

# **REPRESENTATION OF THE PEOPLE ACT 2000**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 2: Disfranchisement of Offenders Detained in Mental Hospitals***

32. This section disfranchises those who are detained in mental institutions as a consequence of criminal activity. It inserts a new section to follow section 3 of the Representation of the People Act 1983.
33. *Subsection (1)* of the new section provides that a person who is detained (or who would be detained but for being unlawfully at large) under the enactments listed in the section may not vote in parliamentary or local government elections.
34. *Subsections (2)-(7)* list the enactments under which people may be detained in England and Wales, Scotland or Northern Ireland and which are covered by the new section. The enactments fall into two principal categories:
  - a) enactments under which the courts may make orders providing for the detention in hospital of people suffering from mental illness who have been convicted of a criminal offence or in respect of whom findings have been made that they did the act with which they were charged; and
  - b) enactments under which people serving sentences of imprisonment who are found to be suffering from mental illness may be transferred to hospital.