



# Representation of the People Act 2000

## 2000 CHAPTER 2

An Act to make new provision with respect to the registration of voters for the purposes of parliamentary and local government elections; to make other provision in relation to voting at such elections; and for connected purposes. [9th March 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act modified (E.W.) (2.4.2001) by [S.I. 2001/1298, reg. 10\(1\)\(c\)](#)  
Act applied (E.W.) (2.4.2001) by [S.I. 2001/1298, reg. 10\(4\)](#)  
Act modified (E.W.) (2.4.2001) by [S.I. 2001/1298, reg. 15\(8\)](#)  
Act modified (E.W.) (2.4.2001) by [S.I. 2001/1298, reg. 16\(2\)](#)  
Act modified (E.W.) (1.2.2002) by [S.I. 2002/185, reg. 3\(2\)](#), [Sch. 2](#)
- C2 Act: [Electoral Administration Act 2006 \(c. 22\)](#), s. 46(1)-(4) to be construed as part of the Representation of the People Acts (1.1.2007 for E.W.S and 1.7.2008 for N.I.) by virtue of [Electoral Administration Act 2006 \(c. 22\)](#), ss. {46(5)}, 77; [S.I. 2006/3412, art. 3, Sch. 1 para. 14](#) (subject to transitional provisions in [Sch. 2](#)); [S.I. 2008/1316, art. 2\(2\)](#), 4
- C3 Act: Power to amend conferred (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 72, 77; [S.I. 2006/3412, art. 3, Sch. 1 para. 10](#) (subject to transitional provisions in [Sch. 2](#))
- C4 Act: power to modify conferred by [Government of Wales Act 2006 \(c. 32\)](#), s. 4(4)(a) (with [Sch. 11 para. 22](#)), the affecting provision coming into force immediately after the 2007 election (held on 3.5.2007) subject to s. 161(4)(5) of the affecting Act, which provides for certain provisions to come into force for specified purposes immediately after the end of the initial period (which ended with the day of the first appointment of a First Minister on 25.5.2007) see ss. 46, 161(1)(4)(5) of the affecting Act.
- C5 Act: power to modify conferred by [Government of Wales Act 2006 \(c. 32\)](#), s. 13(4)(5)(a) (with [Sch. 11 para. 22](#)), the affecting provision coming into force immediately after the 2007 election (held on 3.5.2007) subject to s. 161(4)(5) of the affecting Act, which provides for certain provisions to come into force for specified purposes immediately after the end of the initial period (which ended with the day of the first appointment of a First Minister on 25.5.2007) see ss. 46, 161(1)(4)(5) of the affecting Act.

*Status: Point in time view as at 18/02/2012.*

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- C6** Act: certain provisions applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#), [reg. 3\(2\)\(3\)\(c\)\(4\)](#), Sch. 2 (as amended (E.W.) (10.1.2018) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/20\)](#), [regs. 1, 2](#)
- C7** Act functions made exercisable concurrently (18.8.2010) by [Lord President of the Council Order 2010 \(S.I. 2010/1837\)](#), [arts. 1\(2\), 3](#)
- C8** Act power to apply or incorporate (with modifications) conferred (15.9.2011) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [s. 58\(1\)-\(3\), \(7\)](#)

## PART I

### ELECTORAL REGISTRATION AND FRANCHISE

#### *New system of registration*

#### **1 New system of electoral registration.**

- (1) For sections 1 and 2 of the Representation of the <sup>M1</sup>People Act 1983 (“the 1983 Act”) there shall be substituted—

##### **“1 Parliamentary electors.**

- (1) A person is entitled to vote as an elector at a parliamentary election in any constituency if on the date of the poll he—
- (a) is registered in the register of parliamentary electors for that constituency;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is either a Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
- (a) more than once in the same constituency at any parliamentary election; or
  - (b) in more than one constituency at a general election.

##### **2 Local government electors.**

- (1) A person is entitled to vote as an elector at a local government election in any electoral area if on the date of the poll he—
- (a) is registered in the register of local government electors for that area;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
- (a) more than once in the same electoral area at any local government election; or

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- (b) in more than one electoral area at an ordinary election for a local government area which is not a single electoral area.”

(2) For section 4 of the 1983 Act there shall be substituted—

*“ Entitlement to registration*

**4 Entitlement to be registered as parliamentary or local government elector.**

- (1) A person is entitled to be registered in the register of parliamentary electors for any constituency or part of a constituency if on the relevant date he—
  - (a) is resident in the constituency or that part of it;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is either a qualifying Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age.
- (2) A person is not entitled to be registered in the register of parliamentary electors for any constituency in Northern Ireland unless, in addition to complying with subsection (1) above, he has been resident in Northern Ireland during the whole of the period of three months ending on the relevant date.
- (3) A person is entitled to be registered in the register of local government electors for any electoral area if on the relevant date he—
  - (a) is resident in that area;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age.
- (4) The preceding provisions have effect—
  - (a) subject to—
    - (i) any enactment imposing a disqualification for registration as a parliamentary, or (as the case may be) local government, elector; and
    - (ii) compliance with any prescribed requirements; and
  - (b) (as respects registration as a parliamentary elector) without prejudice to section 2(1) of the Representation of the <sup>M2</sup>People Act 1985 (registration of British citizens overseas).
- (5) A person otherwise qualified is (despite subsection (1)(d) or (3)(d), as the case may be) entitled to be registered in a register of parliamentary electors or local government electors if he will attain voting age before the end of the period of 12 months beginning with the 1st December next following the relevant date, but—
  - (a) his entry in the register shall give the date on which he will attain that age; and
  - (b) until the date given in the entry he shall not by virtue of the entry be treated as an elector for any purposes other than those of an election the date of the poll for which is the date so given or any later date.

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(6) In this section—

“qualifying Commonwealth citizen” means a Commonwealth citizen who either—

- (a) is not a person who requires leave under the <sup>M3</sup>Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave;

“the relevant date”, in relation to a person, means—

- (a) the date on which an application for registration is made (or, by virtue of section 10A(2) below, is treated as having been made) by him;
- (b) in the case of a person applying for registration in pursuance of a declaration of local connection or a service declaration, the date on which the declaration was made.”

#### Commencement Information

**II** S. 1 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art. 2(3-5))

#### Marginal Citations

**M1** 1983 c. 2.  
**M2** 1985 c. 50.  
**M3** 1971 c. 77.

### Disfranchisement

## 2 Disfranchisement of offenders detained in mental hospitals.

After section 3 of the 1983 Act there shall be inserted—

### “3A Disfranchisement of offenders detained in mental hospitals.

- (1) A person to whom this section applies is, during the time that he is—
  - (a) detained at any place in pursuance of the order or direction by virtue of which this section applies to him, or
  - (b) unlawfully at large when he would otherwise be so detained, legally incapable of voting at any parliamentary or local government election.
- (2) As respects England and Wales, this section applies to the following persons—
  - (a) any person in respect of whom—
    - (i) an order has been made under section 37, 38, 44 or 51(5) of the <sup>M4</sup>Mental Health Act 1983, or
    - (ii) a direction has been given under section 45A, 46 or 47 of that Act;
  - (b) any person in respect of whom an order has been made under section 5(2)(a) of the <sup>M5</sup>Criminal Procedure (Insanity) Act 1964; and

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- (c) any person in respect of whom the Court of Appeal has made an order under—
- (i) section 6(2)(a) of the <sup>M6</sup>Criminal Appeal Act 1968, or
  - (ii) section 14(2)(a) of that Act.
- (3) As respects Scotland, this section applies to the following persons—
- (a) any person in respect of whom an order has been made under section 53, 54, 57(2)(a) or (b) or 58 of the <sup>M7</sup>Criminal Procedure (Scotland) Act 1995; and
  - (b) any person in respect of whom a direction has been given under section 69 of the <sup>M8</sup>Mental Health (Scotland) Act 1984 or section 71 of that Act (being a person to whom that section applies by virtue of subsection (2)(a) of that section) or section 59A of that Act of 1995.
- (4) As respects Northern Ireland, this section applies to the following persons—
- (a) any person in respect of whom—
    - (i) an order has been made under Article 44, 45, 50A(2)(a) or 57(5) of the <sup>M9</sup>Mental Health (Northern Ireland) Order 1986, or
    - (ii) a direction has been given under Article 52 or 53 of that Order; and
  - (b) any person in respect of whom the Court of Appeal has made an order under—
    - (i) section 11(1)(b) or (2)(b) of the <sup>M10</sup>Criminal Appeal (Northern Ireland) Act 1980, or
    - (ii) section 13(5A) of that Act.
- (5) As respects any part of the United Kingdom, this section applies to any person in respect of whom an admission order has been made under—
- (a) section 116B of the <sup>M11</sup>Army Act 1955 or the <sup>M12</sup>Air Force Act 1955, or
  - (b) section 63B of the <sup>M13</sup>Naval Discipline Act 1957.
- (6) In this section any reference to a person in respect of whom any order or direction falling within subsection (2), (3) or (4) has been made or given includes a reference to a person in respect of whom any such order or direction is, by virtue of any enactment, to be treated as having been made or given in connection with his transfer to a place in the part of the United Kingdom mentioned in that subsection.
- (7) Any reference in any of subsections (2) to (4) above to a provision of any Act or Order includes a reference to any earlier provision (whether of that Act or Order as originally enacted or made or as previously amended, or otherwise) to the like effect.”

#### Commencement Information

**I2** S. 2 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### Marginal Citations

**M4** 1983 c. 20.

**M5** 1964 c. 84.

**M6** 1968 c. 19.

**M7** 1995 c. 46.

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- M8** 1984 c. 36.
- M9** S.I. 1986/595 (N.I. 4).
- M10** 1980 c. 47.
- M11** 1955 c. 18.
- M12** 1955 c. 19.
- M13** 1957 c. 53.

### *Residence for purposes of registration*

## **3 Residence for purposes of registration: general.**

For section 5 of the 1983 Act there shall be substituted—

### **“5 Residence: general.**

- (1) This section applies where the question whether a person is resident at a particular address on the relevant date for the purposes of section 4 above falls to be determined for the purposes of that section.
- (2) Regard shall be had, in particular, to the purpose and other circumstances, as well as to the fact, of his presence at, or absence from, the address on that date.

For example, where at a particular time a person is staying at any place otherwise than on a permanent basis, he may in all the circumstances be taken to be at that time—

- (a) resident there if he has no home elsewhere, or
- (b) not resident there if he does have a home elsewhere.

- (3) For the purpose of determining whether a person is resident in a dwelling on the relevant date for the purposes of section 4 above, his residence in the dwelling shall not be taken to have been interrupted by reason of his absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him if—
  - (a) he intends to resume actual residence within six months of giving up such residence, and will not be prevented from doing so by the performance of that duty; or
  - (b) the dwelling serves as a permanent place of residence (whether for himself or for himself and other persons) and he would be in actual residence there but for his absence in the performance of that duty.
- (4) For the purposes of subsection (3) above any temporary period of unemployment shall be disregarded.
- (5) Subsection (3) above shall apply in relation to a person’s absence by reason of his attendance on a course provided by an educational institution as it applies in relation to a person’s absence in the performance of any duty such as is mentioned in that subsection.
- (6) Subject to sections 7 and 7A below, a person who is detained at any place in legal custody shall not, by reason of his presence there, be treated for the purposes of section 4 above as resident there.”

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#### Commencement Information

**I3** S. 3 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### 4 **Residence: patients in mental hospitals who are not detained offenders or on remand.**

For section 7 of the 1983 Act there shall be substituted—

##### **“7 Residence: patients in mental hospitals who are not detained offenders or on remand.**

- (1) This section applies to a person who—
  - (a) is a patient in a mental hospital (whether or not he is liable to be detained there), but
  - (b) is not a person to whom section 3A above or section 7A below applies.
- (2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the mental hospital in question if the length of the period which he is likely to spend at the hospital is sufficient for him to be regarded as being resident there for the purposes of electoral registration.
- (3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—
  - (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
  - (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),whichever first occurs.
- (4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person’s entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).
- (5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—
  - (a) by virtue of his residence at some place other than the mental hospital in which he is a patient, or
  - (b) in pursuance of a declaration of local connection.
- (6) In this section “mental hospital” means any establishment (or part of an establishment) maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder; and for this purpose “mental disorder”—
  - (a) in relation to England or Wales, has the same meaning as in the<sup>M14</sup>Mental Health Act 1983,

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- (b) in relation to Scotland, has the same meaning as in the<sup>M15</sup>Mental Health (Scotland) Act 1984, and
- (c) in relation to Northern Ireland, has the same meaning as in the<sup>M16</sup>Mental Health (Northern Ireland) Order 1986.”

#### Commencement Information

**I4** S. 5 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### Marginal Citations

**M14** 1983 c. 20.

**M15** 1984 c. 36.

**M16** S.I. 1986/595 (N.I. 4).

## 5 Residence: persons remanded in custody etc.

After section 7 of the 1983 Act (as substituted by section 4 above) there shall be inserted—

### “7A Residence: persons remanded in custody etc.

- (1) This section applies to a person who is detained at any place pursuant to a relevant order or direction and is so detained otherwise than after—
  - (a) being convicted of any offence, or
  - (b) a finding in criminal proceedings that he did the act or made the omission charged.
- (2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the place at which he is detained if the length of the period which he is likely to spend at that place is sufficient for him to be regarded as being resident there for the purposes of electoral registration.
- (3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—
  - (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
  - (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),
 whichever first occurs.
- (4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person’s entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).
- (5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—



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- (a) by virtue of his residence at some place other than the place at which he is detained, or
  - (b) in pursuance of a declaration of local connection.
- (6) In this section “a relevant order or direction” means—
- (a) a remand or committal in custody;
  - (b) a remand to a hospital under section 35 or 36 of the <sup>M17</sup>Mental Health Act 1983 or Article 42 or 43 of the <sup>M18</sup>Mental Health (Northern Ireland) Order 1986;
  - (c) a direction for removal to a hospital under section 48 of that Act or Article 54 of that Order;
  - (d) a committal to a hospital under section 52 of the <sup>M19</sup>Criminal Procedure (Scotland) Act 1995; or
  - (e) a transfer order under section 70 of the <sup>M20</sup>Mental Health (Scotland) Act 1984 or a transfer direction under section 71 of that Act made in respect of a person to whom that section applies by virtue of subsection (2)(c) of that section.”

