



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART V

#### GENERAL AND SUPPLEMENTAL

#### *Supplemental*

#### <sup>F1</sup>**199ZA** Functions of the Minister for the Cabinet Office

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#### Textual Amendments

- F1** S. 199ZA omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 3** (with art. 12)

#### <sup>F2</sup>**199** .....

#### Textual Amendments

- F2** S. 199 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 22(2), 28, **Sch. 5**

#### [<sup>F3</sup>**199A** Functions of the Lord Chancellor

<sup>F4</sup> .....

#### Textual Amendments

- F3** S. 199A inserted (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), art. 20, **Sch. 2 para. 10**

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**F4** S. 199A repealed (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 4](#)

## [<sup>F5</sup>199B Translations etc of certain documents

- (1) Subsections (2) and (3) below apply to any document which under or by virtue of this Act is required or authorised to be given to voters or displayed in any place for the purposes of a parliamentary or local government election.
- (2) The person who is required or authorised to give or display the document must, as he thinks appropriate, give or display or otherwise make available in such form as he thinks appropriate—
  - (a) the document in Braille;
  - (b) the document in languages other than English;
  - (c) graphical representations of the information contained in the document;
  - (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.
- (3) The person required or authorised to give or display the document must also, as he thinks appropriate, make available the information contained in the document in such audible form as he thinks appropriate.
- (4) Subsections (2) and (3) above do not apply to—
  - (a) the nomination paper;
  - (b) the ballot paper.
- (5) The returning officer at a parliamentary election or a local government election may cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper.
- (6) The sample copy mentioned in subsection (5) above—
  - (a) in the case of a parliamentary election or a local government election where only one candidate is to be elected, must have printed the words “VOTE FOR ONE CANDIDATE ONLY” both at the top and immediately below the list of candidates,
  - (b) in the case of a local government election where more than one candidate is to be elected, must have printed the words “VOTE FOR NO MORE THAN [*here insert the maximum number of candidates to be elected*] CANDIDATES” both at the top and immediately below the list of candidates, and
  - (c) in each case, below the second occurrence of those words, may include a translation of those words into such other languages as the returning officer thinks appropriate.
- (7) The returning officer at a parliamentary election or a local government election must provide at every polling station in the election an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.
- (8) The sample copy mentioned in subsection (7) above must be clearly marked as a specimen provided only for the guidance of voters.
- (9) In the application of subsection (2)(b) to Northern Ireland any question as to whether a person is to give or display or otherwise make available a document in a language other than English is to be decided by the returning officer.

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(10) This section does not apply to a local government election in Scotland.]

[<sup>F6</sup>(11) This section does not apply to a local government election in Wales.]

#### Textual Amendments

- F5** S. 199B inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), [ss. 36, 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(q\)](#) (subject to transitional provisions in [art. 4](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts 2, 4](#)
- F6** S. 199B(11) inserted (E.W.) (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), [ss. 22\(2\), 175\(3\)\(e\)](#) (with s. 3)

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

- C1** S. 199B 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 (as amended (6.4.2014) by [S.I. 2014/370](#), [art. 6\(3\)](#))
- C2** S. 199B 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](#)
- C3** S. 199B 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](#))
- C4** S. 199B applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), [regs. 1, 8, 12, 13](#), [Sch. 4 Pt. 1](#)
- C5** S. 199B 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](#))
- C6** S. 199B 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](#)}
- C7** S. 199B 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](#)}
- C8** S. 199B applied (with modifications) by [The Northern Ireland Assembly \(Elections\) Order 2001](#) (S.I. 2001/2599), [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), [arts. 1\(2\), 3](#), [Sch. 1](#))
- C9** S. 199B(1)-(9) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016](#) (S.I. 2016/219), [reg. 1](#), [Sch. 1 para. 45](#) (with [Sch. 1 para. 1\(3\)](#))
- C10** S. 199B(6)(a) modified (W.) (27.2.2016) by [The European Union Referendum \(Welsh Forms\) Order 2016](#) (S.I. 2016/220), [arts. 1, 4\(2\)](#)

#### [<sup>F7</sup>199C Scottish local government elections: translations etc. of certain documents **S**

- (1) Subsections (2) and (3) below apply to any document which, under or by virtue of this Act, is required or authorised to be given to voters or displayed in any place for the purposes of a local government election in Scotland.
- (2) The person who is required or authorised to give or display the document must, as he thinks appropriate, also give or display or otherwise make available in such form as he thinks appropriate—
- the document in Braille;
  - the document in languages other than English;
  - graphical representations of the information contained in the document;
  - other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.

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- (3) The person required or authorised to give or display the document must also, as he thinks appropriate, make available the information contained in the document in such audible form as he thinks appropriate.
- (4) Subsections (2) and (3) above do not apply to—
- (a) the nomination paper; or
  - (b) the ballot paper.]

#### Textual Amendments

**F7** S. 199C inserted (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 31, 63**; S.S.I. 2007/26, **art. 3(1)(f)** (with art. 3(2))

### [<sup>F79</sup>199C **Local government elections in Wales: translations etc. of certain documents** **E** **+W**]

- (1) Subsections (2) and (3) apply to any document which under or by virtue of this Act is required or authorised to be given to voters or displayed in any place for the purposes of a local government election in Wales.
- (2) The person (“P”) who is required or authorised to give or display the document must, as P thinks appropriate, give or display or otherwise make available in such form as P thinks appropriate—
- (a) the document in Braille;
  - (b) the document in languages other than English and Welsh;
  - (c) graphical representations of the information contained in the document;
  - (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.
- (3) P must, as P thinks appropriate, make available the information contained in the document in such audible form as P thinks appropriate.
- (4) Subsections (2) and (3) do not apply to—
- (a) the nomination paper; or
  - (b) the ballot paper.]

