



# Parliament (Elections and Meeting) Act 1943

## 1943 CHAPTER 48

An Act to make temporary provision as respects parliamentary elections and the registration of parliamentary electors and, in connection therewith, as respects the dissolution of parliament as from a future date and other matters; to consolidate and amend the law as to the officers to whom writs for parliamentary elections are to be directed, and the persons to whom and the manner in which they are to be conveyed; and to shorten the time required for summoning parliament when prorogued. [11th November 1943.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

### PART I

#### PARLIAMENTARY ELECTORS (WAR-TIME REGISTRATION)

##### *Preliminary*

#### **1 Special register for war-time parliamentary elections**

- (1) The parliamentary register of electors to be in force for the purposes of a war election in any constituency shall be a register specially prepared for that election under this Part of this Act.
- (2) For the purposes of this Part of this Act, the expression "war election " means a parliamentary election initiated on or after the appointed day and before the expiration of the National Registration Act, 1939, not being a university election.

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- (3) The said register shall consist of three parts, to be known respectively as the civilian residence register, the business premises register and the service register, but no person shall be entitled to be registered in more than one part of the register for the same constituency.
- (4) Subject to the provisions hereafter contained in this Part of this Act as respects the business premises register, the date by reference to which a person's qualification for registration in any part of the said register for any election is to be ascertained shall be the last day of the month next before that in which the election is initiated, and that day is hereafter in this Part of this Act referred to as " the qualifying date ".
- (5) Subject to any order made by the Secretary of State under this Part of this Act, the said register shall be published and come into force for an election on the thirty-sixth day after the initiation of the election:

Provided that if the said thirty-sixth day falls on a Sunday, Christmas Day, Good Friday or a bank holiday, there shall be substituted the next following day which is not a Sunday, Christmas Day, Good Friday or a bank holiday.

## **2 Initiation of election and extension of time for holding thereof**

- (1) For the purposes of, this Part of this Act, the date on which an election shall be taken to be initiated shall be—
- (a) in the case of a general election, the date of His Majesty's proclamation summoning the new parliament; and
  - (b) in the case of a by-election, the date on which the writ is received;
- and references to the initiation of an election shall be construed accordingly.
- (2) In their application to a war election the following enactments, namely—
- (a) rule 2A of the First Schedule to the Ballot Act, 1872, as amended by Part I of the Second Schedule to the principal Act (which provides that at a general election the day fixed for the election shall be the eighth day after the date of His Majesty's proclamation summoning the new parliament);
  - (b) subsection (3) of section twenty-one of the principal Act (which provides that the time appointed for the meeting of parliament may be any time not less than twenty clear days after the said proclamation);
  - (c) rule 2 of the First Schedule to the Ballot Act, 1872 (which, as amended by Part II of this Act, provides that, in the case of a by-election for a county, the day fixed for the election shall not be later than the ninth day after the day on which the writ is received);
  - (d) section three of the Representation of the People (No. 2) Act, 1920 (which, as amended by Part II of this Act, provides that, in the case of a by-election for a borough, the day fixed for nomination shall not be later than the seventh day after the day on which the writ is received);

shall have effect as if there were substituted, for the reference to the date of His Majesty's proclamation or the day on which the writ is received, as the case may be, a reference to the day on which the register under this Part of this Act comes into force for that election.

### **3 Dissolution of parliament on future date**

If, at any time when no register under this Part of this Act for the election of members to serve in a new parliament is in force, His Majesty is pleased, by a proclamation dissolving a parliament and summoning a new parliament, to dissolve the parliament on a future date fixed by the proclamation,—

- (a) the date so fixed shall not be later than the day on which the register under this Part of this Act for the election of members to serve in the new parliament comes into force; and
- (b) any writ for the election of a member to serve in the existing parliament issued but not returned before the date of the proclamation shall be superseded as if the parliament had been dissolved on the date of the proclamation.

### **4 Remote constituencies**

(1) If the Secretary of State is satisfied as respects any constituency that, owing to delay or interruption, or the likelihood of delay or interruption, in communications between the registration officer and other persons, the time allowed by subsection (5) of section one of this Act for the publication of the register is insufficient, he may by order direct that that subsection shall have effect as respects that constituency with the substitution for the thirty-sixth day of such later day, not being later than the forty-second day, as may be specified in the order.

(2) Any such order—

- (a) may be made either generally or as respects a particular election, and may be made in the course of a particular election; and
- (b) may direct that any provision of electoral registration regulations relating to the time at or within which anything must be done in connection with the preparation of the register for an election shall apply to the constituency subject to such modifications as may be specified in the order, and may postpone or extend any such time notwithstanding that it has elapsed or expired; and
- (c) may be varied or revoked by a subsequent order of the Secretary of State.

(3) Where such an order is in force as respects an election in any constituency—

- (a) subsection (2) of section two of this Act and the last foregoing section shall have effect as if the register for the election had come into force on the day on which it would have come into force but for the provisions of the order;
- (b) for the purpose of the provisions of section one of the Ballot Act, 1872, requiring the nomination of a candidate to be subscribed by registered electors, a person who has been included in any electors list for the election, and to whose inclusion therein no objection has been duly taken, shall be treated as if he were a registered elector.

### *Civilian voters in United Kingdom*

### **5 Civilian residence register**

(1) Subject to the provisions of this Part of this Act, a person, being on the qualifying date a British subject of full age and not subject to any legal incapacity, shall be entitled to be registered in the civilian residence register for an election in any constituency, if on that date that person either—

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- (a) is registered in the National Register as residing at a place in the constituency and has—
  - (i) throughout the period of two months ending with that date; or
  - (ii) if within that period he became registered in the National Register on ceasing to be a member of the forces or a seaman, throughout the period since his becoming so registered;
 been registered in the National Register as residing at that place or some other place in the same constituency; or
- (b) having had at some earlier date (not being earlier than the appointed day) such qualifications as would have entitled him under the foregoing provisions of this section to be registered in the civilian residence register for the election if that earlier date had been the qualifying date, has at no time since that earlier date been either—
  - (i) registered in the National Register as residing at one place in some other constituency, or at two or more places consecutively in one other constituency, for a continuous period of two months; or
  - (ii) removed from the National Register on becoming exempt from registration therein by virtue of national registration regulations; or
  - (iii) registered in the National Register as having been resident outside the United Kingdom for a continuous period of two months.

(2) For the purposes of the foregoing subsection—

- (a) a person who, from the particulars entered with respect to him in the National Register, appears to be a British subject of full age and not subject to any legal incapacity shall be treated as such until the contrary is proved;
- (b) a person shall not be treated as registered in the National Register as residing at a place in any constituency if he is so registered as usually resident outside the United Kingdom.

(3) National registration regulations may—

- (a) prescribe the information with respect to the National Register which is to be furnished to registration officers for the purposes of this section, and the form and manner in which, and the persons by whom, such information is to be furnished; and
- (b) provide that any such information with respect to the part of the said Register relating to any county borough or county district shall be furnished in the first instance to the proper officer of the council of that borough or district and forwarded by him to the registration officers concerned;

and information duly furnished to a registration officer in accordance with the said regulations shall be conclusive evidence that any matter is or is not entered in that Register with respect to any person.

## **6 Business premises register**

- (1) Subject to the provisions of this Part of this Act, a person, being on the qualifying date a British subject of full age and not subject to any legal incapacity, shall be entitled to be registered in the business premises register for an election in any constituency, if on that date that person either—
  - (a) is occupying business premises in the constituency, and has, throughout the period of two months ending with that date, occupied those business premises or some other business premises in the same constituency; or

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- (b) is the husband or wife of a person qualified to be registered by virtue of the foregoing provisions of this subsection:

Provided that no person shall be entitled to be registered in the business premises register unless that person makes an application in that behalf in the prescribed form and manner and within the prescribed time stating the prescribed particulars.

- (2) Where a husband and wife are qualified to be registered in respect of any business premises by virtue of the foregoing provisions of this section, the said application maybe made by either of them on behalf of both of them.
- (3) In this section the expression " business premises " has the same meaning as in section one of the principal Act and subsection (1) of section seven of that Act (which relates to joint occupiers) and section seventeen of that Act (which relates to separate lists of liverymen) shall apply for the purposes of this section as they apply for the purposes of that Act.

