

## CHAPTER 2

### REGISTRATION OF ELECTORS AND VOTING SYSTEM

#### PART I : GENERAL

2.1 Only registered electors whose names appear on the final register (“FR”) of electors may vote at an election. Registered electors may visit the Online Voter Information Enquiry System (“OVIES”) ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) at any time to check their registration particulars. The FR is valid for one year and is updated on an annual basis. In a year which a DC ordinary election is to be held (“DC election year”), the deadline for new voter registration is on 2 July and the deadline for change of residential address and other registration particulars is on 2 June, while the deadlines are on 2 May and 2 April respectively in a non-DC election year. *[Added in September 2019]*

2.2 True and accurate information should be provided for registration as an elector. Giving false information for voter registration (so-called “vote rigging”) is an offence under the law, no matter whether the elector has subsequently voted or not. *[Added in September 2019]*

2.3 The Registration and Electoral Office (“REO”) will assign a DC constituency to each elector according to the residential address provided by him/her. Under the law, an elector must provide his/her true and sole or principal residential address at the time of submitting his/her application for voter registration. If an elector has more than one residential address, the principal residence should be furnished. Electors are not required under the law to update the principal residential address with the REO upon moving residence. It does not constitute an act of providing false information or an offence even if an elector does not update his/her principal residential address

after moving residence, provided that the principal residential address is true and correct at the time of application for registration. As long as his/her entry has not been removed from the register and his/her name remains on the FR, an elector may still vote at the DC constituency corresponding to his/her registered residential address after moving residence. *[Added in September 2019]*

2.4 Pursuant to civic responsibility, registered electors should provide the updated residential address to the REO after moving residence in order to ensure the accuracy of the particulars in the register of electors. It is a statutory requirement to submit an address proof issued within the last 3 months together with the submission of the application form for change of address. However, address proof is presently not required for new voter registration. Due to the submission of address proof, the statutory deadline for application for change of registration particulars has been advanced by 30 days compared with that for new registration in order to allow sufficient time to verify the information on the address proof. Although address proof is not required for new voter registration, the Electoral Registration Officer (“ERO”) can request the applicant to provide the address proof if in doubt on an application for registration. *[Added in September 2019]*

2.5 The REO has all along put in place appropriate checking measures. If an elector is suspected to have moved residence without notifying the REO of the new principal residential address, a statutory inquiry procedure will be initiated under which the elector may be removed from the register. If an elector has responded to the inquiry to update his/her new principal residential address by the deadline, his/her name may remain on the register. Otherwise, his/her name will be included in the omissions list (“OL”). *[Added in September 2019]*

2.6 Before the FR is published, the REO will publish the provisional register (“PR”) and OL for public inspection. The procedure for objections

and claims in respect of eligibility for voter registration will also commence at the same time. Any person who has suspicion on the eligibility of an elector may make an objection and the Revising Officer will make a determination on the case. A person whose name has been included in the OL may make a claim with the Revising Officer. If the grounds for the claim are accepted by the Revising Officer, his/her voter registration can then be reinstated. A person who makes an objection or a claim must provide sufficient information on the objection or claim to inform the Revising Officer of the grounds. He/She needs to attend the hearing (except for incontrovertible cases); otherwise the Revising Officer may dismiss the objection or claim (for details, please see para. 2.30 below). *[Added in September 2019]*

## **PART II : REGISTRATION OF ELECTORS**

### **Eligibility to Vote**

2.7 Under the existing voter registration arrangement in Hong Kong, a system of honest declaration is adopted to facilitate eligible persons to register as electors. Applicants should provide true and accurate information for voter registration. Any person who makes a false statement in his/her application for voter registration or change of registration particulars commits an offence and violates s 22 of the EAC (ROE) (GC) Reg, no matter whether he/she subsequently votes at an election or not. If the person votes at an election, he/she contravenes s 16 of the ECICO and will be liable to more serious penalty. *[Added in September 2019]*

2.8 For the DC election, only a registered elector is eligible to vote. A registered elector is a person whose name appears on the existing FR of geographical constituencies (“GCs”) that is in effect at the time of election as compiled and published by the ERO under the LCO. FR contains information

on which DC constituency is assigned to each registered elector. An elector may only vote in the DC constituency assigned to him/her. [S 29(3) of the DCO] *[Amended in September 2007 and January 2010]*

