

Changes to legislation: There are currently no known outstanding effects for the Representation of the People Act 2000, Cross Heading: Absent vote at elections for a period. (See end of Document for details)

SCHEDULES

SCHEDULE 4

ABSENT VOTING IN GREAT BRITAIN

Modifications etc. (not altering text)

- C1** 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](#))
- C1** Sch. 4: functions transferred (19.8.2003) by The Secretary of State for Constitutional Affairs Order ([S.I. 2003/1887](#)), [art. 4](#), {[Sch. 1](#)}
- C1** [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\(Wales\) Regulations 2004](#) ([S.I. 2004/870](#)), [reg. 8](#), [Sch. 3](#) [Table 1](#) (which [S.I.](#) was revoked (24.7.2008) by [S.I. 2008/1848](#), [reg. 1](#))
- C1** 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](#)
- C1** [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](#)
- C1** [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](#)
- C1** [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](#) (as amended (31.10.2023) by [S.I. 2023/1147](#), [regs. 1\(2\)](#), [15\(5\)\(b\)](#))
- C1** [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](#)) (as amended (31.10.2023) by [S.I. 2023/1147](#), [regs. 1\(2\)](#), [16\(5\)\(b\)](#))
- C1** [Sch. 4](#) applied (with modifications) (E.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) ([S.I. 2012/2031](#)), [regs. 1, 8, 12, 13](#), [Sch. 4 Pt. 1 Table 3](#) (as amended (31.10.2023) by [S.I. 2023/1147](#), [regs. 1\(2\)](#), [18\(5\)\(b\)](#))

Absent vote at elections for ^{F1}a] period

Textual Amendments

- F1** Word in [Sch. 4 para. 3 heading](#) substituted (31.10.2023) by [Elections Act 2022](#) (c. 37), s. 67(1), [Sch. 3 para. 2\(8\)](#) (with [Sch. 7 para. 16\(2\)](#)); [S.I. 2023/1145](#), [reg. 2\(e\)](#)

- 3 (1) Where a person applies to the registration officer to vote by post at parliamentary elections, at local government elections or at both ^{F2}..., 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 [^{F3}contains the applicant's signature and date of birth and] meets the prescribed requirements [^{F4}and, in the case of an application to vote by post at local government elections in Scotland or Wales for a particular period, specifies the period].

[^{F5}(1A) Any grant of an application under sub-paragraph (1) to vote by post at parliamentary elections, or at local government elections in England, is to be for—

- (a) the period ending with the third 31 January following the date on which the application is granted, or
- (b) any shorter period specified in the application.

(1B) But where the person is or will be registered in the register of parliamentary electors in pursuance of an overseas elector's declaration, sub-paragraph (1A) does not apply and instead any grant of an application to vote by post at parliamentary elections is to be for—

- (a) the period ending with the 1 November until which, by virtue of section 1D(1)(a) or (3)(a) of the Representation of the People Act 1985, the person is entitled to remain registered in that register, or
- (b) any shorter period specified in the application.]

(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 [^{F6}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,
- [^{F7}(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 [^{F8}blindness or other disability [^{F9}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 [^{F10}his spouse or civil partner,] or by reason of his attendance on a course provided by an educational institution or that of [^{F10}his spouse or civil partner,][^{F11}or]
- (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea, [^{F12}or

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(e) in the case of local government elections in Scotland, if the person is a person to whom section 3(1A) of the 1983 Act (exception to disenfranchisement for offenders sentenced to term not exceeding 12 months) applies,]

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.

[^{F13}(3A) [^{F14}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, ^{F15}...

^{F16}(ii)

[^{F17}(aa) in the case of those who may vote by post at parliamentary elections or at local government elections in England (or both), the period for which they may do so,

(ab) in the case of—
(i) those who may vote by post at local government elections in Scotland or Wales, or
(ii) those who may vote by proxy,

whether their applications 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

(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,

[^{F18}(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, ^{F19}...