#### Commencement Information

**I5** S. 6 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### Marginal Citations

**M17** 1983 c. 20.

**M18** S.I. 1986/595 (N.I. 4).

**M19** 1995 c. 43.

**M20** 1984 c. 36.

## 6 Notional residence: declarations of local connection.

After section 7A of the 1983 Act (as inserted by section 5 above) there shall be inserted—

### “7B Notional residence: declarations of local connection.

- (1) A declaration under this section (“a declaration of local connection”)—
  - (a) may be made only by a person to whom this section applies, but
  - (b) may be made by such a person despite the fact that by reason of his age he is not entitled to vote.
- (2) This section applies to any person who on the date when he makes such a declaration is—
  - (a) a person to whom section 7 above applies and who would not be entitled to be registered by virtue of residence at any place other than the mental hospital (within the meaning of that section) at which he is a patient, or
  - (b) a person to whom section 7A applies and who would not be entitled to be registered by virtue of residence at any place other than the place at which he is detained as mentioned in subsection (1) of that section, or

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- (c) a person who does not fall within paragraph (a) or (b) above (and is not otherwise in legal custody) and who is not, for the purposes of section 4 above, resident at any address in the United Kingdom (a “homeless person”).
- (3) A declaration of local connection shall state—
- (a) the name of the declarant and either—
    - (i) an address to which correspondence for him from either the registration officer concerned or the returning officer can be delivered, or
    - (ii) that he is willing to collect such correspondence periodically from the registration officer’s office;
  - (b) the date of the declaration;
  - (c) that on the date of the declaration the declarant falls into one of the categories of persons to whom this section applies, specifying—
    - (i) the category in question, and
    - (ii) (in the case of a person falling within subsection (2)(a) or (b) above) the name and address of the mental hospital at which he is a patient or (as the case may be) of the place at which he is detained;
  - (d) the required address (as defined by subsection (4) below);
  - (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland or (if the declaration is made for the purposes only of local government elections) a relevant citizen of the Union;
  - (f) whether the declarant has on the date of the declaration attained the age of 18 years, and, if he has not, the date of his birth.
- (4) For the purposes of this section “the required address” is—
- (a) in the case of a person falling within subsection (2)(a) or (b) above—
    - (i) the address in the United Kingdom where he would be residing if he were not such a patient, or detained, as mentioned in that provision, or
    - (ii) if he cannot give such an address, an address in the United Kingdom at which he has resided;
  - (b) in the case of a homeless person, the address of, or which is nearest to, a place in the United Kingdom where he commonly spends a substantial part of his time (whether during the day or at night).
- (5) Where a declaration of local connection is made for the purposes of registration in Northern Ireland, the declaration must state that the declarant has been in Northern Ireland during the whole of the period of three months ending on the date of the declaration.
- (6) Where a declaration of local connection made by a homeless person is delivered to the registration officer concerned during the period—
- (a) beginning with the date when a vacancy occurs—
    - (i) in the seat for the parliamentary constituency within which the required address falls, or
    - (ii) in the seat for any Scottish Parliament constituency or National Assembly for Wales constituency within which it falls, and

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- (b) ending on the final nomination day (within the meaning of section 13B below) for the parliamentary by-election, or (as the case may be) the election under section 9 of the <sup>M21</sup>Scotland Act 1998 or section 8 of the <sup>M22</sup>Government of Wales Act 1998, held in respect of that vacancy, the declaration must state that, during the period of three months ending on the date of the declaration, the declarant has commonly been spending a substantial part of his time (whether during the day or at night) at, or near, the required address.
- (7) No declaration of local connection shall be specially made by a person for the purposes of local government elections, and any such declaration made for the purposes of parliamentary elections shall have effect also for the purposes of local government elections; but—
- (a) a declaration of local connection may be made for the purposes only of local government elections by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections or by a relevant citizen of the Union; and
- (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other declarations of local connection.
- (8) If a person—
- (a) makes a declaration of local connection stating more than one address under subsection (3)(d) above, or
- (b) makes more than one declaration of local connection bearing the same date and stating different addresses under that provision,
- the declaration or declarations shall be void.
- (9) A declaration of local connection may be cancelled at any time by the declarant.
- (10) A declaration of local connection shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.

### **7C Effect of declaration of local connection.**

- (1) Where a person's declaration of local connection is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—
- (a) resident on the date of the declaration at the address stated in it in accordance with section 7B(3)(d) above; and
- (b) for the purposes of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of three months ending with that date.
- (2) A person registered in a register of electors in pursuance of a declaration of local connection is entitled to remain so registered until—
- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
- (b) the declaration is cancelled under section 7B(9) above, or
- (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a declaration of local connection),

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whichever first occurs.

- (3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further declaration of local connection.
- (4) This section shall not be taken as precluding the registration of a person falling within section 7B(2)(a) or (b) above in pursuance of an application made by virtue of section 7(2) or 7A(2) above.”

#### Commencement Information

**I6** S. 6 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### Marginal Citations

**M21** 1998 c. 46.

**M22** 1998 c. 38.

### *Service voters*

## 7 Service declarations.

Section 12(3) and (4) of the 1983 Act (by virtue of which persons with service qualifications may only be registered in pursuance of a service declaration, even where they would otherwise be entitled to be registered by virtue of residence in the United Kingdom) shall cease to have effect.

#### Commencement Information

**I7** S. 7 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

### *Further amendments*

## 8 Further amendments about registration.

Schedules 1, 2 and 3, which make consequential and connected amendments of—

- (a) the 1983 Act,
  - (b) sections 1 to 3 of the Representation of the <sup>M23</sup>People Act 1985 (overseas electors), and
  - (c) the <sup>M24</sup>Elected Authorities (Northern Ireland) Act 1989,
- respectively, shall have effect.

#### Commencement Information

**I8** S. 8 wholly in force at 16.2.2001; S. 8 not in force at Royal Assent see s. 17(3); S. 8 in force at 29.1.2001 insofar as it confers power to make regulations and in force at 16.2.2001 insofar as not already in force by S.I. 2001/116, art. 2(1)(2) (subject to art 2(3-5))

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#### Marginal Citations

M23 1985 c. 50.

M24 1989 c. 3.

### *Supply of information contained in register*

## **9 Restriction on supply of information contained in register.**

- (1) Schedule 2 to the 1983 Act (provisions which may be contained in regulations as to registration) is amended as follows.
- (2) For paragraphs 10 and 11 there shall be substituted—

- “10
- (1) Provisions requiring a registration officer to prepare, in addition to the version of the register which he is required to prepare by virtue of the other provisions of this Act (“the full register”), a version of the register which omits the names and addresses of registered electors by or on behalf of whom requests have been made to have their names and addresses excluded from that version of it (“the edited register”).
  - (2) Provisions specifying a form of words to be used by a registration officer for the purpose of—
    - (a) explaining to persons registered or applying to be registered, or persons acting on behalf of such persons, the purposes for which the full register and the edited register may each be used, and
    - (b) ascertaining whether the exclusion of their names and addresses from the edited register is requested by or on behalf of such persons.

10A Provisions requiring copies of the full register and other documents, or prescribed parts of them, to be available for inspection by the public at such places as may be prescribed.

- 10B
- (1) Provisions authorising or requiring a registration officer—
    - (a) to supply to such persons as may be prescribed copies of the full register and other documents, or prescribed parts of them, whether free of charge or on payment of a prescribed fee;
    - (b) to supply to any persons copies of the edited register, or any prescribed part of it, on payment of a prescribed fee.
  - (2) Provisions specifying, in relation to any description of persons prescribed by regulations made in pursuance of sub-paragraph (1)(a) above, the purposes for which copies supplied to such persons under such regulations, or information contained in them, may be used whether by such persons or by employees or other persons authorised by them in accordance with regulations to have access to such copies or information contained in them.

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- (3) Without prejudice to the generality of sub-paragraph (1) above or paragraph 11A below, regulations made in pursuance of sub-paragraph (1) may contain any such provisions as are authorised by paragraph 11A.

11

- (1) Provisions imposing prohibitions or restrictions relating to the extent (if any) to which—
- (a) persons inspecting the full register in accordance with regulations made in pursuance of paragraph 10A above may make copies of the register;
  - (b) persons to whom copies of the full register are supplied (whether in accordance with regulations made in pursuance of paragraph 10B above or in accordance with any other provision made by or under an Act) may—
    - (i) supply those copies, or otherwise disclose any information contained in them, to other persons, or
    - (ii) make use of any such information otherwise than for any purposes specified in such regulations or (as the case may be) for which the copies have been supplied in accordance with any such provision.
- (2) Provisions imposing, in relation to persons—
- (a) to whom copies of the full register have been supplied, or information contained in such copies has been disclosed, in accordance with regulations made in pursuance of this paragraph, or
  - (b) who otherwise have access to such copies or information,
- prohibitions or restrictions corresponding to those which may be imposed by virtue of sub-paragraph (1) above.
- (3) Provisions imposing, in relation to persons involved in the preparation of the full register, prohibitions with respect to supplying copies of the full register and disclosing information contained in it.
- (4) In this paragraph any reference to the full register includes a reference to any part of it.”
- (3) In paragraph 13 (offences and supplemental matters), after sub-paragraph (1) there shall be inserted—
- “(1A) Provisions making it an offence (punishable on summary conviction by a fine not exceeding level 5 on the standard scale)—
- (a) for a person to contravene any regulations made in pursuance of paragraph 11 above or to do so in any prescribed circumstances, or
  - (b) where such a contravention has occurred on the part of a person in the employment, or otherwise under the direction or control, of a company or other organisation, for—
    - (i) a director of the company, or
    - (ii) a person concerned with the management of the organisation,
 to have failed to take such steps as it was reasonable for him to take to secure the operation of procedures designed to prevent, so far as

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reasonably practicable, the occurrence of such contraventions on the part of such persons.”

#### Commencement Information

**19** S. 9 wholly in force at 16.2.2001 see s. 17(3) and S.I. 2001/116, art. 2 (subject to art 2(3-5))

## PART II

### CONDUCT OF ELECTIONS

#### *New electoral procedures*

#### **10 Pilot schemes for local elections in England and Wales.**

(1) Where—

- (a) a relevant local authority submit to the Secretary of State proposals for a scheme under this section to apply to particular local government elections held in the authority’s area, and
- (b) those proposals are approved by the Secretary of State, either—
  - (i) without modification, or
  - (ii) with such modifications as, after consulting the authority, he considers appropriate,

the Secretary of State shall by order make such provision for and in connection with the implementation of the scheme in relation to those elections as he considers appropriate (which may include provision modifying or disapplying any enactment).

[<sup>F1</sup>(1A) Subsection (1) applies to proposals falling within that subsection which are submitted by a relevant local authority jointly with the Electoral Commission as if in that subsection—

- (a) the first reference to any such authority in paragraph (a), and
- (b) the reference to the authority in paragraph (b)(ii),

were each a reference to the authority and the Commission; and, in a case where any such proposals are not jointly so submitted, the Secretary of State must consult the Commission before making an order under that subsection.]

(2) A scheme under this section is a scheme which makes, in relation to local government elections in the area of a relevant local authority, provision differing in any respect from that made under or by virtue of the Representation of the People Acts as regards one or more of the following, namely—

- (a) when, where and how voting at the elections is to take place;
- (b) how the votes cast at the elections are to be counted;
- (c) the sending by candidates of election communications free of charge for postage.

(3) Without prejudice to the generality of the preceding provisions of this section, a scheme under this section may make provision—

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- (a) for voting to take place on more than one day (whether each of those days is designated as a day of the poll or otherwise) and at places other than polling stations,
- (b) for postal charges incurred in respect of the sending of candidates' election communications as mentioned in subsection (2)(c) to be paid by the authority concerned,

and where a scheme makes such provision as is mentioned in paragraph (b), the Secretary of State's order under subsection (1) may make provision for disapplying section 75(1) of the 1983 Act (restriction on third party election expenditure) in relation to the payment of such charges by the authority.

- (4) In subsection (2) the reference to local government elections in the area of a relevant local authority is a reference to such elections—
  - (a) throughout that area, or
  - (b) in any particular part or parts of it,
 as the scheme may provide.
- (5) Where the Secretary of State makes an order under subsection (1)—
  - (a) he shall send a copy of the order to the authority concerned [<sup>F2</sup>and to the Electoral Commission]; and
  - (b) that authority shall publish the order in their area in such manner as they think fit.
- (6) Once any elections in relation to which a scheme under this section applied have taken place, [<sup>F3</sup>the Electoral Commission] shall prepare a report on the scheme.
 

[<sup>F4</sup>(6A) The report shall be prepared by the Electoral Commission in consultation with the authority concerned; and that authority shall provide the Commission with such assistance as they may reasonably require in connection with the preparation of the report (which may, in particular, include the making by the authority of arrangements for ascertaining the views of voters about the operation of the scheme).]
- (7) The report shall [<sup>F5</sup>, in particular,] contain—
  - (a) a description of the scheme and of the respects in which the provision made by it differed from that made by or under the Representation of the People Acts;
  - (b) a copy of the order of the Secretary of State under subsection (1); and
  - (c) an assessment of the scheme's success or otherwise in facilitating—
    - (i) voting at the elections in question, and
    - (ii) (if it made provision as respects the counting of votes cast at those elections) the counting of votes,
 or in encouraging voting at the elections in question or enabling voters to make informed decisions at those elections.
- (8) An assessment under subsection (7)(c)(i) shall include a statement by the authority concerned as to whether, in their opinion—
  - (a) the turnout of voters was higher than it would have been if the scheme had not applied;
  - (b) voters found the procedures provided for their assistance by the scheme easy to use;
  - (c) the procedures provided for by the scheme led to any increase in personation or other electoral offences or in any other malpractice in connection with elections;



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- (d) those procedures led to any increase in expenditure, or to any savings, by the authority.
- (9) If the Secretary of State so requests in writing, the report shall also contain an assessment of such other matters relating to the scheme as are specified in his request.
- [<sup>F6</sup>(10) Once the Electoral Commission have prepared the report, they shall send a copy of the report—
- (a) to the Secretary of State, and
  - (b) to the authority concerned,
- and that authority shall publish the report in their area, in such manner as they think fit, by the end of the period of three months beginning with the date of the declaration of the result of the elections in question.]
- (11) In this section “relevant local authority” means—
- (a) as respects England—
    - (i) a county council, a district council or a London borough council, or
    - (ii) once established, the Greater London Authority;
  - (b) as respects Wales, a county council or a county borough council;
- (12) For the purposes of this section proposals falling within subsection (1) and submitted to the Secretary of State before the date on which this Act is passed shall be as effective as those so submitted on or after that date.

#### Textual Amendments

- F1** S. 10(1A) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)
- F2** Words in s. 10(5)(a) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(3)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)
- F3** Words in s. 10(6) substituted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(4)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)
- F4** S. 10(6A) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(5)** (with s. 156(6))
- F5** Words in s. 10(7) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(6)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)
- F6** S. 10(10) substituted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(7)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)

#### Modifications etc. (not altering text)

- C9** S. 10: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**  
S. 10 amended (1.7.2001) by 2000 c. 41, s. 9(1)(b)(i) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 1)  
S. 10 applied (with modifications) (8.3.2002) by S.I. 2001/1298, reg. 8, **Sch. 3** (as inserted by S.I. 2002/521, reg. 2(b))
- C10** S. 10 excluded (1.4.2004) by European Parliamentary and Local Elections (Pilots) Act 2004 (c. 2), s. 3
- C11** S. 10 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8, {Sch. 3 Table 1} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848, reg. 1(4))
- C12** S. 10 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), regs. 8, 11, 12, 13, {Sch. 4 Table 3}

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- C13** S. 10 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 2}
- C14** S. 10 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), **reg. 1, Sch. 4 para. 1** Table 3
- C15** S. 10 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), **reg. 1, Sch. 4 para. 1** Table 3 (with [reg. 27](#))
- C16** S. 10(1) amended (1.7.2001) by [2000 c. 41, s. 9\(1\)\(a\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222](#), **art. 4, Sch. 2** (with [Sch. 2 Pt. II para. 1](#))

## 11 Revision of procedures in the light of pilot schemes.

- (1) If it appears to the Secretary of State, in the light of any report made under section 10 on a scheme under that section, that it would be desirable for provision similar to that made by the scheme to apply generally, and on a permanent basis, in relation to—
  - (a) local government elections in England and Wales, or
  - (b) any particular description of such elections,
 he may by order make such provision for and in connection with achieving that result as he considers appropriate (which may include provision modifying or disapplying any provision of an Act, including this Act). [<sup>F7</sup>The power of the Secretary of State to make such an order shall, however, be exercisable only on a recommendation of the Electoral Commission.]
- (2) An order under subsection (1)—
  - (a) may except from the operation of any of its provisions any local government area specified in the order; but
  - (b) subject to that, must make the same provision—
    - (i) in relation to local government elections, or
    - (ii) if it applies only to a particular description of such elections, in relation to elections of that description,
 throughout England and Wales.
- (3) An order under subsection (1) shall be made by statutory instrument; and no such order shall be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) When laying such a draft before either House of Parliament the Secretary of State shall also lay before that House a copy of [<sup>F8</sup>every report under section 10 which relates to a scheme making provision similar to that made by the order.]
- (5) An order which excepts any local government area as mentioned in subsection (2) shall, if apart from this subsection it would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.
- (6) Rules made under section 36 of the 1983 Act (local elections in England and Wales) may make such provision as the Secretary of State considers appropriate in connection with any provision made by an order under subsection (1).
- (7) Nothing in this section shall be taken as prejudicing the generality of any power contained in any other Act to make subordinate legislation (within the meaning of the <sup>M25</sup>Interpretation Act 1978) with respect to elections of any description.

