



Representation of the People Act 1985

1985 CHAPTER 50

Extension of franchise to British citizens overseas

[^{F1}1] **Extension of parliamentary franchise.**

- (1) A person is entitled 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 date on which he makes a declaration under and in accordance with section 2 of this Act (“the relevant date”);
 - (b) on that date and on the date of the poll—
 - (i) he is not subject to any legal incapacity to vote, and
 - (ii) he is a British citizen; and
 - (c) on the date of the poll he is registered in a register of parliamentary electors for that constituency.
- (2) For the purposes of this Act and the principal Act a person qualifies as an overseas elector in respect of a constituency on the relevant date if—
 - (a) on that date he is not resident in the United Kingdom, and
 - (b) he satisfies one of the following sets of conditions.
- (3) The first set of conditions is 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) that entry in the register was made on the basis that he was resident, or to be treated for the purposes of registration as resident, at that address,
 - (c) that entry in the register was in force at any time falling within the period of [^{F2}15 years] ending immediately before the relevant date, and
 - (d) subsequent to that entry ceasing to have effect no entry was made in any register of parliamentary electors on the basis that he was resident, or to be treated for the purposes of registration as resident, at any other address.
- (4) The second set of conditions is that—

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- (a) he was last resident in the United Kingdom within the period of [^{F2}15 years] ending immediately before the relevant date,
 - (b) he was by reason only of his age incapable of being included in any register of parliamentary electors in force on the last day on which he was resident in the United Kingdom, and
 - (c) the address at which he was resident on that day was at a place that is situated within the constituency concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors in force on that day.
- (5) The reference in subsection (1) above to a person being subject to a legal incapacity to vote on the relevant date does not include a reference to his being under the age of 18 on that date; and the reference in subsection (4) above to a register of local government electors includes a reference to a register of electors prepared for the purposes of local elections (within the meaning of the ^{M1}Electoral Law Act (Northern Ireland) 1962).]

Textual Amendments

- F1** S. 1 substituted (16.2.2001) by 2000 c. 2, s. 8, **Sch. 2 para. 2**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)
- F2** Words in s. 1(3)(4) substituted (1.4.2002) by 2000 c. 41, **s. 141(a)** (with s. 156(6)); S.I. 2001/3526, **art. 4**

Modifications etc. (not altering text)

- C1** S. 1(3)(4)(b) modified (8.4.2010) by **Constitutional Reform and Governance Act 2010 (c. 25), ss. 42(7), 52**
- C2** S. 1(3)(4)(b) modified (14.5.2014) by **House of Lords Reform Act 2014 (c. 24), ss. 4(6), 7(3)**
- C3** S. 1(3)(4)(b) modified (16.2.2001) by **S.I. 2001/84, art. 2**
- C4** S. 1(4)(b) modified (14.5.2014) by **House of Lords Reform Act 2014 (c. 24), ss. 4(6), 7(3)**

Marginal Citations

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

[^{F3} 2 Registration of British citizens overseas.

- (1) A person is entitled to be registered in a register of parliamentary electors in pursuance of a declaration made by him under and in accordance with this section (an “overseas elector’s declaration”) if—
- (a) the register is 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—
 - (i) in respect of which he was registered, or
 - (ii) at which he was resident,
 as the case may be, and
 - (b) the registration officer concerned is satisfied that, on the relevant date, he qualifies as an overseas elector in respect of that constituency for which that register is prepared.
- (2) A person registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration is entitled to remain so registered until—

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- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
 - ^{F4}(aa) [the registration officer determines in accordance with regulations that the person was not entitled to be registered,]
 - ^{F5}(ab) [the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC of the principal Act made by some other person or that the person's entry has been altered as the result of an application under section 10ZD of that Act made by some other person,]
 - ^{F4}(b) the declaration is cancelled under subsection (5) below, or
 - (c) any entry made in respect of him in any register of parliamentary electors takes effect otherwise than in pursuance of an overseas elector's declaration, whichever first occurs; and, where the entitlement of such a person to remain so registered terminates by virtue of this subsection, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further overseas elector's declaration.
- (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 is not resident in the United Kingdom on the relevant date, and
 - (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 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.
- ^{F6}(3A) [An overseas elector's declaration that specifies an address in Northern Ireland under subsection (4) may, instead of or in addition to including a statement under subsection (3)(b), state that the declarant is an eligible Irish citizen.]
- (4) An overseas elector's declaration must—
- (a) show which set of conditions in section 1 of this Act the declarant claims to satisfy,
 - (b) in the case of the first set of conditions, specify the address in respect of which he was registered, and
 - (c) in the case of the second set of conditions, specify—
 - (i) the date of the declarant's birth,
 - (ii) the address in the United Kingdom at which he was resident, and
 - (iii) the name of the parent or guardian on whose registration in respect of that address he relies, and whether the person named was a parent or guardian,
- and may not, in the case of either set of conditions, 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 or, as the case may be, at which he was resident the declarations shall be void.
- (5) An overseas elector's declaration may be cancelled at any time by the declarant.

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- (6) An overseas elector’s declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the relevant date.
- (7) For the purposes of section 1 of this 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 that he was not resident in the United Kingdom on the relevant date.
- (8) In this section “ the relevant date ” has the meaning given by section 1(1)(a) of this Act.]
- [^{F7}(9) In this section “eligible Irish citizen” means an Irish citizen who—
- (a) was born in Northern Ireland, and
 - (b) qualifies as a British citizen (whether or not he identifies himself as such).
- (10) A person found abandoned in Northern Ireland as a new-born infant is, unless the contrary is shown, deemed for the purposes of subsection (9) to have been born in Northern Ireland.]

Textual Amendments

- F3** S. 2 substituted (16.2.2001) by 2000 c. 2, s. 8, **Sch. 2 para. 3**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)
- F4** S. 2(2)(aa) inserted (1.1.2007 for E.W.S.; 14.5.2008 for N.I.) by **Electoral Administration Act 2006 (c. 22), ss. 12(9), 77(2)**; S.I. 2006/3412, **art. 3, Sch. 1 para. 14(a)** (subject to **art. 6** and with **Sch. 2**); S.I. 2008/1316, **arts. 2(1), 3(a)**
- F5** S. 2(2)(ab) inserted (10.6.2014 for E.W.; 15.9.2014 for N.I.; 19.9.2014 for S.) by **Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 21** (with **Sch. 5**); S.I. 2014/414, **art. 5(m)**; S.I. 2014/2439, **art. 2(l)**
- F6** S. 2(3A) inserted (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c.22), s. 15(1)(a); S.I. 2014/2613, **art. 2(2)(b)**
- F7** Ss. 2(9)(10) inserted (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c.22), s. 15(1)(b); S.I. 2014/2613, **art. 2(2)(b)**

Modifications etc. (not altering text)

- C5** S. 2 applied (with modifications) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4), Sch. 4 Pt. II**
- C6** S. 2 applied (with modifications) (N.I.) (1.7.2008) by **The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), reg. 14(3)(5), Sch. 4**

^{F8}3 Extension of franchise for European Parliamentary elections.

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Textual Amendments

- F8** S. 3 repealed (31.12.2020) by **The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, **regs. 1, 2(2)**)

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4 Extension of franchise: consequential amendments.

^{F9}(1)

^{F9}(2)

^{F9}(3)

^{F10}(4)

(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.”

Textual Amendments

F9 S. 4(1)-(3) repealed (16.2.2001) by 2000 c. 2, s. 15(2), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)

F10 S. 4(4) repealed (6.8.1995) by S.I. 1995/1948, reg. 5(2), **Sch. 2 para. 9**

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