

REPRESENTATION OF THE PEOPLE ACT 2000

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Representation of the People Act which received Royal Assent on 9 March 2000. They have been prepared by the Home Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. These notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Act changes electoral procedures in relation to electoral registration and absent voting and allows for experiments involving innovative electoral procedures.
4. It also makes some miscellaneous changes to electoral law to make it easier for the disabled to vote and to create an offence of supplying false particulars on a nomination form.
5. It allows candidates in the first election for the Mayor of London to include an election address in a booklet to be delivered on behalf of the Greater London returning officer.

BACKGROUND

6. The Working Party on Electoral Procedures, a group chaired by the then Home Office Minister, George Howarth, and containing representatives from the main political parties, local government and electoral administrators, published its final report on 19 October 1999 - House of Commons Official Report, col WA434 (though it had published its summary recommendations in July of that year).
7. The Act gives effect to the Working Party's recommendations.
8. Those recommendations fall into several main categories.
9. The Working Party recommended the introduction of a scheme of "rolling" electoral registration to enable people to be added to (and deleted from) the electoral register at any time of the year rather than making registration contingent on residence on a single annual qualifying date.
10. The Working Party recommended changes to electoral registration rules to make it easier for the homeless, remand prisoners, people in mental institutions and service personnel to register. The Working Party recommended that the homeless, remand prisoners and mental patients should be able to register by means of a "declaration of locality", that is a statement that they have a significant link with a locality.
11. Under the existing law, remand prisoners are entitled to vote but should they be in prison on the electoral registration qualifying date are unable to register. The Working Party recommended that remand prisoners should be entitled to register by means of a

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declaration of locality, in respect of the address at which they were previously living or in respect of the institution at which they are held. The Working Party did not recommend extending the franchise to convicted prisoners.

12. The Working Party recommended that those in mental institutions, whether voluntary or detained patients (other than those detained as a consequence of criminal acts), should be able to register by means of a declaration of locality, in respect of the institution in which they are resident or in respect of the address where they would otherwise be living.
13. The Working Party recommended that members of the armed forces, and their families, should be able to register at their home addresses rather than solely by means of a service declaration.
14. The Working Party recommended that, in order to comply with data protection principles and the EU Data Protection Directive, the public should be informed as to the uses to which the electoral register might be put and allowed to opt out of being included in the register that is available for sale. A full version of the register would still be produced and used for electoral and law enforcement purposes and made available for local inspection.
15. In relation to absent voting the Working Party recommended that applications not on the standard form or made by fax should be acceptable, that an application for an absent vote at a particular election should apply to all elections on the same day and that the grounds for late applications should be widened to include family bereavement or illness or unforeseen employment commitments. The Working Party also recommended that it should be possible to return postal votes to a polling station and that postal votes should be treated as valid even if not returned in the official envelope, or if the ballot paper and declaration of identity were returned separately.
16. The Working Party recommended that returning officers should be given discretion to replace lost or spoilt postal ballot papers and to issue them other than by post. It also recommended that a postal vote should be available to anyone who applied for one without having to satisfy any particular criteria.
17. The Working Party recommended that pilot schemes of innovative electoral procedures - such as weekend voting, electronic voting, early voting, mobile polling stations - should be run so that their effectiveness could be evaluated and that the successful ones should be rolled out more widely.
18. The Working Party recommended that large print versions of the ballot paper should be displayed in polling stations and that templates should be available to assist blind and partially sighted voters. It also recommended that the facility to be assisted by a companion should be extended from blind voters to other categories of voters who would benefit from it.
19. The creation of an offence of supplying false particulars on a nomination form does not arise from a recommendation of the Working Party. Rather, it is a response to the realisation that candidates who do supply false particulars are not, under the existing law, committing an offence.

THE ACT

20. [Sections 1-9](#) and Schedules 1-3 deal with electoral registration. Section 1 sets up a new system of registration while sections 2-7 deal with who may (and may not) be registered and how they may go about becoming registered. Section 9 deals with access to, and sale of, the electoral register.
21. [Sections 10](#) and [11](#) concern pilot schemes of innovative electoral procedures and the application of innovative procedures more widely.

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22. [Section 12](#) and Schedule 4 deal with absent voting.
23. [Section 13](#) is concerned with facilities to enable the disabled to vote.
24. [Section 14](#) and Schedule 5 are concerned with the free delivery of election addresses at Greater London Authority elections.
25. [Sections 15-17](#) deal with financial provisions and the Act's commencement and extent.

COMMENTARY ON SECTIONS

Section 1: New System of Electoral Registration

26. [Section 1](#) replaces sections 1, 2 and 4 of the Representation of the People Act 1983. Sections 1 and 2 set out who is entitled to vote but do so by reference to a single annual qualifying date. Since this Act introduces "rolling" electoral registration this is no longer appropriate. Section 4 defines the qualifying date and will therefore be redundant in its present form.
27. *Subsection (1)* (which inserts the replacement sections 1 and 2) sets out the requirements for voting in parliamentary and local government elections. This Act does not alter the franchise (except in relation to offenders detained in mental hospitals (see section 2) and, indirectly, non-qualifying Commonwealth citizens (see paragraph 29 below)). This subsection also re-enacts prohibitions against double voting.
28. *Subsection (2)* (which inserts the replacement section 4) deals with entitlement to registration. It provides that a person is entitled to be registered if on the relevant date he is resident in the area concerned, is not subject to a legal incapacity, meets the nationality requirement and is of voting age (or will shortly attain voting age).
29. In order to be registered a Commonwealth citizen must be a qualifying Commonwealth citizen. Qualifying is defined for these purposes as being a person who does not require leave under the Immigration Act 1971 to enter or remain in the United Kingdom or who does require such leave and has been granted it or is treated as having been granted it.
30. "Relevant date" is for these purposes defined (by new *section 4(6)*) as the date on which an application for registration is made or, as the case may be, the date on which an application to register in respect of a declaration of local connection or service declaration is made (declarations of local connection are introduced by section 6).
31. The effect of these provisions is that a person may be eligible to be registered as an elector at any point in the year rather than by reference to a single annual qualifying date.