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#### Textual Amendments

- F7** Words in s. 11(1) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 17(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 1)
- F8** Words in s. 11(4) substituted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 17(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 1)

#### Modifications etc. (not altering text)

- C17** S. 11 amended (1.7.2001) by 2000 c. 41, s. 9(1)(b)(ii) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 1)
- C18** S. 11 applied (with modifications) (1.4.2004) by European Parliamentary and Local Elections (Pilots) Act 2004 (c. 2), s. 5

#### Marginal Citations

- M25** 1978 c. 30.

### *Manner of voting*

## 12 Changes relating to absent voting at elections in Great Britain.

- (1) Schedule 4 (which makes provision with respect to the manner of voting at elections, and in particular absent voting) shall have effect, as regards both—
- parliamentary elections, and
  - local government elections,
- in relation to England, Wales and Scotland.
- (2) Sections 5 to 9 of the Representation of the <sup>M26</sup>People Act 1985 (which, so far as applying in relation to England, Wales and Scotland, are superseded by the provisions of Schedule 4)—
- shall cease to have effect in relation to those parts of the United Kingdom; and
  - shall accordingly continue to have effect only in relation to Northern Ireland as regards parliamentary elections.
- (3) Where immediately before the commencement of this section any list or record is kept by a registration officer under any provision of the Representation of the People Act 1985 which ceases to have effect in relation to England, Wales or Scotland in accordance with subsection (2)—
- the list or record shall be taken, as from that commencement, to be the list or record required to be kept by him under the corresponding provision of Schedule 4 to this Act; and
  - anything which, immediately before that commencement, is in the process of being done by him in relation to the list or record may be continued in relation to it as the list or record kept under that corresponding provision.

#### Modifications etc. (not altering text)

- C19** S. 12 applied (with modifications) (E.W.) (2.4.2001) by S.I. 2001/1298, regs. 15, 16, 17, Sch. 5 Pt. I Table (as amended (13.3.2004) by S.I. 2004/226, art. 2(3), Sch.)
- S. 12 applied (with modifications) (E.W.) (2.4.2001) by S.I. 2001/1298, reg. 8, **Sch. 3** Table 1

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- C20** S. 12 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 8**, {Sch. 3 Table 1} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#), **reg. 1**)
- C21** S. 12 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6, **Sch. 2 Pt. 1**
- C22** S. 12 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 12, 13**, {Sch. 4 Table 3}
- C23** S. 12 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 2}
- C24** S. 12 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), **reg. 1**, **Sch. 4 para. 1** Table 3
- C25** S. 12 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), **reg. 1**, **Sch. 4 para. 1** Table 3 (with [reg. 27](#))

#### Commencement Information

- I10** S. 12 wholly in force at 16.2.2001, see s. 17(3) and [S.I. 2001/116](#), **art. 2(1)** (subject to art 2(3-5))

#### Marginal Citations

- M26** 1985 c. 50.

### *Persons with disabilities*

#### **13 Assistance with voting for persons with disabilities.**

(1) Schedule 1 to the 1983 Act (the parliamentary elections rules) is amended as follows.

(2) In rule 29 (equipment of polling stations), after paragraph (3) there shall be inserted—

“(3A) The returning officer shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and
- (b) a device of such description as may be prescribed for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 39(1)).”

(3) For rule 39 there shall be substituted—

#### “39 Voting by persons with disabilities

(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other physical incapacity, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

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- (2) If the presiding officer—
- (a) is satisfied that the voter is so incapacitated, and
  - (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
    - (i) is a qualified person within the meaning of this rule, and
    - (ii) has not previously assisted more than one voter with disabilities to vote at the election,the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.
- (3) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person shall be qualified to assist a voter with disabilities to vote if that person—
- (a) is a person who is entitled to vote as an elector at the election; or
  - (b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.
- (4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).
- In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.
- (5) The declaration made by the companion—
- (a) shall be in the form in the Appendix; and
  - (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.
- (6) No fee or other payment shall be charged in respect of the declaration.”
- (4) In rules 32(1)(e), 43(1)(f) and 55(1)(c), for “blind voters” (wherever occurring) there shall be substituted “ voters with disabilities ”.
- (5) In the Appendix of Forms, in the form of declaration to be made by the companion of a blind voter—
- (a) for “blind person” or “blind voter” (wherever occurring) there shall be substituted “ voter with disabilities ”; and
  - (b) after the note at the end of the form (which shall become note 1), there shall be inserted—
- “ 2. A voter with disabilities is a voter who has made a declaration under the parliamentary elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.”

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#### Commencement Information

**III** S. 13 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### 14 Free delivery of election addresses at Greater London Authority elections.

- (1) The <sup>M27</sup>Greater London Authority Act 1999 is amended as follows.
- (2) After section 17 there shall be inserted—

##### “17A Free delivery of election addresses.

- (1) Each candidate at the first election of the Mayor shall be entitled (subject to and in accordance with the provisions of Schedule 3A to this Act) to have an election address prepared on behalf of the candidate included in a booklet of election addresses—
  - (a) prepared by the Greater London returning officer; and
  - (b) sent by that officer, by post, to each elector in Greater London.
- (2) In subsection (1) above “elector”, in relation to the election mentioned in that subsection—
  - (a) means a person who is registered in the register of local government electors for an electoral area in Greater London on the last day for publication of notice of the election; and
  - (b) includes a person then shown in any such register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
- (3) The Secretary of State may by order make such provision as he considers appropriate for and in connection with enabling candidates—
  - (a) at ordinary elections other than the first such election, or
  - (b) at elections to fill vacancies in the office of Mayor or Assembly member,
 to have their election addresses (within the meaning of the order) delivered, at the Authority’s expense, by the Post Office or by any other means specified in the order.
- (4) Without prejudice to the generality of subsection (3) above, an order under that subsection may make provision—
  - (a) for free delivery of election addresses to be available under the order only in the case of any specified description of election falling within paragraph (a) or (b) of that subsection or within section 2(7) above;

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- (b) for enabling the Authority to determine the descriptions of elections (if any) in the case of which free delivery of election addresses is to be so available;
  - (c) for regulating in any respect the form and manner in which free delivery of election addresses is to be so available;
  - (d) for restricting the number of separate mailings in respect of the free delivery of election addresses, whether—
    - (i) by limiting the number of separate election addresses by reference to any specified circumstances, or
    - (ii) by requiring the preparation of a single document incorporating all the election addresses to be delivered on behalf of candidates at a particular election,or otherwise;
  - (e) for imposing conditions which must be satisfied by any candidate or candidates seeking to avail themselves of free delivery of election addresses under the order;
  - (f) for authorising election addresses falling to be delivered under the order to be disseminated by such means (other than those by which they are to be so delivered) as may be specified;
  - (g) for securing that civil or criminal liability in respect of material contained in any election address falling to be delivered under the order (including any such liability arising in connection with any dissemination of the material in pursuance of paragraph (f) above) is incurred only by the candidate on behalf of whom it falls to be so delivered or his election agent.
- (5) In subsection (4) above—  
“free delivery of election addresses” means the delivery of election addresses, in accordance with an order under subsection (3) above, at the Authority’s expense;  
“specified” means specified in an order under subsection (3) above.
- (6) Before making an order under subsection (3) above the Secretary of State shall consult—
  - (a) the Mayor and the London Assembly; and
  - (b) such other persons and bodies as he may determine to be appropriate.
- (7) Schedule 3A to this Act (which makes provision supplementing subsection (1) above) shall have effect.”
- (3) In section 420(3) (orders under specified provisions to be subject to affirmative parliamentary procedure), before paragraph (a) there shall be inserted—  
“(za) section 17A(3) above,”.
- (4) The provisions set out in Schedule 5 shall be inserted as Schedule 3A to the Act.

#### **Extent Information**

**E1** [S. 14](#): The amendments made by this section have the same extent as the Greater London Authority Act 1999, see [s. 17\(8\)](#)

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#### Marginal Citations

M27 1999 c. 29.

### General

#### 15 Minor and consequential amendments and repeals.

- (1) The enactments specified in Schedule 6 shall have effect subject to the minor and consequential amendments there specified.
- (2) The enactments specified in Schedule 7 are repealed or revoked to the extent there specified.

#### Commencement Information

I12 S. 15 wholly in force at 16.2.2001 see s. 17(3) and S.I. 2001/116, art. 2(1)(2) (subject to art. 2(4)(5))

#### 16 Financial provisions.

- (1) There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.
- (2) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.

#### [<sup>F9</sup>16A. Functions of the Lord President of the Council

See the Lord President of the Council Order 2010 by virtue of which functions of the Secretary of State under this Act are exercisable concurrently with the Lord President of the Council.]

#### Textual Amendments

F9 S. 16A inserted (18.8.2010) by Lord President of the Council Order 2010 (S.I. 2010/1837), art. 1(2), Sch. para. 7

#### 17 Citation, construction, commencement and extent.

- (1) This Act may be cited as the Representation of the People Act 2000, and shall be included among the Acts that may be cited as the Representation of the People Acts.
- (2) In this Act—
  - “the 1983 Act” means the Representation of the People Act 1983;
  - “enactment” includes—
    - (a) any provision of an Act (including this Act),
    - (b) any provision of, or of any instrument made under, an Act of the Scottish Parliament,
    - (c) any provision of, or of any instrument made under, Northern Ireland legislation, and



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- (d) any provision of subordinate legislation (within the meaning of the <sup>M29</sup>Interpretation Act 1978);
- “local election” has the same meaning as in the <sup>M30</sup>Electoral Law Act (Northern Ireland) 1962;
- “local government area” has the meaning given by section 203(1) of the 1983 Act;
- “local government election” has the meaning given (for England and Wales) by section 203(1) of the 1983 Act or (for Scotland) by section 204(1) of that Act;
- “modifications” includes additions, omissions and amendments (and “modify” has a corresponding meaning).
- (3) Apart from—
- sections 10, 11, 14 and 16 and this section,
  - Schedule 5, and
  - paragraph 6 of Schedule 6,
- this Act does not come into force until such date as the Secretary of State may appoint by order made by statutory instrument; and different dates may be so appointed for different purposes.
- (4) An order under subsection (3) may contain such transitional provisions and savings (including provisions modifying enactments) as the Secretary of State considers appropriate.
- (5) Subject to subsections (6) to (9), this Act extends to the whole of the United Kingdom.
- (6) The following provisions extend to England, Wales and Scotland—
- section 12 and Schedule 4,
  - paragraph 7 of Schedule 6, and
  - Part II of Schedule 7.
- (7) Sections 10 and 11 and paragraph 1 of Schedule 6 extend only to England and Wales.
- (8) The amendments made by section 14 have the same extent as the <sup>M31</sup>Greater London Authority Act 1999.
- (9) The following provisions extend only to Northern Ireland—
- Schedule 3,
  - paragraphs 13 to 17 of Schedule 6, and
  - Part III of Schedule 7.

#### Subordinate Legislation Made

**P1** S. 17(3) power fully exercised: different dates appointed for specified provisions and purposes by [S.I. 2001/116](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)\(4\)](#))

#### Marginal Citations

**M28** 1983 c. 2.

**M29** 1978 c. 30.

**M30** 1962 c.14 (N.I.).

**M31** 1999 c. 29.

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## SCHEDULES

### SCHEDULE 1

Section 8.

#### REGISTRATION: AMENDMENTS OF 1983 ACT

##### *Introductory*

1 The 1983 Act is amended as follows.

##### **Commencement Information**

**I13** Sch. 1 para. 1 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

##### *Residence*

2 In section 6 (residence: merchant seamen), for “sections 1 and 2 above” substitute “section 4 above”.

##### **Commencement Information**

**I14** Sch. 1 para. 2 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

##### *Registers of electors*

3 For section 9 substitute—

##### **“9 Registers of electors.**

- (1) Each registration officer shall maintain—
  - (a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and
  - (b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts.
- (2) Each register shall contain—
  - (a) the names of the persons appearing to the registration officer to be entitled to be registered in it (subject to their complying with any prescribed requirements);
  - (b) (subject to any prescribed exceptions) the qualifying addresses of the persons registered in it; and
  - (c) in relation to each such person, that person’s electoral number.

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- (3) A person's electoral number is such number (with or without any letters) as is for the time being allocated by the registration officer to that person as his electoral number for the purposes of the register in question.
- (4) Electoral numbers shall be allocated by a registration officer in such a way as to ensure, so far as is reasonably practicable, that in each separate part of a register the numbers run consecutively.
- (5) The registers of parliamentary electors and of local government electors shall so far as practicable be combined, the names of persons registered only as parliamentary electors or local government electors being marked to indicate that fact.
- (6) A registration officer's duty under subsection (1) above includes the duty to take reasonable steps to obtain information required by him in connection with the performance of his duty under that subsection (without prejudice to any specific requirement of this Act or regulations under it).
- (7) Where under this section two or more registration officers maintain registers of parliamentary electors in respect of different parts of the same constituency, then in relation to that constituency any reference in this Act (whether express or implied) to the register of parliamentary electors for a constituency shall be read—
  - (a) as a reference to one of those registers, or
  - (b) in relation to one of those registration officers, as the register maintained by him,as the context may require.
- (8) In this Act—
  - (a) any reference, in relation to a registration officer, to "his" registers is a reference to the registers maintained by him under this section; and
  - (b) "qualifying address", in relation to a person registered in a register of electors, is the address in respect of which he is entitled to be so registered."

#### **Commencement Information**

**I15** Sch. 1 para. 3 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Maintenance of registers*

4 For section 10 substitute—

#### **“10 Maintenance of registers: annual canvass.**

- (1) Each registration officer shall conduct an annual canvass in relation to the area for which he acts for the purpose of ascertaining the persons who are for the time being entitled to be, or to remain, registered in his registers.
- (2) The canvass for any year shall be conducted by reference to residence on 15th October in that year.
- (3) A canvass shall not, however, be concerned with—

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- (a) the registration of persons in respect of residence in penal institutions (within the meaning of section 3 above) or mental hospitals (within the meaning of section 7 above) or other places at which persons to whom section 7A above applies may be detained; or
  - (b) the registration of persons in pursuance of—
    - (i) declarations of local connection,
    - (ii) service declarations, or
    - (iii) overseas electors' declarations.
- (4) The form to be used for the purposes of a canvass shall be either a form prescribed for those purposes or a form to the same effect.
- (5) In connection with a canvass a registration officer may, for the purpose of—
- (a) supplementing the information obtained by the use of any such form, or
  - (b) where any such form has not been returned, obtaining any information designed to be obtained by the use of the form,
- make such house to house inquiries as he thinks fit.
- (6) On the conclusion of a canvass a registration officer shall make such alterations in his registers as fall to be made in accordance with section 10A below as a result of the canvass.
- (7) In this section “residence” means residence for the purposes of section 4 above.

