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*Changes to legislation: Representation of the People Act 1983, Cross Heading: Entitlement to registration is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

#### PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

*[<sup>F1</sup> Entitlement to registration]*

#### Textual Amendments

**F1** S. 4 and preceding cross-heading substituted for s. 4 (29.1.2001 for specified purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 1(2); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### 4 Qualifying date.

- (1) In England and Wales and Scotland, 10th October in any year is the qualifying date for a parliamentary or local government election at which the date fixed for the poll falls within the period of twelve months beginning with 16th February in the next following year.
- (2) In Northern Ireland, 15th September in any year is the qualifying date for such a parliamentary election as is mentioned above, subject to the Secretary of State's power under section 13(2) below.

#### Modifications etc. (not altering text)

**C1** S. 4(2) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. 1

#### 5 Residence

- (1) For the purposes of sections 1 and 2 above any question as to a person's residence on the qualifying date for an election—

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- (a) shall be determined in accordance with the general principles formerly applied in determining questions as to a person’s residence on a particular day of the qualifying period within the meaning of the Representation of the <sup>M1</sup>People Act 1918; and
  - (b) in particular regard shall be had to the purpose and other circumstances, as well as to the fact, of his presence at or absence from the address in question.
- (2) Without prejudice to those general principles, a person’s residence in a dwelling house shall not be deemed for the purposes of sections 1 and 2 to have been interrupted—
- (a) by reason of that person’s absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him, if he intends to resume actual residence within six months of giving it up and will not be prevented by the performance of that duty; or
  - (b) by reason of permission being given by letting or otherwise for its occupation furnished by some other person—
    - (i) if the permission is given in the expectation that throughout the period for which it is given the person giving it or his wife or her husband will be absent in the performance of any such duty as is mentioned above; or
    - (ii) if the first mentioned person intends to resume actual residence within nine weeks of giving it up and will not be prevented by the permission given as mentioned above.
- (3) A person who is detained at any place in legal custody shall not by reason thereof be treated for the purposes of sections 1 and 2 as resident there.

**Modifications etc. (not altering text)**

**C2** Ss. 5, 6, 7(1) applied by Representation of the People Act 1985 (c. 50, SIF 42), s. 27(2)

**C3** Ss. 5-7 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(5)(6), **Sch. 1 Pt. I**

**C4** S. 5, 6, 7(1) applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 7(4)**

**Marginal Citations**

**M1** 1918, (7 and 8 Geo. 5.) c. 64.

**6 Residence: merchant seamen.**

At any time when a merchant seaman is not resident in the United Kingdom and would have been resident there but for the nature of his occupation, he shall be entitled to be treated for the purposes of sections 1 and 2 above as resident—

- (a) at any place at which he would have been resident but for the nature of his occupation; or
- (b) at any hostel or club providing accommodation for merchant seamen at which he commonly stays in the course of his occupation.

For this purpose “merchant seaman” means any person not having a service qualification whose employment or the greater part of it is carried out on board seagoing ships, and includes any such person while temporarily without employment.

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**Modifications etc. (not altering text)**

- C5** Ss. 5, 6, 7(1) applied by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 27(2)  
**C6** Ss. 5–7 extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), ss. 2, 13(5)(6), [Sch. 1 Pt. I](#)  
**C7** Ss. 5, 6, 7(1) applied (17.2.1994) by [S.I. 1994/342](#), [regs. 1\(2\)\(3\), 2\(2\), 7\(4\)](#)

**7 Residence: detained and voluntary mental patients.**

(1) A person who is detained at any place by virtue of any enactment relating to persons suffering from mental disorder shall not by reason thereof be treated for the purposes of sections 1 and 2 above as resident there.

<sup>F2</sup>(2) In the following provisions of this section—

“assistance” does not include assistance necessitated by blindness or other physical incapacity;

“mental hospital” means any establishment maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder;

“patient’s declaration” means a declaration made under this section by a voluntary mental patient;

“voluntary mental patient” means a person who is a patient in a mental hospital but is not liable to be detained there by virtue of any enactment.

(3) A person who on the qualifying date is a voluntary mental patient shall not be entitled to be registered as mentioned in section 12(1) or (2) below except in pursuance of a declaration made with reference to that date in accordance with subsection (4) below.

This subsection is without prejudice to the registration of a voluntary mental patient by virtue of his residence at an address other than the mental hospital in which he is a patient in any case in which he would be entitled to be so registered apart from this subsection and the following subsections of this section.

