



Representation of the People Act 2000

2000 CHAPTER 2

PART I

ELECTORAL REGISTRATION AND FRANCHISE

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 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 Criminal Procedure (Insanity) Act 1964; and
 - (c) any person in respect of whom the Court of Appeal has made an order under—
 - (i) section 6(2)(a) of the Criminal Appeal Act 1968, or
 - (ii) section 14(2)(a) of that Act.

Status: This is the original version (as it was originally enacted).

- (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 Criminal Procedure (Scotland) Act 1995; and
 - (b) any person in respect of whom a direction has been given under section 69 of the 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 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 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 Army Act 1955 or the Air Force Act 1955, or
 - (b) section 63B of the 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.”