



Representation of the People Act 2000

2000 CHAPTER 2

PART I

ELECTORAL REGISTRATION AND FRANCHISE

Residence for purposes of registration

3 **Residence for purposes of registration: general**

For section 5 of the 1983 Act there shall be substituted—

“5 Residence: general

- (1) This section applies where the question whether a person is resident at a particular address on the relevant date for the purposes of section 4 above falls to be determined for the purposes of that section.
- (2) Regard shall be had, in particular, to the purpose and other circumstances, as well as to the fact, of his presence at, or absence from, the address on that date.

For example, where at a particular time a person is staying at any place otherwise than on a permanent basis, he may in all the circumstances be taken to be at that time—

- (a) resident there if he has no home elsewhere, or
 - (b) not resident there if he does have a home elsewhere.
- (3) For the purpose of determining whether a person is resident in a dwelling on the relevant date for the purposes of section 4 above, his residence in the dwelling shall not be taken to have been interrupted by reason of his absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him if—
 - (a) he intends to resume actual residence within six months of giving up such residence, and will not be prevented from doing so by the performance of that duty; or

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- (b) the dwelling serves as a permanent place of residence (whether for himself or for himself and other persons) and he would be in actual residence there but for his absence in the performance of that duty.
- (4) For the purposes of subsection (3) above any temporary period of unemployment shall be disregarded.
- (5) Subsection (3) above shall apply in relation to a person's absence by reason of his attendance on a course provided by an educational institution as it applies in relation to a person's absence in the performance of any duty such as is mentioned in that subsection.
- (6) Subject to sections 7 and 7A below, a person who is detained at any place in legal custody shall not, by reason of his presence there, be treated for the purposes of section 4 above as resident there."

4 Residence: patients in mental hospitals who are not detained offenders or on remand

For section 7 of the 1983 Act there shall be substituted—

"7 Residence: patients in mental hospitals who are not detained offenders or on remand

- (1) This section applies to a person who—
 - (a) is a patient in a mental hospital (whether or not he is liable to be detained there), but
 - (b) is not a person to whom section 3A above or section 7A below applies.
- (2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the mental hospital in question if the length of the period which he is likely to spend at the hospital is sufficient for him to be regarded as being resident there for the purposes of electoral registration.
- (3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—
 - (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
 - (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),
 whichever first occurs.
- (4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).
- (5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—
 - (a) by virtue of his residence at some place other than the mental hospital in which he is a patient, or

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(b) in pursuance of a declaration of local connection.

(6) In this section “mental hospital” means any establishment (or part of an establishment) maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder; and for this purpose “mental disorder” —

(a) in relation to England or Wales, has the same meaning as in the Mental Health Act 1983,

(b) in relation to Scotland, has the same meaning as in the Mental Health (Scotland) Act 1984, and

(c) in relation to Northern Ireland, has the same meaning as in the Mental Health (Northern Ireland) Order 1986.”

5 Residence: persons remanded in custody etc

After section 7 of the 1983 Act (as substituted by section 4 above) there shall be inserted—

“7A Residence: persons remanded in custody etc

(1) This section applies to a person who is detained at any place pursuant to a relevant order or direction and is so detained otherwise than after—

(a) being convicted of any offence, or

(b) a finding in criminal proceedings that he did the act or made the omission charged.

(2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the place at which he is detained if the length of the period which he is likely to spend at that place is sufficient for him to be regarded as being resident there for the purposes of electoral registration.

(3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—

(a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or

(b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),

whichever first occurs.

(4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person’s entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).

(5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—

(a) by virtue of his residence at some place other than the place at which he is detained, or

(b) in pursuance of a declaration of local connection.

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- (6) In this section “a relevant order or direction” means—
- (a) a remand or committal in custody;
 - (b) a remand to a hospital under section 35 or 36 of the Mental Health Act 1983 or Article 42 or 43 of the Mental Health (Northern Ireland) Order 1986;
 - (c) a direction for removal to a hospital under section 48 of that Act or Article 54 of that Order;
 - (d) a committal to a hospital under section 52 of the Criminal Procedure (Scotland) Act 1995; or
 - (e) a transfer order under section 70 of the Mental Health (Scotland) Act 1984 or a transfer direction under section 71 of that Act made in respect of a person to whom that section applies by virtue of subsection (2)(c) of that section.”

