Changes to legislation: Representation of the People Act 1983, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 27 May 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 V

GENERAL AND SUPPLEMENTAL

Interpretation

202 General provisions as to interpretation.

(1) In this Act, unless the context otherwise requires—

| F1 |
|--|
| |
| [F2"anonymous entry", in relation to a register of electors, shall be construed in |
| accordance with section 9B above and "the record of anonymous entries", mean |
| |

n the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to this Act;

I^{F4} citizen of the Union" shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), and "relevant citizen of the Union" means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland; "the City" means the City of London;

"Clerk of the Crown" means Clerk of the Crown in Chancery;

"Common Council" means the Common Council of the City;

[F5" disability", in relation to doing a thing, includes a short term inability to do it;] I^{F6} dwelling" includes any part of a building where that part is occupied separately as a dwelling;]

"election" means a parliamentary election [F7, an Authority election] or an election under the local government Act;

"election court" means—

(a) In relation to a parliamentary election petition, the judges presiding at the trial;

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(b) in relation to a petition questioning [F8 an Authority election or]an election under the local government Act, the court constituted under this Act for the trial of that petition;

"election petition" means a petition presented in pursuance of Part III of this Act; "elector" in relation to an election, means any person [F9who has for the time being an entry] on the register to be used at that election, but does not include those shown in the register [F10 (or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries)]as below voting age on the day fixed for the poll;

"legal incapacity" includes (in addition [F11, where applicable,]to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by this Act or any other Act;

[F12"legal process" means a claim form, application notice, writ, summons or other process;]

[F13" the list of proxies" has, in relation to any election, the meaning given by [F14] paragraph 5(3) of Schedule 4 to the Representation of the People Act 2000 or, as respects Northern Ireland, by section 7 of the Representation of the People Act 1985]

[F15" overseas elector's declaration" has the meaning given by section 2 of the Representation of the People Act 1985]

"parliamentary election petition" means an election petition questioning a parliamentary election or return;

[F16" the postal voters list" means—

- (a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 5(2) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post have been granted);
- (b) in relation to Northern Ireland, the list of persons kept in pursuance of section 7(4)(a) of the Representation of the People Act 1985 (persons whose applications to vote by post have been granted);

"the proxy postal voters list" means—

- (a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 7(8) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post as proxy have been granted);
- (b) in relation to Northern Ireland, the list of persons kept in pursuance of section 9(9) of the Representation of the People Act 1985 (persons whose applications to vote by post as proxy have been granted).]

"parliamentary elections rules" means the parliamentary elections rules in Schedule 1 to this Act;

"person" includes (without prejudice to the provisions of the MI Interpretation Act 1978) an association corporate or unincorporate;

"prescribed" except in Part III of this Act means prescribed by regulations; [F17" proper officer"—

- (a) in relation to the Greater London Authority, has the same meaning as in the 1999 Act (see section 424(2) of that Act);
- (b) except as provided by paragraph (a) above, in England and Wales means a proper officer within the meaning of section 270(3) and (4) of the M2Local Government Act 1972;]

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[F18 " qualifying address" shall be construed in accordance with section 9(8) above;]

 $[F^{19}$ " registered political party" means $[F^{20}]$ a party registered under Part II of the Political Parties, Elections and Referendums Act 2000; $[F^{20}]$

"service voter" means a person who has made a service declaration and is registered or entitled to be registered in pursuance of it;

F22

"sub-agent" has the meaning given by section 68(1) above;

[F23" universal postal service provider" means a universal service provider (within the meaning of the Postal Services Act 2000);

"voter" means a person voting at an election and includes a person voting as proxy and, except in the parliamentary elections rules, and the rules under section 36 and 42 above, a person voting by proxy, and "vote" (whether noun or verb) shall be construed accordingly, except that in those rules any reference to an elector voting or an elector's vote shall include a reference to an elector voting by proxy or an elector's vote given by proxy.

(2) For the purposes of the Repesentation of the People Acts a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.]]

