



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

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

##### *Supplemental provisions as to parliamentary and local government elections*

#### 49 Effect of registers.

<sup>F1</sup>(1) .....

<sup>F1</sup>(2) .....

<sup>F2</sup>(3) .....

(4) Any entry in the register of parliamentary or local government electors, if it gives a date as that on which the person named will attain voting age, shall for any purpose of this Part relating to him as elector be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector except for the purposes of an election at which the day fixed for the poll is that or a later date.

[<sup>F3</sup>(4A) Subsection (4) applies to an entry in the record of anonymous entries as it applies to an entry in the register of parliamentary or local government electors.]

[<sup>F4</sup>(5) A person registered as a parliamentary or local government elector, or entered in the list of proxies, shall not be excluded from voting on any of the following grounds: but this shall not prevent the rejection of the vote on a scrutiny, or affect his liability to any penalty for voting.

The grounds are—

- (a) that he is not of voting age;
- (b) that he [<sup>F5</sup>is not or was not at any particular time]—
  - (i) a Commonwealth citizen;
  - (ii) a citizen of the Republic of Ireland;

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- (iii) in the case of a person registered as a parliamentary elector in pursuance of an overseas elector’s declaration, a British citizen;
- (iv) in the case of a person registered as a local government elector or entered in the list of proxies by virtue of being a relevant citizen of the Union, a relevant citizen of the Union;
- [ in the case of a person registered as a local government elector in
- <sup>F6</sup>(v) Wales or entered in the list of proxies by virtue of being a qualifying foreign citizen, a qualifying foreign citizen,]
- [ in the case of a person registered as a local government elector in
- <sup>F7</sup>(v) Scotland or entered in the list of proxies by virtue of being a qualifying foreign national, a qualifying foreign national,]
- (c) that he [<sup>F8</sup>is or was at any particular time] otherwise subject to any other legal incapacity to vote.]

<sup>F9</sup>(6) .....

#### Textual Amendments

- F1** S. 49(1)(2) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(1), Sch. 1 para. 12(2), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F2** S. 49(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**
- F3** S. 49(4A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, **Sch. 1 para. 7**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), **2(2)**)
- F4** S. 49(5) substituted (6.8.1995) by S.I. 1995/1948, reg. 5(2), Sch. 2 paras. 5, 6
- F5** Words in s. 49(5)(b) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 16(2)(a)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F6** S. 49(5)(b)(v) inserted (E.W.) (20.3.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(3)(f), **Sch. 2 para. 2(12)** (with s. 3)
- F7** S. 49(5)(b)(v) inserted (S.) (3.8.2020) by Scottish Elections (Franchise and Representation) Act 2020 (asp 6), **ss. 1(8)**, 12(2); S.S.I. 2020/162, reg. 2
- F8** Words in s. 49(5)(c) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 16(2)(b)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F9** S. 49(6) omitted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by virtue of Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 16(3)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)

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

- C1** S. 49 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C2** S. 49 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**
- C3** S. 49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C4** S. 49 modified (17.2.1994) by S.I. 1994/342, **regs. 2(2)**, 15(3), 16(3)
- S. 49 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**
- S. 49 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1998/1126, art. 6, **Sch. 2**
- S. 49 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C5** S. 49 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 1 para. 7** (with Sch. 1 para. 1(3))

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- C6** S. 49(2)–(5) modified (N.I.) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), s. **13(5)(6)**
- C7** S. 49(2)(4)(5) applied (with modifications) (31.7.1997) by [1997 c.61, s. 3, Sch. 3 para. 13](#) Table 1
- C8** S. 49(4)(5) applied (with modifications) (E.) (2.4.2001) by [S.I. 2001/1298, regs. 8\(1\), 10\(4\)](#), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)  
S. 49(4)(5) 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 2} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))  
S. 49(4)(5) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**
- C9** S. 49(4)-(5) applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C10** S. 49(4)(5) 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 1}
- C11** S. 49(4)(5) 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**
- C12** S. 49(4)-(5) 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** (with [reg. 27](#))
- C13** S. 49(4)-(5) 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** (as amended (10.6.2014) by [S.I. 2014/333, regs. 1\(4\), 9\(2\)](#) (as commenced by [S.I. 2014/414, art. 5\(m\)](#)))
- C14** S. 49(5) applied in part (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **reg. 17, Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798, regs. 1, 7, Sch. 3](#) and as amended (10.6.2014) by [S.I. 2014/333, regs. 1\(4\), 33\(1\)](#) (as commenced by [S.I. 2014/414, art. 5\(m\)](#)))

