



# Representation of the People Act 2000

## 2000 CHAPTER 2

### PART I

#### ELECTORAL REGISTRATION AND FRANCHISE

##### *New system of registration*

### 1 New system of electoral registration

- (1) For sections 1 and 2 of the Representation of the People Act 1983 (“the 1983 Act”) there shall be substituted—

#### **“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—

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- (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.”
- (2) For section 4 of the 1983 Act there shall be substituted—

*“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).

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- (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.
- (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.”

### *Disfranchisement*

## **2 Disfranchisement of offenders detained in mental hospitals**

After section 3 of the 1983 Act there shall be inserted—

### **“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

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- (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.”

*Residence for purposes of registration*

**3 Residence for purposes of registration: general**

For section 5 of the 1983 Act there shall be substituted—

### **“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.”

## **4 Residence: patients in mental hospitals who are not detained offenders or on remand**

For section 7 of the 1983 Act there shall be substituted—

### **“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.

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- (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
  - (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.”

## **5 Residence: persons remanded in custody etc**

After section 7 of the 1983 Act (as substituted by section 4 above) there shall be inserted—

### **“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.

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- (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
  - (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.”

## **6 Notional residence: declarations of local connection**

After section 7A of the 1983 Act (as inserted by section 5 above) there shall be inserted—

### **“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

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- (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 declarant 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).



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- (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

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- (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,
  - (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.”

*Service voters*

**7 Service declarations**

Section 12(3) and (4) of the 1983 Act (by virtue of which persons with service qualifications may only be registered in pursuance of a service declaration, even where they would otherwise be entitled to be registered by virtue of residence in the United Kingdom) shall cease to have effect.

*Further amendments*

**8 Further amendments about registration**

Schedules 1, 2 and 3, which make consequential and connected amendments of—

- (a) the 1983 Act,
- (b) sections 1 to 3 of the Representation of the People Act 1985 (overseas electors), and
- (c) the Elected Authorities (Northern Ireland) Act 1989,

respectively, shall have effect.

*Supply of information contained in register*

**9 Restriction on supply of information contained in register**

- (1) Schedule 2 to the 1983 Act (provisions which may be contained in regulations as to registration) is amended as follows.

(2) For paragraphs 10 and 11 there shall be substituted—

- “10 (1) Provisions requiring a registration officer to prepare, in addition to the version of the register which he is required to prepare by virtue of the other provisions of this Act (“the full register”), a version of the register which omits the names and addresses of registered electors by or on behalf of whom requests have been made to have their names and addresses excluded from that version of it (“the edited register”).
- (2) Provisions specifying a form of words to be used by a registration officer for the purpose of—
- (a) explaining to persons registered or applying to be registered, or persons acting on behalf of such persons, the purposes for which the full register and the edited register may each be used, and
  - (b) ascertaining whether the exclusion of their names and addresses from the edited register is requested by or on behalf of such persons.
- 10A Provisions requiring copies of the full register and other documents, or prescribed parts of them, to be available for inspection by the public at such places as may be prescribed.
- 10B (1) Provisions authorising or requiring a registration officer—
- (a) to supply to such persons as may be prescribed copies of the full register and other documents, or prescribed parts of them, whether free of charge or on payment of a prescribed fee;
  - (b) to supply to any persons copies of the edited register, or any prescribed part of it, on payment of a prescribed fee.
- (2) Provisions specifying, in relation to any description of persons prescribed by regulations made in pursuance of sub-paragraph (1)(a) above, the purposes for which copies supplied to such persons under such regulations, or information contained in them, may be used whether by such persons or by employees or other persons authorised by them in accordance with regulations to have access to such copies or information contained in them.
- (3) Without prejudice to the generality of sub-paragraph (1) above or paragraph 11A below, regulations made in pursuance of sub-paragraph (1) may contain any such provisions as are authorised by paragraph 11A.
- 11 (1) Provisions imposing prohibitions or restrictions relating to the extent (if any) to which—
- (a) persons inspecting the full register in accordance with regulations made in pursuance of paragraph 10A above may make copies of the register;
  - (b) persons to whom copies of the full register are supplied (whether in accordance with regulations made in pursuance of paragraph 10B above or in accordance with any other provision made by or under an Act) may—
    - (i) supply those copies, or otherwise disclose any information contained in them, to other persons, or
    - (ii) make use of any such information otherwise than for any purposes specified in such regulations or (as the

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case may be) for which the copies have been supplied in accordance with any such provision.

(2) Provisions imposing, in relation to persons—

(a) to whom copies of the full register have been supplied, or information contained in such copies has been disclosed, in accordance with regulations made in pursuance of this paragraph, or

(b) who otherwise have access to such copies or information, prohibitions or restrictions corresponding to those which may be imposed by virtue of sub-paragraph (1) above.

(3) Provisions imposing, in relation to persons involved in the preparation of the full register, prohibitions with respect to supplying copies of the full register and disclosing information contained in it.

(4) In this paragraph any reference to the full register includes a reference to any part of it.”

(3) In paragraph 13 (offences and supplemental matters), after sub-paragraph (1) there shall be inserted—

“(1A) Provisions making it an offence (punishable on summary conviction by a fine not exceeding level 5 on the standard scale)—

(a) for a person to contravene any regulations made in pursuance of paragraph 11 above or to do so in any prescribed circumstances, or

(b) where such a contravention has occurred on the part of a person in the employment, or otherwise under the direction or control, of a company or other organisation, for—

(i) a director of the company, or

(ii) a person concerned with the management of the organisation,

to have failed to take such steps as it was reasonable for him to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of such contraventions on the part of such persons.”