

---

STATUTORY INSTRUMENTS

---

**1997 No. 880**

**REPRESENTATION OF THE PEOPLE**

**The Representation of the People  
(Amendment) Regulations 1997**

*Made - - - - 16th March 1997*

*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)(1) of, and paragraphs 3 and 5A(1) of Schedule 2 to, the Representation of the People Act 1983(2) and sections 6(1) and (5), 7(1) and (3), 8(6) and (7) and 9(4), (7) and (8) of the Representation of the People Act 1985(3), 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 1997.

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

2.—(1) These Regulations, except regulation 4, shall come into force on the expiry of seven days after the day on which they are made but regulation 5 shall not apply to an election where the last day by which the notice of election must be published precedes the coming into force of these Regulations.

(2) Regulation 4 below shall come into force on the expiry of three months after the day on which these Regulations are made but that regulation shall not apply to an application for an absent vote which is received by the registration officer before the coming into force of that regulation.

3. In these Regulations, “the Regulations of 1986” mean the Representation of the People Regulations 1986(4).

4.—(1) Regulation 64 of the Regulations of 1986 (application for absent vote on grounds of physical incapacity) shall be amended as follows.

---

(1) Sections 53 and 201(1) have been amended but the amendments are not relevant in the context of these Regulations.  
(2) 1983 c. 2; paragraph 5A was inserted by paragraph 8 of Schedule 2 to the Representation of the People Act 1985 (c. 50).  
(3) 1985 c. 50.  
(4) S.I.1986/1081, as amended by S.I. 1990/520, and there have been other amendments to it which are not relevant to these Regulations.

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

“(b) a registered nurse within the meaning of section 10(7) of the Nurses, Midwives and Health Visitors Act 1979<sup>(5)</sup>”.

(3) In sub-paragraphs (d) and (f) of paragraph (2), the word “by” shall in each case be omitted.

(4) In sub-paragraph (e) of paragraph (2), the word “by” shall be omitted in the second place where it occurs.

(5) At the end of paragraph (2), there shall be added—

“Provided that a person may not attest an application under section 6(2)(b) of the Act of 1985 by virtue of sub-paragraphs (a), (b) or (c) above unless he is treating the applicant for the physical incapacity specified in accordance with paragraph (1) above or the applicant is receiving care from him in respect of that incapacity.”

(6) At the end of paragraph (3)(a), there shall be added—

“and, where the person attests the application by virtue of sub-paragraph (a), (b) or (c) of paragraph (2) above, that he is treating the applicant for the physical incapacity specified in accordance with paragraph (1) above or the applicant is receiving care from him in respect of that incapacity.”

**5.** In regulations 66 (additional requirements for applications in respect of a particular election) and 69 (closing dates for applications) of the Regulations of 1986—

- (a) in paragraph (2)(a) of regulation 66<sup>(6)</sup> and paragraphs (1), (2) and (5) of regulation 69<sup>(7)</sup>, for the words “noon on the thirteenth day” there shall in each case be substituted the words “5 p.m. on the eleventh day”; and
- (b) in paragraph (2)(a) of regulation 66 and paragraph (3) of regulation 69<sup>(8)</sup>, for the words “noon on the sixth day” there shall in each case be substituted the words “5 p.m. on the sixth day”.

Home Office  
16th March 1997

*Michael Howard*  
One of Her Majesty’s Principal Secretaries of  
State

---

<sup>(5)</sup> 1979 c. 36.

<sup>(6)</sup> Paragraph (2) of regulation 66 was substituted by regulation 21 of the Representation of the People (Amendment) Regulations 1990 (S.I. 1990/520).

<sup>(7)</sup> Paragraph (2) of regulation 69 was amended by regulation 22(1) of the Representation of the People (Amendment) Regulations 1990.

<sup>(8)</sup> Paragraph (3) of regulation 69 was substituted by regulation 22(2) of the Representation of the People (Amendment) Regulations 1990.

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Representation of the People Regulations 1986 and extend to England and Wales.

Regulation 64 of the 1986 Regulations sets out the additional requirements which apply where a person applies for an absent vote for an indefinite period on the grounds of physical incapacity. Paragraphs (2) and (3) of regulation 64 make provision for the attestation of such applications. Regulation 4(2) of these Regulations amends regulation 64(2) to allow any registered nurse to attest such an application (instead of a first level nurse). Paragraphs (5) and (6) of regulation 4 of these Regulations amend the provisions in regulation 64 in respect of attestation by registered medical practitioners, registered nurses and Christian Science practitioners. Where an application for an absent vote for an indefinite period is attested by such a person, he is required to state that he is treating the applicant for the physical incapacity specified in the application or that the applicant is receiving care from him in respect of that incapacity.

Regulations 66(2) and 69 of the 1986 Regulations set out the time by which applications relating to absent voting must be received by the registration officer in order to be effective at a particular election. Regulation 5 of these Regulations extends the deadline in respect of most applications from noon on the thirteenth working day before the day of the poll to 5 p.m. on the eleventh working day before the day of the poll. In the case of applications falling within regulation 66(2) (late applications for an absent vote at a particular election because of unforeseen circumstances relating to the applicant's health) the deadline is extended from noon on the sixth working day before the day of the poll to 5 p.m. on that sixth day.