#### Textual Amendments

**F79** S. 199C inserted (E.W.) (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 22(3), 175(3)(e)** (with s. 3)

## 200 Public notices, and declarations.

[<sup>F8</sup>(1) A public notice required by or under this Act to be given by a returning officer for a parliamentary election shall be given by posting the notice in some conspicuous place or places in the constituency and may also be given in such other manner as he thinks desirable for publicising it.

(1A) A public notice required by or under this Act to be given by the proper officer of a local authority at a local government election shall be given by posting the notice in

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some conspicuous place or places in the local government area and may also be given in such other manner as he thinks desirable for publicising it.]

- (2) Any person before whom a declaration is authorised to be made under this Act may take the declaration.

#### Textual Amendments

- F8** S. 200(1)(1A) substituted for s. 200(1) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 68](#)

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

- C11** S. 200 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. 1](#)
- C12** S. 200 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)
- C13** S. 200 applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), art. 3, [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, [Sch. 1](#))
- C14** S. 200 applied (with modifications) (N.I.) (4.5.1996) by [Elections \(Northern Ireland\) Order 1996 \(S.I. 1996/1220\)](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)
- S. 200 applied (N.I.) (25.4.1998) by [Northern Ireland Negotiations \(Referendum\) Order 1998 \(S.I. 1998/1126\)](#), art. 6, [Sch. 2](#)
- S. 200 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](#)
- C15** S. 200(1)(2) applied (with modifications) (31.7.1997) by [Referendums \(Scotland and Wales\) Act 1997 \(c. 61\)](#), s. 3, [Sch. 3 para. 13](#) Table 1
- S. 200(1)(2) applied (with modifications) (E.) (2.4.2001) by [2001/1298](#), reg. 8(1), [Sch. 3 Table 2](#) (with reg. 10(4))
- S. 200(1)(2) applied (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](#))
- C16** S. 200(1A)(2) 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](#)
- C17** S. 200(1A)(2) 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)
- C18** S. 200(1A)(2) applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, [Sch. 4 Pt. 1](#)
- C19** S. 200(1A)(2) 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](#))
- C20** S. 200(1A)(2) applied (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](#)}
- C21** S. 200(1A)(2) 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](#)}

#### [<sup>F9</sup>200A Remuneration for free postal services provided under Act.

- (1) This section applies where any postal services are provided without charge by a [<sup>F10</sup>universal postal service provider] in pursuance of this Act.
- (2) The [<sup>F10</sup>universal postal service provider] shall be entitled to be remunerated for having provided the services at the rate fixed in relation to them by virtue of a scheme under section 89 of the Postal Services Act 2000.

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(3) A sum which a [<sup>F10</sup>universal postal service provider] is entitled to receive by virtue of this section shall be charged on, and issued out of, the Consolidated Fund.

[<sup>F11</sup>(4) In this section “postal services” has the meaning given by section 27 of the Postal Services Act 2011.]

#### Textual Amendments

**F9** S. 200A inserted (26.3.2001) by 2000 c. 26, s. 127(4), **Sch 8**, Pt. II, para. 18; S.I. 2000/2957, art. 2(3), **Sch. 3** (as amended by S.I. 2001/1148, arts. 2, 43(2), **Sch.**)

**F10** Words in s. 200A(1)–(3) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 119(a)**; S.I. 2011/2329, art. 3

**F11** S. 200A(4) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 119(b)**; S.I. 2011/2329, art. 3

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

**C22** S. 200A applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

**C23** S. 200A applied (16.2.2001) by 2000 c. 41, s. 110, **Sch. 12 para. 1(3)(5)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

**C24** S. 200A modified by Political Parties, Elections and Referendums Act 2000 (c. 41), **Sch. 12 para. 1(3)** (as applied (13.2.2013) by The Scotland Act 1998 (Modification of Schedule 5) Order 2013 (S.I. 2013/242), arts. 2, 4(4))

**C25** S. 200A(2) modified (26.3.2001) by S.I. 2001/1148, **art. 36**

## 201 Regulations.

(1) Any power conferred by this Act to make regulations shall, except where this Act otherwise provides, be a power exercisable by the Secretary of State [<sup>F12</sup>and except in the case of regulations under section 29(8)] by statutory instrument.

[<sup>F13</sup>(2) No regulations shall be made under this Act by the Secretary of State otherwise than under [<sup>F14</sup>[<sup>F15</sup>section [<sup>F16</sup>10(4) or] 110(7)] above or] section 203(4) [<sup>F17</sup>or 203A(2)] below unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.]

[<sup>F18</sup>(2A) Any regulations under section [<sup>F19</sup>10(4) or] 110(7) above [<sup>F20</sup>or section 203A(2)] shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

[<sup>F21</sup>(2C) Regulations made for the purposes only of omitting a particular kind of evidence from the kinds of evidence that a person is or may be required to provide by virtue of regulations under paragraph 1(2A) or 3ZA(3) of Schedule 2 shall be subject to annulment in pursuance of a resolution of either House of Parliament (and subsection (2) does not apply to regulations made for those purposes only).]

[<sup>F22</sup>(3) Any regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State [<sup>F23</sup>, or the Electoral Commission (in the case of any regulations made by them),] thinks fit.]

