



Elections Act 2022

2022 CHAPTER 37

PART 2

OVERSEAS ELECTORS AND EU CITIZENS

Overseas electors

14 Extension of franchise for parliamentary elections: British citizens overseas

(1) For sections 1 and 2 of the Representation of the People Act 1985 substitute—

“1 Extension of parliamentary franchise

(1) A person is entitled to vote as an elector at a parliamentary election in a constituency if—

- (a) on the declaration date, the person—
 - (i) qualifies as an overseas elector in respect of that constituency (see section 1A),
 - (ii) is not subject to any legal incapacity to vote (age apart), and
 - (iii) is a British citizen, and
- (b) on the date of the poll, the person—
 - (i) is not subject to any legal incapacity to vote,
 - (ii) is a British citizen, and
 - (iii) is registered in a register of parliamentary electors for that constituency.

(2) In this section, “the declaration date” means—

- (a) the date on which the person makes a declaration under and in accordance with [section 1C](#) (overseas elector’s declaration), or
- (b) where the person makes a declaration under and in accordance with [section 1E](#) (renewal declaration), the date on which the person makes the declaration.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Elections Act 2022, Part 2. (See end of Document for details)

1A Qualification as an overseas elector in respect of a constituency

- (1) For the purposes of this Act and the principal Act, a person qualifies as an overseas elector in respect of a constituency on the declaration date if—
 - (a) on that date the person is not resident in the United Kingdom, and
 - (b) the person satisfies the previous registration condition or the previous residence condition.
- (2) A person satisfies the previous registration condition if—
 - (a) the person has at some time in the past been entered in an electoral register in respect of an address at a place that is situated within the constituency, and
 - (b) subsequent to that entry ceasing to have effect, the person has not been included in any electoral register (whether in respect of the address mentioned in paragraph (a) or any other address).
- (3) A person satisfies the previous residence condition if—
 - (a) the person has at some time in the past been resident in the United Kingdom,
 - (b) on the last day on which the person was resident in the United Kingdom, the person—
 - (i) was resident at an address at a place that is situated within the constituency, or
 - (ii) was not so resident but could have made a declaration under section 7B of the principal Act (a “declaration of local connection”) in respect of such an address, and
 - (c) subject to [section 1B\(4\)](#), the person has not at any time been included in any electoral register (whether in respect of the address mentioned in [paragraph \(b\)](#) or any other address).
- (4) For the purposes of [subsection \(3\)\(b\)\(ii\)](#), it is to be assumed that section 7B of the principal Act was in force on the last day on which the person was resident in the United Kingdom.
- (5) In this section—

“declaration date” has the same meaning as in [section 1](#);

“electoral register” means—

 - (a) a register of parliamentary electors, or
 - (b) a register of local government electors (including a register of electors prepared for the purposes of local elections (within the meaning of the Electoral Law Act (Northern Ireland) 1962)).

1B British citizens overseas: entitlement to be registered

- (1) A person is entitled to be registered in a register of parliamentary electors in pursuance of a declaration made by the person under and in accordance with [section 1C](#) (an “overseas elector’s declaration”) if the following two conditions are satisfied.

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- (2) The first condition is that the register is for the constituency or part of the constituency within which is situated the place of the address specified in the declaration by virtue of—
 - (a) [section 1C\(2\)\(a\)](#) (where the person is seeking to be registered in reliance on the previous registration condition), or
 - (b) [section 1C\(3\)\(a\)](#) or (4) (where the person is seeking to be registered in reliance on the previous residence condition).
- (3) The second condition is that the registration officer concerned is satisfied that, on the date on which the person makes the declaration, the person qualifies as an overseas elector in respect of the constituency.
- (4) Where—
 - (a) a person applies to be registered in a register of parliamentary electors in reliance on the previous residence condition, and
 - (b) the registration officer concerned considers that insufficient evidence is available for the purpose of determining whether the person has at any time been included in any electoral register (within the meaning of [section 1A](#)),the officer may disregard [section 1A\(3\)\(c\)](#) in determining whether the person satisfies the previous residence condition.
- (5) An overseas elector's declaration made by a person is of no effect unless received by the registration officer concerned within the period of 3 months beginning with the date on which the person makes the declaration.
- (6) For the purposes of [section 1A](#), where a person is registered in a register of parliamentary electors for a constituency or part of a constituency in pursuance of an overseas elector's declaration, it is to be conclusively presumed that the person was not resident in the United Kingdom on the date on which the person made the declaration.
- (7) See also sections 10ZC and 10A of the principal Act, which (among other things) contain provision about the making of applications for registration.

