

*Status: Point in time view as at 16/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Representation of the People Act 2000, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 8.

#### REGISTRATION: OVERSEAS ELECTORS

##### *Introductory*

1 The Representation of the <sup>M1</sup>People Act 1985 is amended as follows.

##### **Commencement Information**

**II** Sch. 2 para. 1 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

##### **Marginal Citations**

**M1** 1985 c. 50.

##### *Franchise for parliamentary elections*

2 For section 1 substitute—

##### **“1 Extension of parliamentary franchise.**

- (1) A person is entitled to vote as an elector at a parliamentary election in any constituency if—
  - (a) he qualifies as an overseas elector in respect of that constituency on the date on which he makes a declaration under and in accordance with section 2 of this Act (“the relevant date”);
  - (b) on that date and on the date of the poll—
    - (i) he is not subject to any legal incapacity to vote, and
    - (ii) he is a British citizen; and
  - (c) on the date of the poll he is registered in a register of parliamentary electors for that constituency.
- (2) For the purposes of this Act and the principal Act a person qualifies as an overseas elector in respect of a constituency on the relevant date if—
  - (a) on that date he is not resident in the United Kingdom, and
  - (b) he satisfies one of the following sets of conditions.
- (3) The first set of conditions is that—
  - (a) he was included in a register of parliamentary electors in respect of an address at a place that is situated within the constituency concerned,
  - (b) that entry in the register was made on the basis that he was resident, or to be treated for the purposes of registration as resident, at that address,

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- (c) that entry in the register was in force at any time falling within the period of 20 years ending immediately before the relevant date, and
  - (d) subsequent to that entry ceasing to have effect no entry was made in any register of parliamentary electors on the basis that he was resident, or to be treated for the purposes of registration as resident, at any other address.
- (4) The second set of conditions is that—
- (a) he was last resident in the United Kingdom within the period of 20 years ending immediately before the relevant date,
  - (b) he was by reason only of his age incapable of being included in any register of parliamentary electors in force on the last day on which he was resident in the United Kingdom, and
  - (c) the address at which he was resident on that day was at a place that is situated within the constituency concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors in force on that day.
- (5) The reference in subsection (1) above to a person being subject to a legal incapacity to vote on the relevant date does not include a reference to his being under the age of 18 on that date; and the reference in subsection (4) above to a register of local government electors includes a reference to a register of electors prepared for the purposes of local elections (within the meaning of the <sup>M2</sup>Electoral Law Act (Northern Ireland) 1962).”

**Commencement Information**

**I2** Sch. 2 para. 2 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

**Marginal Citations**

**M2** 1962 c.14 (N.I.).

*Registration of overseas electors*

3 For section 2 substitute—

**“2 Registration of British citizens overseas.**

- (1) A person is entitled to be registered in a register of parliamentary electors in pursuance of a declaration made by him under and in accordance with this section (an “overseas elector’s declaration”) if—
- (a) the register is for the constituency or part of the constituency within which is situated the place in the United Kingdom specified in the declaration in accordance with subsection (4) below as having been the address—
    - (i) in respect of which he was registered, or
    - (ii) at which he was resident,
 as the case may be, and

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- (b) the registration officer concerned is satisfied that, on the relevant date, he qualifies as an overseas elector in respect of that constituency for which that register is prepared.
- (2) A person registered in a register of parliamentary electors in pursuance of an overseas elector's declaration 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 subsection (5) below, or
  - (c) any entry made in respect of him in any register of parliamentary electors takes effect otherwise than in pursuance of an overseas elector's declaration,
- whichever first occurs; and, where the entitlement of such a person to remain so registered terminates by virtue of this subsection, 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 overseas elector's declaration.
- (3) An overseas elector's declaration must state—
- (a) the date of the declaration,
  - (b) that the declarant is a British citizen,
  - (c) that the declarant is not resident in the United Kingdom on the relevant date, and
  - (d) when he ceased to be so resident or, in the case of a person relying on registration in pursuance of a service declaration, when he ceased to have a service qualification or, if later, ceased to be so resident,
- and must contain such other information and satisfy such other requirements (which may include requirements for declarations to be attested and for the charging of fees in respect of their attestation) as may be prescribed.
- (4) An overseas elector's declaration must—
- (a) show which set of conditions in section 1 of this Act the declarant claims to satisfy,
  - (b) in the case of the first set of conditions, specify the address in respect of which he was registered, and
  - (c) in the case of the second set of conditions, specify—
    - (i) the date of the declarant's birth,
    - (ii) the address in the United Kingdom at which he was resident, and
    - (iii) the name of the parent or guardian on whose registration in respect of that address he relies, and whether the person named was a parent or guardian,and may not, in the case of either set of conditions, specify more than one such address; and if the declarant makes more than one such declaration bearing the same date and specifying different addresses in the United Kingdom as the address in respect of which he was registered or, as the case may be, at which he was resident the declarations shall be void.
- (5) An overseas elector's declaration may be cancelled at any time by the declarant.

