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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**ELECTORAL LEGISLATION
OF THE UNITED KINGDOM**

including extracts from

- Representation of the People Act 1983**
- Representation of the People Act 2000**
- Electoral Administration Act 2006**
- and the absent voting (transitional provisions)
(England and Wales) Regulations 2006**

[Note: this version of the Act has been prepared to assist readers to understand the changes that were made to it by the Electoral Administration Act 2006. Whilst care has been taken in its preparation it may not be full and complete in every respect. Some provisions of the Act have not been fully reproduced, particularly in sections where no amendments are proposed.]

Representation of the People Act 1983

1983 CHAPTER 2

An Act to consolidate the Representation of the People Acts of 1949, 1969, 1977, 1978 and 1980, the Electoral Registers Acts of 1949 and 1953, the Elections (Welsh Forms) Act 1964, Part III of the Local Government Act 1972, sections 6 to 10 of the Local Government (Scotland) Act 1973, the Representation of the People (Armed Forces) Act 1976, the Returning Officers (Scotland) Act 1977, section 3 of the Representation of the People Act 1981, section 62 of and Schedule 2 to the Mental Health (Amendment) Act 1982, and connected provisions; and to repeal as obsolete the Representation of the People Act 1979 and other enactments related to the Representation of the People Acts.

[8th February 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

Parliamentary and local government franchise

1 Parliamentary electors.

(1) A person is entitled to vote as an elector at a parliamentary election in any constituency if on the date of the poll he—

- (a) is registered in the register of parliamentary electors for that constituency;
- (b) is not subject to any legal incapacity to vote (age apart);
- (c) is either a Commonwealth citizen or a citizen of the Republic of Ireland; and
- (d) is of voting age (that is, 18 years or over).

(2) A person is not entitled to vote as an elector—

- (a) more than once in the same constituency at any parliamentary election; or
- (b) in more than one constituency at a general election.

2 Local government electors.

(1) A person is entitled to vote as an elector at a local government election in any electoral area if on the date of the poll he—

- (a) is registered in the register of local government electors for that area;
- (b) is not subject to any legal incapacity to vote (age apart);
- (c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and

(d) is of voting age (that is, 18 years or over).

(2) A person is not entitled to vote as an elector—

(a) more than once in the same electoral area at any local government election; or

(b) in more than one electoral area at an ordinary election for a local government area which is not a single electoral area.

3 Disfranchisement of offenders in prison etc.

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

(2) For this purpose—

(a) “convicted person” means any person found guilty of an offence (whether under the law of the United Kingdom or not), including a person found guilty by a court-martial under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or on a summary trial under section 49 of the Naval Discipline Act 1957, or by a Standing Civilian Court established under the Armed Forces Act 1976, but not including a person dealt with by committal or other summary person for contempt of court; and

(b) “penal institution” means an institution to which the Prison Act 1952, the Prisons(Scotland) Act 1952 or the Prison Act (Northern Ireland) 1953 applies; and

(c) 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 section whether a conviction or sentence was before or after the passing of this Act.

3A Disfranchisement of offenders detained in mental hospitals.

(1) A person to whom this section applies is, during the time that he is—

(a) detained at any place in pursuance of the order or direction by virtue of which this section applies to him, or

(b) unlawfully at large when he would otherwise be so detained, legally incapable of voting at any parliamentary or local government election.

(2) As respects England and Wales, this section applies to the following persons—

(a) any person in respect of whom—

(i) an order has been made under section 37, 38, 44 or 51(5) of the Mental Health Act 1983, or

(ii) a direction has been given under section 45A, 46 or 47 of that Act;

(b) any person in respect of whom an order has been made under section 5(2)(a) of the Criminal Procedure (Insanity) Act 1964; and

(c) any person in respect of whom the Court of Appeal has made an order under—

(i) section 6(2)(a) of the Criminal Appeal Act 1968, or

(ii) section 14(2)(a) of that Act.

(3) As respects Scotland, this section applies to the following persons—

- (a) any person in respect of whom an order has been made under section 53, 54, 57(2)(a) or (b) or 58 of the Criminal Procedure (Scotland) Act 1995; and
- (b) any person in respect of whom a direction has been given under section 69 of the Mental Health (Scotland) Act 1984 or section 71 of that Act (being a person to whom that section applies by virtue of subsection (2)(a) of that section) or section 59A of that Act of 1995.

(4) As respects Northern Ireland, this section applies to the following persons—

- (a) any person in respect of whom—
 - (i) an order has been made under Article 44, 45, 50A(2)(a) or 57(5) of the Mental Health (Northern Ireland) Order 1986, or
 - (ii) a direction has been given under Article 52 or 53 of that Order; and
- (b) any person in respect of whom the Court of Appeal has made an order under—
 - (i) section 11(1)(b) or (2)(b) of the Criminal Appeal (Northern Ireland) Act 1980, or
 - (ii) section 13(5A) of that Act.

(5) As respects any part of the United Kingdom, this section applies to any person in respect of whom an admission order has been made under—

- (a) section 116B of the Army Act 1955 or the Air Force Act 1955, or
- (b) section 63B of the Naval Discipline Act 1957.

(6) In this section any reference to a person in respect of whom any order or direction falling within subsection (2), (3) or (4) has been made or given includes a reference to a person in respect of whom any such order or direction is, by virtue of any enactment, to be treated as having been made or given in connection with his transfer to a place in the part of the United Kingdom mentioned in that subsection.

(7) Any reference in any of subsections (2) to (4) above to a provision of any Act or Order includes a reference to any earlier provision (whether of that Act or Order as originally enacted or made or as previously amended, or otherwise) to the like effect.

Entitlement to registration

4 Entitlement to be registered as parliamentary or local government elector.

(1) A person is entitled to be registered in the register of parliamentary electors for any constituency or part of a constituency if on the relevant date he—

- (a) is resident in the constituency or that part of it;
- (b) is not subject to any legal incapacity to vote (age apart);
- (c) is either a qualifying Commonwealth citizen or a citizen of the Republic of Ireland;
- and
- (d) is of voting age.

(2) A person is not entitled to be registered in the register of parliamentary electors for any constituency in Northern Ireland unless, in addition to complying with subsection (1) above, he has been resident in Northern Ireland during the whole of the period of three months ending on the relevant date.

(3) A person is entitled to be registered in the register of local government electors for any electoral area if on the relevant date he—

- (a) is resident in that area;
- (b) is not subject to any legal incapacity to vote (age apart);
- (c) is a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
- (d) is of voting age.

(4) The preceding provisions have effect—

(a) subject to—

- (i) any enactment imposing a disqualification for registration as a parliamentary, or (as the case may be) local government, elector; and
- (ii) compliance with any prescribed requirements; and
- (b) (as respects registration as a parliamentary elector) without prejudice to section 2(1) of the Representation of the People Act 1985 (registration of British citizens overseas).

(5) A person otherwise qualified is (despite subsection (1)(d) or (3)(d), as the case may be) entitled to be registered in a register of parliamentary electors or local government electors if he will attain voting age before the end of the period of 12 months beginning with the 1st December next following the relevant date, but—

- (a) his entry in the register shall give the date on which he will attain that age; and
- (b) until the date given in the entry he shall not by virtue of the entry be treated as an elector for any purposes other than those of an election the date of the poll for which is the date so given or any later date.

(5A) If a person entitled to be registered by virtue of subsection (5) above has an anonymous entry in the register, the references in paragraphs (a) and (b) of that subsection to his entry in the register are to be read as references to his entry in the record of anonymous entries prepared in pursuance of paragraph 8A of Schedule 2 below.

(6) In this section—

“qualifying Commonwealth citizen” means a Commonwealth citizen who either—

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave;

“the relevant date”, in relation to a person, means—

- (a) the date on which an application for registration is made (or, by virtue of section 10A(2) below, is treated as having been made) by him;
- (b) in the case of a person applying for registration in pursuance of a declaration of local connection or a service declaration, the date on which the declaration was made.

5 Residence: general

(1) This section applies where the question whether a person is resident at a particular address on the relevant date for the purposes of section 4 above falls to be determined for the purposes of that section.

(2) Regard shall be had, in particular, to the purpose and other circumstances, as well as to the fact, of his presence at, or absence from, the address on that date.

For example, where at a particular time a person is staying at any place otherwise than on a permanent basis, he may in all the circumstances be taken to be at that time—

- (a) resident there if he has no home elsewhere, or

(b) not resident there if he does have a home elsewhere.

(3) For the purpose of determining whether a person is resident in a dwelling on the relevant date for the purposes of section 4 above, his residence in the dwelling shall not be taken to have been interrupted by reason of his absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him if—

(a) he intends to resume actual residence within six months of giving up such residence, and will not be prevented from doing so by the performance of that duty; or

(b) the dwelling serves as a permanent place of residence (whether for himself or for himself and other persons) and he would be in actual residence there but for his absence in the performance of that duty.

(4) For the purposes of subsection (3) above any temporary period of unemployment shall be disregarded.

(5) Subsection (3) above shall apply in relation to a person's absence by reason of his attendance on a course provided by an educational institution as it applies in relation to a person's absence in the performance of any duty such as is mentioned in that subsection.

(6) Subject to sections 7 and 7A below, a person who is detained at any place in legal custody shall not, by reason of his presence there, be treated for the purposes of section 4 above as resident there.

6 Residence: merchant seamen

At any time when a merchant seaman is not resident in the United Kingdom and would have been resident there but for the nature of his occupation, he shall be entitled to be treated for the purposes of section 4 above as resident—

(a) at any place at which he would have been resident but for the nature of his occupation; or

(b) at any hostel or club providing accommodation for merchant seamen at which he commonly stays in the course of his occupation.

For this purpose “merchant seaman” means any person not having a service qualification whose employment or the greater part of it is carried out on board seagoing ships, and includes any such person while temporarily without employment.

7 Residence: patients in mental hospitals who are not detained offenders or on remand.

(1) This section applies to a person who—

(a) is a patient in a mental hospital (whether or not he is liable to be detained there), but

(b) is not a person to whom section 3A above or section 7A below applies.

(2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the mental hospital in question if the length of the period which he is likely to spend at the hospital is sufficient for him to be regarded as being resident there for the purposes of electoral registration.

(3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—

(a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or

(aa) **the registration officer determines in accordance with regulations that the person was not entitled to be registered, or**
(b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),
whichever first occurs.

(4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).

(5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—

- (a) by virtue of his residence at some place other than the mental hospital in which he is a patient, or
- (b) in pursuance of a declaration of local connection.

(6) In this section “mental hospital” means any establishment (or part of an establishment) maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder; and for this purpose “mental disorder”—

- (a) in relation to England or Wales, has the same meaning as in the Mental Health Act 1983,
- (b) in relation to Scotland, has the same meaning as in the Mental Health (Scotland) Act 1984, and
- (c) in relation to Northern Ireland, has the same meaning as in the Mental Health (Northern Ireland) Order 1986.

7A Residence: persons remanded in custody etc.

(1) This section applies to a person who is detained at any place pursuant to a relevant order or direction and is so detained otherwise than after—

- (a) being convicted of any offence, or
- (b) a finding in criminal proceedings that he did the act or made the omission charged.

