



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

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

##### *Parliamentary and local government franchise*

#### [<sup>F1</sup>1 **Parliamentary electors.**

- (1) A person is entitled to vote as an elector at a parliamentary election in any constituency if on the date of the poll he—
  - (a) is registered in the register of parliamentary electors for that constituency;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is either a Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
  - (a) more than once in the same constituency at any parliamentary election; or
  - (b) in more than one constituency at a general election.]

#### **Textual Amendments**

- F1** S. 1 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, s. 1\(1\)](#); [S.I. 2001/116, art. 2\(1\)\(2\)](#) (with [s. 2\(4\)](#))

#### [<sup>F2</sup>2 **Local government electors.**

- (1) A person is entitled to vote as an elector at a local government election in any electoral area if on the date of the poll he—
  - (a) is registered in the register of local government electors for that area;
  - (b) is not subject to any legal incapacity to vote (age apart);

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- (c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
- (a) more than once in the same electoral area at any local government election; or
  - (b) in more than one electoral area at an ordinary election for a local government area which is not a single electoral area.]

#### Textual Amendments

- F2** S. 2 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 1(1); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

### 3 Disfranchisement of offenders in prison etc.

- (1) A convicted person during the time that he is detained in a penal institution in pursuance of his sentence [<sup>F3</sup>or unlawfully at large when he would otherwise be so detained] is legally incapable of voting at any parliamentary or local government election.
- (2) For this purpose—
- (a) “convicted person” means any person found guilty of an offence (whether under the law of the United Kingdom or not), including a person found guilty by a [<sup>F4</sup>court of a service offence within the meaning of the Armed Forces Act 2006], but not including a person dealt with by committal or other summary process for contempt of court; and
  - (b) “penal institution” means an institution to which the <sup>M1</sup>Prison Act 1952, the <sup>M2</sup>Prisons (Scotland) Act 1952 or the <sup>M3</sup>Prison Act (Northern Ireland) 1953 applies; and
  - (c) a person detained for default in complying with his sentence shall not be treated as detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his sentence for the offence.
- (3) It is immaterial for the purposes of this section whether a conviction or sentence was before or after the passing of this Act.

#### Textual Amendments

- F3** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 1](#)
- F4** Words in s. 3(2)(a) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\), ss. 378, 383, Sch. 16 para. 95](#); S.I. 2009/812, [art. 3](#); S.I. 2009/1167, [art. 4](#)

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

- C1** S. 3(1)(2) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\), ss. 2, 13\(6\), Sch. 1 Pt. I](#)
- C2** S. 3(2)(a) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\), arts. 1\(3\), 205, Sch. 1 para. 24\(1\)](#)

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#### Marginal Citations

- M1** 1952 c. 52.  
**M2** 1952 c. 61.  
**M3** 1953 c. 18 (N.I.)

### [<sup>F5</sup>3A Disfranchisement of offenders detained in mental hospitals.

- (1) A person to whom this section applies is, during the time that he is—
- (a) detained at any place in pursuance of the order or direction by virtue of which this section applies to him, or
  - (b) unlawfully at large when he would otherwise be so detained, legally incapable of voting at any parliamentary or local government election.
- (2) As respects England and Wales, this section applies to the following persons—
- (a) any person in respect of whom—
    - (i) an order has been made under section 37, 38, 44 or 51(5) of the <sup>M4</sup>Mental Health Act 1983, or
    - (ii) a direction has been given under section 45A, 46 or 47 of that Act;
  - (b) any person in respect of whom an order has been made under section 5(2)(a) of the <sup>M5</sup>Criminal Procedure (Insanity) Act 1964; and
  - (c) any person in respect of whom the Court of Appeal has made an order under—
    - (i) section 6(2)(a) of the <sup>M6</sup>Criminal Appeal Act 1968, or
    - (ii) section 14(2)(a) of that Act.
- (3) As respects Scotland, this section applies to the following persons—
- (a) any person in respect of whom an order has been made under section 53, 54, 57(2)(a) or (b) [<sup>F6</sup>, 57A(2)] or 58 of the <sup>M7</sup>Criminal Procedure (Scotland) Act 1995; and
  - (b) any person in respect of whom a direction has been given under [<sup>F7</sup>section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003] or section 59A of that Act of 1995.
- (4) As respects Northern Ireland, this section applies to the following persons—
- (a) any person in respect of whom—
    - (i) an order has been made under Article 44, 45, 50A(2)(a) or 57(5) of the <sup>M8</sup>Mental Health (Northern Ireland) Order 1986, or
    - (ii) a direction has been given under Article 52 or 53 of that Order; and
  - (b) any person in respect of whom the Court of Appeal has made an order under—
    - (i) section 11(1)(b) or (2)(b) of the <sup>M9</sup>Criminal Appeal (Northern Ireland) Act 1980, or
    - (ii) section 13(5A) of that Act.

[<sup>F8</sup>(5) The reference in subsection (2)(a)(i) to an order under section 37 or 38 of the Mental Health Act 1983 includes such an order made by virtue of Schedule 4 to the Armed Forces Act 2006 (including as applied by section 16(2) of the Court Martial Appeals Act 1968).]

- (6) In this section any reference to a person in respect of whom any order or direction falling within subsection (2), (3) or (4) has been made or given includes a reference to a person in respect of whom any such order or direction is, by virtue of any enactment,

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to be treated as having been made or given in connection with his transfer to a place in the part of the United Kingdom mentioned in that subsection.

- (7) Any reference in any of subsections (2) to (4) above to a provision of any Act or Order includes a reference to any earlier provision (whether of that Act or Order as originally enacted or made or as previously amended, or otherwise) to the like effect.]

#### Textual Amendments

- F5** S. 3A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 2; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F6** Words in s. 3A(3)(a) inserted (27.9.2005 for S. and 5.10.2005 for E.W.N.I.) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 2, Sch. 1 para. 12(2)(a); and The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 15, Sch. 1 para. 1(2)(a)
- F7** Words in s. 3A(3)(b) substituted (27.9.2005 for S. and 5.10.2005 for E.W.N.I.) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 2, Sch. 1 para. 12(2)(b) and The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 15, Sch. 1 para. 1(2)(b)
- F8** S. 3A(5) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by Armed Forces Act 2006 (c. 52), ss. 378, 383, Sch. 16 para. 96; S.I. 2009/812, art. 3; S.I. 2009/1167, art. 4

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

- C3** S. 3A(1)(4)-(7) 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(2); S.I. 2001/116, art. 2(1) (with art. 2(4))
- C4** S. 3A(5) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), arts. 1(3), 205, Sch. 1 para. 24(2)

#### Marginal Citations

- M4** 1983 c. 20.  
**M5** 1964 c. 84.  
**M6** 1968 c. 19.  
**M7** 1995 c. 46.  
**M8** S.I. 1986/595 (N.I. 4).  
**M9** 1980 c. 47.

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