

SCHEDULE 2

Regulation 1(7)

Overseas electors: Transitional provisions and Savings

Interpretation

1. In this Schedule—

“the 1985 Act” means the Representation of the People Act 1985;

“the 2016 Regulations” means the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;

“recall petition” has the meaning given in section 1(2) of the Recall of MPs Act 2015.

Savings for pre-commencement applications for registration

2. The amendments made by the following regulations do not apply in respect of an application to which paragraph 13 of Schedule 7 to the Elections Act 2022 (pre-commencement applications for registration in a register of parliamentary electors) applies—

(a) regulation 4(2) to (5);

(b) regulation 5(2), (3), (7)(a) and (e) to (g), (8) to (13), (15) to (17), (20) and (21)(a);

(c) regulation 9(2) to (5);

(d) regulation 10(2), (6)(a) and (e) to (g), (7) to (12), (14) to (15), (18) and (19)(a).

Transitional provision for overseas electors registered pursuant to pre-commencement applications

3.—(1) This paragraph applies where—

(a) paragraph 14 of Schedule 7 to the Elections Act 2022 (overseas electors registered pursuant to pre-commencement applications) applies in respect of an elector (“the elector”), and

(b) the elector’s entitlement to registration has not been extended following the making of a renewal declaration in accordance with section 1D(2) and (3) of the 1985 Act.

(2) The following do not apply in respect of the elector—

(a) regulation 22A of the 2001 Regulations (reminders to electors registered pursuant to an overseas elector’s declaration) (as inserted by regulation 4(6) and 9(6));

(b) the amendments made by regulations 5(4) and 10(4).

(3) Where a registration officer grants an application made by the elector in accordance with paragraph 3(2) of Schedule 4 to the Representation of the People Act 2000 to vote by proxy, regulation 57(2A)(b) and (2B) of the 2001 Regulations (as inserted by regulations 6(3) and 11(3)) applies as if for “1st November” there were substituted “date”.

(4) Regulation 60A of the 2001 Regulations (as amended by regulations 6(4) and 11(4))—

(a) does not apply in respect of the elector’s entitlement to vote by proxy where that entitlement ends on or before 1st February 2024;

(b) otherwise applies as if, in paragraph (1D)—

(i) in sub-paragraph (a), for “1st July immediately” there were substituted “the later of 1st February 2024 or the date which is three months”;

(ii) in sub-paragraph (b), for “1st November” there were substituted “date”.

(5) Where a registration officer grants an application made by the elector in accordance with regulation 51(1) of the 2016 Regulations (absent signing at any petition for a definite or an indefinite

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period: England and Wales and Scotland) to sign any recall petition in England, Wales or Scotland by post, paragraph (1B)(a) of that regulation (as amended by regulation 13(3)) applies as if for “1st November” there were substituted “date”.

(6) In this paragraph, “the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001.

Limitation of certain postal signing entitlements held by overseas electors

4.—(1) This paragraph applies where, immediately before 31st January 2024, a person—

- (a) is registered as an elector in pursuance of an overseas elector’s declaration, and
- (b) has a relevant postal signing entitlement lasting for—
 - (i) an indefinite period, or
 - (ii) a period that would expire after the relevant end date.

(2) A “relevant postal signing entitlement” means an entitlement to sign by post at recall petitions in England, Wales or Scotland resulting from the grant of an application under regulation 51(1) or (7) or 58(5) of the 2016 Regulations.

(3) The person’s relevant signing entitlement ends on the relevant end date (unless it ends sooner).

(4) As soon as practicable after 31st January 2024, the registration officer must alter the record kept under regulation 51(4) or 58(7) of the 2016 Regulations (as the case may be) to reflect any change resulting from sub-paragraph (3) in the period for which the person’s relevant postal signing entitlement lasts.

(5) The registration officer must, before the relevant end date, send the person—

- (a) a notice informing the person of the date on which the person’s relevant postal signing entitlement is to end, and
- (b) information about how to make a fresh application to sign recall petitions by post (as elector or, as the case may be, as proxy).

(6) In this paragraph—

“overseas elector’s declaration” has the meaning given in regulation 3(1) of the 2016 Regulations;

“relevant end date” means the date until which, by virtue of section 1D(1)(a) or (3)(a) of the 1985 Act, the person is entitled to remain registered in pursuance of an overseas elector’s declaration.