[^{F20}(ca) in the case of a person shown in the record as voting by post at parliamentary elections or at local government elections in England (or both), once the period for which the person is entitled to vote by post at elections of the kind in question has expired, or]

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- (d) in the case of a person who applied to vote by post [^{F21}at local government elections in Scotland or Wales] for a particular period, [^{F22}or who applied to vote by 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 ^{F23}...; and, if the application meets the prescribed requirements [^{F24}and, in the case of an application to vote by post at local government elections in Scotland or Wales for a particular period, specifies the period] , the registration officer shall amend the record accordingly.
- [^{F25}(7A) Sub-paragraph (1A) applies to an application under sub-paragraph (7) to vote by post at parliamentary elections, or at local government elections in England, as it applies to an application under sub-paragraph (1) (but this is subject to sub-paragraph (7B)).
- (7B) Where an application under sub-paragraph (7) to vote by post at parliamentary elections is made by a person who is or will be entitled to be registered in the register of parliamentary electors in pursuance of an overseas elector’s declaration, sub-paragraph (1B) applies to the application as it applies to an application under sub-paragraph (1).]
- [^{F26}(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.]

Textual Amendments

- F2** Words in Sch. 4 para. 3(1) omitted (31.10.2023) by virtue of [Elections Act 2022 \(c. 37\)](#), s. 67(1), [Sch. 3 para. 2\(2\)\(a\)](#) (with [Sch. 7 para. 16\(2\)](#)); S.I. 2023/1145, reg. 2(e)
- F3** 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](#))
- F4** Words in Sch. 4 para. 3(1)(b) inserted (31.10.2023) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), [Sch. 3 para. 2\(2\)\(b\)](#) (with [Sch. 7 para. 16\(2\)](#)); S.I. 2023/1145, reg. 2(e)

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- F5** Sch. 4 para. 3(1A)(1B) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(3)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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))
- F10** 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)**
- F11** Word in Sch. 4 para. 3(3)(c) repealed (S.) (2.4.2020) by Scottish Elections (Franchise and Representation) Act 2020 (asp 6), **ss. 9(3)(a), 12(1)**
- F12** Sch. 4 para. 3(3)(e) and word inserted (S.) (2.4.2020) by Scottish Elections (Franchise and Representation) Act 2020 (asp 6), **ss. 9(3)(b), 12(1)**
- F13** 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)
- F14** 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**
- F15** Word in Sch. 4 para. 3(4)(a)(i) omitted (31.10.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(4)(a)(i)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F16** Sch. 4 para. 3(4)(a)(ii) omitted (31.10.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(4)(a)(ii)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F17** Sch. 4 para. 3(4)(aa)(ab) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(4)(b)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F18** 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)
- F19** Word in Sch. 4 para. 3(5)(c) omitted (31.10.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(5)(a)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F20** Sch. 4 para. 3(5)(ca) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(5)(b)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F21** Words in Sch. 4 para. 3(5)(d) substituted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(5)(c)(i)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F22** Words in Sch. 4 para. 3(5)(d) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(5)(c)(ii)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F23** Words in Sch. 4 para. 3(7) omitted (31.10.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(6)(a)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F24** Words in Sch. 4 para. 3(7) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(6)(b)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F25** Sch. 4 para. 3(7A)(7B) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 2(7)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F26** 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)

Modifications etc. (not altering text)

- C1** Sch. 4 para. 3(1B)(a) modified (31.10.2023) by The Elections Act 2022 (Commencement No. 9, Transitional and Savings Provisions and Appointed and Specified Days) and Ballot Secrecy Act 2023 (Commencement) Regulations 2023 (S.I. 2023/1145), **Sch. para. 8**

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- C2** Sch. 4 para. 3(1B)(a) modified (16.1.2024) by The Elections Act 2022 (Commencement No. 11, Transitional Provisions and Specified Day) and Levelling-up and Regeneration Act 2023 (Commencement No. 1) Regulations 2023 (S.I. 2023/1405), **reg. 5**

Commencement Information

- I1** 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)**)

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