## 50 Effect of misdescription.

No misnomer or inaccurate description of any person or place named—

- (a) in the register of parliamentary electors, or
- (b) in the register of local government electors, or
- (c) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Part of this Act, and the parliamentary elections rules,

affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

### Modifications etc. (not altering text)

- C15** S. 50 applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)-\(8\)](#), **Sch. 1 Pt. I**
- C16** S. 50 applied (with modifications) (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5](#), **Sch. 1 Pt. I**  
S. 50 applied (with modifications) (S.) by [S.I. 1986/1111, regs. 2, 13\(3\)\(4\)\(5\)](#), **Sch. 3 Pt. I**  
S. 50 applied (with modifications) (E.W.) by [S.I. 1986/1081, regs. 2, 14\(3\)\(4\)\(5\)](#), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by [S.I. 2004/294, reg. 3](#))  
S. 50 applied (with modifications) (N.I.) by [S.I. 1986/1091, regs. 2, 14\(3\)\(4\)\(5\)](#), **Sch. 3 Pt. I**  
S. 50 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)-\(8\)](#), **Sch. 1**  
S. 50 applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126, art. 6](#), **Sch. 2**  
S. 50 applied (with modifications) (E.W.) (16.2.2001) by [S.I. 2001/341, reg. 13\(4\)\(5\)](#), **Sch. 4 Pt. I**  
S. 50 applied (with modifications) (N.I.) (16.2.2001) by [S.I. 2001/400, reg. 13\(3\)\(4\)](#), **Sch. 4 Pt. I**

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- S. 50 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C17** S. 50 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. 1
- C18** S. 50 modified (N.I.) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), s. 13(5)(6)  
S. 50 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2
- C19** S. 50 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), reg. 14(3)(4), Sch. 4
- C20** S. 50 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. 1 (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), Sch.)
- C21** S. 50 applied (with modifications) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), Sch. 2 Table 1
- C22** S. 50 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 1 para. 8 (with Sch. 1 para. 1(3))
- C23** S. 50(b)(c) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1

<sup>F10</sup>51 .....

#### Textual Amendments

- F10** S. 51 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 11, Sch. 5

## 52 Discharge of registration duties.

- (1) A registration officer shall comply with any general or special directions which may be given by the Secretary of State with respect to the arrangements to be made by the registration officer for carrying out his [<sup>F11</sup>functions under this Act].

[<sup>F12</sup>(1A) Without prejudice to the generality of subsection (1) above, the directions which may be given under subsection (1) include directions requiring a registration officer to maintain his registers in a specified electronic form; and any such directions may in particular specify—

- (a) the software which is to be used in connection with the maintenance of the registers in that form;
- (b) the standards in accordance with which that software is to be maintained and updated;
- (c) how information required (by or under any enactment) to be included in the registers is to be recorded and stored in that form.]

- (2) Any of the duties and powers of a registration officer may be performed and exercised by any deputy for the time being approved <sup>F13</sup> . . . , by the council which appointed the registration officer, and the provisions of this Act apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the registration officer.

- (3) In England and Wales, any acts authorised or required to be done by or with respect to the registration officer may, in the event of his incapacity to act or of a vacancy, be done by the proper officer of the council by [<sup>F14</sup>or with respect to] whom the registration officer was appointed.

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- [<sup>F15</sup>(4) It shall be the duty—
- (a) in England <sup>F16</sup> . . . , of a district council or London borough council,  
[ in Wales, of a county or county borough council, and]  
<sup>F17</sup>(aa)
  - (b) in Scotland, of [<sup>F18</sup>every local authority],
- to assign such officers to assist the registration officer as may be required for carrying out his functions under this Act.
- (5) Subsection (2) above does not apply in Northern Ireland but sections 14(5) and 14A(2) and (3) of the <sup>M1</sup>Electoral Law Act (Northern Ireland) 1962 (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer for Northern Ireland in his capacity as registration officer.]

#### Textual Amendments

- F11** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 12(a)**
- F12** S. 52(1A) inserted (16.2.2001) by [2000 c. 41](#), s. 158(1), **Sch. 21 para. 6(5)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F13** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 12(b)**, Sch. 5
- F14** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 12(c)**
- F15** S. 52(4)(5) substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 12(d)**
- F16** Words in s. 52(4)(a) repealed (1.4.1996) by [1994 c. 19](#), s. 66(6)(8), Sch. 16 para. 68(12), **Sch. 18** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4, Sch. 2**
- F17** S. 52(4)(aa) substituted (1.4.1996) for word by [1994 c. 19](#), s. 66(6), **Sch. 16 para. 68(12)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4, Sch. 2**
- F18** Words in s. 52(4)(b) substituted (S.) (1.4.1996) by [1994 c. 39](#), s. 180(1), **Sch. 13 para. 130(5)**; S.I. 1996/323, **art. 4(1)(c)**

