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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**Representation of the People  
(Northern Ireland) Regulations 2001**

**PART IV  
ABSENT VOTERS**

**Additional requirements for applications on grounds of physical incapacity or blindness**

**53.**—(1) An application under section 6(2)(b) of the 1985 Act shall specify the physical incapacity by reason of which it is made.

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

- (a) a registered medical practitioner;
- (b) a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997<sup>(1)</sup>;
- (c) a Christian Science practitioner;
- (d) the person registered under the Registered Homes (Northern Ireland) Order 1992<sup>(2)</sup> as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the applicant states that he is resident in such a home;
- (e) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(3)</sup>, where the applicant states that he is resident in such accommodation; or
- (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.

(3) A person who qualifies by virtue of sub-paragraph (a), (b) or (c) of 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 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

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<sup>(1)</sup> 1997 c. 24.

<sup>(2)</sup> S.I.1992/3204 (N.I. 20); the definition of “nursing home” has been amended by Schedule 9 to S.I. 1995/755 (N.I.2).

<sup>(3)</sup> S.I. 1972/1265 (N.I.14).

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) Paragraphs (2) to (4) above shall not apply where—

- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by a Health and Social Services Board which is specified in the application; or
- (b) 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 (Northern Ireland) Act 1992<sup>(4)</sup>) because of the physical incapacity specified in the application.

(6) The fact that an applicant is registered with a Health and Social Services Board as a blind person shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in section 6(2)(b) of the 1985 Act.

(7) In this regulation and in regulations 54 and 55 below, "his allotted polling station", in relation to an elector means the polling station allotted or likely to be allotted to him under the elections rules.

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(4) 1992 c. 7.