## **7 Civilian absent voters**

- (1) Electoral registration regulations shall provide for the preparation of an absent voters list/ and for the entry therein of the name of any person registered in the civilian residence register or the business premises register who, on an application duly made in that behalf as respects an election, or, if the regulations so provide, as respects a period prescribed by the regulations, satisfies the registration officer that, by reason of the nature of his occupation, service or employment, he maybe debarred from voting at a poll at that election or at any election initiated during that period.
- (2) The provisions of section twenty-three of the principal Act (which enable persons placed on the absent voters list under that Act to vote by post or by proxy) shall apply to persons placed on the absent voters list under this Part of this Act subject to the modifications specified in the First Schedule to this Act.

*Members of the Forces, seamen and war workers abroad*

## **8 Service register**

- (1) Subject to the provisions of this Part of this Act, a person, being on the qualifying date a British subject of full age and not subject to any legal incapacity, shall be entitled to be registered in the service register for an election in any constituency, if on that date that person—
- (a) is a member of the forces or a seaman; and
- (b) is residing at a place in the constituency, or would be so residing but for his service as a member of the forces or a seaman.
- (2) No person shall be entitled to be registered in the service register for an election in any constituency unless there has been transmitted to the registration officer for that constituency in any manner authorised by national registration regulations, and received by that officer on or before the qualifying date, a declaration in the prescribed form (hereafter in this Part of this Act referred to as a " service declaration ") which purports to be signed by that person and to be attested by such other person as may be prescribed and states—
- (a) the date of the declaration, and that on that date the declarant was a British subject; and

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- (b) whether the declarant had, on the date of the declaration, attained the age of twenty-one years, and, if he had not, the date of his birth; and
  - (c) that on the date of the declaration the declarant was, or but for his service as a member of the forces or a seaman would have been, residing at a place in the constituency of which the postal address is specified in the declaration; and
  - (d) the declarant's service number (if any) and such other particulars of identity (if any) as may be prescribed.
- (3) A person who has made a service declaration may at any time cancel it in the prescribed form and (if he so desires) make a further service declaration to some other place of residence.
- (4) A service declaration which declares to more than one place of residence shall be void, and not more than one service declaration made by the same person shall have effect at the same time; and accordingly, where a person makes two or more service declarations without expressly cancelling the earlier declaration or declarations, the following provisions shall apply:—
- (a) two or more declarations bearing the same date shall be void;
  - (b) subject to paragraph (a) of this subsection, a declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date.
- (5) Where, on the qualifying date for an election in any constituency,—
- (a) a service declaration declaring to a place of residence, in the constituency has been transmitted to the registration officer in manner authorised by national registration regulations and received by him; and
  - (b) the registration officer has not been notified in manner so authorised that the declaration has been cancelled or that the declarant has ceased to be a member of the forces, or a seaman;
- then for the purpose of determining the declarant's right to be registered in the service register for the election—
- (i) that place shall be deemed to be the place at which he is, or but for his service as a member of the forces or a seaman would be, residing on the qualifying date; and
  - (ii) he shall be treated until the contrary is proved as being on that date a member of the forces or a seaman, according to the form of the declaration, and a British subject of the age appearing from the declaration and not subject to any legal incapacity.
- (6) National registration regulations may provide for the following matters, that is to say:—
- (a) the manner in which any service declaration and any cancellation of any such declaration is to be transmitted or notified to the registration officer concerned;
  - (b) the manner in which the registration officer concerned is to be notified that a person who has made a service declaration has died or otherwise ceased to be a member of the forces or a seaman;
  - (c) the compilation and maintenance of a central index (whether as an adjunct to the National Register or otherwise) of all persons who have made service declarations, containing such particulars as to those persons and the service declarations made by them as appear to be necessary for the purposes of this Part of this Act;

and the notification to a registration officer in accordance with the said regulations that a service declaration has been cancelled or that a person has died or otherwise ceased to be a member of the forces or a seaman shall, for the purposes of this section, be conclusive evidence of the fact so notified.

- (7) A person -who is registered in the service register for any election shall be deemed for the purposes of this Part of this Act and the principal Act to be registered in respect of a residence qualification.

## **9 Mode of voting of service voters**

- (1) A person who has made a service declaration (hereafter referred to as a service voter ") may appoint a proxy to vote for him at any election for which he may be registered in the service register by virtue of that declaration, and having appointed a proxy may, subject to the following provisions of this section, vote by that proxy at any such

The provisions of the Second Schedule to this Act shall have effect in relation to the appointment and voting of proxies under this section.

- (2) A service voter, whether he has appointed a proxy under this section or not, may vote in person at an election for which he is registered in the service register, but, where he is entitled to vote by proxy at the election, only if he applies for a ballot paper before a ballot paper has been issued to the proxy, and in that event the appointment of the proxy shall be void as respects that election.

Nothing in the second paragraph of section twenty-four of the Ballot Act, 1872, shall be taken to penalise a service voter who, after a proxy appointed by him has voted at an election, applies for a ballot paper for the purpose of voting in person.

- (3) A member of the forces, whether he has appointed a proxy under this section or not, may elect, by notice in the prescribed form given to the registration officer within the prescribed time after the initiation of an election for which he is qualified to be registered in the service register, to vote by post at that election; and thereupon, as respects that election, any appointment of a proxy made by him shall be void and he shall be entitled, if registered in the service register for the election as a member of the forces, to vote by post in the same way as an absent voter and shall not be entitled to vote otherwise than by post:

Provided that any such notice shall be void unless it gives an address in the United Kingdom as the address to which a ballot paper is to be sent in pursuance of the notice.

## **10 Arrangements for exercise of rights by service voters**

Arrangements shall be made—

- (a) as respects members of the forces, by the Admiralty, Army Council or Air Council, as the case may be;
- (b) as respects seamen, by the Minister of War Transport;

for securing that (so far as circumstances permit) every person appearing to be qualified to make a service declaration shall—

- (i) have an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by this Part of this Act in relation to the making and cancellation of service declarations, and of appointments of a proxy, and in relation to voting by post; and

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- (ii) receive such instructions as to the effect of this Part of this Act and any regulations made under or by virtue of this Part of this Act, and such other assistance, as may be reasonably sufficient in connection with the exercise of those rights.

## **11 War workers abroad**

- (1) Electoral registration regulations shall provide for conferring, on persons for the time being registered in the National Register as persons engaged in war work abroad, rights similar (as nearly as may be) to those conferred by this Part of this Act on seamen, and for making such modifications of this Part of this Act in its application to persons so registered as may appear to the Secretary of State to be necessary or expedient for that purpose.
- (2) National registration regulations shall provide for the registration in the National Register as a person engaged in war work abroad of any person who—
  - (a) is certified on behalf of a government department to be engaged in work of national importance outside the United Kingdom (whether ashore or afloat) in connection with any war in which His Majesty may be engaged; and
  - (b) makes such a declaration as may be prescribed by the regulations;and for the circumstances in which a person registered as so engaged is to cease to be so registered.

### *General provisions as to registration*

## **12 Preparation of register**

- (1) Electoral registration regulations shall provide for securing the compilation and publication by registration officers of a register -as and when required by this. Part of this Act, and may apply any of the registration rules set out in the First Schedule to the principal Act subject to any modifications made by the regulations.
- (2) Without prejudice to the generality of the foregoing subsection, electoral registration regulations shall, subject to the provisions of the next following subsection, provide—
  - (a) for the publication, after the qualifying date for an election and before the register comes into force, of lists of persons who appear to the registration officer to be qualified to be registered in the civilian residence register and business premises register for the election; and
  - (b) for the determination by the registration officer of claims and objections with respect to the said lists.
- (3) As soon as the Secretary of State is satisfied that sufficient staff and printing facilities are available for the operation of the following provisions, electoral registration regulations shall provide—
  - (a) as respects the civilian residence and service registers (subject to the provisions of the regulations)—
    - (i) for the publication in each constituency on a date specified in the regulations of lists of persons who appear to the registration officer to be qualified to be registered if an election were initiated in the constituency on that date; and



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- (ii) for the periodical revision of the said lists and for the preparation and publication after any revision of supplementary lists showing the changes made at that revision ;
    - (b) as respects the business premises register (subject as aforesaid)—
      - (i) for the making of annual applications to be registered for any election initiated during the twelve months beginning with such date in each year as may be prescribed; and
      - (ii) for the substitution accordingly of such date in each year as may be prescribed as the qualifying date for such an election, instead of the date mentioned in section one of this Act; and
      - (iii) for the annual preparation and publication in each constituency of a list of persons, who having made such, applications, appear to the registration officer to be qualified to be so registered; and
    - (c) for the determination by the registration officer of claims and objections with respect to each of the said lists ;
- and shall accordingly provide for the revocation of the provisions included in the regulations by virtue of the last foregoing subsection.
- (4) No appeal shall lie from the determination of a registration officer of any claim or objection made with respect to any list published in pursuance of subsection (2) of this section, but, as respects claims and objections made with respect to any list published in pursuance of subsection (3) of this section, an appeal shall lie from the determination of the registration officer in accordance with the provisions of section fourteen of the principal Act, subject to any modifications made by the regulations.