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### Subordinate Legislation Made

- P1** S. 201: for previous exercises of this power, see Index to Government Orders.  
**P2** S. 201(1): s. 53 (with s. 201(1), Sch. 1, rule 37(1F) and Sch. 2, para. 11A) power exercised (N.I.) by S.I. 1991/1674.

### Textual Amendments

- F12** Words in s. 201(1) inserted by S.I. 1991/1728, **art. 5(a)**.  
**F13** S. 201(2) substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 69**  
**F14** Words in s. 201(2) inserted by S.I. 1991/1728, **art. 5(b)**.  
**F15** Words in s. 201(2) substituted (16.2.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(7)(b)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)  
**F16** Words in s. 201(2) inserted (13.5.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 13(2), 28(4)** (with s. 13(3)(b)(c))  
**F17** Words in s. 201(2) inserted (E.W.N.I.) (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(4)(b), **Sch. 8 para. 1(9)(a)**; S.I. 2023/1145, reg. 3(i)  
**F18** S. 201(2A) inserted (16.2.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(7)(c)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)  
**F19** Words in s. 201(2A) inserted (13.5.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 13(2), 28(4)** (with s. 13(3)(b)(c))  
**F20** Words in s. 201(2A) inserted (E.W.N.I.) (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(4)(b), **Sch. 8 para. 1(9)(b)**; S.I. 2023/1145, reg. 3(i)  
**F21** S. 201(2C) 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 \(c. 6\)](#), **ss. 2(5), 27(1)** (with Sch. 5); S.I. 2014/414, art. 5(b); S.I. 2014/2439, art. 2(b)  
**F22** S. 201(3) added (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 8, **Sch. 1 para. 21**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))  
**F23** Words in s. 201(3) inserted (1.7.2001) by 2001 c. 41, s. 151(1), **Sch. 21 para. 6(7)(d)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)

### Modifications etc. (not altering text)

- C26** S. 201 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 29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(9)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

## Interpretation

### 202 General provisions as to interpretation.

(1) In this Act, unless the context otherwise requires—

<sup>F24</sup> .....

[<sup>F25</sup>“anonymous entry”, in relation to a register of electors, shall be construed in accordance with section 9B above and “the record of anonymous entries”, means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to this Act;]

<sup>F26</sup> .....

[<sup>F27</sup>“citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), and “relevant citizen of the Union” means such

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a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;]

“the City” means the City of London;

“Clerk of the Crown” means Clerk of the Crown in Chancery;

“Common Council” means the Common Council of the City;

[<sup>F28</sup>“disability”, in relation to doing a thing, includes a short term inability to do it;]

[<sup>F29</sup>“dwelling” includes any part of a building where that part is occupied separately as a dwelling;]

“election” means a parliamentary election[<sup>F30</sup>, an Authority election] or an election under the local government Act;

“election court” means—

- (a) In relation to a parliamentary election petition, the judges presiding at the trial;
- (b) in relation to a petition questioning [<sup>F31</sup>an Authority election or] an election under the local government Act, the court constituted under this Act for the trial of that petition;

“election petition” means a petition presented in pursuance of Part III of this Act;

“elector” in relation to an election, means any person [<sup>F32</sup>who has for the time being an entry] on the register to be used at that election, but does not include those shown in the register [<sup>F33</sup>(or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries)] as below voting age on the day fixed for the poll;

“legal incapacity” includes (in addition[<sup>F34</sup>, where applicable,] to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by this Act or any other Act;

[<sup>F35</sup>“legal process” means a claim form, application notice, writ, summons or other process;]

[<sup>F36</sup>“the list of proxies” has, in relation to any election, the meaning given by [<sup>F37</sup>paragraph 5(3) of Schedule 4 to the Representation of the People Act 2000 or, as respects Northern Ireland, by] section 7 of the Representation of the People Act 1985]

[<sup>F38</sup>“overseas elector’s declaration” means a declaration made under and in accordance with section 1C of the Representation of the People Act 1985;]

“parliamentary election petition” means an election petition questioning a parliamentary election or return;

[<sup>F39</sup>“the postal voters list” means—

- (a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 5(2) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post have been granted);
- (b) in relation to Northern Ireland, the list of persons kept in pursuance of section 7(4)(a) of the Representation of the People Act 1985 (persons whose applications to vote by post have been granted);

“the proxy postal voters list” means—

- (a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 7(8) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post as proxy have been granted);



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(b) in relation to Northern Ireland, the list of persons kept in pursuance of section 9(9) of the Representation of the People Act 1985 (persons whose applications to vote by post as proxy have been granted).]

“parliamentary elections rules” means the parliamentary elections rules in Schedule 1 to this Act;

“person” includes (without prejudice to the provisions of the <sup>M1</sup>Interpretation Act 1978) an association corporate or unincorporate;

“prescribed” except in Part III of this Act means prescribed by regulations;

[<sup>F40</sup>“proper officer”—

(a) in relation to the Greater London Authority, has the same meaning as in the 1999 Act (see section 424(2) of that Act);

(b) except as provided by paragraph (a) above, in England and Wales means a proper officer within the meaning of section 270(3) and (4) of the <sup>M2</sup>Local Government Act 1972;]

[<sup>F41</sup>“qualifying address” shall be construed in accordance with section 9(8) above;]

[<sup>F42</sup>“qualifying foreign national” means a person of any nationality who—

(a) is not a Commonwealth citizen or a citizen of the Republic of Ireland, and

(b) either—

(i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave,]

[<sup>F43</sup>“registered political party” means [<sup>F44</sup>a party registered under Part II of the Political Parties, Elections and Referendums Act 2000;]]