Textual Amendments

- S. 202(1): definition of "absent voters list" repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74, 77, Sch. 1 para. 128(2), Sch. 2; S.I. 2006/3412, art. 3, Sch. 1 para. 14(aa)(bb)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F2 S. 202: definition of "anonymous entry" inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, Sch. 1 para. 13(2); S.I. 2006/3412, art. 3, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)
- F3 Definition of "Attorney General" in s. 202(1) repealed (30.9.1997) by 1997 c. 60, s. 3(2)(3), Sch.
- F4 Definition of "citizen of the Union" in s. 202(1) inserted (6.8.1995) by S.I. 1995/1948, regs. 1(2), 4(2)
 (a)
- F5 S. 202(1): definition of "disability" inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 76; S.I. 2006/3412, art. 3, Sch. 1 para. 14(w) (bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F6 S. 202(1): definition substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8 Sch. 1 para. 22(a); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F7 S. 202(1): words in definition of "election" inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 38(1)(2)(a) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F8 S. 202(1): words in definition of "election" in para. b inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 38(1)(2)(b) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F9 S. 202: words in definition of "elector" substituted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, Sch. 1 para. 13(3)(a); S.I. 2006/3412, art. 3, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)
- F10 S. 202: words in definition of "elector" inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, Sch. 1 para. 13(3)(b); S.I. 2006/3412, art. 3, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)

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- F11 S. 202: words in definition of "legal incapacity" inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 73(2), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(z) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F12 S. 202(1): definition of "legal process" inserted (16.2.2001) by 2000 c. 2, s. 138(1), Sch. 18 para. 9(6) (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)
- **F13** Definition of "the list of proxies" inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, Sch. 2 para. 3(b)
- **F14** S. 202(1): words in definition of "the list of proxies" substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 15, **Sch. 6 para. 9(b)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F15 Definition of "overseas elector's declaration" inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 4(5)
- F16 S. 202(1): definitions of "the postal voters list" and "the proxy postal voters list" inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, Sch. 1 para. 128(3); S.I. 2006/3412, art. 3, Sch. 1 para. 14(aa)(bb)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F17 S. 202(1): definition of "proper officer" substituted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 38(1)(2)(c) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- F18 S. 202(1): definition of "qualifying address" inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8, Sch. 1 para. 22(b); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F19 S. 202(1): definition of "registered political party" inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 38(1)(3) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2
- **F20** Words in s. 202(1) substituted (16.2.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(8)**; S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F21 Definition of "registration duties" repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 70 Sch. 5
- F22 S. 202(1): definitions of "standard scale" and "statutory maximum" repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV.
- F23 S. 202(1): definition inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 57(4)

Modifications etc. (not altering text)

- C1 S. 202 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C2 S. 202 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 8(1), Sch. 3 Table 2 (with reg. 10(4))
 S. 202 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9. Sch. 1 Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), Sch.)
- C3 S. 202 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), Sch. 1 S. 202 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2
 S. 202 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- C4 S. 202 applied (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), regs. 8, 11, 13, {Sch. 4 Table 1}
- C5 S. 202 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), reg. 8, {Sch. 4 para. 1 Table 1}
- C6 S. 202 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C7 S. 202(1) applied in part (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2
- C8 Definition in S. 202(1) applied (1.5.1999) by 1999 c. 1, S. 2 Sch. 1 (subst. 1978 c. 10, Sch. 2 at para 4(4)); S.I 1999/717 art. 2(1) with art. 2(2)(3)
- C9 Definition of "prescribed" is extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I
- C10 S. 202(2) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1

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S. 202(2) applied in part (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**

Marginal Citations

M1 1978 c. 30. **M2** 1972 c. 70.

203 Local government provisions as to England and Wales.

(1) In this Act, unless the context otherwise requires, in relation to England and Wales—

F24.....

[F25...Assembly constituency" has the same meaning as in the 1999 Act (see section 2(4) and (5) of that Act);]

[F25" Authority election" means—

- (a) any election of the Mayor of London;
- (b) any election of a constituency member of the London Assembly; or
- (c) the election of the London members of the London Assembly at an ordinary election;]

[F25" constituency member", in relation to the London Assembly, has the same meaning as in the 1999 Act;]

[F25ccelection of a constituency member of the London Assembly" means—

- (a) any such election at an ordinary election; or
- (b) an election under section 10 of the 1999 Act (election to fill a vacancy in an Assembly constituency);]

I^{F25}"election of the Mayor of London" means—

- (a) any such election at an ordinary election; or
- (b) an election under section 16 of the 1999 Act (election to fill a vacancy in the office of Mayor of London);]

[F26"electoral area" means

- (a) F27 any electoral division or ward or, in the case of a parish or community in which there are no wards, the parish or community, for which the election of councillors is held under the local government Act
- (b) [F28Greater London, in the case of—
 - (i) any election of the Mayor of London; or
 - (ii) the election of the London members of the London Assembly at an ordinary election;
- (c) any Assembly constituency for which the election of a constituency member of the London Assembly is held;]