#### **10A Maintenance of the registers: registration of electors.**

- (1) A registration officer shall determine all applications for registration which are—
- (a) made to him in accordance with the prescribed requirements, or
  - (b) treated as made to him by virtue of subsection (2) below.
- (2) Where—
- (a) in connection with a canvass under section 10 above, the form completed in respect of any address specifies any person as a person who is entitled to be registered in a register, and
  - (b) that person is not for the time being registered in the register in respect of that address,
- he shall be treated as having made, on the 15th October in the year in question, an application for registration in the register in respect of that address.
- (3) A registration officer shall also determine all objections to a person's registration made in accordance with the prescribed requirements by another person whose name appears in the register in question.
- (4) Subsections (1) and (3) above apply to applications and objections asking—
- (a) for the omission, insertion or alteration of a date as that on which a person will become of voting age and entitled to registration, or

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- (b) for the alteration of the qualifying address in respect of which a person is registered,  
as they apply to applications for registration and objections to a person's registration respectively.
- (5) Where the name of a person ("the elector") is duly entered in a register in respect of any address, the elector is entitled to remain registered in the register in respect of that address until such time as the registration officer concerned—
- (a) determines, on the conclusion of a canvass under section 10 above, that the elector was not resident at that address on the 15th October in question, or that because—
- (i) the form mentioned in section 10(4) above was not returned in respect of that address, or
- (ii) for any other reason, insufficient information was obtained as to whether the elector was resident at that address on that date,  
the registration officer is unable to satisfy himself that the elector was then so resident at that address, or
- (b) determines, in any prescribed circumstances, that the elector has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 above.
- (6) Where the entitlement of a person to remain registered in a register in respect of any address terminates by virtue of subsection (5) above, the registration officer concerned shall remove that person's entry from the register once the officer has satisfied any prescribed requirements applying in relation to the removal of that entry.
- (7) Subsection (6) above does not apply if, or to the extent that, regulations so provide in relation to any prescribed circumstances; and regulations may, in particular, authorise a registration officer to retain entries in his registers for the prescribed period if he thinks fit in cases where the form mentioned in section 10(4) above has not been returned in respect of any address.
- (8) Nothing in subsection (5) or (6) applies in relation to the registration of persons in pursuance of—
- (a) applications for registration made by virtue of section 7(2) or 7A(2) above; or
- (b) declarations falling within section 10(3)(b) above.
- (9) In this section—  
"determines" means determines in accordance with regulations;  
"resident" means resident for the purposes of section 4 above."

#### Commencement Information

**I16** Sch. 1 para. 4 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

5

Omit—

- (a) section 11 (correction of registers), and
- (b) section 12(1), (2) and (5) (right to be registered).

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#### Commencement Information

**I17** Sch. 1 para. 5 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Publication of registers*

6 For section 13 substitute—

#### “13 Publication of registers.

- (1) Following the conclusion of the canvass conducted by a registration officer for any year under section 10 above, the officer shall publish a revised version of both of his registers—
  - (a) by 1st December in that year; or
  - (b) by such later date as regulations may prescribe.
- (2) The revised versions of the registers shall incorporate—
  - (a) all the alterations which are required to be made in them as mentioned in section 10(6) above; and
  - (b) any alterations which are required to be made by virtue of section 13A(3) below.
- (3) A registration officer may in addition, if he thinks fit, publish a revised version of either of his registers at any time between—
  - (a) the time when the register was last published in accordance with subsection (1) above, and
  - (b) the time when it is due to be next so published;
 and a registration officer proposing to publish a revised version of a register in accordance with this subsection must publish notice of his intention to do so by such time and in such manner as may be prescribed.
- (4) When revising a register for publication under this section the registration officer shall make such changes affecting the electoral numbers of persons registered in the register as he considers necessary in order to comply with section 9(4) above.
- (5) Where a revised version of a register is published at any time under this section, the register has effect in the form in which it is so published as from that time until the time when—
  - (a) a revised version is next so published, or
  - (b) if earlier, any alteration to the register takes effect under section 13A or 13B below.
- (6) Any reference in this section or section 13A below to the publication of a revised version of the register is to its publication in accordance with regulations made in pursuance of paragraphs 10A and 10B(1)(a) of Schedule 2 to this Act.

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### **13A Alteration of registers.**

- (1) This section applies where, at any time (“the relevant time”) after the publication of a revised version of a register by a registration officer under section 13 above, the registration officer—
  - (a) on an application for registration being made by any person in accordance with the prescribed requirements, determines that that person is entitled to be so registered;
  - (b) is required, by virtue of any provision of this Part of this Act, to remove a person’s entry from the register;
  - (c) is notified of any decision on an appeal by virtue of section 56 below which requires any such alteration in the register as is mentioned in subsection (4) of that section; or
  - (d) determines that the register contains any clerical error.
- (2) In such a case the registration officer shall (subject to subsection (3) below) issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—
  - (a) the notice shall be so issued by him—
    - (i) on the first day of the month which follows that in which the relevant time falls, or
    - (ii) if that day is less than 14 days after that time, on the first day of the month immediately following that month; and
  - (b) (subject to section 13B(1) below) the alteration in question shall have effect as from the beginning of the day on which the notice is issued.
- (3) Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—
  - (a) at the beginning of the month containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) or (3) above, or
  - (b) at the beginning of either of the two months preceding that containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) above,and in such a case the alteration in question shall be made in that revised version of the register.
- (4) Subsection (2) above also does not require a registration officer to issue a notice under that subsection in a case where section 13B(3) below requires him to issue a notice under that provision.
- (5) No alteration affecting a published version of a register of electors shall be made otherwise than in accordance with this section and section 13B below.
- (6) For the purposes of subsection (1) above “determines” means determines in accordance with regulations; and section 119 below shall apply for the purposes of subsection (2)(a) above as if it were contained in Part II of this Act.

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### **13B Alteration of registers: pending elections.**

- (1) An alteration in a published version of a register of electors which takes effect under section 13A(2) above after the final nomination day in the case of an election to which this section applies shall not have effect for the purposes of that election unless the alteration—
  - (a) is made in consequence of a decision or determination falling within section 13A(1)(c) or (d) above; and
  - (b) takes effect on or before the fifth day before the date of the poll.
- (2) Subsection (3) below applies where—
  - (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a decision or determination—
    - (i) falling within subsection (1)(c) or (d) of that section, and
    - (ii) in consequence of which a person’s name falls to be entered in (or removed from) the register in respect of an address in the relevant election area; and
  - (b) no alteration made in consequence of that decision or determination—
    - (i) has already taken effect, or
    - (ii) is due to take effect,
 under subsection (2) of that section on or before the fifth day before the date of the poll.
- (3) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—
  - (a) the notice shall be so issued by him on the appropriate publication date; and
  - (b) the alteration shall take effect as from the beginning of that day.
- (4) This section applies to the following elections—
  - (a) parliamentary elections,
  - (b) elections to the European Parliament,
  - (c) elections to the Scottish Parliament,
  - (d) elections to the National Assembly for Wales,
  - (e) elections to the Northern Ireland Assembly, and
  - (f) local government elections in England, Wales or Scotland.
- (5) In this section—
 

“the appropriate publication date”, in relation to a registration officer and an election to which this section applies, means either the sixth or the fifth day before the date of the poll, as the registration officer may determine;

“the final nomination day”, in relation to such an election, means the last day on which nomination papers may be delivered to the returning officer for the purposes of the election;

“the relevant election area”, in relation to a registration officer and such an election, means—



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- (a) the area for which the registration officer acts, or
  - (b) if the election is held in only part of that area, the part of that area in question.
- (6) Section 119 below shall apply for the purposes of this section as if—
- (a) it were contained in Part II of this Act; and
  - (b) each of the days referred to in this section were the day on which anything is required or permitted to be done by or in pursuance of that Part of this Act.”

**Commencement Information**

**I18** Sch. 1 para. 6 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

*Service declarations*

- 7 In section 14 (service qualification), in subsection (2), for “section 1(2) above” substitute “ section 4(2) above ”.

**Commencement Information**

**I19** Sch. 1 para. 7 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 8 (1) Section 15 (service declaration) is amended as follows.
- (2) For subsections (2) to (4) substitute—
- “(2) Where a person is registered in a register of electors in pursuance of a service declaration, the person is entitled to remain so registered until—
- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
  - (b) the declaration is cancelled under subsection (7) below, or
  - (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a service declaration),
- whichever first occurs.
- (3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person’s entry from the register, unless he is entitled to remain registered in pursuance of a further service declaration.”
- (3) In subsection (7) (cancellation of declarations), omit the words from “and (subject” onwards.
- (4) After that subsection add—
- “(8) A service declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.”

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**Commencement Information**

**I20** Sch. 1 para. 8 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 9 In section 16, omit the following—
- (a) in paragraph (b), the words from “where” to “such a member,”;
  - (b) paragraph (c); and
  - (c) in paragraph (d), the words “will be or”.

**Commencement Information**

**I21** Sch. 1 para. 9 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 10 In section 17 (effect of service declaration), for subsection (1) substitute—
- “(1) Where a person’s service declaration is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—
- (a) resident on the date of the declaration at the address specified in it in accordance with section 16(d) above;
  - (b) for the purposes of registration in Northern Ireland as resident in Northern Ireland during the whole of the period of three months ending with that date; and
  - (c) until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.”

**Commencement Information**

**I22** Sch. 1 para. 11 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

*Polling districts*

- 11 In section 18 (polling districts and places for parliamentary elections), for subsection (8) substitute—
- “(8) Where any alteration of polling districts in an area is made under this section—
- (a) the registration officer who acts for the area shall make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration; and
  - (b) the alteration shall be effective on the date on which the registration officer publishes a notice stating that any such adaptations have been made by him.”

**Commencement Information**

**I23** Sch. 1 para. 11 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

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### *Effect of registers*

- 12 (1) Section 49 (effect of registers) is amended as follows.
- (2) Omit subsections (1) and (2).
- (3) In subsection (5), for “the qualifying date”, wherever occurring, substitute “ the relevant date ”.
- (4) After subsection (5) insert—
- “(6) In subsection (5) above “the relevant date” means—
- (a) in relation to a person registered in the register in question as published in accordance with section 13(1) above, the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register in question, the relevant date for the purposes of section 4 above.”

#### **Commencement Information**

**I24** Sch. 6 para. 12 wholly in force at 16.2.2001, see s. 17(3) and [S.I. 2001/116](#), **art. 2(1)** (subject to art 2(3-5))

### *Regulations about registration*

- 13 In section 53(1) (regulations about registration)—
- (a) in paragraph (a), omit “the electors lists or”; and
- (b) for paragraph (b) substitute—
- “(b) with respect to—
- (i) the procedure to be followed in the preparation of the register and the place and manner of its publication, and
- (ii) the procedure to be followed in the preparation of any such special lists or records, and the time, place and manner of their publication; and”.

#### **Commencement Information**

**I25** Sch. 1 para. 13 wholly in force at 16.2.2001, see s. 17(3) and [S.I. 2001/116](#), **art. 2(1)** (subject to art 2(3-5))

### *Registration appeals: England and Wales*

- 14 (1) Section 56 (registration appeals: England and Wales) is amended as follows.
- (2) In subsection (1) (decisions against which appeals lie)—
- (a) in paragraph (a), for “claim” substitute “ application ”; and
- (b) omit paragraph (d).
- (3) In subsection (4) (compliance by registration officer with decision on appeal)—
- (a) after “the registration officer shall” insert “ , in accordance with sections 13A and 13B above, ”; and
- (b) omit “electors lists or”.

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- (4) In subsection (4A) (effect of alterations in register), for “is made under subsection (4) above” substitute “made in pursuance of subsection (4) above takes effect under section 13(5), 13A(2) or 13B(3) above”.

**Commencement Information**

**I26** Sch. 1 para. 14 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

*Registration appeals: Northern Ireland*

- 15 For section 58 substitute—

**“58 Registration appeals: Northern Ireland.**

- (1) Section 56 above, except subsection (2) and the words from the beginning to “and” in subsection (4), extends to Northern Ireland.
- (2) Section 21(1) of the <sup>M32</sup>Interpretation Act (Northern Ireland) 1954 (rules regulating procedure of courts etc.) shall have effect as if the jurisdiction conferred by section 56(1) above were conferred by an enactment within the meaning of that Act.”

**Commencement Information**

**I27** Sch. 1 para. 15 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

**Marginal Citations**

**M32** 1954 c.33.

*Service voters*

- 16 In section 59(2) (supplemental provisions as to members of forces and service voters)—
- (a) for “qualifying date” substitute “relevant date for the purposes of section 4 above”; and
- (b) for “5(2)” substitute “5(3)”.

**Commencement Information**

**I28** Sch. 1 para. 16 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

*Offences*

- 17 In section 62 (offences as to declarations), for subsection (1) substitute—
- “(1) A person who—
- (a) makes a declaration of local connection or a service declaration—
- (i) when he is not authorised to do so by section 7B(1) or section 15(1) above, or

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- (ii) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or
  - (iii) when he knows that it contains a statement which is false, or
- (b) attests a service declaration when he knows—
- (i) that he is not authorised to do so, or
  - (ii) that it contains a false statement as to any particulars required by regulations under section 16 above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

#### Commencement Information

**I29** Sch. 1 para. 17 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Election expenses*

- 18 (1) Section 76 (limitation of election expenses) is amended as follows.
- (2) In subsection (2) (maximum amounts calculated by reference to register to be used at election as first published), omit “to be used at the election (as first published)”, wherever occurring.
- (3) For subsection (4) substitute—
- “(4) In subsection (2) above “the register of electors” means the register of parliamentary electors, or (as the case may be) local government electors, for the constituency or electoral area in question as it has effect on the last day for publication of notice of the election.”

#### Commencement Information

**I30** Sch. 1 para. 18 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Election addresses*

- 19 In section 91 (candidate’s right to send election address post-free), for subsection (4) substitute—
- “(4) For the purposes of this section “elector”—
- (a) means a person who is registered in the register of parliamentary electors for the constituency on the last day for publication of notice of the election; and
  - (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.”

#### Commencement Information

**I31** Sch. 1 para. 19 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

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### *Evidence of registration*

20 After section 180 insert—

#### **“180A Evidence by certificate of electoral registration.**

The certificate of a registration officer that any person is or is not, or was or was not at any particular time, duly registered in one of the officer’s registers in respect of any address shall be sufficient evidence of the facts stated in it; and a document purporting to be such a certificate shall be received in evidence and presumed to be such a certificate unless the contrary is proved.”

#### **Commencement Information**

**I32** Sch. 1 para. 20 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

### *Regulations under the Act*

21 In section 201 (regulations), after subsection (2) add—

“(3) Any regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.”

#### **Commencement Information**

**I33** Sch. 1 para. 21 wholly in force at 16.2.2001; s. 9 not in force at Royal Assent see s. 17(3); s. 9 in force for certain purposes at 29.1.2001 and 16.2.2001 by S.I. 2001/116, art. 2(1) (subject to art. 2(3)(4))

### *Interpretation*

22 In section 202(1) (general interpretation)—

(a) for the definition of “dwelling house” substitute—

““dwelling” includes any part of a building where that part is occupied separately as a dwelling;” and

(b) at the appropriate place insert—

““qualifying address” shall be construed in accordance with section 9(8) above;”.

#### **Commencement Information**

**I34** Sch. 1 para. 22 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

### *Parliamentary elections rules*

23 (1) Schedule 1 (parliamentary elections rules) is amended as follows.

(2) In rule 7 (subscription of nomination paper), for paragraph (6) substitute—

“(6) In this rule “elector”—

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- (a) means a person who is registered in the register of parliamentary electors for the constituency on the last day for publication of notice of the election; and
  - (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.”
- (3) In the Appendix of Forms, in the form of nomination paper—
- (a) omit note 3, and
  - (b) in note 5, omit “or electors lists”.

#### Commencement Information

**I35** Sch. 1 para. 23 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Content of regulations as to registration*

- 24 (1) Schedule 2 (provisions which may be contained in regulations as to registration) is amended as follows.
- (2) At the end of paragraph 1(2) (requiring of information by registration officer for purposes of registration duties) add “or to make declarations of any prescribed description as to matters relevant to their entitlement to be registered.”
- (3) After paragraph 1(2) insert—
- “(3) Provisions authorising a registration officer, where—
- (a) he has so required any person registered in one of his registers to give him information, or to make any declaration, for the purpose of enabling him to determine whether the person is entitled to be so registered, and
  - (b) the person has not within the prescribed period complied with that requirement in a manner which the officer considers satisfactory (or at all),
- to remove the person’s name from the register.
- (4) Provisions authorising a registration officer to inspect, for the purpose of his registration duties, records kept (in whatever form) by—
- (a) any local or public authority of any prescribed description, or
  - (b) any person providing services to, or authorised to exercise any function of, any such authority,
- and to make copies of information contained in such records.
- (5) Provisions made under sub-paragraph (4) above shall have effect despite any statutory or other restriction on the disclosure of information.”
- (4) In paragraph 2A (registration officer to remind overseas elector of need to make fresh declaration), for the words from “overseas” onwards substitute “ declarations or applications of any prescribed description of the need to make fresh declarations or applications in order for them to remain registered. ”
- (5) After paragraph 3 insert—

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“3A Provisions as to the form and contents of applications for registration, including provisions as to any declarations to be made in connection with them.”