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

- C24** S. 52 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C25** S. 52 applied with modifications (S.) by [S.I. 1986/1111](#), regs. 2, 13(3)(4)(5), **Sch. 3 Pt. I**
- C26** S. 52 applied with modifications (E.W.) by [S.I. 1986/1081](#), regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by [S.I. 2004/294](#), **reg. 3**)  
S. 52 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), **art. 6(2), Sch. 2 Pt. 2**
- C27** S. 52 applied (17.2.1994) by [S.I. 1994/342](#), **regs. 1(2)(3), 2(2), 8(2)(3)**  
S. 52 applied (with modifications) (E.W.) (16.2.2001) by [S.I. 2001/341](#), **reg. 13(4)(5), Sch. 4 Pt. I**  
S. 52 applied (with modifications) (N.I.) (16.2.2001) by [S.I. 2001/400](#), **reg. 13(3)(4), Sch. 4 Pt. I**  
S. 52 applied (with modifications) (9.4.2001) by [S.I. 2001/1184](#), **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by [S.I. 2009/726](#), **regs. 1(1), 2(3)(4), Sch.**)
- C28** S. 52 applied (with modifications) (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008 \(S.I. 2008/1741\)](#), **reg. 14(3)(4), Sch. 4**
- C29** S. 52 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), ss. 6, 13(1), **sch. 1 Pts. 1, 2** (with s. 13(2))
- C30** S. 52 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#), **Sch. 2 Table 1**
- C31** S. 52 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), **reg. 1, Sch. 1 para. 9** (with Sch. 1 para. 1(3))
- C32** S. 52(1) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**

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- C33** S. 52(1) applied with modifications (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**  
S. 52(1) amended (16.2.2001) by 2000 c. 41, s. **8(1)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I**  
(subject to transitional provisions in **Sch. 1 Pt. II**)
- C34** S. 52(1)-(4) applied (E.W.) (3.8.2012) by **The Neighbourhood Planning (Referendums) Regulations 2012** (S.I. 2012/2031), regs. 1, **13(3)(f)**
- C35** S. 52(1)-(4) applied (with modifications) by **The Neighbourhood Planning (Referendums) Regulations 2012** (S.I. 2012/2031), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3**)
- C36** S. 52 extended in part (26.2.2016) by **The European Union Referendum (Conduct) Regulations 2016** (S.I. 2016/219), reg. 1, **Sch. 1 para. 3** (with **Sch. 1 para. 1(3)**)
- C37** S. 52(5) applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C38** S. 52(5) applied with modifications (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**
- C39** S. 52(5) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**  
S. 52(5) applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

#### Marginal Citations

**M1** 1962 c.14 (N.I.)

### 53 Power to make regulations as to registration etc.

(1) Provision may be made by regulations—

(a) with respect to the form of the register of electors and of <sup>F19</sup>. . . any special lists or records required by this Act in connection with the register or with any election;

[<sup>F20</sup>(b) with respect to—

(i) the procedure to be followed in the preparation of the register and the place and manner of its publication, and

(ii) the procedure to be followed in the preparation of any such special lists or records, and the time, place and manner of their publication;  
<sup>F21</sup> . . .]

[<sup>F22</sup>(ba) with respect to applications under sections 13BD, 13BE and 13C and documents or cards issued under any of those sections; and]

(c) generally with respect to any matters incidental to the provisions of this Act so far as those provisions relate to the registration of electors or to voting by post or proxy.

<sup>F23</sup>(2) . . . . .

(3) Without prejudice to the generality of [<sup>F24</sup>subsection (1)] above, regulations made with respect to the matters mentioned in [<sup>F24</sup>that subsection] may contain any such provisions as are mentioned in Schedule 2 to this Act.

[<sup>F25</sup>(4) Provision may also be made by regulations—

(a) for the supply of any such record or special list as is mentioned in subsection (1) above to such persons as are prescribed;

(b) with respect to any conditions subject to which the supply is made;

(c) making it an offence (punishable on summary conviction by a fine not exceeding level 5 on the standard scale) for a person to fail to comply with any such condition.]

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- [<sup>F26</sup>(5) Before making regulations containing provision under paragraph 1A of Schedule 2, or paragraph 13(1ZB) of that Schedule so far as relating to that paragraph, the Secretary of State must consult—
- (a) the Electoral Commission,
  - (b) the Information Commissioner, and
  - (c) any other person the Secretary of State thinks appropriate.
- (6) The Secretary of State may require the Electoral Commission to—
- (a) prepare a report on specified matters relating to the operation of any provision made under paragraph 1A of Schedule 2, and
  - (b) give the Secretary of State a copy of the report by no later than a specified date.
- (7) The Secretary of State must publish a copy of the report.
- (8) A registration officer <sup>F27</sup>... must comply with any request made by the Electoral Commission for information that it reasonably requires in connection with the preparation of a report under subsection (6).]
- [<sup>F28</sup>(9) The power to make regulations under [<sup>F29</sup>this section—
- (a) so far as] it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister<sup>F30</sup>, and
  - (b) so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Wales, is exercisable by the Welsh Ministers concurrently with that Minister].
- (10) The power of the Scottish Ministers to make regulations by virtue of subsection (9) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—
- (a) the power is not exercisable without the agreement of a Minister of the Crown, and
  - (b) regulations made in exercise of the power are subject to the negative procedure.
- [ The power of the Welsh Ministers to make regulations by virtue of subsection (9) is <sup>F31</sup>(10A) not exercisable without the agreement of a Minister of the Crown.
- (10B) A statutory instrument containing regulations made by the Welsh Ministers by virtue of subsection (9) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]
- (11) In subsection (9)—
- “election in Scotland” means—
    - (a) an election for membership of the Scottish Parliament, or
    - (b) a local government election in Scotland;
  - [<sup>F32</sup>“election in Wales” means—
    - (a) an election of Assembly members, or
    - (b) a local government election in Wales;]
  - “UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.]

