

REPRESENTATION OF THE PEOPLE ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2: Registration: Overseas Electors

116. This Schedule replaces sections 1 to 3 of the Representation of the People Act 1985. Sections 1 and 2 provide for British citizens resident overseas to be entitled to be registered to vote in parliamentary elections as overseas electors for a period of 20 years after they have left the United Kingdom. Section 3 enables peers who are overseas to be registered for the purposes of European Parliamentary elections.
117. The replacement sections 1 to 3 largely replicate the existing provisions but take account of the fact that, with the introduction of "rolling" electoral registration, there will no longer be a single annual qualifying date for electoral registration.
118. *Paragraph 2* sets out the basic entitlement to vote as an overseas elector. A person must be a British citizen who qualifies as an overseas elector and is registered to vote in the relevant constituency.
119. To be qualified a person must meet one of two tests. The first is that he must be overseas but must have been on the electoral register as a resident within the last 20 years. The second is that he must be overseas and have lived in the United Kingdom within the last 20 years at an address in respect of which a parent or guardian was registered while he himself was too young to be on the electoral register.
120. *Paragraph 3* provides the means by which an overseas elector gets on the electoral register. It replaces section 2 of the Representation of the People Act 1985 with a new section which takes account of the abolition of the qualifying date.
121. Under the new section 2, an overseas elector must make an overseas elector's declaration which will last for 12 months unless it is cancelled or superseded.
122. New *sections 2(3) and (4)* set out the information which an overseas elector's declaration must contain.
123. The address in respect of which an overseas elector will be registered is the address at which he was previously registered or the address at which he was previously resident.
124. The purpose of *paragraph 4* is to replace the existing section 3 of the Representation of the People Act 1985 (registration of peers who are overseas for purposes of European Parliamentary elections) with a new section which takes account of the abolition of the qualifying date. In principle, peers who are overseas are treated in the same way as all other overseas citizens but with the necessary changes being made to reflect the fact that they could not previously have appeared on a register of parliamentary electors.