



Representation of the People Act 1985

1985 CHAPTER 50

Extension of franchise to British citizens overseas

1 Extension of parliamentary franchise

- (1) Subject to section 1(3) of the principal Act, a person is entitled (notwithstanding anything in section 1(2) of that Act) to vote as an elector at a parliamentary election in any constituency if—
 - (a) he qualifies as an overseas elector in respect of that constituency on the qualifying date, and
 - (b) on that date and on the date of the poll he is not subject to any legal incapacity to vote and is a British " citizen.
- (2) For the purposes of this and the principal Act, a person qualifies as an overseas elector in respect of a constituency on the qualifying date if—
 - (a) on that date he is not resident in the United Kingdom, and
 - (b) he satisfies the following conditions.
- (3) Those conditions are that—
 - (a) he was included in a register of parliamentary electors in respect of an address at a place that is situated within the constituency concerned,
 - (b) on the date by reference to which the register was prepared, he was resident or treated for the purposes of registration as resident at that address,
 - (c) that date fell within the period of five years ending immediately before the qualifying date, and
 - (d) if he was included in any register of parliamentary electors prepared by reference to a date later than the date referred to in paragraph (b) above, he was not resident or treated for the purposes of registration as resident at an address in the United Kingdom on that later date.
- (4) The reference in subsection (1) above to a person being subject to a legal incapacity to vote on the qualifying date does not include a reference to his being below the age of 18 on that date.

2 Registration of British citizens overseas

(1) A person may not be registered in any register as mentioned in section 12(1) of the principal Act on the ground that he may be entitled by virtue of section 1 of this Act to vote at parliamentary elections for which the register is to be used except—

- (a) ' in pursuance of a declaration made by him under and in accordance with this section (an "overseas elector's declaration "), and
- (b) in the register for the constituency or part of the constituency within which is situated the place in the United Kingdom specified in the declaration in accordance with subsection (4) below as having been the address in respect of which he was registered;

and may not be so registered on that ground unless the registration officer concerned is satisfied that, on the qualifying date, he qualifies as an overseas elector in respect of the constituency for which that register is prepared.

(2) An overseas elector's declaration must be made with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register and must be made within the twelve months ending with that date.

(3) An overseas elector's declaration must state—

- (a) the date of the declaration,
- (b) that the declarant is a British citizen,
- (c) that the declarant will not be resident in the United Kingdom on the qualifying date,
- (d) when he ceased to be so resident or, in the case of a person relying on registration in pursuance of a service declaration, when he ceased to have a service qualification or, if later, ceased to be so resident, and
- (e) that the declarant does not intend to reside permanently outside the United Kingdom,

and must contain such other information and satisfy such other requirements (which may include requirements for declarations to be attested and for the charging of fees in respect of their attestation) as may be prescribed.

(4) An overseas elector's declaration must specify the address in respect of which he was registered and may not specify more than one such address; and if the declarant makes more than one such declaration bearing the same date and specifying different addresses in the United Kingdom as the address in respect of which he was registered the declarations shall be void.

(5) An overseas elector's declaration may be cancelled at any time by the declarant and such a declaration bearing a later date shall, without any express cancellation, cancel an overseas elector's declaration bearing an earlier date which was made with reference to the same qualifying date.

(6) For the purposes of section 1 of this Act and Part I of the principal Act, where a person is registered in a register of parliamentary electors for any constituency or part of a constituency in pursuance of an overseas elector's declaration, it shall be conclusively presumed—

- (a) that the address specified in the declaration in accordance with subsection (4) above is at a place that is situated within that constituency or, as the case may be, part, and
- (b) that he was not resident in the United Kingdom on the qualifying date;

and for the purposes of section 1 of this Act, section 49(1)(a) of the principal Act (register conclusive as to residence) does not apply in relation to a person's previous registration in a register of parliamentary electors unless he is registered in pursuance of an overseas elector's declaration by virtue of that previous registration.