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- (6) An overseas elector’s declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the relevant date.
- (7) For the purposes of section 1 of this Act, where a person is registered in a register of parliamentary electors for any constituency or part of a constituency in pursuance of an overseas elector’s declaration, it shall be conclusively presumed that he was not resident in the United Kingdom on the relevant date.
- (8) In this section “the relevant date” has the meaning given by section 1(1)(a) of this Act.”

#### Commencement Information

**I3** Sch. 2 para. 3 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, art. 2(1) (subject to art 2(3-5))

#### *Franchise for European Parliamentary elections*

4 For section 3 substitute—

### “3 Extension of franchise for European Parliamentary elections.

- (1) A peer is entitled by virtue of this section to vote as an elector at a European Parliamentary election in any electoral region if—
- (a) he qualifies under this section in respect of that region on the date on which he makes a declaration under and in accordance with regulations under this section (“the relevant date”),
  - (b) on that date and on the day appointed for the election—
    - (i) he is not subject to any legal incapacity to vote, and
    - (ii) he is a British citizen, and
  - (c) on the day so appointed he is registered in the electoral region in a register under this section.
- (2) For the purposes of subsection (1) above, a peer qualifies under this section in respect of an electoral region on the relevant date if—
- (a) on that date he is not resident in the United Kingdom, and
  - (b) he satisfies one of the following sets of conditions.
- (3) The first set of conditions is that—
- (a) he was included in a register of local government electors in respect of an address at a place that is situated within the electoral region concerned,
  - (b) that entry in the register was made on the basis that he was resident, or to be treated for the purposes of registration as resident, at that address,
  - (c) that entry in the register was in force at any time falling within the period of 20 years ending immediately before the relevant date, and
  - (d) subsequent to that entry ceasing to have effect no entry was made in any register of local government electors on the basis that he was

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resident, or to be treated for the purposes of registration as resident, at any other address.

- (4) The second set of conditions is that—
- (a) he was last resident in the United Kingdom within the period of 20 years ending immediately before the relevant date,
  - (b) he was by reason only of his age incapable of being included in any register of local government electors in force on the last day on which he was resident in the United Kingdom, and
  - (c) the address at which he was resident on that day was at a place that is situated within the electoral region concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors in force on that day.
- (5) Regulations may—
- (a) provide for a person seeking registration under this section to make a declaration for the purpose, being a declaration of the prescribed facts and containing the prescribed information;
  - (b) require such declarations to be attested and provide for the charging of fees in respect of their attestation;
  - (c) make provision for and in connection with the cancellation of such declarations.
- (6) Regulations may also—
- (a) provide for the registration, subject to prescribed exceptions and on satisfying prescribed conditions, of those peers who (apart from the requirements of registration) may be entitled by virtue of this section to vote as electors at European Parliamentary elections;
  - (b) apply with such modifications or exceptions as may be prescribed any provision in respect of the registration of parliamentary or local government electors made by or under the principal Act or this Act.
- (7) Regulations under this section shall require each registration officer to prepare and publish, in respect of any year for which any peers are to be registered under this section, a register of the peers so registered; and any such register shall so far as practicable be combined with the registers of parliamentary electors and of local government electors, the names of peers registered under this section being marked to indicate that fact.
- (8) In this section—
- (a) “legal incapacity” has the same meaning—
    - (i) in relation to Great Britain as it has in the principal Act for the purposes of local government elections, and
    - (ii) in relation to Northern Ireland as it has in the <sup>M3</sup>Electoral Law Act (Northern Ireland) 1962 for the purposes of local elections,but the reference in subsection (1)(b) above to a person being subject to a legal incapacity to vote on the relevant date does not include a reference to his being below the age of 18 on that date,
  - (b) “local election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962, and

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- (c) references to the register of local government elections include a reference to a register of electors prepared—
- (i) for the purposes of local elections, or
  - (ii) for the purposes of municipal elections in the City of London (that is, elections to the office of mayor, alderman, common councilman or sheriff and also elections of officers elected by the mayor, aldermen and liverymen in common hall).”

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**Commencement Information**

- I4** Sch. 2 para. 4 wholly in force at 16.2.2001; Sch. 2 para. 4 not in force at Royal Assent see s. 17(3); Sch. 2 para. 4 in force at 29.1.2001 insofar as it confers power to make regulations and in force at 16.2.2001 insofar as not already in force by S.I. 2001/116, art. 2(1)(2) (subject to art. 2(3)(4))
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**Marginal Citations**

- M3** 1962 c.14 (N.I.).

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