### **13 Registration officers**

- (1) Sections twelve, sixteen and forty-five of the principal Act (which defines registration officers and their areas) shall apply for the purposes of the registration of electors under this Part of this Act as they apply for the purposes of such registration under that Act.
- (2) It shall be the duty of the registration officer for any constituency—
  - (a) in accordance with this Part of this Act and electoral registration regulations, to compile and publish the register required for any election in the constituency, and to place, or cause to be placed, on the register the names of those entitled to be registered; and
  - (b) to perform such duties as may be imposed upon him for the purposes of this Part of this Act by national registration regulations; and
  - (c) to comply with any general or special instructions which may be given by the Secretary of State with respect to the arrangements to be made by him for carrying out his duties under this Part of this Act, electoral registration regulations and national registration regulations.
- (3) For the purposes of this Part of this Act, the proper officer of the council of a county borough or county district shall be the town clerk or the clerk of the council, and it shall be the duty of every such council to provide their proper officer with such staff as he may require for the discharge of his duties under this Part of this Act and national registration regulations made by virtue thereof.
- (4) Without prejudice to any power of a registration officer to appoint a deputy,—

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- (a) all or any of his functions under this Part of this Act or electoral registration regulations in connection with the preparation and publication of any electors list or of any supplementary list; and
- (b) all or any of the duties imposed on him for the purposes of this Part of this Act by national registration regulations;

may, if he so desires, be performed in relation to any county borough or county district or any part thereof through the proper officer of the council thereof; and it shall be the duty of that officer, on being requested so to do by the registration officer,—

- (i) to perform any such functions or duties as aforesaid in relation to the borough or district or the part thereof specified in the request;
- (ii) whether or not he is performing any such functions or duties, to give to the registration officer such information as the registration officer may reasonably require from him for the purposes of this Part of this Act;

as well as to perform such duties as may be imposed upon him for the purposes of this Part of this Act by national registration regulations.

- (5) If, without reasonable excuse, a registration officer or the proper officer of a council fails to perform any of his duties under this Part of this Act or electoral registration regulations or national registration regulations, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

#### **14 Expenses of registration**

- (1) Any expenses incurred for the purposes of this Part of this Act by the Registrar-General of births, deaths and marriages in England or the Registrar-General of births, deaths and marriages in Scotland shall be defrayed out of moneys provided by Parliament.
- (2) There shall be paid to a registration officer out of moneys provided by Parliament—
  - (a) such expenses in the performance of his duties under this Part of this Act, electoral registration regulations and national registration regulations made by virtue of this Part of this Act as may be properly incurred by him in accordance with arrangements approved by the Treasury;
  - (b) such charges as may be approved by the Treasury for his own trouble, care and attention in the performance of those duties; and
  - (c) any costs properly incurred by him as party to an appeal against his determination of any claim or objection with respect to an electors list.
- (3) There shall be paid to the proper officer of the council of a county borough or county district any expenses properly incurred by him in the performance of his duties under this Part of this Act or national registration regulations made by virtue of this Part of this Act, including reasonable charges for his own trouble, care and attention in the performance of those duties, and for the remuneration and expenses of any staff provided by the council, and expenses so incurred by the proper officer shall for the purposes of this section—
  - (a) in so far as they have been incurred in the performance of his duties under national registration regulations, be treated as having been incurred for the purposes of this Part of this Act by the Registrar-General of births, deaths and marriages in England; and
  - (b) in so far as they have been incurred in the performance of other duties, be treated as having been incurred in the performance of his duties under this Part of this Act by the registration officer at whose request the duties were performed.

- (4) Any fees or other sums received by a registration officer in respect of his duties as such an officer, other than sums paid to that officer in pursuance of the foregoing provisions of this section, shall be accounted for by that officer to the Treasury in such manner as the Treasury may direct and paid into the Exchequer.

## **15 Penalty for false declarations, etc.**

- (1) Any person who—
- (a) makes either—
    - (i) an application to be registered in the business premises register; or
    - (ii) a service declaration; or
    - (iii) a declaration required for the purpose of becoming registered in the National Register as a person engaged in war work abroad;knowing that the application or declaration contains a statement which is false; or
  - (b) attests a service declaration knowing that he is not authorised to do so or that it contains a false statement as to the service number or other prescribed particulars of the identity of the declarant; or
  - (c) signs a certificate for the purposes of this Part of this Act that a person is engaged in work of national importance outside the United Kingdom (whether ashore or afloat) in connection with any war in which His Majesty may be engaged, knowing that he is not authorised by a government department to do so;
- shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment, or on conviction on indictment to imprisonment for a term not exceeding two years.
- (2) Section thirty-eight of the principal Act (which relates to offences under that Act committed out of the United Kingdom) shall apply to offences under this section as it applies to offences under that Act.

### *Miscellaneous*

## **16 Right of person registered to vote**

- (1) Subject to the provisions of this section, every person registered under this Part of this Act for an election in any constituency shall be entitled to vote at that election:
- Provided that nothing in this Part of this Act shall entitle any person to vote if he is not a British subject, or is not of full age, or is subject to any legal incapacity.
- (2) A person shall not vote at a general election for more than one constituency (including a university constituency) other than that in which he is registered under this Part of this Act in respect of a residence qualification.
- (3) Section twenty-two of the principal Act (which imposes a penalty for voting at a general election in more constituencies than is allowed by that Act) shall have effect as if the reference to that Act included a reference to this section.

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## 17 **Death of candidate**

Notwithstanding anything in section one of the Ballot Act, 1872, where one of the candidates nominated for a war election dies before the poll has commenced—

- (a) the register prepared under this Part of this Act for the election shall remain in force for the purpose of all further proceedings with reference to the election; and
- (b) subsection (2) of section two of this Act shall not apply with respect to those further proceedings.

## 18 **Appointment of proxies for Service voters at University elections**

- (1) A person entitled to vote at a university election shall be entitled to appoint a proxy to vote for him at any such election if, at the time of his application for the issue of a proxy paper, he is a member of the forces or a seaman.
- (2) An application for the issue of a proxy paper by any such person, being a member of the forces or a seaman, may be made on the same form as that prescribed under this Part of this Act for use by service voters, and where such a form purporting to be signed by any person is accompanied by a declaration—
  - (a) purporting to be signed by the same person and bearing the same date as the application; and
  - (b) in the same form and attested in the same manner and, subject as hereafter provided, stating the same particulars as a service declaration;

the declaration shall be conclusive evidence that the said person was a member of the forces or a seaman at the time of the application:

Provided that the particulars to be stated in any such declaration shall not include particulars as to the residence of the declarant, but shall in lieu thereof include particulars of the university constituency in which he is entitled to vote.

- (3) The provisions of section fifteen of this Act shall apply to any such declaration as if it were a service declaration.
- (4) Any proxy paper issued by virtue of this section shall, unless, cancelled, remain in force until the expiration of this Part of this Act.
- (5) Save as provided by the foregoing provisions of this section, nothing in this Part of this Act shall affect the provisions of the principal Act or any Order in Council made thereunder relating to the appointment and voting of proxies at university elections.

