

## SCHEDULES

### SCHEDULE 2

Section 62(2).

#### ELECTORAL REGISTRATION AND VOTING IN CASE OF VOLUNTARY MENTAL PATIENTS

##### *Interpretation*

- 1 In this Schedule—
- "the Act of 1949" means the Representation of the People Act 1949 ;
  - " mental hospital" means any establishment maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder ;
  - "voluntary mental patient" means a person who is a patient in a mental hospital but is not liable to be detained there by virtue of any enactment.

##### *Registration of voluntary mental patients*

- 2 (1) Subject to sub-paragraph (2) below, a person who on the qualifying date is a voluntary mental patient shall not be entitled to be registered as mentioned in section 8(1) or (2) of the Act of 1949 except in pursuance of a declaration made with reference to that date in accordance with paragraph 3 below.
- (2) Sub-paragraph (1) above is without prejudice to the registration of a voluntary mental patient by virtue of his residence at an address other than the mental hospital in which he is a patient in any case in which he would be entitled to be so registered apart from this Schedule.

##### *Patient's declaration*

- 3 (1) A voluntary mental patient may make a declaration under this paragraph (a " patient's declaration") if he is able to do so without assistance.
- (2) A patient's declaration shall be made with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register.
- (3) A patient's declaration shall be made during the twelve months ending with the qualifying date by reference to which it is made but shall not have effect if after it is made and before that date the declarant ceases to be a voluntary mental patient or cancels the declaration.
- (4) A patient's declaration may be made by a declarant notwithstanding the fact that by reason of his age he is not yet entitled to vote.
- (5) A patient's declaration shall state that it was made by the declarant without assistance and—
- (a) the date of the declaration ;
  - (b) that on that date and, unless it is the qualifying date, on the qualifying date next following the declarant is or will be a voluntary mental patient;

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- (c) the address of the mental hospital in which the declarant is a voluntary mental patient;
  - (d) the address where the declarant would be resident in the United Kingdom if he were not a voluntary mental patient or, if he cannot give any such address, an address (other than a mental hospital) 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; and
  - (f) whether the declarant had on the date of the declaration attained the age of eighteen years and, if he had not, the date of his birth.
- (6) A patient's declaration shall be attested in the prescribed manner.
- (7) If a person makes a patient's declaration declaring to more than one address, or makes more than one patient's declaration bearing the same date and declaring to different addresses, the declaration or declarations shall be void.
- (8) A patient's declaration may at any time be cancelled by the declarant and, subject to sub-paragraph (7) above, a patient's declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date if it is made with reference to the same qualifying date.
- (9) In this paragraph " assistance " does not include assistance necessitated by blindness or other physical incapacity.

*Effect of patient's declaration*

- 4 (1) A voluntary mental patient whose patient's declaration is made with reference to the qualifying date for any register shall be treated in relation to that register—
- (a) as resident on the qualifying date at the address specified in the declaration pursuant to paragraph 3(5)(d) above ;
  - (b) in the case of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of three months ending on the qualifying date ; and
  - (c) in any case, until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.
- (2) Where a patient's declaration appearing to be properly made out and 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 been from the date of the declaration or such later date, if any, as appears therefrom, and as continuing to be, qualified to be registered as an elector.

*Local government elections*

- 5 (1) Subject to sub-paragraph (2) below, no patient's declaration shall be specially made by any person for the purpose of local government elections but any patient's declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections.
- (2) A patient's declaration may be made for the purpose of local government elections only by any person who is a peer subject to a legal incapacity to vote at parliamentary elections and, where so made, shall be marked to show that it is available for local

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government elections only but shall in all other respects be the same as any other patient's declaration.

*Offences*

- 6 Section 49 of the Act of 1949 shall have effect in relation to a patient's declaration as it has effect in relation to a service declaration, taking the reference to subsection (2) of section 10 of that Act as a reference to sub-paragraph (1) of paragraph 3 above and the reference to the particulars required by regulations under that section as a reference to the particulars required by sub-paragraph (5) of that paragraph.

*Voting by post*

- 7 (1) A person who is registered by virtue of a patient's declaration may vote by post if he applies to be treated as an absent voter and furnishes an address in the United Kingdom to which a ballot paper is to be sent for the purpose.
- (2) The application shall be for a particular election only.
- (3) An application to be treated as an absent voter by virtue of this paragraph shall be made to the registration officer and shall be allowed by him if he is satisfied that the applicant is, or will if registered be, entitled under this paragraph to vote as an absent voter.

*Supplementary*

- 8 This Schedule and the Act of 1949 shall have effect as if this Schedule were contained in Part I of that Act.