
STATUTORY INSTRUMENTS

1997 No. 138

**LOCAL GOVERNMENT, ENGLAND AND WALES
REPRESENTATION OF THE PEOPLE**

**The Local Government Reorganisation
(Representation of the People) Regulations 1997**

Made - - - - 23rd January 1997
Laid before Parliament 3rd February 1997
Coming into force - - 1st March 1997

The Secretary of State in exercise of the powers conferred on him by sections 19 and 26 of the Local Government Act 1992⁽¹⁾ hereby makes the following Regulations:

1. These Regulations may be cited as the Local Government Reorganisation (Representation of the People) Regulations 1997 and shall come into force on 1st March 1997.

2.—(1) Section 6(2A) of the Representation of the People Act 1985⁽²⁾ is amended as follows.

(2) In paragraph (b), after “non-metropolitan county in England” there is inserted “for which there is a county council”.

(3) After that paragraph there is inserted—

“(bb) both addresses are in the same parliamentary constituency in a non-metropolitan county in England for which there is no county council and, if either address is in a parish, both are in the same parish,”.

3.—(1) Section 9(5) of the Representation of the People Act 1985 is amended as follows.

(2) In paragraph (b), after “non-metropolitan county in England” there is inserted “for which there is a county council”.

(3) After that paragraph there is inserted—

“(bb) both addresses are in the same parliamentary constituency in a non-metropolitan county in England for which there is no county council and, if either address is in a parish, both are in the same parish,”.

(1) 1992 c. 19.

(2) 1985 c. 50; section 6(2A) was inserted by the Representation of the People Act 1990 (c. 32).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Home Office
23rd January 1997

Tom Sackville
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 6(2)(aa) of the Representation of the People Act 1985 (as inserted by the Representation of the People Act 1990), a person is eligible for an absent vote for an indefinite period at parliamentary and local government elections if he is no longer resident at his qualifying address or at any other address in the same area. Section 6(2A) of the 1985 Act (as so inserted) defines the meaning of the expression “the same area” for these purposes. Section 9(5) of that Act provides a similar definition of that expression for the purposes of a proxy’s right to vote by post under section 9(4)(b).

Paragraph (b) of sections 6(2A) and 9(5) refers to an electoral division of a county in the context of determining whether two addresses in a non-metropolitan county in England are in the same area. This assumes that every such county will have a county council. The effect of structural change orders under Part II of the Local Government Act 1992 (c. 19) is that that assumption is no longer accurate. These Regulations amend sections 6(2A) and 9(5) of the 1985 Act to make provision for non-metropolitan counties in England which do not have a county council.