[<sup>F45</sup>“service declaration” means a declaration made by a person under and in accordance with section 15;]

<sup>F46</sup>

“service voter” means a person who has made a service declaration and is registered or entitled to be registered in pursuance of it;

<sup>F47</sup>

<sup>F47</sup>

“sub-agent” has the meaning given by section 68(1) above;

[<sup>F48</sup>“universal postal service provider” means a universal service provider (within the meaning of [<sup>F49</sup>Part 3 of the Postal Services Act 2011]);]

“voter” means a person voting at an election and includes a person voting as proxy and, except in the parliamentary elections rules, and the rules under section 36 [<sup>F50</sup>, 36A] and 42 above, a person voting by proxy, and “vote” (whether noun or verb) shall be construed accordingly, except that in those rules any reference to an elector voting or an elector’s vote shall include a reference to an elector voting by proxy or an elector’s vote given by proxy.

(2) For the purposes of the Representation of the People Acts a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

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### Textual Amendments

- F24** S. 202(1): definition of "absent voters list" repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74, 77, **Sch. 1 para. 128(2)**, **Sch. 2**; 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, 4**
- F25** S. 202: definition of "anonymous entry" inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, **Sch. 1 para. 13(2)**; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 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)**)
- F26** Definition of "Attorney General" in s. 202(1) repealed (30.9.1997) by 1997 c. 60, s. 3(2)(3), **Sch.**
- F27** Definition of "citizen of the Union" in s. 202(1) inserted (6.8.1995) by S.I. 1995/1948, **regs. 1(2), 4(2)(a)**
- F28** S. 202(1): definition of "disability" inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 76**; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 14(w)(bb)(iii)** (subject to transitional provisions in **art. 6**, **Sch. 2**); S.I. 2008/1316, **arts. 2, 4**
- F29** S. 202(1): definition substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8 **Sch. 1 para. 22(a)**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)
- F30** S. 202(1): words in definition of "election" inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 38(1)(2)(a)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- F31** S. 202(1): words in definition of "election" in para. b inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 38(1)(2)(b)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- F32** S. 202: words in definition of "elector" substituted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, **Sch. 1 para. 13(3)(a)**; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 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)**)
- F33** S. 202: words in definition of "elector" inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, **Sch. 1 para. 13(3)(b)**; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 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)**)
- F34** S. 202: words in definition of "legal incapacity" inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 73(2), 77; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 14(z)** (subject to transitional provisions in **art. 6**, **Sch. 2**); S.I. 2008/1316, **arts. 2, 4**
- F35** S. 202(1): definition of "legal process" inserted (16.2.2001) by 2000 c. 2, s. 138(1), **Sch. 18 para. 9(6)** (with s. 156(6)); S.I. 2001/222, **art. 2**, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- F36** Definition of "the list of proxies" inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 3(b)**
- F37** S. 202(1): words in definition of "the list of proxies" substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 15, **Sch. 6 para. 9(b)**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)
- F38** Words in s. 202(1) substituted (16.1.2024) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 7 para. 3** (with **Sch. 7 para. 13**); S.I. 2023/1405, **reg. 2**
- F39** S. 202(1): definitions of "the postal voters list" and "the proxy postal voters list" inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, **Sch. 1 para. 128(3)**; 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, 4**
- F40** S. 202(1): definition of "proper officer" substituted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 38(1)(2)(c)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- F41** S. 202(1): definition of "qualifying address" inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8, **Sch. 1 para. 22(b)**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)
- F42** Words in s. 202(1) inserted (S.) (3.8.2020) by Scottish Elections (Franchise and Representation) Act 2020 (asp 6), ss. 1(9), 12(2); S.S.I. 2020/162, **reg. 2**

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- F43** S. 202(1): definition of "registered political party" inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 38(1)(3)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- F44** Words in s. 202(1) substituted (16.2.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(8)**; S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- F45** Words in s. 202(1) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 4 para. 3**; S.I. 2023/1145, **reg. 2(f)(iii)**
- F46** Definition of "registration duties" repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 70 Sch. 5**
- F47** S. 202(1): definitions of "standard scale" and "statutory maximum" repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**.
- F48** S. 202(1): definition inserted (26.3.2001) by S.I. 2001/1149, **art. 3(1), Sch. 1 para. 57(4)**
- F49** Words in s. 202(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 120**; S.I. 2011/2329, **art. 3**
- F50** Words in s. 202(1) inserted (E.W.) (20.3.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(3)(f), **Sch. 2 para. 2(17)**

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

- C27** S. 202 applied with modifications (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5, Sch. 1 Pt. I**
- C28** S. 202 applied (with modifications) (2.4.2001) by The Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298), **reg. 8(1), Sch. 3 Table 2** (with **reg. 10(4)**)  
S. 202 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9, Sch. 1 Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4), Sch.**)
- C29** S. 202 applied (with modifications) (N.I.) (4.5.1996) by Elections (Northern Ireland) Order 1996 (S.I. 1996/1220), **art. 3(1)(b)(5)-(8), Sch. 1**  
S. 202 applied (N.I.) (25.4.1998) by Northern Ireland Negotiations (Referendum) Order 1998 (S.I. 1998/1126), **art. 6, Sch. 2**  
S. 202 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)
- C30** S. 202 applied (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}**
- C31** S. 202 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}**
- C32** S. 202 applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), **art. 3, Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3, Sch. 1**)
- C33** S. 202 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**
- C34** S. 202 applied (with modifications) (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**)
- C35** S. 202 applied (with modifications) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), **regs. 1, 8, 12, 13, Sch. 4 Pt. 1**
- C36** S. 202 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**)
- C37** S. 202(1) applied in part (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**
- C38** S. 202(1) applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **reg. 1, Sch. 1 para. 46** (with **Sch. 1 para. 1(3)**)
- C39** Definition in S. 202(1) applied (1.5.1999) by 1999 c. 1, **S. 2 Sch. 1** (subst. 1978 c. 10, **Sch. 2** at **para 4(4)**); S.I. 1999/717 **art. 2(1)** with **art. 2(2)(3)**
- C40** Definition of "prescribed" is extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**