(2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the place at which he is detained if the length of the period which he is likely to spend at that place is sufficient for him to be regarded as being resident there for the purposes of electoral registration.

(3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—

- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
- (aa) **the registration officer determines in accordance with regulations that the person was not entitled to be registered, or.**
- (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),
whichever first occurs.

(4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person's entry from the

register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).

(5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—

- (a) by virtue of his residence at some place other than the place at which he is detained, or
- (b) in pursuance of a declaration of local connection.

(6) In this section “a relevant order or direction” means—

- (a) a remand or committal in custody;
- (b) a remand to a hospital under section 35 or 36 of the Mental Health Act 1983 or Article 42 or 43 of the Mental Health (Northern Ireland) Order 1986;
- (c) a direction for removal to a hospital under section 48 of that Act or Article 54 of that Order;
- (d) a committal to a hospital under section 52 of the Criminal Procedure (Scotland) Act 1995; or
- (e) a transfer order under section 70 of the Mental Health (Scotland) Act 1984 or a transfer direction under section 71 of that Act made in respect of a person to whom that section applies by virtue of subsection (2)(c) of that section.

7B Notional residence: declarations of local connection.

(1) A declaration under this section (“a declaration of local connection”)—

- (a) may be made only by a person to whom this section applies, but
- (b) may be made by such a person despite the fact that by reason of his age he is not entitled to vote.

(2) This section applies to any person who on the date when he makes such a declaration is—

- (a) a person to whom section 7 above applies and who would not be entitled to be registered by virtue of residence at any place other than the mental hospital (within the meaning of that section) at which he is a patient, or
- (b) a person to whom section 7A applies and who would not be entitled to be registered by virtue of residence at any place other than the place at which he is detained as mentioned in subsection (1) of that section, or
- (c) a person who does not fall within paragraph (a) or (b) above (and is not otherwise in legal custody) and who is not, for the purposes of section 4 above, resident at any address in the United Kingdom (a “homeless person”).

(3) A declaration of local connection shall state—

- (a) the name of the declaring and either—
 - (i) an address to which correspondence for him from either the registration officer concerned or the returning officer can be delivered, or
 - (ii) that he is willing to collect such correspondence periodically from the registration officer's office;
- (b) the date of the declaration;
- (c) that on the date of the declaration the declarant falls into one of the categories of persons to whom this section applies, specifying—
 - (i) the category in question, and
 - (ii) (in the case of a person falling within subsection (2)(a) or (b) above) the name and address of the mental hospital at which he is a patient or (as the case may be) of the place at which he is detained;
- (d) the required address (as defined by subsection (4) below);

- (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland or (if the declaration is made for the purposes only of local government elections) a relevant citizen of the Union;
- (f) whether the declarant has on the date of the declaration attained the age of 18 years, and, if he has not, the date of his birth.

(4) For the purposes of this section “the required address” is—

- (a) in the case of a person falling within subsection (2)(a) or (b) above—
 - (i) the address in the United Kingdom where he would be residing if he were not such a patient, or detained, as mentioned in that provision, or
 - (ii) if he cannot give such an address, an address in the United Kingdom at which he has resided;
- (b) in the case of a homeless person, the address of, or which is nearest to, a place in the United Kingdom where he commonly spends a substantial part of his time (whether during the day or at night).

(5) Where a declaration of local connection is made for the purposes of registration in Northern Ireland, the declaration must state that the declarant has been in Northern Ireland during the whole of the period of three months ending on the date of the declaration.

(6) Where a declaration of local connection made by a homeless person is delivered to the registration officer concerned during the period—

- (a) beginning with the date when a vacancy occurs—
 - (i) in the seat for the parliamentary constituency within which the required address falls, or
 - (ii) in the seat for any Scottish Parliament constituency or National Assembly for Wales constituency within which it falls, and
- (b) ending on the final nomination day (within the meaning of section 13B below) for the parliamentary by-election, or (as the case may be) the election under section 9 of the Scotland Act 1998 or section 8 of the Government of Wales Act 1998, held in respect of that vacancy,

the declaration must state that, during the period of three months ending on the date of the declaration, the declarant has commonly been spending a substantial part of his time (whether during the day or at night) at, or near, the required address.

(7) No declaration of local connection shall be specially made by a person for the purposes of local government elections, and any such declaration made for the purposes of parliamentary elections shall have effect also for the purposes of local government elections; but—

- (a) a declaration of local connection may be made for the purposes only of local government elections by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections or by a relevant citizen of the Union; and
- (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other declarations of local connection.

(8) If a person—

- (a) makes a declaration of local connection stating more than one address under subsection (3)(d) above, or
- (b) makes more than one declaration of local connection bearing the same date and stating different addresses under that provision, the declaration or declarations shall be void.

(9) A declaration of local connection may be cancelled at any time by the declarant.

(10) A declaration of local connection shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.

7C Effect of declaration of local connection

(1) Where a person's declaration of local connection is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—

- (a) resident on the date of the declaration at the address stated in it in accordance with section 7B(3)(d) above; and
- (b) for the purposes of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of three months ending with that date.

(2) A person registered in a register of electors in pursuance of a declaration of local connection is entitled to remain so registered until—

- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
- (aa) **the registration officer determines in accordance with regulations that the person was not entitled to be registered,**
- (b) the declaration is cancelled under section 7B(9) above, or
- (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a declaration of local connection),

whichever first occurs.

(3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further declaration of local connection.

(4) This section shall not be taken as precluding the registration of a person falling within section 7B(2)(a) or (b) above in pursuance of an application made by virtue of section 7(2) or 7A(2) above.

Registration of parliamentary and local government electors

8 Registration officers

(1) For the registration of electors there shall be electoral registration officers (in this Act referred to as “registration officers”).

(2) In England—

- (a) the council of every district and London borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency conterminous with or situated in the district or borough, and
- (b) the Common Council shall appoint an officer to be registration officer for the part of the constituency containing the City and the Inner Temple and the Middle Temple.

(2A) In Wales, the council of every county or county borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or situated in the area of the council.

(3) In Scotland, every local authority shall appoint an officer of the authority for their area or for any adjoining area, or an officer appointed by any combination of local authorities, to be registration officer for any constituency or part of a constituency which is situated within their area.

(4) In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the registration officer for each constituency.

9 Registers of electors

(1) Each registration officer shall maintain—

- (a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and
- (b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts.

(2) ~~Each register~~ **Subject to section 9B(3) below, each register** shall contain—

- (a) the names of the persons appearing to the registration officer to be entitled to be registered in it (subject to their complying with any prescribed requirements);
- (b) (subject to any prescribed exceptions) the qualifying addresses of the persons registered in it; and
- (c) in relation to each such person, that person's electoral number.

(3) A person's electoral number is such number (with or without any letters) as is for the time being allocated by the registration officer to that person as his electoral number for the purposes of the register in question.

(4) Electoral numbers shall be allocated by a registration officer in such a way as to ensure, so far as is reasonably practicable, that in each separate part of a register the numbers run consecutively.

(5) The registers of parliamentary electors and of local government electors shall so far as practicable be combined, the ~~names~~ **entries** of persons registered only as parliamentary electors or local government electors being marked to indicate that fact.

~~(6) A registration officer's duty under subsection (1) above includes the duty to take reasonable steps to obtain information required by him in connection with the performance of his duty under that subsection (without prejudice to any specific requirement of this Act or regulations under it).~~

(7) Where under this section two or more registration officers maintain registers of parliamentary electors in respect of different parts of the same constituency, then in relation to that constituency any reference in this Act (whether express or implied) to the register of parliamentary electors for a constituency shall be read—

- (a) as a reference to one of those registers, or
- (b) in relation to one of those registration officers, as the register maintained by him, as the context may require.

(8) In this Act—

- (a) any reference, in relation to a registration officer, to “his” registers is a reference to the registers maintained by him under this section; and
- (b) “qualifying address”, in relation to a person registered in a register of electors, is the address in respect of which he is entitled to be so registered.

9A Registration officers: duty to take necessary steps

(1) Each registration officer must take all steps that are necessary for the purpose of complying with his duty to maintain the registers under section 9 above.

(2) The steps include—

- (a) sending more than once to any address the form to be used for the canvass under section 10 below;**
- (b) making on one or more occasions house to house inquiries under subsection (5) of that section;**
- (c) making contact by such other means as the registration officer thinks appropriate with persons who do not have an entry in a register;**
- (d) inspecting any records held by any person which he is permitted to inspect under or by virtue of any enactment or rule of law;**
- (e) providing training to persons under his direction or control in connection with the carrying out of the duty.**

(3) Regulations made by the Secretary of State may amend subsection (2) by—

- (a) varying any of the paragraphs in that subsection;**
- (b) inserting any paragraph;**
- (c) repealing any paragraph.**

(4) The Secretary of State must not make regulations under subsection (3) unless he first consults the Electoral Commission.

9B Anonymous registration

(1) This section applies if an application for registration in a register of parliamentary electors or local government electors is made in accordance with the requirements prescribed for the purposes of section 10A(1)(a) below and is accompanied by—

- (a) an application under this section made in accordance with prescribed requirements (an application for an anonymous entry),**
- (b) a declaration made in accordance with such requirements for the purposes of this section, and**
- (c) such evidence in support of the application for an anonymous entry as may be prescribed.**

(2) If the registration officer determines that the person is entitled to be registered, he must also determine whether the safety test is satisfied

(3) If the registration officer determines that the safety test is satisfied

- (a) section 9(2) above does not apply in relation to the person; and**
- (b) the person’s entry in the register shall instead contain letters in the prescribed form, and his electoral number.**

(4) An entry containing the matters mentioned in subsection (3)(b) above is referred to in this Act as an anonymous entry.

(5) If an anonymous entry is made in respect of a person, the registration officer shall remove any other entry in the register for that person.

(6) If the registration officer does not determine that the safety test is satisfied, no entry is to be made in respect of him in the register (whether an anonymous entry or otherwise).

(7) Subsection (6) above does not affect—

(a) any other entry in the register for the person;

(b) the determination of any further application for registration which is made by the person (including an application which is treated as having been made by him by virtue of section 10A(2) below).

(8) Any communication sent by a registration officer or the returning officer for any election to a person who has an anonymous entry (A) must be sent in an envelope or other form of covering so as not to disclose to any other person that A has an anonymous entry.

(9) Subsection (8) does not apply to a communication relating only to a local government election in Scotland

(10) The safety test is satisfied if the safety of the applicant for an anonymous entry or that of any other person of the same household would be at risk if the register contains the name of the applicant or his qualifying address.

(11) In this section, “determines” means determines in accordance with regulations.

9C Removal of anonymous entry

(1) If a person has an anonymous entry in a register, his entitlement to remain registered in pursuance of the application for registration mentioned in section 9B(1) terminates—

(a) at the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or

(b) if the declaration made for the purposes of section 9B is cancelled at any time before the expiry of that 12 month period, at the time when the declaration is cancelled.

(2) Subsection (1) above does not affect the application of any other provision of this Act or of the Representation of the People Act 1985 which has the effect that the person’s entitlement to registration terminates before the expiry of the 12 month period mentioned in subsection (1) or before the cancellation of the declaration made for the purposes of section 9B.