3 Extension of franchise for European Assembly elections

- (1) The reference in paragraph 2(1)(a) of Schedule 1 to the European Assembly Elections Act 1978 to persons registered in the register of parliamentary electors at an address within an Assembly constituency (only persons registered there entitled to vote at Assembly elections in the constituency) includes a reference to any person so registered in pursuance of an overseas elector's declaration where the address specified in the declaration in accordance with section 2(4) of this Act is at a place that is situated within the constituency.
- (2) A peer is entitled by virtue of this section to vote as elector at an Assembly election in any constituency if—
 - (a) he qualifies under this section in respect of that constituency on the qualifying date,
 - (b) on that date and on the day appointed for the election he is not subject to any legal incapacity to vote and is a British citizen, and
 - (c) he is registered in the constituency in the register under this section to be used at the election.
- (3) For the purposes of subsection (2) above, a peer qualifies under this section in respect of a constituency on the qualifying date if—
 - (a) on that date he is not resident in the United Kingdom, and
 - (b) he satisfies the following conditions.
- (4) Those conditions are that—
 - (a) he was included in a register of local government electors in respect of an address at a place that is situated within the constituency concerned,
 - (b) on the date by reference to which the register was prepared, he was resident or treated for the purposes of registration as resident at that address,
 - (c) that date fell within the period of five years ending immediately before the qualifying date, and
 - (d) if he was included in any register of local government electors prepared by reference to a date later than the date referred to in paragraph (b) above, he was not resident or treated for the purposes of registration as resident at an address in the United Kingdom on that later date.
- (5) Regulations under this section may provide for the registration, subject to prescribed exceptions and on satisfying prescribed conditions, of those peers who (apart from the requirement of registration) may be entitled by virtue of this section to vote as electors at Assembly elections.
- (6) Such regulations shall require each registration officer to prepare and publish, in respect of any year for which any peers are to be registered under this section, a register of the peers so registered, and any such register shall so far as practicable be combined with the registers of parliamentary electors and of local government electors, the names of peers registered under this section being marked to indicate that fact.

(7) Such regulations—

- (a) may require a person seeking registration under this section to make a declaration for the purpose, being a declaration of the prescribed facts and containing the prescribed information, and may require such declarations to be attested and provide for the charging of fees in respect of their attestation, and
- (b) may apply with such modifications or exceptions as maybe prescribed any provision in respect of the registration of parliamentary or local government electors made by or under the principal Act or this Act and, in Northern Ireland, by or under the Electoral Law Act (Northern Ireland) 1962.

(8) In this section—

" legal incapacity " has the same meaning—

- (a) in relation to Great Britain as it has in the principal Act for the purposes of local government elections, and
- (b) in relation to Northern Ireland as it has in the Electoral Law Act (Northern Ireland) 1962 for the purposes of local elections,

but the reference in subsection (2)(b) above to a person being subject to a legal incapacity to vote on the qualifying date does not include a reference to his being below the age of 18 on that date,

" local election " has the same meaning as in the Electoral Law Act (Northern Ireland) 1962, and

" qualifying date " means, in relation to an Assembly election in Great Britain, the date which would be the qualifying date if that election were a local government election and, in relation to an Assembly election in Northern Ireland, the date which would be the qualifying date if that election were a local election,

and references to the register of local government electors include a reference to the register of electors prepared in accordance with the Electoral Law Act (Northern Ireland) 1962.

- (9) For the purposes of this section, section 49(2)(a) of the principal Act (registers conclusive as to residence) does not apply in relation to a person's previous registration in a register of local government electors unless he is registered under this section by virtue of that previous registration.

4 Extension of franchise: consequential amendments

- (1) In section 9(2) of the principal Act (combined register to indicate those registered only as local government electors) after the words "only as " there shall be inserted the words " parliamentary electors or".
- (2) In section 10 of that Act (preparation of registers)—
 - (a) in paragraph (a) (inquiry as to persons entitled to be registered except in pursuance of service declaration) after the word " declaration " there shall be inserted the words " patient's declaration or overseas elector's declaration"; and
 - (b) in paragraph (b) (preparation of lists of those entitled to be registered together with their qualifying addresses) for the words " together with " there shall be substituted the words " and, subject to any prescribed exceptions".

- (3) In section 12(1) of that Act (right to be registered, subject to exceptions) in paragraph (a) after the word " qualification " there shall be inserted—
“(aa) section 2(1) of the Representation of the People Act 1985”.
- (4) In section 49 of that Act (effect of registers) in subsection (5) in paragraph (a) and paragraph (i) after the word " Ireland " there shall be inserted the words " or, in the case of a person registered as a parliamentary elector in pursuance of an overseas elector's declaration, a British citizen".
- (5) In section 202 of that Act (interpretation) before the definition of " parliamentary election petition " there shall be inserted the following definition—
“" overseas elector's declaration ' has the meaning given by section 2 of the Representation of the People Act 1985”.
- (6) In Schedule 1 to that Act in rule 28 (issue of poll cards) at the end of paragraph (1) there shall be inserted the words " and a card shall not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration".
- (7) In Schedule 2 to that Act (regulations as to registration)—
(a) at the end of paragraph 4 there shall be inserted—
“(2) Provisions as to the manner in which overseas electors' declarations, and applications from persons making such declarations, are to be transmitted to the registration officer.”; and
(b) after paragraph 5(1) there shall be inserted—
“(1A) Provisions as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, of a person satisfying any of the requirements for qualifying as an overseas elector in respect of any constituency.”.