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- C41** S. 202(2) applied (with modifications) (31.7.1997) by [Referendums \(Scotland and Wales\) Act 1997](#) (c. 61), s. 3, [Sch. 3 para. 13](#) Table 1  
S. 202(2) applied in part (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](#)

#### Marginal Citations

- M1** 1978 c. 30.  
**M2** 1972 c. 70.

## 203 Local government provisions as to England and Wales.

(1) In this Act, unless the context otherwise requires, in relation to England and Wales—

<sup>F51</sup> . . . . .

[<sup>F52</sup>“Assembly constituency” has the same meaning as in the 1999 Act (see section 2(4) and (5) of that Act);]

[<sup>F52</sup>“Authority election” means—

- (a) any election of the Mayor of London;
- (b) any election of a constituency member of the London Assembly; or
- (c) the election of the London members of the London Assembly at an ordinary election;]

[<sup>F52</sup>“constituency member”, in relation to the London Assembly, has the same meaning as in the 1999 Act;]

[<sup>F52</sup>“election of a constituency member of the London Assembly” means—

- (a) any such election at an ordinary election; or
- (b) an election under section 10 of the 1999 Act (election to fill a vacancy in an Assembly constituency);]

[<sup>F52</sup>“election of the Mayor of London” means—

- (a) any such election at an ordinary election; or
- (b) an election under section 16 of the 1999 Act (election to fill a vacancy in the office of Mayor of London);]

[<sup>F53</sup>“electoral area” means]

- (a) [<sup>F54</sup>in England, any electoral division or ward or, in the case of a parish in which there are no wards, the parish, for which the election of councillors is held under the local government Act;]
- (aa) [<sup>F54</sup>in Wales, any electoral ward of a county council or county borough council or community ward or, in the case of a community in which there are no wards, the community, for which the election of councillors is held under the local government Act;]
- (b) [<sup>F55</sup>Greater London, in the case of—
  - (i) any election of the Mayor of London; or
  - (ii) the election of the London members of the London Assembly at an ordinary election;
- (c) any Assembly constituency for which the election of a constituency member of the London Assembly is held;]

[<sup>F56</sup>“EU citizen with retained rights” has the meaning given by section 203B;]

“local authority” means [<sup>F57</sup>the Greater London Authority,] a county council [<sup>F58</sup>a county borough council,], <sup>F59</sup> . . . a district council, a London borough council <sup>F60</sup> . . . or a parish or community council;

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“local government Act” means the <sup>M3</sup>Local Government Act 1972 <sup>F61</sup> . . . ;  
“local government area” means [<sup>F62</sup>Greater London,] a county [<sup>F63</sup>county borough,], London borough <sup>F64</sup> . . . , district, parish or community;  
“local government election” means  
(a) <sup>F65</sup> the election of councillors for any electoral area [<sup>F66</sup>; or  
(b) any Authority election]  
[<sup>F52</sup>“London member”, in relation to the London Assembly, has the same meaning as in the 1999 Act;]  
[<sup>F56</sup>“qualifying EU citizen” has the meaning given by section 203A;]  
[<sup>F67</sup>“qualifying foreign citizen” means a person who—  
(a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and  
(b) either—  
(i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or  
(ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.]  
[<sup>F68</sup>“simple majority system” has the meaning given by section 6(1) of the Local Government and Elections (Wales) Act 2021;  
“single transferable vote system” has the meaning given by section 6(2) of the Local Government and Elections (Wales) Act 2021.]  
[<sup>F52</sup>“the 1999 Act” means the Greater London Authority Act 1999;]

[<sup>F69</sup>(1A) In the application of this Act in relation to England and Wales, unless the context otherwise requires, any reference to—

- (a) a local government election, or
- (b) an election under the local government Act,

shall be taken to include a reference to an Authority election.

<sup>F69</sup>(1B) Any reference in this Act to a registered political party submitting a list of candidates to be London members of the London Assembly at an ordinary election shall be construed in accordance with section 4(5)(a) of, and Part II of Schedule 2 to, the 1999 Act; and related expressions shall be construed accordingly.]

[<sup>F70</sup>(2) The following provisions of this Act, namely—

- (a) Part I, so far as it has effect for the purposes of parliamentary elections, and
  - (b) Parts I to III, so far as they have effect for the purposes of Authority elections,
- shall (subject to any express provision contained in the Part or Parts in question) apply in relation to the City as if the City were a London borough and the Common Council were a London borough council.

For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.]

(3) The modifications made by subsection (2) above do not affect section 52(4) above.

(4) This Act applies in relation to the Isles of Scilly as if those isles were a county and as if the council of those isles were a county council, except that—

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- (a) [<sup>F71</sup>the council shall appoint an officer of the council to be registration officer for the isles and] paragraph 1(1) of Schedule 2 <sup>F72</sup> . . . shall apply as if the isles were a district and the council were a district council;
- (b) the provisions of Part I relating to the conduct of local government elections shall have effect in relation to those isles subject to such adaptations as the Secretary of State may by regulations prescribe.
- (5) For the purposes of section 265 of the <sup>M4</sup>Local Government Act 1972 (application to Isles of Scilly) the provisions of this Act as to rules made by the Secretary of State under section 36 above shall be deemed to be contained in a public general Act relating to local government.