(3) If a person’s entitlement to remain registered terminates by virtue of subsection (1) above, the registration officer concerned shall remove his entry from the register, unless he is entitled to remain registered with an anonymous entry in pursuance of a further application for registration accompanied by a further application under section 9B.

10 Maintenance of registers: annual canvass

(1) Each registration officer shall conduct an annual canvass in relation to the area for which he acts for the purpose of ascertaining the persons who are for the time being entitled to be, or to remain, registered in his registers.

(2) The canvass for any year shall be conducted by reference to residence on 15th October in that year.

(3) A canvass shall not, however, be concerned with—

(a) the registration of persons in respect of residence in penal institutions (within the meaning of section 3 above) or mental hospitals (within the meaning of section 7 above) or other places at which persons to whom section 7A above applies may be detained; or

(b) the registration of persons in pursuance of—

(i) declarations of local connection,

(ii) service declarations, or

(iii) overseas electors' declarations; or

(c) the registration of persons with anonymous entries in the register.

(4) The form to be used for the purposes of a canvass shall be either a form prescribed for those purposes or a form to the same effect.

(4A) Subject to subsection (4B) below, the information to be obtained by the use of such a form for the purposes of a canvass in Northern Ireland shall include—the signature of each of the persons in relation to whom the form is completed;(b) the date of birth of each such person; and

(c) in relation to each such person—

(i) his national insurance number or a statement that he does not have one,

(ii) a statement of whether or not he has been resident in Northern Ireland for the whole of the three-month period ending on the 15th October in the year in question, and

(iii) any address in the United Kingdom in respect of which he is or has applied to be registered (other than the address in respect of which the form is completed),

and the power in subsection (4) above to prescribe a form includes power to give effect to the requirements of this subsection.

(4B) The Chief Electoral Officer for Northern Ireland may dispense with the requirement mentioned in subsection (4A)(a) above in relation to any person if he is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of **blindness or any other disability** ~~any incapacity~~ of his or because he is unable to read.

(5) In connection with a canvass a registration officer may, for the purpose of—

(a) supplementing the information obtained by the use of any such form, or

(b) where any such form has not been returned, obtaining any information designed to be obtained by the use of the form,

make such house to house inquiries as he thinks fit.

(6) On the conclusion of a canvass a registration officer shall make such alterations in his registers as fall to be made in accordance with section 10A below as a result of the canvass.

(7) In this section “residence” means residence for the purposes of section 4 above.

10A Maintenance of the registers: registration of electors.

- (1) A registration officer shall determine all applications for registration which are—
- (a) made to him in accordance with the prescribed requirements, or
 - (b) treated as made to him by virtue of subsection (2) below.

(1A) Subject to subsection (1B) below, an application for registration in respect of an address in Northern Ireland shall include—

- (a) the signature of each of the persons to whom the application relates;
- (b) the date of birth of each such person; and
- (c) in relation to each such person—
 - (i) his national insurance number or a statement that he does not have one,
 - (ii) a statement of whether or not he has been resident in Northern Ireland for the whole of the three-month period ending on the date of the application, and
 - (iii) any other address in the United Kingdom in respect of which he is or has applied to be registered,

and the power in subsection (1) above to prescribe requirements includes power to give effect to the requirements of this subsection.

(1B) The Chief Electoral Officer for Northern Ireland may dispense with the requirement mentioned in subsection (1A)(a) above in relation to any person if he is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of **blindness or any other disability** ~~any incapacity~~ of his or because he is unable to read.

(2) Where—

- (a) in connection with a canvass under section 10 above, the form completed in respect of any address specifies any person as a person who is entitled to be registered in a register, and
- (b) that person is not for the time being registered in the register in respect of that address, he shall be treated as having made, on the 15th October in the year in question, an application for registration in the register in respect of that address.

(3) A registration officer shall also determine all objections to a person's registration made in accordance with the prescribed requirements by another person whose name appears in the register in question.

(3A) Subsection (3) above applies to an objection to a person's registration whether the objection is made before or after the person is registered in the register.

(3B) No objection to a person's registration may be made if the person has an anonymous entry in the register.

(4) Subsections (1) and (3) above apply to applications and objections asking—

- (a) for the omission, insertion or alteration of a date as that on which a person will become of voting age and entitled to registration, or
- (b) for the alteration of the qualifying address in respect of which a person is registered, as they apply to applications for registration and objections to a person's registration respectively.

(5) Subject to subsection (5A) below, where ~~the name of~~ a person ("the elector") is ~~duly~~ entered in a register in respect of any address, the elector is entitled to remain registered in the register in respect of that address until such time as the registration officer concerned—

- (a) determines, on the conclusion of a canvass under section 10 above, that the elector was not resident at that address on the 15th October in question, or that because—
 - (i) the form mentioned in section 10(4) above was not returned in respect of that address, or
 - (ii) for any other reason, insufficient information was obtained as to whether the elector was resident at that address on that date, the registration officer is unable to satisfy himself that the elector was then so resident at that address, or
- (b) ~~determines, in any prescribed circumstances, that the elector has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 above.~~
determines that the elector was not entitled to be registered in respect of that address or that he has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 above.

(5A) A person's name is to be removed from the register in respect of any address if—

- (a) the form mentioned in section 10(4) above in respect of that address does not include all the information relating to him required by virtue of section 10(4A) above; or
- (b) the registration officer determines that he is not satisfied with the information relating to that person which was included in that form pursuant to that requirement.

(5B) A registration officer may, for the purpose of obtaining any information relevant to a determination under subsection (5)(b) above, make such house to house inquiries as he thinks fit.

(6) Where the entitlement of a person to remain registered in a register in respect of any address terminates by virtue of subsection (5) above, or his name is to be removed from it by virtue of subsection (5A) above, the registration officer concerned shall remove that person's entry from the register once the officer has satisfied any prescribed requirements applying in relation to the removal of that entry.

(7) Subsection (6) above does not apply if, or to the extent that, regulations so provide in relation to any prescribed circumstances; and regulations may, in particular, authorise a registration officer to retain entries in his registers for the prescribed period if he thinks fit in cases where the form mentioned in section 10(4) above has not been returned in respect of any address.

(8) Nothing in subsection (5) or (6) applies in relation to the registration of persons in pursuance of—

- (a) applications for registration made by virtue of section 7(2) or 7A(2) above; or
- (b) declarations falling within section 10(3)(b) above.

(9) In this section—

"determines" means determines in accordance with regulations;

"resident" means resident for the purposes of section 4 above.

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13 **Publication of registers**

- (1) Following the conclusion of the canvass conducted by a registration officer for any year under section 10 above, the officer shall publish a revised version of both of his registers—
(a) by 1st December in that year; or
(b) by such later date as regulations may prescribe.
- (2) The revised versions of the registers shall incorporate—
(a) all the alterations which are required to be made in them as mentioned in section 10(6) above; and
(b) any alterations which are required to be made by virtue of section 13A(3) below.
- (3) A registration officer may in addition, if he thinks fit, publish a revised version of either of his registers at any time between—
(a) the time when the register was last published in accordance with subsection (1) above, and
(b) the time when it is due to be next so published;
and a registration officer proposing to publish a revised version of a register in accordance with this subsection must publish notice of his intention to do so by such time and in such manner as may be prescribed.
- (4) When revising a register for publication under this section the registration officer shall make such changes affecting the electoral numbers of persons registered in the register as he considers necessary in order to comply with section 9(4) above.
- (5) Where a revised version of a register is published at any time under this section, the register has effect in the form in which it is so published as from that time until the time when—
(a) a revised version is next so published, or
(b) if earlier, any alteration to the register takes effect under section 13A or 13B below.
- (6) Any reference in this section or section 13A below to the publication of a revised version of the register is to its publication in accordance with regulations made in pursuance of paragraphs 10A and 10B(1)(a) of Schedule 2 to this Act.

13A Alteration of registers

- (1) This section applies where, at any time (“the relevant time”) after the publication of a revised version of a register by a registration officer under section 13 above, the registration officer—
(a) on an application for registration being made by any person in accordance with the prescribed requirements, determines that that person is entitled to be so registered;
(b) is required, by virtue of any provision of this Part of this Act, to remove a person's entry from the register;
(c) is notified of any decision on an appeal by virtue of section 56 below which requires any such alteration in the register as is mentioned in subsection (4) of that section; or
(d) determines that the register contains any clerical error.
- (2) In such a case the registration officer shall (subject to subsection (3) below) issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—
(a) the notice shall be so issued by him—
(i) on the first day of the month which follows that in which the relevant time falls, or

- (ii) if that day is less than 14 days after that time, on the first day of the month immediately following that month; and
- (b)(subject to section 13B(1) below) the alteration in question shall have effect as from the beginning of the day on which the notice is issued.

(2A) Subject to subsection (2B) below, an application for registration under subsection (1)(a) above in respect of an address in Northern Ireland shall include—

- (a) the signature of each of the persons to whom the application relates;
- (b) the date of birth of each such person; and
- (c) in relation to each such person—
 - (i) his national insurance number or a statement that he does not have one,
 - (ii) a statement of whether or not he has been resident in Northern Ireland for the whole of the three-month period ending on the date of the application, and
 - (iii) any other address in the United Kingdom in respect of which he is or has applied to be registered,

and the power in subsection (1)(a) above to prescribe requirements includes power to give effect to the requirements of this subsection.

(2B) The Chief Electoral Officer for Northern Ireland may dispense with the requirement mentioned in subsection (2A)(a) above in relation to any person if he is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of any incapacity of his or because he is unable to read.

(3) Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—

- (a) at the beginning of the month containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) or (3) above, or
- (b) at the beginning of either of the two months preceding that containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) above, and in such a case the alteration in question shall be made in that revised version of the register.

(4) Subsection (2) above also does not require a registration officer to issue a notice under that subsection in a case where section 13B(3), (3B) or (3D) requires him to issue a notice under that provision.

(5) No alteration affecting a published version of a register of electors shall be made otherwise than in accordance with this section and section 13B below.

(6) For the purposes of subsection (1) above “determines” means determines in accordance with regulations; and section 119 below shall apply for the purposes of subsection (2)(a) above as if it were contained in Part II of this Act.

13B Alteration of registers: pending elections

~~(1) An alteration in a published version of a register of electors which takes effect under section 13A(2) above after the final nomination day in the case of an election to which this section applies shall not have effect for the purposes of that election unless the alteration—~~

- ~~(a) is made in consequence of a decision or determination falling within section 13A(1)(c) or (d) above; and~~
- ~~(b) takes effect on or before the fifth day before the date of the poll.~~

(1) If, by virtue of section 13A(2) above, an alteration in a published version of a register is to take effect after the fifth day before the date of the poll for an election to which this section applies, the alteration does not have effect for the purposes of the election.

