

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Elections Act 2022, Schedule 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 14

OVERSEAS ELECTORS

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Representation of the People Act 1983

1 RPA 1983 is amended as follows.

Commencement Information

- I1** Sch. 7 para. 1 not in force at Royal Assent, see [s. 67\(1\)](#)
I2 [Sch. 7 para. 1](#) in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(c\)\(i\)](#)

2 In section 4 (entitlement to be registered as parliamentary or local government elector), in subsection (4)(b), for “section 2(1)” substitute “[section 1B\(1\)](#)”.

Commencement Information

- I3** Sch. 7 para. 2 not in force at Royal Assent, see [s. 67\(1\)](#)

3 In section 202(1) (general provisions as to interpretation), for the definition of “overseas elector’s declaration” substitute—
““overseas elector’s declaration” means a declaration made under and in accordance with [section 1C](#) of the Representation of the People Act 1985;”.

Commencement Information

- I4** Sch. 7 para. 3 not in force at Royal Assent, see [s. 67\(1\)](#)

4 (1) [Schedule 2](#) (provisions which may be contained in regulations as to registration etc) is amended as follows.

(2) After paragraph 3ZA insert—

“3ZB (1) Provision about renewal declarations (within the meaning given by [section 1D\(2\)](#) of the Representation of the People Act 1985), including in particular provision about their form and contents.

(2) Provision made under sub-paragraph (1) may include provision conferring functions on the Electoral Commission.”

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(3) In paragraph 4, after sub-paragraph (2) insert—

“(3) Provision as to the manner in which renewal declarations (within the meaning given by [section 1D\(2\)](#) of the Representation of the People Act 1985) are to be transmitted to the registration officer.”

(4) In paragraph 5, after sub-paragraph (1A) insert—

“(1AA) The provision that may be made under sub-paragraph (1A) includes provision authorising a registration officer, despite provision contained in regulations made by virtue of that sub-paragraph—

- (a) to require such other kind of evidence as the officer considers appropriate, or
- (b) to deem such other kind of evidence as the officer considers appropriate to be sufficient or conclusive evidence.”

Commencement Information

- I2** [Sch. 7 para. 1](#) in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(c\)\(i\)](#)
- I5** [Sch. 7 para. 4](#) not in force at Royal Assent, see [s. 67\(1\)](#)
- I6** [Sch. 7 para. 4](#) in force at 6.2.2023 by [S.I. 2023/115](#), [reg. 2\(c\)\(ii\)](#)

Commencement Information

- I1** [Sch. 7 para. 1](#) not in force at Royal Assent, see [s. 67\(1\)](#)
- I2** [Sch. 7 para. 1](#) in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(c\)\(i\)](#)
- I3** [Sch. 7 para. 2](#) not in force at Royal Assent, see [s. 67\(1\)](#)
- I4** [Sch. 7 para. 3](#) not in force at Royal Assent, see [s. 67\(1\)](#)
- I5** [Sch. 7 para. 4](#) not in force at Royal Assent, see [s. 67\(1\)](#)
- I6** [Sch. 7 para. 4](#) in force at 6.2.2023 by [S.I. 2023/115](#), [reg. 2\(c\)\(ii\)](#)

PROSPECTIVE

Representation of the People Act 1985

- 5 In section 12 of the Representation of the People Act 1985 (offences as to declarations)—
 - (a) in subsection (1), for “an overseas elector’s declaration”, in both places, substitute “a relevant declaration”;
 - (b) after subsection (1) insert—
 - “(1A) In subsection (1) “relevant declaration” means—
 - (a) an overseas elector’s declaration;
 - (b) a renewal declaration (within the meaning given by [section 1D\(2\)](#)).”

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Commencement Information

I7 Sch. 7 para. 5 not in force at Royal Assent, see [s. 67\(1\)](#)

PROSPECTIVE

Finance Act 1996

6 In section 200 of the Finance Act 1996 (domicile for tax purposes of overseas electors), in subsection (3)(a), for “section 1(1)(a)” substitute “section 1(2)(a)”.

Commencement Information

I8 Sch. 7 para. 6 not in force at Royal Assent, see [s. 67\(1\)](#)

PROSPECTIVE

Income Tax Act 2007

7 In section 835B of the Income Tax Act 2007 (domicile for income tax purposes of overseas electors), in subsection (3)(a), for “section 1(1)(a)” substitute “section 1(2)(a)”.