### Textual Amendments

- F51** Definition of "council" inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), [Sch. 9 para. 1\(10\)\(a\)](#) and repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 13 Pt. I](#)
- F52** S. 203(1): definitions inserted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 39\(1\)\(2\)](#), with Sch. 12 para. 9(1); [S.I. 1999/3376, art. 2](#)
- F53** Definition of "electoral area" substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 71\(a\)](#)
- F54** Words in s. 203(1) substituted (E.W.) (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(3)(f), [Sch. 2 para. 2\(18\)\(a\)](#)
- F55** S. 203(1): in definition of "electoral area" para. (b)(c) added (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 39\(1\)\(3\)](#) [S.I. 1999/3376, art. 2](#)
- F56** Words in s. 203 inserted (E.W.N.I.) (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(4)(b), [Sch. 8 para. 1\(10\)](#); [S.I. 2023/1145, reg. 3\(i\)](#)
- F57** S. 203(1): words in definition of "local authority" inserted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 39\(1\)\(4\)\(a\)](#); [S.I. 1999/3376, art. 2](#)
- F58** Words in definition of "local authority" in s. 203(1) inserted (20.3.1995) by 1994 c. 19, s. 66(6), [Sch. 16 para. 68\(16\)\(a\)](#) (with ss. 54(4)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/546, art. 3, Sch. 3](#)
- F59** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F60** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), [Sch. 9 para. 1\(10\)\(b\)](#) and repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 13 Pt. I](#)
- F61** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), [Sch. 9 para. 1\(10\)\(c\)](#) and repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 13 Pt. I](#)
- F62** S. 203(1): words in definition of "local government area" inserted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 39\(1\)\(4\)\(b\)](#); [S.I. 1999/3376, art. 2](#)
- F63** Words in definition of "local government area" in s. 203(1) inserted (20.3.1995) by 1994 c. 19, s. 66(6), [Sch. 16 para. 68\(16\)\(b\)](#) (with ss. 54(4)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/546, art. 3, Sch. 3](#)
- F64** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), [Sch. 9 para. 1\(10\)\(d\)](#) and repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 13 Pt. I](#)
- F65** S. 203(1) definition of "local government area": "(a)" inserted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 39\(4\)\(c\)](#); [S.I. 1999/3376, art. 2](#)
- F66** S. 203(1) definition of "local government area": para. (b) and preceding word inserted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 39\(1\)\(4\)\(c\)](#); [S.I. 1999/3376, art. 2](#)
- F67** Words in s. 203(1) (E.W.) inserted (1.6.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. [12\(2\)](#), [42\(3\)\(a\)](#)
- F68** Words in s. 203(1) inserted (E.W.) (6.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(6)(c), [Sch. 2 para. 2\(18\)\(b\)](#)
- F69** S. 203(1A)(1B) inserted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 39\(5\)](#); [S.I. 1999/3376, art. 2](#)
- F70** S. 203(2) substituted (14.12.1999) by 1999 c. 29, s. 17, [Sch. 3 para. 39\(6\)](#); [S.I. 1999/3376, art. 2](#)

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- F71** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 71(b)**  
**F72** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 71(b)**, Sch. 5

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

- C42** S. 203 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**  
**C43** S. 203 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 (as amended (6.4.2014) by [S.I. 2014/370](#), **art. 6(3)**)  
**C44** S. 203(1) applied (with modifications) (31.7.1997) by [Referendums \(Scotland and Wales\) Act 1997 \(c. 61\)](#), s. 3, **Sch. 3 para. 13** Table 1  
S. 203(1) applied (with modifications) (E.) (2.4.2001) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2001 \(S.I. 2001/1298\)](#), reg. 8(1), **Sch. 3** Table 2, (with reg. 10(4))  
S. 203(1) 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}

#### **Marginal Citations**

- M3** 1972 c. 70.  
**M4** 1972 c. 70.

### [<sup>F73</sup>203A Meaning of “qualifying EU citizen”

- (1) In this Act “qualifying EU citizen” means a person who—
- (a) is a citizen of a country for the time being listed in Schedule 6A, and
  - (b) either—
    - (i) does not require leave under the Immigration Act 1971 to enter or remain in the United Kingdom or any of the Islands, or
    - (ii) does require such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.
- (2) The Secretary of State must by regulations add a country to the list in Schedule 6A where—
- (a) the country is a qualifying country,
  - (b) the United Kingdom and the country intend to become parties to a relevant treaty, and
  - (c) section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) applies in relation to the relevant treaty and the requirements of that section have been met such that the relevant treaty may be ratified.
- (3) The Secretary of State may by regulations remove a country from the list in Schedule 6A where the country ceases to be a party to a relevant treaty to which the United Kingdom is also a party.
- (4) The Secretary of State must, as soon as reasonably practicable after regulations are made under subsection (2) or (3), give notice of that fact to—
- (a) registration officers in England,
  - (b) registration officers for elections of police and crime commissioners for police areas in Wales,

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- (c) the Chief Electoral Officer for Northern Ireland, and
- (d) the Electoral Commission.

