

SCHEDULE 4

ENTITLEMENT TO REGISTRATION AND LEGAL INCAPACITY TO VOTE IN GIBRALTAR

PART 2

ENTITLEMENT TO REGISTRATION AND LEGAL INCAPACITY

Service Voters

Service qualification

- 16.** A person has a service qualification for the purposes of these Regulations who—
- (a) is a member of the Royal Gibraltar regiment,
 - (b) is the wife or husband of a member of the Royal Gibraltar regiment.

Service declaration

17.—(1) A service declaration shall be made only by a person who has a service qualification, and a service declaration may be made by such a person notwithstanding the fact that by reason of his age he is not yet entitled to vote.

(2) Where a person is registered in the Gibraltar register in pursuance of a service declaration, the person is entitled to remain so registered until—

- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
- (b) the declaration is cancelled under sub-paragraph (5), or
- (c) another entry made in respect of him in the register takes effect (whether or not in pursuance of a service declaration),

whichever first occurs.

(3) Where the entitlement of such a person to remain so registered terminates by virtue of sub-paragraph (2), the registration officer shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further service declaration.

(4) If a person—

- (a) makes a service declaration declaring to more than one address, or
- (b) makes more than one service declaration bearing the same date and declaring to different addresses,

the declaration or declarations shall be void.

(5) A service declaration may at any time be cancelled by the declarant.

(6) A service declaration shall be of no effect unless it is received by the registration officer within the period of three months beginning with the date of the declaration.

(7) Arrangements shall be made by the Gibraltar Ministry of Defence for securing that (so far as circumstances permit) every person having a service qualification by virtue of sub-paragraph (a) or (b) of paragraph 16 shall—

Status: This is the original version (as it was originally made).

- (a) have an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by these Regulations in relation to the making and cancellation of service declarations and of appointments of a proxy, and in relation to voting by post; and
- (b) receive such instructions as to the effect of these Regulations, and such other assistance, as may be reasonably sufficient in connection with the exercise by him and any wife of his or, as the case may be, by her and any husband of hers, of any rights conferred on them as mentioned above.

Contents of service declaration

18. A service declaration shall state—

- (a) the date of the declaration,
- (b) that on that date the declarant is, or but for the circumstances entitling him to make the declaration would have been, residing in Gibraltar,
- (c) the address where the declarant is or, as the case may be, would have been residing in Gibraltar or, if he cannot give any such address, an address at which he has resided in Gibraltar,
- (d) the nationality of the declarant on the date of the declaration confirming that he is a Commonwealth citizen or a relevant citizen of the Union,
- (e) whether the declarant had on the date of the declaration attained the age of 18 years, and, if he had not, the date of his birth, and
- (f) such particulars (if any) of the declarant's identity and service qualifications as are required by paragraph 19 of Schedule 1 to the European Parliamentary Elections Ordinance 2004.

Effect of service declaration

19.—(1) Where a person's service declaration is in force when he applies for registration, he shall be regarded for the purposes of section 16(1)(a) of the 2003 Act as—

- (a) resident on the date of the declaration at the address specified in it in accordance with paragraph 18(c);
- (b) until the contrary is proved, as being a Commonwealth citizen or a relevant citizen of the Union of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.

(2) Where a service declaration appearing to be properly made out and (where required) attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having had from the date of the declaration or such later date, if any, as appears from it, and as continuing to have, a service qualification.