

1999 No. 3322

REPRESENTATION OF THE PEOPLE

The Holders of Hereditary Peerages (Extension of the Franchise) (Transitional Provisions) Order 1999

Made - - - - - *14th December 1999*
Laid before Parliament *21st December 1999*
Coming into force *16th January 2000*

The Secretary of State, in exercise of the powers conferred on him by section 5(3) and (4) of the House of Lords Act 1999(a), hereby makes the following Order:

1. This Order may be cited as the Holders of Hereditary Peerages (Extension of the Franchise) (Transitional Provisions) Order 1999 and shall come into force on 16th January 2000.

2.—(1) In this article “relevant peer” means the holder of a hereditary peerage—

(a) to whom section 3(1) of the House of Lords Act 1999 (removal of disqualifications in relation to the House of Commons) applies, and

(b) who was not subject to a legal incapacity to vote—

(i) on 10th October 1999 if resident in Great Britain, or

(ii) on 15th September 1999 if resident in Northern Ireland,

otherwise than as the holder of such a peerage or as being below voting age (that is, 18 years or above).

(2) A relevant peer who is registered in respect of an address as a local government elector in Great Britain or a local elector in Northern Ireland in a register of electors which falls to be used in the period of twelve months beginning with 16th February 2000 shall be deemed to be registered in respect of that address as a parliamentary elector in the register of parliamentary electors which is required to be published not later than 15th February 2000.

(3) In respect of a relevant peer, the reference in section 1(1)(b)(i) of the Representation of the People Act 1983(b) to legal incapacity to vote on the qualifying date (within the meaning of section 4 of that Act) shall not include the incapacity which applied as the holder of a hereditary peerage.

3. In the case of the holder of a hereditary peerage to whom section 3(1) of the House of Lords Act 1999 applies, any reference in section 1(3) or (3A)(b) of the Representation of the People Act 1985 (conditions as to qualification as an overseas elector)(c) to a register of parliamentary electors shall include any register of—

(a) local government electors in Great Britain if the qualifying date for the register is not later than 10th October 1999, or

(b) local electors in Northern Ireland if the qualifying date for the register is not later than 15th September 1999.

(a) 1999 c. 34.

(b) 1983 c. 2.

(c) 1985 c. 50; sections 1 and 2 were amended by the Representation of the People Act 1989 (c. 28).

4.—(1) In the case of the holder of a hereditary peerage to whom section 3(1) of the House of Lords Act 1999 applies—

- (a) any reference in sections 1 and 2 of the Representation of the People Act 1985, except section 1(3)(c) and (3A)(a), to the qualifying date shall have effect as a reference to the date on which the overseas elector's declaration is made; and
- (b) the words “and must be made within the twelve months ending with that date” in section 2(2) of the 1985 Act shall not apply.

(2) This article shall have effect only for the purposes of any register of electors which is required to be published not later than 15th February 2000.

Home Office
14th December 1999

Mike O'Brien
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provision to enable the holders of hereditary peerages to whom section 3(1) of the House of Lords Act 1999 applies to vote at parliamentary elections. Section 3(1) does not apply to a peer to whom section 2 of that Act applies (section 3(2)).

Under section 1(3) of the Representation of the People Act 1983, entitlement to vote depends on registration in a register of electors. Inclusion in the register depends upon circumstances on the qualifying date for the register.

Article 2(2) of this Order enables those relevant peers (as defined in article 2(1)) who will be registered in a register of local government electors due to come into effect on 16th February 2000 (as to which, see section 13(1) of the 1983 Act) to be treated as registered as parliamentary electors. The effect of article 2(3) is that those relevant peers who are not so registered may apply to be added to those registers of parliamentary electors (under section 11(2) of the 1983 Act, as substituted by Schedule 4 to the Representation of the People Act 1985), notwithstanding that they held a hereditary peerage on the relevant qualifying date. Article 4 has a similar effect in respect of a peer to whom section 3(1) of the 1999 Act applies and who is not resident in the United Kingdom for the purposes of his registration as an overseas elector.

Article 3 enables a peer to whom section 3(1) of the 1999 Act applies who is not resident in the United Kingdom to rely on his registration as a local government elector if applying to be registered as an overseas elector at parliamentary elections. It also makes an adaptation to enable such peers who were by reason of age not eligible for inclusion in a register of local government electors to register as parliamentary electors. Registration as a parliamentary elector also entitles an overseas elector to vote at European Parliamentary elections (see section 3C(2)(b) of the European Parliamentary Elections Act 1978 (c. 10), as substituted by the European Parliamentary Elections Act 1999 (c. 1)).

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