*Voting at parliamentary elections in the United Kingdom
and local government elections in Great Britain*

5 Manner of voting at parliamentary and local government elections

- (1) This section applies to determine the manner of voting of a person entitled to vote as an elector at a parliamentary or local government election.
- (2) He may vote in person at the polling station allotted to him under the appropriate rules, unless he is entitled as an elector to an absent vote at the election.
- (3) He may vote by post if he is entitled as an elector to vote by post at the election.
- (4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the appropriate rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.
- (5) If he is not entitled as an elector to an absent vote at the election but cannot reasonably be expected to go in person to the polling station allotted to him under the appropriate rules by reason of the particular circumstances of his employment, either as a constable or by the returning officer, on the date of the poll for a purpose connected with the

election, he may vote in person at any polling station in the constituency or, as the case may be, electoral area.

- (6) For the purposes of the provisions of this and the principal Act, a person entitled to vote as an elector at a parliamentary or local government election is entitled as an elector to vote by post or entitled to vote by proxy at the election if he is shown in the absent voters list for the election as so entitled; and references in those provisions to entitlement as an elector to an absent vote at a parliamentary or local government election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.
- (7) In this section and sections 6 to 9 of this Act—
- " appropriate rules " means—
- (a) in the case of a parliamentary election, the parliamentary elections rules, and
- (b) in the case of a local government election, rules made (or having effect as if made) under section 36 or, as the case may be, 42 of the principal Act, and
- " local government election " means a local government election in Great Britain.

6 Absent vote at elections for an indefinite period

- (1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at parliamentary elections, at local government elections or at both for an indefinite period, the registration officer shall grant the application (subject to subsection (6) below) if—
- (a) he is satisfied that the applicant is eligible for an absent vote at elections to which the application relates for an indefinite period,
- (b) he is satisfied that the applicant is or will be registered in the register for such elections, and
- (c) the application meets the prescribed requirements.
- (2) For the purposes of this section, a person is eligible for an absent vote at parliamentary or local government elections for an indefinite period—
- (a) if he is or will be registered as a service voter,
- (b) if he cannot reasonably be expected—
- (i) to go in person to the polling station allotted or likely to be allotted to him under the appropriate rules, or
- (ii) to vote unaided there, by reason of blindness or other physical incapacity,
- (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse, or
- (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,
- and is also eligible for an absent vote at parliamentary elections for an indefinite period if he is or will be registered in pursuance of an overseas elector's declaration.
- (3) The registration officer shall keep a record of those whose applications under this section have been granted showing—

- (a) whether their applications were in respect of parliamentary elections, local government elections or both,
 - (b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
 - (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.
- (4) The registration officer shall remove a person from the record kept under subsection (3) above—
- (a) if he applies to the registration officer to be removed,
 - (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered as a service voter or in pursuance of an overseas elector's declaration, or
 - (c) if the registration officer gives notice that he has reason to believe there has been a material change of circumstances.
- (5) A person shown in the record kept under subsection (3) above as voting by post or, as the case may be, voting by proxy may subsequently alter his choice (subject to subsection (6) below) on an application to the registration officer that meets the prescribed requirements and the registration officer shall amend the record accordingly.
- (6) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

7 Absent vote at a particular election and absent voters list

- (1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at a particular parliamentary or local government election, the registration officer shall grant the application (subject to subsection (5) below) if—
- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the appropriate rules,
 - (b) he is satisfied that the applicant is or will be registered in the register of parliamentary or, as the case may be, local government electors, and
 - (c) the application meets the prescribed requirements.
- (2) Subsection (1) above does not apply to a person who is included in the record kept under section 6 of this Act in respect of elections of the kind in question, but such a person may, in respect of a particular parliamentary or local government election, apply to the registration officer—
- (a) for his ballot paper to be sent to a different address in the United Kingdom, or
 - (b) to vote by proxy,
- if he is shown in the record so kept as voting by post at elections of the kind in question.
- (3) The registration officer shall grant an application under subsection (2) above if it meets the prescribed requirements.
- (4) The registration officer shall, in respect of each parliamentary or local government election, keep a special list (" the absent voters list ") consisting of—

- (a) a list of—
 - (i) those whose applications under subsection (1) above to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
 - (ii) those who are for the time being shown in the record kept under section 6 of this Act as voting by post at elections of the kind in question (excluding those so shown whose applications under subsection (2) above to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under that section or, as the case may be, subsection (2) above as the addresses to which their ballot papers are to be sent, and
 - (b) a list (" the list of proxies ") of those whose applications under this section to vote by proxy at the election have been granted or who are for the time being shown in the record kept under section 6 of this Act as voting by proxy at elections of the kind in question, together with the names and addresses of those appointed as their proxies.
- (5) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