Section 2: Disfranchisement of Offenders Detained in Mental Hospitals

32. This section disfranchises those who are detained in mental institutions as a consequence of criminal activity. It inserts a new section to follow section 3 of the Representation of the People Act 1983.
33. *Subsection (1)* of the new section provides that a person who is detained (or who would be detained but for being unlawfully at large) under the enactments listed in the section may not vote in parliamentary or local government elections.
34. *Subsections (2)-(7)* list the enactments under which people may be detained in England and Wales, Scotland or Northern Ireland and which are covered by the new section. The enactments fall into two principal categories:
 - a) enactments under which the courts may make orders providing for the detention in hospital of people suffering from mental illness who have been convicted of a criminal offence or in respect of whom findings have been made that they did the act with which they were charged; and

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- b) enactments under which people serving sentences of imprisonment who are found to be suffering from mental illness may be transferred to hospital.

Section 3: Residence for the Purposes of Registration: General

2. *Section 3* replaces section 5 of the Representation of the People Act 1983 and sets out the factors which registration officers must take into account when considering whether a person should be treated as resident.
3. New *section 5(2)* provides that in determining this question attention must be paid to the purpose and other circumstances, as well as the fact of, a person's presence or absence on the relevant date.
4. The subsection provides that a person who is staying somewhere other than on a permanent basis may be regarded as resident if he does not have a home elsewhere.
5. New *section 5(3)* (which largely replicates the existing section 5(2)) provides that temporary absence for employment reasons should not be treated as interrupting residence if the person concerned intends to resume residence within six months or the address in question is a permanent residence where the person concerned would otherwise be living.
6. New *section 5(5)* provides that section 5(3) applies also to those who are absent by virtue of attendance at an educational establishment.

Section 4: Residence: Mental Patients who are not Detained Offenders

7. *Section 4* is designed to enable those who are in mental hospitals, whether as detained or voluntary patients (other than those who are barred from voting by the provisions inserted by section 2), to register. The requirement for voluntary patients to make a patient's declaration is removed.
8. The section replaces the existing section 7 of the Representation of the People Act 1983 with a new section 7 which has the result that a person who is resident in a mental hospital can register in respect of the hospital if the period he is likely to spend there is sufficient for him to be regarded as resident (see section 3 above). Such registrations will last for a maximum of 12 months.
9. A person to whom new section 7 applies may alternatively register at some other address (which is likely to be the address where he would be living but for the fact of being in a mental hospital) or by means of a declaration of local connection (see section 6 below).

Section 5: Residence: Persons Remanded in Custody etc.

10. *Section 5* is designed to make it easier for those who are being held on remand to register. Remand prisoners (though not convicted prisoners) currently have the right to vote but if they happen to be in prison at the time of the annual registration qualification date they cannot register and are therefore effectively disfranchised.
11. This section inserts a new section 7A into the Representation of the People Act 1983 which provides that a person who is on remand can register in respect of the establishment where he is held if the period he is likely to spend there is sufficient for him to be regarded as resident (see section 3 above). Such registrations will last for a maximum of 12 months. The new section 7A also applies to certain categories of people committed to mental hospitals.
12. A person to whom new section 7A applies may alternatively register at some other address (which is likely to be the address where he would be living but for the fact of being on remand) or by means of a declaration of local connection (see section 6 below).

Section 6: Notional Residence: Declarations of Local Connection

13. This section introduces a new concept, to be known as a declaration of local connection. It inserts new sections 7B and 7C into the Representation of the People Act 1983.
14. New *subsections 7B(1) and (2)* provide that such declarations may be made by patients in mental hospitals (other than those detained as a consequence of criminal activity), remand prisoners and the homeless.
15. New *subsections 7B(3) and (4)* require a declaration to give the declarant's name, an address for correspondence to be sent to (or an undertaking to collect such correspondence from the electoral registration office) and the date of the declaration, to state that the declarant falls into one of the categories permitted to make a declaration of local connection and to set out the category into which the declarant falls.
16. In the case of mental patients and remand prisoners the declaration must give the name of the institution where the person is living/held on remand and the address where he would be living were he not a patient or remand prisoner or, if he cannot provide that, an address in the United Kingdom where he has lived at any time.
17. The declaration of a homeless person must give the address of, or nearest to, a place where the person spends a substantial part of his time.
18. All declarations must also state that the person conforms to nationality requirements and is 18 or (if not) state the person's date of birth.
19. New *subsection 7B(5)* provides that a declaration of local connection made for the purpose of registration in Northern Ireland must state that the declarant has been resident in Northern Ireland for the preceding three months. This is consistent with the existing electoral law in Northern Ireland.
20. New *subsection 7B(6)* provides that where a declaration of local connection is made for the purpose of registration in the relevant area by a homeless person during the period between a seat in the House of Commons, Scottish Parliament or Welsh Assembly becoming vacant and the closing date for nominations, the declaration must state that, during the previous three months, the declarant has spent a substantial part of his time at or near the address to be used for registration purposes.
21. New *subsection 7B(7)* provides that declarations of local connection made for the purposes of parliamentary elections will also apply for local government elections but that those entitled to vote only in local elections (peers and EU citizens other than from the UK and Ireland) may make a declaration for the purposes of local government elections only.
22. New *subsections 7C(1) and (2)* enable a person who has made a declaration of local connection to apply for registration by treating him as being resident at the address he has given, and provide that such registration will be valid for 12 months unless cancelled or superseded.

