

SCHEDULES

SCHEDULE 4

Section 6

PROXY VOTING: LIMITS AND TRANSITIONAL PROVISION

Representation of the People Act 1983

- 1 RPA 1983 is amended as follows.
- 2 (1) Section 61 (other voting offences) is amended as follows.
 - (2) After subsection (1) insert—
 - “(1A) A person (“P”) is guilty of an offence if P applies for the appointment of a proxy to vote for P—
 - (a) at a parliamentary election, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at parliamentary elections, for four or more other electors;
 - (b) at a parliamentary election where—
 - (i) P is or will be registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at parliamentary elections, for two or more other electors none of whom is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration;
 - (c) at a local government election in England, where P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local government elections in England, for four or more other electors;
 - (d) at a local government election in England where—
 - (i) P is or will be registered in a register of local government electors in England otherwise than in pursuance of a service declaration, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at that election, or at local government elections in England, for two or more other electors none of whom is registered in a register of local government electors in England in pursuance of a service declaration;
 - (e) at parliamentary elections, where P knows that the person to be appointed is already appointed as proxy to vote at a parliamentary election, or at parliamentary elections, for four or more other electors;
 - (f) at parliamentary elections where—

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- (i) P is or will be registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote at a parliamentary election, or at parliamentary elections, for two or more other electors none of whom is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration;
 - (g) at local government elections in England, where P knows that the person to be appointed is already appointed as proxy to vote at a local government election in England, or at local government elections in England, for four or more other electors;
 - (h) at local government elections in England, where—
 - (i) P is or will be registered in a register of local government electors in England otherwise than in pursuance of a service declaration, and
 - (ii) P knows that the person to be appointed is already appointed as proxy to vote, at a local government election in England, or at local government elections in England, for two or more other electors none of whom is registered in a register of local government electors in England in pursuance of a service declaration.”
- (3) After subsection (3A) insert—
- “(3B) A person (“P”) is also guilty of an offence if P votes as proxy—
- (a) for more than four electors—
 - (i) at a parliamentary election;
 - (ii) where the polls for two or more parliamentary elections are held on the same day, at those elections taken together;
 - (iii) at a local government election in England;
 - (iv) where the polls for two or more local government elections in England are held on the same day, at those elections taken together;
 - (b) for more than two electors—
 - (i) at a parliamentary election, or
 - (ii) where the polls for two or more parliamentary elections are held on the same day, at those elections taken together,
 where P knows that more than two of those electors are registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration;
 - (c) for more than two electors—
 - (i) at a local government election in England, or
 - (ii) where the polls for two or more local government elections in England are held on the same day, at those elections taken together,
 where P knows that more than two of those electors are registered in a register of local government electors otherwise than in pursuance of a service declaration.”

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- (4) In subsection (4)—
 - (a) omit “at a parliamentary election in any constituency or”;
 - (b) after “any electoral area” insert “in Wales or Scotland”.
- (5) In subsection (6), after “subsection” insert “(3B) or”.
- 3 In section 202 (general provisions as to interpretation), in subsection (1), after the definition of “registered political party” insert—
 - ““service declaration” means a declaration made by a person under and in accordance with section 15;”.
- 4 (1) Rule 35 of Schedule 1 (questions to be put to voters) is amended as follows.
 - (2) In paragraph (1)—
 - (a) omit “and” at the end of sub-paragraph (a);
 - (b) insert “and” at the end of sub-paragraph (b);
 - (c) after sub-paragraph (b) insert—
 - “(c) must be put if—
 - (i) the person has answered the previous question in the manner indicated, and
 - (ii) the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.”.
 - (3) The table following paragraph (1) is amended in accordance with sub-paragraphs (4) to (6).
 - (4) In entry 2, in the column headed “Questions”, for question (c) substitute—

