
STATUTORY INSTRUMENTS

2001 No. 341

The Representation of the People (England and Wales) Regulations 2001

PART IV **E+W**

ABSENT VOTERS

Closing date for applications **E+W**

56.—(1) An application under paragraph [^{F1}3(1), (6) or (7), or 7(4)] of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at that election.

(2) [^{F2}Subject to paragraph (3B),][^{F3}Subject to paragraph (2A),] an application under paragraph [^{F4}3(2) or 6(7)] of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at that election.

[^{F5}(2A) An application under paragraph 6(7) of Schedule 4 which is made in the circumstances set out in paragraph (2B) shall be disregarded for the purposes of a particular parliamentary election, or a particular local government election in England, if it is received by the registration officer after 5 pm on the day of the poll at that election.

(2B) The circumstances are that—

- (a) the applicant is, at the time the application is made, included in the register kept under paragraph 3 of Schedule 4, and
- (b) the person already appointed as the applicant's proxy at the time the application is made ("P") considers that they are, or are likely to be, unable to attend the allotted polling station on the day of the poll referred to in paragraph (2A)—
 - (i) for reasons relating to compliance by P with a legal requirement to self-isolate;
 - (ii) because P has been notified that they are clinically extremely vulnerable in respect of coronavirus or (as the case may be) at the highest risk of severe illness from coronavirus, or because attendance would otherwise be contrary to coronavirus advice given to P;
 - (iii) because, due to P's particular circumstances, attendance would give rise to a risk of transmission of coronavirus by P to another person.]

[^{F6}(3) [^{F7}Subject to paragraphs (3A) and (3B),] an application under paragraph 4(2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at the election for which it is made.

[^{F8}(3A) Where an application made under paragraph 4(2) of Schedule 4 is made—

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- (a) on the grounds of the applicant's disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or
 - [^{F9}(aza) in respect of an election other than a local government election in Wales, on grounds relating to coronavirus; or]
 - [^{F10}(aa) on grounds relating to the applicant's occupation, service or employment and the applicant became aware of those grounds after 5 p.m. on the sixth day before the date of poll at the election for which it is made; or]
 - (b) by a person to whom paragraph 2(5A) of that Schedule applies,
- the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.]]

[^{F11}(3AA) For the purposes of paragraph (3A)(aza) an application is made on grounds relating to coronavirus if it is made—

- (a) because the applicant ("A") considers that attendance at the allotted polling station would not be permitted due to A's need to comply with a legal requirement to self-isolate;
- (b) because A has been notified that they are clinically extremely vulnerable in respect of coronavirus or (as the case may be) at the highest risk of severe illness from coronavirus, or because A considers that attendance at the allotted polling station would otherwise be contrary to coronavirus advice given to A;
- (c) because A considers that, due to A's particular circumstances, attendance at the allotted polling station would give rise to a risk of transmission of coronavirus by A to another person;
- (d) where A already has a person appointed as proxy under paragraph 6(8) of Schedule 4 ("P"), on the ground that P considers that they are, or are likely to be, unable to attend the allotted polling station because any of sub-paragraphs (a), (b) or (c) applies (reading references in those sub-paragraphs to A as references to P).

(3AB) In this regulation—

"coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

"coronavirus advice" means advice relating to coronavirus given by a registered medical practitioner or a registered nurse.]

[^{F12}(3B) Where an application is made under [^{F13}paragraphs 4(2), 6(7) or 6(8)] of Schedule 4 in relation to a relevant Welsh by-election—

- (a) on the ground that the applicant cannot reasonably be expected to vote in person at a polling station as a result of complying with relevant legislation, Welsh Government advice or the advice of a registered medical practitioner in relation to coronavirus; or
- (b) on the ground that any person appointed as a proxy to vote for an applicant under paragraph 6 of Schedule 4 is unable to attend a polling station and vote for that applicant as a result of complying with relevant legislation, Welsh Government advice or the advice of a registered medical practitioner in relation to coronavirus,

the application ^{F14}... shall be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3C) In paragraph (3B) the term relevant Welsh by-election means—

- (a) an election of a councillor to fill a casual vacancy in the office of councillor for any county council or county borough council in Wales; or
- (b) the election of a councillor to fill a casual vacancy in the office of community councillor in any community council in Wales,

where the poll for such an election was postponed as a result of the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020 [^{F15}or will take place between 25 February 2021 and [^{F16}28 March 2022]].]

(4) An application under paragraph [^{F17}4(1) or 7(7)] of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at the election for which it is made.

(5) An application under—

- (a) paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or
- (b) paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after [^{F18}5 p.m. on the eleventh day before the date of the poll at that election].

[^{F19}(5A) Any application or notice mentioned in this regulation shall be disregarded for the purposes of a particular parliamentary or local government election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the returning officer (except where it has been returned in accordance with regulation 77 or 78 (spoilt and lost postal ballot papers)).]

(6) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, ^{F20}... Good Friday or a bank holiday shall be disregarded.

(7) In paragraph (6) above “bank holiday” means—

- (a) in relation to a parliamentary general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in any part of the United Kingdom, and
- (b) in relation to a parliamentary by-election or a local government election, a day which is a bank holiday under that Act in England and Wales;

except that where, at a parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, sub-paragraph (b), not (a), shall apply.

