration officer shall on request, supply without fee two copies of the register to each candidate or his agent at an election.

**Sale of register.**

13.(1) The registration officer may at his sole discretion provide any Government of Gibraltar department or law enforcement agency in Gibraltar with a copy of the register or any part or parts thereof for the purposes of official use by said department or agency provided always that the provision of said copy of the register or part or parts thereof does not infringe any data protection legislation in force at that time.

(2) The register or any part or parts thereof shall not be sold to any member of the public, company or other entity.

(3) Notwithstanding subrule (2), the registration officer may supply the register, or any part or parts thereof, to any media organisation based in Gibraltar, as long as it is supplied for journalistic or statistical purposes.

**PART IV**

**SUPPLEMENTARY**

**Declaration as to age and nationality.**

14. The registration officer before registering any person may, if he thinks it necessary, require that person to produce such documentation and proof as the registration officer may deem fit showing that the applicant was of full age or had lived in Gibraltar during the whole of the qualifying period or that he was a British citizen, a British Overseas Territories citizen, a British Overseas citizen, a British National (Overseas), a British protected person or a British subject under the British Nationality Act 1981 during the whole of the qualifying period.

**Power of registration officer to obtain information.**

15. The registration officer may require the Registrar of Births and Deaths, the Head of the Civil Status and Registration Office, any other department of the Government of Gibraltar or agency and the Commissioner of Police to make available such information as he may require for the purposes of his registration duties.

**Information from house-holders.**

16. The registration officer may require any employer or any householder or person owning or occupying any land or premises in Gibraltar or the agent or factor of any such person to give any information required for the purposes of his registration duties.

**Appeals.**

17.(1) A person desiring to appeal against the decision of the registration officer must give notice of appeal to the registration officer and to the opposite party (if any) when the decision is given, or within five days of such decision being communicated to him specifying the grounds of his appeal.

(2) The registration officer shall forward any such notice to the Registrar of the Supreme Court in such manner as may be directed by rules of court, together with a statement of the material facts which in his opinion have been established in the case and of his decision upon the whole case and on any point which may be specified as a ground of appeal, and shall also furnish to the court any further information which the court may require.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the Registrar of the Supreme Court of the fact for the purpose of enabling the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

**Forms.**

18.(1) Form RC in the Schedule shall be used by the registration officer for the purposes of compiling the register referred to in section 5 (1) of the Act.

(2) The registration officer shall on application supply without fee to applicants a reasonable number of RB forms.

**Sending of notices, etc.**

19.(1) Any application, notice or claim which is required by these Rules to be made to the registration officer shall be in writing and sent by prepaid post or delivered electronically or otherwise to his office or to the address specified by him for the purposes.

(2) Where the registration officer is required by these rules to notify any person, such notification shall be in writing and may be sent by post to the address furnished by that person for the purpose of such notification or, if there is no such address, to the last known place of abode of such person.

**Publication of documents.**

20.(1) Any failure to publish a document in accordance with these Rules shall not invalidate the document.



(2) A document which is made available for inspection shall be made available, except where these Rules expressly provide otherwise, during ordinary business hours and any person may make a copy of, or take extracts from such document.

**Misnomers.**

21. No misnomer or inaccurate description of any person or place in any form or the register or in any notice shall prejudice the operation of that document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

**Penalties.**

22.(1) A person who fails to comply with or gives false information in pursuance of any such requisition of the registration officer as is mentioned in rule 15, is guilty of an offence and is liable, on summary conviction, to a fine of £100.

(2) A person who without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, is guilty of an offence and is liable on summary conviction, to a fine of £100.

**PART V****REPEAL****Repeal.**

23. The Electors (Registration) Rules are repealed.

**1950-15**

Parliament

**2019/021**

**Electors Registration Rules 2019**

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**SCHEDULE**

**FORM RA**

Rule 9

**NOTICE**

**PARLIAMENT ACT**

**ELECTORS (REGISTRATION) RULES**

**REGISTER OF ELECTORS**

The Parliament Act allows me to continue to accept and determine applications for registration by persons who are entitled to be so registered. The Act empowers me to alter the register to include the names of persons whose application I approve and to amend the particulars of persons already registered in the Register of Electors.

I hereby give notice that I have today published a list of the amendments made to the Register of Electors during the last six months.

The full register, including the details contained in the list of amendments published, is now available for inspection under supervision at my office at Parliament House during working hours.

**REGISTRATION OFFICER**

FORM RB

Rule 10

PARLIAMENT ACT  
ELECTORS (REGISTRATION) RULES  
REGISTER OF ELECTORS

To be eligible to vote in Parliamentary Elections in Gibraltar, you must be registered in the Register of Electors. If you are eligible to be registered, have moved to a new address or your particulars have changed, just fill in this form.

1. Your personal details

First names in full:  Date of birth:

Surname:  Nationality:

Maiden Name:  ID Card Personal No:

Mobile No:  Passport No:

Email:

2. Your full address, at which you are now living

Address:  Date you moved in:

3. If you have your usual home registered as an electoral address

Address:  Date you started out:

4. Change of your details

5. Declaration

As for this form, I declare that the information is true and correct. Any person who gives false information in regard to a criminal offence, this form will be treated as if not signed. It is the applicant's duty to give false information on this form.