## 19 **Transitional**

- (1) On the expiration of the National Registration Act, 1939 (hereafter in this subsection referred to as " the Act of 1939 ") the following provisions shall have effect:—
  - (a) a register shall be prepared under this Part of this Act for each constituency, other than a university constituency, as if a general election had been initiated on the last day on which the Act of 1939 was in force;
  - (b) the said register shall be the parliamentary register of electors in force for any election initiated in such a constituency after the expiration of the Act of 1939, being an election at which the time fixed for nomination occurs before the expiration of this Part of this Act;

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- (c) subsection (2) of section two of this Act shall apply to any election initiated after the expiration of the Act of 1939 and before the said register comes into force as it applies to a war election;
  - (d) until the expiration of this Part of this Act, any national registration regulations made by virtue thereof shall continue in force, and may be varied or revoked, as if the Act of 1939 had not expired.
- (2) In any year in which the National Registration Act, 1939, is in force after the thirty-first day of March no parliamentary register of electors shall be prepared under section eleven of the principal Act.
  - (3) No payment shall be made out of moneys provided by Parliament under subsection (4) of section fifteen of the principal Act on account of any registration expenses incurred after the appointed day and before the end of the last year throughout which this Part of this Act is in force, other than registration expenses payable by virtue of section eighteen of that Act.
  - (4) Notwithstanding anything in the Juries Act, 1922, or in any other enactment, the jurors book prepared for a county for the year beginning with the first day of January, nineteen hundred and forty, shall be the jurors book for that county until the end of the year in which this Part of this Act expires; and no further jurors book shall be prepared for any county in any year in which a parliamentary register of electors is required not to be prepared under section eleven of the principal Act by virtue of this section.
  - (5) No person shall by virtue of any enactment or rule of law be required to perform any duty solely with a view to the preparation of a register of electors or a jurors book which by virtue of this section is not to be prepared.

## **20 Approvals of electoral registration regulations by Parliament**

All electoral registration regulations shall be laid before Parliament by the Secretary of State as soon as may be after they are made and shall not come into operation until they are approved by resolution of each House, but if so approved shall come into operation on such date as may be specified in the regulations.

## **21 Application and adaptation of enactments**

- (1) The provisions of Parts I and II of the principal Act shall not apply to registration under this Part of this Act or to voting at an election for which a register is prepared under this Part of this Act, except in so far as they are expressly applied by or under this Part of this Act:  
  
Provided that nothing in this Part of this Act shall affect the provisions of subsections (1), (4) and (5) of section nine of the principal Act (which relate to disqualifications).
- (2) The provisions of the Third Schedule to this Act shall have effect for the purpose of adapting enactments to the provisions of this Part of this Act.
- (3) Save as expressly provided by this Part of this Act, nothing in this Part of this Act shall affect the law relating to parliamentary elections.

## 22 Interpretation of Part I

In this Part of this Act, except where the contrary intention appears, the following expressions have the meanings hereby respectively assigned to them—

" appointed day " means such day as may be appointed by order of the Secretary of State;

" bank holiday " means—

- (a) in relation to a general election, a day which is a bank holiday under the Bank Holidays Act, 1871, as amended by any subsequent enactment (including Defence Regulations), in any part of the United Kingdom; and
- (b) in relation to a by-election, a day which is a bank holiday under the said Act as so amended in that part of the United Kingdom in which the constituency in question is situated;

" electoral registration regulations " means regulations made by the Secretary of State under this Part of this Act;

" electors list " means a list, prepared by a registration officer in pursuance of electoral registration regulations, of persons who appear to him to be qualified to be registered under this Part of this Act;

" member of the forces " means a person who, being a member of—

- (a) any of the armed forces of the Crown raised in the United Kingdom;
- (b) the Women's Royal Naval Service;
- (c) the Queen Alexandra's Royal Naval Nursing Service;
- (d) any other organisation established under the control of the Admiralty, Army Council or Air Council and raised in the United Kingdom;

is, or would if he were in the United Kingdom be, by virtue of such membership for the time being exempt under national registration regulations from registration in the National Register;

" national registration regulations " means regulations made by the Ministers under the National Registration Act, 1939;

" prescribed " means prescribed by electoral registration regulations;

" principal Act " means the Representation of the People Act, 1918, as amended by any subsequent enactment or Order in Council;

" seaman " means a person who is for the time being exempt under national registration regulations from registration under the National Registration Act, 1939, as being a seaman, or who would be so exempt if he were in the United Kingdom, being a person whose usual place of residence is in the United Kingdom;

and the expressions " constituency ", " general election ", " university constituency " and " university election " have the same meanings as in the principal Act.

## 23 Application of Part I to Scotland

This Part of this Act shall in its application to Scotland have effect subject to the following modifications—

- (a) in section five paragraph (b) of subsection (3), and in section thirteen subsections (3) and (4) and in subsection (5) the words " or the proper officer of a council shall be omitted";
- (b) in section thirteen the reference to section twelve of the principal Act shall be construed as a reference to the provision substituted therefor by paragraph (8) of section forty-three of the said Act;

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- (c) section fourteen shall have effect as if—
- (i) in subsection (2) for the words " a registration officer " there were substituted the words " a council appointing a registration officer ";
  - (ii) for subsection (3) there were substituted the following subsection—

“(3) A council appointing a registration officer shall pay to him the expenses properly incurred by him in the performance of his duties under this Part of this Act, electoral registration regulations and national registration regulations made by virtue of this Part of this Act, any costs properly incurred by him as, party to an appeal against his determination of any claim or objection with respect to an electors list, and such charges as they may deem reasonable and proper for his trouble, care and attention in the performance of those duties.

Any expenses incurred by a council under this subsection shall be defrayed in like manner as the costs and expenses of making up the valuation roll under the Lands Valuation (Scotland) Act, 1854, and the Acts amending the same.”; and
  - (iii) in subsection (4) after the words " by that officer " there were inserted the words " to the council appointing him and shall be accounted for by that council ".

## **24 Application of Part I to Northern Ireland**

- (1) In its application to Northern Ireland this Part of this Act shall have effect subject to the modifications specified in the Fourth Schedule to this Act.
- (2) If the Parliament of Northern Ireland passes any Act in respect of the election of members to serve therein making provision similar to the provision made by this Part of this Act, subsection (3) of section five and section ten of this Act (both as enacted in this Act and as applied in relation to persons engaged in war work abroad by electoral registration regulations), and paragraph 7 of the Third Schedule to this Act, shall apply for the purposes of the said Act of the Parliament of Northern Ireland as they apply for the purposes of this Act subject to the following modifications:—
  - (a) any reference in the said subsection (3) of section five to that section shall be construed as a reference to the corresponding provision of the said Act of the Parliament of Northern Ireland; and
  - (b) any reference in the said section ten or the said paragraph 7 to this Part of this Act shall include a reference to the said Act of the Parliament of Northern Ireland;and the said Act may provide for making (with the consent of the Secretary of State) such alterations of and additions to any forms prescribed under electoral registration regulations, or any electors list, supplementary list or register prepared under this Part of this Act, as may be necessary or proper for the purposes of that Act.
- (3) Subject to the provisions of the last foregoing subsection, nothing in this Part of this Act shall apply in respect of the election of members to serve in the Parliament of Northern Ireland.

**25 Citation and duration of Part I**

- (1) This Part of this Act may be cited separately as the Parliamentary Electors (War-Time Registration) Act, 1943, and shall be included among the Acts which may be cited as the Representation of the People Acts.
- (2) This Part of this Act shall expire with the fourteenth day of October in the year in which the National Registration Act, 1939, expires or, if that Act expires in any year after the thirty-first day of March, with the fourteenth day of October in the next following year:

Provided that—

- (a) on the expiration of this Part of this Act subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply as if this Part of this Act had then been repealed by another enactment; and
- (b) where the day fixed for nomination at any election occurs before the expiration of this Part of this Act, but the poll has not taken place before the expiration of this Part of this Act, this Part of this Act shall continue in force for the purposes of the election.

**PART II**

## PARLIAMENTARY WRITS

**26 Writs to be directed to returning officers**

The writ for a parliamentary election shall be directed to the sheriff, mayor or other officer, who is by virtue of his office the returning officer at the election, designated by the title of his office and not by his name.

**27 Persons to whom writs are to be conveyed**

- (1) The writ for a parliamentary election shall be conveyed to the sheriff, mayor or other officer, to whom it is directed:

Provided that the writ for a parliamentary election for a constituency, as respects which a notice in the prescribed form requesting that writs for parliamentary elections therefor shall be conveyed to the acting returning officer has been sent by the sheriff, mayor or other officer who is the returning officer, or by any predecessor in office of his, to the Clerk of the Crown in Chancery and received by the said Clerk one month or more before the date of the issue of the writ, shall be conveyed to the acting returning officer, unless the notice has been revoked by a further notice in the prescribed form sent and received as aforesaid.