Commencement Information

I9 Sch. 7 para. 7 not in force at Royal Assent, see [s. 67\(1\)](#)

PROSPECTIVE

Constitutional Reform and Governance Act 2010

8 In section 42 of the Constitutional Reform and Governance Act 2010 (tax status of members of the House of Lords: transitional provision), omit subsection (7).

Commencement Information

I10 Sch. 7 para. 8 not in force at Royal Assent, see [s. 67\(1\)](#)

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PROSPECTIVE

Police Reform and Social Responsibility Act 2011

- 9 In section 102(1) of the Police Reform and Social Responsibility Act 2011 (interpretation of Part 1), for the definition of “overseas elector’s declaration” substitute—
- ““overseas elector’s declaration” means a declaration made under and in accordance with [section 1C](#) of the Representation of the People Act 1985.”

Commencement Information

- I11** Sch. 7 para. 9 not in force at Royal Assent, see [s. 67\(1\)](#)

PROSPECTIVE

House of Lords Reform Act 2014

- 10 In section 4 of the House of Lords Reform Act 2014 (effect of ceasing to be a member of the House of Lords), omit subsection (6).

Commencement Information

- I12** Sch. 7 para. 10 not in force at Royal Assent, see [s. 67\(1\)](#)

PROSPECTIVE

Consequential repeals

- 11 In consequence of section 14(1), the following are repealed—
- (a) [paragraphs 1 to 4 of Schedule 2](#) to the Representation of the People Act 2000;
 - (b) section 141 of PPERA;
 - (c) section 12(9) of the Electoral Administration Act 2006;
 - (d) paragraph 21 of Schedule 4 to the Electoral Registration and Administration Act 2013, and the italic heading before that paragraph;
 - (e) section 15(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014.

Commencement Information

- I13** Sch. 7 para. 11 not in force at Royal Assent, see [s. 67\(1\)](#)

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PART 2

TRANSITIONAL PROVISION

PROSPECTIVE

Interpretation of Part

12 In [this Part](#)—

“the commencement date” means the date appointed for section 14 to come fully into force;

“overseas elector’s declaration” has the meaning given by section 2(1) of RPA 1985 (as that provision had effect immediately before the commencement date);

“RPA 1985” means the Representation of the People Act 1985;

“RPA 2000” means the Representation of the People Act 2000.

Commencement Information

I14 Sch. 7 para. 12 not in force at Royal Assent, see [s. 67\(1\)](#)

PROSPECTIVE

Pre-commencement applications for registration in a register of parliamentary electors

13 (1) The amendments made by section 14 and [Part 1 of this Schedule](#) do not apply in relation to an application for registration in a register of parliamentary electors in pursuance of a pre-commencement declaration (even if the application is determined on or after the commencement date).

(2) In [this paragraph](#), “pre-commencement declaration” means an overseas elector’s declaration made at any time before the commencement date.

Commencement Information

I15 Sch. 7 para. 13 not in force at Royal Assent, see [s. 67\(1\)](#)

Overseas electors registered pursuant to pre-commencement applications

14 (1) [This paragraph](#) applies to a person who is for the time being registered in a register of parliamentary electors in pursuance of a pre-commencement declaration (regardless of when the person’s application for registration in the register is determined).

(2) In such a case—

(a) the person is to be treated on and after the commencement date as being registered in that register in pursuance of a post-commencement declaration on the basis that the person satisfied the previous registration condition

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- (within the meaning of [section 1A\(2\)](#) of RPA 1985, as substituted by section 14 of this Act);
 - (b) the address in respect of which the person is registered is the address specified in the pre-commencement declaration;
 - (c) sections [1D](#) and [1E](#) of RPA 1985 (as substituted by section 14 of this Act) have effect accordingly, subject to [sub-paragraph \(3\)](#).
- (3) [Section 1D\(1\)\(a\)](#) has effect as if it provided for the person to remain registered—
- (a) until the end of the period of 12 months beginning with the date when the person’s entry in the register first takes effect, or
 - (b) where that period would otherwise end before the specified day, until the end of that day.
- (4) In [sub-paragraph \(3\)\(b\)](#), “the specified day” means the day specified by the Secretary of State by regulations made by statutory instrument.
- (5) In [this paragraph](#)—
- “pre-commencement declaration” has the same meaning as in [paragraph 13](#);
 - “post-commencement declaration” means an overseas elector’s declaration (as defined by [section 1B\(1\)](#) of RPA 1985 (substituted by section 14 of this Act)) made at any time on or after the commencement date.

