



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

#### PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

##### *Parliamentary and local government franchise*

#### **1 Parliamentary electors**

- (1) A person entitled to vote as an elector at a parliamentary election in any constituency is one who—
  - (a) is resident there on the qualifying date (subject to subsection (2) below in relation to Northern Ireland); and
  - (b) on that date and on the date of the poll—
    - (i) is not subject to any legal incapacity to vote (age apart); and
    - (ii) is either a Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (c) is of voting age (that is, 18 years or over) on the date of the poll.
- (2) A person is not entitled to vote as an elector at a parliamentary election in any constituency in Northern Ireland unless he was resident in Northern Ireland during the whole of the period of three months ending on the qualifying date for that election.
- (3) A person is not entitled to vote as an elector in any constituency unless registered there in the register of parliamentary electors to be used at the election.
- (4) A person is not entitled to vote as an elector—
  - (a) more than once in the same constituency at any parliamentary election;
  - (b) in more than one constituency at a general election.

## **2 Local government electors**

- (1) A person entitled to vote as an elector at a local government election in any electoral area is one who—
  - (a) is resident there on the qualifying date; and
  - (b) on that date and on the date of the poll—
    - (i) is not subject to any legal incapacity to vote (age apart); and
    - (ii) is either a Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (c) is of voting age (that is, 18 years or over) on the date of the poll.
- (2) A person is not entitled to vote as an elector in any electoral area unless registered there in the register of local government electors to be used at the election.
- (3) A person is not entitled to vote as an elector—
  - (a) more than once in the same electoral area at any local government election; and
  - (b) in more than one electoral area at an ordinary election for any local government area which is not a single electoral area.

## **3 Disfranchisement of offenders in prison etc.**

- (1) A convicted person during the time that he is detained in a penal institution in pursuance of his sentence is legally incapable of voting at any parliamentary or local government election.
- (2) For this purpose—
  - (a) " convicted person " means any person found guilty of an offence (whether under the law of the United Kingdom or not), including a person found guilty by a court-martial under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or on a summary trial under section 49 of the Naval Discipline Act 1957, or by a Standing Civilian Court established under the Armed Forces Act 1976, but not including a person dealt with by committal or other summary process for contempt of court; and
  - (b) " penal institution " means an institution to which the Prison Act 1952, the Prisons (Scotland) Act 1952 or the Prison Act (Northern Ireland) 1953 applies; and
  - (c) a person detained for default in complying with his sentence shall not be treated as detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his sentence for the offence.
- (3) It is immaterial for the purposes of this section whether a conviction or sentence was before or after the passing of this Act.

## **4 Qualifying date**

- (1) In England and Wales and Scotland, 10th October in any year is the qualifying date for a parliamentary or local government election at which the date fixed for the poll falls within the period of twelve months beginning with 16th February in the next following year.

- (2) In Northern Ireland, 15th September in any year is the qualifying date for such a parliamentary election as is mentioned above, subject to the Secretary of State's power under section 13(2) below.

## **5 Residence**

- (1) For the purposes of sections 1 and 2 above any question as to a person's residence on the qualifying date for an election—
- (a) shall be determined in accordance with the general principles formerly applied in determining questions as to a person's residence on a particular day of the qualifying period within the meaning of the Representation of the People Act 1918 ; and
  - (b) in particular regard shall be had to the purpose and other circumstances, as well as to the fact, of his presence at or absence from the address in question.
- (2) Without prejudice to those general principles, a person's residence in a dwelling house shall not be deemed for the purposes of sections 1 and 2 to have been interrupted—
- (a) by reason of that person's absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him, if he intends to resume actual residence within six months of giving it up and will not be prevented by the performance of that duty ; or
  - (b) by reason of permission being given by letting or otherwise for its occupation furnished by some other person—
    - (i) if the permission is given in the expectation that throughout the period for which it is given the person giving it or his wife or her husband will be absent in the performance of any such duty as is mentioned above ; or
    - (ii) if the first mentioned person intends to resume actual residence within nine weeks of giving it up and will not be prevented by the permission given as mentioned above.
- (3) A person who is detained at any place in legal custody shall not by reason thereof be treated for the purposes of sections 1 and 2 as resident there.