Section 7: Service Declarations

23. This section repeals the provisions in section 12(3) and (4) of the Representation of the People Act 1983 which provide that those with a service qualification can only register by means of a service declaration. Those with service qualifications will still be entitled to register by means of a service declaration but this section will mean that they have the additional option of registering in the same way as other voters (provided that they meet the residence criteria set out in section 3) or as overseas electors.

Section 8: Further Amendments about Registration

24. *Section 8* introduces Schedules 1, 2 and 3 to the Act.

Section 9: Supply of Information Contained in the Register

25. This section allows regulations to be made regulating the supply of the electoral register. It substitutes new paragraphs 10 and 11 of Schedule 2 to the Representation of the People Act 1983 (*subsection (2)*).
26. New *paragraph 10* of Schedule 2 to the Representation of the People Act 1983 allows regulations to be made requiring registration officers to produce two versions of the electoral register - a complete one and an edited version omitting the names of those who have asked to have their names excluded from it.
27. The regulations can also specify how the registration officer should go about ascertaining who wishes to be excluded from the edited version and the words to be used to explain what the full and edited versions might be used for.
28. New *paragraph 10A* of Schedule 2 allows regulations to be made to require the full register to be available for public inspection.
29. New *paragraph 10B* of Schedule 2 allows regulations to be made which require registration officers to supply copies of the full register to prescribed people, either free of charge or on payment of a fee, or to supply copies of the edited register to anyone on payment of a fee. It also allows for regulations to be made specifying the uses which those who receive copies of the full register, and their employees and associates, may make of them.
30. New *paragraph 11* of Schedule 2 allows regulations to be made to prohibit those inspecting the full register from making copies of it and those to whom the full register has been supplied, or to whom information from the full register may be disclosed, from passing it on or using it for purposes other than those for which it was supplied. It also allows regulations to be made imposing similar restrictions on those responsible for the preparation of the register.
31. *Subsection (3)* allows regulations to be made creating an offence (punishable by a fine up to level 5 on the standard scale of fines) of contravening regulations made under new paragraph 11 of Schedule 2. It is also an offence, where such a contravention has occurred on the part of an employee, for a director or manager of the company to have failed to take the necessary steps to put in place procedures designed to prevent such contraventions.

Section 10: Pilot Schemes

32. This section allows the Secretary of State to make orders enabling local authorities in England and Wales to run pilot schemes of innovative electoral procedures at particular local government elections.
33. Under *subsection (1)* a local authority must submit their proposals to the Secretary of State who will, if he approves them (with or without such modifications as he considers appropriate after consulting the authority), make the necessary order to allow the pilot to take place.
34. *Subsection (2)* provides that pilot schemes may make provision which differs from the normal provision made by or under the Representation of the People Acts in relation to when, where and how voting takes place, how votes are counted and the sending of elections addresses by candidates free of postal charges.
35. *Subsection (3)* provides that pilot schemes may make provision for voting to take place over more than one day and at places other than polling stations. Pilot schemes may also allow for the local authority concerned to meet the postage costs of the distribution of candidates' election addresses, in which case the order providing for the pilot scheme may disapply the rules in section 75 of the Representation of the People Act 1983 dealing with third party expenditure.

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36. *Subsection (4)* enables a pilot scheme to be run across the whole of a local authority's area or only in some parts of it.
37. *Subsection (5)* provides that where the Secretary of State makes an order for implementing a pilot scheme he must send a copy of the order to the local authority concerned, which must publish it in their area.
38. *Subsections (6)-(10)* deal with evaluation of pilot schemes. A local authority running a pilot are required to produce a report on the scheme.
39. The report must include details of the scheme together with a copy of the order authorising it made by the Secretary of State.
40. The report must also include an assessment of the scheme in facilitating voting and (if relevant) the counting process or in encouraging voting or enabling voters to make informed decisions. The report about voting must include a statement as to whether in the local authority's opinion:
 - turnout was higher than it would otherwise have been,
 - voters found the new arrangements easy to use,
 - the new procedures led to any increase in personation or other electoral fraud,
 - the procedures led to an increase or to savings in expenditure.
41. The report must also include an assessment of any other matters that the Secretary of State has requested should be included in the report.
42. The report must be completed and sent to the Secretary of State within three months from the day on which the election results are declared, and the local authority must also publish the report in their area.
43. *Subsection (11)* defines the local authorities in England and Wales which may apply to run pilot schemes.
44. *Subsection (12)* has the effect that an application to run a pilot scheme submitted to the Secretary of State before this Act received Royal Assent is to be treated in the same fashion as those submitted after that point.

Section 11: Revision of Procedures in the Light of Pilot Schemes

45. This section is concerned with the rolling out of innovations that have been successfully piloted.
46. *Subsection (1)* enables the Secretary of State to make an order providing for an innovation which has been piloted to apply generally and permanently to local elections in England and Wales. Such an order can modify or disapply any provision of primary legislation in relation to the elections to which it will apply.
47. *Subsections (2) and (5)* provide that an order may exempt particular local government areas from its provisions (and, if it does so, will not be treated as a hybrid instrument for Parliamentary purposes) but, otherwise, must make the same provision throughout England and Wales for all the elections that it relates to.
48. *Subsections (3) and (4)* provide that an order must be made by statutory instrument which needs to be approved by both Houses of Parliament, and that when laying such an order the Secretary of State must also lay copies of the evaluation report of the relevant pilot scheme(s).
49. *Subsection (5)* provides that rules made under section 36 of the Representation of the People Act 1983 may make such provision as the Secretary of State considers necessary in connection with any order rolling out a pilot scheme.

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50. *Subsection (7)* provides that nothing in section 11 prejudices the powers contained in other Acts to make secondary legislation relating to elections.

