
STATUTORY INSTRUMENTS

1992 No. 834 (S.90)

REPRESENTATION OF THE PEOPLE

**The Representation of the People
(Scotland) Amendment Regulations 1992**

Made - - - - 13th March 1992

Coming into force in accordance with regulation 2

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament; Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 53, 201(1) and 202(1) of, and paragraph 5A(3) of Schedule 2 to, the Representation of the People Act 1983(1) and section 6(1)(c) (as read with section 27(2)) of the Representation of the People Act 1985(2), hereby makes the following Regulations:

Citation and extent

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) Amendment Regulations 1992.

(2) These Regulations shall extend to Scotland only.

Commencement

2. These Regulations shall come into force on 6th April 1992 except for the purposes of any application made before that date under regulation 62(4)(b) of the Representation of the People (Scotland) Regulations 1986(3) which is based on receipt of a mobility allowance.

Amendment of the Regulations of 1986

3.—(1) Regulation 62 (additional requirements for applications on grounds of physical incapacity) of the Representation of the People (Scotland) Regulations 1986 shall be amended in accordance with the following paragraphs of this regulation.

(2) For paragraph (4)(b) there shall be substituted the following sub-paragraph:—

(1) 1983 c. 2; section 202(1) contains a definition of “prescribed” relevant to the powers under which these Regulations are made; paragraph 5A was inserted by paragraph 8 of Schedule 2 to the Representation of the People Act 1985 (c. 50).
(2) 1985 c. 50.
(3) S.I. 1986/1111, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(b) the application states that the applicant is (under section 37ZC of the Social Security Act 1975⁽⁴⁾ in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 37ZA of that Act) because of the physical incapacity specified in the application in pursuance of paragraph (1) above.”.

(3) For paragraph (5) there shall be substituted the following paragraph:—

“(5) The fact that an applicant is registered with a local authority or local society for the blind shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in paragraph (b) of section 6(2) of the Act of 1985.”.

St Andrew’s House
13th March 1992

Ian Lang
One of Her Majesty’s Principal Secretaries of
State

(4) 1975 c. 14; sections 37ZA and 37ZC were inserted by section 1(2) of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 62 of the Representation of the People (Scotland) Regulations 1986 (“the 1986 Regulations”) to take account of changes made by the Disability Living Allowance and the Disability Working Allowance Act 1991 (“the 1991 Act”).

Regulation 62 of the 1986 Regulations prescribes the requirements for applications for an absent vote for an indefinite period at parliamentary and local government elections on the ground set out in section 6(2)(b) of the Representation of the People Act 1985 (c. 50) (“the 1985 Act”) which is that the applicant cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there because of blindness or other physical incapacity. Most such applications need to be attested in accordance with regulation 62(2) and (3). Regulation 62(4) currently disapplies this requirement where either the application is based on the applicant being a registered blind person as attested by the relevant local authority or a local society for the blind or the applicant is in receipt of a mobility allowance under section 37A of the Social Security Act 1975 and the reference number of such an allowance is given in the application. Under regulation 62(5) the fact that the applicant is so registered or is in receipt of such an allowance is deemed to be sufficient evidence of eligibility under section 6(2)(b) of the 1985 Act.

Section 1 of the 1991 Act replaced the mobility allowance with a new allowance: the disability living allowance which consists of a care component and a mobility component. Under the Disability Living Allowance and Disability Working Allowance Act 1991 (Commencement No. 2) Order 1991 (S.I. 1991/2617), this provision will come into force on 6th April 1992. These Regulations amend regulation 62 of the 1986 Regulations to take account of these changes (including the fact that, unlike the mobility allowance, each disability living allowance does not, as such, have a reference number).