8 Proxies at elections

- (1) Subject to the provisions of this section, any person is capable of being appointed proxy to vote for another (in this section and section 9 of this Act referred to as " the elector ") at any parliamentary or local government election and may vote in pursuance of the appointment.
- (2) The elector cannot have more than one person at a time appointed as proxy to vote for him at parliamentary elections (whether in the same constituency or elsewhere).
- (3) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary or local government election—
 - (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
 - (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland.
- (4) A person is not capable of voting as proxy at any such election unless on the date of the poll he has attained the age of eighteen.
- (5) A person is not entitled to vote as proxy at the same parliamentary election in any constituency, or at the same local government election in any electoral area, on behalf of more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
- (6) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at parliamentary elections, at local government elections or at both for an indefinite period, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—
 - (a) registered in the register of electors for elections in respect of which the application is made, and

- (b) shown in the record kept under section 6 of this Act as voting by proxy at such elections,
and that the proxy is capable of being and willing to be appointed to vote as proxy at such elections.
- (7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular parliamentary or local government election, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—
- (a) registered in the register of parliamentary or, as the case may be, local government electors for that election, and
- (b) entitled to vote by proxy at that election by virtue of an application under section 7 of this Act,
and that the proxy is capable of being and willing to be appointed.
- (8) The appointment of a proxy under this section is to be made by means of a proxy paper issued by the registration officer.
- (9) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force—
- (a) where the appointment related to a parliamentary election or parliamentary elections, on the issue of a proxy paper appointing a different person to vote for him at a parliamentary election or parliamentary elections (whether in the same constituency or elsewhere), and
- (b) where the appointment related to a local government election or local government elections, on the issue of a proxy paper appointing a different person to vote for him at a local government election or local government elections in the same electoral area.
- (10) Subject to subsection (9) above, the appointment shall remain in force—
- (a) in the case of an appointment for a particular election, for that election, and
- (b) in any other case, while the elector is shown as voting by proxy in the record kept under section 6 of this Act in pursuance of the same application under that section.
- (11) Stamp duty is not chargeable on any instrument appointing a proxy under this section.

9 Voting as proxy

- (1) A person entitled to vote as proxy at a parliamentary or local government election may do so in person at the polling station allotted to the elector under the appropriate rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.
- (2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
- (3) For the purposes of this and the principal Act, a person entitled to vote as proxy for another at a parliamentary or local government election is entitled so to vote by post if he is included in the list kept under subsection (9) below in respect of the election.
- (4) Where a person applies to the registration officer to vote by post as proxy at parliamentary elections, at local government elections or at both for an indefinite

period, the registration officer shall (subject to subsections (10) and (12) below) grant the application if—

- (a) the applicant is included in any record kept under section 6 of this Act in respect of a constituency, or electoral area, for the whole or any part of which the registration officer acts, or
- (b) the address provided by the applicant in his application as the address to which his ballot paper is to be sent is not in the same area as the elector's qualifying address or, where the elector is registered in pursuance of an overseas elector's declaration, the address specified in the declaration in accordance with section 2(4) of this Act,

and the application meets the prescribed requirements.

- (5) For the purposes of this section, two addresses are in the same area only if—
 - (a) both addresses are in the same parliamentary constituency in Greater London or in the same parliamentary constituency in a metropolitan county in England,
 - (b) both addresses are in the same electoral division of a non-metropolitan county in England and, if either address is in a parish, both are in the same parish,
 - (c) both addresses are in the same electoral division of a county in Wales and in the same community,
 - (d) both addresses are in the same electoral division in Scotland, or
 - (e) both addresses are in the same ward in Northern Ireland.
- (6) The registration officer shall keep a record of those whose applications under subsection (4) above have been granted showing—
 - (a) whether their applications were in respect of parliamentary elections, local government elections or both, and
 - (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (7) Where a person applies to the registration officer to vote by post as proxy at a particular election and the application meets the prescribed requirements, the registration officer shall (subject to subsections (10) and (12) below) grant the application if—
 - (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the appropriate rules, or
 - (b) the applicant is, or the registration officer is satisfied that he will be, included in respect of the constituency or, as the case may be, electoral area for the whole or any part of which the registration officer acts in any of the absent voters lists for that election.
- (8) Where, in the case of a particular election, a person included in the record kept under subsection (6) above in respect of elections of the kind in question applies to the registration officer for his ballot paper to be sent to a different address in the United Kingdom, the registration officer shall grant the application if it meets the prescribed requirements.
- (9) The registration officer shall, in respect of each parliamentary or local government election, keep a special list of—
 - (a) those who are for the time being included in the record kept under subsection (6) above in respect of elections of the kind in question, together

