



# Representation of the People Act 1985

## 1985 CHAPTER 50

### *Extension of franchise to British citizens overseas*

#### [<sup>F1</sup>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—
  - (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
  - (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,

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*Status: Point in time view as at 16/02/2001. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People Act 1985, Section 2 is up to date with all changes known to be in force on or before 08 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)*

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- (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.
- (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.
- (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.]

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**Textual Amendments**

**F1** 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)**)

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**Modifications etc. (not altering text)**

**C1** S. 2 applied (with modifications) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4)**, **Sch. 4 Pt. II**

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