## **6 Residence: merchant seamen**

At any time when a merchant seaman is not resident in the United Kingdom and would have been resident there but for the nature of his occupation, he shall be entitled to be treated for the purposes of sections 1 and 2 above as resident—

- (a) at any place at which he would have been resident but for the nature of his occupation ; or
- (b) at any hostel or club providing accommodation for merchant seamen at which he commonly stays in the course of his occupation.

For this purpose " merchant seaman " means any person not having a service qualification whose employment or the greater part of it is carried out on board seagoing ships, and includes any such person while temporarily without employment.

## **7 Residence: detained and voluntary mental patients**

- (1) A person who is detained at any place by virtue of any enactment relating to persons suffering from mental disorder shall not by reason thereof be treated for the purposes of sections 1 and 2 above as resident there.

- (2) In the following provisions of this section—

" assistance " does not include assistance necessitated by blindness or other physical incapacity ;

"mental hospital" means any establishment maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder;

" patient's declaration " means a declaration made under this section by a voluntary mental patient;

" voluntary mental patient" means a person who is a patient in a mental hospital but is not liable to be detained there by virtue of any enactment.

- (3) A person who on the qualifying date is a voluntary mental patient shall not be entitled to be registered as mentioned in section 12(1) or (2) below except in pursuance of a declaration made with reference to that date in accordance with subsection (4) below.

This subsection is without prejudice to the registration of a voluntary mental patient by virtue of his residence at an address other than the mental hospital in which he is a patient in any case in which he would be entitled to be so registered apart from this subsection and the following subsections of this section.

- (4) A voluntary mental patient may make a declaration under this subsection if he is able to do so without assistance; and a patient's declaration—

- (a) shall be made with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register,
- (b) shall be made during the 12 months ending with the qualifying date by reference to which it is made but shall not have effect if after it is made and before that date the declarant ceases to be a voluntary mental patient or cancels the declaration,
- (c) may be made by a declarant notwithstanding the fact that by reason of his age he is not yet entitled to vote,
- (d) shall state that it was made by the declarant without assistance, and shall state—
  - (i) the date of the declaration,
  - (ii) that on that date and, unless it is the qualifying date, on the qualifying date next following the declarant is or will be a voluntary mental patient,
  - (iii) the address of the mental hospital in which the declarant is a voluntary mental patient,
  - (iv) the address where the declarant would be resident in the United Kingdom if he were not a voluntary mental patient or, if he cannot give any such address, an address (other than a mental hospital) at which he has resided in the United Kingdom,
  - (v) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland, and

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

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- (vi) whether the declarant had on the date of the declaration attained the age of 18 years and, if he had not, the date of his birth, and a patient's declaration shall be attested in the prescribed manner.
- (5) If a person—
  - (a) makes a patient's declaration declaring to more than one address, or
  - (b) makes more than one patient's declaration bearing the same date and declaring to different addresses,the declaration or declarations shall be void.
- (6) A patient's declaration may at any time be cancelled by the declarant and (subject to subsection (5) above) a patient's declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date if it is made with reference to the same qualifying date.
- (7) A voluntary mental patient whose patient's declaration is made with reference to the qualifying date for any register shall be treated in relation to that register—
  - (a) as resident on the qualifying date at the address specified in the declaration pursuant to paragraph (d)(iv) of subsection (4) above;
  - (b) in the case of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of 3 months ending on the qualifying date; and
  - (c) in any case, until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.
- (8) Where a patient's declaration appearing to be properly made out and attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having been from the date of the declaration or such later date, if any, as appears from it, and as continuing to be, qualified to be registered as an elector.
- (9) No patient's declaration shall be specially made by a person for the purpose of local government elections, and any patient's declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections; but—
  - (a) a patient's declaration may be made for the purpose of local government elections only by a person who is a peer subject to a legal incapacity to vote at parliamentary elections; 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 any other patient's declaration.