- with the addresses provided by them in their applications under that subsection or, as the case may be, subsection (8) above as the addresses to which their ballot papers are to be sent, and
- (b) those whose applications under subsection (7) above have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (10) The registration officer shall not grant any application under this section unless—
- (a) he is satisfied that the elector is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
- (b) there is in force an appointment of the applicant as the elector's proxy to vote for him at elections of the kind in question or, as the case may be, the election concerned.
- (11) The registration officer shall remove a person from the record kept under subsection (6) above—
- (a) if he applies to the registration officer to be removed,
- (b) where he was included in the record on the ground mentioned in subsection (4) (a) above, if he ceases to be included in any record kept under section 6 of this Act in respect of a constituency, or electoral area, for the whole or any part of which the registration officer acts or becomes so included in pursuance of a further application under that section,
- (c) if the elector ceases to be registered as mentioned in subsection (10)(a) above, or
- (d) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed).
- (12) A person applying to vote by post as proxy must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

10 Voting at special polling stations in Northern Ireland

- (1) Schedule I to this Act makes provision for those—
- (a) whose circumstances on the date of the poll at a particular parliamentary election in Northern Ireland will be or are likely to be such that they cannot reasonably be expected to vote in person as electors at the polling stations allotted or likely to be allotted to them under the parliamentary elections rules, but
- (b) who on that date will be in Northern Ireland.
- (2) The Secretary of State may by order made by statutory instrument bring that Schedule into force if he is satisfied that it is necessary to do so in order to prevent serious abuse of the system of voting by post in the case of ballot papers for elections in Northern Ireland sent to addresses there in pursuance of applications granted under section 7(1) of this Act.
- (3) That Schedule shall cease to be in force if the Secretary of State so provides by order made by statutory instrument (without prejudice to his power to make a further order under subsection (2) above), and an order under this subsection may include such transitional provisions as the Secretary of State considers necessary or expedient.

- (4) No order under this section shall be made unless a draft of the order has been laid before and approved by each House of Parliament.
- (5) While that Schedule is in force, section 7(5) of this Act shall have effect as if it required a person applying under section 7(1) of this Act to vote by post at a particular parliamentary election in Northern Ireland to provide an address in Great Britain as the address to which his ballot paper is to be sent.

11 Manner of voting: supplementary provision

Schedule 2 to this Act (which—

- (a) in Part I, makes amendments of the principal Act consequential on the provisions of sections 5 to 9 of this Act,
- (b) in Part II, makes transitional provision in relation to absent voters, and
- (c) in Part III, makes provision as to absent voting at municipal elections in the City)

shall have effect.

Offences as to declarations, etc.

12 Offences as to declarations, etc.

- (1) A person who makes an overseas elector's declaration or a declaration purporting to be an overseas elector's declaration—
 - (a) when he knows that he is subject to a legal incapacity to vote at parliamentary elections (age apart), or
 - (b) when he knows that it contains a statement which is false,
 is guilty of an offence.
- (2) A person who attests an overseas elector's declaration or a declaration purporting to be an overseas elector's declaration when he knows—
 - (a) that he is not authorised to attest such a declaration, or
 - (b) that it contains a statement which is false,
 is guilty of an offence.
- (3) A person who makes a statement which he knows to be false in any declaration or form used for any of the purposes of sections 5 to 9 of this Act or attests an application under section 6 or 7 of this Act when he knows that he is not authorised to do so or that it contains a statement which is false is guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Deposits and expenses at elections

13 Deposit by candidates at parliamentary elections.

In Schedule 1 to the principal Act (parliamentary elections rules)—

- (a) in rule 9(1) (nomination not valid unless £150 deposited with the returning officer) for " £150 " there shall be substituted " £500"; and

- (b) in rule 53(4) (forfeiture of deposit where a candidate has polled not more than one-eighth of the total votes) for "one-eighth" there shall be substituted " one-twentieth".

14 Election expenses

- (1) In section 73(2) of the principal Act (payments made by election agent to be vouched for by bill and receipt except where less than £2) for " £2 " there shall be substituted " £20".
- (2) In section 74(1) of that Act (candidate's personal election expenses may be met by him if they do not exceed £100, the excess being paid by his election agent) for "£100" there shall be substituted " £600".
- (3) In section 75(1) of that Act (no election expenses to be incurred by persons other than candidate, election agent or persons authorised by him) in paragraph (ii) (exception for expenses not exceeding 50p in aggregate) for "50p " there shall be substituted " £5".
- (4) After section 76 of that Act there shall be inserted the following section—

“76A Power to vary provisions concerning election expenses.