(6) In paragraph 6 (cases where claims and objections can be determined without a hearing), for “a claim” substitute “an application”.

(7) In paragraph 8 (special lists of those whose addresses are not required to be shown on electors lists), for “on the electors lists” substitute “in the register”.

#### Commencement Information

**I36** Sch. 1 para. 24 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

## SCHEDULE 2

Section 8.

### REGISTRATION: OVERSEAS ELECTORS

#### *Introductory*

1 The Representation of the <sup>M33</sup>People Act 1985 is amended as follows.

#### Commencement Information

**I37** Sch. 2 para. 1 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### Marginal Citations

**M33** 1985 c. 50.

#### *Franchise for parliamentary elections*

2 For section 1 substitute—

#### “1 Extension of parliamentary franchise.

(1) A person is entitled to vote as an elector at a parliamentary election in any constituency if—

- (a) he qualifies as an overseas elector in respect of that constituency on the date on which he makes a declaration under and in accordance with section 2 of this Act (“the relevant date”);
- (b) on that date and on the date of the poll—
  - (i) he is not subject to any legal incapacity to vote, and
  - (ii) he is a British citizen; and
- (c) on the date of the poll he is registered in a register of parliamentary electors for that constituency.

(2) For the purposes of this Act and the principal Act a person qualifies as an overseas elector in respect of a constituency on the relevant date if—



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- (a) on that date he is not resident in the United Kingdom, and
  - (b) he satisfies one of the following sets of conditions.
- (3) The first set of conditions is that—
- (a) he was included in a register of parliamentary electors in respect of an address at a place that is situated within the constituency concerned,
  - (b) that entry in the register was made on the basis that he was resident, or to be treated for the purposes of registration as resident, at that address,
  - (c) that entry in the register was in force at any time falling within the period of 20 years ending immediately before the relevant date, and
  - (d) subsequent to that entry ceasing to have effect no entry was made in any register of parliamentary electors on the basis that he was resident, or to be treated for the purposes of registration as resident, at any other address.
- (4) The second set of conditions is that—
- (a) he was last resident in the United Kingdom within the period of 20 years ending immediately before the relevant date,
  - (b) he was by reason only of his age incapable of being included in any register of parliamentary electors in force on the last day on which he was resident in the United Kingdom, and
  - (c) the address at which he was resident on that day was at a place that is situated within the constituency concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors in force on that day.
- (5) The reference in subsection (1) above to a person being subject to a legal incapacity to vote on the relevant date does not include a reference to his being under the age of 18 on that date; and the reference in subsection (4) above to a register of local government electors includes a reference to a register of electors prepared for the purposes of local elections (within the meaning of the <sup>M34</sup>Electoral Law Act (Northern Ireland) 1962).”

**Commencement Information**

**I38** Sch. 2 para. 2 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

**Marginal Citations**

**M34** 1962 c.14 (N.I.).

*Registration of overseas electors*

*Status: Point in time view as at 18/02/2012.*

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## **“2 Registration of British citizens overseas.**

(1) A person is entitled to be registered in a register of parliamentary electors in pursuance of a declaration made by him under and in accordance with this section (an “overseas elector’s declaration”) if—

- (a) the register is for the constituency or part of the constituency within which is situated the place in the United Kingdom specified in the declaration in accordance with subsection (4) below as having been the address—
  - (i) in respect of which he was registered, or
  - (ii) at which he was resident,
 as the case may be, and
- (b) the registration officer concerned is satisfied that, on the relevant date, he qualifies as an overseas elector in respect of that constituency for which that register is prepared.

(2) A person registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration is entitled to remain so registered until—

- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
- (b) the declaration is cancelled under subsection (5) below, or
- (c) any entry made in respect of him in any register of parliamentary electors takes effect otherwise than in pursuance of an overseas elector’s declaration,

whichever first occurs; and, where the entitlement of such a person to remain so registered terminates by virtue of this subsection, the registration officer concerned shall remove that person’s entry from the register, unless he is entitled to remain registered in pursuance of a further overseas elector’s declaration.

(3) An overseas elector’s declaration must state—

- (a) the date of the declaration,
- (b) that the declarant is a British citizen,
- (c) that the declarant is not resident in the United Kingdom on the relevant date, and
- (d) when he ceased to be so resident or, in the case of a person relying on registration in pursuance of a service declaration, when he ceased to have a service qualification or, if later, ceased to be so resident,

and must contain such other information and satisfy such other requirements (which may include requirements for declarations to be attested and for the charging of fees in respect of their attestation) as may be prescribed.

(4) An overseas elector’s declaration must—

- (a) show which set of conditions in section 1 of this Act the declarant claims to satisfy,
- (b) in the case of the first set of conditions, specify the address in respect of which he was registered, and
- (c) in the case of the second set of conditions, specify—
  - (i) the date of the declarant’s birth,

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- (ii) the address in the United Kingdom at which he was resident, and
  - (iii) the name of the parent or guardian on whose registration in respect of that address he relies, and whether the person named was a parent or guardian,
- and may not, in the case of either set of conditions, specify more than one such address; and if the declarant makes more than one such declaration bearing the same date and specifying different addresses in the United Kingdom as the address in respect of which he was registered or, as the case may be, at which he was resident the declarations shall be void.
- (5) An overseas elector's declaration may be cancelled at any time by the declarant.
  - (6) An overseas elector's declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the relevant date.
  - (7) For the purposes of section 1 of this Act, where a person is registered in a register of parliamentary electors for any constituency or part of a constituency in pursuance of an overseas elector's declaration, it shall be conclusively presumed that he was not resident in the United Kingdom on the relevant date.
  - (8) In this section "the relevant date" has the meaning given by section 1(1)(a) of this Act."

#### Commencement Information

**I39** Sch. 2 para. 3 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Franchise for European Parliamentary elections*

4 For section 3 substitute—

### **“3 Extension of franchise for European Parliamentary elections.**

- (1) A peer is entitled by virtue of this section to vote as an elector at a European Parliamentary election in any electoral region if—
  - (a) he qualifies under this section in respect of that region on the date on which he makes a declaration under and in accordance with regulations under this section (“the relevant date”),
  - (b) on that date and on the day appointed for the election—
    - (i) he is not subject to any legal incapacity to vote, and
    - (ii) he is a British citizen, and
  - (c) on the day so appointed he is registered in the electoral region in a register under this section.
- (2) For the purposes of subsection (1) above, a peer qualifies under this section in respect of an electoral region on the relevant date if—
  - (a) on that date he is not resident in the United Kingdom, and

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- (b) he satisfies one of the following sets of conditions.
- (3) The first set of conditions is that—
- (a) he was included in a register of local government electors in respect of an address at a place that is situated within the electoral region concerned,
  - (b) that entry in the register was made on the basis that he was resident, or to be treated for the purposes of registration as resident, at that address,
  - (c) that entry in the register was in force at any time falling within the period of 20 years ending immediately before the relevant date, and
  - (d) subsequent to that entry ceasing to have effect no entry was made in any register of local government electors on the basis that he was resident, or to be treated for the purposes of registration as resident, at any other address.
- (4) The second set of conditions is that—
- (a) he was last resident in the United Kingdom within the period of 20 years ending immediately before the relevant date,
  - (b) he was by reason only of his age incapable of being included in any register of local government electors in force on the last day on which he was resident in the United Kingdom, and
  - (c) the address at which he was resident on that day was at a place that is situated within the electoral region concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors in force on that day.
- (5) Regulations may—
- (a) provide for a person seeking registration under this section to make a declaration for the purpose, being a declaration of the prescribed facts and containing the prescribed information;
  - (b) require such declarations to be attested and provide for the charging of fees in respect of their attestation;
  - (c) make provision for and in connection with the cancellation of such declarations.
- (6) Regulations may also—
- (a) provide for the registration, subject to prescribed exceptions and on satisfying prescribed conditions, of those peers who (apart from the requirements of registration) may be entitled by virtue of this section to vote as electors at European Parliamentary elections;
  - (b) apply with such modifications or exceptions as may be prescribed any provision in respect of the registration of parliamentary or local government electors made by or under the principal Act or this Act.
- (7) Regulations under this section shall require each registration officer to prepare and publish, in respect of any year for which any peers are to be registered under this section, a register of the peers so registered; and any such register shall so far as practicable be combined with the registers of parliamentary electors and of local government electors, the names of peers registered under this section being marked to indicate that fact.

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(8) In this section—

- (a) “legal incapacity” has the same meaning—
- (i) in relation to Great Britain as it has in the principal Act for the purposes of local government elections, and
  - (ii) in relation to Northern Ireland as it has in the <sup>M35</sup>Electoral Law Act (Northern Ireland) 1962 for the purposes of local elections,
- but the reference in subsection (1)(b) above to a person being subject to a legal incapacity to vote on the relevant date does not include a reference to his being below the age of 18 on that date,
- (b) “local election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962, and
- (c) references to the register of local government elections include a reference to a register of electors prepared—
- (i) for the purposes of local elections, or
  - (ii) for the purposes of municipal elections in the City of London (that is, elections to the office of mayor, alderman, common councilman or sheriff and also elections of officers elected by the mayor, aldermen and liverymen in common hall).”

#### Commencement Information

**I40** Sch. 2 para. 4 wholly in force at 16.2.2001; Sch. 2 para. 4 not in force at Royal Assent see s. 17(3); Sch. 2 para. 4 in force at 29.1.2001 insofar as it confers power to make regulations and in force at 16.2.2001 insofar as not already in force by S.I. 2001/116, art. 2(1)(2) (subject to art. 2(3)(4))

#### Marginal Citations

**M35** 1962 c.14 (N.I.).

## SCHEDULE 3

Section 8.

### REGISTRATION: LOCAL ELECTIONS IN NORTHERN IRELAND

#### Introductory

1 The <sup>M36</sup>Elected Authorities (Northern Ireland) Act 1989 is amended as follows.

#### Commencement Information

**I41** Sch. 3 para. 1 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### Marginal Citations

**M36** 1989 c. 3.

*Status: Point in time view as at 18/02/2012.*

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### *Registration of electors*

- 2 In section 1 (local electors in Northern Ireland), for subsections (1) and (2) substitute—

“(1) A person is entitled to vote as an elector at a local election in any district electoral area if on the date of the poll he—

- (a) is registered in the register of local electors for that area;
- (b) is not subject to any legal incapacity to vote (age apart);
- (c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
- (d) is of the age of eighteen or over.”

#### **Commencement Information**

**I42** Sch. 3 para. 2 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

### *Application of provisions of 1983 Act*

- 3 (1) Part I of Schedule 1 (application of provisions of 1983 Act) is amended as follows.
- (2) After the entry relating to section 3(1) and (2) insert—
- “Section 3A(1) and (4) to (7) (disfranchisement of offenders detained in mental hospitals).”
- (3) For the entry relating to section 4(2) substitute—
- “Section 4(2) to (6) (entitlement to be registered).”
- (4) For the entry relating to sections 5 to 7 substitute—
- “Sections 5 and 6 (residence (general) and residence of merchant seamen).  
Sections 7 to 7C (residence of mental patients, and of persons remanded in custody, and declarations of local connection).”
- (5) For the entry relating to sections 9 to 13 substitute—
- “Sections 9, 10, 10A and 13 to 13B (preparation, publication and alteration of registers).”
- (6) For the entry beginning “Section 53” substitute—
- “Section 53 and, in Schedule 2, paragraphs 1(2) to (5), 3, 3A, 4 to 11A and 13 (regulations as to registration).”
- (7) After the entry beginning “Section 56(1)” insert—
- “Section 58(2) (registration appeals: Northern Ireland).”
- (8) After the entry relating to section 62 insert—
- “Section 180A (evidence by certificate of electoral registration).”
- (9) In the entry beginning “Section 201”, for “the definition of “prescribed”” substitute “the definitions of “dwelling”, “prescribed” and “qualifying address””.

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#### Commencement Information

**I43** Sch. 3 para. 3 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Modification of provisions of 1983 Act*

- 4 (1) Part II of Schedule 1 (modification of provisions of the 1983 Act) is amended as follows.
- (2) For paragraph 7 substitute—
- “7 (1) In section 4(2)—
- (a) for “parliamentary electors for any constituency” substitute “local electors for any district electoral area”; and
- (b) for “subsection (1) above,” substitute “subsection (3) below,”.
- (2) In section 4(4)(a), the reference to any enactment includes an enactment comprised in Northern Ireland legislation.
- 7A In section 7B references to the United Kingdom are to be read as references to Northern Ireland.”
- (3) Paragraphs 9 to 11 shall be omitted.
- (4) For paragraph 14 (a) and (b) substitute—
- “(a) in subsection (1)(a) omit the words from “and any special lists” to the end,
- (b) for subsection (1)(b) substitute—
- (“ with respect to—
- (i) the procedure to be followed in the preparation of the register, and
- (ii) the place and manner of its publication; and;”
- and . ”

#### Commencement Information

**I44** Sch. 3 para. 4 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

## SCHEDULE 4

Section 12.

### ABSENT VOTING IN GREAT BRITAIN

#### Modifications etc. (not altering text)

- C26** Sch. 4 applied (with modifications) (E.W.) (2.4.2001) by S.I. 2001/1298, regs. 15, 16, 17, Sch. 5 Pt. I Table (as amended (13.3.2004) by S.I. 2004/226, art. 2(3), Sch.)  
Sch. 4: functions transferred (25.11.2002) by S.I. 2002/2626, art. 11(1), Sch. 1 (with arts. 12, 13)
- C27** Sch. 4: functions transferred (19.8.2003) by The Secretary of State for Constitutional Affairs Order (S.I. 2003/1887), art. 4, {Sch. 1}

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- C28** Sch. 4 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), reg. 8, **Sch. 3** Table 1 (which S.I. was revoked (24.7.2008) by S.I. 2008/1848, **reg. 1**)
- C29** Sch. 4 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6, **Sch. 2 Pt. 1**
- C30** Sch. 4 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), regs. 8, 11, 12, 13, **Sch. 4** Table 3
- C31** Sch. 4 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), reg. 8, **Sch. 4 para. 1** Table 2
- C32** Sch. 4 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1** Table 3
- C33** Sch. 4 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** Table 3 (with reg. 27)

### *Interpretation*

- 1 (1) In this Schedule—
- F10**  
.....  
“the appropriate rules” means—
- (a) in the case of a parliamentary election, the parliamentary elections rules, and
  - (b) in the case of a local government election, rules made (or having effect as if made) under section 36 or, as the case may be, section 42 of the 1983 Act;
- “local government election” means a local government election in England, Wales or Scotland.
- (2) The 1983 Act and this Schedule shall have effect as if this Schedule were contained in Part I of that Act.
- (3) References in an enactment other than one contained in this Act or the 1983 Act to Part I of that Act include a reference to this Schedule.

#### **Textual Amendments**

- F10** Sch. 4 para. 1: definition of “absent voters list” repealed (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74, 77, [Sch. 1 para. 137\(2\)](#), **Sch. 2**; S.I. 2006/3412, **art. 3**, [Sch. 1 paras. 12, 13](#) (subject to transitional provisions in [Sch. 2](#))

#### **Commencement Information**

- I45** Sch. 4 para. 1 wholly in force at 16.2.2001, see s. 17(3) and [S.I. 2001/116](#), **art. 2(1)** (subject to [art. 2\(3\)-\(5\)](#))

### *Manner of voting at parliamentary or local government elections*

- 2 (1) This paragraph applies to determine the manner of voting of a person entitled to vote as an elector at a parliamentary or local government election.
- (2) He may vote in person at the polling station allotted to him under the appropriate rules, unless he is entitled as an elector to an absent vote at the election.



