



Representation of the People Act 1983

1983 CHAPTER 2

PART I

PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

Offences

61 Other voting offences.

(1) A person shall be guilty of an offence if—

- (a) he votes in person or by post, whether as an elector or as proxy, or applies to [F¹ vote by proxy or by post as elector, at a parliamentary or local government election, or at parliamentary or local government elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or]
- (b) he applies for the appointment of a proxy to vote for him at [F² any parliamentary or local government election or at parliamentary or local government elections knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or]
- (c) he votes, whether in person or by post, ^{F³} . . . , as proxy for some other person at a parliamentary or local government election, knowing that that person is subject to a legal incapacity to vote.

For the purposes of this subsection references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include his being below voting age if he will be of voting age on that day.

(2) A person shall be guilty of an offence if—

- (a) he votes as elector otherwise than by proxy either—
 - (i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or

Status: Point in time view as at 01/01/2007. This version of this provision has been superseded.

Changes to legislation: Representation of the People Act 1983, Section 61 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or
- (iii) in any constituency at a general election, or in any electoral area at such an ordinary election as mentioned above, when there is in force an appointment of a person to vote as his proxy at the election in some other constituency or electoral area; or
- (b) he votes as elector in person at a parliamentary or local government election at which he is entitled to vote by post; or
- (c) he votes as elector in person at a parliamentary or local government election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post at the election; or
- (d) ^{F4} . . . , he applies for a person to be appointed as his proxy to vote for him at parliamentary elections [^{F5}in any constituency] without applying for the cancellation of a previous appointment of a third person then in force [^{F5}in respect of that or another constituency] or without withdrawing a pending application for such an appointment [^{F5}in respect of that or another constituency].

^{F6}(2A) In the case of Authority elections, paragraph (a) of subsection (2) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as an elector otherwise than by proxy—

- (a) more than once at the same election of the Mayor of London;
- (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
- (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly;
- (d) in more than one Assembly constituency at the same ordinary election; or
- (e) in any Assembly constituency at an ordinary election, or an election of the Mayor of London held under section 16 of the 1999 Act, when there is in force an appointment of a person to vote as his proxy at the election in some other Assembly constituency.]

(3) A person shall be guilty of an offence if—

- (a) he votes as proxy for the same elector either—
 - (i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or
 - (ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or
- (b) he votes in person as proxy for an elector at a parliamentary or local government election at which he is entitled to vote by post as proxy for that elector; or
- ^{F7}(c)
- (d) he votes in person as proxy for an elector at a parliamentary or local government election knowing that the elector has already voted in person at the election.

Status: Point in time view as at 01/01/2007. This version of this provision has been superseded.

Changes to legislation: Representation of the People Act 1983, Section 61 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F8}(3A) In the case of Authority elections, paragraph (a) of subsection (3) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as proxy for the same elector—
- (a) more than once at the same election of the Mayor of London;
 - (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
 - (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly; or
 - (d) in more than one Assembly constituency at the same ordinary election.]
- (4) A person shall also be guilty of an offence if he votes at a parliamentary election in any constituency [^{F9}or at a local government election in any electoral area] as proxy for more than two persons of whom he is not the [^{F10}spouse, civil partner,] parent, grandparent, brother, sister, child or grandchild.
- (5) A person shall also be guilty of an offence if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge, would be, an offence by that other person under the foregoing subsections of this section.
- (6) For the purposes of this section a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under subsection (4) above, a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.
- [^{F11}(6A) A person is not guilty of an offence under subsection (2)(b) or (3)(b) above only by reason of his having marked a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.]
- [^{F12}(6A) Where a person is alleged to have committed an offence under subsection (2)(a)(i) or (3)(a)(i) above by voting on a second or subsequent occasion at a parliamentary election, he shall not be deemed by virtue of subsection (6) above to have voted by applying on a previous occasion for a ballot paper for the purpose of voting in person unless he then marked a tendered ballot paper under rule 40(1C) of the parliamentary elections rules.]
- (7) An offence under this section shall be an illegal practice, but—
- (a) the court before whom a person is convicted of any such offence may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below; and
 - (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this section of any agent of his other than an offence under subsection (5) above.

Textual Amendments

- F1** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, [Sch. 2 para. 2\(a\)](#)
- F2** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, [Sch. 2 para. 2\(b\)](#)
- F3** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 11, 28, [Sch. 2 para. 2\(c\)](#), Sch. 5

Status: Point in time view as at 01/01/2007. This version of this provision has been superseded.

Changes to legislation: Representation of the People Act 1983, Section 61 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F4** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 2(d)**, Sch. 5
- F5** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 2(d)**
- F6** S. 61(2A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 10(1)(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F7** S. 61(3)(c) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 11, 28, **Sch. 2 para. 2(e)**, Sch. 5
- F8** S. 61(3A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 10(1)(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F9** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 2(f)**
- F10** Words in s. 61(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 83**; S.I. 2005/3175, **art. 2**, Sch. 1
- F11** S. 61(6A) inserted (1.1.2007 for E.W.S. and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), **ss. 38(3), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(s) (subject to transitional provisions in art. 6, Sch. 2)
- F12** S. 61(6A) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), **s. 2(5)**

Modifications etc. (not altering text)

- C1** S. 61 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. 1**
S. 61 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C2** S. 61 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**
S. 61 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 61 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
S. 61 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25) (as amended (5.12.2005) by S.I. 2005/2114, art. 2(12), **Sch. 12 para. 9(2)(a)**)
S. 61 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} (as amended (W.) (5.12.2005) by S.I. 2005/3302, art. 2, **Sch. para. 27(a)**) (which applying S.I. was revoked (24.7.2008) by S.I. 2008/1848)
S. 61 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 10, **Sch. 4** (which S.I. was revoked by S.I. 2008/1848)
S. 61 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**
S. 61 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}
- C3** S. 61 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

Status:

Point in time view as at 01/01/2007. This version of this provision has been superseded.

Changes to legislation:

Representation of the People Act 1983, Section 61 is up to date with all changes known to be in force on or before 25 May 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.