- (1) The Secretary of State may by order made by statutory instrument vary the sum specified in section 73(2), 74(1) or 75(1) above or a maximum amount of candidate's election expenses specified in section 76(2) above where in his opinion there has been a change in the value of money since the last occasion on which that sum or, as the case may be, amount was fixed (whether by such an order or otherwise) and the variation shall be such as in his opinion is justified by that change.
- (2) An order under subsection (1) above shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.”
- (5) In section 90(1) of that Act (election expenses at elections of parish or community councillors) there shall be inserted at the end—
 - “(c) section 76A(1) has effect as if for the reference to the sum specified in section 73(2), 74(1) or 75(1) above there were substituted a reference to the sum specified in paragraph 3 of Schedule 4 to this Act”.
- (6) In paragraph 3 of Schedule 4 to that Act (candidates at elections of parish or community councillors to send in return of all election expenses vouched, except where less than £1, by bills and receipts) for " £1 " there shall be substituted " £10".

Combination and timing of polls

15 Combination of polls at parliamentary, European Assembly and local elections

- (1) Where the polls at—
 - (a) a parliamentary general election and an Assembly general election;
 - (b) an ordinary local government election and a parliamentary general election; or
 - (c) an ordinary local government election and an Assembly general election,are to be taken on the same date, they shall be taken together.

- (2) Where the polls at elections for related areas are to be taken on the same date but are not required by subsection (1) above or section 36 of the principal Act to be taken together, they may nevertheless be so taken if the returning officer for each election thinks fit.
- (3) In subsection (2) above the reference to elections includes Assembly elections but does not include elections under the local government Act which are not local government elections; and for the purposes of that subsection two areas are related if one is coterminous with or situated wholly or partly within the other.
- (4) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.
- (5) The Secretary of State may by regulations make such provision as he thinks fit in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.

16 Postponement of poll at parish or community council elections

- (1) Where the date of the poll at a parliamentary general election or an Assembly general election is the same as the ordinary day of election of councillors for local government areas in England and Wales—
 - (a) any poll at an election of parish or community councillors to be held in England and Wales on that date shall be postponed for three weeks ;
 - (b) the date to which any such poll is so postponed shall be taken to be the ordinary day of election for the purposes of sections 16(3) and 35(2) of the Local Government Act 1972 and the day of election for the purposes of any rules concerning the conduct of elections of such councillors made (or having effect as if made) under section 36 of the principal Act; and
 - (c) any expenses of any returning officer for an election at which the poll is postponed under this subsection which are attributable to the postponement shall be charged on and paid out of the Consolidated Fund.
- (2) In subsection (1) of section 40 of the principal Act (timing of local elections) after the words " section 39 above " there shall be inserted the words " or section 16 of the Representation of the People Act 1985".

17 Combination of polls at local elections

—For subsection (3) of section 36 of the principal Act (local elections in England and Wales) there shall be substituted—

- “(3) Where the polls at—
- (a) the ordinary election of district councillors for any district ward or an election to fill a casual vacancy occurring in the office of such a councillor, and
 - (b) the ordinary election of parish or community councillors for any parish or community or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.

- (3A) For the purposes of this section electoral areas are related if they are coterminous or if one is situated within the other,
- (3B) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.
- (3C) The Secretary of State may by regulations make such provision as he thinks fit in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.”.

18 Ordinary day of local elections

- (1) Notwithstanding sections 37 and 43 of the principal Act (which provide respectively for the ordinary day of local elections in England and Wales and the day of ordinary local election in Scotland), in 1986 the ordinary day of election of councillors for local government areas in England and Wales and the day of ordinary local election of councillors for local government areas in Scotland shall be 8th May.
- (2) In paragraph (b) of section 37 of that Act (power to fix alternative day as ordinary day of local elections in England and Wales by order made not later than 1st February in the year preceding the first year when the order takes effect) for the words " the first year " there shall be substituted the words " the year (or, in the case of an order affecting more than one year, the first year)".

