



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 [^{F1}one of the following sets of] conditions.
- (3) [^{F2}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) 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 [^{F3}twenty 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.

[^{F4}(3A) The second set of conditions is that—

- (a) he was last resident in the United Kingdom within the period of twenty years ending immediately before the qualifying date,

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Representation of the People Act 1985, Section 1 is up to date with all changes known to be in force on or before 16 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)

- (b) he was by reason only of his age incapable of being included in any register of parliamentary electors prepared by reference to the last date within that period by reference to which such registers were prepared on which he was so resident, and
 - (c) the address at which he was resident on the date referred to in paragraph (b) above 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 prepared by reference to that 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 [^{F5}and the reference in subsection (3A) 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 Electoral Law Act (Northern Ireland) 1962)].

Textual Amendments

- F1** Words substituted by [Representation of the People Act 1989 \(c. 28, SIF 42\), s. 3\(1\)\(a\)](#)
 - F2** Words substituted by [Representation of the People Act 1989 \(c. 28, SIF 42\), s. 3\(1\)\(b\)](#)
 - F3** Words substituted by [Representation of the People Act 1989 \(c. 28, SIF 42\), s. 1](#)
 - F4** [S. 1\(3A\)](#) inserted by [Representation of the People Act 1989 \(c. 28, SIF 42\), s. 2\(1\)](#)
 - F5** Words inserted by [Representation of the People Act 1989 \(c. 28, SIF 42\), s. 3\(1\)\(c\)](#)
-

Modifications etc. (not altering text)

- C1** [S. 1\(3\)\(d\)](#) modified (E.W.) by [S.I. 1986/1081, regs. 2, 27\(2\)\(3\)](#)
- C2** [S. 1\(3\)\(d\)](#) modified (N.I.) by [S.I. 1986/1091, regs. 2, 27\(2\)\(3\)](#)
- C3** [S. 1\(3\)\(d\)](#) modified (S.) by [S.I. 1986/1111, regs. 2, 26\(2\)\(3\)](#)

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

Representation of the People Act 1985, Section 1 is up to date with all changes known to be in force on or before 16 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.