Section 12: Changes Relating to Absent Voting in Great Britain

51. This section is concerned with the arrangements for absent voting.
52. *Subsection (1)* introduces Schedule 4 which applies to England, Scotland and Wales as regards both parliamentary and local government elections.
53. *Subsection (2)* repeals sections 5 to 9 of the Representation of the People Act 1985 in relation to England, Scotland and Wales as those provisions are replaced for those countries by the provisions of Schedule 4. Those provisions will, however, continue to govern absent voting in Northern Ireland in connection with parliamentary elections.
54. *Subsection (3)* ensures that any list or record held by a registration officer under the provisions of the Representation of the People Act 1985 that this section repeals - for example, the list of those entitled to cast absent votes - will remain in force.

Section 13: Assistance with Voting for Persons with Disabilities

55. This section is designed to make it easier for those with disabilities to cast votes. It does this by amending the parliamentary elections rules contained in Schedule 1 to the Representation of the People Act 1983.
56. New *rule 29(3A)* of the parliamentary elections rules provides that a returning officer must display a large print version of the ballot paper in each polling station and provide a device (the form of which will be prescribed in regulations) to assist blind and partially-sighted voters.
57. Blind voters are currently entitled to be assisted to cast their vote by a companion. New *rule 39* of the parliamentary elections rules extends this facility to those with other physical disabilities or who are unable to read. The existing procedures and criteria as to who may be a companion are applied, though in future a declaration that a person falls into one of the categories of people who may be assisted by a companion may be made either orally or in writing.

Section 14: Free delivery of election addresses at Greater London Authority elections

58. *Section 14* inserts a new section 17A into the Greater London Authority Act 1999.
59. *Subsection (1)* of the inserted section entitles each candidate at the first election for Mayor of London to have an election address included in a booklet of election addresses prepared by the Greater London returning officer. The Greater London returning officer must send the booklet by post to each elector (as defined by *subsection (2)*) in Greater London.
60. For future Greater London Authority elections, the Secretary of State is authorised by the inserted *section 17A(3) to (6)* to make by order (subject to affirmative procedure) such provision as he considers appropriate to enable candidates to have their election addresses delivered at the Greater London Authority's expense. *Section 17A(4)* specifies particular matters for which provision may be made in such an order. The Secretary of State must consult the Mayor and London Assembly before making an order.
61. *Subsection (4)* of section 14 introduces Schedule 5 (which contains the arrangements for the free delivery of election addresses at the first Mayoral election).

Section 15: Minor and Consequential Amendments and Repeals.

62. This section introduces Schedule 6 (which contains minor and consequential amendments) and Schedule 7 (which contains repeals).

Section 16: Financial Provisions

63. This is a common-form provision authorising increases attributable to the Act in the sums payable out of money voted by Parliament, or out of the Consolidated Fund, under existing Acts.

Section 17: Citation, Construction, Commencement and Extent

64. This section deals with the Act's short title, commencement and extent.
65. *Subsection (3)* has the result that sections 10, 11, 14, 16, 17, Schedule 5 and paragraph 6 of Schedule 6 came into force as soon as the Act received Royal Assent. The rest of the provisions will be brought into force by order at some later date or dates.
66. *Subsections (5)-(9)* deal with the Act's geographical extent. The provisions relating to absent voting do not apply to Northern Ireland. The provisions relating to pilot schemes do not apply to Scotland or Northern Ireland. Schedule 3, which deals with registration for the purposes of local elections in Northern Ireland and reflects section 1 and other changes made by the Act, applies only to Northern Ireland. The provisions relating to the delivery of candidates' election addresses in Greater London Authority elections apply only to Greater London. The rest of the substantive provisions of the Act apply to all of the United Kingdom.

Schedule 1: Registration: Amendment of 1983 Act

67. This Schedule amends provisions in the Representation of the People Act 1983 relating to electoral registration.
68. *Paragraph 2* makes a consequential change to section 6 of the Representation of the People Act 1983 (which deals with merchant seamen). It reflects the fact that, by virtue of section 1 of the Act, entitlement to registration will in future be determined by reference to the new section 4 of the Representation of the People Act 1983.
69. *Paragraph 3* replaces the existing section 9 of the Representation of the People Act 1983. That section deals with the registration officer's duty to prepare electoral registers, as does the replacement section. The difference is that under the existing provision preparation and publication of the registers occurs on an annual basis whereas in future the register will need to be updated throughout the year as additions and deletions are made. The replacement section sets out the contents of the register (including the requirement to allot electoral numbers).
70. *Paragraph 4* is concerned with the maintenance of electoral registers. It replaces the existing section 10 of the Representation of the People Act 1983 and creates a new section 10A. These are explained below.
71. Under new *section 10(1) and (2)* the registration officer is required to carry out an annual canvass by reference to residence on 15 October to establish who in his area is entitled to be or remain registered.
72. The canvass should not include mental hospitals or penal institutions or other places where those on remand may be held or those registered by means of declarations of local connection, service declarations or overseas electors' declarations (new *section 10(3)*).
73. On completion of the canvass, which can include house to house inquiries, the registration officer must make the necessary alterations to his register (new *section 10(5) and (6)*).
74. Residence here means residence for the purposes of section 4 of the Representation of the People Act 1983, as inserted by section 1 of this Act (new *section 10(7)*).
75. New *sections 10A(1) and (2)* provide for registration officers to determine applications for registration and to add to the register those who are not currently registered but

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who appear in the annual canvass form relating to the address, who are to be treated as having made an application for registration in respect of that address.