(2) Subsection (3) below applies where—

- ~~(a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a decision or determination—
 - ~~(i) falling within subsection (1)(c) or (d) of that section, and~~
 - ~~(ii) in consequence of which a person's name falls to be entered in (or removed from) the register in respect of an address in the relevant election area; and~~~~
- ~~(b) no alteration made in consequence of that decision or determination—
 - ~~(i) has already taken effect, or~~
 - ~~(ii) is due to take effect,~~under subsection (2) of that section on or before the fifth day before the date of the poll.~~

(2) Subsection (3) below applies where—

- (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination, requirement or decision falling within any of paragraphs (a) to (d) of that subsection;**
- (b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election area; and**
- (c) no alteration made in consequence of the determination, requirement or decision—
 - (i) has already taken effect, or**
 - (ii) is due to take effect,**under subsection (2) of that section on or before the fifth day before the date of the poll.**

(3) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

- (a) the notice shall be so issued by him on the appropriate publication date; and**
- (b) the alteration shall take effect as from the beginning of that day.**

(3A) Subsection (3B) below applies where—

- (a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a notification mentioned in paragraph (c) of that subsection; and**
- (b) in consequence of the notification—
 - (i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or**
 - (ii) his entry in the register requires to be altered.****

(3B) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

- (a) the notice shall be so issued by him when he receives the notification; and**
- (b) the alteration shall take effect as from the beginning of the day on which the notice is issued.**

(3C) Subsection (3D) below applies where—

- (a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination falling within paragraph (d) of that subsection;**
- (b) the determination was made following a representation made by or on behalf of a person to the registration officer; and**
- (c) in consequence of the determination –**
 - (i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or**
 - (ii) his entry in the register requires to be altered.**

(3D) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

- (a) the notice shall be so issued by him when he makes the determination; and**
- (b) the alteration shall take effect as from the beginning of the day on which the notice is issued.**

(3E) In subsection (3C)(b) above, “representation” means a representation made in accordance with prescribed requirements to the effect that the register contains a clerical error.

(4) This section applies to the following elections—

- (a) parliamentary elections,**
- (b) elections to the European Parliament,**
- (c) elections to the Scottish Parliament,**
- (d) elections to the National Assembly for Wales,**
- (e) elections to the Northern Ireland Assembly, and**
- (f) local government elections in England, Wales or Scotland.**

(5) In this section—

“the appropriate publication date”, in relation to a registration officer and an election to which this section applies, means either the sixth or the fifth day before the date of the poll, as the registration officer may determine;

“the final nomination day”, in relation to such an election, means the last day on which nomination papers may be delivered to the returning officer for the purposes of the election;

“the relevant election area”, in relation to a registration officer and such an election, means—

- (a) the area for which the registration officer acts, or**
- (b) if the election is held in only part of that area, the part of that area in question.**

(6) Section 119 below shall apply for the purposes of this section as if—

- (a) it were contained in Part II of this Act; and**
- (b) each of the days referred to in this section were the day on which anything is required or permitted to be done by or in pursuance of that Part of this Act.**

13C Electoral identity card: Northern Ireland

(1) This section applies where a person makes an application in accordance with any prescribed requirements to the Chief Electoral Officer for Northern Ireland for an electoral identity card.

(2) Regulations may provide for—

- (a) the descriptions of person who may make such an application; and
- (b) the form in which such an application is to be made.

(3) The Chief Electoral Officer shall determine such an application and, if he is satisfied that the information given by the applicant is correct, he shall issue an electoral identity card to the applicant free of charge.

(4) The electoral identity card issued to an applicant shall—

- (a) state his full name and date of birth,
- (b) bear his photograph,
- (c) indicate when the card ceases to be current, and
- (d) include such other information and be in such form as the Chief Electoral Officer shall determine.

(5) For the purposes of subsection (4) above and rule 37(1E) in Schedule 1 to this Act (specified documents), an electoral identity card becomes current on the date of its issue and ceases to be so on the expiry of the period of 10 years beginning with that date.

(6) Any expenses properly incurred by the Chief Electoral Officer in the performance of his functions under this section shall be treated as registration expenses of his for the purposes of this Act.

(7) In this section “determine” means determine in accordance with regulations (if any).]

13D Provision of false information

~~(1) A person who provides false information pursuant to any requirement of section 10(4A), 10A(1A) or 13A(2A) above—~~

- ~~(a) on a form mentioned in section 10(4) above and returned to the Chief Electoral Officer for Northern Ireland; or~~
 - ~~(b) in an application made to him under section 10A or 13A above,~~
- ~~is guilty of an offence.~~

(1) A person who for any purpose connected with the registration of electors provides to a registration officer any false information is guilty of an offence.

(1A) A person who provides false information in connection with an application (other than an application relating only to a local government election in Scotland) to which any of the following provisions of Schedule 4 to the Representation of the People Act 2000 applies (applications relating to absent voting) is guilty of an offence—

- (a) paragraph 3(1) or (2);
- (b) paragraph 4(1) or (2);
- (c) paragraph 7(4).

(2) A person who provides false information to the Chief Electoral Officer for Northern Ireland for the purpose of obtaining the dispensation referred to in section 10(4B), 10A(1B) or 13A(2B) above is guilty of an offence.

(3) In relation to a signature, “false information” for the purposes of subsection (1) or (1A) means a signature which—

- (a) is not the usual signature of; or
 - (b) was written by a person other than,
- the person whose signature it purports to be.

(4) A person does not commit an offence under subsection (1) or (1A) above if he did not know, and had no reason to suspect, that the information was false.

(5) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (4) above, the court shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(6) A person guilty of an offence under this section shall be liable on summary conviction to—

- (a) imprisonment for a term not exceeding ~~six months~~ **51 weeks**; or
 - (b) a fine not exceeding level 5 on the standard scale,
- or to both.

(7) **In the application of subsection (6)(a) to Scotland and Northern Ireland, the reference to 51 weeks must be taken to be a reference to six months.**

(8) **In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (6)(a) to 51 weeks must be taken to be a reference to six months.**

Service qualifications and declarations for registration

14 Service qualification

(1) A person has a service qualification for the purposes of this Act who—

- (a) is a member of the forces,
- (b) (not being such a member) is employed in the service of the Crown in a post outside the United Kingdom of any prescribed class or description,
- (c) is employed by the British Council in a post outside the United Kingdom,
- (d) is the spouse or civil partner of a member of the forces,
- (e) is the spouse or civil partner of a person mentioned in paragraph (b) or paragraph (c) above and is residing outside the United Kingdom to be with his or her spouse or civil partner,

and where a person leaves the United Kingdom to take up employment or residence as mentioned above or returns to the United Kingdom at the end of such employment or residence, the employment or residence shall be deemed to begin from the time of leaving or to continue until the time of returning, as the case may be.

(2) For the purposes of section 4(2) above a person ceasing to have a service qualification shall be treated as if he were resident in Northern Ireland for the period during which he had a service qualification.

15 Service declaration

(1) A service declaration shall be made only—

(a) by a person who has a service qualification, or

(b) subject to any prescribed conditions, by a person about to leave the United Kingdom in such circumstances as to acquire a service qualification.

and a service declaration may be made by such a person notwithstanding the fact that by reason of his age he is not yet entitled to vote.

(2) Where a person is registered in a register of electors in pursuance of a service declaration, the person is entitled to remain so registered until—

(a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,

(aa) **the registration officer determines in accordance with regulations that the person was not entitled to be registered,**

(b) the declaration is cancelled under subsection (7) below, or

(c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a service declaration),

whichever first occurs.

(3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further service declaration.

(5) No service declaration shall be specially made by a person for the purpose of local government elections, and any service declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections; but—

(a) a service declaration may be made for the purpose of local government elections only by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections, or by a relevant citizen of the Union; and

(b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other service declarations.

(6) If a person—

(a) makes a service declaration declaring to more than one address, or

(b) makes more than one service declaration bearing the same date and declaring to different addresses,

the declaration or declarations shall be void.

(7) A service declaration may at any time be cancelled by the declarant and (subject to subsection (6) above) a service declaration bearing a later date shall without any express cancellation cancel a declaration bearing an earlier date unless the declarations are made with reference to different qualifying dates.

(8) A service declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.

(9) **The Secretary of State may by order provide that, in relation to the persons mentioned in section 14(1)(a) and (d), subsection (2)(a) above has effect as if for the period of 12 months there were substituted such other period (not exceeding five years) as he thinks appropriate.**

(10) The power to make an order under subsection (9) is exercisable by statutory instrument, which may contain such incidental or consequential provision as the Secretary of State thinks appropriate.

(11) No order may be made under subsection (9) unless-

- (a) the Secretary of State first consults the Electoral Commission, and**
- (b) a draft of the instrument containing the order is laid before, and approved by a resolution of, each House of Parliament.**

(12) If the period substituted by an order under subsection (9) is longer than the period for the time being in force, the longer period has effect in relation to any person who immediately before the order was made was entitled to remain in a register by virtue of subsection (2).

16 Contents of service declaration

A service declaration shall state—

- (a) the date of the declaration,**
- (b) that on that date the declarant is, or but for the circumstances entitling him to make the declaration would have been, residing in the United Kingdom,**
- (d) the address where the declarant is or, as the case may be, would have been residing in the United Kingdom or, if he cannot give any such address, an address at which he has resided in the United Kingdom,**
- (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union,**
- (f) whether the declarant had on the date of the declaration attained the age of 18 years, and, if he had not, the date of his birth, and**
- (g) such particulars (if any) as may be prescribed of the declarant's identity and service qualifications,**

and (except where the declarant is a member of the forces or the spouse or civil partner of such a member) shall be attested in the prescribed manner.

17 Effect of service declaration

(1) Where a person's service declaration is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—

- (a) resident on the date of the declaration at the address specified in it in accordance with section 16(d) above;**
- (b) for the purposes of registration in Northern Ireland as resident in Northern Ireland during the whole of the period of three months ending with that date; and**
- (c) until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.**

(2) Where a service declaration appearing to be properly made out and (where required) attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having had from the date of the declaration or such later date, if any, as appears from it, and as continuing to have, a service qualification.

REPRESENTATION OF THE PEOPLE ACT 2000

- Para 12: amends the Representation of the People Act 1983, s 49 ante.
 Para 13: amends the Representation of the People Act 1983, s 53(1) ante.
 Para 14: amends the Representation of the People Act 1983, s 56 ante.
 Para 15: substitutes the Representation of the People Act 1983, s 58 ante.
 Para 16: amends the Representation of the People Act 1983, s 59(2) ante.
 Para 17: substitutes the Representation of the People Act 1983, s 62(1) ante.
 Para 18: amends the Representation of the People Act 1983, s 76 ante.
 Para 19: substitutes the Representation of the People Act 1983, s 91(4) ante.
 Para 20: inserts the Representation of the People Act 1983, s 180A ante.
 Para 21: inserts the Representation of the People Act 1983, s 201(3) ante.
 Para 22: amends the Representation of the People Act 1983, s 202(1) ante.
 Para 23: amends the Representation of the People Act 1983, Sch 1, r 7, Appendix ante.
 Para 24: amends the Representation of the People Act 1983, Sch 2, paras 1, 2A, 6, 8 ante, and inserts para 3A of that Schedule ante.

SCHEDULE 2

- Para 1: introductory.
 Para 2: substitutes the Representation of the People Act 1985, s 1 ante.
 Para 3: substitutes the Representation of the People Act 1985, s 2 ante.
 Para 4: substitutes the Representation of the People Act 1985, s 3 ante.

