SCHEDULE 2

ABSENT VOTING

# PART 2

## APPLICATIONS

**Additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of physical incapacity or blindness**

**16.**—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(b) of this Schedule shall specify the physical incapacity by reason of which it is made.

(2) Subject to sub-paragraph (3) below, such an application shall be attested and signed by—

(a) a registered medical practitioner;

(b) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of the Nursing and Midwifery Order 2001(**1**) by virtue of qualifications in nursing or, in Scotland, a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997(**2**);

(c) a Christian Science practitioner;

(d) the person registered—

(i) in England and Wales, under the Care Standards Act 2000(**3**) as carrying on a care home within the meaning of section 3(**4**) of that Act, where the applicant states that he is resident in such a home; or

(ii) in Scotland, under the Regulation of Care (Scotland) Act 2001(**5**) as carrying on a care home service within the meaning of section 2 of that Act,

where the applicant states that he is resident in such a home;

(e) the matron or other person in charge of residential accommodation provided by a local authority—

(i) in England and Wales, under section 21(1) of the National Assistance Act 1948(**6**); or

(ii) in Scotland, under section 59(2) of the Social Work (Scotland) Act 1968(**7**),

where the applicant states that he is resident in such accommodation;

(f) the warden of premises forming one of a group of premises provided for persons of pensionable age or physically disabled persons for which there is a resident warden, where the applicant states that he resides in such premises; or

(g) in Gibraltar, in the case of an applicant who is resident in a residential home for persons of pensionable age or for physically disabled persons, the senior nursing officer of the home.

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(**1**) S.I.2002/253.
(**2**) 1997 c. 24.
(**3**) 2000 c. 14.
(**4**) Section 3 was amended by Regulation 3 of S.I. 2001/3965.
(**5**) 2001 c. 8.
(**6**) 1948 c. 29. Section 21(1) was amended by paragraph 2 of Schedule 23 to the Local Government Act 1972 (c. 70), paragraph 11(1) of Schedule 13 to the Children Act 1989 (c. 41), section 42(1) of the National Health Service and Community Care Act 1990 (c. 19) and the Schedule to the Housing (Homeless Persons) Act 1977 (c. 48). The section was repealed in relation to Scotland by part 1 of Schedule 9 to the Social Work (Scotland) Act 1968 (c. 49). The section has been amended in other ways not relevant to these Regulations.
(**7**) 1968 c. 49.

(3) A person who qualifies by virtue of sub-paragraph (a), (b) or (c) of sub-paragraph (2) above may not attest an application for this purpose unless he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity.

(4) The person attesting the application shall state—

(a) his name and address and the qualification by virtue of which he attests the application, and where the person who attests the application is a person referred to in sub-paragraph (3) above, that he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity;

(b) that, to the best of his knowledge and belief, the applicant is suffering from the physical incapacity specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that incapacity; and

(c) that, to the best of his knowledge and belief, the physical incapacity specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.

(5) Sub-paragraphs (2) to (4) above shall not apply where—

(a) in England and Wales, the application is based on the applicant's blindness and the applicant is registered as a blind person by the local authority which is specified in the application under section 29(4)(g) of the National Assistance Act 1948;

(b) in Scotland, the application is based on the applicant's blindness and the applicant is registered as a blind person by the local authority which is specified in the application; or

(c) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992(**8**)) because of the physical incapacity specified in the application.

(6) The fact that an applicant is registered with a local authority as mentioned in sub-paragraph (5) shall be deemed sufficient evidence that he is eligible to vote by proxy on the grounds set out in paragraph 3(3)(b) of this Schedule.

(7) In this paragraph and in paragraphs 17 and 18 "his allotted polling station", in relation to an elector means the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules.

(**8**) 1992 c. 4.