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- (c) ““Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of four or more electors?” [R]
 - (d) If the person answers question (c) in the negative: “Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of two or more electors?” [R]
 - (e) If the person answers question (d) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?” [R]
 - (f) If the person answers question (e) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?” [R]
 - (g) At an election held in Northern Ireland, “What is your date of birth?”.
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- (5) In entry 3, in the column headed “Questions”, for question (c) substitute—
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- (c) ““Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of four or more electors?” [R]
- (d) If the person answers question (c) in the negative: “Have you already voted as proxy at this election, whether here or elsewhere in this constituency or in any other constituency, on behalf of two or more electors?” [R]
- (e) If the person answers question (d) in the affirmative: “Were two or more of the electors on whose behalf you have voted in this election registered in a register of

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parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?” [R]

- (f) If the person answers question (e) in the affirmative: “Is the elector (or are the electors) for whom you are voting today registered in a register of parliamentary electors otherwise than in pursuance of an overseas elector’s declaration or a service declaration?” [R]”.

(6) Omit entry 4.

(7) In paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.

- 5 In Schedule 2 (provisions which may be contained in regulations as to registration etc), after paragraph 5B insert—

“5C (1) Provision as to the steps that the Chief Electoral Officer for Northern Ireland must take, before appointing a person as proxy to vote for another, to ensure that the appointment complies with section 8(2A) of the Representation of the People Act 1985.

(2) Provision under sub-paragraph (1) may require a registration officer in Great Britain to provide information about whether the person has or will have an entry in a register of parliamentary electors maintained by the officer.”

Representation of the People Act 1985

- 6 (1) Section 8 of the Representation of the People Act 1985 (proxies at parliamentary elections in Northern Ireland) is amended as follows.

(2) After subsection (2) insert—

“(2A) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election unless the person is or will be registered in a register of parliamentary electors in Great Britain or Northern Ireland.”

(3) In subsection (3)—

- (a) omit the “or” at the end of paragraph (a);
 (b) omit paragraph (b).

(4) For subsection (5) substitute—

“(5) A person—

- (a) is not entitled to vote as proxy at a parliamentary election on behalf of more than two electors who do not fall within subsection (5A), but
 (b) subject to paragraph (a), is entitled to vote as proxy at a parliamentary election on behalf of up to four electors.

(5A) An elector falls within this subsection if the elector is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration.

(5B) Where the polls for two or more parliamentary elections are held on the same day, references in subsection (5A) to a parliamentary election are to all of those elections taken together.”

(5) After subsection (7) insert—

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“(7A) The requirements prescribed under subsections (6) and (7) must include a requirement for an application to contain the proxy’s date of birth.”

Representation of the People Act 2000

7 (1) Paragraph 6 of Schedule 4 to the Representation of the People Act 2000 (proxies at parliamentary elections and local government elections in Great Britain) is amended as follows.

(2) After sub-paragraph (5B) insert—

“(5C) A person—

- (a) is not entitled to vote as proxy at a parliamentary election, or at a local government election in England, on behalf of more than two electors who do not fall within sub-paragraph (5D), but
- (b) subject to paragraph (a), is entitled to vote as proxy at any such election on behalf of up to four electors.

(5D) An elector falls within this sub-paragraph—

- (a) in relation to a parliamentary election, if the elector is registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration or a service declaration;
- (b) in relation to a local government election in England, if the elector is registered in a register of local government electors in England in pursuance of a service declaration.

(5E) Where the polls for two or more parliamentary elections are held on the same day, references in sub-paragraph (5C) to a parliamentary election are to all of those elections taken together.

(5F) Where the polls for two or more local government elections in England are held on the same day, references in sub-paragraph (5C) to a local government election in England are to all of those elections taken together.”

(3) In sub-paragraph (6)—

- (a) omit paragraph (a);
- (b) in paragraph (b), after “electoral area” insert “in Wales or Scotland”.

Termination of certain proxy appointments on the specified day

8 (1) This paragraph applies where—

- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which [paragraph 2\(2\)](#) comes into force, and
- (b) the appointment has effect immediately before the specified day in relation to—
 - (i) parliamentary elections in England and Wales or Scotland or local government elections in England (or both), or
 - (ii) a particular parliamentary election in England and Wales or Scotland or local government election in England.