SCHEDULE 3

Amends the Elected Authorities (Northern Ireland) Act 1989, s 1, Sch 1 (outside the scope of this work).

SCHEDULE 4

ABSENT VOTING IN GREAT BRITAIN

Section 12

[287]

Interpretation

1. (1) In this Schedule—

~~"the absent voters list" means the list kept under paragraph 5(1) below;~~

"the appropriate rules" means—

- (a) in the case of a parliamentary election, the parliamentary elections rules, and
- (b) in the case of a local government election, rules made (or having effect as if made) under section 36 or, as the case may be, section 42 of the 1983 Act;

"local government election" means a local government election in England, Wales or Scotland.

- (2) The 1983 Act and this Schedule shall have effect as if this Schedule were contained in Part I of that Act.

- (3) References in an enactment other than one contained in this Act or the 1983 Act to Part I of that Act include a reference to this Schedule.

Manner of voting at parliamentary or local government elections

2. (1) This paragraph applies to determine the manner of voting of a person entitled to vote as an elector at a parliamentary or local government election.

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repealed see p. 433

(2) He may vote in person at the polling station allotted to him under the appropriate rules, unless he is entitled as an elector to an absent vote at the election.

(3) He may vote by post if he is entitled as an elector to vote by post at the election.

(4) If he is entitled to vote by proxy at the election, he may so vote unless, before ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the appropriate rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.

(5) If—

(a) he is not entitled as an elector to an absent vote at the election, but

(b) he cannot reasonably be expected to go in person to the polling station allotted to him under the appropriate rules by reason of the particular circumstances of his employment, either as a constable or by the returning officer, on the date of the poll for a purpose connected with the election

he may vote in person at any polling station in the constituency or, as the case may be, electoral area.

→ (5A) see p 433

(5B) see pp 433-434

(6) Nothing in the preceding provisions of this paragraph applies to—

(a) a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, or

(b) a person to whom section 7A of that Act (persons remanded in custody) applies,

(6A)

(6B) see p 434

whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(7) For the purposes of the provisions of—

(a) this Schedule, and

(b) the 1983 Act so far as it has effect in relation to England, Wales and Scotland,

a person entitled to vote as an elector at a parliamentary or local government election is entitled as an elector to vote by post or entitled to vote by proxy at the election if he is shown in the absent voters list for the election as so entitled; and references in those provisions to entitlement as an elector to an absent vote at a parliamentary or local government election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

(8) } see p 434
(9) }

Absent vote at elections for definite or indefinite period

3. (1) Where a person applies to the registration officer to vote by post at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—

(a) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and

(b) the application meets the prescribed requirements.

amended see p 434

(2) Where a person applies to the registration officer to vote by proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—

(a) he is satisfied that the applicant is eligible to vote by proxy at elections to which the application relates,

(b) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and

(c) the application meets the prescribed requirements.

→ amended see p 434

(3) For the purposes of this paragraph a person is eligible to vote by proxy at parliamentary or local government elections—

- (a) if he is or will be registered as a service voter. (ac) : see p. 434
- (b) if he cannot reasonably be expected—
 - (i) to go in person to the polling station allotted or likely to be allotted to him under the appropriate rules, or
 - (ii) to vote unaided there,
- (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of [his spouse or civil partner,] or by reason of his attendance on a course provided by an educational institution or that of [his spouse or civil partner,] or
- (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,

and a person is also eligible to vote by proxy at parliamentary elections if he is or will be registered in pursuance of an overseas elector's declaration.

(4) The registration officer shall keep a record of those whose applications under this paragraph have been granted showing—

- (a) whether their applications—
 - (i) were in respect of parliamentary elections, local government elections or both, and
 - (ii) were to vote by post or proxy for an indefinite or a particular period (specifying that period).
- (b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
- (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.

(5) The registration officer shall remove a person from the record—

- (a) if he applies to the registration officer to be removed, (ac) see p. 435
- (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—
 - (i) a service declaration,
 - (ii) a declaration of local connection, or
 - (iii) an overseas elector's declaration,
- (c) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances, or
- (d) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.

(6) A person shown in the record as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and, if the registration officer would be required to grant that application if it were one made under sub-paragraph (2), the registration officer shall amend the record accordingly.

(7) A person shown in the record as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and, if the application meets the prescribed requirements, the registration officer shall amend the record accordingly.

Absent vote at particular election

— (8-10) see p. 435

4. (1) Where a person applies to the registration officer to vote by post at a particular parliamentary or local government election, the registration officer shall grant the application if—

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amended
see p 435

- (a) he is satisfied that the applicant is or will be registered in the register parliamentary or, as the case may be, local government electors, and
 - (b) the application meets the prescribed requirements.
- (2) Where a person applies to the registration officer to vote by proxy at a particular parliamentary or local government election, the registration officer shall grant an application if—

amended see p 435
(2A)(2B) p 435

- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote at the polling station allotted or likely to be allotted to him under the appropriate rules.
 - (b) he is satisfied that the applicant is or will be registered in the register parliamentary or, as the case may be, local government electors, and
 - (c) the application meets the prescribed requirements.
- (3) Nothing in sub-paragraph (1) or (2) applies to a person who is included in the record kept under paragraph 3 in respect of elections of the kind in question, but such person may, in respect of a particular parliamentary or local government election, apply to the registration officer—
- (a) for his ballot paper to be sent to a different address from that shown in the record, or
 - (b) to vote by proxy,

if he is shown in the record as voting by post at elections of the kind in question.

- (4) The registration officer shall grant an application under sub-paragraph (3) if—
- (a) (in the case of any application) it meets the prescribed requirements; and
 - (b) (in the case of an application to vote by proxy) the registration officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote at the polling station allotted or likely to be allotted to him under the appropriate rules.

see p 435 (2-7)

Absent voters list

5. (1) The registration officer shall, in respect of each parliamentary or local government election, keep a special list ("the absent voters list") consisting of the two lists mentioned in sub-paragraphs (2) and (3) respectively.

amended see p 436 (2) The first of those lists is a list of—

- (a) those whose applications under paragraph 4(1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
- (b) those who are for the time being shown in the record kept under paragraph 3 as voting by post at elections of the kind in question (excluding those so shown whose applications under paragraph 4(3)(b) above to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under paragraph 3 or, as the case may be, paragraph 4(3)(a) as the addresses to which their ballot papers are to be sent.

(3) The second of the lists mentioned in sub-paragraph (1) is a list ("the list of proxies") of—

- (a) those whose applications under paragraph 4(2) or (3) to vote by proxy at the election have been granted, and
- (b) those who are for the time being shown in the record kept under paragraph 3 as voting by proxy at elections of the kind in question,

together with (in each case) the names and addresses of those appointed as their proxies

(4) (5) see p 435

Proxies at elections

6. (1) Subject to the provisions of this paragraph, any person is capable of being appointed proxy to vote for another (in this paragraph and paragraph 7 referred to as "the elector") at any parliamentary or local government election and may vote in pursuance of the appointment.

(2) The elector cannot have—

- (a) more than one person at a time appointed as proxy to vote for him at parliamentary elections (whether in the same constituency or elsewhere), or
- (b) more than one person at a time appointed as proxy to vote for him at local government elections in the same electoral area.

(3) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election—

- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
- (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland.

(4) A person is not capable of being appointed to vote, or voting, as proxy at a local government election—

- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
- (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union.

(5) A person is not capable of voting as proxy at a parliamentary or local government election unless on the date of the poll he has attained the age of 18.

(6) A person is not entitled to vote as proxy—

- (a) at the same parliamentary election in any constituency, or
- (b) at the same local government election in any electoral area,

on behalf of more than two electors of whom that person is not the [spouse, civil partner,] parent, grandparent, brother, sister, child or grandchild.

(7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—

- (a) registered in the register of parliamentary electors, local government electors or both (as the case may be), and
- (b) shown in the record kept under paragraph 3 as voting by proxy at such elections,

and that the proxy is capable of being, and willing to be, appointed to vote as proxy at such elections.

(8) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular parliamentary or local government election, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—

- (a) registered in the register of parliamentary or, as the case may be, local government electors, and
- (b) entitled to vote by proxy at that election by virtue of an application under paragraph 4(2) or (3),

and that the proxy is capable of being, and willing to be, appointed.

(9) The appointment of a proxy under this paragraph is to be made by means of a proxy paper in the prescribed form issued by the registration officer.

(10) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force—

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- (a) where the appointment related to a parliamentary election or parliamentary elections, on the issue of a proxy paper appointing a different person to vote for him at a parliamentary election or parliamentary elections (whether in the same constituency or elsewhere),
 - (b) where the appointment related to a local government election or local government elections, on the issue of a proxy paper appointing a different person to vote for him at a local government election or local government elections in the same electoral area, or
 - (c) where the appointment was for a particular period, once that period expires.
- (11) Subject to sub-paragraph (10), the appointment shall remain in force—
- (a) in the case of an appointment for a particular election, for that election, and
 - (b) in any other case, while the elector is shown as voting by proxy in the record kept under paragraph 3 in pursuance of the same application under that paragraph.

Voting as proxy

*amendments
see p. 436*

7. (1) A person entitled to vote as proxy at a parliamentary or local government election may do so in person at the polling station allotted to the elector under the appropriate rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.

(2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.

(3) For the purposes of this Schedule and the 1983 Act a person entitled to vote as proxy for another at a parliamentary or local government election is entitled so to vote by post if he is included in the list kept under sub-paragraph (8) in respect of the election.

(4) Where a person applies to the registration officer to vote by post—

- (a) as proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), or
- (b) as proxy at a particular parliamentary or local government election,

the registration officer shall grant the application if the conditions set out in sub-paragraph (5) are satisfied.

(5) Those conditions are—

- (a) that the registration officer is satisfied that the elector is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
- (b) that there is in force an appointment of the applicant as the elector's proxy to vote for him at elections of the kind in question or, as the case may be, the election concerned, and
- (c) that the application meets the prescribed requirements.

(6) The registration officer shall keep a record of those whose applications under sub-paragraph (4)(a) have been granted showing—

- (a) whether their applications—
 - (i) were in respect of parliamentary elections, local government elections or both, and
 - (ii) were to vote by post as proxy for an indefinite or a particular period (specifying that period), and
- (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(7) Where, in the case of a particular parliamentary or local government election, a person included in the record kept under sub-paragraph (6) in respect of elections of the kind in question applies to the registration officer for his ballot paper to be sent to a

different address from that shown in the record, the registration officer shall grant the application if it meets the prescribed requirements.

(8) The registration officer shall, in respect of each parliamentary or local government election, keep a special list of—

- (a) those who are for the time being included in the record kept under sub-paragraph (6) in respect of elections of the kind in question, together with the addresses provided by them in their applications under sub-paragraph (4)(a) or, as the case may be, sub-paragraph (7) as the addresses to which their ballot papers are to be sent, and
- (b) those whose applications under sub-paragraph (4)(b) above have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(9) The registration officer shall remove a person from the record kept under sub-paragraph (6)—

- (a) if he applies to the registration officer to be removed,
- (b) if the elector ceases to be registered as mentioned in sub-paragraph (5)(a),
- (c) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed), or
- (d) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires.