6 Notional residence: declarations of local connection

After section 7A of the 1983 Act (as inserted by section 5 above) there shall be inserted—

“7B Notional residence: declarations of local connection

- (1) A declaration under this section (“a declaration of local connection”)—
 - (a) may be made only by a person to whom this section applies, but
 - (b) may be made by such a person despite the fact that by reason of his age he is not entitled to vote.
- (2) This section applies to any person who on the date when he makes such a declaration is—
 - (a) a person to whom section 7 above applies and who would not be entitled to be registered by virtue of residence at any place other than the mental hospital (within the meaning of that section) at which he is a patient, or
 - (b) a person to whom section 7A applies and who would not be entitled to be registered by virtue of residence at any place other than the place at which he is detained as mentioned in subsection (1) of that section, or
 - (c) a person who does not fall within paragraph (a) or (b) above (and is not otherwise in legal custody) and who is not, for the purposes of section 4 above, resident at any address in the United Kingdom (a “homeless person”).
- (3) A declaration of local connection shall state—
 - (a) the name of the declarant and either—
 - (i) an address to which correspondence for him from either the registration officer concerned or the returning officer can be delivered, or
 - (ii) that he is willing to collect such correspondence periodically from the registration officer’s office;
 - (b) the date of the declaration;
 - (c) that on the date of the declaration the declarant falls into one of the categories of persons to whom this section applies, specifying—

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- (i) the category in question, and
 - (ii) (in the case of a person falling within subsection (2)(a) or (b) above) the name and address of the mental hospital at which he is a patient or (as the case may be) of the place at which he is detained;
 - (d) the required address (as defined by subsection (4) below);
 - (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland or (if the declaration is made for the purposes only of local government elections) a relevant citizen of the Union;
 - (f) whether the declarant has on the date of the declaration attained the age of 18 years, and, if he has not, the date of his birth.
- (4) For the purposes of this section “the required address” is—
- (a) in the case of a person falling within subsection (2)(a) or (b) above—
 - (i) the address in the United Kingdom where he would be residing if he were not such a patient, or detained, as mentioned in that provision, or
 - (ii) if he cannot give such an address, an address in the United Kingdom at which he has resided;
 - (b) in the case of a homeless person, the address of, or which is nearest to, a place in the United Kingdom where he commonly spends a substantial part of his time (whether during the day or at night).
- (5) Where a declaration of local connection is made for the purposes of registration in Northern Ireland, the declaration must state that the declarant has been in Northern Ireland during the whole of the period of three months ending on the date of the declaration.
- (6) Where a declaration of local connection made by a homeless person is delivered to the registration officer concerned during the period—
- (a) beginning with the date when a vacancy occurs—
 - (i) in the seat for the parliamentary constituency within which the required address falls, or
 - (ii) in the seat for any Scottish Parliament constituency or National Assembly for Wales constituency within which it falls, and
 - (b) ending on the final nomination day (within the meaning of section 13B below) for the parliamentary by-election, or (as the case may be) the election under section 9 of the Scotland Act 1998 or section 8 of the Government of Wales Act 1998, held in respect of that vacancy,
- the declaration must state that, during the period of three months ending on the date of the declaration, the declarant has commonly been spending a substantial part of his time (whether during the day or at night) at, or near, the required address.
- (7) No declaration of local connection shall be specially made by a person for the purposes of local government elections, and any such declaration made for the purposes of parliamentary elections shall have effect also for the purposes of local government elections; but—
- (a) a declaration of local connection may be made for the purposes only of local government elections by a person who is as a peer subject to

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- a legal incapacity to vote at parliamentary elections or by a relevant citizen of the Union; and
- (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other declarations of local connection.
- (8) If a person—
- (a) makes a declaration of local connection stating more than one address under subsection (3)(d) above, or
- (b) makes more than one declaration of local connection bearing the same date and stating different addresses under that provision,
- the declaration or declarations shall be void.
- (9) A declaration of local connection may be cancelled at any time by the declarant.
- (10) A declaration of local connection shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.

7C Effect of declaration of local connection

- (1) Where a person's declaration of local connection is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—
- (a) resident on the date of the declaration at the address stated in it in accordance with section 7B(3)(d) above; and
- (b) for the purposes of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of three months ending with that date.
- (2) A person registered in a register of electors in pursuance of a declaration of local connection is entitled to remain so registered until—
- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
- (b) the declaration is cancelled under section 7B(9) above, or
- (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a declaration of local connection),
- whichever first occurs.
- (3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further declaration of local connection.
- (4) This section shall not be taken as precluding the registration of a person falling within section 7B(2)(a) or (b) above in pursuance of an application made by virtue of section 7(2) or 7A(2) above.”