
DRAFT STATUTORY INSTRUMENTS

2004 No.

European Parliamentary Elections
(Northern Ireland) Regulations 2004

PART 1

General

Absent vote at elections for an indefinite period

8.—(1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at European Parliamentary elections for an indefinite period the registration officer shall grant the application (subject to paragraph (8)) if—

- (a) he is satisfied that the applicant is eligible for an absent vote at European Parliamentary elections for an indefinite period,
 - (b) he is satisfied that the applicant is or will be registered in the register for such elections,
 - (c) the application states the applicant's date of birth and the registration officer is satisfied that the date stated corresponds with the date supplied as the date of the applicant's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act⁽¹⁾,
 - (d) the application is signed and (unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act⁽²⁾ applies) the registration officer is satisfied that the signature on the application corresponds with the signature supplied as the applicant's signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act,
 - (e) the application either states the applicant's national insurance number or states that he does not have one, and the registration officer is satisfied as mentioned in paragraph (2), and
 - (f) the application meets the requirements of Schedule 2 to these Regulations.
- (2) For the purposes of paragraph (1)(e), the registration officer must be satisfied—
- (a) if the application states a national insurance number, that the requirements of paragraph (3) are met, or
 - (b) if the application states that the applicant does not have a national insurance number, that no such number was supplied as his national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act.
- (3) The requirements of this paragraph are met if—
- (a) the number stated as mentioned in paragraph (2)(a) is the same as the one supplied as the applicant's national insurance number pursuant to section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act, or
 - (b) no national insurance number was supplied under any of those provisions, but the registration officer is not aware of any reason to doubt the authenticity of the application.

⁽¹⁾ Sections 10A and 13A were inserted by Schedule 1 to the Representation of the People Act 2000; sections 10(4A), 10A(1A) and 13A(2A) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 2).

⁽²⁾ Sections 10(4B), 10A(1B) and 13A(2B) were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002.

(4) For the purposes of this regulation, a person is eligible for an absent vote at European Parliamentary elections for an indefinite period—

- (a) if he is or will be registered as a service voter,
- (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 European Parliamentary elections rules, or
 - (ii) to vote unaided there,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 his spouse, or by reason of his attendance on a course provided by an educational institution or that of his spouse, 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 is also eligible for an absent vote at European Parliamentary elections for an indefinite period if he is or will be registered in pursuance of an overseas elector's declaration (including a European Parliamentary overseas elector's declaration).

(5) The registration officer shall keep a record of those whose applications under this regulation have been granted showing—

- (a) 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
- (b) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.

(6) The registration officer shall remove a person from the record kept under paragraph (5)—

- (a) if he applies to the registration officer to be removed,
- (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 as a service voter or in pursuance of a declaration of local connection or an overseas elector's declaration, or
- (c) if the registration officer gives notice that he has reason to believe there has been a material change of circumstances.

(7) A person shown in the record kept under paragraph (5) as voting by post or, as the case may be, voting by proxy may subsequently alter his choice (subject to paragraph (8)) on an application to the registration officer that meets the requirements of Schedule 2 to these Regulations and the registration officer shall amend the record accordingly.

(8) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.