Your Signature:  Date:

6. Please report this form to:

Electors Registration Office  
The Gibraltar Parliament  
The Clerk General  
Gibraltar

Printed by the Electoral Registration Office for Gibraltar, The Gibraltar Parliament, 6th Floor Grand, Gibraltar.  
Registration No: 2019/021, 2019/021

Eligible persons:

Any person who is 18 years old or over on the date of application is eligible to be registered as an elector provided he/she:

- (a) is either:
  - (i) a British citizen; or
  - (ii) a British Overseas Territories citizen; or
  - (iii) a British Overseas citizen; or
  - (iv) a British National (Overseas); or
  - (v) a British protected person; or
  - (vi) a British subject under the British Nationality Act 1981; and
- (b) has lived in Gibraltar for a continuous period of 6 months ending on the date of receipt of the application; and
- (c) intends to live in Gibraltar either permanently or indefinitely. (Phrase was deleted on 13/1/2019).

Guidance Notes:

1. Serving members of the Royal Gibraltar Regiment and the spouses of such persons are eligible for inclusion in the register. All other members of Her Majesty's Forces and their spouses are not eligible.
2. You can register if you normally live at the address shown above and are temporarily absent i.e. at a school, in hospital, on a visit or in hospital during the six month period ending on the date of application.
3. The following paragraphs will apply in determining whether a person intends to live in Gibraltar either permanently or indefinitely:
  - (i) Where a person has no other home in Gibraltar, he/she shall be presumed to intend to live in Gibraltar permanently or indefinitely;
  - (ii) Where a person has more than one home, he/she shall be presumed to live permanently or indefinitely in that place in which he/she has his/her principal home;
  - (iii) Where a person is registered in Gibraltar for the principal purpose of carrying on a business, profession or occupation, and his wife and children, if any, have their home outside Gibraltar, he shall be presumed to intend to live permanently or indefinitely in the latter place.

<b>FOR OFFICE USE ONLY</b>					
<b>DATE RECEIVED</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px; vertical-align: top;"><b>ENTERED BY</b></td> <td style="width: 50%;"></td> </tr> <tr> <td style="width: 50%; padding: 5px; vertical-align: top;"><b>CHECKED BY</b></td> <td style="width: 50%;"></td> </tr> </table>	<b>ENTERED BY</b>		<b>CHECKED BY</b>	
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[ YEAR ] REGISTER OF ELECTORS  
ELECTORAL REGISTRATION FORM

Address

**Make sure you return  
this form within 5 days  
of receipt.**

In preparation for the compilation of the Register of Electors, you are required to complete and return this registration form.

**Eligibility criteria:**

Any person residing at the address shown above who is 18 years old or over or will be 18 years old on or prior to the (date) is eligible to be registered as an elector provided he/she:-

- (a) is either:
  - (i) a British citizen; or
  - (ii) a British Overseas Territories citizen; or
  - (iii) a British Overseas citizen; or
  - (iv) a British National (Overseas); or
  - (v) a British protected person; or
  - (vi) a British subject under the British Nationality Act 1981; and
- (b) has lived in Gibraltar for a continuous period of 6 months ending on the date of receipt of this completed form; and
- (c) intends to live in Gibraltar either permanently or indefinitely. (Please see guidance note overleaf).

**Please follow these instructions:**

1. To register an eligible person, write his/her full particulars (including date of birth) below. (Do not forget to include yourself, if you are eligible).
2. Please use black or blue ink only and block capitals.

Surname	Forenames	Date of Birth / Age Range	Identity Card / Passport No. or Passport No.

- Notes:**
1. Serving members of the Royal Gibraltar Regiment and the spouses of such persons are eligible for inclusion in the register. All other members of the Gibraltar Forces and their spouses are not eligible.
  2. Persons who are not at the address shown above and who are commonly absent i.e. as a child, on holiday, on a visit or in hospital during the six month period ending on the date of receipt of this completed form should be included.

**Declaration**

I hereby declare that the information provided is complete, true and accurate and that all persons named are residing in the address shown above and the eligibility criteria.

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Telephone No. (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

Postcode \_\_\_\_\_ (Mob) \_\_\_\_\_

PLEASE SEE OVERLEAF

**Residence Data**

The following presumptions will apply in determining whether a person intends to live in Gibraltar either permanently or indefinitely:

- (a) where a person has neither home in Gibraltar, he/she shall be presumed to intend to live in Gibraltar permanently or indefinitely;
- (b) where a person has more than one home, he/she shall be presumed to live permanently or indefinitely in that place in which he/she has his/her principal home;
- (c) where a person is stationed in Gibraltar for the principal purpose of carrying on a business, profession or occupation, and his wife and children, if any, have their home outside Gibraltar, he shall be presumed to intend to live permanently or indefinitely in that place.

PLEASE NOTE THAT TO BE ABLE TO VOTE, A REGISTERED PERSON MUST BE 18 YEARS OR OVER ON THE DATE OF THE ELECTION.

Should you require any clarification of what you are required to do, or need assistance, please contact a member of my staff on telephone number [telephone no.] or via email [email].

It is important that you return this form within the date of its receipt using the enclosed prepaid envelope.

**FAILURE TO RETURN THIS FORM MAY RESULT IN THE PERSON(S) NAMED IN THE ADDRESS SHOWN OVERLEAF NOT BEING INCLUDED IN THE REGISTER OF ELECTORS.**

ELECTORAL REGISTRATION OFFICE  
ELECTORAL ADMINISTRATION OFFICE  
PARLIAMENTARY  
LONDON ROAD  
GIBRALTAR

<b>FOR CHECKS USE ONLY</b>	
<b>YOUR SIGNATURE</b>	<b>RECEIVED BY</b>
	<b>RECEIVED BY</b>