### **Qualifications for Registration as an Elector**

2.9 To qualify for registration as an elector in a GC under the LCO, a person has to satisfy all the following requirements:

- (a) in any non-DC election year, he/she has to be aged 18 years or above as at 25 July next following his/her application for registration (or 25 September in a DC election year) [s 29 of the LCO]; *[Amended in September 2012]*
- (b) he/she is a permanent resident of Hong Kong [s 27 of the LCO];
- (c) (i) he/she ordinarily resides in Hong Kong and the residential address in his/her application for registration is his/her only or principal residence in Hong Kong [s 28(1) of the LCO]; or
  - (ii) if he/she is a person serving a sentence of imprisonment and at the time of the application does not have a home in Hong Kong outside the prison, the following prescribed address is deemed to be the person's only or principal residence in Hong Kong for the purpose of voter registration:
    - (1) the last dwelling-place in Hong Kong at which the person resided and which constituted his/her sole or main home; or

- (2) the residential address of the person last recorded by the Immigration Department under the Registration of Persons Regulations (Cap 177A) if the person cannot provide any proof on his/her last dwelling-place in Hong Kong [s 28(1A) and (1B) of the LCO]. *[Amended in January 2010]*
- (d) he/she holds an identity document or has applied for a new identity document or a replacement identity document [s 30 of the LCO]; and
- (e) he/she is not disqualified from being registered as an elector by virtue of s 31 of the LCO.

*[Amended in September 2012]*

2.10 A person who is **already registered** in the existing FR of GCs **need not apply** to be registered as an elector in a GC any further as his/her name and residential address will be repeated in the next register (a PR) [s 8(1) of the EAC (ROE) (GC) Reg]. However, he/she is not entitled to be included as an elector in the next register of GCs if:

- (a) he/she has ceased to ordinarily reside in Hong Kong [s 24(2)(a) of the LCO];
- (b) he/she no longer resides at the residential address recorded against his/her name in the existing register and the ERO does not know his/her new principal residential address in Hong Kong [s 24(2)(b) of the LCO and s 9(2) of the EAC (ROE) (GC) Reg] (see para. 2.21 below);

- (c) he/she is no longer a permanent resident of Hong Kong [s 27 of the LCO];
- (d) he/she was an imprisoned person who used his/her last dwelling-place in Hong Kong at which he/she resided or the address last recorded under the Registration of Persons Regulations as the address for registration as an elector and who had served his/her sentence of imprisonment and left the prison without reporting his/her new residential address to the ERO [s 9(2A) of the EAC (ROE) (GC) Reg] *[Amended in January 2010]*; or
- (e) he/she is disqualified from being registered as an elector by virtue of s 31 of the LCO.

*[Amended in September 2012]*

### **Disqualifications from Voting**

2.11 An elector is disqualified from voting at the DC election if he/she:

- (a) has ceased to be eligible to be registered as an elector under the LCO (see paras. 2.9 and 2.10 above) [s 30(a) of the DCO];
- (b) is found to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap 136) [s 30(e) of the DCO]; or
- (c) is a member of any armed forces [s 30(f) of the DCO].

*[Amended in September 2007, January 2010 and September 2012]*

## Application for Registration and De-registration

2.12 The registration of GC electors is undertaken in accordance with the provisions of the EAC (ROE) (GC) Reg.

2.13 A person may send in his/her application for registration as an elector on the specified form<sup>1</sup> to the ERO any time in the year. For a person whose voter registration has been removed (for example, due to failure to respond to the inquiry letter from the REO after moving residence), if he/she is still eligible for registration as an elector, the person may submit a new application to register again as an elector. *[Amended in September 2019]*

2.14 An elector may make an application for de-registration in person at the office of the REO. If he/she would like to make the application in writing instead, no specified form is required. The elector may inform the REO by letter, and must provide his/her personal particulars in the letter to be signed by him/her. All applications for de-registration will not take immediate effect. For a written application, upon receipt of the notice, the REO will contact the elector concerned to verify his/her application. The REO will only include the elector's name in the OL after the verification. An elector who has been included in the OL may inspect his/her voter registration particulars starting from the day of publication of the PR and OL till the end of the public inspection period, and when necessary, lodge a claim with relevant evidence to request for reinstatement of his/her elector status. The public inspection period is from **1 to 25 June in a non-DC election year** (or from 1 to 25 August in a DC election year). If the REO is unable to complete the verification of the application for deregistration, the name of the elector will remain on the PR in that year. If the elector's registration is not being

