
STATUTORY INSTRUMENTS

1992 No. 722

REPRESENTATION OF THE PEOPLE

**The Representation of the People
(Amendment) Regulations 1992**

Made - - - - 10th March 1992

Coming into force in accordance with regulation 2

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament;

Now, therefore, in exercise of the powers conferred upon me by sections 53 and 201(1) of, and paragraph 5A(3) of Schedule 2 to, the Representation of the People Act 1983⁽¹⁾ and section 6(1)(c) of the Representation of the People Act 1985⁽²⁾, having regard to section 27(2) of that Act and the definition of “prescribed” in section 202(1) of the Representation of the People Act 1983, I hereby make the following Regulations:

1.—(1) These Regulations may be cited as the Representation of the People (Amendment) Regulations 1992.

(2) These Regulations do not extend to Scotland or Northern Ireland.

2. These Regulations shall come into force on 6th April 1992, except for the purposes of any application made before that date under regulation 64(4)(b) of the Representation of the People Regulations 1986⁽³⁾ which is based on receipt of a mobility allowance.

3.—(1) Regulation 64 (additional requirements for applications on grounds of physical incapacity) of the Representation of the People Regulations 1986 shall be amended as follows.

(2) For paragraph (4)(b) there shall be substituted the following sub-paragraph—

“(b) the application states that the applicant is (under section 37ZC of the Social Security Act 1975⁽⁴⁾) in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 37ZA of that Act) because of the physical incapacity specified in the application in pursuance of paragraph (1) above.”.

(3) In paragraph (5)—

(a) the words “either — (a)”, and

(1) 1983 c. 2; paragraph 5A was inserted by paragraph 8 of Schedule 2 to the Representation of the People Act 1985 (c. 50).

(2) 1985 c. 50.

(3) S.I. 1986/1081, to which there have been amendments not relevant to these Regulations.

(4) 1975 c. 14; sections 37ZA and 37ZC were inserted by section 1(2) of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) sub-paragraph (b) together with the word “, or” preceding it, shall be omitted.

Home Office
10th March 1992

Kenneth Baker
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations 64 of the Representation of the People Regulations 1986 (“the 1986 Regulations”) to take account of changes made by the Disability Living Allowance and Disability Working Allowance Act 1991 (“the 1991 Act”). The 1986 Regulations apply in England and Wales.

Regulation 64 of the 1986 Regulations prescribes the requirements for applications for an absent vote for an indefinite period at parliamentary and local government elections on the ground set out in section 6(2)(b) of the Representation of the People Act 1985 (c. 50) (“the 1985 Act”) which is that the applicant cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there because of blindness or other physical incapacity. Most such applications need to be attested in accordance with regulation 64(2) and (3). Regulation 64(4) currently disapplies this requirement where either the application is based on the applicant’s blindness and the relevant local authority registration number is given in the application or the applicant is in receipt of a mobility allowance under section 37A of the Social Security Act 1975 and the reference number of such an allowance is given in the application. Under regulation 64(5) the fact that the applicant is so registered or is in receipt of such an allowance is deemed to be sufficient evidence of eligibility under section 6(2)(b) of the 1985 Act.

Section 1 of the 1991 Act replaced the mobility allowance with a new allowance: the disability living allowance which consists of a care component and a mobility component. Under the Disability Living Allowance and Disability Working Allowance Act 1991 (Commencement No. 2) Order 1991 (S.I. 1991/2617), this provision will come into force on 6th April 1992. These Regulations amend regulation 64 of the 1986 Regulations to take account of these changes (including the fact that, unlike the mobility allowance, each disability living allowance does not, as such, have a reference number).