



Representation of the People Act 1983

1983 CHAPTER 2

PART I

PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

[^{F1} Entitlement to registration]

[^{F1}7B Notional residence: declarations of local connection.

- (1) A declaration under this section (“a declaration of local connection”)—
 - (a) may be made only by a person to whom this section applies, but
 - (b) may be made by such a person despite the fact that by reason of his age he is not entitled to vote.
- (2) This section applies to any person who on the date when he makes such a declaration is—
 - (a) a person to whom section 7 above applies and who would not be entitled to be registered by virtue of residence at any place other than the mental hospital (within the meaning of that section) at which he is a patient, or
 - (b) a person to whom section 7A applies and who would not be entitled to be registered by virtue of residence at any place other than the place at which he is detained as mentioned in subsection (1) of that section, or
 - (c) a person who does not fall within paragraph (a) or (b) above (and is not otherwise in legal custody) and who is not, for the purposes of section 4 above, resident at any address in the United Kingdom (a “homeless person”).

[In relation to the registration of local government electors in Scotland, this section ^{F2}(2A) also applies to a person who, on the date on which the person makes a declaration under subsection (1)—

- (a) is under the age of 16,
- (b) does not fall within any of paragraphs (a) to (c) of subsection (2), and
- (c) meets either of the requirements specified in subsection (2B).

Status: Point in time view as at 25/07/2015. This version of this provision has been superseded.

Changes to legislation: Representation of the People Act 1983, Section 7B is up to date with all changes known to be in force on or before 14 August 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)

(2B) The requirements are that—

- (a) the person is, or has been, a child looked after by a local authority, or
- (b) the person is being kept in secure accommodation.

(2C) For the purposes of subsection (2B)—

- (a) the reference to a child looked after by a local authority is to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995 (duty of local authorities in relation to looked after children), and
- (b) “secure accommodation” means accommodation provided, for the purpose of restricting the liberty of children, in an establishment in Scotland (whether managed by a local authority, a voluntary organisation or any other person) that—
 - (i) provides residential accommodation for children for the purposes of the Children's Hearings (Scotland) Act 2011, the Children (Scotland) Act 1995 or the Social Work (Scotland) Act 1968, and
 - (ii) is approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010 (regulations in relation to care services).]

(3) A declaration of local connection shall state—

- (a) the name of the declarant and either—
 - (i) an address to which correspondence for him from either the registration officer concerned or the returning officer can be delivered, or
 - (ii) that he is willing to collect such correspondence periodically from the registration officer's office;
- (b) the date of the declaration;
- (c) that on the date of the declaration the declarant falls into one of the categories of persons to whom this section applies, specifying—
 - (i) the category in question, and
 - (ii) (in the case of a person falling within subsection (2)(a) or (b) above) the name and address of the mental hospital at which he is a patient or (as the case may be) of the place at which he is detained;
- (d) the required address (as defined by subsection (4) below);
- (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland or (if the declaration is made for the purposes only of local government elections) a relevant citizen of the Union;
- (f) whether the declarant has on the date of the declaration attained the age of 18 years, and, if he has not, the date of his birth.

(4) For the purposes of this section “the required address” is—

- (a) in the case of a person falling within subsection (2)(a) or (b) above—
 - (i) the address in the United Kingdom where he would be residing if he were not such a patient, or detained, as mentioned in that provision, or
 - (ii) if he cannot give such an address, an address in the United Kingdom at which he has resided;
- (b) in the case of a homeless person, the address of, or which is nearest to, a place in the United Kingdom where he commonly spends a substantial part of his time (whether during the day or at night);

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[in the case of a person falling within subsection (2A), any address in Scotland
^{F3}(c) at which the person has previously been resident.]

^{F4}(5)

(6) Where a declaration of local connection made by a homeless person is delivered to the registration officer concerned during the period—

- (a) beginning with the date when a vacancy occurs—
 - (i) in the seat for the parliamentary constituency within which the required address falls, or
 - (ii) in the seat for any Scottish Parliament constituency or National Assembly for Wales constituency within which it falls, and
- (b) ending on the final nomination day (within the meaning of section 13B below) for the parliamentary by-election, or (as the case may be) the election under section 9 of the ^{M1}Scotland Act 1998 or [^{F5}section 10 of the Government of Wales Act 2006], held in respect of that vacancy,

the declaration must state that, during the period of three months ending on the date of the declaration, the declarant has commonly been spending a substantial part of his time (whether during the day or at night) at, or near, the required address.

(7) No declaration of local connection shall be specially made by a person for the purposes of local government elections, and any such declaration made for the purposes of parliamentary elections shall have effect also for the purposes of local government elections; but—

- (a) a declaration of local connection may be made for the purposes only of local government elections by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections or by a relevant citizen of the Union; and
- (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other declarations of local connection.

[Despite anything in subsection (7), in relation to Scotland, a relevant declaration made
^{F6}(7A) by a person has effect only for the purposes of the person's registration as a local government elector.

(7B) In subsection (7A), “relevant declaration” means—

- (a) a declaration of local connection made by virtue of subsection (2A),
- (b) any other declaration of local connection made by a person who, on the date on which the declaration is made, is—
 - (i) under the age of 17, and
 - (ii) not entitled to be registered in the register of parliamentary electors.

(7C) A relevant declaration referred to in subsection (7A) must be marked to show that it is available only for the purposes of registration as a local government elector, but otherwise is to be the same as other declarations of local connection.]

(8) If a person—

- (a) makes a declaration of local connection stating more than one address under subsection (3)(d) above, or
- (b) makes more than one declaration of local connection bearing the same date and stating different addresses under that provision,

the declaration or declarations shall be void.

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- (9) A declaration of local connection may be cancelled at any time by the declarant.
- (10) A declaration of local connection shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.]

Textual Amendments

- F1** Ss. 7B, 7C inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 6; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F2** S. 7B(2A)-(2C) inserted (S.) (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), ss. 8(2), 21
- F3** S. 7B(4)(c) inserted (S.) (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), ss. 8(3), 21
- F4** S. 7B(5) repealed (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), ss. 14(1)(a)(ii), 28; S.I. 2014/2613, art. 2(2)(a)
- F5** Words in s. 7B(6)(b) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1, 3, Sch. 1 para. 17
- F6** S. 7B(7A)-(7C) inserted (S.) (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), ss. 8(4), 21

Modifications etc. (not altering text)

- C1** S. 7B 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.)
- C2** Ss. 7-7C 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 paras. 3(4), 4(2); S.I. 2001/116, art. 2(1) (with art. 2(3)-(5)))
- C3** S. 7B extended (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 7, 13(1) (with s. 13(2))
- C4** S. 7B 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))

Marginal Citations

- M1** 1998 c. 46.

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