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- (3) He may vote by post if he is entitled as an elector to vote by post at the election.
- (4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the appropriate rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.
- (5) If—
- (a) he is not entitled as an elector to an absent vote at the election, but
  - (b) he cannot reasonably be expected to go in person to the polling station allotted to him under the appropriate rules by reason of the particular circumstances of his employment, either as a constable or by the returning officer, on the date of the poll for a purpose connected with the election,
- he may vote in person at any polling station in the constituency or, as the case may be, electoral area.
- [<sup>F11</sup>(5A) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not; and such a person may vote—
- (a) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or
  - (b) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).]

[<sup>F12</sup>(5B) In relation to a local government election in Scotland, nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not; and such a person may vote—

    - (a) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or
    - (b) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).]

(6) Nothing in the preceding provisions of this paragraph applies to—

      - (a) <sup>F13</sup> . . . . .
      - (b) a person to whom section 7A of that Act (persons remanded in custody) applies,

whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

[<sup>F14</sup>(6A) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.]

[<sup>F15</sup>(6B) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him at a local government election in Scotland, marking a tendered ballot paper in pursuance of any provision—

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- (a) made under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9) as to the conduct of elections of councillors, and
- (b) which entitles him to do so despite the fact that he is or may be entitled to an absent vote at the election.]

(7) For the purposes of the provisions of—

- (a) this Schedule, and
- (b) the 1983 Act so far as it has effect in relation to England, Wales and Scotland, a person entitled to vote as an elector at a parliamentary or local government election is entitled as an elector to vote by post or entitled to vote by proxy at the election [<sup>F16</sup>if sub-paragraph (8) or (9) (as the case may be) applies to him in relation to the election] ; and references in those provisions to entitlement as an elector to an absent vote at a parliamentary or local government election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

[<sup>F17</sup>(8) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 5(2) below as entitled to vote by post at an election.

(9) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 5(3) below as entitled to vote by proxy at an election.]

#### Textual Amendments

- F11** Sch. 4 para. 2(5A) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 35(2)**, 77 (with saving in [s. 35\(4\)](#)); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 5 (subject to transitional provisions in [Sch. 2](#))
- F12** Sch. 4 para. 2(5B) inserted (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 32(a)**, 63(2); [S.S.I. 2007/26](#), **art. 3**
- F13** Sch. 4 para. 2(6)(a) and word "or " following it repealed (other than in relation to local government elections in Scotland) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 35(3)(4)**, 74(2), 77, [Sch. 2](#); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in [Sch. 2](#))
- F14** Sch. 4 para. 2(6A) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 38(6)(a)**, 77; [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 14 (subject to transitional provisions in [Sch. 2](#))
- F15** Sch. 4 para. 2(6B) inserted (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 27(2)(a)**, 63(2); [S.S.I. 2007/26](#), **art. 3**
- F16** Words in Sch. 4 para. 2(7) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 74(1)**, 77, [Sch. 1 para. 137\(3\)\(a\)](#); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in [Sch. 2](#))
- F17** Sch. 4 para. 2(8)(9) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 74(1)**, 77, [Sch. 1 para. 137\(3\)\(b\)](#); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in [Sch. 2](#))

#### Commencement Information

- I46** Sch. 4 para. 2 wholly in force at 16.2.2001, see [s. 17\(3\)](#) and [S.I. 2001/116](#), **art. 2(1)** (subject to [art. 2\(3\)-\(5\)](#))

#### *Absent vote at elections for definite or indefinite period*

- 3 (1) Where a person applies to the registration officer to vote by post at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—
- (a) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and

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- (b) the application [<sup>F18</sup>contains the applicant's signature and date of birth and] meets the prescribed requirements.
- (2) Where a person applies to the registration officer to vote by proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—
- (a) he is satisfied that the applicant is eligible to vote by proxy at elections to which the application relates,
  - (b) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
  - (c) the application [<sup>F19</sup>contains the applicant's signature and date of birth and] meets the prescribed requirements.
- (3) For the purposes of this paragraph a person is eligible to vote by proxy at parliamentary or local government elections—
- (a) if he is or will be registered as a service voter,
  - [<sup>F20</sup>(aa) if he has an anonymous entry in the register of electors for the election,]
  - (b) if he cannot reasonably be expected—
    - (i) to go in person to the polling station allotted or likely to be allotted to him under the appropriate rules, or
    - (ii) to vote unaided there,by reason of [<sup>F21</sup>blindness or other disability [<sup>F22</sup>or, in the case of local government elections in Scotland, by reason of] blindness or other physical incapacity],
  - (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of [<sup>F23</sup>his spouse or civil partner,] or by reason of his attendance on a course provided by an educational institution or that of [<sup>F23</sup>his spouse or civil partner,] or
  - (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,
- and a person is also eligible to vote by proxy at parliamentary elections if he is or will be registered in pursuance of an overseas elector's declaration.
- [<sup>F24</sup>(3A) [<sup>F25</sup>Sub-paragraph (3)(aa) does not apply to an application to vote by proxy at a local government election in Scotland]]
- (4) The registration officer shall keep a record of those whose applications under this paragraph have been granted showing—
- (a) whether their applications—
    - (i) were in respect of parliamentary elections, local government elections or both, and
    - (ii) were to vote by post or proxy for an indefinite or a particular period (specifying that period),
  - (b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and

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- (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.
- (5) The registration officer shall remove a person from the record—
- (a) if he applies to the registration officer to be removed,
  - [<sup>F26</sup>(aa) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if he ceases to have an anonymous entry,]
  - (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—
    - (i) a service declaration,
    - (ii) a declaration of local connection, or
    - (iii) an overseas elector’s declaration,
  - (c) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances, or
  - (d) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.
- (6) A person shown in the record as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and, if the registration officer would be required to grant that application if it were one made under sub-paragraph (2), the registration officer shall amend the record accordingly.
- (7) A person shown in the record as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and, if the application meets the prescribed requirements, the registration officer shall amend the record accordingly.
- [<sup>F27</sup>(8) The registration officer may dispense with the requirement under sub-paragraph (1) (b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
  - (b) to provide a signature because the applicant is unable to read or write, or
  - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (9) The registration officer must also keep a record in relation to those whose applications under this paragraph have been granted showing—
- (a) their dates of birth;
  - (b) except in cases where the registration officer in pursuance of sub-paragraph (8) has dispensed with the requirement to provide a signature, their signatures.
- (10) The record kept under sub-paragraph (9) must be retained by the registration officer for the prescribed period.]

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### Textual Amendments

- F18** Words in Sch. 4 para. 3(1)(b) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 14(1)(a)**, 77 (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 3 (subject to transitional provisions in [Sch. 2](#))
- F19** Words in Sch. 4 para. 3(2)(c) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 14(1)(b)**, 77 (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 3 (subject to transitional provisions in [Sch. 2](#))
- F20** Sch. 4 para. 3(3)(aa) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 10, 77**, **Sch. 1 para. 20(2)**; [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in [Sch. 2](#))
- F21** Words in Sch. 4 para. 3(3)(b) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 74(1), 77**, **Sch. 1 para. 137(4)**; [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in [Sch. 2](#))
- F22** Words in Sch. 4 para. 3(3)(b) repealed (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 34(5)**, 63(2); [S.S.I. 2007/26](#), **art. 3(1)(h)** (subject to transitional provisions in [art. 3\(2\)](#))
- F23** Words in Sch. 4 para. 3(3)(c) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 261(1), 263**, **Sch. 27 para. 164(2)**; [S.I. 2005/3175](#), **art. 2(2)**
- F24** Sch. 4 para. 3(3A) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 10, 77**, **Sch. 1 para. 20(3)**; [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in [Sch. 2](#))
- F25** Sch. 4 para. 3(3A) repealed (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 20(c)(i)**, 63(2); [S.S.I. 2007/26](#), **art. 2**
- F26** Sch. 4 para. 3(5)(aa) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 10, 77**, **Sch. 1 para. 20(4)**; [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in [Sch. 2](#))
- F27** Sch. 4 para. 3(8)-(10) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 14(1)(c)**, 77 (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 3 (subject to transitional provisions in [Sch. 2](#))

### Commencement Information

- I47** Sch. 4 para. 3 wholly in force at 16.2.2001, see [s. 17\(3\)](#) and [S.I. 2001/116](#), **art. 2(1)** (subject to [art. 2\(3\)-\(5\)](#))

### *Absent vote at particular election*

- 4 (1) Where a person applies to the registration officer to vote by post at a particular parliamentary or local government election, the registration officer shall grant the application if—
- he is satisfied that the applicant is or will be registered in the register of parliamentary or, as the case may be, local government electors, and
  - the application <sup>F28</sup>contains the applicant's signature and date of birth and] meets the prescribed requirements.
- (2) Where a person applies to the registration officer to vote by proxy at a particular parliamentary or local government election, the registration officer shall grant the application if—
- he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the appropriate rules,
  - he is satisfied that the applicant is or will be registered in the register of parliamentary or, as the case may be, local government electors, and

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- (c) the application [<sup>F29</sup>contains the applicant's signature and date of birth and] meets the prescribed requirements.
- [<sup>F30</sup>(2A) Where a person who has an anonymous entry in the register of electors for a parliamentary or local government election applies to the registration officer to vote by proxy at a particular such election the registration officer shall grant the application if it meets the prescribed requirements.
- (2B) [<sup>F31</sup>Sub-paragraph (2A) does not apply to an application to vote by proxy at a local government election in Scotland.]]
- (3) Nothing in sub-paragraph (1) or (2) applies to a person who is included in the record kept under paragraph 3 in respect of elections of the kind in question, but such a person may, in respect of a particular parliamentary or local government election, apply to the registration officer—
- (a) for his ballot paper to be sent to a different address from that shown in the record, or
  - (b) to vote by proxy,
- if he is shown in the record as voting by post at elections of the kind in question.
- (4) The registration officer shall grant an application under sub-paragraph (3) if—
- (a) (in the case of any application) it meets the prescribed requirements; and
  - (b) (in the case of an application to vote by proxy) the registration officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the appropriate rules.
- [<sup>F32</sup>(5) The registration officer may dispense with the requirement under sub-paragraph (1) (b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
  - (b) to provide a signature because the applicant is unable to read or write, or
  - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (6) The registration officer must keep a record of those whose applications under this paragraph have been granted showing—
- (a) their dates of birth;
  - (b) except in cases where the registration officer in pursuance of sub-paragraph (5) has dispensed with the requirement to provide a signature, their signatures.
- (7) The record kept under sub-paragraph (6) must be retained by the registration officer for the prescribed period.]

#### Textual Amendments

**F28** Words in Sch. 4 para. 4(1)(b) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 14\(2\)\(a\)](#), [77](#) (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 3](#) (subject to transitional provisions in [Sch. 2](#))

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- F29** Words in Sch. 4 para. 4(2)(c) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 14(2)(b), 77 (with saving in s. 14(8)); S.I. 2006/3412, art. 3, Sch. 1 para. 3 (subject to transitional provisions in Sch. 2)
- F30** Sch. 4 para. 4(2A)(2B) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77; S.I. 2006/3412, art. 3, Sch. 1 para. 12 (subject to transitional provisions in Sch. 2)
- F31** Sch. 4 para. 4(2B) repealed (S.) (29.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 20(c)(ii), 63(2); S.S.I. 2007/26, art. 2
- F32** Sch. 4 para. 4(5)-(7) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 14(2)(c), 77 (with saving in s. 14(8)); S.I. 2006/3412, art. 3, Sch. 1 para. 3 (subject to transitional provisions in Sch. 2)

#### Commencement Information

- I48** Sch. 4 para. 4 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art. 2(3)-(5))

#### *Absent voters list*

- 5 (1) The registration officer shall, in respect of each parliamentary or local government election, keep [<sup>F33</sup>the two special] lists mentioned in sub-paragraphs (2) and (3) respectively.
- (2) The first of those lists is a list [<sup>F34</sup>(“the postal voters list”)] of—
- those whose applications under paragraph 4(1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
  - those who are for the time being shown in the record kept under paragraph 3 as voting by post at elections of the kind in question (excluding those so shown whose applications under paragraph 4(3)(b) above to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under paragraph 3 or, as the case may be, paragraph 4(3)(a) as the addresses to which their ballot papers are to be sent.
- (3) The second of the lists mentioned in sub-paragraph (1) is a list (“the list of proxies”) of—
- those whose applications under paragraph 4(2) or (3) to vote by proxy at the election have been granted, and
  - those who are for the time being shown in the record kept under paragraph 3 as voting by proxy at elections of the kind in question,
- together with (in each case) the names and addresses of those appointed as their proxies.
- [<sup>F35</sup>(4) In the case of a person who has an anonymous entry in a register the postal voters list or list of proxies (as the case may be) must show in relation to the person only—
- his electoral number, and
  - the period for which the anonymous entry has effect.
- (5) [<sup>F36</sup>Sub-paragraph (4) does not apply to any list kept in respect of a local government election in Scotland.]]

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### Textual Amendments

- F33** Words in Sch. 4 para. 5(1) substituted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77, Sch. 1 para. 137\(5\)](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 12](#) (subject to transitional provisions in Sch. 2)
- F34** Words in Sch. 4 para. 5(2) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77, Sch. 1 para. 137\(6\)](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 12](#) (subject to transitional provisions in Sch. 2)
- F35** Sch. 4 para. 5(4)(5) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 10, 77, Sch. 1 para. 22](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 12](#) (subject to transitional provisions in Sch. 2)
- F36** Sch. 4 para. 5(5) repealed (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 20\(c\)\(iii\), 63\(2\)](#); [S.S.I. 2007/26, art. 2](#)

### Commencement Information

- I49** Sch. 4 para. 5 wholly in force at 16.2.2001, see s. 17(3) and [S.I. 2001/116, art. 2\(1\)](#) (subject to [art. 2\(3\)-\(5\)](#))

### *Proxies at elections*

- 6 (1) Subject to the provisions of this paragraph, any person is capable of being appointed proxy to vote for another (in this paragraph and paragraph 7 referred to as “the elector”) at any parliamentary or local government election and may vote in pursuance of the appointment.
- (2) The elector cannot have—
- more than one person at a time appointed as proxy to vote for him at parliamentary elections (whether in the same constituency or elsewhere), or
  - more than one person at a time appointed as proxy to vote for him at local government elections in the same electoral area.
- (3) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election—
- if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
  - if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland.
- (4) A person is not capable of being appointed to vote, or voting, as proxy at a local government election—
- if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
  - if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union.
- (5) A person is not capable of voting as proxy at a parliamentary or local government election unless on the date of the poll he has attained the age of 18.
- (6) A person is not entitled to vote as proxy—
- at the same parliamentary election in any constituency, or
  - at the same local government election in any electoral area,
- on behalf of more than two electors of whom that person is not the [<sup>F37</sup>spouse, civil partner,] parent, grandparent, brother, sister, child or grandchild.



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- (7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—
- (a) registered in the register of parliamentary electors, local government electors or both (as the case may be), and
  - (b) shown in the record kept under paragraph 3 as voting by proxy at such elections,
- and that the proxy is capable of being, and willing to be, appointed to vote as proxy at such elections.
- (8) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular parliamentary or local government election, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—
- (a) registered in the register of parliamentary or, as the case may be, local government electors, and
  - (b) entitled to vote by proxy at that election by virtue of an application under paragraph 4(2) or (3),
- and that the proxy is capable of being, and willing to be, appointed.
- (9) The appointment of a proxy under this paragraph is to be made by means of a proxy paper in the prescribed form issued by the registration officer.
- (10) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force—
- (a) where the appointment related to a parliamentary election or parliamentary elections, on the issue of a proxy paper appointing a different person to vote for him at a parliamentary election or parliamentary elections (whether in the same constituency or elsewhere),
  - (b) where the appointment related to a local government election or local government elections, on the issue of a proxy paper appointing a different person to vote for him at a local government election or local government elections in the same electoral area, or
  - (c) where the appointment was for a particular period, once that period expires.
- (11) Subject to sub-paragraph (10), the appointment shall remain in force—
- (a) in the case of an appointment for a particular election, for that election, and
  - (b) in any other case, while the elector is shown as voting by proxy in the record kept under paragraph 3 in pursuance of the same application under that paragraph.