1C Overseas elector's declaration

- (1) An overseas elector's declaration must—
 - (a) give the full name of the person making the declaration ("the declarant"),
 - (b) state the date of the declaration,
 - (c) state that the declarant is a British citizen,
 - (d) state that the declarant is not resident in the United Kingdom on the date of the declaration,
 - (e) state whether the declarant is seeking to be registered in reliance on the previous registration condition or the previous residence condition,
 - (f) contain any other prescribed information and satisfy any other prescribed requirements (which may include requirements for the declaration to be attested), and
 - (g) state that the declarant believes the matters stated in the declaration to be true.

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Changes to legislation: There are currently no known outstanding effects for the Elections Act 2022, Part 2. (See end of Document for details)

- (2) Where the declarant is seeking to be registered in reliance on the previous registration condition, the declaration must also—
 - (a) specify—
 - (i) the address in the United Kingdom in respect of which the declarant was included in an electoral register, and
 - (ii) when the declarant was last included in such a register in respect of that address, and
 - (b) state that since the declarant's entry in that register in respect of that address ceased to have effect, the declarant has not been included in any electoral register (whether in respect of that or any other address).
- (3) Where the declarant is seeking to be registered in reliance on the previous residence condition by virtue of [section 1A\(3\)\(b\)\(i\)](#), the declaration must also—
 - (a) specify—
 - (i) the address in the United Kingdom at which the declarant was resident, and
 - (ii) when the declarant was last resident at that address, and
 - (b) state that since being resident at that address, the declarant has not been resident at any other address in the United Kingdom.
- (4) Where the declarant is seeking to be registered in reliance on the previous residence condition by virtue of [section 1A\(3\)\(b\)\(ii\)](#), the declaration must also specify an address in respect of which the declarant could have made a declaration of local connection on the last day on which the declarant was resident in the United Kingdom.
- (5) An overseas elector's declaration that specifies an address in Northern Ireland under [subsection \(2\)\(a\)](#), [\(3\)\(a\)](#) or [\(4\)](#) may, instead of or in addition to including a statement under [subsection \(1\)\(c\)](#), state that the declarant is an Irish citizen who—
 - (a) was born in Northern Ireland, and
 - (b) qualifies as a British citizen (whether or not the declarant identifies as such).
- (6) If the declarant—
 - (a) makes an overseas elector's declaration that specifies more than one address under [subsection \(2\)\(a\)](#), [\(3\)\(a\)](#) or [\(4\)](#), or
 - (b) makes two or more overseas elector's declarations that bear the same date and specify different addresses in the United Kingdom under [subsection \(2\)\(a\)](#), [\(3\)\(a\)](#) or [\(4\)](#),the declaration or declarations are void.
- (7) The declarant may at any time cancel an overseas elector's declaration made by the declarant.
- (8) In this section—

“electoral register” has the same meaning as in [section 1A](#);

“registered” means registered in a register of parliamentary electors.

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- (9) A person found abandoned in Northern Ireland as a new-born infant is, unless the contrary is shown, deemed for the purposes of [subsection \(5\)](#) to have been born in Northern Ireland.