76. New *section 10A(3)* gives the registration officer power to determine objections to a person's registration.
77. New *section 10A(4)* extends the registration officer's power to determine applications and objections to those asking for omissions, insertions and alterations relating to dates and places of residence.
78. New *section 10A(5)* provides that a person who is registered as an elector is entitled to remain registered until the registration officer determines as part of his annual canvass that the person was not registered on the 15 October concerned; or if the registration officer is unable to satisfy himself that the person was registered either because the registration form was not returned or because it contained insufficient information; or if the registration officer is satisfied that the elector has ceased to be resident or has otherwise ceased to meet the conditions for registration.
79. New *section 10A(6)* provides that when a person is no longer entitled to be registered in respect of a particular address, the registration officer must, having satisfied the prescribed requirements, remove that person's name from the register.
80. New *section 10A(7)* allows regulations to be made to enable registration officers to keep names on the register for a prescribed period where the form used for the annual canvass has not been returned.
81. The effect of new *section 10A(8)* is that the provisions of new sections 10A(5) and (6) do not apply to those in mental institutions or remand prisoners or those registering by means of declarations of local connection or service or overseas electors' declarations.
82. New *section 10A(9)* contains definitions for the purposes of this section.
83. *Paragraph 5* repeals sections 11 and 12(1), (2) and (5) of the Representation of the People Act. They are superseded by the provisions inserted by section 1 of this Act and paragraphs 4 and 6 of this Schedule.
84. *Paragraph 6* is concerned with the publication and alteration of electoral registers. The existing section 13 of the Representation of the People Act 1983 requires registers to be published once a year reflecting the fact that the register is only produced once a year.
85. The new requirement, imposed by the replacement *section 13*, is for the registration officer to publish the revised versions of both of his registers (the parliamentary register and the local government register) by 1 December or such later date as is provided for in regulations (new *section 13(1)*).
86. In addition the registration officer may publish revised versions of his register at any point in the year (new *section 13(3)*).
87. A revised version of the register takes effect from the time when it is published (new *section 13(5)*).
88. New *section 13A* is concerned with the alteration of registers. Where a registration officer is satisfied, in accordance with prescribed requirements, that an entry should be added to the register(s), removed from the register(s) or amended, he must issue a notice setting out the change to the register(s). The notice must be issued on the first day of the next month or, if there are less than 14 days until the first day of the next month, on the first day of the following month. The change to the register is normally effective from the day on which the notice is published (new *section 13A(1) and (2)*).
89. New *section 13A(3)* provides that the registration officer does not have to publish a monthly alteration notice at the beginning of the month in which he is to publish a revised version of the register at the beginning of either of the two months before that in

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which he must publish the annual revised version of the register (so that in the normal way he will not have to publish such a notice at the beginning of October, November or December). Any alterations that are due to be made should be made in the revised version of the register.

90. New *section 13A(4)* provides that the registration officer is not required to issue a monthly alteration notice in cases where he is required to issue a notice of alteration under the provisions of new *section 13B* (see below).
91. New *section 13B* is concerned with alterations to the electoral register when elections are pending.
92. An alteration to the electoral register which takes effect after the closing date for nominations will normally not have effect at the election in question. The exception is if the alteration takes effect on or before the fifth day before polling day and is made either for the purpose of correcting a clerical error or to give effect to the ruling of a court made under section 56 of the Representation of the People Act 1983 (new *section 13B(1)*).
93. New *sections 13B(2) and (3)* apply where before either the fifth or the sixth day before polling day the registration officer determines that, for the purpose of correcting a clerical error or to give effect to a ruling of a court, a name needs to be added to or deleted from the register and the alteration has not already been made and would not otherwise take effect by the fifth day before polling day.
94. In such circumstances the registration officer will issue a notice specifying the alteration to the register, which will take effect immediately.
95. *Paragraphs 7-10* are concerned with service declarations. Service declarations may be made by members of the armed forces, Crown servants and British Council employees overseas, and their spouses.
96. *Paragraph 7* makes a consequential change to reflect the fact that by virtue of section 1 of the Act entitlement to registration will in future be determined by reference to the new section 4 of the Representation of the People Act 1983.
97. *Paragraph 8* amends section 15 of the Representation of the People Act 1983 to provide that declarations made by members of the armed forces should normally last for 12 months (rather than indefinitely as at present) and to reflect the fact that there will no longer be a single annual qualifying date for registration.
98. *Paragraph 9* makes consequential changes to section 16 of the Representation of the People Act 1983 to take account of the fact that there will no longer be a distinction between the service declarations made by members of the armed forces and their spouses and those made by others with a service qualification and to prevent registrations by means of a service declaration being made in respect of a future address.
99. *Paragraph 10* largely replicates the existing section 17(1) of the Representation of the People Act 1983 (which deals with the effect of registration by means of a service declaration) except that it reflects the fact that there will no longer be a single annual qualifying date for registration.
100. The current section 18(8) of the Representation of the People Act 1983 provides that alterations in polling districts are not effective until the next register is published except in the circumstances provided for in regulations. *Paragraph 11* enables registration officers to make alterations to the register to take account of boundary changes and for those changes to be effective from the date of publication of a notice by the returning officer saying he has made them.
101. *Paragraphs 12 and 16* make consequential changes to reflect the fact that there will no longer be a single annual qualifying date for registration.

*These notes refer to the Representation of the People Act 2000 (c.2)
which received Royal Assent on 9 March 2000*