19 Timing of elections

- (1) In section 40(1) of the principal Act (days to be disregarded for the purpose of the timing of local elections in England and Wales)—
 - (a) for the words "Sunday, day of the Christmas break, of the Easter break or of a bank holiday break " there shall be substituted the words " Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, bank holiday"; and
 - (b) the words from "In this subsection" onwards shall cease to have effect.
- (2) In section 39 of that Act (local elections void etc. in England and Wales) in subsection (1) (period within which elections to fill vacancies to be held) for the words " 42 days " there shall be substituted the words " 35 days".
- (3) In section 43 of that Act (day of ordinary local elections in Scotland and other timing provisions) in subsection (2) immediately before the words " Sunday ", " Christmas Day " and " Good Friday " there shall be inserted respectively the words "saturday " , " Christmas Eve " and " Maundy Thursday " and for the words " for the purposes of this Act" there shall be substituted the words " for the purposes of this Part of this Act in so far as it relates to the conduct of local government elections in Scotland".
- (4) In section 119 of that Act (computation of time for purposes of Part II) for subsections (2) and (3) there shall be substituted—

- “(2) The days referred to in subsection (1) above are Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning.
- (3) In this section 'bank holiday', in relation to any election, means a day which is a bank holiday in the part of the United Kingdom in which the constituency or, as the case may be, electoral area is situated.”.
- (5) In Schedule 1 to the principal Act (parliamentary elections rules), in rule 2 (computation of time)—
- (a) in paragraph (1) for sub-paragraph (b) there shall be substituted—
- “(b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday”; and
- (b) paragraph (3) shall cease to have effect.
- (6) In the Local Government Act 1972—
- (a) in section 243 (computation of time) in subsection (3) for the words "Where under subsection (1) above the day of election or" there shall be substituted the words "Where under subsection (4) below " and the words " of election or ", in the second place where they occur, and " as the case may be " shall cease to have effect;
- (b) for the purposes of subsection (4) of that section, subsection (1) of that section shall have effect as if for the words from "Sunday" to "bank holiday break" there were substituted the words " Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or bank holiday"; and
- (c) in section 89(1) (period within which elections to fill casual vacancies in office of councillor for principal area to be held) for the words " forty-two days ", in both places where they occur, there shall be substituted the words " thirty-five days".

Miscellaneous and supplemental

20 Summoning new Parliament: effect of demise of the Crown

- (1) Where a proclamation summoning a new Parliament has been given, the demise of the Crown shall not, except as provided by this section, affect the summoning of the new Parliament in pursuance of the proclamation or its duration; and accordingly sections 3 and 4 of the Meeting of Parliament Act 1797 (which, if the demise occurs before the day appointed for the meeting of the new Parliament, require the dissolved Parliament to meet and sit for six months and make similar provision in the event of the death of the heir within that period) and section 5 of that Act (which, if the demise occurs on or after that day but before the new Parliament meets and sits, requires the new Parliament to be dissolved within six months) shall cease to have effect.
- (2) Where the demise occurs at any time after the proclamation is given and before the date of the poll—
- (a) the meeting of Parliament shall (subject to any prorogation subsequent to the demise) take place on the day following the end of the period of fourteen days beginning with the day appointed in the proclamation for the meeting or, if the first-mentioned day is a day to be disregarded in computing any period of time for the purposes of the timetable in the rules in Schedule 1 to the principal Act, on the next day which is not such a day, and

- (b) that timetable shall have effect for the purposes of the Representation of the People Acts, in relation to anything which at the time of the demise has not been done and was not required to be done before that time, as if the proclamation given, and any proceeding referred to in that timetable (including the receipt of the writ) which has taken place, had been given or taken place on the day following the end of the period of fourteen days beginning with the day on which it was given or took place.
- (3) Where the meeting of Parliament is postponed under subsection (2) above, any writ issued or to be issued in pursuance of the proclamation (whether a writ of election, writ of summons or writ of attendance) shall have effect as if, instead of the date appointed in the proclamation for the meeting, it specified the date to which the meeting is postponed (but any writ still to be issued may specify the latter date).
- (4) Where the day on or before which or before a certain time in which or between certain times in which anything is required to be done under the Representation of the People Acts is postponed under subsection (2) above, any notice or other document under any provision of those Acts, being a document referring to the original day, shall have effect as if it referred instead to the day determined by virtue of that subsection (but a document under any such provision may specify the latter day).
- (5) Where the date of the poll at an election is postponed under subsection (2) above, section 76 of the principal Act (limitation on election expenses) shall have effect in relation to any candidate at the election as if the maximum amount specified in subsection (2)(a) of that section were increased by one half.

21 Ordinary elections of parish and community councillors: insufficient nominations

- (1) This section applies where, at an ordinary election of parish or community councillors in England and Wales, an insufficient number of persons are or remain validly nominated to fill the vacancies in respect of which the election is held.
- (2) Unless the number of newly elected members of the council in question is less than the number that constitutes a quorum for meetings of the council—
 - (a) those members may co-opt any person or persons to fill the vacancy or vacancies remaining unfilled,
 - (b) the district council may exercise the powers conferred by section 39(4) of the principal Act (power of district council by order to do anything necessary for the proper holding of an election etc.) in relation to any such vacancy or vacancies as are not so filled, and
 - (c) section 39(1) of that Act (duty of returning officer to order an election) shall not apply ;

but the powers mentioned in paragraph (b) above shall not be exercised before the expiry of the period of 35 days (computed according to section 40 of that Act) beginning with the day on which the election was held.

