

SCHEDULES

SCHEDULE 4

Section 12.

ABSENT VOTING IN GREAT BRITAIN

Interpretation

- 1 (1) In this Schedule—
- “the absent voters list” means the list kept under paragraph 5(1) below;
 - “the appropriate rules” means—
 - (a) in the case of a parliamentary election, the parliamentary elections rules, and
 - (b) in the case of a local government election, rules made (or having effect as if made) under section 36 or, as the case may be, section 42 of the 1983 Act;
 - “local government election” means a local government election in England, Wales or Scotland.
- (2) The 1983 Act and this Schedule shall have effect as if this Schedule were contained in Part I of that Act.
- (3) References in an enactment other than one contained in this Act or the 1983 Act to Part I of that Act include a reference to this Schedule.

Manner of voting at parliamentary or local government elections

- 2 (1) This paragraph applies to determine the manner of voting of a person entitled to vote as an elector at a parliamentary or local government election.
- (2) He may vote in person at the polling station allotted to him under the appropriate rules, unless he is entitled as an elector to an absent vote at the election.
- (3) He may vote by post if he is entitled as an elector to vote by post at the election.
- (4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the appropriate rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.
- (5) If—
- (a) he is not entitled as an elector to an absent vote at the election, but
 - (b) he cannot reasonably be expected to go in person to the polling station allotted to him under the appropriate rules by reason of the particular circumstances of his employment, either as a constable or by the returning officer, on the date of the poll for a purpose connected with the election,
- he may vote in person at any polling station in the constituency or, as the case may be, electoral area.

Status: This is the original version (as it was originally enacted).

- (6) Nothing in the preceding provisions of this paragraph applies to—
- (a) a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, or
 - (b) a person to whom section 7A of that Act (persons remanded in custody) applies,
- whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).
- (7) For the purposes of the provisions of—
- (a) this Schedule, and
 - (b) the 1983 Act so far as it has effect in relation to England, Wales and Scotland,
- a person entitled to vote as an elector at a parliamentary or local government election is entitled as an elector to vote by post or entitled to vote by proxy at the election if he is shown in the absent voters list for the election as so entitled; and references in those provisions to entitlement as an elector to an absent vote at a parliamentary or local government election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

Absent vote at elections for definite or indefinite period

- 3 (1) Where a person applies to the registration officer to vote by post at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—
- (a) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
 - (b) the application meets the prescribed requirements.
- (2) Where a person applies to the registration officer to vote by proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—
- (a) he is satisfied that the applicant is eligible to vote by proxy at elections to which the application relates,
 - (b) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
 - (c) the application meets the prescribed requirements.
- (3) For the purposes of this paragraph a person is eligible to vote by proxy at parliamentary or local government elections—
- (a) if he is or will be registered as a service voter,
 - (b) if he cannot reasonably be expected—
 - (i) to go in person to the polling station allotted or likely to be allotted to him under the appropriate rules, or
 - (ii) to vote unaided there,
 by reason of blindness or other physical incapacity,

Status: This is the original version (as it was originally enacted).

- (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse, or by reason of his attendance on a course provided by an educational institution or that of his spouse, or
 - (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,
- and a person is also eligible to vote by proxy at parliamentary elections if he is or will be registered in pursuance of an overseas elector's declaration.
- (4) The registration officer shall keep a record of those whose applications under this paragraph have been granted showing—
 - (a) whether their applications—
 - (i) were in respect of parliamentary elections, local government elections or both, and
 - (ii) were to vote by post or proxy for an indefinite or a particular period (specifying that period),
 - (b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
 - (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.
 - (5) The registration officer shall remove a person from the record—
 - (a) if he applies to the registration officer to be removed,
 - (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—
 - (i) a service declaration,
 - (ii) a declaration of local connection, or
 - (iii) an overseas elector's declaration,
 - (c) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances, or
 - (d) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.
 - (6) A person shown in the record as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and, if the registration officer would be required to grant that application if it were one made under subparagraph (2), the registration officer shall amend the record accordingly.
 - (7) A person shown in the record as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and, if the application meets the prescribed requirements, the registration officer shall amend the record accordingly.

Status: This is the original version (as it was originally enacted).

Absent vote at particular election

- 4 (1) Where a person applies to the registration officer to vote by post at a particular parliamentary or local government election, the registration officer shall grant the application if—
- (a) he is satisfied that the applicant is or will be registered in the register of parliamentary or, as the case may be, local government electors, and
 - (b) the application meets the prescribed requirements.
- (2) Where a person applies to the registration officer to vote by proxy at a particular parliamentary or local government election, the registration officer shall 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 him under the appropriate rules,
 - (b) he is satisfied that the applicant is or will be registered in the register of parliamentary or, as the case may be, local government electors, and
 - (c) the application meets the prescribed requirements.
- (3) Nothing in sub-paragraph (1) or (2) applies to a person who is included in the record kept under paragraph 3 in respect of elections of the kind in question, but such a person may, in respect of a particular parliamentary or local government election, apply to the registration officer—
- (a) for his ballot paper to be sent to a different address from that shown in the record, or
 - (b) to vote by proxy,
- if he is shown in the record as voting by post at elections of the kind in question.
- (4) The registration officer shall grant an application under sub-paragraph (3) if—
- (a) (in the case of any application) it meets the prescribed requirements; and
 - (b) (in the case of an application to vote by proxy) the registration officer 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 him under the appropriate rules.