Offences

8. A person who—

- (a) in any declaration or form used for any of the purposes of this Schedule, makes a statement which he knows to be false, or
 - (b) attests an application under paragraph 3 or 4 when he knows that he is not authorised to do so or that it contains a statement which is false,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

NOTES

Amendments

Para 3(3)(c): words in square brackets substituted by the Civil Partnership Act 2004, s 261(1), Sch 27, para 164(1), (2).

Para 6(6): words in square brackets substituted by the Civil Partnership Act 2004, s 261(1), Sch 27, para 164(1), (3).

Proactive amendments — in force

Para 1(1): definition "the absent voters list": repealed by the Electoral Administration Act 2006, s 74, Sch 1, Pt 7, para 137(1), (2), Sch 2, as from a day to be appointed under s 77 of that Act post.

Para 2(5A): inserted (except in relation to local government elections in Scotland) by the Electoral Administration Act 2006, s 35(1), (2), (4), as from a day to be appointed under s 77 of that Act post, as follows:

"(5A) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not; and such a person may vote—

- (a) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or
- (b) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election)."

Para 2(5B): inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), s 32(a), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work), as follows:

"(5B) In relation to a local government election in Scotland, nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act (mental

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patients who are not detained offenders) applies and who is liable, by virtue of any enactment to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not; and such a person may vote—

- (a) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission),
- (b) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election)."

Para 2(6)(a): repealed by the Electoral Administration Act 2006, ss 35(1), (3), (4), 74(2), Sch 2, from a day to be appointed under s 77(2) of that Act post and by the Local Electoral Administration and Registration Services (Scotland) Act (asp 14), s 32(b), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work).

Para 2(6A): inserted by the Electoral Administration Act 2006, s 38(6)(a), as from a day to be appointed under s 77(2) of that Act post as follows:

"(6A) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules."

Para 2(6B): inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), s 27(2)(a), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work), as follows:

"(6B) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him at a local government election in Scotland, marking a tendered ballot paper in pursuance of any provision—

- (a) made under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9) in relation to the conduct of elections of councillors, and
- (b) which entitles him to do so despite the fact that he is or may be entitled to vote by post or by proxy at the election."

Para 2(7): words "if sub-paragraph (8) or (9) (as the case may be) applies to him in relation to the election" substituted for words in italics by the Electoral Administration Act 2006, s 74(1), Sch Pt 7, para 137(1), (3)(a), as from a day to be appointed under s 77(2) of that Act post.

Para 2(8), (9): inserted as follows by the Electoral Administration Act 2006, s 74(1), Sch 1, Pt 7, para 137(1), (3)(b), as from a day to be appointed under s 77(2) of that Act post.

"(8) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 5(2) below as entitled to vote by post at an election.

(9) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 5(3) below as entitled to vote by proxy at an election."

Para 3(1)(b): words "contains the applicant's signature and date of birth and" inserted after words "application" (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(1)(a), (8), as from a day to be appointed under s 77(2) of that Act post.

Para 3(2)(c): words "contains the applicant's signature and date of birth and" inserted after words "application" (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(1)(b), (8), as from a day to be appointed under s 77(2) of that Act post.

Para 3(3)(aa): inserted by the Electoral Administration Act 2006, s 10(2), Sch 1, Pt 1, paras 19, 20(1), (2), as from a day to be appointed under s 77(2) of that Act post, as follows:

"(aa) if he has an anonymous entry in the register of electors for the election,"

Para 3(3)(b): words "blindness or other disability or, in the case of local government elections in Scotland, by reason of" inserted after words "by reason of" by the Electoral Administration Act 2006, s 74(1), Sch 1, Pt 7, para 137(1), (4), as from a day to be appointed under s 77(2) of that Act post.

Para 3(3)(b): words "or in the case of local government elections in Scotland, by reason of blindness or other physical incapacity" (as to which see the preceding note) repealed by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), s 34(5), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work).

Para 3(3A): inserted as follows by the Electoral Administration Act 2006, s 10(2), Sch 1, Pt 1, paras 19, 20(1), (3), as from a day to be appointed under s 77(2) of that Act post:

"(3A) Sub-paragraph (3)(aa) does not apply to an application to vote by proxy at a local government election in Scotland."

Para 3(3A) (see the preceding note): repealed by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), s 20(c), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work).

Para 3(5)(aa): inserted as follows by the Electoral Administration Act 2006, s 10(2), Sch 1, Pt 1, paras 19, 20(1), (4), as from a day to be appointed under s 77(2) of that Act post:

"(aa) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if he ceases to have an anonymous entry."

Para 3(8)-(10): inserted as follows (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(1)(c), (8), as from a day to be appointed under s 77(2) of that Act post:

"(8) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has,
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(9) The registration officer must also keep a record in relation to those whose applications under this paragraph have been granted showing—

- (a) their dates of birth;
- (b) except in cases where the registration officer in pursuance of sub-paragraph (8) has dispensed with the requirement to provide a signature, their signatures.

(10) The record kept under sub-paragraph (9) must be retained by the registration officer for the prescribed period."

Para 4(1)(b): words "contains the applicant's signature and date of birth and" inserted after word "application" (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(2)(a), (8), as from a day to be appointed under s 77(2) of that Act post.

Para 4(2)(c): words "contains the applicant's signature and date of birth and" inserted after word "application" (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(2)(b), (8), as from a day to be appointed under s 77(2) of that Act post.

Para 4(2A), (2B): inserted by the Electoral Administration Act 2006, s 10(2), Sch 1, Pt 1, paras 19, 21, as from a day to be appointed under s 77 of that Act post, as follows:

"(2A) Where a person who has an anonymous entry in the register of electors for a parliamentary or local government election applies to the registration officer to vote by proxy at a particular such election the registration officer shall grant the application if it meets the prescribed requirements.

(2B) Sub-paragraph (2A) does not apply to an application to vote by proxy at a local government election in Scotland."

Para 4(2B) (see the preceding note): repealed by the Local Electoral Administration and Registration Services (Scotland) Act 2006, s 20(c)(ii), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work).

Para 4(5)-(7): inserted as follows (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(2)(c), (8), as from a day to be appointed under s 77(2) of that Act post:

"(5) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has,
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(6) The registration officer must keep a record of those whose applications under this paragraph have been granted showing—

- (a) their dates of birth;
- (b) except in cases where the registration officer in pursuance of sub-paragraph (5) has dispensed with the requirement to provide a signature, their signatures.

(7) The record kept under sub-paragraph (6) must be retained by the registration officer for the prescribed period."

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Para 5(1): words "the two special" substituted for words in italics by the Electoral Administration Act 2006, s 74(1), Sch 1, Pt 7, para 137(1), (5), as from a day to be appointed under s 77(2) of that Act post.

Para 5(2): words "(the postal voters list)" inserted after word "list" by the Electoral Administration Act 2006, s 74(1), Sch 1, Pt 7, para 137(1), (6), as from a day to be appointed under s 77(2) of that Act post.

Para 5(4), (5): inserted as follows by the Electoral Administration Act 2006, s 10(2), Sch 1, Pt 1, paras 19, 22, as from a day to be appointed under s 77(2) of that Act post:

"(4) In the case of a person who has an anonymous entry in a register the postal voters list or list of proxies (as the case may be) must show in relation to the person only—

- (a) his electoral number, and
- (b) the period for which the anonymous entry has effect.

(5) *Sub-paragraph (4) does not apply to any list kept in respect of a local government election in Scotland.*"

Para 5(5) (see the preceding note): repealed by the Local Electoral Administration and Registration Services (Scotland) Act 2006, s 20(c)(iii), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work).

Para 7(5)(c): words "contains the applicant's signature and date of birth and" inserted after word "application" (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(3)(a), (8), as from a day to be appointed under s 77(2) of that Act post.

Para 7(8): words "(the proxy postal voters list)" inserted after word "list" by the Electoral Administration Act 2006, s 74(1), Sch 1, Pt 7, para 137(1), (7), as from a day to be appointed under s 77 of that Act post.

Para 7(8A), (8B): inserted as follows by the Electoral Administration Act 2006, s 10(2), Sch 1, Pt 1, paras 19, 23, as from a day to be appointed under s 77 of that Act post:

"(8A) In the case of a person who has an anonymous entry in a register the special list mentioned in sub-paragraph (8) must contain only—

- (a) the person's electoral number, and
- (b) the period for which the anonymous entry has effect.

(8B) *Sub-paragraph (8A) does not apply to a special list kept in respect of a local government election in Scotland.*"

Para 7(8B) (see the preceding note): repealed by the Local Electoral Administration and Registration Services (Scotland) Act 2006, s 20(c)(iv), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work).

Para 7(10): inserted as follows by the Electoral Administration Act 2006, s 38(6)(b), as from a day to be appointed under s 77 of that Act post:

"(10) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules."

Para 7(11)–(13): inserted as follows (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(3)(b), (8), as from a day to be appointed under s 77 of that Act post:

"(11) The registration officer may dispense with the requirement under sub-paragraph (5)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has,
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability."

(12) The registration officer must also keep a record in relation to those whose applications under sub-paragraph (4)(a) or (b) have been granted showing—

- (a) their dates of birth;
- (b) except in cases where the registration officer in pursuance of sub-paragraph (11) has dispensed with the requirement to provide a signature, their signatures.

(13) The record kept under sub-paragraph (12) must be retained by the registration officer for the prescribed period."

Para 7(14): inserted as follows by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), s 27(2)(b), as from a day to be appointed under s 63(2) of that Act (outside the scope of this work):

"(14) Sub-paragraph (2) above does not prevent a person entitled to vote as proxy for another, at the polling station allotted to him at a local government election in Scotland, marking a tendered ballot paper in pursuance of any provision—

- (a) made under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9) as to the conduct of elections of councillors, and
- (b) which entitles him to do so despite the fact that he is or may be entitled to vote by post as proxy."

Paras 7A–7D: inserted as follows (except in relation to anything which is done only for the purposes of a local government election in Scotland) by the Electoral Administration Act 2006, s 14(4), (8), as from a day to be appointed under s 77 of that Act post:

"Provision of fresh signatures"

7A. (1) A person who remains on the record kept under paragraph 3(4) or 7(6) may, at any time, provide the registration officer with a fresh signature.

(2) Anything required or authorised to be done for the purposes of any enactment in relation to a signature required to be provided in pursuance of this Schedule must be done in relation to a signature provided as mentioned in sub-paragraph (1) instead of in relation to a signature provided on any earlier occasion.

7B. Regulations may make provision as to—

- (a) circumstances in which a registration officer may require a person who remains on the record kept under paragraph 3(4) or 7(6) to provide a fresh signature;
- (b) the consequences of a person refusing or failing to comply with a requirement to provide a fresh signature.

"Use of personal identifier information"

7C. The registration officer must either—

- (a) provide the returning officer for an election with a copy of the information contained in records kept by the registration officer in pursuance of paragraphs 3(9), 4(6) and 7(12) in relation to electors at the election, or
- (b) give the returning officer access to such information.

7D. Information contained in records kept by a registration officer in pursuance of paragraph 3(9), 4(6) or 7(12) may be disclosed by him (subject to any prescribed conditions) to—

- (a) any other registration officer if he thinks that to do so will assist the other registration officer in the performance of his duties;
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under the Representation of the People Acts;
- (c) such other persons for such other purposes relating to elections as may be prescribed."

