



Representation of the People Act 1985

1985 CHAPTER 50

Extension of franchise to British citizens overseas

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.