



Representation of the People Act 1983

1983 CHAPTER 2

PART I

PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

Parliamentary and local government franchise

3 Disfranchisement of offenders in prison etc.

(1) A convicted person during the time that he is detained in a penal institution in pursuance of his sentence [^{F1}or unlawfully at large when he would otherwise be so detained] is legally incapable of voting at any parliamentary or local government election [^{F2}, unless subsection (1A) applies to that person].

[^{F3}(1A) A convicted person is not legally incapable of voting at a local government election in Scotland by virtue of subsection (1) during the time that the person is detained in a penal institution in pursuance of a sentence imposed for a term not exceeding 12 months.

(1B) In calculating the term of a sentence of a convicted person for the purpose of subsection (1A), terms that are consecutive or concurrent to any extent are to be treated as a single term if the sentences were imposed on that person—

- (a) on the same occasion, or
- (b) on different occasions but the convicted person was not released (other than on temporary release) at any time during the period beginning with the first occasion and ending with the last.]

(2) For this purpose—

- (a) “convicted person” means any person found guilty of an offence (whether under the law of the United Kingdom or not), including a person found guilty by a [^{F4}court of a service offence within the meaning of the Armed Forces Act 2006], but not including a person dealt with by committal or other summary process for contempt of court; and

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Changes to legislation: Representation of the People Act 1983, Section 3 is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) “penal institution” means an institution to which the ^{M1}Prison Act 1952, the ^{M2}Prisons (Scotland) Act 1952 or the ^{M3}Prison Act (Northern Ireland) 1953 applies; and
- (c) a person detained for default in complying with his sentence shall not be treated as detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his sentence for the offence.
- (3) It is immaterial for the purposes of this section whether a conviction or sentence was before or after the passing of this Act.

Textual Amendments

- F1** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 1**
- F2** Words in s. 3(1) inserted (S.) (2.4.2020) by [Scottish Elections \(Franchise and Representation\) Act 2020 \(asp 6\)](#), s. **5(2)**
- F3** S. 3(1A)(1B) inserted (S.) (2.4.2020) by [Scottish Elections \(Franchise and Representation\) Act 2020 \(asp 6\)](#), s. **5(3)**
- F4** Words in s. 3(2)(a) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, **Sch. 16 para. 95**; S.I. 2009/812, **art. 3**; S.I. 2009/1167, **art. 4**

Modifications etc. (not altering text)

- C1** S. 3(1)(2) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), ss. 2, 13(6), **Sch. 1 Pt. I**
- C2** S. 3(1) restricted (S.) (2.8.2019) by [The Representation of the People Act 1983 Remedial \(Scotland\) Order 2019 \(S.S.I. 2019/261\)](#), arts. 1, 4
- C3** S. 3(2)(a) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, **Sch. 1 para. 24(1)**

Marginal Citations

- M1** 1952 c. 52.
- M2** 1952 c. 61.
- M3** 1953 c. 18 (N.I.)

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