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### Textual Amendments

- F19** Words in s. 53(1)(a) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), Sch. 1 para. 13(a), 15(1), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F20** S. 53(1)(b) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), Sch. 1 para. 13(b); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F21** Word in s. 53(1)(b) omitted (27.8.2022) by virtue of Elections Act 2022 (c. 37), s. 67(1), Sch. 2 para. 1(a); S.I. 2022/916, art. 2(e)
- F22** S. 53(1)(ba) inserted (27.8.2022) by Elections Act 2022 (c. 37), s. 67(1), Sch. 2 para. 1(b); S.I. 2022/916, art. 2(e)
- F23** S. 53(2) repealed by Representation of the People Act 1985 (c. 50), s. 28, Sch. 5
- F24** Words substituted by Representation of the People Act 1985 (c. 50), s. 24, Sch. 4 para. 13(b)
- F25** S. 53(4) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, Sch. 1 para. 109; S.I. 2006/3412, art. 3, Sch. 1 para. 14(aa)(bb)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3
- F26** S. 53(5)-(8) inserted (5.2.2013) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 2 para. 5 (with Sch. 5); S.I. 2013/219, art. 2(c)(d)
- F27** Words in s. 53(8) omitted (13.3.2014) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), ss. 20(1), 28(1)(e)
- F28** S. 53(9)-(11) inserted (18.5.2017) by Scotland Act 2016 (c. 11), ss. 6(4), 72(4)(a); S.I. 2017/608, reg. 2(1)(d)
- F29** Words in s. 53(9) substituted (1.4.2018) by Wales Act 2017 (c. 4), ss. 7(10)(a), 71(4) (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(b)
- F30** S. 53(9)(b) and preceding word inserted (1.4.2018) by Wales Act 2017 (c. 4), ss. 7(10)(b), 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(b)
- F31** S. 53(10A)(10B) inserted (1.4.2018) by Wales Act 2017 (c. 4), ss. 7(11), 71(4) (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(b)
- F32** Words in s. 53(11) inserted (1.4.2018) by Wales Act 2017 (c. 4), ss. 7(12), 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(b)

### Modifications etc. (not altering text)

- C40** S. 53 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(6); S.I. 2001/116, art. 2(1) (with art. 2(3)-(5)))
- C41** S. 53(1)(3) function exercisable by the Scottish Ministers concurrently with a Minister of the Crown (20.3.2015) by The Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.) Order 2015 (S.I. 2015/692), arts. 2, 5(3)(a) (with art. 6)
- C42** S. 53(1)(c) amended (N.I.) (16.2.1987) by Representation of the People Act 1985 (c. 50, SIF 42), s. 10, Sch. 1 para. 25; S.I. 1986/1080

## 54 Payment of expenses of registration.

- (1) Any expenses properly incurred by a registration officer in the performance of his [<sup>F33</sup>functions under this Act][<sup>F34</sup>or the Electoral Registration and Administration Act 2013] (in this Act referred to as “registration expenses”) shall (except in Northern Ireland) be paid by the local authority by whom the registration officer was appointed.
- (2) The registration expenses of the Chief Electoral Officer for Northern Ireland shall be paid out of moneys provided by Parliament.
- (3) Any fees [<sup>F35</sup>paid to the registration officer under this Act]—



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- (a) shall be accounted for by him and paid to the local authority by whom he was appointed;
  - (b) in the case of the Chief Electoral Officer for Northern Ireland, shall be accounted for by him to the Secretary of State and paid into the Consolidated Fund.
- (4) On the request of a registration officer for an advance on account of registration expenses—
- (a) the local authority by whom the registration officer was appointed may, if they think fit, make such an advance to him of such an amount and subject to such conditions as they may approve; or
  - (b) in the case of the Chief Electoral Officer for Northern Ireland, the Secretary of State may, if he thinks fit, make such an advance to him of such an amount and subject to such conditions as the Secretary of State may approve.
- (5) Any registration expenses or contributions to them paid by the Common Council shall be paid out of the general rate and any sums paid to the Common Council under this section shall be placed to the credit of that rate.

#### Textual Amendments

- F33** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 14(a)**
- F34** Words in s. 54(1) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), s. 27(1), **Sch. 4 para. 17** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(1)
- F35** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 14(b)**

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

- C43** S. 54 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C44** S. 54 applied with modifications (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), **Sch. 3 Pt. I**
- C45** S. 54 applied with modifications (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**
- C46** S. 54 applied with modifications (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 54 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**
- C47** S. 54 applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 8(2)(3)**  
S. 54: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1), Sch. 1 D11**  
S. 54 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5), Sch. 4 Pt. I**  
S. 54 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4), Sch. 4 Pt. I**  
S. 54 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4), Sch.**)
- C48** S. 54 applied (with modifications) (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008 \(S.I. 2008/1741\)](#), **reg. 14(3)(4), Sch. 4**
- C49** S. 54 applied (with modifications) (1.8.2001) by S.I. 2001/2599, **art. 3, Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3, Sch. 1**)
- C50** S. 54 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#), **Sch. 2 Table 1**
- C51** S. 54 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), **reg. 1, Sch. 1 para. 10** (with Sch. 1 para. 1(3))
- C52** S. 54 applied (E.) (22.9.2020) by [The Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020 \(S.I. 2020/926\)](#), **regs. 1(2), 5(6), 6(1)(2)(5)**