Textual Amendments

- F1** Words in reg. 56(1) substituted (23.3.2006) by [The Representation of the People \(England and Wales\) \(Amendment\) Regulations 2006 \(S.I. 2006/752\)](#), regs. 1(1), **6(2)**
- F2** Words in reg. 56(2) inserted (25.2.2021) by [The Representation of the People \(Amendment\) \(Wales\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/193\)](#), regs. 1(2), **2(2)**
- F3** Words in reg. 56(2) inserted (temp. until 1.3.2023) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **3(4)(a)** (with regs. 1(2)(a), 2) (as amended (27.2.2022) by [S.I. 2022/175](#), regs. 1(1), **6**)
- F4** Words in reg. 56(2) substituted (23.3.2006) by [The Representation of the People \(England and Wales\) \(Amendment\) Regulations 2006 \(S.I. 2006/752\)](#), regs. 1(1), **6(3)**
- F5** [Reg. 56\(2A\)\(2B\)](#) inserted (temp. until 1.3.2023) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **3(4)(b)** (with regs. 1(2)(a), 2) (as amended (27.2.2022) by [S.I. 2022/175](#), regs. 1(1), **6**)
- F6** [Reg. 56\(3\)-\(3A\)](#) substituted for [reg. 56\(3\)](#) (23.3.2006) by [The Representation of the People \(England and Wales\) \(Amendment\) Regulations 2006 \(S.I. 2006/752\)](#), regs. 1(1), **6(4)**

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- F7** Words in reg. 56(3) substituted (4.12.2020) by The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020 (S.I. 2020/1399), regs. 2, **8(2)(a)** (with reg. 8(3)(4))
- F8** Reg. 56(3A) substituted (1.1.2007) by The Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2910), regs. 1(1), **44**
- F9** Reg. 56(3A)(aza) inserted (temp. until 1.3.2023) (24.3.2021) by virtue of The Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021 (S.I. 2021/391), regs. 1(1), **3(4)(c)** (with regs. 1(2)(a), 2) (as amended (27.2.2022) by S.I. 2022/175, regs. 1(1), **6**)
- F10** Reg. 56(3A)(aa) inserted (6.4.2014) by The Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3198), regs. 1(3)(b), **25(1)**; S.I. 2014/414, art. 3(a)
- F11** Reg. 56(3AA)(3AB) inserted (temp. until 1.3.2023) (24.3.2021) by virtue of The Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021 (S.I. 2021/391), regs. 1(1), **3(4)(d)** (with regs. 1(2)(a), 2) (as amended (27.2.2022) by S.I. 2022/175, regs. 1(1), **6**)
- F12** Reg. 56(3B)(3C) inserted (4.12.2020) by The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020 (S.I. 2020/1399), regs. 2, **8(2)(b)** (with reg. 8(3)(4))
- F13** Words in reg. 56(3B) inserted (25.2.2021) by The Representation of the People (Amendment) (Wales) (Coronavirus) Regulations 2021 (S.I. 2021/193), regs. 1(2), **2(3)(a)**
- F14** Words in reg. 56(3B) removed (25.2.2021) by The Representation of the People (Amendment) (Wales) (Coronavirus) Regulations 2021 (S.I. 2021/193), regs. 1(2), **2(3)(b)**
- F15** Words in reg. 56(3C) inserted (25.2.2021) by The Representation of the People (Amendment) (Wales) (Coronavirus) Regulations 2021 (S.I. 2021/193), regs. 1(2), **2(4)**
- F16** Words in reg. 56(3C) substituted (10.11.2021) by The Representation of the People (Amendment) (Wales) (Coronavirus) (No. 2) Regulations 2021 The Representation of the People (Amendment) (Wales) (Coronavirus) (No. 2) Regulations 2021 (S.I. 2021/1247), regs. 1(2), **2**
- F17** Words in reg. 56(4) substituted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **6(5)**
- F18** Words in reg. 56(5) substituted for reg. 56(5)(i)(ii) (5.5.2001) by The Representation of the People (England and Wales) (Amendment) Regulations 2001 (S.I. 2001/1700), regs. 1(1), **6**
- F19** Reg. 56(5A) inserted (6.4.2014) by The Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3198), regs. 1(3)(b), **25(2)**; S.I. 2014/414, art. 3(a)
- F20** Words in reg. 56(6) omitted (1.1.2007) by virtue of The Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2910), regs. 1(1), **60(2)** (with reg. 1(2)(3) (d))

Modifications etc. (not altering text)

- C1** Regs. 50-61 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), arts. 1(1), 6(1), **Sch. 2 Pt. 3**
- C2** Reg. 56 applied (with modifications) (E.) (9.2.2012) by The Local Authorities (Conduct of Referendums)(England) Regulations 2012 (S.I. 2012/323), reg. 1, **Sch. 4 para. 1** Table 6
- C3** Reg. 56 applied (with modifications) (E.) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), reg. 1, **Sch. 4 para. 1** Table 6 (with reg. 27)
- C4** Reg. 56 applied (with modifications) (E.) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1** Table 6 (as amended (6.4.2014) by S.I. 2014/333, regs. 1(6), **10(c)** (with reg. 1(7)))
- C5** Reg. 56 modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 12**

Commencement Information

- I1** Reg. 56 in force at 16.2.2001, see **reg. 1(1)**

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