For the latest commencement information call the Enquiry Bureau on 020 7400 2518 or refer to *Is it?* online at www.lexisnexis.com/uk/legal.

Commencement

29 January 2001 (in so far as this Schedule confers power to make regulations); see s 17(3) ante and the note "Orders under this section" thereto.

16 February 2001 (for remaining purposes); see s 17(3) ante and the note "Orders under this section" thereto.

Para 1: Parliamentary election Is the election of a Member to serve in Parliament for a constituency; see the Interpretation Act 1978, s 5, Sch 1, Vol 41, title Statutes.

Para 1: England; Wales See the note to s 10 ante.

Para 2: Person entitled to vote as an elector, etc As to the persons entitled to vote at a parliamentary or local government election, see the Representation of the People Act 1983, ss 1, 2 ante.

Para 2: Polling station allotted to him As to the allocation of polling stations for a parliamentary election, see r 25 of the Parliamentary Elections Rules contained in the Representation of the People Act 1983, Sch 1 ante.

Para 2: Constable As to the office of constable generally, see 36(1) Halsbury's Laws (4th edn reissue) para 201 et seq. As to the attestation of police constables, see the Police Act 1996, s 29, Sch 4, Vol 33, title Police, and as to their jurisdiction, see s 30 of that Act.

Para 2: Returning officer As to the designation of such officers for parliamentary elections, see the Representation of the People Act 1983, ss 24, 26 ante. As to returning officers for government elections, see s 35 of that Act ante.

Para 2: Constituency For meaning, see the Parliamentary Constituencies Act 1986, s 4 ante. Constituencies in England, Wales and Northern Ireland are listed in the Orders made under s 4 of that Act ante.

Para 3: Registration officer As to the appointment of registration officers, see the Representation of the People Act 1983, s 8 ante.

Para 3: Register of parliamentary (local government) electors See the Representation of the People Act 1983, s 9 ante.

Para 3: Service voter For provisions as to service voters generally, see the Representation of the People Act 1983, ss 14–17 ante.

Para 3: Civil partner Is a party to a civil partnership which exists under or by virtue of the Civil Partnership Act 2004, Vol 27, title Matrimonial Law and Civil Partnerships; see the Interpretation Act 1978, s 5, Sch 1, Vol 41, title Statutes. For the meaning of "civil partnership" under the 2004 Act, see s 1 thereof, and as to the formation of such a partnership by registration in England and Wales, see s 2 thereof.

Para 3: Overseas elector's declaration As to overseas electors' declarations generally, see the Representation of the People Act 1985, s 2 ante.

Para 3: Shall keep a record For provisions relating to breach of official duty, see, by virtue of para 1(2) above, the Representation of the People Act 1983, s 63 ante.

Para 3: Service declaration As to service declarations generally, see the Representation of the People Act 1983, s 15 ante.

Para 3: Declaration of local connection As to declarations of local connection generally, see the Representation of the People Act 1983, ss 7B, 7C ante.

Para 6: Commonwealth citizen In Acts passed after 1982 this means a person who has the status of a Commonwealth citizen under the British Nationality Act 1981; see s 51(2) of that Act, and for the persons who have that status, see s 37 of, and Sch 3 to, that Act, Vol 31, title Nationality and Immigration.

Para 6: Republic of Ireland Is that part of Ireland previously officially known in that country as Eire and originally called the Irish Free State; see the Ireland Act 1949, s 1(1), (3), Vol 1, title Commonwealth and Other Territories, in conjunction with the Eire (Confirmation of Agreements) Act 1938, s 1 (repealed).

Para 6: Age of 18 A person is deemed not to have attained a given age until the commencement of the relevant anniversary of his birth; see, by virtue of para 1(2) above, the Representation of the People Act 1983, s 202(2) ante.

Para 8: Summary conviction Summary jurisdiction and procedure are mainly governed by the Magistrates' Courts Act 1980, Vol 11, title Courts and Legal Services, and by Criminal Procedure Rules made under the Courts Act 2003, s 69, in the same title.

Para 8: Standard scale By the Interpretation Act 1978, s 5, Sch 1, Vol 41, title Statutes, at the Criminal Justice Act 1982, s 37(3), Vol 11, title Courts and Legal Services, this means the standard scale set out in s 37(2) of the 1982 Act. The scale is: level 1: £200; level 2: £500; level 3: £1,000; level 4: £2,500; and level 5: £5,000, but different amounts may be substituted by order under the Magistrates' Courts Act 1980, s 143, Vol 11, title Courts and Legal Services.

Further offences See the Representation of the People Act 1983, s 13D ante (as applied by the Electoral Administration Act 2006, s 15(8) post) which contains provision about offences relating to the provision of false information in connection with registration generally and in connection with applications to which any of paras 3(1), (2), 4(1), (2), 7(4) above apply.

Note that, unlike para 8 above, a person guilty of an offence under s 13D of the 1983 Act may be liable to imprisonment.

Signatures of existing absent voters The Secretary of State may by regulations under the Electoral Administration Act 2006, s 14(5)–(7) post, make provision enabling a registration officer to require a person whose application under any of paras 3(1), (2), 4(1), (2), 7(4) above has been granted before that section comes into force to provide the registration officer with a signature and date of birth. Provision may also be made by those regulations as to the consequences of refusal or failure (in such circumstances as are prescribed) to provide that information.

Evidence of identity for information obtained under CORE scheme Where a CORE keeper obtains any information which an electoral registration officer is required or authorised to obtain for the purposes of this Schedule, the CORE scheme may provide that any requirement for a person to provide a signature is to be treated for the purposes of that information as a requirement to provide such other evidence of identity as the CORE scheme may specify; see the Electoral Administration Act 2006, s 5(6) post. For the meaning of "CORE scheme" and "CORE keeper" in that Act, see s 8 thereof post.

Ward elections in the City of London This Schedule applies; see the City of London (Various Powers) Act 1957, s 8(2), Vol 26, title London.

Transfer of functions The functions of the Secretary of State under this Schedule were exercisable concurrently with the Lord Chancellor by virtue of the Transfer of Functions (Transport, Local Government and the Regions) Order 2002, SI 2002/2626, art 11(1), Sch 1 (made under the Ministers of the Crown Act 1975, ss 1, 2, Vol 10, title Constitutional Law (Pt 4)). However the functions of the Lord Chancellor under this Schedule were transferred back to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003, SI 2003/1887, arts 4-6, Sch 1 (made under the Ministers of the Crown Act 1975, ss 1, 2, Vol 10, title Constitutional Law (Pt 4)).

Additional information See the Introductory Note(s) to this Act.

1983 Act Is the Representation of the People Act 1983 ante; see s 17(2) ante.

Regulations under this Schedule

Representation of the People (England and Wales) Regulations 2001, SI 2001/341, as amended by SI 2001/1700 (itself amended by SI 2002/1871), SI 2002/881, SI 2002/1871, SI 2003/1899, SI 2003/3075, SI 2004/294, SI 2004/1771, SI 2004/1848, SI 2005/2114, SI 2006/594, SI 2006/752, SI 2006/1694, and as modified by SI 2002/185, SI 2003/1557, SI 2004/870 (in relation to Wales), SI 2004/1962.

Regulations which relate to Scotland or Northern Ireland only are outside the scope of this work. As to regulations, generally, see, by virtue of para 1(2) above, the Representation of the People (Scotland) Regulations 2001.

Further information may be found in the appropriate title of Halsbury's

Definitions
In the 1983 Act: s 17(2)

"elector": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))
"electoral area": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))
"electoral area": Representation of the People Act 1983, s 203(1) ante (by virtue of para 1(2))
"legal incapacity": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))
"local government election": Representation of the People Act 1983, s 203(1), (1A) ante (by virtue of para 1(2))
"reverse elector's declaration": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))
"parliamentary elections rules": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))
"prescribed": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))
"qualifying address": Representation of the People Act 1983, s 9(8) ante (by virtue of para 1(2))
"registration officer": Representation of the People Act 1983, s 8(1) ante (by virtue of para 1(2))
"relevant citizen of the Union": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))
"vice voter": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))
"": Representation of the People Act 1983, s 202(1) ante (by virtue of para 1(2))

SCHEDULE 5

Inserts the Greater London Authority Act 1999, Sch 3A, Vol 26, title London.

SCHEDULE 6

Section 15

MINOR AND CONSEQUENTIAL AMENDMENTS

[288]

11. ...

Representation of the People Act 1985 (c 50)

The Representation of the People Act 1985 is amended as follows (but paragraphs 13 to 17 have effect in relation to Northern Ireland only).

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An Act to make provision in relation to the registration of electors and the keeping of electoral registration information; standing for election; the administration and conduct of elections and referendums; and the regulation of political parties [11 July 2006]

Extent See s 78 post.

Explanatory Notes Explanatory Notes to this Act are published by The Stationery Office and are available online from the Office of Public Sector Information (www.opsi.gov.uk).

General information For an overview of the legislation relating to the title Elections, see the Preliminary Note ante.

Parliamentary debates

House of Commons:

2nd Reading 25 October 2005: 438 HC Official Report (6th series) col 193.

Committee of the Whole House 8 November 2005: 439 HC Official Report (6th series) col 184.

Standing Committee 15 November 2005–22 November 2005: HC Official Report SC B (Electoral Administration Bill).

Remaining stages 11 January 2006: 441 HC Official Report (6th series) col 309.

Consideration of Lords amendments: 13 June 2006, 28 June 2006: 447 HC Official Report (6th series) col 660; 448 HC Official Report (6th series) col 293.

House of Lords:

2nd Reading 13 February 2006: 678 HL Official Report (5th series) col 1014.

Grand Committee Stage 28 February 2006, 16 March 2006, 21 March 2006, 23 March 2006: 679 HL Official Report (5th series) cols 63, 533; 680 HL Official Report (5th series) cols GC71, GC183.

Motion for approval of recommitment 3 May 2006: 681 HL Official Report (5th series) col 466.

Committee (on recommitment) 8 May 2006: 681 HL Official Report (5th series) col 733.

Report stage 15 May 2006: 682 HL Official Report (5th series) col 12.

Reading 7 June 2006: 682 HL Official Report (5th series) col 1273.

Consideration of Commons amendments: 20 June 2006, 10 July 2006: 683 HL Official Report (5th series) col 635; 684 HL Official Report (5th series) col 480.

Useful websites

Department for Constitutional Affairs

www.dca.gov.uk

Electoral Commission

www.electoralcommission.org.uk

PART 1**CO-ORDINATED ON-LINE RECORD OF ELECTORS****1 CORE schemes: establishment**

[593]

(1) The Secretary of State may by order make provision for the establishment of one or more schemes (CORE schemes) in connection with the

keeping and use of specified electoral registration information by a person designated by a scheme (the CORE keeper).

(2) The electoral registration officer (ERO) who acts for an area specified by a scheme must provide the CORE keeper with the specified electoral registration information relating to the area.

(3) A scheme must require the ERO—

- (a) to provide the CORE keeper with the information, and
- (b) to update the information,

at such times and in such manner as is provided for by the scheme.