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- C53** S. 54 applied (W.) (4.12.2020) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/1399\)](#), regs. 2, **6(6)**
- C54** S. 54(1) amended (E.W.) by [S.I. 1986/1081](#), **regs. 2, 30(2)** (which S.I. was revoked (23.3.2004) by [S.I. 2004/294](#), **reg. 3**)
- C55** S. 54(1) amended (N.I.) by [S.I. 1986/1091](#), **regs. 2, 30(2)**
- C56** S. 54(1) amended (S.) by [S.I. 1986/1111](#), **regs. 2, 29(2)**
- C57** S. 54(1) applied (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, **13(3)(l)**
- C58** S. 54(1) applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**)
- C59** S. 54(2) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C60** S. 54(2)–(3) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), ss. 2, 13(6), **Sch. 1 Pt. I**
- C61** S. 54(3) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C62** S. 54(3) applied (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, **13(3)(l)**
- C63** S. 54(3) applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**)
- C64** S. 54(4) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C65** S. 54(4) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), ss. 2, 13(6), **Sch. 1 Pt. I**
- C66** S. 54(4) applied (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, **13(3)(l)**
- C67** S. 54(4) applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**; and as amended (10.6.2014) by [S.I. 2014/333](#), regs. 1(5), 33(2) (as commenced by [S.I. 2014/414](#), art. 5(m)))

<sup>F36</sup>**55** .....

#### Textual Amendments

- F36** S. 55 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, Sch. 4 para. 15, **Sch. 5**

## 56 Registration appeals: England and Wales.

- (1) An appeal lies to the county court—
- [<sup>F37</sup>(a) from any decision of a registration officer not to register a person following an application under section 10ZC,
  - (aza) from any decision of a registration officer to register a person following an application under section 10ZC in a case where an objection has been made under that section,
  - (azb) from any decision of a registration officer not to alter a register following an application under section 10ZD,

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- (azc) from any decision of a registration officer to alter a register following an application under section 10ZD in a case where an objection has been made under that section,
- (azd) from any decision of a registration officer under section 10ZE, or any other provision of this Act, as a result of which a person's entitlement to remain registered terminates,
- (aa) from any decision of a registration officer not to make a determination under section 10ZE(1) following an objection under section 10ZE(5)(a),]
- [<sup>F38</sup>(ab) from a determination of the registration officer under section 9B(2) above,]
- [<sup>F39</sup>(ac) from a determination of a registration officer not to issue—
  - (i) an electoral identity document following an application under section 13BD, or
  - (ii) an anonymous elector's document following an application under section 13BE,]
- (b) from any decision under this Act of the registration officer disallowing a person's application to [<sup>F40</sup>vote by proxy or by post as elector] or to vote by post as proxy, in any case where the application is not made for a particular election only,
- <sup>F41</sup>(c) .....
- <sup>F42</sup>(d) .....

but an appeal does not lie where the person desiring to appeal has not availed himself of a prescribed right to be heard by or make representations to the registration officer on the matter which is the subject of the appeal, or has not given the prescribed notice of appeal within the prescribed time.

- (2) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this section.
- (3) An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given shall not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.
- (4) Notice shall be sent to the registration officer in manner provided by rules of court of the decision of the county court or of the Court of Appeal on any appeal by virtue of this section, and the registration officer shall [<sup>F43</sup>, in accordance with sections 13A [<sup>F44</sup>, 13AB] [<sup>F45</sup>, 13B and 13BC] above,] make such alterations in the <sup>F46</sup> . . . register as may be required to give effect to the decision.
- [<sup>F47</sup>(4A) Where, as a result of the decision on an appeal, an alteration in the register [<sup>F48</sup> made in pursuance of subsection (4) above takes effect under section 13(5), 13A(2) [<sup>F49</sup>, 13AB(3)] or [<sup>F50</sup> 13B(3) or (3B) [<sup>F51</sup> or 13BC(3) or (6)] above on or before the date of the poll], subsection (3) above does not apply to that appeal as respects that election.]
- (5) The registration officer shall undertake such duties in connection with appeals brought by virtue of this section as may be prescribed and shall on any such appeal be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this subsection.
- <sup>F52</sup>(6) .....

