

## SCHEDULE 4

### ENTITLEMENT TO REGISTRATION AND LEGAL INCAPACITY TO VOTE IN GIBRALTAR

#### PART 2

#### ENTITLEMENT TO REGISTRATION AND LEGAL INCAPACITY

##### *Legal incapacity*

##### **Legal incapacity to vote of offenders in prison etc**

**3.—**(1) A convicted person during the time that he is detained in a penal institution in Gibraltar in pursuance of his sentence or unlawfully at large when he would otherwise be so detained is legally incapable of voting at any European Parliamentary election.

(2) For this purpose—

- (a) “convicted person” means any person found guilty of an offence (whether under the law of Gibraltar or not), including a person found guilty by a court-martial, but not including a person dealt with by committal or other summary process for contempt of court; and
- (b) a person detained for default in complying with his sentence shall not be treated as detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his sentence for the offence.

(3) It is immaterial for the purposes of this paragraph whether a conviction or sentence was before or after the coming into force of these Regulations.

##### **Legal incapacity to vote of offenders detained in mental hospitals**

**4.—**(1) A person to whom this paragraph applies is, during the time that he is—

- (a) detained at any place in pursuance of the order by virtue of which this paragraph applies to him, or
- (b) unlawfully at large when he would otherwise be so detained,

legally incapable of voting at any European Parliamentary election.

(2) This paragraph applies to the following persons—

- (a) any person in respect of whom an order has been made under section 251, 252 or 256(1) of the Criminal Procedure Ordinance;
- (b) a convicted person, within the meaning of paragraph 3, in respect of whom an order has been made under section 257 of the Criminal Procedure Ordinance; and
- (c) any person in respect of whom an admission order has been made under section 116B of the Army Act 1955(1).

(3) Any reference in any of sub-paragraphs (2)(a) to (c) to a provision of any Ordinance or Act includes a reference to any earlier provision (whether of that Ordinance or Act as originally enacted or made or as previously amended, or otherwise) to the like effect.

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(1) 1955 c. 18; section 116B was inserted by paragraph 1 to Schedule 2 to the Armed Forces Act 1996 (c. 46).

**Status:** *This is the original version (as it was originally made).*