102. *Paragraphs 13 and 14* make consequential amendments to take account of the fact that with the introduction of "rolling" electoral registration there is no requirement to produce electors lists (also referred to as draft registers). Paragraph 14 also contains amendments reflecting the new procedure for altering registers under sections 13A and 13B of the Act.
103. *Paragraph 15* enables rules of court to be made in relation to appeals to county courts in Northern Ireland against decisions of registration officers.
104. *Paragraph 17* amends section 62 of the Representation of the People Act 1983 by replacing references to a patient's declarations with references to declarations of local connection. Voluntary patients are currently required to make patient's declarations but that requirement is removed by section 4 of this Act.
105. *Paragraph 18* makes consequential amendments to section 76 of the Representation of the People Act 1983 (which provides limits on election expenditure). Election expenses are generally calculated, at least in part, on the number of voters on the electoral register and this paragraph provides that the register to be used for the purposes of such a calculation is the register as it has effect on the last day for publication of notice of the election.
106. Section 91 of the Representation of the People Act 1983 gives candidates an entitlement to send one piece of election literature free of postal charges to every elector. *Paragraph 19* provides that the term "elector" means a person who is on the relevant register on the last day for publication of notice of the election and will be 18 or older on polling day.
107. *Paragraph 20* inserts a new section into the Representation of the People Act 1983 which provides that a certificate issued by the registration officer stating that a person did or did not appear on one of his registers is to be taken as evidence of this fact.
108. Section 201 of the Representation of the People Act 1983 provides for the making of regulations under that Act and *paragraph 21* supplements these powers.
109. *Paragraph 22* provides a definition of "dwelling" (in place of the definition of "dwelling house").
110. *Paragraph 23* amends the parliamentary elections rules relating to nomination papers. It defines the term "elector" as a person who is on the relevant register on the last day for publication of notice of the election and will be 18 or older on polling day, and makes consequential changes to take account of the fact that with the introduction of "rolling" electoral registration there is no draft register.
111. *Paragraph 24* amends the regulation-making powers in Schedule 2 to the Representation of the People Act 1983.
112. *Paragraph 24(3)* allows regulations to be made which enable registration officers, having not obtained satisfactory information from them, to remove people from the electoral register. It also enables the registration officer to inspect and copy local authority records for the purpose of compiling his register without breaching restrictions on the disclosure of information.
113. *Paragraph 24(4)* expands the existing provision enabling regulations to be made to require registration officers to remind overseas electors to renew their declarations to cover all types of applications and declarations.
114. *Paragraph 24(5)* allows regulations to be made specifying the form for applications to be added to the electoral register other than at an annual canvass.
115. *Paragraphs 24(6) and (7)* make consequential changes to reflect the introduction of "rolling" electoral registration and the fact that draft registers will no longer be produced.

Schedule 2: Registration: Overseas Electors

116. This Schedule replaces sections 1 to 3 of the Representation of the People Act 1985. Sections 1 and 2 provide for British citizens resident overseas to be entitled to be registered to vote in parliamentary elections as overseas electors for a period of 20 years after they have left the United Kingdom. Section 3 enables peers who are overseas to be registered for the purposes of European Parliamentary elections.
117. The replacement sections 1 to 3 largely replicate the existing provisions but take account of the fact that, with the introduction of "rolling" electoral registration, there will no longer be a single annual qualifying date for electoral registration.
118. *Paragraph 2* sets out the basic entitlement to vote as an overseas elector. A person must be a British citizen who qualifies as an overseas elector and is registered to vote in the relevant constituency.
119. To be qualified a person must meet one of two tests. The first is that he must be overseas but must have been on the electoral register as a resident within the last 20 years. The second is that he must be overseas and have lived in the United Kingdom within the last 20 years at an address in respect of which a parent or guardian was registered while he himself was too young to be on the electoral register.
120. *Paragraph 3* provides the means by which an overseas elector gets on the electoral register. It replaces section 2 of the Representation of the People Act 1985 with a new section which takes account of the abolition of the qualifying date.
121. Under the new section 2, an overseas elector must make an overseas elector's declaration which will last for 12 months unless it is cancelled or superseded.
122. New *sections 2(3) and (4)* set out the information which an overseas elector's declaration must contain.
123. The address in respect of which an overseas elector will be registered is the address at which he was previously registered or the address at which he was previously resident.
124. The purpose of *paragraph 4* is to replace the existing section 3 of the Representation of the People Act 1985 (registration of peers who are overseas for purposes of European Parliamentary elections) with a new section which takes account of the abolition of the qualifying date. In principle, peers who are overseas are treated in the same way as all other overseas citizens but with the necessary changes being made to reflect the fact that they could not previously have appeared on a register of parliamentary electors.

Schedule 3: Registration: Local Elections in Northern Ireland.

125. Nothing in the Representation of the People Act 1983 affects the law relating to local government elections in Northern Ireland (see section 205 (2)). The franchise for such elections is set out in section 1 of the Elected Authorities (Northern Ireland) Act 1989.
126. Provisions of the Representation of the People Act 1983 are applied, with modifications, to local elections in Northern Ireland by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989.
127. *Schedule 3* to this Act makes changes to section 1 of, and Schedule 1 to, the Elected Authorities (Northern Ireland) Act 1989 consequential on the changes to the Representation of the People Act 1983 made by the provisions of the Act which introduce "rolling registration".
128. *Paragraph 2* replaces subsections (1) and (2) of section 1 of the Elected Authorities (Northern Ireland) Act 1989, which set out the franchise for local elections in Northern Ireland, to reflect the changes which section 1 of the Act makes to section 2 of the Representation of the People Act 1983 (franchise for local government elections in Great Britain).

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129. *Paragraph 3* amends Part I of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 which lists provisions in the Representation of the People Act 1983 which are applied for the purposes of the registration of local electors in Northern Ireland. Paragraph 3(2) adds to that list the new provision (inserted by section 2 of this Act) which provides for the disfranchisement of offenders detained in mental hospitals. The changes made by the remainder of paragraph 3 reflect the changes made by sections 3 to 6 of, and Schedule 1 to, this Act.
130. *Paragraph 4* amends Part II of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989, which modifies certain of the provisions in the Representation of the People Act 1983 which have been applied by Part I of that Schedule for the purpose of the registration of local electors. The amendments made by paragraph 4 take account of the changes made by this Act.