- (2) Where under the preceding subsection a writ is required to be conveyed to the sheriff, mayor or other officer, to whom it is directed, that requirement shall be deemed to have been complied with if it is conveyed—
  - (a) to an under-sheriff, deputy mayor or other person, who is for the time being authorised by or under any enactment to execute the office or discharge the functions of such sheriff, mayor or other officer; or
  - (b) to the person found in a place recorded in the prescribed manner as the office of such sheriff, mayor or other officer, who is for the time being in charge thereof.



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- (3) Where under subsection (1) of this section a writ is required to be conveyed to an acting returning officer, that requirement shall be deemed to have been complied with if it is conveyed—
- (a) to a person temporarily appointed under subsection (4) of section twelve of the Representation of the People Act, 1918, to act for him; or
  - (b) to the person found in a place recorded in the prescribed manner as the office of the acting returning officer who is for the time being in charge thereof.
- (4) The person to whom the writ for a parliamentary election is conveyed under this Part of this Act shall, in accordance with the form of endorsement in that behalf contained in the Second Schedule to the Ballot Act, 1872, endorse the writ with a statement, signed by him, as to the date on which he received it.
- (5) Any notice in force immediately before the commencement of this Act given to the Postmaster General by a sheriff, and expressing his desire that writs for parliamentary elections for a constituency in respect of which he is the returning officer shall be conveyed to the acting returning officer, shall have effect for the purposes of the proviso to subsection (1) of this section as if it had been such a notice as is therein mentioned sent by the sheriff to the Clerk of the Crown in Chancery and received by the said Clerk one month before the commencement of this Act.
- (6) In relation to parliamentary elections for the City of London the preceding provisions of this section shall have effect subject to the following modifications, that is to say:—
- (a) the proviso to subsection (1), and subsections (3) and (5), shall not have effect; and
  - (b) for paragraphs (a) and (b) of subsection (2) the following paragraphs shall be substituted:—
    - “(a) to either of the sheriffs of the City of London; or
    - (b) to the Secondary of the City of London; or
    - (c) to the person found in a place recorded in the prescribed manner as the office of the said sheriffs who is for the time being in charge thereof”.
- (7) In relation to university elections the preceding provisions of this section shall have effect subject to the following modifications, that is to say:—
- (a) the proviso to subsection (1), and subsections (3) and (5), shall not have effect; and
  - (b) for paragraph (a) of subsection (2) the following paragraph shall be substituted:—
    - “(a) to a person designated under paragraph 25 of Part I of the Fifth Schedule to the Representation of the People Act, 1918, to act temporarily as returning officer at the election or a person appointed under paragraph 39 of Part II of that Schedule by the University Court of the University of Edinburgh to discharge the duties imposed by that Act on the Vice-Chancellor of that University, as the case may be”.
- (8) In this section the expression " prescribed " means prescribed by an Order in Council made under section twenty-nine of this Act and the expressions " constituency " and " university election " have the same meanings as in the Representation of the People Act, 1918.

**28 Exclusion of s. 30 of 7 & 8 Geo. 5. c. 64**

Section thirty of the Representation of the People Act, 1918 (which provides for the discharge of the duties of returning officer at a parliamentary election by the registration officer as acting returning officer), shall not apply to any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section.

**29 Manner in which, writs are to be conveyed, and provisions consequential thereon**

- (1) His Majesty may by Order in Council specify the manner in which writs for parliamentary elections are to be conveyed, whether by sending through the post, delivery by an officer appointed by the Lord Chancellor or otherwise, and any such Order in Council may contain different provisions with respect to different classes of writs.
- (2) An Order in Council made under this section may—
  - (a) prescribe the form of any notice to be sent under the proviso to subsection (1) of section twenty-seven of this Act;
  - (b) require the person to whom, on the occasion for the issue of a writ for a parliamentary election arising, the writ would, under subsection (1) of section twenty-seven of this Act, be required to be conveyed, if requested by or on behalf of such authority or officer as may be specified in the Order so to do, to furnish to that authority or officer the address of a place at which the writ may be conveyed to him and, on any change of that address, the new address;
  - (c) provide for recording the place the address of which is last furnished under any provision of the Order having effect by virtue of the last preceding paragraph by any person as the office of that person;
  - (d) provide for the giving of receipts for writs for parliamentary elections by the persons to whom they are conveyed under section twenty-seven of this Act or who may receive them in the course of the conveyance thereof;
  - (e) provide for any incidental or supplementary matters for which it appears to His Majesty to be necessary or expedient for the purposes of the Order to provide.
- (3) His Majesty shall not be recommended to make an Order in Council under this section until a draft thereof has lain before each House of Parliament for a period of forty days, and if either House of Parliament within that period resolves that no further proceedings be taken in relation thereto, no further proceedings shall be so taken, but without prejudice to the preparation of a fresh draft.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (4) An Order in Council made under this section may be varied or revoked by a subsequent Order of His Majesty in Council.

**30 Application of Part II to Scotland**

- (1) This Part of this Act shall, in its application to Scotland, have effect subject to the modifications contained in the following provisions of this section.

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- (2) The proviso to subsection (1) of section twenty-seven and subsections (3) and (5) thereof shall not have effect, and for paragraph (a) of subsection (2) thereof there shall (except in relation to university elections) be substituted the following paragraph:—

“(a) to a sheriff substitute who is for the time being authorised by paragraph (13) of section forty-three of the Representation of the People Act, 1918, as amended by this Part of this Act, to act as returning officer at the election”.

- (3) For section twenty-eight there shall be substituted the following section:—

Nothing in the last paragraph of section eight of the Ballot Act, 1872, or in paragraph (13) of section forty-three of the Representation of the People Act, 1918, as amended by this Part of this Act, shall entitle a deputy returning officer to discharge any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section”.

### **31 Application of Part II to Northern Ireland**

- (1) This Part of this Act shall, in its application to Northern Ireland, have effect subject to the modifications contained in the following provisions of this section.
- (2) For the words " sheriff, mayor ", wherever those words occur, there shall be substituted the word " under-sheriff ".
- (3) For the reference in subsection (1) of section twenty-nine to the Lord Chancellor there shall be substituted a reference to the Governor of Northern Ireland.
- (4) The proviso to subsection (1) of section twenty-seven and subsections (3) and (5) thereof shall not have effect.
- (5) For section twenty-eight there shall be substituted the following section:—

Nothing in the last paragraph of section eight of the Ballot Act, 1872, in section thirteen of the Redistribution of Seats Act, 1885, or in Article 3 of the Government of Ireland (Election Laws Adaptation) (Northern Ireland) Order, 1922, shall enable a deputy or an assistant returning officer to be appointed to discharge any duty imposed on a returning officer by virtue of the last preceding section or of an Order in Council made under the next succeeding section, and nothing in the said section thirteen shall apply in relation to anything required or authorised to be done by the preceding provisions of this Part of this Act or any such Order in Council”.

### **32 Transitional provisions relating to Part II**

- (1) During the period beginning with the commencement of this Act and ending with the date on which the Order in Council first made as respects Great Britain under section twenty-nine of this Act comes into operation, section twenty-seven of this Act shall, in its application to Great Britain, have effect subject to the modifications specified in Part I of the Fifth Schedule to this Act, and the provisions contained in Part II of that Schedule shall have effect with respect to the conveyance of writs for parliamentary elections in Great Britain.
- (2) During the period beginning with the commencement of this Act and ending with the date on which the Order in Council first made as respects Northern Ireland under

section twenty-nine of this Act comes into operation, paragraph (b) of subsection (2) of section twenty-seven of this Act shall, in its application to Northern Ireland, have effect with the omission of the words " a place recorded in the prescribed manner as ".

### **33 Consequential amendments and repeals**

- (1) The Acts specified in the Sixth Schedule to this Act shall have effect subject to the amendments specified in the third column of that Schedule.
- (2) The Acts specified in Part I of the Seventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Part of that Schedule as from the commencement of this Act, and the Acts specified in Part II of that Schedule are hereby repealed to the extent mentioned in the third column of that Part of that Schedule as from the date of the coming into operation of the Order in Council first made as respects Great Britain under section twenty-nine of this Act.

## **PART III**

### MEETING OF PARLIAMENT WHEN PROROGUED

### **34 Time for summoning parliament during prorogation**

The date appointed for the meeting of parliament by a proclamation issued under section one of the Meeting of Parliament Act, 1797 (which relates to the summoning of parliament when prorogued), may be any day after the date of the proclamation; and accordingly that section as amended by the Meeting of Parliament Act, 1870, shall have effect as if for the words " any day not being less than six days from the date of such proclamation " there were substituted the words " any day after the date of such proclamation ".