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### Textual Amendments

- F37** S. 56(1)(a)(aa)-(azd) substituted for s. 56(1)(a)(aa) (10.6.2014 for E.W., 15.9.2014 for N.I.) by [Electoral Registration and Administration Act 2013 \(c. 6\), s. 27\(1\), Sch. 4 para. 18](#) (with [Sch. 5](#)); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F38** S. 56(1)(ab) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 10, 77, Sch. 1 para. 8](#); S.I. 2006/3412, art. 3, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\), arts. 1\(1\), 2\(2\)](#))
- F39** S. 56(1)(ac) inserted (27.8.2022 for specified purposes, 16.1.2023 in so far as not already in force) by [Elections Act 2022 \(c. 37\), s. 67\(1\), Sch. 1 para. 5](#); S.I. 2022/916, reg. 2(d)(iv); S.I. 2022/1401, reg. 2(d)(ii)
- F40** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 11, Sch. 2 para. 1](#)
- F41** S. 56(1)(c) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), ss. 24, 28, Sch. 4 para. 16\(a\)](#), Sch. 5
- F42** S. 56(1)(d) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 14(2)(b), [Sch. 7 Pt. 1](#); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F43** Words in s. 56(4) inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), [Sch. 1 para. 14\(3\)\(a\)](#); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F44** Words in s. 56(4) inserted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 16\(5\)\(a\), 27\(1\)](#); S.I. 2014/414, art. 3(b) (with art. 4)
- F45** Words in s. 56(4) substituted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\), s. 24\(3\), Sch. 2 para. 8\(2\)](#); S.I. 2016/290, reg. 2
- F46** Words in s. 56(4) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 14(3)(b), [Sch. 7 Pt. 1](#); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F47** S. 56(4A) inserted by [Representation of the People Act 1985 \(c. 50\), s. 24, Sch. 4 para. 16\(b\)](#)
- F48** Words in s. 56(4A) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), [Sch. 1 para. 14\(4\)](#); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F49** Words in s. 56(4A) inserted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 16\(5\)\(b\), 27\(1\)](#); S.I. 2014/414, art. 3(b) (with art. 4)
- F50** Words in s. 56(4A) substituted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\), ss. 11\(5\), 77](#); S.I. 2006/3412, art. 3, Sch. 1 para. 2 (subject to transitional provisions in art. 6, Sch. 2)
- F51** Words in s. 56(4A) inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\), s. 24\(3\), Sch. 2 para. 8\(3\)](#); S.I. 2016/290, reg. 2
- F52** S. 56(6) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 28, Sch. 5](#)

### Modifications etc. (not altering text)

- C68** S. 56 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), [Sch. 1 Pt. I](#)  
S. 56 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, [Sch. 1 Pt. I](#)  
S. 56 applied (with modifications) (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), [Sch. 3 Pt. I](#) (which S.I. was revoked (23.3.2004) by S.I. 2004/294, [reg. 3](#))  
S. 56 applied (with modifications) (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), [Sch. 3 Pt. I](#)  
S. 56 applied (with modifications) (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), [Sch. 3 Pt. I](#)  
S. 56 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, reg. 13(4)(5), [Sch. 4 Pt. I](#)  
S. 56 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), [Sch. 4 Pt. I](#)  
S. 56 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), [Sch.](#))  
S. 56 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\), art. 6\(2\), Sch. 2 Pt. 2](#)
- C69** Ss. 56-58 applied (with modifications) (17.2.1994) by S.I. 1994/342, [regs. 1\(2\)\(3\), 2\(2\), 9\(4\)](#)
- C70** S. 56 restricted (31.7.1997) by 1997 c. 61, s. 2(3)

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- C71** S. 56 modified (11.3.1999) by S.I. 1999/450, arts. 4(1), 5(3)(5) (which S.I. was revoked (29.2.2003) by S.I. 2003/284, art. 1)
- C72** S. 56 applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C73** S. 56 excluded (S.) (30.1.2020) by Referendums (Scotland) Act 2020 (asp 2), s. 41, Sch. 1 para. 17(1)
- C74** S. 56(1) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. 1
- C75** S. 56(3)–(5) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. 1
- C76** S. 56(4A) modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 1 para. 11(2) (with Sch. 1 para. 1(3))

## 57 Registration appeals: Scotland.

- (1) Section 56 above applies to Scotland subject to the following modifications—
- subsection (2) shall be omitted;
  - an appeal lies on any point of law from any decision of the sheriff under this section to the court of three judges constituted under subsection (2) below; and
  - for any reference to the Court of Appeal there shall be substituted a reference to that court of three judges.
- (2) The court for hearing appeals under paragraph (b) of subsection (1) above shall consist of three judges of the Court of Session who shall be appointed by the Court of Session by act of sederunt and of whom one judge shall be appointed from each division of the Inner House and one from the Lords Ordinary in the Outer House; and the Principal Clerk of Session shall be the clerk of the court.
- (3) The Court of Session may by act of sederunt fill any vacancy in the court of three judges, and regulate its sittings and forms of process so as to carry out the provisions of this Act; and acts of sederunt under this section may be made, and the court of three judges may sit, either during the sitting of the Court of Session or in vacation or recess.