(5) In this section—

“the Islands” means the Channel Islands and the Isle of Man;

“qualifying country” means a country—

- (a) that was a member State immediately before IP completion day, other than the Republic of Ireland,
- (b) that was part of a member State immediately before IP completion day, other than the Republic of Ireland, or
- (c) that is formed entirely of two or more former countries, both or all of which were member States immediately before IP completion day, other than the Republic of Ireland;

“ratification”, in relation to a treaty, is to be construed in accordance with section 25(3) of the Constitutional Reform and Governance Act 2010;

“relevant treaty” means a treaty containing provision relating to eligibility to vote and to stand as a candidate at elections;

“treaty” has the same meaning as in Part 2 of the Constitutional Reform and Governance Act 2010 (see section 25 of that Act).]

#### Textual Amendments

**F73** Ss. 203A, 203B inserted (E.W.N.I.) (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(4)(b), [Sch. 8 para. 1\(11\)](#); S.I. 2023/1145, reg. 3(i)

#### [<sup>F73</sup>203B Meaning of “EU citizen with retained rights”

- (1) In this Act “EU citizen with retained rights” means a person who—
  - (a) is a citizen of a country falling within subsection (8),
  - (b) was a citizen of the Union immediately before IP completion day,
  - (c) was resident in the United Kingdom or any of the Islands immediately before that day,
  - (d) falls within any of subsections (2) to (4), and
  - (e) is not a qualifying EU citizen.
- (2) A person falls within this subsection if the person—
  - (a) has UK or Islands leave granted by virtue of residence scheme immigration rules, and
  - (b) has such leave otherwise than in accordance with provision in residence scheme immigration rules for joining family members.
- (3) A person falls within this subsection if—
  - (a) the person has UK or Islands leave but does not fall within subsection (2), and
  - (b) the requirements of subsection (5) are met in relation to the person.
- (4) A person falls within this subsection if—
  - (a) the person does not require UK or Islands leave,
  - (b) the person is resident in the United Kingdom or any of the Islands, and
  - (c) the requirements of subsection (5) are met in relation to the person.



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- (5) The requirements referred to in subsections (3)(b) and (4)(c) are that—
- (a) at all times since the relevant date, the person has either had UK or Islands leave or not required UK or Islands leave, and
  - (b) the person was resident in the United Kingdom or any of the Islands at all times after the relevant date when the person did not require UK or Islands leave.
- (6) In determining whether the requirement in subsection (5)(a) is met in relation to a person, any period to which subsection (7) applies is to be disregarded if the person was resident in the United Kingdom or any of the Islands during the period.
- (7) This subsection applies to any period after the relevant date during which the person required UK or Islands leave but did not have it, if at the end of the period the person was granted UK or Islands leave—
- (a) in pursuance of an application made before the end of the relevant date, or
  - (b) in pursuance of an application made after the relevant date, where the leave was granted—
    - (i) by virtue of residence scheme immigration rules, and
    - (ii) otherwise than in accordance with provision in such rules for joining family members.
- (8) A country falls within this subsection where the country—
- (a) was a member State immediately before IP completion day, other than the Republic of Ireland,
  - (b) was part of a member State immediately before IP completion day, other than the Republic of Ireland, or
  - (c) is formed of two or more former countries, at least one of which was a member State immediately before IP completion day, other than the Republic of Ireland.
- (9) In this section a reference to a person having UK or Islands leave includes a reference to a person who is, by virtue of any enactment, to be treated as having such leave.
- (10) In this section—
- “the 1971 Act” means the Immigration Act 1971;
  - “the Islands” means the Channel Islands and the Isle of Man;
  - “the relevant date” means 30 June 2021;
  - “immigration rules” has the same meaning as in the 1971 Act;
  - “residence scheme immigration rules” means—
    - (a) residence scheme immigration rules within the meaning of Part 3 of the European Union (Withdrawal Agreement) Act 2020 (see section 17(1) of that Act),
    - (b) Appendix EU to the Guernsey immigration rules,
    - (c) Appendix EU to the Isle of Man immigration rules, or
    - (d) Appendix EU(J) to the Jersey immigration rules;
  - “UK or Islands leave” means leave under the 1971 Act to enter or remain in the United Kingdom or any of the Islands.
- (11) In this section—

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“Guernsey immigration rules” means the rules made in respect of the Bailiwick of Guernsey under sections 1(4) and 3(2) of the 1971 Act as extended to that Bailiwick;

“Isle of Man immigration rules” means the rules made in respect of the Isle of Man under section 3(2) of the 1971 Act as extended to the Isle of Man;

“Jersey immigration rules” means the rules contained in the directions made in respect of the Bailiwick of Jersey under sections 1(4A) and 3(2) of the 1971 Act as extended to that Bailiwick.

- (12) References in this section to provision in residence scheme immigration rules for joining family members are references to—
- (a) paragraph EU11A or EU14A of Appendix EU to the immigration rules or provision replacing either of those paragraphs, or
  - (b) provision corresponding to provision within paragraph (a) in the Guernsey immigration rules, the Isle of Man immigration rules or the Jersey immigration rules.]

#### Textual Amendments

**F73** Ss. 203A, 203B inserted (E.W.N.I.) (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(4)(b), [Sch. 8 para. 1\(11\)](#); S.I. 2023/1145, reg. 3(i)

### *Scotland and Northern Ireland*

#### **204 General application to Scotland.**

- (1) This section has (in addition to any express application elsewhere in this Act) effect for the general application of this Act to Scotland, and accordingly—
- “electoral area”, in relation to a local government election, means the electoral <sup>F74</sup> . . . ward for which the election is held;
- [<sup>F75</sup>“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]
- “local government Act” means the [<sup>F76</sup>Local Governance (Scotland) Act 2004 (asp 9)];
- [<sup>F77</sup>“local government area” means the area of a local authority;]
- “local government election” means an election of councillors by local government electors for an electoral area.
- (2) For a reference to a borough constituency substitute a reference to a burgh constituency.
- (3) For a reference to the High Court substitute a reference to the Court of Session and for a reference to the county court or a judge of that court substitute a reference to the sheriff.
- (4) The power conferred by section 57 above on the Court of Session to make acts of sederunt for the appointment of judges to hear appeals under that section or to fill any vacancy among the judges so appointed is not required to be exercisable by statutory instrument.