## **PART IV**

### GENERAL

### **35 Short title**

This Act may be cited as the Parliament (Elections and Meeting) Act, 1943.

## SCHEDULES.

### FIRST SCHEDULE

Section 7.

#### MODIFICATIONS OF SECTION TWENTY-THREE OF PRINCIPAL ACT

- 1 Subsection (4), except so much thereof as provides that a ballot paper for the purpose of voting by post shall not be sent to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom, shall not have effect, and in lieu thereof the following provisions shall have effect :  
—
- (a) so long as an application by any person for his name to be entered in the absent voters list is required to be made as respects a particular election, a person whose name is entered on that list for an election—
    - (i) shall, if he has satisfied the registration officer, on an application for the issue of a proxy paper made in accordance with electoral registration regulations at the same time as his application for his name to be entered in the said list, that there is a probability that at the time of the poll he will be at sea or out of the United Kingdom, be entitled to appoint a proxy to vote for him at the election ; and
    - (ii) having appointed a proxy, shall be entitled to vote by proxy at the election ;
  - (b) if and when electoral registration regulations provide that an application by any person for his name to be entered in the absent voters list is to be made as respects a prescribed period, a person for whom such an application has been received and accepted by the registration officer—
    - (i) shall, if he has satisfied the registration, officer, on an application for the issue of a proxy paper made in accordance with electoral registration regulations, that there is a probability that he will be at sea or out of the United Kingdom at the time of the poll at any election initiated during that period or any part thereof specified in the application, be entitled to appoint a proxy to vote for him at any such election; and
    - (ii) having appointed a proxy shall be entitled to vote by proxy at any such election as aforesaid for which his name may be entered in the civilian residence register or business premises register ;
  - (c) no ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy by virtue of this paragraph while the appointment is in force;
  - (d) the provisions of the Second Schedule to this Act shall have effect in relation to the appointment and voting of proxies under this paragraph.
- 2 The power of prescribing forms and making regulations under subsection (6) shall be exercised by electoral registration regulations instead of by Order in Council.

## SECOND SCHEDULE

Section 9.

## PROXIES

*Appointment of proxies*

1 A proxy shall be appointed by means of a proxy paper issued by the registration officer to the person appointed as proxy, on an application made by the voter in accordance with electoral registration regulations.

2 Where an application is made by a voter for the issue of a proxy paper, it shall be the duty of the registration officer, on being satisfied that the voter is entitled to appoint a proxy, to issue a proxy paper to the person appointed as proxy, unless the registration officer is satisfied that that person is not willing to be appointed or cannot lawfully be appointed by virtue of the following provisions of this Schedule.

3 A proxy paper—

- (a) shall cease to be in force if a new proxy paper is issued by the registration officer on a further application by the voter ; and
- (b) subject to the following provisions of this Schedule, may be cancelled by the voter by giving notice in that behalf to the registration officer in the prescribed form and containing the prescribed particulars :

Provided that this paragraph shall not apply to a proxy paper issued on an application made by virtue of sub-paragraph (a) of paragraph 1 of the First Schedule to this Act.

4 Subject to the last foregoing paragraph, a proxy paper shall remain in force—

- (a) in the case of a paper issued on an application made by virtue of sub-paragraph (a) of paragraph 1 of the First Schedule to this Act, until the conclusion of abandonment of the election at which the voter is entitled to vote by proxy ;
- (b) in the case of a paper issued on an application made by virtue of sub-paragraph (b) of the said paragraph 1, until the expiration of the period as respects which the application is made ; and
- (c) in the case of a paper issued on the application of a service voter, so long as that voter remains entitled to appoint a proxy by virtue of the same service declaration,

5 An application for the issue of a proxy paper or notice cancelling a proxy paper shall not take effect as respects any election unless received by the registration officer before the initiation thereof :

Provided that this paragraph shall not apply to an application for the issue of a proxy paper made by virtue of sub-paragraph (a) of paragraph 1 of the First Schedule to this Act.

6 Any application made by a service voter for the issue of a proxy paper, or notice given by a service voter cancelling a proxy paper, shall be transmitted to the registration officer concerned in such manner as may be prescribed by national registration regulations, and those regulations may provide for the inclusion in the central index of service voters of such particulars as may be prescribed by those regulations with respect to the appointment of proxies and the cancellation of any such appointment.

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- 7 A person shall not be appointed a proxy unless he is a British subject of full age and not subject to any legal incapacity.
- 8 A voter shall not appoint more than one person as proxy to vote on his behalf in the same constituency, and in any case not more than two persons.
- 9 A registration officer shall keep such record (hereafter in this Schedule referred to as the "record of proxies") as may be prescribed of the persons who have appointed proxies under Part I of this Act and of the persons appointed as proxies, and the said record shall be open to inspection during business hours at such place in the constituency as may be appointed by the registration officer.
- 10 A registration officer shall, on the application of any person, allow that person to take extracts from, or, in such cases as may be prescribed and on payment of the prescribed fee, supply to that person copies of the record of proxies.
- 11 Stamp duty shall not be chargeable on any proxy paper issued under this Schedule.

*Voting of proxies*

- 12 A person shall not vote as proxy unless he is a British subject of full age and not subject to any legal incapacity.
- 13 A person shall not vote as proxy at an election in any constituency on behalf of more than two voters of whom that person is neither the husband, wife, parent, grandparent, brother or sister.
- 14 The Ballot Act, 1872, and any other Act regulating the holding of parliamentary elections, including any provision imposing penalties in connection with those elections, shall apply to persons voting as proxies under this Act, and to proxy papers issued under this Act and any official mark thereon, as they apply, by virtue of paragraph 9 of the Third Schedule to the principal Act, to persons voting as proxies under that Act and to proxy papers issued under that Act and any official mark thereon.
- 15 If—
- (a) any person votes or attempts to vote as proxy at an election in any constituency on behalf of more than two voters of whom that person is neither the husband, wife, parent, grandparent, brother or sister ;
  - (b) any person votes or attempts to vote as proxy at an election on behalf of another person when he knows, or has reasonable grounds for supposing that the proxy paper appointing him has been cancelled, or that that other person is dead, or that that other person is no longer entitled to vote at that election or to vote by proxy at that election ; or
  - (c) any person, not being a British subject, or not being of full age, or being subject to any legal incapacity, votes or attempts to vote as proxy on behalf of another person ; or
  - (d) any person, being a person entered in the absent voters list for a constituency and entitled to vote by proxy in that constituency, himself votes or attempts to vote at any parliamentary election in that constituency otherwise than by means of the proxy paper while the proxy paper is in force ;

he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the expression " illegal practice " shall be construed accordingly :

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Provided that the court before whom a person is convicted under this provision may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of the said Act.

16 A ballot paper shall not be delivered to a person who claims to vote in person as proxy for the purpose of so voting unless he produces the proxy paper to the presiding officer at the polling station or satisfies that officer that he is the person entered in the record of proxies as having been appointed proxy by the person for whom he claims to vote.

17 Such questions may be asked of any person who claims to vote as proxy in person (in addition to those already authorised to be asked) as may be prescribed.

18 (1) A person may vote by post at an election as proxy for a service voter in the same way as an absent voter voting in his own right, if that person is entitled to vote by post as an absent voter in his own right at that election, and is also entered on the record of proxies as having been appointed proxy by the service voter :

Provided that a person shall not be entitled to vote by post under this paragraph unless he has made an application to the registration officer in that behalf in accordance with electoral registration regulations, and the registration officer is satisfied from the application of his identity with the person so appointed.

(2) Where under this paragraph a person is entitled to vote by post at an election as proxy for a service voter, he shall not be entitled to vote otherwise than by post at the election as proxy for that voter.

### THIRD SCHEDULE

Section 21.

#### ADAPTATION OF ENACTMENTS IN RELATION TO PART I

1 (1) Where an election is initiated on or after the appointed day, the registration officer shall, on the day of the initiation thereof or the next following day, publish a notice specifying the number of persons estimated by him to be qualified for registration as electors in each polling district in the constituency, and for the purposes of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883 (which relates to the expenses of candidates) as amended by subsection (1) of section thirty-three of, and the Fourth Schedule to, the principal Act, as respects that election the "number so specified in relation to any polling district shall be taken to be the number of electors-in that polling district, and the aggregate of those numbers shall be taken to be the number of electors in the constituency, and accordingly paragraphs of Part V of the said First Schedule shall not apply.

