

Status: Point in time view as at 01/02/1991.

Changes to legislation: Representation of the People Act 1985, SCHEDULE 2 is up to date with all changes known to be in force on or before 20 July 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)

SCHEDULES

SCHEDULE 2

Section 11.

MANNER OF VOTING

PART I

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

- 1 In section 56 (registration appeals: England and Wales) in subsection (1)(b), for the words “be treated as an absent voter” there shall be substituted the words “vote by proxy or by post as elector”.
- 2 In section 61 (voting offences)—
 - (a) in subsection (1)(a) for the words from “be treated” to the end there shall be substituted the words “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) in subsection (1)(b) for the words from “parliamentary” to the end there shall be substituted the words “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) in subsection (1)(c) the words “or applies to vote by post” shall cease to have effect;
 - (d) in subsection (2)(d) the words “not being a service voter” shall cease to have effect, after the word “elections” there shall be inserted the words “in any constituency” and after the word “force” and the words “an appointment” there shall be inserted the words “in respect of that or another constituency”;
 - (e) subsection (3)(c) shall cease to have effect; and
 - (f) in subsection (4) after the word “constituency” there shall be inserted the words “or at a local government election in any electoral area”.
- 3 In section 202 (interpretation)—
 - (a) before the definition of “Attorney General” there shall be inserted the following definition—

““the absent voters list” means, in relation to any election, the list kept under section 7 of the Representation of the People Act 1985 for that election”; and
 - (b) after the definition of “legal incapacity” there shall be inserted the following definition—

““the list of proxies” has, in relation to any election, the meaning given by section 7 of the Representation of the People Act 1985”.

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- 4 In Schedule 1 in rule 5(2)(a) (notice of election to specify time for applying for an absent vote) for the words from “be” to “voter” there shall be substituted the words “vote by post or by proxy”.
- 5 In Schedule 1 in rule 24 (postal ballot papers) for the words “provided by them for the purpose” there shall be substituted the words “shown in the absent voters list”.
- 6 In Schedule 1 in rule 28 (issue of poll cards) in paragraph (1)(b) for the words from “his application” to the end there shall be substituted the words “he is entitled to vote by post as proxy at the election”.
- 7 In Schedule 1 in rule 40 (tendered ballot papers) in paragraph (1)(b) the words “named in the list of persons” shall cease to have effect.
- 8 In Schedule 2 (regulations as to registration) paragraph 5(4) shall cease to have effect and at the end of that paragraph there shall be inserted—
- “5A (1) Provision requiring applications under section 6 or 7 of the Representation of the People Act 1985 to be attested and limiting the number of such applications that a person may attest.
- (2) Provision requiring a person applying under section 7 of the Representation of the People Act 1985 to do so in person, producing a document of a prescribed description.
- (3) Provision as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, in connection with a person’s application to vote by proxy or to vote by post as elector or as proxy.
- (4) Provision authorising or requiring registration officers—
- (a) to make inquiries of persons included in the record kept under section 6(3) of the Representation of the People Act 1985 for the purpose of determining whether there has been a material change of circumstances, and
- (b) to treat failure to respond to such inquiries as sufficient evidence of such a change.”

PART II

TRANSITIONAL PROVISION FOR ABSENT VOTERS

Modifications etc. (not altering text)

- C1 Sch. 2 Pt. II applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. III
- C2 Sch. 2 Pt. II applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. II

- 9 (1) In relation to any person who, immediately before the commencement date, was entitled, in pursuance of an application or applications to be treated as an absent voter for an indefinite period, to vote by post or by proxy at parliamentary elections, local government elections or both, sections 6 to 9 of this Act shall have effect—

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- (a) as if an application by him under section 6 of this Act so to vote at elections of the kind or kinds in question had been granted on that date,
 - (b) where, immediately before that date, an appointment of a person to vote for him as proxy at parliamentary elections or at parliamentary and local government elections was in force, as if the appointment had been made under section 8 of this Act on that date in respect of elections of the kind or kinds in question, and
 - (c) where the application treated as granted by virtue of paragraph (a) above is an application to vote by post, as if he had specified in the application as the address to which his ballot paper is to be sent the address provided by him for the purpose under section 19 of the principal Act.
 - (2) Sub-paragraph (1) above does not apply to a person who applied to be treated as an absent voter by virtue of section 19(1)(e) of the principal Act.
- 10 In relation to any person who, immediately before the commencement date, was entitled to vote by proxy at any election by virtue of section 19(2) or 32(2) of the principal Act or would have been so entitled but for an application to vote by post under section 19(4), sections 6 to 9 of this Act shall have effect—
- (a) as if an application by him under section 6 of this Act to vote by proxy at both parliamentary and local government elections or, as the case may be, at local government elections had been granted on that date, and
 - (b) where, immediately before that date, an appointment of a person to vote for him as proxy at parliamentary elections, local government elections or both was in force, as if the appointment had been made under section 8 of this Act on that date in respect of elections of the kind or kinds in question.
- 11 (1) Where an appointment of a person to vote as proxy for another at parliamentary elections, local government elections or both is treated by virtue of paragraph 9 or 10 above as made under section 8 of this Act and immediately before the commencement date the proxy was entitled, in pursuance of an application or applications for an indefinite period, so to vote by post at elections of the kind or kinds in question, section 9 of this Act shall have effect—
- (a) where the proxy’s application or applications were based on his entitlement as elector to vote by post, as if an application by him under section 9(4)(a) of this Act to vote by post as proxy at elections of the kind or kinds in question had been granted on that date, and
 - (b) where the proxy’s application was based on the situation of the address to which his ballot paper was to be sent, as if an application by him under section 9(4)(b) of this Act to vote by post as proxy at parliamentary elections had been granted on that date.
- 12 In this Part of this Schedule—
- “commencement date” means the date of commencement of sections 5 to 9 of this Act; and
 - “local government election” has the same meaning as in those sections;
- but this Part of this Schedule shall have effect, in relation to a person who, immediately before the commencement date, is entitled to vote by post as elector or

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as proxy at local government elections other than elections of parish or community councillors, as if he were then entitled so to vote at all local government elections.

PART III

VOTING AT MUNICIPAL ELECTIONS IN THE CITY

- 13 (1) The City of London (Various Powers) Act 1957 ^{M1} shall be amended as follows.
- (2) In section 8(1), the words from “section 32” to “(proxies at local government elections)” shall be omitted.
- (3) For section 8(2) and (3) there shall be substituted—
- “(2) Subject as hereinafter provided, sections 5 to 9 and 12(3) and (4) of the Representation of the People Act 1985 shall apply to and in respect of ward elections, but as if any reference to the polling station allotted or likely to be allotted to any person under rules made (or having effect as if made) under section 36 of the Representation of the People Act 1983 were a reference to the polling station provided or likely to be provided by the returning officer.”
- (4) In section 8(4) after the words “Act of 1983” there shall be inserted the words “or the Act of 1985” and after the words “subsection (1)” (where they first appear) there shall be inserted the words “or (2)”.
- (5) In section 8(5) after the words “Act of 1983” there shall be inserted the words “or the Act of 1985” and after the words “subsection (1)” there shall be inserted the words “or (2)”.

Marginal Citations

M1 5 & 6 Eliz. 2 c.x.

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