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<sup>1</sup> The application form, "Application for New Voter Registration (Geographical Constituencies)" (REO-1), is available at the website of the REO ([www.reo.gov.hk](http://www.reo.gov.hk)).

removed, he/she may decide by himself/herself whether to vote on the polling day. *[Amended in September 2019]*

2.15 For inclusion/exclusion of his/her name in the FR of GCs to be published not later than 25 July **in a non-DC election year** (or 25 September in a DC election year), a person's application must have been received by the ERO **not later than 2 May** in that year (or 2 July in a DC election year). [S 4 of the EAC (ROE) (GC) Reg] *[Amended in September 2012, September 2015 and September 2019]*

2.16 The ERO will process the application forms for registration and notification of de-registration after they have been received. The ERO will send written enquiries to applicants to seek information or proof if the information on their applications/notifications is incomplete or incorrect [s 5(2) of the EAC (ROE) (GC) Reg]. An applicant who qualifies for registration will be allocated to the relevant constituency on the basis of his/her residential address and receive a notification of the result [s 5(8) of the EAC (ROE) (GC) Reg]. Applicants who are not qualified for registration will also be informed of the result by post [s 5(9) of the EAC (ROE) (GC) Reg]. *[Amended in January 2010 and September 2019]*

2.17 The name and principal residential address of all eligible electors will be entered in the registers of electors. *[Added in January 2010 and amended in September 2019]*

### **Change of Residential Address and Other Registered Particulars**

2.18 It will not be necessary for a registered elector to re-apply for registration every year. However, if a registered elector has changed his/her principal residential address in the FR, he/she should **notify the ERO of his/her new principal residential address** in Hong Kong to update his/her



registration in the next register of electors. *[Amended in January 2010, September 2012 and September 2019]*

2.19 Apart from principal residential address, any registered elector who has changed his/her other particulars (e.g. name, telephone numbers and email address) should also notify the ERO of such change. *[Amended in January 2010]*

2.20 An elector should notify the ERO of any change of his/her registration particulars on the specified form<sup>2</sup> to the ERO to report the change of particulars. For an application for change of principal residential address recorded in the FR, relevant documentary evidence should be provided to prove that the address stated in the application is his/her principal residential address<sup>3</sup> [s 10A(3) of the EAC (ROE) (GC) Reg]. The address proof must be a document issued within the last 3 months or any other period as specified by the ERO<sup>4</sup>. In order to allow the alteration of his/her particulars to be effected in the next FR of electors, he/she should notify the ERO as soon as possible and latest **by 2 April in a non-DC election year** (or 2 June in a DC election year) [s 10A(12) of the EAC (ROE) (GC) Reg]. An elector who has reported change of particulars will be sent a notice by the ERO showing his/her updated electoral record [s 10A(10) of the EAC (ROE) (GC) Reg]. An elector who does not submit his/her application for change of registration particulars to the ERO by the statutory deadline may still vote at the constituency corresponding to his/her original registered address if his/her name remains on the register of electors. *[Amended in January 2010, September 2012, September 2015 and September 2019]*

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<sup>2</sup> The application form, "Report on Change of Particulars by an Elector in a Geographical Constituency" (REO-2), is available at the website of the REO ([www.reo.gov.hk](http://www.reo.gov.hk)).

<sup>3</sup> For electors who are the authorised occupants of public rental housing under the Housing Department or registered residents in the tenancy of subsidised housing under the Hong Kong Housing Society applying for change of registered address, and that the addresses in the tenancy records match the residential addresses provided by the electors, address proof requirement for such electors may be exempted.

<sup>4</sup> For details of the acceptable address proofs, please refer to guidance notes of the application form "Report on Change of Particulars by an Elector in a Geographical Constituency" (REO-2).