### Modifications etc. (not altering text)

- C77** S. 57 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. 1
- C78** Ss. 56–58 applied (with modifications) (17.2.1994) by S.I. 1994/342, regs. 1(2)(3), 2(2), 9(4)
- C79** S. 57 restricted (31.7.1997) by 1997 c. 61, s. 1(3)  
S. 57 restricted (11.3.1999) by S.I. 1999/787, art. 3(1)  
S. 57 applied (11.3.1999) by S.I. 1999/787, art. 4(3) (with art. 4(5))  
S. 57 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. 1 (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), Sch.)
- C80** S. 57 applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C81** S. 57(2) applied (11.3.1999) by S.I. 1999/787, art. 4(2)

## [<sup>F53</sup>58 Registration appeals: Northern Ireland.

- (1) An appeal lies to the county court—
- from any decision under this Act of the Chief Electoral Officer for Northern Ireland on any application for registration or objection to a person's registration made to and considered by him;

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- (b) from any decision under this Act of the Chief Electoral Officer (other than on an application for registration or objection to a person's registration) that a person registered in respect of any address was not entitled to be registered in respect of that address or that he has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4;
  - [<sup>F54</sup>(ba) from a determination of the Chief Electoral Officer under section 9B(2) or section 9C(1B);]
  - [<sup>F55</sup>(bb) from a determination of the Chief Electoral Officer not to issue an electoral identity card following an application under section 13C;]
  - (c) from any decision under this Act of the Chief Electoral Officer disallowing a person's application to vote by proxy or by post as elector or to vote by post as proxy, in any case where the application is not made for a particular election only.
- (2) But an appeal does not lie where the person desiring to appeal—
- (a) has not availed himself of a prescribed right to be heard by or make representations to the Chief Electoral Officer on the matter which is the subject of the appeal, or
  - (b) has not given the prescribed notice of appeal within the prescribed time.
- (3) An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given does not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision—
- (a) is as good as if no such appeal had been brought, and
  - (b) is not affected by the decision of the appeal.
- (4) The Chief Electoral Officer must, in accordance with sections 13A[<sup>F56</sup>, 13BA and 13BC], make such alterations in the register as may be required to give effect to the decision.
- (5) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) takes effect under section 13(5), 13A(2)[<sup>F57</sup>, 13BA(6) or (9) or 13BC(3) or (6)] on or before the date of the poll, subsection (3) does not apply to that appeal as respects that election.
- (6) The Chief Electoral Officer—
- (a) must undertake such duties in connection with appeals brought by virtue of this section as may be prescribed, and
  - (b) on any appeal is deemed to be a party to the proceedings;
- and the registration expenses payable to him include any expenses properly incurred by virtue of this subsection.
- (7) Section 21(1) of the Interpretation Act (Northern Ireland) 1954 (rules regulating procedure of courts etc.) applies as if the jurisdiction conferred by subsection (1) were conferred by any enactment within the meaning of that Act.]

#### Textual Amendments

**F53** S. 58 substituted (14.5.2008) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 30(1), 31, [Sch. 4 para. 5](#); S.I. 2008/1318, art. 2

**F54** S. 58(1)(ba) inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), arts. 1(1), 3(4)

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- F55** S. 58(1)(bb) inserted (27.8.2022 for specified purposes, 16.1.2023 in so far as not already in force) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 1 para. 6**; S.I. 2022/916, reg. 2(d)(v); S.I. 2022/1401, reg. 2(d)(ii)
- F56** Words in s. 58(4) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 9(2)**; S.I. 2016/290, reg. 2
- F57** Words in s. 58(5) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 9(3)**; S.I. 2016/290, reg. 2

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

- C82** S. 58 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), **Sch. 4 Pt. I**  
S. 58 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)
- C83** S. 58 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), reg. 14(3)(4), **Sch. 4**
- C84** S. 58(5) modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 1 para. 12(2)** (with Sch. 1 para. 1(3))

**59 Supplemental provisions as to members of forces and service voters.**

- (1) In this Part of this Act, the expression “member of the forces”—
- (a) means a person serving on full pay as a member of any of the naval, military or air forces of the Crown raised in the United Kingdom; but
  - (b) does not include
    - [<sup>F58</sup>(i)] a person serving only as a member of a reserve or auxilliary force except in so far as regulations provide that it shall include persons so serving during a period of emergency.[<sup>F59</sup>or
    - (ii) a member of the regular army whose terms of service are such that, except for the purpose of training, he is required to serve only in Northern Ireland]
- (2) Where a person—
- (a) is not a member of the forces as defined by subsection (1) above, but
  - (b) is, in the performance of his duty as a member of any of Her Majesty’s reserve or auxiliary forces, absent on the [<sup>F60</sup>relevant date for the purposes of section 4 above] from an address at which he has been residing,
- any question arising under section [<sup>F61</sup>5(3)] above whether his residence at that address has been interrupted on that date by his absence in the performance of that duty shall be determined as if the performance of it did not prevent his resuming actual residence at any time after that date.
- [<sup>F62</sup>(3) Arrangements must be made by the appropriate government department for securing that every person having a service qualification by virtue of paragraph (a) or (b) of section 14(1) above has (so far as circumstances permit) an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by this Act in relation to—
- (a) registration in a register of electors (and in particular in relation to the making and cancellation of service declarations);
  - (b) the making and cancellation of appointments of a proxy;
  - (c) voting in person, by post or by proxy.