#### Textual Amendments

- F37** Words in Sch. 4 para. 6(6) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, [Sch. 27 para. 164\(3\)](#); [S.I. 2005/3175](#), [art. 2\(2\)](#)

#### Commencement Information

- I50** Sch. 4 para. 6 wholly in force at 16.2.2001, see s. 17(3) and [S.I. 2001/116](#), [art. 2\(1\)](#) (subject to [art. 2\(3\)-\(5\)](#))

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*Voting as proxy*

- 7 (1) A person entitled to vote as proxy at a parliamentary or local government election may do so in person at the polling station allotted to the elector under the appropriate rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.
- (2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
- (3) For the purposes of this Schedule and the 1983 Act a person entitled to vote as proxy for another at a parliamentary or local government election is entitled so to vote by post if he is included in the list kept under sub-paragraph (8) in respect of the election.
- (4) Where a person applies to the registration officer to vote by post—
- (a) as proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), or
  - (b) as proxy at a particular parliamentary or local government election,
- the registration officer shall grant the application if the conditions set out in sub-paragraph (5) are satisfied.
- (5) Those conditions are—
- (a) that the registration officer is satisfied that the elector is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
  - (b) that there is in force an appointment of the applicant as the elector's proxy to vote for him at elections of the kind in question or, as the case may be, the election concerned, and
  - (c) that the application [<sup>F38</sup>contains the applicant's signature and date of birth and] meets the prescribed requirements.
- (6) The registration officer shall keep a record of those whose applications under sub-paragraph (4)(a) have been granted showing—
- (a) whether their applications—
    - (i) were in respect of parliamentary elections, local government elections or both, and
    - (ii) were to vote by post as proxy for an indefinite or a particular period (specifying that period), and
  - (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (7) Where, in the case of a particular parliamentary or local government election, a person included in the record kept under sub-paragraph (6) in respect of elections of the kind in question applies to the registration officer for his ballot paper to be sent to a different address from that shown in the record, the registration officer shall grant the application if it meets the prescribed requirements.
- (8) The registration officer shall, in respect of each parliamentary or local government election, keep a special list [<sup>F39</sup> (“the proxy postal voters list”)] of—
- (a) those who are for the time being included in the record kept under sub-paragraph (6) in respect of elections of the kind in question, together with

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- the addresses provided by them in their applications under sub-paragraph (4) (a) or, as the case may be, sub-paragraph (7) as the addresses to which their ballot papers are to be sent, and
- (b) those whose applications under sub-paragraph (4)(b) above have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- [<sup>F40</sup>(8A) In the case of a person who has an anonymous entry in a register the special list mentioned in sub-paragraph (8) must contain only—
- (a) the person's electoral number, and
- (b) the period for which the anonymous entry has effect.
- (8B) [<sup>F41</sup>Sub-paragraph (8A) does not apply to a special list kept in respect of a local government election in Scotland.]]
- (9) The registration officer shall remove a person from the record kept under sub-paragraph (6)—
- (a) if he applies to the registration officer to be removed,
- (b) if the elector ceases to be registered as mentioned in sub-paragraph (5)(a),
- (c) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed), or
- (d) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires.
- [<sup>F42</sup>(10) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.]
- [<sup>F43</sup>(11) The registration officer may dispense with the requirement under sub-paragraph (5) (c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.”
- (12) The registration officer must also keep a record in relation to those whose applications under sub-paragraph (4)(a) or (b) have been granted showing—
- (a) their dates of birth;
- (b) except in cases where the registration officer in pursuance of sub-paragraph (11) has dispensed with the requirement to provide a signature, their signatures.
- (13) The record kept under sub-paragraph (12) must be retained by the registration officer for the prescribed period.]
- [<sup>F44</sup>(14) Sub-paragraph (2) above does not prevent a person entitled to vote as proxy for another, at the polling station allotted to him at a local government election in Scotland, marking a tendered ballot paper in pursuance of any provision—
- (a) made under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9) as to the conduct of elections of councillors, and

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- (b) which entitles him to do so despite the fact that he is or may be entitled to vote by post as proxy.]

#### Textual Amendments

- F38** Words in Sch. 4 para. 7(5)(c) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 14\(3\)\(a\), 77](#) (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412, art. 3, Sch. 1 para. 3](#) (subject to transitional provisions in [Sch. 2](#))
- F39** Words in Sch. 4 para. 7(8) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77, Sch. 1 para. 137\(7\)](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 12](#) (subject to transitional provisions in [Sch. 2](#))
- F40** Sch. 4 para. 7(8A)(8B) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 10, 77, Sch. 1 para. 23](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 12](#) (subject to transitional provisions in [Sch. 2](#))
- F41** Sch. 4 para. 7(8B) repealed (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 20\(c\)\(iv\), 63\(2\)](#); [S.S.I. 2007/26, art. 2](#)
- F42** Sch. 4 para. 7(10) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 38\(6\)\(b\), 77](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 14](#) (subject to transitional provisions in [Sch. 2](#))
- F43** Sch. 4 para. 7(11)-(13) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 14\(3\)\(b\), 77](#) (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412, art. 3, Sch. 1 para. 3](#) (subject to transitional provisions in [Sch. 2](#))
- F44** Sch. 4 para. 7(14) inserted (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 27\(2\)\(b\), 63\(2\)](#); [S.S.I. 2007/26, art. 3](#)

#### Commencement Information

- I51** Sch. 4 para. 7 wholly in force at 16.2.2001, see [s. 17\(3\)](#) and [S.I. 2001/116, art. 2\(1\)](#) (subject to [art. 2\(3\)-\(5\)](#))

#### *[<sup>F45</sup>Provision of fresh signatures*

#### Textual Amendments

- F45** Sch. 4 paras. 7A-7D inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 14\(4\), 77](#) (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412, art. 3, Sch. 1 para. 3](#) (subject to transitional provisions in [Sch. 2](#))

- 7A (1) A person who remains on the record kept under paragraph 3(4) or 7(6) may, at any time, provide the registration officer with a fresh signature.
- (2) Anything required or authorised to be done for the purposes of any enactment in relation to a signature required to be provided in pursuance of this Schedule must be done in relation to a signature provided as mentioned in sub-paragraph (1) instead of in relation to a signature provided on any earlier occasion.
- 7B Regulations may make provision as to—
- (a) circumstances in which a registration officer may require a person who remains on the record kept under paragraph 3(4) or 7(6) to provide a fresh signature;
- (b) the consequences of a person refusing or failing to comply with a requirement to provide a fresh signature.

#### *Use of personal identifier information*

- 7C The registration officer must either —

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- (a) provide the returning officer for an election with a copy of the information contained in records kept by the registration officer in pursuance of paragraphs 3(9), 4(6) and 7(12) in relation to electors at the election, or
- (b) give the returning officer access to such information.
- 7D Information contained in records kept by a registration officer in pursuance of paragraph 3(9), 4(6) or 7(12) may be disclosed by him (subject to any prescribed conditions) to—
- (a) any other registration officer if he thinks that to do so will assist the other registration officer in the performance of his duties;
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under the Representation of the People Acts;
- (c) such other persons for such other purposes relating to elections as may be prescribed.]

### *Offences*

- 8 A person who—
- (a) in any declaration or form used for any of the purposes of this Schedule, makes a statement which he knows to be false, or
- (b) attests an application under paragraph 3 or 4 when he knows that he is not authorised to do so or that it contains a statement which is false,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **Commencement Information**

**I52** Sch. 4 para. 8 wholly in force at 16.2.2001, see s. 17(3) and [S.I. 2001/116, art. 2\(1\)](#) (subject to [art. 2\(3\)-\(5\)](#))

## SCHEDULE 5

Section 14.

### FREE DELIVERY OF ELECTION ADDRESSES AT FIRST GLA MAYORAL ELECTION: NEW SCHEDULE 3A TO THE GREATER LONDON AUTHORITY ACT 1999

#### **Extent Information**

**E2** [Sch. 5](#): The amendments made by this schedule have the same extent as the Greater London Authority Act 1999, see [s. 17\(8\)](#)

## “SCHEDULE 3A

### FREE DELIVERY OF ELECTION ADDRESSES AT FIRST ELECTION OF MAYOR

#### *Interpretation*

- 1 In this Schedule—
- “the 1983 Act” means the Representation of the <sup>M37</sup>People Act 1983;

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“candidate” means a person who stands nominated as a candidate at the election;

“the election” means the first election of the Mayor;

“election address” shall be construed in accordance with paragraph 2 below;

“election booklet” shall be construed in accordance with paragraph 6 below;

“the GLRO” means the Greater London returning officer;

“print” means print by whatever means (and “printer” shall be construed accordingly);

“the relevant provisions” means the provisions of section 17A(1) of this Act and this Schedule.

#### *Election addresses*

- 2 For the purposes of the relevant provisions an election address, in relation to a candidate, is a statement prepared by the candidate’s election agent which complies with the provisions of paragraphs 3 and 4.

#### *Contents of election addresses*

- 3 (1) An election address must contain matter relating to the election only.
- (2) In particular, an election address must not contain—
- (a) any advertising material (other than material promoting the candidate as a candidate at the election);
  - (b) any other material appearing to be included with a view to commercial gain; or
  - (c) any material referring to any candidate standing for election to the Assembly.
- (3) An election address may include a representation of the registered emblem, or (as the case may be) one of the registered emblems, of a registered political party if the address is prepared on behalf of an authorised party candidate.
- (4) In sub-paragraph (3) above “authorised party candidate”, in relation to a registered political party, means a candidate who has been authorised to use the emblem in question by a certificate—
- (a) issued by or on behalf of the registered nominating officer of the party, and
  - (b) received by the GLRO before the last time for the delivery of nomination papers for the election.
- (5) An election address must—
- (a) contain a statement to the effect that it has been prepared by the candidate’s election agent; and
  - (b) give the name and address of the election agent.

#### *Form of election addresses*

- 4 (1) Subject to any requirements imposed by or under this paragraph, the format of a candidate’s election address may be determined by the candidate (and, in particular, may consist of a combination of words, pictures and artwork).
- (2) An election address must be printed on not more than two sides of A5 paper; but if such an address is printed on two sides of such paper—

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- (a) it must, when submitted to the GLRO for inclusion in the election booklet, be accompanied by a second version printed on a single side of such paper; and
  - (b) if the total number of candidates from whom election addresses have been accepted by the GLRO by the last time for the delivery of nomination papers for the election exceeds 15, the version to be included in the election booklet shall be the second version.
- (3) An election address must—
- (a) comply with such requirements as to typographical layout, margins and the use of colour as the GLRO may determine; and
  - (b) comply with such other requirements as he may determine with a view to facilitating its reproduction as a page or pages of the election booklet.
- (4) An election address must, when submitted to the GLRO for inclusion in the election booklet, be accompanied—
- (a) where the address is to contain a photograph of the candidate, by two identical copies of the photograph, of which one is signed on the back by the candidate; and
  - (b) in any case, by such copies of anything contained in the address as the GLRO may reasonably require in connection with the reproduction of the address.

#### *Approval of election addresses by Post Office*

- 5 (1) Before an election address is submitted to the GLRO for inclusion in the election booklet a draft of the address must have been—
- (a) submitted by the candidate to the Post Office, and
  - (b) approved by the Post Office as complying with the relevant Post Office regulations.
- (2) In sub-paragraph (1)(b) above “the relevant Post Office regulations” means the provisions of the Post Office regulations under section 91 of the 1983 Act as to the contents of election communications, other than the provisions of those regulations—
- (a) authorising the sending of different material to different groups, or
  - (b) requiring the name of the printer and publisher to appear on election literature.
- (3) Without prejudice to the operation of sub-paragraph (1)(b) above, the Post Office shall not approve an election address if, in their opinion, the address does not comply with the provisions of paragraph 3(1) and (2) above.

#### *The election booklet*

- 6 (1) For the purposes of this Schedule the election booklet is a document prepared by the GLRO which contains the election addresses of all candidates who—
- (a) desire their election addresses to be included in the booklet, and
  - (b) have submitted—
    - (i) those addresses, and
    - (ii) any additional material required under paragraph 4(4) above,to the GLRO by such date as he may determine.
- (2) If—
- (a) it appears to the GLRO that any of the requirements of paragraphs 3(3) to (5), 4 and 5(1) above has not been complied with in relation to an election address, or

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- (b) a candidate fails to make the payment required by paragraph 9 below in respect of an election address,  
the GLRO shall decline to include the address in the election booklet.

*Form of election booklet*

- 7 (1) The order in which candidates' election addresses appear in the election booklet shall be determined alphabetically by reference to the candidates' surnames.
- (2) The election booklet may include, in addition to candidates' election addresses, a statement by the GLRO—
- (a) explaining the nature and purpose of the election booklet;
  - (b) listing, in alphabetical order, the names of all the candidates at the election (whether or not their election addresses are included in the booklet); and
  - (c) giving the date of the election and such other information about it as the GLRO may determine.
- (3) The election booklet must—
- (a) contain a statement that it has been published by the GLRO; and
  - (b) give the name and address of the GLRO and those of the printer of the booklet.
- (4) Subject to sub-paragraphs (1) to (3) above, the form of the election booklet shall be determined by the GLRO.
- (5) The election agent of each candidate whose election address has been accepted by the GLRO for inclusion in the booklet shall be given an opportunity to attend at a time and place notified to him by the GLRO in order to check, and submit to the GLRO typographical corrections to, the proof of the candidate's address.
- (6) If the election agent of any such candidate fails to avail himself of that opportunity, the GLRO may—
- (a) make such typographical corrections to the proof as appear to him to be appropriate; and
  - (b) proceed with the printing and distribution of the election booklet without further reference to the candidate or his election agent (and without incurring any liability for any errors in the candidate's address).
- (7) No person other than—
- (a) the candidate by whom or on whose behalf an election address included in the election booklet was prepared, or
  - (b) the candidate's election agent,
- shall incur any civil or criminal liability in respect of the publication of that address in the election booklet or its dissemination in accordance with paragraph 8 below.

*Distribution of election booklet*

- 8 (1) Copies of the election booklet shall be delivered by the GLRO to the Post Office, in envelopes addressed to individual electors falling within section 17A(1)(b) of this Act, at such time as the GLRO may determine.
- (2) The GLRO may disseminate the contents of the election booklet by such other means as he may determine.



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*Contributions by candidates towards costs of printing*

- 9 (1) Each candidate by whom an election address is submitted to the GLRO for inclusion in the election booklet shall pay the sum of £10,000 to the GLRO as a contribution towards the expenses incurred by him in respect of the printing of the election booklet.
- (2) The payment required by sub-paragraph (1) above shall be made at such time, and in such manner, as the GLRO may determine.
- (3) A candidate shall be entitled to a full refund of any such payment if, but only if, the candidate has given notice of withdrawal of his candidature before the last time for the withdrawal of candidates.
- (4) If the total amount of the payments made by candidates under this paragraph exceeds the total amount of the expenses incurred by the GLRO in respect of the printing of the election booklet, the GLRO shall—
- (a) divide the amount of the excess between the candidates in equal shares, and
  - (b) send to each candidate a payment in respect of his share.

*Payments by Secretary of State*

- 10 Except so far as they are met by payments under paragraph 9 above, the expenses incurred by the GLRO in consequence of the relevant provisions shall be met by the Secretary of State.