(4) A voluntary mental patient may make a declaration under this subsection if he is able to do so without assistance; and a patient’s declaration—

- (a) shall be made with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register,
- (b) shall be made during the 12 months ending with the qualifying date by reference to which it is made but shall not have effect if after it is made and before that date the declarant ceases to be a voluntary mental patient or cancels the declaration,
- (c) may be made by a declarant notwithstanding the fact that by reason of his age he is not yet entitled to vote,
- (d) shall state that it was made by the declarant without assistance, and shall state—
  - (i) the date of the declaration,
  - (ii) that on that date and, unless it is the qualifying date, on the qualifying date next following the declarant is or will be a voluntary mental patient,
  - (iii) the address of the mental hospital in which the declarant is a voluntary mental patient,

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- (iv) the address where the declarant would be resident in the United Kingdom if he were not a voluntary mental patient or, if he cannot give any such address, an address (other than a mental hospital) at which he has resided in the United Kingdom,
  - (v) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland, and
  - (vi) whether the declarant had on the date of the declaration attained the age of 18 years and, if he had not, the date of his birth,
- and a patient's declaration shall be attested in the prescribed manner.
- (5) If a person—
- (a) makes a patient's declaration declaring to more than one address, or
  - (b) makes more than one patient's declaration bearing the same date and declaring to different addresses,
- the declaration or declarations shall be void.
- (6) A patient's declaration may at any time be cancelled by the declarant and (subject to subsection (5) above) a patient's declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date if it is made with reference to the same qualifying date.
- (7) A voluntary mental patient whose patient's declaration is made with reference to the qualifying date for any register shall be treated in relation to that register—
- (a) as resident on the qualifying date at the address specified in the declaration pursuant to paragraph (d)(iv) of subsection (4) above;
  - (b) in the case of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of 3 months ending on the qualifying date; and
  - (c) in any case, until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.
- (8) Where a patient's declaration appearing to be properly made out and attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having been from the date of the declaration or such later date, if any, as appears from it, and as continuing to be, qualified to be registered as an elector.
- (9) No patient's declaration shall be specially made by a person for the purpose of local government elections, and any patient's declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections; but—
- (a) a patient's declaration may be made for the purpose of local government elections only by a person who is a peer subject to a legal incapacity to vote at parliamentary elections; and
  - (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as any other patient's declaration.

#### **Textual Amendments**

**F2** S. 7(2)(4)-(8) applied (with modifications) (17.2.1994) by S.I. 1994/342, regs. 1(2)(3), 2(2), 14

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**Modifications etc. (not altering text)**

- C8** Ss. 5–7 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(5)(6), **Sch. 1 Pt. I**
- C9** Ss. 5, 6, 7(1) applied by Representation of the People Act 1985 (c. 50, SIF 42), s. 27(2)  
Ss. 5, 6, 7(1) applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 7(4)**

VALID FROM 29/01/2001

**[<sup>F3</sup>7A Residence: persons remanded in custody etc.**

- (1) This section applies to a person who is detained at any place pursuant to a relevant order or direction and is so detained otherwise than after—
  - (a) being convicted of any offence, or
  - (b) a finding in criminal proceedings that he did the act or made the omission charged.
- (2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the place at which he is detained if the length of the period which he is likely to spend at that place is sufficient for him to be regarded as being resident there for the purposes of electoral registration.
- (3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above 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, or
  - (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),whichever first occurs.
- (4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, 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 application made by virtue of subsection (2).
- (5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—
  - (a) by virtue of his residence at some place other than the place at which he is detained, or
  - (b) in pursuance of a declaration of local connection.
- (6) In this section “a relevant order or direction” means—
  - (a) a remand or committal in custody;
  - (b) a remand to a hospital under section 35 or 36 of the <sup>M2</sup>Mental Health Act 1983 or Article 42 or 43 of the <sup>M3</sup>Mental Health (Northern Ireland) Order 1986;
  - (c) a direction for removal to a hospital under section 48 of that Act or Article 54 of that Order;

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- (d) a committal to a hospital under section 52 of the <sup>M4</sup>Criminal Procedure (Scotland) Act 1995; or
- (e) a transfer order under section 70 of the <sup>M5</sup>Mental Health (Scotland) Act 1984 or a transfer direction under section 71 of that Act made in respect of a person to whom that section applies by virtue of subsection (2)(c) of that section.]

#### Textual Amendments

**F3** S. 7A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 5; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

**C10** Ss. 7-7C extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. 1 (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 paras. 3(4), 4(2); S.I. 2001/116, art. 2(1) (with art. 2(3)-(5)))

**C11** S. 7A applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. 1

#### Marginal Citations

**M2** 1983 c. 20.

**M3** S.I. 1986/595 (N.I. 4).

**M4** 1995 c. 43.

**M5** 1984 c. 36.

VALID FROM 29/01/2001

#### [<sup>F4</sup>7B Notional residence: declarations of local connection.

- (1) A declaration under this section (“a declaration of local connection”)—
  - (a) may be made only by a person to whom this section applies, but
  - (b) may be made by such a person despite the fact that by reason of his age he is not entitled to vote.
- (2) This section applies to any person who on the date when he makes such a declaration is—
  - (a) a person to whom section 7 above applies and who would not be entitled to be registered by virtue of residence at any place other than the mental hospital (within the meaning of that section) at which he is a patient, or
  - (b) a person to whom section 7A applies and who would not be entitled to be registered by virtue of residence at any place other than the place at which he is detained as mentioned in subsection (1) of that section, or
  - (c) a person who does not fall within paragraph (a) or (b) above (and is not otherwise in legal custody) and who is not, for the purposes of section 4 above, resident at any address in the United Kingdom (a “homeless person”).
- (3) A declaration of local connection shall state—
  - (a) the name of the declarant and either—
    - (i) an address to which correspondence for him from either the registration officer concerned or the returning officer can be delivered, or