- (3) Subsection (7) of section 39 of that Act (parishes in different districts grouped) shall apply for the purposes of subsection (2) above as it applies for the purposes of subsections (4) and (6) of that section and section 40(3) of that Act (computation of time) shall apply for the purposes of subsection (2) above as it applies for the purposes of section 39.

22 Welsh versions of forms

- (1) In section 2(1) of the Welsh Language Act 1967 (power to prescribe Welsh version of forms, etc. specified in enactments passed either before or after that Act) the reference to any enactment passed either before or after that Act shall include regulations made under the principal Act or this Act and rules made (or having effect as if made) under section 36 of the principal Act.
- (2) Section 199 of the principal Act (translations of statutory forms into Welsh language) shall cease to have effect.

23 Increase in penalties for offences under principal Act, etc.

Schedule 3 to this Act shall have effect for the purpose of increasing the penalties applying in respect of certain offences under the principal Act and otherwise amending the provisions in that Act concerning such penalties.

24 Miscellaneous amendments of principal Act

The principal Act shall have effect subject to the amendments specified in Schedule 4 to this Act (being miscellaneous amendments including amendments consequential on the provisions of this Act).

25 Amendments of other enactments

- (1) Section 26 of the Police and Criminal Evidence Act 1984. (repeal of statutory powers of arrest) shall not apply to rule 36 in Schedule 1 to the principal Act (power of presiding officer to order constable to arrest person suspected of personation) and, accordingly, in Schedule 2 to the 1984 Act (preserved powers of arrest) there shall be inserted at the appropriate place—

“1983 c.2.

Rule 36 in Schedule 1 to the
Representation of the People Act 1983”.

- (2) In section 3(7) of the Elections (Northern Ireland) Act 1985. (certain offences to be corrupt practices under the principal Act) for " 168(2)(b) " there shall be substituted " 168(1)(a)(ii)".

26 Expenses

- (1) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.
- (2) There shall be paid out of money provided by Parliament—
 - (a) any increase attributable to this Act in the sums to be paid out of money so provided under any other Act, and
 - (b) any administrative expenses incurred by the Secretary of State by virtue of this Act.

27 Interpretation

- (1) In this Act—
 - " Assembly " means the Assembly of the European Communities,
 - " Assembly election " means an election of a representative to the Assembly and " Assembly general election" means a general election of such representatives, and
 - "principal Act" means the Representation of the People Act 1983.
- (2) The principal Act and sections 1 to 12, 15 to 18 and 21 of and Schedule 1 to this Act shall have effect as if those sections and that Schedule were contained in Part I of that Act, and sections 5, 6 and 7(1) of the principal Act (residence) apply for the purposes of sections 1 to 3 of this Act as they apply for the purposes of sections. 1 and 2 of that Act.
- (3) References in any enactment other than an enactment contained in this or the principal Act to Part I of that Act include a reference to sections 1 to 12, 15 to 18 and 21 of and Schedule 1 to this Act.

28 Repeals

- (1) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (2) Section 21(3) of the Representation of the People Act 1918 (time appointed for meeting of Parliament not to be less than twenty clear days after proclamation summoning it) shall cease to have effect.
- (3) Article 2(1), (2) and (3) of the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973 (which provides for the Chief Electoral Officer for Northern Ireland to be electoral registration officer for constituencies in Northern Ireland and returning officer for parliamentary elections in such constituencies and is superseded by provision made in this Act) is hereby revoked.

29 Citation, commencement and extent

- (1) This Act may be cited as the Representation of the People Act 1985 and shall be included among the Acts that may be cited as the Representation of the People Acts.
- (2) This Act (except the provisions mentioned in subsection (3) below) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (3) Those provisions are—
 - (a) sections 25(1) and 27(1) of this Act, this section, the amendment made by paragraph 18 of Schedule 4 to this Act and the repeal made by the entry in Schedule 5 to this Act relating to the Police and Criminal Evidence Act 1984 (which come into force on the day on which this Act is passed), and
 - (b) Schedule 1 to this Act (which may be brought into force under section 10 of this Act).
- (4) This Act, except the provisions mentioned in subsection (5) below, extends to Northern Ireland; and section 10 of and Schedule 1 to this Act extend to Northern Ireland only.

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

- (5) Those provisions are sections 15 to 18, 21 and 22 of this Act and any amendment or repeal by this Act of an enactment not extending to Northern Ireland.