



Representation of the People Act 1985

1985 CHAPTER 50

Voting at parliamentary elections in the United Kingdom and local government elections in Great Britain

[^{F1}5 Manner of voting at parliamentary and local government elections.

- (1) This section applies to determine the manner of voting of a person entitled to vote as an elector at a parliamentary ^{F2} . . . election.
- (2) He may vote in person at the polling station allotted to him under the appropriate rules, unless he is entitled as an elector to an absent vote at the election.
- (3) He may vote by post if he is entitled as an elector to vote by post at the election.
- (4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the appropriate rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.
- (5) If he is not entitled as an elector to an absent vote at the election but cannot reasonably be expected to go in person to the polling station allotted to him under the appropriate rules by reason of the particular circumstances of his employment, either as a constable or by the returning officer, on the date of the poll for a purpose connected with the election, he may vote in person at any polling station in the constituency ^{F3} . . .

[Nothing in the preceding provisions of this section applies to—

- ^{F4}(5A) (a) a person to whom section 7 of the principal Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, or
- (b) a person to whom section 7A of that Act (persons remanded in custody) applies,

whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).]

Changes to legislation: Representation of the People Act 1985, Section 5 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

[Nothing in subsections (1) to (5) applies to a person who has an anonymous entry in ^{F5}(5AA) the register of parliamentary electors for the constituency; and such a person may only vote by post or by proxy (where entitled as an elector to vote by post or, as the case may be, by proxy at the election).]

[Subsection (2) above does not prevent a person, at the polling station allotted to ^{F6}(5B) him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.]

^{F6}(6) For the purposes of the provisions of this and the principal Act, a person entitled to vote as an elector at a parliamentary [^{F7}or local government] election is entitled as an elector to vote by post or entitled to vote by proxy at the election if he is shown in the absent voters list for the election as so entitled; and references in those provisions to entitlement as an elector to an absent vote at a parliamentary ^{F7}. . . election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

[In this section and sections 6 to 9 of this Act “ appropriate rules ” means the ^{F8}(7) parliamentary elections rules.]]

Textual Amendments

- F1** S. 5 repealed (E.W.S) (16.2.2001) by 2000 c. 2, s. 15, **Sch. 7 Pt. II**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)
- F2** Words in s. 5(1) repealed (16.2.2001) by 2000 c. 2, s. 15, **Sch. 6 para. 13(2)**, **Sch. 7 Pt. III**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)
- F3** Words in s. 5(5) repealed (16.2.2001) by 2000 c. 2, s. 15, **Sch. 6 para. 13(3)**, **Sch. 7 Pt. III**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)
- F4** S. 5(5A) inserted (16.2.2001) by 2000 c. 2, s. 15(1), **Sch. 6 para. 13(4)**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)
- F5** S. 5(5AA) inserted (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), **arts. 1(1), 5(2)**
- F6** S. 5(5B) inserted (1.7.2008) by Electoral Administration Act 2006 (c. 22), **ss. 38(4), 77**; S.I. 2008/1316, **arts. 2(3), 5(a)**
- F7** Words in s. 5(6) repealed (16.2.2001) by 2000 c. 2, s. 15, **Sch. 6 para. 13(5)**, **Sch. 7 Pt. III**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)
- F8** S. 5(7) substituted (16.2.2001) by 2000 c. 2, s. 15(1), **Sch. 6 para. 13(6)**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)

Modifications etc. (not altering text)

- C1** S. 5 applied by S.I. 1986/2250, **regs. 2, 3, 5**, **Sch. 1 Pt. III**
- C2** S. 5 applied (with modifications) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(5)-(8)**, **Sch. 1**
S. 5 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 3
S. 5 applied (with modifications) (25.4.1998) by S.I. 1998/1126, **art. 6(1)**, **Sch. 2**
S. 5 applied (with modifications) (19.3.1998) by S.I. 1998/746, **art. 12**, **Sch. 1 para. 13** Table 3
S. 5 applied (with modifications) (22.5.1998) by S.I. 1998/1287, **art. 3(1)(3)**, **Sch. 1**
S. 5 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(1)(2)**, **Sch. 1**)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(d)(e) inserted by [2012 c. 11 s. 2\(2\)\(b\)](#)
- s. 15(3ZA) inserted by [2012 c. 11 s. 2\(4\)](#)