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STATUTORY INSTRUMENTS

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**2001 No. 341**

**The Representation of the People  
(England and Wales) Regulations 2001**

**PART IV**

**ABSENT VOTERS**

**Additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of [<sup>F1</sup>blindness or any other disability]**

**53.**—(1) An application to vote by proxy for a [<sup>F2</sup>particular] or indefinite period under paragraph 3(3)(b) of Schedule 4 shall specify [<sup>F3</sup>the disability] by reason of which it is made.

[<sup>F4</sup>(2) Subject to paragraph (3) below, such an application shall be attested and signed by—

- (a) a registered medical practitioner;
- (b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing;
- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984;
- (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989;
- (e) a registered pharmaceutical chemist as defined by section 24(1) of the Pharmacy Act 1954;
- (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993;
- (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994;
- (h) a Christian Science practitioner;
- (i) a person for the time being listed in the British Psychological Society's Register of Chartered Psychologists;
- (j) a person registered as a member of a profession to which the Health Professions Order 2001 for the time being extends;
- (k) the person carrying on a care home registered under Part 2 of the Care Standards Act 2000;
- (l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;
- (m) a manager within the meaning of section 145(1) of the Mental Health Act 1983, or on behalf of such a manager; or
- (n) a person registered in the register for social workers maintained in accordance with section 56 of the Care Standards Act 2000.

(3) A person who qualifies—

- (a) by virtue of any of sub-paragraphs (a) to (j) of paragraph (2) above, may not attest an application for these purposes unless—

*Status: Point in time view as at 09/04/2007. This version of this provision has been superseded.*

*Changes to legislation: The Representation of the People (England and Wales) Regulations 2001, Section 53 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (i) he is treating the applicant for the disability specified in the application; or
  - (ii) the applicant is receiving care from him in respect of that disability; or
  - (b) by virtue of sub-paragraph (n) of paragraph (2) above, may not attest an application for these purposes unless—
    - (i) he is treating the applicant for the disability specified in the application;
    - (ii) the applicant is receiving care from him in respect of that disability; or
    - (iii) he has arranged care or assistance for the person in respect of their disability.
  - (4) The person attesting the application shall state—
    - (a) his name and address and the qualification by virtue of which he attests the application;
    - (b) where the person who attests the application is a person referred to in paragraph (3)(a) above, that—
      - (i) he is treating the applicant for the disability specified in the application; or
      - (ii) the applicant is receiving care from him in respect of that disability;
    - (c) where the person who attests the application is a person referred to in paragraph (3)(b) above, that—
      - (i) he is treating the applicant for the disability specified in the application;
      - (ii) the applicant is receiving care from him in respect of that disability; or
      - (iii) he has arranged care or assistance for the applicant in respect of that disability;
    - (d) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
    - (e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.]
  - (5) Paragraphs (2) to (4) above shall not apply where—
    - (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by the local authority which is specified in the application under section 29(4)(g) of the National Assistance Act 1948; or
    - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992(1)) because of the [F5disability] specified in the application.
- [F6(5A) A person who qualifies by virtue of sub-paragraph (m) of paragraph (2) above, shall, instead of the matters specified in paragraph (4)(a) above, state in the attestation—
- (i) his name;
  - (ii) his position in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;
  - (iii) that he is a person authorised to make the attestation; and
  - (iv) in the case of an applicant who is liable to be detained in hospital, the statutory provision under which the applicant is liable to be so detained.]

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(6) The fact that an applicant is registered with a local authority under section 29(4)(g) of the National Assistance Act 1948 shall be deemed sufficient evidence that he is eligible to vote by proxy on the grounds set out in paragraph 3(3)(b) of Schedule 4.

(7) In this regulation and in regulations 54 and 55 below, “his allotted polling station”, in relation to an elector means the polling station allotted or likely to be allotted to him under the appropriate rules (as defined in paragraph 1 of Schedule 4).

#### **Textual Amendments**

- F1** Words in [reg. 53](#) heading substituted (1.1.2007) by [The Representation of the People \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2006](#) (S.I. 2006/2910), regs. 1(1), [42\(2\)](#)
- F2** Word in [reg. 53\(1\)](#) substituted (5.5.2001) by [The Representation of the People \(England and Wales\) \(Amendment\) Regulations 2001](#) (S.I. 2001/1700), regs. 1(1), [5](#)
- F3** Words in [reg. 53\(1\)](#) substituted (1.1.2007) by [The Representation of the People \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2006](#) (S.I. 2006/2910), regs. 1(1), [42\(3\)](#)
- F4** [Reg. 53\(2\)-\(4\)](#) substituted (1.1.2007) by [The Representation of the People \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2006](#) (S.I. 2006/2910), regs. 1(1), [42\(4\)](#)
- F5** Word in [reg. 53\(5\)\(b\)](#) substituted (1.1.2007) by [The Representation of the People \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2006](#) (S.I. 2006/2910), regs. 1(1), [42\(5\)](#)
- F6** [Reg. 53\(5A\)](#) inserted (1.1.2007) by [The Representation of the People \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2006](#) (S.I. 2006/2910), regs. 1(1), [42\(6\)](#)

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

- C1** [Regs. 50-61](#) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004](#) (S.I. 2004/1962), arts. 1(1), 6(1), [Sch. 2 Pt. 3](#)

#### **Commencement Information**

- I1** [Reg. 53](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Status:**

Point in time view as at 09/04/2007. This version of this provision has been superseded.

**Changes to legislation:**

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