



Parliament (Elections and Meeting) Act 1943

1943 CHAPTER 48

PART I

PARLIAMENTARY ELECTORS (WAR-TIME REGISTRATION)

Miscellaneous

16 Right of person registered to vote

- (1) Subject to the provisions of this section, every person registered under this Part of this Act for an election in any constituency shall be entitled to vote at that election:

Provided that nothing in this Part of this Act shall entitle any person to vote if he is not a British subject, or is not of full age, or is subject to any legal incapacity.

- (2) A person shall not vote at a general election for more than one constituency (including a university constituency) other than that in which he is registered under this Part of this Act in respect of a residence qualification.
- (3) Section twenty-two of the principal Act (which imposes a penalty for voting at a general election in more constituencies than is allowed by that Act) shall have effect as if the reference to that Act included a reference to this section.

17 Death of candidate

Notwithstanding anything in section one of the Ballot Act, 1872, where one of the candidates nominated for a war election dies before the poll has commenced—

- (a) the register prepared under this Part of this Act for the election shall remain in force for the purpose of all further proceedings with reference to the election; and
- (b) subsection (2) of section two of this Act shall not apply with respect to those further proceedings.

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18 Appointment of proxies for Service voters at University elections

- (1) A person entitled to vote at a university election shall be entitled to appoint a proxy to vote for him at any such election if, at the time of his application for the issue of a proxy paper, he is a member of the forces or a seaman.
- (2) An application for the issue of a proxy paper by any such person, being a member of the forces or a seaman, may be made on the same form as that prescribed under this Part of this Act for use by service voters, and where such a form purporting to be signed by any person is accompanied by a declaration—
 - (a) purporting to be signed by the same person and bearing the same date as the application; and
 - (b) in the same form and attested in the same manner and, subject as hereafter provided, stating the same particulars as a service declaration;the declaration shall be conclusive evidence that the said person was a member of the forces or a seaman at the time of the application:

Provided that the particulars to be stated in any such declaration shall not include particulars as to the residence of the declarant, but shall in lieu thereof include particulars of the university constituency in which he is entitled to vote.
- (3) The provisions of section fifteen of this Act shall apply to any such declaration as if it were a service declaration.
- (4) Any proxy paper issued by virtue of this section shall, unless, cancelled, remain in force until the expiration of this Part of this Act.
- (5) Save as provided by the foregoing provisions of this section, nothing in this Part of this Act shall affect the provisions of the principal Act or any Order in Council made thereunder relating to the appointment and voting of proxies at university elections.

19 Transitional

- (1) On the expiration of the National Registration Act, 1939 (hereafter in this subsection referred to as " the Act of 1939 ") the following provisions shall have effect:—
 - (a) a register shall be prepared under this Part of this Act for each constituency, other than a university constituency, as if a general election had been initiated on the last day on which the Act of 1939 was in force;
 - (b) the said register shall be the parliamentary register of electors in force for any election initiated in such a constituency after the expiration of the Act of 1939, being an election at which the time fixed for nomination occurs before the expiration of this Part of this Act;
 - (c) subsection (2) of section two of this Act shall apply to any election initiated after the expiration of the Act of 1939 and before the said register comes into force as it applies to a war election;
 - (d) until the expiration of this Part of this Act, any national registration regulations made by virtue thereof shall continue in force, and may be varied or revoked, as if the Act of 1939 had not expired.
- (2) In any year in which the National Registration Act, 1939, is in force after the thirty-first day of March no parliamentary register of electors shall be prepared under section eleven of the principal Act.

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- (3) No payment shall be made out of moneys provided by Parliament under subsection (4) of section fifteen of the principal Act on account of any registration expenses incurred after the appointed day and before the end of the last year throughout which this Part of this Act is in force, other than registration expenses payable by virtue of section eighteen of that Act.
- (4) Notwithstanding anything in the Juries Act, 1922, or in any other enactment, the jurors book prepared for a county for the year beginning with the first day of January, nineteen hundred and forty, shall be the jurors book for that county until the end of the year in which this Part of this Act expires; and no further jurors book shall be prepared for any county in any year in which a parliamentary register of electors is required not to be prepared under section eleven of the principal Act by virtue of this section.
- (5) No person shall by virtue of any enactment or rule of law be required to perform any duty solely with a view to the preparation of a register of electors or a jurors book which by virtue of this section is not to be prepared.

20 Approvals of electoral registration regulations by Parliament

All electoral registration regulations shall be laid before Parliament by the Secretary of State as soon as may be after they are made and shall not come into operation until they are approved by resolution of each House, but if so approved shall come into operation on such date as may be specified in the regulations.

21 Application and adaptation of enactments

- (1) The provisions of Parts I and II of the principal Act shall not apply to registration under this Part of this Act or to voting at an election for which a register is prepared under this Part of this Act, except in so far as they are expressly applied by or under this Part of this Act:

Provided that nothing in this Part of this Act shall affect the provisions of subsections (1), (4) and (5) of section nine of the principal Act (which relate to disqualifications).

- (2) The provisions of the Third Schedule to this Act shall have effect for the purpose of adapting enactments to the provisions of this Part of this Act.
- (3) Save as expressly provided by this Part of this Act, nothing in this Part of this Act shall affect the law relating to parliamentary elections.