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- (5) A reference to the Director of Public Prosecutions or the Attorney General refers to the Lord Advocate.
- (6) for a reference to a plaintiff or defendant substitute respectively a reference to a pursuer or defender, for a reference to a recognisance substitute a reference to a bond of caution and for a reference to an injunction substitute a reference to an interdict.
- (7) Any reference to the report of an election court shall, in relation to an election court trying a petition questioning an election of councillors in Scotland, be construed as a reference to a finding of the court, and the expression “reported of a corrupt or illegal practice” shall be construed accordingly.
- (8) For a reference to the register of licences substitute a reference to the register kept in pursuance of section 20 of the <sup>M5</sup>Licensing (Scotland) Act 1976.
- (9) Section 231 of the <sup>M6</sup>Local Government (Scotland) Act 1973 (application to sheriff in cases of difficulty) applies to the provisions of sections 41 to 45 above as that section applied to those provisions immediately before their repeal and reenactment by this Act.
- (10) Notwithstanding the repeal by this Act of sections 19 and 43 of the Representation of the <sup>M7</sup>People Act 1918, those sections shall continue to have such effect as they had immediately before that repeal in relation to regulation 16 of section 2 of the <sup>M8</sup>Universities Elections Amendment (Scotland) Act 1881.

#### Textual Amendments

- F74** Words in the definition of “electoral area” in s. 204(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 130(8)(a), Sch. 14; S.I. 1996/323, art. 4(1)(c)
- F75** Definition of “local authority” in s. 204(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 130(8)(b); S.I. 1996/323, art. 4(1)(c)
- F76** S. 204: words in definition of “local government Act” substituted (S.) (2.5.2007) by Local Governance (Scotland) Act 2004 (asp 9), ss. 5(1)(e), 17; S.S.I. 2007/25, art. 2(2)
- F77** Definition of “local government area” in s. 204(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 130(8)(c); S.I. 1996/323, art. 4(1)(c)

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

- C45** S. 204 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C46** S. 204(1)(3)(5) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1
- C47** S. 204(3)-(6)(8) applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C48** S. 204(3)(5)(8) applied (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 1 para. 47 (with Sch. 1 para. 1(3))

#### Marginal Citations

- M5** 1976 c. 66.
- M6** 1973 c. 65.
- M7** 1918, (7 & 8 Geo. 5.) c. 64.
- M8** 1881, (44 & 45 Vict.) c. 40.

## 205 General application to Northern Ireland.

- (1) This section has (in addition to any express application elsewhere in the Act) effect for the general application of this Act to Northern Ireland, and accordingly—

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- [<sup>F78</sup>(a) a reference to the Attorney General refers to the Attorney General for Northern Ireland;
- (aa) a reference to the Director of Public Prosecutions refers to the Director of Public Prosecutions for Northern Ireland;]
- (b) subject to subsection (2) below, a reference to any enactment shall be construed as a reference to that enactment as it applies in Northern Ireland.
- (2) Nothing in this Act affects the law relating to local government in Northern Ireland.

#### Textual Amendments

- F78** S. 205(1)(a)(aa) substituted for s. 205(1)(a) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 72](#)

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

- C49** S. 205 applied (with modifications) (N.I.) (4.5.1996) by [Elections \(Northern Ireland\) Order 1996 \(S.I. 1996/1220\)](#), art. 3(1)(b)(5)-(8), [Sch. 1](#)
- S. 205 applied (N.I.) (25.4.1998) by [Northern Ireland Negotiations \(Referendum\) Order 1998 \(S.I. 1998/1126\)](#), art. 6, [Sch. 2](#)
- S. 205 applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), art. 3, [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, [Sch. 1](#))
- C50** S. 205 applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 1 para. 48](#) (with [Sch. 1 para. 1\(3\)](#))
- C51** S. 205(2) excluded (N.I.) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), [ss. 2\(1\), 13\(6\)](#)

### Operation

#### 206 Transitional and saving provisions, amendments and repeals.

In Schedule 7 to this Act—

- (a) Part I has effect as to its transitional and saving provisions, and
- (b) Part II has effect as to its provisions relating to the interpretation of other Acts, and subject to that Schedule—
- (i) the enactments and order specified in Schedule 8 to this Act have effect subject to the amendments consequent on this Act specified in that Schedule; and
- (ii) the enactments and orders specified in Schedule 9 to this Act (of which those in Part I are obsolete) are repealed or revoked to the extent specified in the third column of that Schedule.

#### 207 Citation and commencement.

- (1) This Act may be cited as the Representation of the People Act 1983, and is included among the Acts which may be cited as the Representation of the People Acts.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

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

**C52** Power of appointment conferred by s. 207(2) fully exercised: 15.3.1983 appointed by [S.I. 1983/153](#)

**Status:**

Point in time view as at 04/04/2024.

**Changes to legislation:**

Representation of the People Act 1983, Part V is up to date with all changes known to be in force on or before 03 October 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.