"local authority" means [F29 the Greater London Authority,] a county council [F30 a county borough council,], F31 . . . a district council, a London borough council F32 . . . or a parish or community council;

"local government Act" means the M3Local Government Act 1972 F33 . . .;

"local government area" means [F34Greater London,]a county [F35county borough,], London borough F36..., district, parish or community;

"local government election" means

- (a) F37 the election of councillors for any electoral area [F38; or
- (b) any Authority election]

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 $[^{\text{F25}}\text{``London member''}, in relation to the London Assembly, has the same meaning as in the 1999 Act;]$

[F25" the 1999 Act" means the Greater London Authority Act 1999;]

- [F39(1A) In the application of this Act in relation to England and Wales, unless the context otherwise requires, any reference to—
 - (a) a local government election, or
 - (b) an election under the local government Act,

shall be taken to include a reference to an Authority election.

- F³⁹(1B) Any reference in this Act to a registered political party submitting a list of candidates to be London members of the London Assembly at an ordinary election shall be construed in accordance with section 4(5)(a) of, and Part II of Schedule 2 to, the 1999 Act; and related expressions shall be construed accordingly.]
- [F40(2) The following provisions of this Act, namely—
 - (a) Part I, so far as it has effect for the purposes of parliamentary elections, and
 - (b) Parts I to III, so far as they have effect for the purposes of Authority elections, shall (subject to any express provision contained in the Part or Parts in question) apply in relation to the City as if the City were a London borough and the Common Council were a London borough council.

For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.]

- (3) The modifications made by subsection (2) above do not affect section 52(4) above.
- (4) This Act applies in relation to the Isles of Scilly as if those isles were a county and as if the council of those isles were a county council, except that—
 - (a) [F41 the council shall appoint an officer of the council to be registration officer for the isles and] paragraph 1(1) of Schedule 2 F42... shall apply as if the isles were a district and the council were a district council;
 - (b) the provisions of Part I relating to the conduct of local government elections shall have effect in relation to those isles subject to such adaptations as the Secretary of State may by regulations prescribe.
- (5) For the purposes of section 265 of the M4Local Government Act 1972 (application to Isles of Scilly) the provisions of this Act as to rules made by the Secretary of State under section 36 above shall be deemed to be contained in a public general Act relating to local government.

Textual Amendments

- F24 Definition of "council" inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), Sch. 9 para. 1(10)(a) and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 13 Pt. I
- F25 S. 203(1): definitions inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 39(1)(2), with Sch. 12 para. 9(1); S.I. 1999/3376, art. 2
- **F26** Definition of "electoral area" substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 71(a)
- F27 S. 203(1) definition of "electoral area": "(a)" inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 39(1)(3); S.I. 1999/3376, art. 2

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- F28 S. 203(1): in definition of "electoral area" para. (b)(c) added (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 39(1)(3)' S.I. 1999/3376, art. 2
- F29 S. 203(1): words in definition of "local authority" inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 39(1)(4)(a); S.I. 1999/3376, art. 2
- **F30** Words in definition of "local authority" in s. 203(1) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(16)(a)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F31 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
- **F32** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(10)(b)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- **F33** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(10)(c)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F34 S. 203(1): words in definition of "local government area" inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 39(1)(4)(b); S.I. 1999/3376, art. 2
- F35 Words in definition of "local government area" in s. 203(1) inserted (20.3.1995) by 1994 c. 19, s. 66(6), Sch. 16 para. 68(16)(b) (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, Sch.
- F36 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), Sch. 9 para. 1(10)(d) and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 13 Pt. I
- F37 S. 203(1) definition of "local government area": "(a)" inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 39(4)(c); S.I. 1999/3376, art. 2
- F38 S. 203(1) definition of "local government area": para. (b) and preceding word inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 39(1)(4)(c); S.I. 1999/3376, art. 2
- F39 S. 203(1A)(1B) inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 para. 39(5); S.I. 1999/3376, art. 2
- **F40** S. 203(2) substituted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 39(6)**; S.I. 1999/3376, **art. 2**
- F41 Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 71(b)
- F42 Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 71(b), Sch. 5

Modifications etc. (not altering text)

- C11 S. 203 applied (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2
- C12 S. 203(1) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1 S. 203(1) applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, reg. 8(1), Sch. 3 Table 2, (with reg. 10(4))
 - S. 203(1) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8, {Sch. 3 Table 2}

Marginal Citations

- **M3** 1972 c. 70.
- **M4** 1972 c. 70.

Status:

Point in time view as at 01/01/2007.

Changes to legislation:

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