



# Representation of the People Act 1985

## 1985 CHAPTER 50

### *Voting at parliamentary elections in the United Kingdom and local government elections in Great Britain*

#### **9 Voting as proxy.**

- (1) A person entitled to vote as proxy at a parliamentary or local government election may do so in person at the polling station allotted to the elector under the appropriate rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.
- (2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
- (3) For the purposes of this and the principal Act, a person entitled to vote as proxy for another at a parliamentary or local government election is entitled so to vote by post if he is included in the list kept under subsection (9) below in respect of the election.
- (4) Where a person applies to the registration officer to vote by post as proxy at parliamentary elections, at local government elections or at both for an indefinite period, the registration officer shall (subject to subsections (10) and (12) below) grant the application if—
  - (a) the applicant is included in any record kept under section 6 of this Act in respect of a constituency, or electoral area, for the whole or any part of which the registration officer acts, or
  - (b) the address provided by the applicant in his application as the address to which his ballot paper is to be sent is not in the same area as the elector's qualifying address or, where the elector is registered in pursuance of an overseas elector's declaration, the address specified in the declaration in accordance with section 2(4) of this Act,and the application meets the prescribed requirements.
- (5) For the purposes of this section, two addresses are in the same area only if—

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*Status: Point in time view as at 01/03/1997. This version of this provision has been superseded.*

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- (a) both addresses are in the same parliamentary constituency in Greater London or in the same parliamentary constituency in a metropolitan county in England,
  - (b) both addresses are in the same electoral division of a non-metropolitan county in England [<sup>F1</sup>for which there is a county council] and, if either address is in a parish, both are in the same parish,
  - [<sup>F2</sup>(bb) both addresses are in the same parliamentary constituency in a non-metropolitan county in England for which there is no county council and, if either address is in a parish, both are in the same parish,]
  - (c) both addresses are in the same electoral division of a county [<sup>F3</sup>or country borough] in Wales and in the same community,
  - (d) both addresses are in the same electoral [<sup>F4</sup>ward] in Scotland, or
  - (e) both addresses are in the same ward in Northern Ireland.
- (6) The registration officer shall keep a record of those whose applications under subsection (4) above have been granted showing—
- (a) whether their applications were in respect of parliamentary elections, local government elections or both, and
  - (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (7) Where a person applies to the registration officer to vote by post as proxy at a particular election and the application meets the prescribed requirements, the registration officer shall (subject to subsections (10) and (12) below) grant the application if—
- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the appropriate rules, or
  - (b) the applicant is, or the registration officer is satisfied that he will be, included in respect of the constituency or, as the case may be, electoral area for the whole or any part of which the registration officer acts in any of the absent voters lists for that election.
- (8) Where, in the case of a particular election, a person included in the record kept under subsection (6) above in respect of elections of the kind in question applies to the registration officer for his ballot paper to be sent to a different address in the United Kingdom, the registration officer shall grant the application if it meets the prescribed requirements.
- (9) The registration officer shall, in respect of each parliamentary or local government election, keep a special list of—
- (a) those who are for the time being included in the record kept under subsection (6) above in respect of elections of the kind in question, together with the addresses provided by them in their applications under that subsection or, as the case may be, subsection (8) above as the addresses to which their ballot papers are to be sent, and
  - (b) those whose applications under subsection (7) above have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (10) The registration officer shall not grant any application under this section unless—

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- (a) he is satisfied that the elector is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
  - (b) there is in force an appointment of the applicant as the elector's proxy to vote for him at elections of the kind in question or, as the case may be, the election concerned.
- (11) The registration officer shall remove a person from the record kept under subsection (6) above—
- (a) if he applies to the registration officer to be removed,
  - (b) where he was included in the record on the ground mentioned in subsection (4) (a) above, if he ceases to be included in any record kept under section 6 of this Act in respect of a constituency, or electoral area, for the whole or any part of which the registration officer acts or becomes so included in pursuance of a further application under that section,
  - (c) if the elector ceases to be registered as mentioned in subsection (10)(a) above, or
  - (d) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed).
- (12) A person applying to vote by post as proxy must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

#### Textual Amendments

- F1** Words in s. 9(5)(b) inserted (1.3.1997) by S.I. 1997/138, **reg. 3(1)(2)**
- F2** S. 9(5)(bb) inserted (1.3.1997) by S.I. 1997/138, **reg. 3(1)(3)**
- F3** Words in s. 9(5)(c) inserted (1.4.1996) by 1994 c.19, s. 66(6), **Sch. 16 para. 74(1)** (with s. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F4** Word in s. 9(5)(d) substituted (S.) (1.4.1996) by S.I. 1996/739, art. 7(1), **Sch. 1 Pt. I para. 6**

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

- C1** S. 9 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. III**
- C2** S. 9 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. II**  
S. 9 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(a)(b)(5)–(8), Sch. 1  
S. 9 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 3  
S. 9 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6(1), **Sch. 2**  
S. 9 applied (with modifications) (19.3.1998) by S.I. 1998/746, art. 12, **Sch. 1** Table 3  
S. 9 applied (with modifications) (22.5.1998) by S.I. 1998/1287, art. 3(1)(3), **Sch. 1**

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