(2) The registration officer shall publish the said notice by posting up copies thereof in a conspicuous place in his office and in such other places in the constituency as he thinks best adapted for informing the persons concerned.

(3) Electoral registration regulations may provide, as respects any constituency where by reason of the large number of persons qualified to be entered in the business premises register it appears to the Secretary of State impossible for the registration officer on the initiation of an election to estimate the numbers aforesaid accurately enough for the purposes of this paragraph, that the said notice shall be published within the



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prescribed time, not being later than the day after the last day for making applications to be included in the said register.

- 2 Subject to the foregoing paragraph, where a register has been published under Part I of this Act for an election, any reference in any enactment to parliamentary electors, parliamentary voters or persons entitled to vote at parliamentary elections, by whatever name called, shall be construed in relation to any matter occurring after that publication at or in connection with the election, as a reference to persons registered in the register ; and any reference in any enactment to the parliamentary register of electors, the parliamentary register, the register of parliamentary electors or the register of persons entitled to vote at a parliamentary election, by whatever name called, shall be construed accordingly.
- 3 (1) Subject to the two foregoing paragraphs, any reference in any enactment to parliamentary electors, parliamentary voters Or persons entitled to vote at parliamentary elections, by whatever name called, shall—
- (a) in relation to any matter occurring after the appointed day and before the date as from which regulations made under subsection (2) of section twelve of this Act are revoked in pursuance of subsection (3) of that section, be construed as respects any constituency—
    - (i) in the case of a reference in any of the enactments specified in subparagraph (2) of this paragraph, as a reference to persons claiming or reputed to be qualified to be registered in the register for an election in the constituency (whether or not such an election has been initiated);
    - (ii) for the purpose of determining any person's qualifications to hold any office, or to do any act (other than an act to be done at or in connection with a parliamentary election), as a reference to persons who were registered in the register of parliamentary electors last prepared for the constituency (whether under the principal Act or this Act) ; and
  - (b) in relation to any matter occurring after the date as from which the said, regulations are revoked, be construed as respects any constituency as a reference to persons whose names for the time being, appear in an electors list for which provision is required to be made by the said subsection (3) of section twelve of this Act.
- (2) The enactments above referred to in this paragraph are :—
- (a) section eighteen of the Metropolitan Police Act, 1829 (both as originally enacted and as extended by section nine of the Metropolitan Police Act, 1856), section nine of the County Police Act, 1839, section nine of the County and Borough Police Act, 1856, section seventeen of the Police (Scotland) Act, 1857, and section five of the Metropolitan Police Act, 1860 (which prohibit constables and others from canvassing at certain parliamentary elections) ;
  - (b) section six of the Election Commissioners Act, 1852, sections two, three and seven of the Corrupt Practices Prevention Act, 1854, section, forty-nine of the Representation of the People Act, 1867, subsection (2) of section one, and paragraph (b) of subsection (1) and subsection (3) of section seven, of the Corrupt and Illegal Practices Prevention Act, 1883 (which deal with bribery and corruption at parliamentary elections);
  - (c) rule 7 of the First Schedule to the Ballot Act, 1872, section thirteen of the Parliamentary and Municipal Registration Act, 1878, and subsection (2)

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- of section thirty-one of the principal Act (which relate respectively to the right of electors to obtain nomination forms, to inspect the rate book and to make representations as to the polling districts and polling places in a constituency) ;
- (d) subsection (2) of section thirty-three of the principal Act (which relates to the right of a candidate to send an election address post free to each elector).
- 4 On the publication of a register for any constituency under subsection (1) of section nineteen of this Act, the foregoing provisions of this Schedule shall cease to have effect in relation to that constituency, except as respects any parliamentary election initiated before the expiration of the National Registration Act, 1939, and sections thirty-one and thirty-three of, and paragraphs 1 and 3 of the Sixth Schedule to, the principal Act shall have effect as if the said register were a register prepared under the principal Act.
- 5 Section thirty-nine of the Corrupt and Illegal Practices Prevention Act, 1883, (which provides for the annual preparation of a corrupt and illegal practices list and for the printing and publication of that list with the register of electors) shall have effect subject to the following modifications:—
- (a) the list, instead of being made out annually, shall be made out in any constituency as soon as may be after the initiation of a war election in the constituency and shall be made out in every constituency as soon as may be after the expiration of the National Registration Act, 1939 ;
- (b) the list need not be printed ;
- (c) the list shall be published in the first instance in accordance with electoral registration regulations apart from and before the register prepared under Part I of this Act, and those regulations shall prescribe the time within which claims and objections are to be made thereto ;
- (d) the list shall be finally published with the said register.
- 6 Section eleven of the Parliamentary and Municipal Registration Act, 1878 (which requires registrars of births and deaths to make returns of deaths to registration officers) shall not have effect.
- 7 Nothing in subsection (2) of section eight of the National Registration Act, 1939 (which penalises the disclosure of information obtained under that Act) shall apply to the furnishing of information for the purposes of Part I of this Act in accordance with national registration regulations.
- 8 The foregoing provisions of this Schedule may be varied or supplemented by electoral registration regulations.

#### FOURTH SCHEDULE

Section 24.

##### MODIFICATIONS OF PART I IN ITS APPLICATION TO NORTHERN IRELAND

- 1 (1) Any reference to an enactment of the Parliament of the United Kingdom shall be construed as a reference to that enactment as it applies in Northern Ireland, and in particular, but without prejudice to the generality of the foregoing provisions of this paragraph, any reference to section twelve of the principal Act shall be construed as a reference to that section as modified by sub-paragraphs (a) and (c) of paragraph (3) of section forty-four of that Act, and any reference to section sixteen of that Act shall not apply.

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- (2) Any question as to the council whose duty it is, under subsection (1) of section thirty-one of the principal Act, to divide a constituency into polling districts and to appoint polling places for the polling districts shall be determined as if this Act had not been passed.
- 2 For paragraph (b) of subsection (3) of section five there shall be substituted the following paragraph :—
- “(b) provide that any such information shall be furnished—
- (i) in so far as it relates to the part of the said Register relating to a county borough or borough, to the town clerk of that county borough or borough ;
- (ii) in so far as it relates to the part of the said Register relating to an urban district, to the clerk of the council of that district; and
- (iii) in so far as it relates to the part of the said Register relating to a rural district, to the secretary of the council of the administrative county in which that district is situated;
- and shall be forwarded by that clerk or secretary as the case may be to the registration officers concerned.”
- 3 For subsections (3), (4) and (5) of section thirteen there shall be substituted the following subsections :—
- “(3) Subject to the provisions of electoral registration regulations, a registration officer shall require each person holding the office of overseer to perform such of the duties of the registration officer in connection with any electors' list or supplementary list as are analogous to the duties which, but for the passing of this Act, would have been performed by that person by virtue of his office under the principal Act; and it shall be the duty of every such person—
- (a) to comply with any such requirement; and
- (b) to give to a registration officer such information as the registration officer may reasonably require from him for the purposes of this Part of this Act.
- (4) An overseer shall be entitled to payment for services performed and expenses incurred by him, in the execution of duties under this section ; and any sum payable to an overseer under this subsection shall be treated for the purposes of this Part of this Act as part of the expenses incurred in the performance of his duties under this Part of this Act by the registration officer on whose requisition the services were performed or the expenses were incurred.
- (5) If it appears to the Secretary of State on the representation of a registration officer that any overseer has failed to perform any duties which that officer has required him to perform under this section, then (without prejudice to the taking of proceedings in respect of the failure) the Secretary of State may authorise the registration officer to appoint some other person to perform those duties in his stead, and any person so appointed shall, for that purpose, have all the like powers and duties and be entitled to the like payment for services and expenses as if he were the overseer in whose stead he is appointed.
- (6) If without reasonable excuse—

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- (a) a registration officer fails to perform any of his duties under this Part of this Act, electoral registration regulations or national registration regulations; or
- (b) an overseer, or person appointed under the last foregoing subsection instead of an overseer, fails to perform any of the duties or give any information, required of him under this section by a registration officer ;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(7) In this section the expression " overseer " has the meaning assigned to it by paragraph (4) of Rule 44 of the First Schedule to the principal Act."