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- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).
- (3) The registration officer must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the registration officer must alter the relevant absent voters' records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) Where the specified day is 31 January in a particular year, [sub-paragraph \(6\)](#) applies in relation to a person who—
- (a) is entitled (before that day) to vote by proxy by means of the proxy appointment, and
 - (b) falls within the category of persons in relation to whom the requirement to send a regulation 60A notice by that day applies.
- (6) The requirement to send the person a regulation 60A notice by the specified day does not apply, unless—
- (a) the person has an entitlement (or entitlements) due to continue beyond that day—
 - (i) to vote by proxy at local government elections in Scotland or Wales,
 - (ii) to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland or at local government elections in England (or both), or
 - (iii) to vote by post (whether as elector or proxy) at local government elections in Scotland or Wales, and
 - (b) regulation 60A applies in relation to that entitlement (or those entitlements).
- (7) Nothing in [sub-paragraph \(2\)](#) affects the proxy appointment so far as it also relates to any election or elections other than those mentioned in [sub-paragraph \(1\)\(b\)](#).
- (8) In this paragraph—
- “proxy appointment” means an appointment of a person to vote as proxy for another person;
- “registration officer” has the meaning given by section 8(1) of RPA 1983;
- “regulation 60A” means regulation 60A (requirement to provide fresh signatures) of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)) or the Representation of the People (Scotland) Regulations 2001 ([S.I. 2001/497](#)) ([S. 2](#));
- “regulation 60A notice” means a notice under regulation 60A;
- “relevant absent voters' records” means the records kept under paragraphs 3(4), 4(6) and 7(6) and (8) of Schedule 4 to RPA 2000;
- “RPA 2000” means the Representation of the People Act 2000;
- “specified” means specified by the Secretary of State in regulations made by statutory instrument.

- 9 (1) This paragraph applies where—

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- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of this Schedule come into force, and
 - (b) the appointment has effect immediately before the specified day in relation to—
 - (i) parliamentary elections in Northern Ireland, or
 - (ii) a particular parliamentary election in Northern Ireland.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).
- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
- (6) In this paragraph—
- “proxy appointment” means an appointment of a person to vote as proxy for another person;
 - “relevant absent voters’ records” means the records kept under sections 6(3) and 9(6) and any lists under sections 7(4) and 9(9) of RPA 1985 which have not been published under regulation 66(3) of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741);
 - “relevant provisions of this Schedule” means paragraphs [2\(2\)](#) and [6\(2\)](#);
 - “RPA 1985” means the Representation of the People Act 1985;
 - “specified” means specified by the Secretary of State in regulations made by statutory instrument.

Termination of applications for certain proxy appointments on the specified day

- 10 (1) An application for a proxy appointment that is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”) is to be treated as not having been made so far as the application relates to—
- (a) parliamentary elections in England and Wales or Scotland or local government elections in England (or both), or
 - (b) a particular parliamentary election in England and Wales or Scotland or local government election in England.
- (2) The registration officer must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(1\)](#) information about how to make a fresh application to vote by proxy.

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- (3) [Sub-paragraph \(1\)](#) does not apply where the application was made on or after the day on which [paragraph 2\(2\)](#) comes into force.
 - (4) Expressions used in [this paragraph](#) and in [paragraph 8](#) have the same meaning as in that paragraph.
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- (1) An application for a proxy appointment that is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”) is to be treated as not having been made so far as the application relates to—
 - (a) parliamentary elections in Northern Ireland, or
 - (b) a particular parliamentary election in Northern Ireland.
 - (2) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(1\)](#) information about how to make a fresh application to vote by proxy.
 - (3) [Sub-paragraph \(1\)](#) does not apply where the application was made on or after the day on which the relevant provisions come into force.
 - (4) More than one day may be specified for the purposes of this paragraph if the relevant provisions of this Schedule come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of this Schedule are to be construed accordingly).
 - (5) Expressions used in [this paragraph](#) and in [paragraph 9](#) have the same meaning as in that paragraph.