Commencement Information

I16 Sch. 7 para. 14 not in force at Royal Assent, see [s. 67\(1\)](#)

I17 Sch. 7 para. 14 in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(c\)\(iii\)](#)

PROSPECTIVE

Postal voting

- 15 (1) [This paragraph](#) applies where, immediately before the commencement date, a person to whom [paragraph 14](#) applies has an entitlement to vote by post (whether as elector or proxy) at parliamentary elections in England and Wales or Scotland.
- (2) Subject to [sub-paragraph \(3\)](#), the person’s entitlement to vote by post ends on the last day of the period of 12 months beginning with the date when the person’s entry in the register of parliamentary electors first takes effect (unless it ends sooner).
- (3) Where—
- (a) as a result of [paragraph 14\(3\)\(b\)](#) the person remains registered in a register of parliamentary electors until the time referred to in that provision, and
 - (b) the person’s entitlement to vote by post would (as a result of [sub-paragraph \(2\)](#)) otherwise end before that time,
- the entitlement ends at that time.
- (4) As soon as practicable after the commencement date, the registration officer must alter the record kept under paragraph 3(4) or 7(6) of Schedule 4 to RPA 2000 (as the case may be) so as to reflect any change resulting from [sub-paragraph \(2\)](#) or [\(3\)](#) in the period for which the person’s entitlement to vote by post lasts.

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Commencement Information

I18 Sch. 7 para. 15 not in force at Royal Assent, see [s. 67\(1\)](#)

- 16 (1) [This paragraph](#) applies where—
- (a) before the commencement date, a person to whom [paragraph 14](#) applies makes an application under paragraph 3(1) or 7(4)(a) of Schedule 4 to RPA 2000,
 - (b) the application is to vote by post (whether as elector or proxy) at parliamentary elections, and
 - (c) immediately before the commencement date the application has not been determined.
- (2) The amendments made to Schedule 4 to RPA 2000 by [Schedule 3](#) to this Act do not apply in relation to the determination of the application.
- (3) Any grant of the application is to be for—
- (a) the period ending on—
 - (i) the last day of the period of 12 months beginning with the date when the person's entry in a register of parliamentary electors first takes effect, or
 - (ii) in a case where [paragraph 14\(3\)\(b\)](#) applies in relation to the person's registration, the time referred to in that provision, or
 - (b) any shorter period specified in the application.

Commencement Information

I19 Sch. 7 para. 16 not in force at Royal Assent, see [s. 67\(1\)](#)

Commencement Information

I18 Sch. 7 para. 15 not in force at Royal Assent, see [s. 67\(1\)](#)

I19 Sch. 7 para. 16 not in force at Royal Assent, see [s. 67\(1\)](#)

Power to make supplementary provision

- 17 (1) The Secretary of State may by regulations make provision for supplementing, or provision incidental to, the provision made by [paragraphs 13 to 16](#).
- (2) Regulations under [sub-paragraph \(1\)](#) may make different provision for different purposes or areas.
- (3) Regulations under [sub-paragraph \(1\)](#) are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under [sub-paragraph \(1\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I20 Sch. 7 para. 17 not in force at Royal Assent, see [s. 67\(1\)](#)

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I21 Sch. 7 para. 17 in force at 6.2.2023 by S.I. 2023/115, reg. 2(c)(iv)

PROSPECTIVE

Promoting awareness of changes to overseas elector franchise

- 18 (1) The Secretary of State may take whatever steps the Secretary of State considers appropriate to promote awareness among qualifying people of the changes made by section 14 to the overseas elector franchise.
- (2) In this paragraph—
 “the overseas elector franchise” means the basis on which a person is entitled to vote as an elector at parliamentary elections in accordance with section 1 of RPA 1985;
 “qualifying people” means people who may, on or after the commencement date, be entitled to vote as electors at parliamentary elections in accordance with section 1 of RPA 1985.
- (3) A person with functions of a public nature may disclose information to the Secretary of State for the purpose of enabling the Secretary of State to identify those who are, or are likely to be, qualifying people.
- (4) The Secretary of State may use information held by, or provided to, the Secretary of State for the purpose of identifying people who are, or are likely to be, qualifying people.
- (5) Personal data may not be disclosed or used under this paragraph if the disclosure or use would contravene the data protection legislation (but in determining whether the disclosure would do so, the powers conferred by sub-paragraphs (3) and (4) are to be taken into account).
- (6) In sub-paragraph (5), “personal data” and “the data protection legislation” have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

Commencement Information

I22 Sch. 7 para. 18 not in force at Royal Assent, see s. 67(1)

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