2.21 Notwithstanding that it is not a mandatory requirement under the law, a registered elector is encouraged to fulfil their civic duty to notify the ERO of any change in his/her principal residential address in Hong Kong in a timely manner. To enhance the accuracy of the register of electors, the REO has put in place suitable checking measures. **If it comes to the knowledge of the ERO that an elector's registered address may no longer be his/her principal residential address**, the ERO will invoke the statutory inquiry process to ascertain whether the address recorded in the existing register is still the elector's only or principal residential address in Hong Kong [s 7(1) of the EAC (ROE) (GC) Reg]. **The elector's name and other registration particulars may be removed from the next register of electors** if he/she fails to respond to the satisfaction of the ERO during the inquiry process. Meanwhile, for any election held before the publication of the next register, the person remains a registered elector for the GC (and the designated DC constituency) as recorded in the current register of electors [s 33 of the LCO]. It is of utmost importance for electors to provide the ERO with true, accurate and updated information for voter registration and it is an offence for a person to knowingly or recklessly give false or misleading information for voter registration no matter whether or not he/she subsequently votes at an election. Offenders will be liable to a fine at level 3 (\$10,000) and to imprisonment for 2 years. [S 22 of the EAC (ROE) (GC) Reg] *[Added in January 2010, amended in September 2015 and September 2019]*

### **The Provisional Register and the Omissions List**

2.22 The PR for GCs will be published **not later than 1 June in a non-DC election year** (or no later than 1 August in a DC election year). It should include:

- (a) the names and principal residential addresses of those electors whose names appear in the existing FR for GC, updated and

corrected by the ERO based on reported or available information;  
and

- (b) the names and principal residential addresses of the eligible new applicants who have applied for registration in the constituency concerned on or before 2 May of that year (or 2 July in a DC election year).

The PR will be **available for public inspection** at the REO and specified District Offices (“DOs”) not later than 25 June in a non-DC election year (or 25 August in a DC election year). [S 13 of the EAC (ROE) (GC) Reg] *[Amended in September 2019]*

2.23 At the same time when the PR for GCs is published, the ERO will also publish for public inspection an OL, containing the names and principal residential addresses of persons formerly registered as GC electors, which are struck out of the PR and proposed to be omitted from the next FR, where the ERO is satisfied on reasonable grounds based on the information received that the persons concerned do not wish to remain registered in the register of electors; or are no longer eligible to be registered; or have been disqualified [s 32(4)(a) and (b) of the LCO and s 9 of the EAC (ROE) (GC) Reg].

2.24 For an imprisoned person who has used his/her last dwelling-place in Hong Kong at which he/she resided or the address last recorded under the Registration of Persons Regulations as the address for registration as an elector, if the ERO is satisfied on reasonable grounds that he/she has served his/her sentence of imprisonment and left the prison without reporting his/her new residential address to the ERO, the ERO shall enter his/her name and principal residential address in the OL according to the procedures prescribed in the relevant legislation. [S 9(2A) of the EAC (ROE) (GC) Reg]

2.25 The names and principal residential addresses of the persons included in the OL will not appear in the PR [s 32(4)(a) and (b) of the LCO and ss 9 and 10(3) of the EAC (ROE) (GC) Reg]. However, the registration status of an elector who has been included in the OL will not be immediately revoked. If the elector makes a claim to the ERO and the Revising Officer accepts the grounds he/she submitted, his/her registration status can be retained. (See paras. 2.28 to 2.30 below) *[Amended in January 2010, September 2015 and September 2019]*

2.26 The time and place where the PR and the OL can be inspected will be published in the Gazette and in newspapers. Publication of the PR is deemed to be done by publication of that notice. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available, at a penal institution or the premises of a law enforcement agency as the case may be, a copy of the PR and OL for his/her inspection if the ERO considers it appropriate to do so. The ERO may require persons who want to inspect the PR and/or OL to produce an identity document and complete a form furnished by him/her. [Ss 10 and 13 of the EAC (ROE) (GC) Reg] *[Amended in September 2019]*

### **Online Voter Information Enquiry System**

2.27 Registered electors may log on to the OVIES ([www.voterinfo.gov.hk](http://www.voterinfo.gov.hk)) anytime to check whether they are registered as electors and their latest registration particulars including registered addresses and respective constituencies. *[Added in September 2019]*