(4) In particular, a scheme may require the ERO to provide the information and update it in a specified electronic form.

(5) The CORE keeper must keep the information in such form and by such means as is specified by or under the scheme.

(6) In particular, a scheme may—

- (a) require the CORE keeper to maintain the information in a specified electronic form;
- (b) specify how other information required (by or under an enactment) to be kept in connection with the information is to be recorded and stored in that form.

(7) The area for which an ERO acts must not be specified in more than one scheme at the same time.

(8) The Secretary of State may by order vary a scheme—

- (a) by specifying a new area;
- (b) by removing the specification of an area;
- (c) in such other respects as he thinks appropriate.

(9) The Secretary of State may by order terminate a CORE scheme and may by order under this subsection make such provision as the Secretary of State thinks necessary or expedient in connection with the termination of the scheme.

(10) The person designated as a CORE keeper must be a public authority.

(11) Specified electoral registration information is a copy of such of the following information as is specified in the CORE scheme—

- (a) the register of electors for any election;
- (b) any list or other record relating to such a register which the ERO is required or authorised to keep under or by virtue of any enactment;
- (c) any other information relating to a person who has an entry on such a register which is required for electoral purposes or in connection with jury service;
- (d) such other information as the Secretary of State specifies being information which he thinks is necessary or expedient to facilitate the effective operation of the scheme.

NOTES

Commencement

Sub-ss (1), (3), (4), (6)–(11): 11 July 2006 (the date of royal assent); see s 77(1)(a) post.

At the time of going to press no order had been made under s 77(2)–(4) post bringing this section into force for remaining purposes. For the latest commencement information call the Enquiry Bureau on 020 7400 2518 or refer to *Is it in Force?* online at www.lexisnexis.com/uk/legal.

General Note This Part provides the powers necessary for the Secretary of State to establish a co-ordinated on-line record of electors ("CORE") scheme, which is an arrangement whereby a record of the information currently held only by several locally based electoral registration officers can be consolidated at one central point.

*Several benefits are to be gained from having a central register of electoral registration data. In particular, a consolidated record allows data to be matched across otherwise separate electoral registers, which can help to identify where individuals are registered wrongly, in more than one place." Minister of State, Department for Constitutional Affairs, Harriet Harman, 15 November 2005, HC Official Report SC B (Electoral Administration Bill) col 7.

Sub-s (1): Secretary of State Is one of Her Majesty's Principal Secretaries of State; see the Interpretation Act 1978, s 5, Sch 1, Vol 41, title Statutes.

Sub-s (1): CORE schemes See further, as to CORE schemes, s 2 post (use of CORE information); s 3 post (CORE scheme grants); and s 5 post (supplemental provision).

Sub-s (1): Person Unless the contrary intention appears this includes a body of persons corporate or unincorporate; see the Interpretation Act 1978, s 5, Sch 1, Vol 41, title Statutes.

Sub-s (1): CORE keeper The Electoral Commission may be designated as a CORE keeper for the purposes of this section; see the Political Parties, Elections and Referendums Act 2000, s 20A ante.

As to the offence of breach of official duty by a CORE keeper, see the Representation of the People Act 1983, s 63 ante (as amended by s 7 post).

Sub-s (2): Electoral registration officer Electoral registration officers are appointed under the Representation of the People Act 1983, s 8 ante. See further the corresponding notes to that section.

Sub-s (11): Register of electors As to this register, see the Representation of the People Act 1983, s 9 ante and the corresponding note thereto.

Additional information See the Introductory Note(s) to this Act.

Orders under this section

At the time of going to press, no orders had been made under this section.

For the procedure for making orders under this section, see s 6 post.

2. Use of CORE information

[594]

(1) A CORE scheme may authorise or require a CORE keeper to take such steps as are specified in the scheme in relation to information kept by him in pursuance of the scheme.

(2) Regulations under—

- (a) section 53(4) of the 1983 Act,
- (b) paragraphs 10A to 11A of Schedule 2 to that Act, and
- (c) paragraph 13 of that Schedule, so far as relating to paragraphs 10A to 11A,

have effect in relation to a CORE keeper and any information kept by him in pursuance of a CORE scheme as they have effect in relation to an ERO and any registers he is required to maintain under that Act.

(3) A CORE scheme may make such modifications of the regulations mentioned in subsection (2) in their application to a CORE keeper or the information kept by him as the Secretary of State thinks appropriate.

(4) Section 42 applies to a CORE keeper as if—

- (a) he were a relevant officer (within the meaning of section 44), and
- (b) the information kept by him which consists in copies of relevant election documents (within the meaning of that section) were documents relating to an election which he is required by or under any enactment to retain for any period.

(5) The CORE keeper must, in accordance with the scheme, inform an ERO if he thinks that any of the circumstances mentioned in subsection (6) have arisen in relation to—

- (a) a person who is registered in respect of an address on a register which the ERO is required to maintain, or
- (b) an address in relation to which there is an entry on such a register.

(6) These are the circumstances—

STATUTORY INSTRUMENTS

2006 No. 2973

**REPRESENTATION OF THE PEOPLE, ENGLAND AND
WALES**

ABSENT VOTERS

**The Absent Voting (Transitional Provisions) (England and
Wales) Regulations 2006**

<i>Made</i>	- - - -	<i>10th November 2006</i>
<i>Laid before Parliament</i>		<i>16th November 2006</i>
<i>Coming into force</i>	- -	<i>1st January 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 14(5) and (7) of the Electoral Administration Act 2006(a).

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Absent Voting (Transitional Provisions) (England and Wales) Regulations 2006 and shall come into force on 1 January 2007.

(2) In these Regulations—

“absent voter” means a person whose application under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4) of Schedule 4 has been granted prior to 1 January 2007;

“absent voting records” means any one or more of the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 or the lists kept pursuant to paragraph 5(2) or (3) or paragraph 7(8) of Schedule 4;

“Schedule 4” means Schedule 4 to the Representation of the People Act 2000(b).

(3) These Regulations extend to England and Wales only.

Requiring personal identifiers from existing absent voters

2.—(1) A registration officer must by 31 January 2007 send a notice in writing to every person who, on 1 January 2007 is an absent voter entitled to vote by post, by proxy or by post as a proxy (as the case may be) at an election for which the day of the poll will be on or after 3 May 2007.

(a) 2006 c.22.

(b) 2000 c.2. Schedule 4 was amended by sections 14, 35 and 38 of, and by Schedule 1 to, the Electoral Administration Act 2006 (c.22).

(2) The notice must require the absent voter to provide to the registration officer, within six weeks from the date of sending the notice, a specimen of his signature and his date of birth ("the required personal identifiers") in accordance with these Regulations.

(3) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(4) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

(5) Where a notice or copy of a notice is sent by post, the registration officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid on any such notice sent by post.

(6) A notice or copy of a notice sent to an absent voter in accordance with this regulation must be accompanied by a pre-addressed reply envelope and, in the case of any notice sent to an address within the United Kingdom, return postage shall be prepaid.

Required information to be provided to existing absent voters

3.—(1) Where a registration officer sends a notice or a copy of a notice pursuant to regulation 2, he must also provide information—

- (a) explaining how the required personal identifiers will be used and how the required personal identifiers will assist in deterring misuse of the entitlement to vote;
- (b) explaining that, in the event of a failure or refusal to provide the required personal identifiers, the absent voter will lose his entitlement to vote by post, by proxy or by post as a proxy (as the case may be);
- (c) explaining the circumstances in which a registration officer may dispense with the requirement to provide a signature; and
- (d) explaining that loss of the entitlement to vote by post, by proxy or by post as a proxy (as the case may be) under these Regulations does not prevent him from making a fresh application under Schedule 4 to be entitled to vote by post, by proxy or by post as a proxy.

(2) The notice must specify the following matters—

- (a) the types of elections or referendums in respect of which the absent voter would cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) if he does not provide the required personal identifiers;
- (b) whether the person has an entry in the absent voting records as voting by post, by proxy or by post as a proxy or in more than one capacity;
- (c) as regards an absent elector entitled to vote by post as a proxy, the name and address of each person for whom he is entitled to vote; and
- (d) the date (not less than 49 days from the sending of the initial notice) from which he will cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) in the event of his failure or refusal to provide the required personal identifiers.

Determination by registration officer

4. The registration officer must, no later than the date specified in the notice sent to the absent voter in accordance with regulation 3(2)(d), determine whether the absent voter has failed or refused to provide the required personal identifiers.

5.—(1) Where the registration officer determines that an absent voter has failed or refused to provide the required personal identifiers—

- (a) if the absent voter has an entry in his absent voting records, he must remove that entry, and the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) otherwise than in pursuance of a further application made under Schedule 4;
 - (b) in the case of an absent voter whose application under paragraph 4(1) or (2) or paragraph 7(4)(b) of Schedule 4 has been granted, the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) at the particular election for which the application under paragraph 4(1) or (2) or paragraph 7(4)(b) of Schedule 4 was made, otherwise than in pursuance of a further application made under Schedule 4.
- (2) Where an absent voter ceases to be entitled to vote by post, by proxy or by post as proxy in the circumstances to which paragraph (1) refers—
- (a) the registration officer shall inform the absent voter, where appropriate, of the location of the polling station allotted or likely to be allotted to him under the appropriate rules (as defined in paragraph 1 to Schedule 4);
 - (b) regulation 57(4) and regulation 58 of the Representation of the People (England and Wales) Regulations 2001(a) shall apply as if the registration officer were refusing an application under Schedule 4; and
 - (c) in the case of an absent voter who ceases to be entitled to vote by post as proxy, the registration officer must also notify the elector for whom the proxy was appointed.
- (3) The registration officer shall include in the notice to be sent to an absent voter pursuant to paragraph (2), information—
- (a) explaining the effect of removal from the absent voting records (where applicable); and
 - (b) reminding the absent voter that he may make a fresh application under Schedule 4 to vote by post, by proxy or by post as a proxy (as the case may be).

Signed by authority of the Secretary of State

10th November 2006

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

(a) S.I. 2001/341 amended by S.I. 2006/752; there are other amending instruments but none are relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 14 of the Electoral Administration Act 2006 (c. 22). Section 14 introduces a requirement for applicants for proxy or postal voting to provide personal identifiers (a signature and date of birth). Section 14 also enables transitional regulations to be made to provide for the capture of the personal identifiers of those who are existing absent voters at the time when section 14 comes into force.

Regulation 2 requires a registration officer to send a written notice to all existing absent voters who are entitled to an absent vote at an election occurring on or after 3 May 2007, requiring that they supply him with the required personal identifiers. An absent voter will have a period of six weeks within which to respond. Where no response is received within the first three weeks, the registration officer is required to send a copy of the notice to the absent voter.

Regulation 3 specifies the information that must be included in the notice sent to existing absent voters together with the information that must be included with the notice or copy of the notice.

Regulation 4 requires a registration officer to determine whether an absent voter has failed or refused to provide the required personal identifiers.

Regulation 5 specifies the consequences of a refusal or failure to provide the required personal identifiers. An existing absent voter will cease to be entitled to vote by post, by proxy or by post as proxy and any entry relating to him in the absent voting records must be removed. The registration officer must notify the absent voter and provide him with certain information.

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