22 Interpretation of Part I

In this Part of this Act, except where the contrary intention appears, the following expressions have the meanings hereby respectively assigned to them—

" appointed day " means such day as may be appointed by order of the Secretary of State;

" bank holiday " means—

- (a) in relation to a general election, a day which is a bank holiday under the Bank Holidays Act, 1871, as amended by any subsequent enactment (including Defence Regulations), in any part of the United Kingdom; and
- (b) in relation to a by-election, a day which is a bank holiday under the said Act as so amended in that part of the United Kingdom in which the constituency in question is situated;

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" electoral registration regulations " means regulations made by the Secretary of State under this Part of this Act;

" electors list " means a list, prepared by a registration officer in pursuance of electoral registration regulations, of persons who appear to him to be qualified to be registered under this Part of this Act;

" member of the forces " means a person who, being a member of—

- (a) any of the armed forces of the Crown raised in the United Kingdom;
- (b) the Women's Royal Naval Service;
- (c) the Queen Alexandra's Royal Naval Nursing Service;
- (d) any other organisation established under the control of the Admiralty, Army Council or Air Council and raised in the United Kingdom;

is, or would if he were in the United Kingdom be, by virtue of such membership for the time being exempt under national registration regulations from registration in the National Register;

" national registration regulations " means regulations made by the Ministers under -the National Registration Act, 1939;

" prescribed " means prescribed by electoral registration regulations;

" principal Act " means the Representation of the People Act, 1918, as amended by any subsequent enactment or Order in Council;

" seaman " means a person who is for the time being exempt under national registration regulations from registration under the National Registration Act, 1939, as being a seaman, or who would be so exempt if he were in the United Kingdom, being a person whose usual place of residence is in the United Kingdom;

and the expressions " constituency ", " general election ", " university constituency " and " university election " have the same meanings as in the principal Act.

23 Application of Part I to Scotland

This Part of this Act shall in its application to Scotland have effect subject to the following modifications—

- (a) in section five paragraph (b) of subsection (3), and in section thirteen subsections (3) and (4) and in subsection (5) the words " or the proper officer of a council shall be omitted;
- (b) in section thirteen the reference- to section twelve of the principal Act shall be construed as a reference to the provision substituted therefor by paragraph (8) of section forty-three of the said Act;
- (c) section fourteen shall have effect as if—
 - (i) in subsection (2) for the words " a registration officer " there were substituted the words " a council appointing a registration officer ";
 - (ii) for subsection (3) there were substituted the following subsection—

“(3) A council appointing a registration officer shall pay to him the expenses properly incurred by him in the performance of his duties under this Part of this Act, electoral registration regulations and national registration regulations made by virtue of this Part of this Act, any costs properly incurred by him as, party to an appeal against his determination of any claim or objection with respect to an electors list, and

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such charges as they may deem reasonable and proper for his trouble, care and attention in the performance of those duties.

Any expenses incurred by a council under this subsection shall be defrayed in like manner as the costs and expenses of making up the valuation roll under the Lands Valuation (Scotland) Act, 1854, and the Acts amending the same.”; and

(iii) in subsection (4) after the words " by that officer " there were inserted the words " to the council appointing him and shall be accounted for by that council ".

24 Application of Part I to Northern Ireland

(1) In its application to Northern Ireland this Part of this Act shall have effect subject to the modifications specified in the Fourth Schedule to this Act.

(2) If the Parliament of Northern Ireland passes any Act in respect of the election of members to serve therein making provision similar to the provision made by this Part of this Act, subsection (3) of section five and section ten of this Act (both as enacted in this Act and as applied in relation to persons engaged in war work abroad by electoral registration regulations), and paragraph 7 of the Third Schedule to this Act, shall apply for the purposes of the said Act of the Parliament of Northern Ireland as they apply for the purposes of this Act subject to the following modifications:—

- (a) any reference in the said subsection (3) of section five to that section shall be construed as a reference to the corresponding provision of the said Act of the Parliament of Northern Ireland; and
- (b) any reference in the said section ten or the said paragraph 7 to this Part of this Act shall include a reference to the said Act of the Parliament of Northern Ireland;

and the said Act may provide for making (with the consent of the Secretary of State) such alterations of and additions to any forms prescribed under electoral registration regulations, or any electors list, supplementary list or register prepared under this Part of this Act, as may be necessary or proper for the purposes of that Act.

(3) Subject to the provisions of the last foregoing subsection, nothing in this Part of this Act shall apply in respect of the election of members to serve in the Parliament of Northern Ireland.

25 Citation and duration of Part I

(1) This Part of this Act may be cited separately as the Parliamentary Electors (War-Time Registration) Act, 1943, and shall be included among the Acts which may be cited as the Representation of the People Acts.

(2) This Part of this Act shall expire with the fourteenth day of October in the year in which the National Registration Act, 1939, expires or, if that Act expires in any year after the thirty-first day of March, with the fourteenth day of October in the next following year:

Provided that—

- (a) on the expiration of this Part of this Act subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply as if this Part of this Act had then been repealed by another enactment; and

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- (b) where the day fixed for nomination at any election occurs before the expiration of this Part of this Act, but the poll has not taken place before the expiration of this Part of this Act, this Part of this Act shall continue in force for the purposes of the election.