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- (3A) Arrangements must be made by the appropriate government department for securing that every such person receives such instructions as to the effect of this Act and any regulations made under it, and such other assistance, as may be reasonably sufficient in connection with the exercise by that person and any spouse or civil partner of that person of any rights conferred on them as mentioned above.
- (3B) In subsections (3) and (3A) “the appropriate government department” means, in relation to members of the forces, the Ministry of Defence, and in relation to any other person means the government department under which he is employed in the employment giving the service qualification.
- (3C) The Ministry of Defence must maintain, in relation to each member of the forces who provides information relating to his registration as an elector, a record of such information.
- (3D) The Ministry of Defence must make arrangements to enable each member of the forces to update annually the information recorded under subsection (3C).]
- (4) In relation to persons having a service qualification by virtue of paragraph (c) of section 14(1), the British Council shall be under a corresponding obligation to that imposed by [<sup>F63</sup>subsections (3) and (3A)] above on the appropriate government department.

#### Textual Amendments

- F58** Word in s. 59(1)(b) inserted (20.7.1993) by 1993 c. 29, s. 1(a).
- F59** Word and s. 59(1)(b)(ii) added (20.7.1993) by 1993 c. 29, s. 1(b).
- F60** Words in s. 59(2)(b) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 16(a)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F61** Word in s. 59 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 16(b)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F62** S. 59(3)-(3D) substituted (30.11.2007) for s. 59(3) by Electoral Administration Act 2006 (c. 22), **ss. 13(2), 77**; S.I. 2007/3376, **art. 2**
- F63** Words in s. 59(4) substituted (30.11.2007) by Electoral Administration Act 2006 (c. 22), **ss. 13(3), 77**; S.I. 2007/3376, **art. 2**

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

- C85** S. 59 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), **ss. 2, 13(6), Sch. 1 Pt. 1**  
S. 59 extended (with modifications) (11.3.1999) by S.I. 1999/787, **art. 12(1)** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))
- C86** S. 59 modified (11.3.1999) by S.I. 1999/450, **art. 13(1)** (which S.I. was revoked (29.2.2003) by S.I. 2003/284, **art. 1**)
- C87** S. 59 applied (with modifications) (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), **arts. 1, 13(1)** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**)  
S. 59 applied (with modifications) (15.3.2007 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937), **arts. 1, 13(1)**
- C88** S. 59 modified (16.12.2010) by The National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 (S.I. 2010/2837), **art. 1(2), Sch. 1 para. 25**



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- C89** S. 59 applied (with modifications) (30.12.2010 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2010 \(S.I. 2010/2999\)](#), arts. 1(1), **12(1)** (with art. 1(2)(3))
- C90** S. 59 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C91** S. 59 applied (with modifications) (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), arts. 1(1), **12(1)** (with art. 1(2))
- C92** S. 59(2) applied (17.2.1994) by [S.I. 1994/342](#), **regs. 1(2)(3), 2(2), 7(4)**
- C93** S. 59(3)(b)(c) modified (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), **art. 15(1)(a)**
- C94** S. 59(3A) modified (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), **art. 15(1)(b)**

### [<sup>F64</sup>59A Reports on voter identification requirements in Great Britain

- (1) The Secretary of State must prepare and publish reports on the effect of the voter identification requirements on applications made under rule 37(1), 38(1), 39(1) or 40(1) of the parliamentary elections rules.
- (2) The duty under subsection (1) applies in respect of each of the first two parliamentary general elections that are held after the day on which [paragraph 7 of Schedule 1](#) to the Elections Act 2022 comes into force.
- (3) Subsection (4) applies where requirements corresponding to the voter identification requirements (“the corresponding requirements”) have effect in relation to local government elections in England by virtue of rules made under section 36.
- (4) The Secretary of State must prepare and publish reports on the effect of the corresponding requirements on applications made under the provisions of rules made under section 36 corresponding to rules 37(1), 38(1), 39(1) and 40(1) of the parliamentary elections rules.
- (5) The duty under subsection (4) applies in respect of the first ordinary elections of councillors for local government areas in England that—
  - (a) are held on an ordinary day of election (as determined under section 37) after the day on which the corresponding requirements come into force, and
  - (b) are not combined with a parliamentary general election.
- (6) In preparing a report under this section, the Secretary of State must in particular take into account—
  - (a) in the case of a report under subsection (1), information provided to the Secretary of State under rule 40B of the parliamentary elections rules (collection and disclosure of information relating to applications under rules 37 to 40);
  - (b) in the case of a report under subsection (4), information provided to the Secretary of State under any provision of rules made under section 36 corresponding to rule 40B of the parliamentary elections rules.
- (7) In this section, “the voter identification requirements” means paragraphs [\(1A\) to \(1T\)](#) of rule 37 of the parliamentary elections rules (voting procedure) as it extends to England and Wales and to Scotland (including those paragraphs as applied by rule 38, 39 or 40 of those rules).]

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#### **Textual Amendments**

**F64** S. 59A inserted (E.W.S.) (16.1.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 1 para. 7**; S.I. 2022/1401, **reg. 2(d)(ii)** (with reg. 3(2))

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