## Appeals – Objections and Claims

2.28 Members of the public may lodge in person with the ERO a notice of objection on the specified form as regards any entry in the relevant PR **not later than 25 June in a non-DC election year** (or 25 August in a DC election year) [s 14 of the EAC (ROE) (GC) Reg]. The procedures for making claims or objections are provided in the REO website ([www.reo.gov.hk](http://www.reo.gov.hk)) during the public inspection period. On or before the same date, an applicant who claims that he/she is entitled to be registered as an elector but his/her name has not been recorded in the PR or has been included in the OL or an elector whose particulars have not been correctly recorded in the PR may lodge in person with the ERO a notice of claim on the specified form in respect of the entry or any omission concerning himself/herself [s 15 of the EAC (ROE) (GC) Reg]. To facilitate the making of such an objection or claim by a person imprisoned or held in custody by a law enforcement agency, he/she is allowed to deliver a notice of objection or claim to the ERO by post [s 15(7A) of the EAC (ROE) (GC) Reg]. *[Amended in September 2019]*

2.29 The REO will issue reminding letters to those electors who have been listed on the OL. The envelopes of the letters will be stamped with a reminding message in red, “Immediate action required. Your voting right is at stake.” to remind electors concerned to submit a claim form or to return the reply slip by the specified deadline to confirm the validity of their registered addresses or update their registered addresses (submission of address proof is required for an update of registered address). When an elector who has been included in the statutory inquiry and hence listed on the OL logs on to the OVIES to view his/her registration particulars, the system will remind him/her to respond to the reminding letter issued by the REO as soon as possible in order to confirm that his/her current residential address is correct or to update his/her residential address. *[Added in September 2019]*

2.30 Cases of objections and claims will be referred to the Revising Officer<sup>5</sup> for consideration. The Revising Officer will rule on each objection or claim and decide on the inclusion, exclusion, or correction of the entry concerned in the relevant FR. [Ss 34 and 77 of the LCO and Part 3 of the EAC (ROE) (GC) Reg] A person who lodges an objection or a claim must provide sufficient information so as to inform the Revising Officer of the grounds of the objection or claim. He/She needs to attend the hearing (except for incontrovertible cases<sup>6</sup>); otherwise the Revising Officer may dismiss the objection or claim. [Ss 2(5A) and 2B of the Registration of Electors (Appeals) Regulation (Cap 542B)] *[Amended in January 2010, September 2012, September 2015 and September 2019]*

### **The Final Register**

2.31 The FR for GCs will be published **not later than 25 July in a non-DC election year** (or 25 September in a DC election year) [s 32(1)(b) and (1A)(b) of the LCO]. It will include the entries in the relevant PR with the updated names and principal residential addresses of electors who have applied to alter their particulars not later than 2 April of that year (or 2 June in a DC election year), and the names and principal residential addresses of those who were subject to a notice of objection or claim as updated and corrected to reflect the decisions of the Revising Officer [s 19(1) of the EAC (ROE) (GC) Reg]. The ERO will also take the opportunity to delete those entries of electors who are known to have died and to correct any mistakes in the PR. This FR shall remain valid until the publication of the next FR in the following

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<sup>5</sup> The Revising Officer may be any magistrate, former magistrate, retired magistrate or any legal officer within the meaning of the Legal Officers Ordinance (Cap 87), appointed by the Chief Justice [s 77 of the LCO].

<sup>6</sup> In accordance with s 2A of the Registration of Electors (Appeals) Regulation, for an incontrovertible objection or claim, including the person who lodges the objection or claim has not provided any ground in his/her notice, the ground(s) submitted by the person are irrelevant to registration eligibilities or the case involves only a clerical error made in compiling or printing a PR, the Revising Officer must direct that the objection or claim be determined without a hearing on the basis of written submissions only.

year. The FR in force is available for public inspection at the REO and DOs.  
*[Amended in September 2019]*

2.32 The time and place where the FR can be inspected will be published in the Gazette and in newspapers. The publication of the notice is to be taken as the publication of the FR. Upon request by a person imprisoned or held in custody by a law enforcement agency, the ERO may make available at a penal institution or the premises of a law enforcement agency as the case may be, a copy of the FR for his/her inspection if the ERO considers it appropriate to do so. The ERO may require persons who wish to inspect the FR to produce an identity document and complete a form furnished by him/her.  
 [S 20 of the EAC (ROE) (GC) Reg] *[Amended in January 2010, September 2012, September 2015 and September 2019]*

### **IMPORTANT :**

Information relating to a person contained in any register of electors or in any extract of any register of electors **can only be used for election-related purposes** under the electoral legislation. Any **abuse** or **misuse** of such information is an **offence** and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 22(3) of the EAC (ROE) (GC) Reg].