4 Section fourteen of this Act shall have effect subject to the following provisions—

- (a) no payment shall be made to a registration officer out of moneys provided by Parliament for his own trouble, care and attention in the performance of his duties ;
- (b) the expense of any printing required in connection with registration shall be treated as part of the expenses properly incurred by a registration officer under Part I of this Act, notwithstanding that "arrangements for the printing are made by the county council under section ninety-six of the Local Government (Ireland) Act, 1898 ;
- (c) for subsection (3) there shall be substituted the following subsection :—

“(3) There shall be paid to the town clerk of a county borough or borough, to the clerk of the council of an urban district, and to the secretary of the council of an administrative county, any expenses properly incurred by him in the performance of his duties under national registration regulations made by virtue of this Part of this Act, including reasonable charges for his own trouble, care and attention in the performance of those duties, and the said expenses shall for the purposes of this section be treated as having been incurred for the purposes of this Part of this Act by the Registrar-General of births, deaths and marriages in England.”.

5 Such of the provisions of section nineteen of this Act as relate to jurors books shall not apply.

6 In subsection (2) of section twenty-five of this Act for references to the fourteenth day of October, there shall be substituted references to the fourteenth day of December.

## FIFTH SCHEDULE

Section 32.

### TRANSITIONAL PROVISIONS RELATING TO PART II

#### PART I

##### *Temporary modifications of section twenty-seven of this Act in relation to Great Britain*

- 1 During the period specified in subsection (1) of section thirty-two of this Act, section twenty-seven thereof shall, in its application to Great Britain, have effect subject to the modifications contained in the following provisions of this Part of this Schedule.
- 2 Paragraph (b) of subsection (2) shall have effect—
  - (a) in the case of a writ for a parliamentary election, other than a writ directed to the sheriff of Middlesex, with the substitution for the words " a place recorded in the prescribed manner " of the words " a place recorded or notified under section two or section three of the Parliamentary Writs Act, 1813," ; and
  - (b) in the case of a writ for a parliamentary election directed to the sheriff of Middlesex, with the omission of the words " a place recorded in the prescribed manner as ".
- 3 The last of the paragraphs which by subsection (6) are, in relation to parliamentary elections for the City of London, substituted for paragraphs (a) and (b) of subsection (2), and paragraph (b) of subsection (3), shall have effect with the omission of the words " a place recorded in the prescribed manner as ".

#### PART II

##### *Temporary provisions as to conveyance of parliamentary writs in Great Britain*

- 4 During the period specified in subsection (1) of section thirty-two of this Act, the requirements imposed by sections one and three of the Parliamentary Writs Act, 1813, as to the delivery of writs for parliamentary elections at the offices of the sheriffs of London and the sheriff of Middlesex, and at the offices of the sheriffs, other persons or proper officers to whom such writs are directed, and as to the giving of memorandums acknowledging the receipt thereof, shall be deemed to have been complied with—
  - (a) where, under subsection (1) of section twenty-seven of this Act, any such writ is required to be conveyed to the sheriff, mayor or other officer, to whom it is directed, if it is conveyed—
    - (i) in the case of the writ for a parliamentary election other than an election for the City of London or a university election, under paragraph (a) of subsection (2) of that section (or, in cases to which subsection (2) of section thirty of this Act applies, the paragraph substituted thereby for that paragraph) or under paragraph (b) of subsection (2) of the said section twenty-seven ;
    - (ii) in the case of the writ for a parliamentary election for the City of London, under any of the paragraphs substituted by subsection (6) of the said section twenty-seven for the said paragraphs (a) and (b) ;

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- (iii) in the case of the writ for a university election, under the paragraph substituted for paragraph (a) of subsection (2) of the said section twenty-seven by subsection (7) thereof or under paragraph (b) of subsection (2) of that section ;
- and if the memorandum is given by the person to whom the writ is so conveyed ;
- (b) where, under subsection (1) of the said section twenty-seven any such writ is required to be conveyed to an acting returning officer—
- (i) if it is conveyed to him and if the memorandum is. given by him ; or
- (ii) if it is conveyed under paragraph (a) or (b) of subsection (3) of that section and if the memorandum is given by the person to whom the writ is so conveyed.
- 5      References in this Part of this Schedule to provisions of section twenty-seven of this Act shall be construed as references to those provisions as modified by Part I of this Schedule.

## SIXTH SCHEDULE

Section 33.

### AMENDMENTS OF ENACTMENTS CONSEQUENTIAL ON PART II

Session and Chapter.	Short Title.	Amendment.
35 & 36 Vict. c. 33	The Ballot Act, 1872.	In section one, in the last paragraph, for the words "as if the writ had been received by the returning officer on the day on which proof was given to him of such death " there shall be substituted the words " as if .the writ had been received on the day on which proof was given to the returning officer of the death " ; and in the First Schedule, in rules 1 and 2, for the words " he receives the writ ", in each place where those words occur, there shall be substituted the words " the writ is received ".
7 & 8 Geo. 5. c. 64.	The Representation of the People Act, 1918.	In section thirty, after the words " if all his duties " there shall be inserted the words " (other than a duty imposed " on him by virtue of section twenty-seven of the Parliament (Elections and Meeting) Act, 1943, or of any Order in Council made under

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Session and Chapter.	Short Title.	Amendment.
10 & 11 Geo. 5. c. 35	The Representation of the People (No. 2) Act, 1920.	<p>section twenty-nine of that Act) " ; in section forty-three, in paragraph (13), for the words " the sheriff substitute at the place at which the writ for the election is appointed to be received " there shall be substituted the words " the senior sheriff substitute of the sherrifdom within which the constituency is wholly situated, or, where the constituency is situated in more than one sherrifdom; of the sherrifdom mentioned in the third column of the Seventh Schedule to this Act " ; and in the Fifth Schedule, in Part I, in paragraph 3, for the words " within two days after he receives the writ " there shall be substituted the words " within two days after the- day on which the writ is received " , " and in paragraph 8 the words " by him " shall be omitted, and in Part II, in paragraph 4, for the words " within three days after he receives the writ " there shall be substituted the words " within three days after the day on which the writ is received " , and in paragraph 9 the words " by him " shall be omitted.</p> <p>In section three, in paragraph (a), for the words " the seventh day after the returning officer receives the writ " there shall be substituted the words " the seventh day after the day on which the writ is received " .</p>

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## SEVENTH SCHEDULE

Section 33.

## ENACTMENTS REPEALED

## PART I

*Enactments Repealed as from the commencement of this Act*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Will. 3. c. 25.	An Act for the further regulating Elections of Members to serve in Parliament and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning such Members.	In section one, the words from " And that as well " to the end of the section.
6 Anne. c. 40	The Union with Scotland (Amendment) Act, 1707.	In section five, the words " directed to the several sheriffs and stewarts of the respective shires and stewartries ".
60 Geo. 3. & 1 Geo. 4. c. 11.	The Parliamentary Elections (Ireland) Act, 1820.	Section five.
4 Geo. 4. c. 55	The Parliamentary Elections (Ireland) Act, 1823.	Section thirty-three.
16 & 17 Vict. c. 68.	The Parliamentary Elections Act, 1853	In section one, the words from " the writ for making" to " places respectively ".
17 & 18 Vict. c. 57.	The Returning Officers Act, 1854.	The whole Act.
25 & 26 Vict. c. 92.	The Elections (Ireland) Act, 1862.	The whole Act.
7 & 8 Geo. 5.c. 64.	The Representation of the People Act, 1918.	In the Fifth Schedule, in Part I, in paragraph 1, the words from " and the writ " to the end of the paragraph ; and in Part II, in paragraph 1, the words from " to whom " to the end of the paragraph.



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## PART II

*Enactments Repealed as from the coming into operation of the Order in Council first made as respects Great Britain under-Section Twenty-Nine of this Act*

Session and Chapter.	Short Title.	Extent of Repeal.
<a href="#">53 Geo. 3. c. 89</a>	The Parliamentary Writs Act, 1813.	The whole Act.
<a href="#">37 &amp; 38 Vict. c. 81.</a>	The Great Seal (Offices) Act, 1874.	In section four, the words from " The powers and duties " to " in writing", and the word " other".
<a href="#">23 &amp; 24 Geo. 5. c. 36.</a>	The Administration of Justice (Miscellaneous Provisions) Act, 1933.	In the First Schedule, the entry relating to the Parliamentary Writs Act, 1813.