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*Changes to legislation: There are currently no known outstanding effects for the Representation of the People Act 2000, Paragraph 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### ABSENT VOTING IN GREAT BRITAIN

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

- C1** Sch. 4 applied (with modifications) (E.W.) (2.4.2001) by [S.I. 2001/1298](#), regs. 15, 16, 17, Sch. 5 Pt. I Table (as amended (13.3.2004) by [S.I. 2004/226](#), [art. 2\(3\)](#), Sch.)  
Sch. 4: functions transferred (25.11.2002) by [S.I. 2002/2626](#), [art. 11\(1\)](#), [Sch. 1](#) (with arts. 12, 13)
- C1** Sch. 4: functions transferred (19.8.2003) by The Secretary of State for Constitutional Affairs Order ([S.I. 2003/1887](#)), art. 4, {Sch. 1}
- C1** [Sch. 4](#) applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), reg. 8, [Sch. 3](#) Table 1 (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#), [reg. 1](#))
- C1** Sch. 4 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6, [Sch. 2 Pt. 1](#)
- C1** [Sch. 4](#) applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), regs. 8, 11, 12, 13, [Sch. 4](#) Table 3
- C1** [Sch. 4](#) applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), reg. 8, [Sch. 4 para. 1](#) Table 2

##### *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 <sup>F1</sup>contains the applicant's signature and date of birth and] 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

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- (c) the application [<sup>F2</sup>contains the applicant's signature and date of birth and] 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,
  - [<sup>F3</sup>(aa) if he has an anonymous entry in the register of electors for the election,]
  - (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 [<sup>F4</sup>blindness or other disability or, in the case of local government elections in Scotland, by reason of] blindness or other physical incapacity,
  - (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 [<sup>F5</sup>his spouse or civil partner,] or by reason of his attendance on a course provided by an educational institution or that of [<sup>F5</sup>his spouse or civil partner,]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.
- [<sup>F6</sup>(3A) Sub-paragraph (3)(aa) does not apply to an application to vote by proxy at a local government election in Scotland.]
- (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,
  - [<sup>F7</sup>(aa) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if he ceases to have an anonymous entry,]
  - (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,

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- (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 sub-paragraph (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.
- [<sup>F8</sup>(8) The registration officer may dispense with the requirement under sub-paragraph (1) (b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
  - (b) to provide a signature because the applicant is unable to read or write, or
  - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (9) The registration officer must also keep a record in relation to those whose applications under this paragraph have been granted showing—
- (a) their dates of birth;
  - (b) except in cases where the registration officer in pursuance of sub-paragraph (8) has dispensed with the requirement to provide a signature, their signatures.
- (10) The record kept under sub-paragraph (9) must be retained by the registration officer for the prescribed period.]

#### Textual Amendments

- F1** Words in Sch. 4 para. 3(1)(b) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 14\(1\)\(a\)](#), 77 (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412](#), [art. 3](#), Sch. 1 para. 3 (subject to transitional provisions in Sch. 2)
- F2** Words in Sch. 4 para. 3(2)(c) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 14\(1\)\(b\)](#), 77 (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412](#), [art. 3](#), Sch. 1 para. 3 (subject to transitional provisions in Sch. 2)
- F3** Sch. 4 para. 3(3)(aa) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 10](#), 77, [Sch. 1 para. 20\(2\)](#); [S.I. 2006/3412](#), [art. 3](#), Sch. 1 para. 12 (subject to transitional provisions in Sch. 2)
- F4** Words in Sch. 4 para. 3(3)(b) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 74\(1\)](#), 77, [Sch. 1 para. 137\(4\)](#); [S.I. 2006/3412](#), [art. 3](#), Sch. 1 para. 12 (subject to transitional provisions in Sch. 2)
- F5** Words in Sch. 4 para. 3(3)(c) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 261\(1\)](#), 263, [Sch. 27 para. 164\(2\)](#); [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F6** Sch. 4 para. 3(3A) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 10](#), 77, [Sch. 1 para. 20\(3\)](#); [S.I. 2006/3412](#), [art. 3](#), Sch. 1 para. 12 (subject to transitional provisions in Sch. 2)

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- F7** Sch. 4 para. 3(5)(aa) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 10, 77, [Sch. 1 para. 20\(4\)](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 12](#) (subject to transitional provisions in [Sch. 2](#))
- F8** Sch. 4 para. 3(8)-(10) inserted (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 14\(1\)\(c\)](#), 77 (with saving in [s. 14\(8\)](#)); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 3](#) (subject to transitional provisions in [Sch. 2](#))

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**Commencement Information**

- I1** Sch. 4 para. 3 wholly in force at 16.2.2001, see [s. 17\(3\)](#) and [S.I. 2001/116](#), [art. 2\(1\)](#) (subject to [art. 2\(3\)-\(5\)](#))

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