## **PART III : THE VOTING SYSTEM**

2.33 A poll will be taken in respect of a DC constituency to return a member for that constituency if there are 2 or more validly nominated candidates contesting the election. Where there is only 1 validly nominated candidate for the constituency, he/she will be declared elected by the RO

[s 39(1) of the DCO]. In such a case, polling in respect of the constituency will not be necessary and electors of the constituency concerned should not attend the relevant polling stations since they no longer need to vote. If no candidates were validly nominated for the constituency, the RO must declare the election to have failed [s 39(2) of the DCO]. A by-election will then be necessary. *[Amended in September 2011 and September 2019]*

2.34 The voting system adopted for the DC election is the simple majority or relative majority system, commonly known as the “**first past the post**” system. The system means, simplistically, that only **1 vote** will be allowed to be cast by any elector in favour of **1 of the candidates** whose name appears on the ballot paper and that the candidate who obtains the largest number of valid votes cast will be elected. [S 41(2) of the DCO] In the event that more than 1 candidate has the equal highest number of valid votes, the RO will have to draw lots to determine which one of these candidates should be elected to fill the vacancy [s 41(3) of the DCO].

2.35 When the drawing of lots has to be used to determine the result, 10 table-tennis balls each marked with a number from 1 to 10 will be put into an empty opaque bag, to be provided by the RO. Each candidate is to draw 1 ball from the bag. The number marked on the ball should be noted by the RO and the ball should be put back into the bag. The other candidate(s) will draw in the same way. The RO would draw the lot on behalf of the candidate if the candidate is absent at the time of drawing lots. The candidate on whom the lot falls is to be returned at the election:

- (a) Where there are 2 candidates, the candidate who draws the larger number from 1 to 10 will be the winner. If both candidates have drawn the same number, further draw(s) will be held until a candidate eventually wins. 1 is the smallest number and 10 is the largest number.



- (b) Where there are more than 2 candidates, if in the first draw, the numbers drawn by the candidates are different, then the candidate who draws the largest number will win. If, on the other hand, 2 or more of the candidates have drawn the same larger number and the remaining candidate(s) has/have drawn a smaller number, there must be a second draw. As the system of voting for the election is “first past the post”, only those candidates who have drawn the same larger number in the first draw will participate in the second draw.

*[Amended in September 2012 and September 2019]*

2.36 As soon as practicable after the result of the elections has been obtained, the RO should publicly declare the successful candidate as elected.

*[Amended in September 2015 and September 2019]*

### **Death or Disqualification of a Candidate**

2.37 If, after the RO has decided that a candidate is validly nominated but before the election day, proof is given to the satisfaction of the RO that the candidate has died or is disqualified from being nominated as a candidate, the RO must, as soon as practicable, publicly declare that the candidate has died or that the RO’s earlier decision is varied to the effect that the candidate is not validly nominated. The RO must further declare which candidates are validly nominated for election for the relevant constituency. [S 36(2) and (4) of the DCO and ss 24 and 25 of the EAC (EP) (DC) Reg] *[Added in September 2015]*

2.38 On the polling day but before the close of poll for the election, if proof is given to the satisfaction of the RO that a validly nominated candidate

has died or is disqualified from being elected, the RO should publicly declare that the proceedings for the election for the constituency are terminated. The declaration is to be made by a notice displayed in a prominent place outside each polling station of the relevant constituency and published in the Gazette as soon as practicable [s 40(1) of the DCO and s 95(1) of the EAC (EP) (DC) Reg]. *[Added in September 2015]*

2.39 After the close of poll, if proof is given to the RO's satisfaction that a candidate has died or is disqualified from being elected, the RO should complete the counting of votes. After the counting of votes is finished, if the candidate concerned is successful at the election, the RO should not declare that candidate as elected and should publicly declare that the election for that constituency has failed [s 40(2) and (3) of the DCO and s 81 of the EAC (EP) (DC) Reg]. *[Amended in September 2015]*