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- (ii) that he is willing to collect such correspondence periodically from the registration officer's office;
  - (b) the date of the declaration;
  - (c) that on the date of the declaration the declarant falls into one of the categories of persons to whom this section applies, specifying—
    - (i) the category in question, and
    - (ii) (in the case of a person falling within subsection (2)(a) or (b) above) the name and address of the mental hospital at which he is a patient or (as the case may be) of the place at which he is detained;
  - (d) the required address (as defined by subsection (4) below);
  - (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland or (if the declaration is made for the purposes only of local government elections) a relevant citizen of the Union;
  - (f) whether the declarant has on the date of the declaration attained the age of 18 years, and, if he has not, the date of his birth.
- (4) For the purposes of this section “the required address” is—
- (a) in the case of a person falling within subsection (2)(a) or (b) above—
    - (i) the address in the United Kingdom where he would be residing if he were not such a patient, or detained, as mentioned in that provision, or
    - (ii) if he cannot give such an address, an address in the United Kingdom at which he has resided;
  - (b) in the case of a homeless person, the address of, or which is nearest to, a place in the United Kingdom where he commonly spends a substantial part of his time (whether during the day or at night).
- (5) Where a declaration of local connection is made for the purposes of registration in Northern Ireland, the declaration must state that the declarant has been in Northern Ireland during the whole of the period of three months ending on the date of the declaration.
- (6) Where a declaration of local connection made by a homeless person is delivered to the registration officer concerned during the period—
- (a) beginning with the date when a vacancy occurs—
    - (i) in the seat for the parliamentary constituency within which the required address falls, or
    - (ii) in the seat for any Scottish Parliament constituency or National Assembly for Wales constituency within which it falls, and
  - (b) ending on the final nomination day (within the meaning of section 13B below) for the parliamentary by-election, or (as the case may be) the election under section 9 of the <sup>M6</sup>Scotland Act 1998 or section 8 of the <sup>M7</sup>Government of Wales Act 1998, held in respect of that vacancy,
- the declaration must state that, during the period of three months ending on the date of the declaration, the declarant has commonly been spending a substantial part of his time (whether during the day or at night) at, or near, the required address.
- (7) No declaration of local connection shall be specially made by a person for the purposes of local government elections, and any such declaration made for the purposes of parliamentary elections shall have effect also for the purposes of local government elections; but—

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- (a) a declaration of local connection may be made for the purposes only of local government elections by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections or by a relevant citizen of the Union; and
  - (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other declarations of local connection.
- (8) If a person—
- (a) makes a declaration of local connection stating more than one address under subsection (3)(d) above, or
  - (b) makes more than one declaration of local connection bearing the same date and stating different addresses under that provision,
- the declaration or declarations shall be void.
- (9) A declaration of local connection may be cancelled at any time by the declarant.
- (10) A declaration of local connection shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.]

#### Textual Amendments

**F4** Ss. 7B, 7C inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, s. 6](#); [S.I. 2001/116, art. 2\(1\)\(2\)](#) (with [art. 2\(4\)](#))

#### Modifications etc. (not altering text)

**C12** [S. 7B](#) applied (with modifications) (9.4.2001) by [S.I. 2001/1184, reg. 9, Sch.](#)

**C13** Ss. 7-7C extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by [2000 c. 2, s. 8, Sch. 3 paras. 3\(4\), 4\(2\)](#); [S.I. 2001/116, art. 2\(1\)](#) (with [art. 2\(3\)-\(5\)](#)))

#### Marginal Citations

**M6** [1998 c. 46.](#)

**M7** [1998 c. 38.](#)

VALID FROM 29/01/2001

#### <sup>F5</sup>7C **Effect of declaration of local connection.**

- (1) Where a person's declaration of local connection is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—
  - (a) resident on the date of the declaration at the address stated in it in accordance with section 7B(3)(d) above; and
  - (b) for the purposes of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of three months ending with that date.
- (2) A person registered in a register of electors in pursuance of a declaration of local connection is entitled to remain so registered until—



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- (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 section 7B(9) above, or
  - (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a declaration of local connection),
- whichever first occurs.
- (3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, 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 declaration of local connection.
- (4) This section shall not be taken as precluding the registration of a person falling within section 7B(2)(a) or (b) above in pursuance of an application made by virtue of section 7(2) or 7A(2) above.

#### Textual Amendments

**F5** Ss. 7B, 7C inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 6; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

**C14** S. 7C extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(4); S.I. 2001/116, art. 2(1), (with art. 2(3)-(5)))

S. 7C applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I

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