1D Duration of entitlement to be registered

- (1) Where a person is registered in a register of parliamentary electors in pursuance of an overseas elector's declaration, the person is entitled to remain so registered until—
- (a) the third 1 November following the date when the person's entry on the register first takes effect (subject to any extension under [subsections \(2\) and \(3\)](#)), or
 - (b) if sooner, the occurrence of an event mentioned in [subsection \(4\)](#).
- (2) [Subsection \(3\)](#) applies if—
- (a) at any time during the 6 months ending with the last day of the initial registration period or of any further registration period, the registration officer concerned receives a declaration made by the person under and in accordance with [section 1E](#) (a "renewal declaration"), and
 - (b) the registration officer is satisfied that, on the date on which the person makes the renewal declaration, the person is entitled to remain registered in the register in pursuance of the overseas elector's declaration.
- (3) The person is entitled to remain registered in the register in pursuance of the overseas elector's declaration until—
- (a) the third 1 November following the day after the last day of the initial registration period or of the further registration period in question (subject to any further extension), or
 - (b) if sooner, the occurrence of an event specified in [subsection \(4\)](#).
- (4) The events referred to in [subsections \(1\)\(b\) and \(3\)\(b\)](#) are—
- (a) the registration officer determines in accordance with regulations that the person was not entitled to be registered or to remain registered (as the case may be);
 - (b) the registration officer determines in accordance with regulations—
 - (i) that the person was registered as the result of an application under section 10ZC or 10A(1) of the principal Act made by some other person, or
 - (ii) that the person's entry has been altered as the result of an application under section 10ZD or 10A(4) of that Act made by some other person;
 - (c) the overseas elector's declaration is cancelled (see [section 1C\(7\)](#));
 - (d) another entry made in respect of the person in any electoral register takes effect (in the case of a register of parliamentary electors, whether or not in pursuance of an overseas elector's declaration).
- (5) A renewal declaration made by a person is of no effect unless received by the registration officer concerned within the period of 3 months beginning with the date on which the person makes the declaration.

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- (6) In this section—
- “electoral register” has the same meaning as in [section 1A](#);
 - “initial registration period” means the period for which the person is entitled by virtue of [subsection \(1\)\(a\)](#) to remain registered;
 - “further registration period” means a period for which the person is entitled by virtue of [subsection \(3\)\(a\)](#) to remain registered.
- (7) Where a person is entitled to remain registered in a register of parliamentary electors for a constituency or part of a constituency by virtue of subsections (2) and (3), it is to be conclusively presumed for the purposes of [section 1A](#) that the person was not resident in the United Kingdom on the date on which the person made the renewal declaration in question.
- (8) Where a person’s entitlement to remain registered in a register of parliamentary electors terminates by virtue of [subsection \(1\)](#) or (3), the registration officer concerned must remove the person’s entry from the register.

1E Renewal declaration

- (1) A renewal declaration must—
- (a) give the full name and date of birth of the person making the declaration (“the declarant”),
 - (b) state the date of the declaration,
 - (c) state that the declarant is a British citizen,
 - (d) state that the declarant is not resident in the United Kingdom on the date of the declaration,
 - (e) contain any other prescribed information and satisfy any other prescribed requirements, and
 - (f) state that the declarant believes the matters stated in the declaration to be true.
- (2) A renewal declaration must also—
- (a) specify the address in respect of which the declarant is registered, and
 - (b) state that since the declarant was registered in respect of that address, no other entry has been made in respect of the declarant in any electoral register (whether in respect of the address mentioned in [paragraph \(a\)](#) or any other address).
- (3) A renewal declaration that specifies an address in Northern Ireland under [subsection \(2\)\(a\)](#) may, instead of or in addition to the statement under [subsection \(1\)\(c\)](#), state that the declarant is an Irish citizen who—
- (a) was born in Northern Ireland, and
 - (b) qualifies as a British citizen (whether or not the declarant identifies as such),
- (and [section 1C\(9\)](#) applies as it applies for the purposes of [section 1C\(5\)](#)).
- (4) If the declarant—
- (a) makes a renewal declaration that specifies more than one address under [subsection \(2\)\(a\)](#), or

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(b) makes two or more renewal declarations that bear the same date and specify different addresses under [subsection \(2\)\(a\)](#),
the declaration or declarations are void.

(5) In this section—

“electoral register” has the same meaning as in [section 1A](#);

“registered” means registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration.”

(2) [Schedule 7](#) contains amendments and transitional provision relating to this section.

Commencement Information

I1 S. 14 not in force at Royal Assent, see [s. 67\(1\)](#)

I2 [S. 14\(1\)](#) in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(b\)\(i\)](#)

I3 [S. 14\(2\)](#) in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(b\)\(ii\)](#)

PROSPECTIVE

Voting and candidacy rights of EU citizens

15 Voting and candidacy rights of EU citizens

[Schedule 8](#) makes provision about voting and candidacy rights of EU citizens in relation to local elections in England and certain other elections.

Commencement Information

I4 S. 15 not in force at Royal Assent, see [s. 67\(1\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Elections Act 2022, Part 2.