Schedule 4: Absent Voting

131. This Schedule makes provision for absent voting at parliamentary and local government elections in Great Britain. Absent voting at parliamentary elections in Northern Ireland continues to be provided for by sections 5 to 9 of the Representation of the People Act 1985. Absent voting at local elections there is provided for by subordinate legislation.
132. *Paragraph 1* provides for the Schedule to have effect as if it were part of the Representation of the People Act 1983.
133. *Paragraph 2, sub-paragraphs (1) to (4)* provides that electors may vote in person, by post or by proxy. An elector entitled to vote by proxy may, however, vote in person if he gets to the polling station before his proxy.
134. *Sub-paragraph (5)* provides that police officers and others involved in the running of the election may, if they cannot get to their normal polling station, vote at any other polling station in the constituency or electoral area.
135. *Sub-paragraph (6)* provides that detained mental patients and remand prisoners must vote either by post or by proxy.
136. *Paragraph 3* sets out the conditions which must be satisfied if an application for an absent vote (for either a definite or an indefinite period) is to be granted.
137. For a postal vote (*sub-paragraph 1*) the only condition is that the person concerned must be on the electoral register and that the procedural requirements of regulations (for example, about time) are complied with. Accordingly, most of the conditions which currently apply are abolished.
138. For a proxy vote the conditions are set out in *sub-paragraphs (2) and (3)*. As at present service and overseas voters are entitled to a proxy vote, as are people who cannot get to the polling station because of a disability, by reason of their employment, or because they would have to travel by sea or air to get there. In addition those who are unable to vote in person because of attendance, or a spouse's attendance, at an educational establishment may obtain a proxy vote.
139. *Sub-paragraphs (4) and (5)* require the registration officer to keep an up to date record of those electors whose applications for absent votes have been granted, including, as appropriate, the addresses to which postal votes are to be sent or the names and addresses of people appointed as proxies. The existing requirement that the address must be in the United Kingdom has been dropped.
140. *Sub-paragraphs (6) and (7)* set out the conditions under which a person with a postal vote may alter his choice so as to vote by proxy, and vice versa.
141. *Paragraph 4* makes similar provision in respect of absent votes at a particular election. For postal votes (*sub-paragraph (1)*) the position is the same as for postal votes for a definite or indefinite period (see paragraph 3(1)).

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142. *Sub-paragraph (2)* provides that an application to vote by proxy at a particular election is to be granted if the person in question cannot reasonably be expected to vote in person on the day of the poll.
143. *Sub-paragraph (3)* allows a person who already has a postal vote to alter the address to which his ballot paper is sent or, provided he satisfies the same conditions as other proxy voters (*sub-paragraph (4)*), to vote by proxy instead. The existing requirement that the address must be in the United Kingdom has been dropped.
144. *Paragraph 5* requires the registration officer to keep, for each election, an absent voters list (*sub-paragraph (1)*) made up of two parts. The first part (*sub-paragraph (2)*) lists those who have applied for and been granted postal votes for that election, for a definite period covering the election or for an indefinite period, together with the addresses to which ballot papers are to be sent. The second part (*sub-paragraph (3)*) is a similar list in respect of proxy voters and the names and addresses of their proxies.
145. *Paragraph 6* deals with the appointment of proxies. It provides (*sub-paragraph (2)*) that an elector may only appoint one proxy at a time, that only Commonwealth citizens and citizens of the Republic of Ireland aged 18 or more may be appointed (citizens of a member state of the European Union may be appointed to vote at local government elections), and that anyone subject to a legal incapacity to vote may not be appointed (*sub-paragraphs (3) to (5)*).
146. *Sub-paragraph (6)* provides that a person may not vote as a proxy in the same constituency (or electoral area) at an election on behalf of more than two electors to whom he is not closely related.
147. *Sub-paragraph (7)* requires a registration officer to appoint as proxy, for a definite or indefinite period, the person nominated by an elector provided that the elector is on his register and his list of proxy voters and that the proxy is able and willing to take on the appointment. *Sub-paragraph (8)* makes similar provision in respect of a particular election.
148. *Sub-paragraph (10)* provides for the cancellation of a proxy's appointment by the elector, and for an appointment to cease to be in force where a new proxy is appointed or where the period for which the proxy was appointed expires.
149. *Sub-paragraph (11)* provides that, unless the appointment has been cancelled or has ceased to be in force, it remains in force for the election or the definite or indefinite period for which it was made.
150. *Paragraph 7* enables a proxy to vote either in person at the polling station allotted to the elector for whom he is acting as proxy or, on application, by post (*sub-paragraphs (1) to (5)*).
151. *Sub-paragraphs (6) to (8)* require the registration officer to keep a record of proxies whose applications to vote by post for a definite or indefinite period have been granted, and to keep a special list for each particular election of proxies who have postal votes. In both cases the addresses to which their ballot papers are to be sent are also to be listed. The existing requirement that the addresses must be within the United Kingdom has been dropped.
152. *Sub-paragraph (9)* requires the registration officer to remove a person from the record of proxies with postal votes for a definite or indefinite, period on application, if the proxy appointment comes to an end or if the elector ceases to be registered an elector.
153. *Paragraph 8* makes it an offence for anyone to make a false statement in connection with an application for an absent vote or to attest an application for an absent vote when he knows he is not authorised to do so. The offence is summary and is punishable by a fine not exceeding level 5 on the standard scale of fines.

Schedule 5: Free delivery of election addresses at first GLA mayoral election: New Schedule 3A to the Greater London Authority Act 1999

154. *Schedule 5* inserts a new Schedule 3A into the Greater London Authority Act 1999 making provision as to the free delivery of a booklet of election addresses at the first mayoral election and as to the form and content of the addresses included in the booklet.
155. Each election address must comply with requirements prescribed by the Greater London returning officer and must be approved by the Post Office as complying with the relevant Post Office regulations. Election addresses must not, in particular, contain any advertising material intended for commercial gain or refer to any candidate standing for election to the London Assembly. Candidates who wish to include an election address in the booklet are required to pay £10,000 to the Greater London returning officer towards the cost of printing. If the total amount of the payments exceeds the total cost of printing, the excess will be reimbursed to the candidates in equal shares.