Absent voters list

- 5 (1) The registration officer shall, in respect of each parliamentary or local government election, keep a special list ("the absent voters list") consisting of the two lists mentioned in sub-paragraphs (2) and (3) respectively.
- (2) The first of those lists is a list of—
- (a) those whose applications under paragraph 4(1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
 - (b) those who are for the time being shown in the record kept under paragraph 3 as voting by post at elections of the kind in question (excluding those so shown whose applications under paragraph 4(3)(b) above to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under paragraph 3 or, as the case may be, paragraph 4(3)(a) as the addresses to which their ballot papers are to be sent.

Status: This is the original version (as it was originally enacted).

- (3) The second of the lists mentioned in sub-paragraph (1) is a list (“the list of proxies”) of—
- (a) those whose applications under paragraph 4(2) or (3) to vote by proxy at the election have been granted, and
 - (b) those who are for the time being shown in the record kept under paragraph 3 as voting by proxy at elections of the kind in question,
- together with (in each case) the names and addresses of those appointed as their proxies.

Proxies at elections

- 6 (1) Subject to the provisions of this paragraph, any person is capable of being appointed proxy to vote for another (in this paragraph and paragraph 7 referred to as “the elector”) at any parliamentary or local government election and may vote in pursuance of the appointment.
- (2) The elector cannot have—
- (a) more than one person at a time appointed as proxy to vote for him at parliamentary elections (whether in the same constituency or elsewhere), or
 - (b) more than one person at a time appointed as proxy to vote for him at local government elections in the same electoral area.
- (3) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election—
- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
 - (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland.
- (4) A person is not capable of being appointed to vote, or voting, as proxy at a local government election—
- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
 - (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union.
- (5) A person is not capable of voting as proxy at a parliamentary or local government election unless on the date of the poll he has attained the age of 18.
- (6) A person is not entitled to vote as proxy—
- (a) at the same parliamentary election in any constituency, or
 - (b) at the same local government election in any electoral area,
- on behalf of more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
- (7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—
- (a) registered in the register of parliamentary electors, local government electors or both (as the case may be), and

Status: This is the original version (as it was originally enacted).

- (b) shown in the record kept under paragraph 3 as voting by proxy at such elections,
and that the proxy is capable of being, and willing to be, appointed to vote as proxy at such elections.
- (8) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular parliamentary or local government election, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—
- (a) registered in the register of parliamentary or, as the case may be, local government electors, and
- (b) entitled to vote by proxy at that election by virtue of an application under paragraph 4(2) or (3),
and that the proxy is capable of being, and willing to be, appointed.
- (9) The appointment of a proxy under this paragraph is to be made by means of a proxy paper in the prescribed form issued by the registration officer.
- (10) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force—
- (a) where the appointment related to a parliamentary election or parliamentary elections, on the issue of a proxy paper appointing a different person to vote for him at a parliamentary election or parliamentary elections (whether in the same constituency or elsewhere),
- (b) where the appointment related to a local government election or local government elections, on the issue of a proxy paper appointing a different person to vote for him at a local government election or local government elections in the same electoral area, or
- (c) where the appointment was for a particular period, once that period expires.
- (11) Subject to sub-paragraph (10), the appointment shall remain in force—
- (a) in the case of an appointment for a particular election, for that election, and
- (b) in any other case, while the elector is shown as voting by proxy in the record kept under paragraph 3 in pursuance of the same application under that paragraph.

Voting as proxy

- 7 (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 Schedule and the 1983 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 sub-paragraph (8) in respect of the election.
- (4) Where a person applies to the registration officer to vote by post—

Status: This is the original version (as it was originally enacted).

- (a) as proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), or
 - (b) as proxy at a particular parliamentary or local government election,the registration officer shall grant the application if the conditions set out in sub-paragraph (5) are satisfied.
- (5) Those conditions are—
 - (a) that the registration officer 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) that 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, and
 - (c) that the application meets the prescribed requirements.
- (6) The registration officer shall keep a record of those whose applications under sub-paragraph (4)(a) have been granted showing—
 - (a) whether their applications—
 - (i) were in respect of parliamentary elections, local government elections or both, and
 - (ii) were to vote by post as proxy for an indefinite or a particular period (specifying that period), and
 - (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (7) Where, in the case of a particular parliamentary or local government election, a person included in the record kept under sub-paragraph (6) 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 from that shown in the record, the registration officer shall grant the application if it meets the prescribed requirements.
- (8) 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 sub-paragraph (6) in respect of elections of the kind in question, together with the addresses provided by them in their applications under sub-paragraph (4) (a) or, as the case may be, sub-paragraph (7) as the addresses to which their ballot papers are to be sent, and
 - (b) those whose applications under sub-paragraph (4)(b) 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.
- (9) The registration officer shall remove a person from the record kept under sub-paragraph (6)—
 - (a) if he applies to the registration officer to be removed,
 - (b) if the elector ceases to be registered as mentioned in sub-paragraph (5)(a),
 - (c) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed), or
 - (d) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires.

Status: This is the original version (as it was originally enacted).

Offences

- 8 A person who—
- (a) in any declaration or form used for any of the purposes of this Schedule, makes a statement which he knows to be false, or
 - (b) attests an application under paragraph 3 or 4 when he knows that he is not authorised to do so or that it contains a statement which is false,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.