*Candidates' election expenses*

- 11 (1) The amount of any payment made by a candidate under paragraph 9 above (or, if sub-paragraph (4) of that paragraph applies, the net amount of any such payment after deducting the payment under that sub-paragraph) shall be taken, for the purposes of Part II of the 1983 Act (the election campaign), to be an amount of election expenses incurred by the candidate in relation to the election.
- (2) Nothing in section 75(1) of the 1983 Act (restriction on third party election expenditure) shall be taken to apply, in relation to any candidate, to any expenses incurred by the GLRO in consequence of the relevant provisions.”

**Marginal Citations**

M37 1983 c. 2.

SCHEDULE 6

Section 15.

MINOR AND CONSEQUENTIAL AMENDMENTS

*City of London (Various Powers) Act 1957 (c. x)*

- 1 (1) Section 8 of the City of London (Various Powers) Act 1957 (manner of voting at ward elections) is amended as follows.
- (2) In subsection (1) (application of provisions of 1983 Act), after the entry relating to section 3 of the 1983 Act insert—

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“section 3A (disfranchisement of offenders detained in mental hospitals);”.

(3) In subsection (2) (application of provisions about absent voting), for “sections 5 to 9 and 12(3) and (4) of the Representation of the People Act 1985” substitute “Schedule 4 to the Representation of the People Act 2000”.

(4) In subsections (4) and (5) (supplementary provisions), for “1985” (wherever occurring) substitute “2000”.

**Commencement Information**

**I53** Sch. 6 para. 1 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

*European Parliamentary Elections Act 1978 (c. 10)*

F46<sub>2</sub>

**Textual Amendments**

**F46** Sch. 6 para. 2 repealed (24.10.2002) by 2002 c. 24, s. 16, Sch. 4

**Commencement Information**

**I54** Sch. 6 para. 2 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

*The 1983 Act*

3 The 1983 Act is amended as follows.

**Commencement Information**

**I55** Sch. 6 para. 3 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

4 In section 29(4C) (orders governing charges by returning officers), at the end add “; and any such order may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.”

**Commencement Information**

**I56** Sch. 6 para. 4 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

5 After section 65 insert—

**“65A False statements in nomination papers etc.**

- (1) A person is guilty of a corrupt practice if, in the case of any relevant election, he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—
  - (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or

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- (b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows—
  - (i) was not written by the elector by whom it purports to have been written, or
  - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding, or (as the case may be) assenting to, that candidate's nomination.

(2) In this section “relevant election” means—

- (a) any parliamentary election, or
- (b) any local government election in England or Wales.”

#### Commencement Information

**I57** Sch. 6 para. 5 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

6 After section 66 insert—

#### “66A Prohibition on publication of exit polls.

- (1) No person shall, in the case of an election to which this section applies, publish before the poll is closed—
  - (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
  - (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.
- (2) This section applies to—
  - (a) any parliamentary election; and
  - (b) any local government election in England or Wales.
- (3) If a person acts in contravention of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.
- (4) In this section—
  - “forecast” includes estimate;
  - “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means;
  - and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.”

7 In section 95(7) (schools for parliamentary election meetings not to include private dwelling house), omit “house”.

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**Commencement Information**

**I58** Sch. 6 para. 7 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 8 In section 108(4) (premises not to be used as committee rooms), omit “house”.

**Commencement Information**

**I59** Sch. 6 para. 8 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 9 In section 202(1) (general interpretation)—
- (a) in the definition of “the absent voters list”, after “kept under” insert “ paragraph 5 of Schedule 4 to the Representation of the People Act 2000 or, as respects Northern Ireland, under ”; and
  - (b) in the definition of “the list of proxies”, after “given by” insert “ paragraph 5(3) of Schedule 4 to the Representation of the People Act 2000 or, as respects Northern Ireland, by ”.

**Commencement Information**

**I60** Sch. 6 para. 9 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 10 (1) Schedule 1 (parliamentary elections rules) is amended as follows.
- (2) In rule 5(2) (notice of election to state date by which applications for postal votes etc. are to be made), after “by which” insert “ (except in such circumstances as may be prescribed) ”.
- (3) For rule 24 substitute—
- “24 The returning officer shall, in accordance with regulations, issue to those entitled to vote by post a ballot paper and a declaration of identity in the prescribed form, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed.”
- (4) In rule 45 (the count)—
- (a) after paragraph (1A) insert—
    - “(1B) A postal ballot paper shall not, in England, Wales or Scotland, be taken to be duly returned unless—
    - (a) it is returned in the prescribed manner and reaches the returning officer or a polling station in the constituency before the close of the poll, and
    - (b) the declaration of identity, duly signed and authenticated, is also returned in the prescribed manner and reaches him or such a polling station before that time.”; and
  - (b) in paragraph (2), after “shall not” insert “ , in Northern Ireland, ”.

**Commencement Information**

**I61** Sch. 6 para. 10 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

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- 11 (1) Schedule 2 (provisions which may be contained in regulations as to registration) is amended as follows.
- (2) In paragraph 5A (applications for postal voting etc.)—
- (a) in sub-paragraph (1), after “applications under” insert “ paragraph 3 or 4 of Schedule 4 to the Representation of the People Act 2000 or ”;
  - (b) in sub-paragraph (2), after “applying under” insert “ paragraph 4 of Schedule 4 to the Representation of the People Act 2000 or ”; and
  - (c) in sub-paragraph (4), after “kept under” insert “ paragraph 3(4) of Schedule 4 to the Representation of the People Act 2000 or ”.
- (3) In paragraph 12 (voting by post), for the words from “the proceedings” to “and provisions” substitute “the arrangements to be made in relation to the issue and receipt of, and for subsequently dealing with, ballot papers for postal voting, including provisions—
- (a) authorising replacement ballot papers to be issued in any prescribed circumstances;
  - (b) as to the proceedings in connection with the issue and receipt of ballot papers and, in particular—
    - (i) the persons who are to be entitled, or may be allowed, to attend, and
    - (ii) the rights and obligations of persons attending;
  - (c)”.
- (4) In paragraph 13(1) (offences)—
- (a) for the words from “imposing” to “convicted—” substitute “ making it an offence (punishable on summary conviction by a fine not exceeding level 3 on the standard scale) for a person— ”; and
  - (b) for “of having” (in both places) substitute “ to have ”.

**Commencement Information**

**I62** Sch. 6 para. 11 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

*Representation of the People Act 1985 (c. 50)*

- 12 The Representation of the People Act 1985 is amended as follows (but paragraphs 13 to 17 have effect in relation to Northern Ireland only).

**Commencement Information**

**I63** Sch. 6 para. 12 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 13 (1) Section 5 (manner of voting) is amended as follows.
- (2) In subsection (1), omit “or local government”.
- (3) In subsection (5), omit “or, as the case may be, electoral area”.
- (4) After subsection (5) insert—
- “(5A) Nothing in the preceding provisions of this section applies to—

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- (a) a person to whom section 7 of the principal Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, or
- (b) a person to whom section 7A of that Act (persons remanded in custody) applies,

whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).”

(5) In subsection (6), omit “or local government” (wherever occurring).

(6) For subsection (7) substitute—

“(7) In this section and sections 6 to 9 of this Act “appropriate rules” means the parliamentary elections rules.”

#### Commencement Information

**I64** Sch. 6 para. 13 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 14 (1) Section 6 (absent vote at elections for an indefinite period) is amended as follows.
- (2) In subsection (1)—
- (a) omit “, at local government elections or at both”; and
  - (b) in paragraph (a), for “elections to which the application relates” substitute “parliamentary elections”.
- (3) In subsection (2), omit—
- (a) “or local government”, and
  - (b) paragraph (aa),
- and, in paragraph (c), after “his spouse,” insert “ or by reason of his attendance on a course provided by an educational institution or that of his spouse, ”.
- (4) Omit subsection (2A).
- (5) In subsection (3), omit paragraph (a).
- (6) In subsection (4), after “in pursuance of” insert “ a declaration of local connection or ”.

#### Commencement Information

**I65** Sch. 6 para. 14 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 15 (1) Section 7 (absent vote at a particular election and absent voters list) is amended as follows.
- (2) In subsection (1), omit—
- (a) “or local government”; and
  - (b) in paragraph (b), “or, as the case may be, local government”.
- (3) For subsection (2) substitute—

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“(2) Subsection (1) above does not apply to a person who is included in the record kept under section 6 of this Act, but such a person may, in respect of a particular parliamentary election, apply to the registration officer—

- (a) for his ballot paper to be sent to a different address in the United Kingdom, or
- (b) to vote by proxy,

if he is shown in the record so kept as voting by post at parliamentary elections.”

- (4) In subsection (4)—
- (a) omit “or local government”; and
  - (b) in each of paragraphs (a) and (b), for “elections of the kind in question” substitute “parliamentary elections”.

#### Commencement Information

**I66** Sch. 6 para. 15 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 16 (1) Section 8 (proxies at elections) is amended as follows.
- (2) In subsection (1), omit “or local government”.
  - (3) Omit subsection (3A).
  - (4) In subsection (4), omit “or local government”.
  - (5) In subsection (5), omit “, or at the same local government election in any electoral area.”.
  - (6) In subsection (6)—
    - (a) omit “, at local government elections or at both”; and
    - (b) in paragraph (a), for “electors for elections in respect of which the application is made” substitute “parliamentary electors”.
  - (7) In subsection (7), omit—
    - (a) “or local government”; and
    - (b) in paragraph (a) “or, as the case may be, local government”.
  - (8) For subsection (9) substitute—

“(9) The appointment may be cancelled by the elector by giving notice to the registration officer, and shall also cease to be in force on the issue of a proxy paper appointing a different person to vote for him at any parliamentary election or elections (whether in the same constituency or elsewhere).”

#### Commencement Information

**I67** Sch. 6 para. 16 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 17 (1) Section 9 (voting as proxy) is amended as follows.
- (2) In each of subsections (1) and (3), omit “or local government”.
  - (3) In subsection (4), omit—

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- (a) “, at local government elections or at both”; and
  - (b) in paragraph (a), “, or electoral area.”;
- and in paragraph (b) for “the same area” substitute “ the same ward ”.
- (4) Omit subsection (5).
  - (5) In subsection (6), omit paragraph (a) (including the final “and”).
  - (6) In subsection (7), omit “or, as the case may be, electoral area”.
  - (7) In subsection (8), omit “in respect of elections of the kind in question”.
  - (8) In subsection (9), omit—
    - (a) “or local government”; and
    - (b) in paragraph (a), “in respect of elections of the kind in question”.
  - (9) In subsection (10)—
    - (a) in paragraph (a), omit “, local government electors or both (as the case may be)”;
    - (b) in paragraph (b), for “elections of the kind in question” substitute “ parliamentary elections ”.
  - (10) In subsection (11), in paragraph (b), omit “, or electoral area.”.

#### Commencement Information

**I68** Sch. 6 para. 17 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

- 18 In section 27(2) (application of provisions of 1983 Act)—
  - (a) for “sections 5, 6 and 7(1)” substitute “ sections 5 to 7A ”; and
  - (b) for “sections 1 and 2” substitute “ section 4 ”.

#### Commencement Information

**I69** Sch. 6 para. 18 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Finance Act 1996 (c. 8)*

- 19 In section 200 of the Finance Act 1996 (domicile for tax purposes of overseas electors), in subsection (3)(a), for the words from “mentioned in” to “section 1” substitute “ of parliamentary electors in pursuance of such a declaration as is mentioned in section 1(1)(a) ”.

#### Commencement Information

**I70** Sch. 6 para. 19 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))



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## SCHEDULE 7

Section 15.

### REPEALS

#### PART I

##### REPEALS EXTENDING TO WHOLE OF THE UNITED KINGDOM

###### Commencement Information

**I71** Sch. 7 Pt. I wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

Chapter	Short title	Extent of repeal
1983 c. 2.	Representation of the People Act 1983.	<p>Sections 11 and 12.</p> <p>In section 15(7), the words from “and (subject” onwards.</p> <p>In section 16, in paragraph (b) the words from “where” to “such a member,”, paragraph (c), and in paragraph (d) the words “will be or”.</p> <p>Section 49(1) and (2).</p> <p>In section 53(1)(a), the words “the electors lists or”.</p> <p>In section 56, subsection (1) (d), and in subsection (4) the words “electors lists or”.</p> <p>In section 76(2), the words “to be used at the election (as first published)” (wherever occurring).</p> <p>In section 108(4), “house”.</p> <p>In Schedule 1, in the Appendix of Forms, in the form of nomination paper, note 3 and in note 5 the words “electors lists”.</p>
1985 c. 50.	Representation of the People Act 1985.	<p>Section 4(1) to (3).</p> <p>Section 11(b) (except the final “and”).</p>

*Status: Point in time view as at 18/02/2012.*

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		In Schedule 2, paragraph 5 and Part II.
		In Schedule 3, paragraphs 1 and 11.
		In Schedule 4, paragraphs 2, 3, 13(a), 17, 18 and 78.
1989 c. 3.	Elected Authorities (Northern Ireland) Act 1989.	Section 11(8).
		In section 13(7), the words “, except section 11(8),”.
1989 c. 28.	Representation of the People Act 1989.	Sections 1 to 4.
1990 c. 32.	Representation of the People Act 1990.	The whole Act.
1994 c. 19.	Local Government (Wales) Act 1994.	In Schedule 16, paragraph 74(1).
S.I. 1995/1948.	Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995.	Regulation 4(1).
		In Schedule 2, paragraph 3(a) and (c) (except the final “and”) and paragraph 4(a).
1999 c. 1.	European Parliamentary Elections Act 1999.	In Schedule 3, paragraph 3.

## PART II

### REPEALS EXTENDING TO ENGLAND, WALES AND SCOTLAND

#### Commencement Information

**I72** Sch. 7 Pt. II wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

Chapter	Short title	Extent of repeal
1983 c. 2.	Representation of the People Act 1983.	In section 95(7), the word “house”.
1985 c. 50.	Representation of the People Act 1985.	Sections 5 to 9.

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### PART III

#### REPEALS EXTENDING TO NORTHERN IRELAND ONLY

##### Commencement Information

**I73** Sch. 7 Pt. III wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

Chapter	Short title	Extent of repeal
1985 c. 50.	Representation of the People Act 1985.	<p>In section 5—</p> <p>(a) in each of subsections (1) and (6), the words “or local government” (wherever occurring), and</p> <p>(b) in subsection (5), the words “or, as the case may be, electoral area”.</p> <p>In section 6—</p> <p>(a) in subsection (1), the words “, at local government elections or at both”,</p> <p>(b) in subsection (2), the words “or local government” and paragraph (aa), and</p> <p>(c) subsections (2A) and (3) (a).</p> <p>In section 7—</p> <p>(a) in each of subsections (1) and (4), the words “or local government”, and</p> <p>(b) in subsection (1)(b), the words “or, as the case may be, local government”.</p> <p>In section 8—</p> <p>(a) in each of subsections (1), (4) and (7), the words “or local government”,</p> <p>(b) subsection (3A),</p> <p>(c) in subsection (5), the words “, or at the same local government election in any electoral area.”,</p> <p>(d) in subsection (6), the words “at local government elections or at both”, and</p> <p>(e) in subsection (7)(a), the words “or, as the case may be, local government”.</p> <p>In section 9—</p>

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1989 c. 3.	Elected Authorities (Northern Ireland) Act 1989.	<p>(a) in each of subsections (1), (3) and (9), the words “or local government”,</p> <p>(b) in subsection (4), the words “, at local government elections or at both” and, in paragraph (a), “, or electoral area.”,</p> <p>(c) subsection (5),</p> <p>(d) in subsection (6), paragraph (a) (including the final “and”),</p> <p>(e) in subsection (7), the words “or, as the case may be, electoral area”,</p> <p>(f) in each of subsections (8) and (9)(a), the words “in respect of elections of the kind in question”,</p> <p>(g) in subsection (10)(a), the words “local government electors or both (as the case may be)”, and</p> <p>(h) in subsection (11), the words “, or electoral area.”.</p>
		<p>In Part II of Schedule 1, paragraphs 9 to 11.</p>

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**Status:**

Point in time view as at 18/02/2012.

**Changes to legislation:**

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