Schedule 6: Minor and Consequential Amendments

156. This Schedule makes a number of miscellaneous amendments to electoral legislation.
157. *Paragraph 1* amends section 8 of the City of London (Various Powers) Act 1957 to reflect the new provisions about disfranchisement and absent voting contained in the Act.
158. *Paragraph 2* amends Schedule 2 to the European Parliamentary Elections Act 1978 (as substituted by the European Parliamentary Elections Act 1999) to reflect the fact that there will no longer be an electoral register which is published on 16 February and remaining in use for the following year. In future, when the Secretary of State checks to see that the ratio of electors to MEPs in each of the English electoral regions is as even as possible, he will use the electoral registers as they stand at 1 May in the year preceding a European Parliamentary general election.
159. *Paragraph 4* extends the power of the Secretary of State to make orders governing charges recoverable by returning officers so as to enable him to make different provision for different cases.
160. *Paragraph 5* introduces a new offence of causing or permitting the inclusion of statements or signatures which are known to be false in nomination papers or other documents given to a returning officer for use in connection with an election. It applies to false statements about candidates' names and addresses and to false signatures of persons nominating candidates or signatures that are genuine but where the signatory was unaware of what he or she was signing. The offence applies to all parliamentary elections and to local elections in England and Wales.
161. *Paragraph 6* creates a new provision which places a restriction on the results of exit polls being published before the close of poll. The restriction attaches to any statement as to how voters have voted based on information given by voters after they have voted or any forecast of the result based on such information. The offence, which applies to all parliamentary elections and to local elections in England and Wales, is a summary offence punishable by a fine up to the level 5 maximum or up to six months imprisonment.
162. *Paragraphs 7 and 8* convert references in the Representation of the People Act 1983 to "dwelling house" into references to "dwelling".
163. *Paragraph 9* amends the interpretation section of the Representation of the People Act 1983 so as to include references to provisions of this Act about absent voting.
164. *Paragraph 10* amends the parliamentary elections rules which form Schedule 1 to the Representation of the People Act 1983 so as to allow returning officers to issue postal voters with either prepaid or non-prepaid envelopes in which to return their votes (*sub-*

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paragraph (3)) and in Great Britain, but not Northern Ireland, to accept postal votes which (a) are handed in at a polling station or (b) are not accompanied by a declaration of identity, provided that the declaration is also received, albeit under separate cover (sub-paragraph (4)).

165. *Paragraph 11* amends the regulation-making powers provided in Schedule 2 to the Representation of the People Act 1983 to take account of the new provisions on postal votes contained in the Act (*sub-paragraph (2)*); to allow returning officers to issue replacement ballot papers to postal voters in prescribed circumstances (not necessarily in the presence of the candidates and their agents) (*sub-paragraph (3)*); and to clarify the wording of the power relating to the creation of offences.
166. *Paragraph 13* amends section 5 of the Representation of the People Act 1985 (which, as a result of this Act, will apply only in Northern Ireland) so as to provide that detained mental patients and remand prisoners may not vote in person but only by post or proxy.
167. *Paragraphs 14 to 18* make minor consequential amendments to reflect the fact that sections 6 to 9 of the 1985 Act will, in future, like section 5, not to apply to absent voting at parliamentary or local elections in England, Wales and Scotland.
168. *Paragraph 19* amends section 200 of the Finance Act 1996 so as to reflect the new provisions about registration contained in this Act.

Schedule 7: Repeals

169. This Schedule repeals provisions which are no longer needed in consequence of the Act's provisions.
170. Many of the repeals listed are mentioned expressly in the text of the Act (see section 7 and miscellaneous paragraphs in Schedules 1, 2 and 6).
171. The repeal of regulation 4(1) of the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 is consequent on the statement of the franchise in new section 2(1) of the Representation of the People Act 1983 (as substituted by section 1) and new section 1(1) of the Elected Authorities (Northern Ireland) Act 1989 (as substituted by paragraph 2 of Schedule 3) including a reference to a relevant citizen of the Union.
172. The repeals as respects Northern Ireland of section 6(2)(aa) and (2A) of the Representation of the People Act 1985 (as inserted by the Representation of the People Act 1990) are consequent on the introduction of "rolling registration". These provisions give electors who move home an entitlement to an absent vote whilst they remain registered in respect of their former addresses.

COMMENCEMENT

173. *Sections 10, 11, 14, 16, 17*, Schedule 5 and paragraph 6 of Schedule 6 came into effect on Royal Assent. The other provisions of the Act will be brought into effect by order made at a later date or dates.

HANSARD REFERENCES

Stage	Date	Hansard reference
House of Commons		
Introduction	18 November 1999	Vol 339, Col 123
Second Reading	30 November 1999	Vol 340, Cols 160-252
Committee	15 December 1999	Vol 341, Cols 294-369

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	12 January 2000	Vol 342, Cols306-397
	13 January 2000	Vol 342, Cols 437-526
Report and Third Reading	19 January 2000	Vol 342, Cols 870-937
	20 January 2000	Vol 342, Cols 998-1061
Consideration of Lords Amendments	8 March 2000	Vol 345, Cols 1114-1161
House of Lords		
Introduction	20 January 2000	Vol 608, Col 1298
Second Reading	31 January 2000	Vol 609, Cols 12-57
Committee	14 February 2000	Vol 609, Cols 918-1058
	15 February 2000	Vol 609, Cols 1069-1136
Report	29 February 2000	Vol 610, Cols 455-524
Third Reading	6 March 2000	Vol 610, Cols 801-840
Royal Assent	9 March 2000	House of Commons Hansard Vol 345, Col 1237
		House of Lords Hansard Vol 610, Col 1242