

## Schedule

### Transitional provisions and savings

## Part 2

### Transitional and savings provision relating to absent voting and date of birth lists

#### Interpretation of Part

**2.** In this Part—

“ongoing relevant election” means a relevant election where—

- (a) the date on which the notice of election or referendum is published in accordance with the relevant rule is on or before 30th January 2024, and
- (b) the date of poll as specified in that notice is on or after 31st January 2024;

“proxy appointment” has the same meaning as in paragraph 8(8) or 9(6) of Schedule 4 to EA 2022 or paragraph 32(6) or 47(6) of Schedule 6 to EA 2022 (as the case may be);

“relevant election” means a parliamentary election in England, Wales, Scotland or Northern Ireland, a local government election in England, an election to the Northern Ireland Assembly or a local election in Northern Ireland.

#### Savings for date of birth lists for ongoing relevant elections in Northern Ireland

**3.** The following do not apply in respect of an ongoing relevant election in Northern Ireland—

- (a) in Schedule 1 to EA 2022, the amendments made—
  - (i) by paragraphs 11 and 15(2);
  - (ii) by paragraph 17(7), so far as it inserts rule 37(1DC)(b);
  - (iii) by paragraphs 25 and 26;
- (b) in Schedule 6 to EA 2022, the amendments made—
  - (i) by paragraphs 9 and 12(2);
  - (ii) by paragraph 14(7), so far as it inserts rule 34(5C)(b);
  - (iii) by paragraphs 19, 20, 39, 42 and 44.

#### Proxy voting offences and restrictions for certain proxy appointments

**4.—(1)** This paragraph applies to a proxy appointment as a result of an application made on or after 31st October 2023.

(2) Subject to sub-paragraph (3), the following do not apply in respect of the proxy appointment—

- (a) section 61(4) of RPA 1983(1);
- (b) during the transitional period—
  - (i) paragraph 12A(4) of Schedule 9 to ELA 1962(2);

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(1) Section 61(4) was amended by paragraph 2 of Schedule 2 to the Representation of the People Act 1985 (c. 50), and by paragraph 83 of Schedule 27 to the Civil Partnership Act 2004 (c. 33). See article 3(1) of, and Schedule 1 to, S.I. 2001/2599, by virtue of which section 61 applies with modifications to elections to the Northern Ireland Assembly.

(2) Paragraph 12A was inserted by S.I. 1985/454 and further substituted by S.I. 1987/168.

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- (ii) section 8(5) of the Representation of the People Act 1985(3);
  - (iii) paragraph 3(4) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985(4);
  - (c) paragraph 6(6) of Schedule 4 to the Representation of the People Act 2000(5).
- (3) The provisions in sub-paragraph (2)(a) and (c) continue to apply in respect of the proxy appointment so far as that appointment relates to local government elections, or a particular local government election, in Scotland or Wales.
- (4) The amendments made by paragraphs 2(3) to (5), 6(4) and 7 of Schedule 4 to EA 2022 and paragraphs 26(3) and 28(4) of Schedule 6 to EA 2022 do not apply in respect of a person voting by virtue of the proxy appointment at an ongoing relevant election.
- (5) In this paragraph, “transitional period” means the period—
- (a) beginning with 31st October 2023, and
  - (b) ending with—
    - (i) for the purposes of an ongoing relevant election, the day after the day of poll for that ongoing relevant election;
    - (ii) for all other purposes, 31st January 2024.

#### **Questions for proxies at certain parliamentary elections and certain elections to the Northern Ireland Assembly**

- 5.—(1) The amendments made to rule 35 of Schedule 1 to RPA 1983 by paragraph 4 of Schedule 4 to EA 2022 do not apply to a parliamentary election or an election to the Northern Ireland Assembly which is an ongoing relevant election.
- (2) In respect of a parliamentary election in England, Wales or Scotland for which the date of poll as specified in the notice of election published in accordance with the relevant rule is on or before 30th January 2024, rule 35 of Schedule 1 to RPA 1983 applies with the modifications set out in sub-paragraphs (4) and (5).
- (3) In respect of a parliamentary election in Northern Ireland or an election to the Northern Ireland Assembly for which the date of poll as specified in the notice of election published in accordance with the relevant rule is on or before 30th January 2024, rule 35 of Schedule 1 to RPA 1983 applies with the modifications set out in sub-paragraph (4)(a).
- (4) The table after paragraph (1) is to be read as if—
- (a) in entry 2, in the column headed “Questions”—
    - (i) after question (b), there were inserted—
      - “(ba) “Were you appointed as proxy on behalf of CD before 31st October 2023” [R]”;
    - (ii) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative:”;
  - (b) in entry 3, in the column headed “Questions”—
    - (i) after question (b), there were inserted—

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(3) Section 8 was repealed, in relation to England, Wales and Scotland, by section 12(2) of the Representation of the People Act 2000 (c. 2), and was amended by Part 9 of Schedule 27 to the Finance Act 1985 (c. 54), by paragraph 16 of Schedule 6 to the Representation of the People Act 2000 and by S.I. 1995/1948, 2005/3129.

(4) S.I. 1985/454.

(5) Paragraph 6(6) was amended by paragraph 164(3) of Schedule 27 to the Civil Partnership Act 2004.

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“(ba) “Were you appointed as proxy on behalf of the person whose number on the register of electors is (*read out the number from the register*) before 31st October 2023?” [R]”;

(ii) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative:”.

(5) Paragraph (2) is to be read as if after “3(a), (b)” there were inserted “, (ba)”.

### **Question for proxies at certain local elections in Northern Ireland**

6.—(1) The following do not apply to a local election in Northern Ireland which is an ongoing relevant election—

- (a) the amendments made to rule 32 of Schedule 5 to ELA 1962 (questions to be put to voters)(6) by paragraph 13(3) of Schedule 6 to EA 2022;
- (b) the amendments made to paragraphs 6 and 20 of the Schedule to the Elections Act 2001 (local elections rules: questions to be put to voters)(7) by paragraph 31 of Schedule 6 to EA 2022.

(2) In respect of a local election in Northern Ireland for which the date of poll as specified in the notice of election published in accordance with the relevant rule is on or before 30th January 2024—

- (a) rule 32 of Schedule 5 to ELA 1962 applies as if, in paragraph (2), before the first additional question there were inserted—

““Were you appointed as proxy on behalf of C.D. before 31st October 2023?”

and if that question is answered in the affirmative the following question:—”;

- (b) paragraph 20 of the Schedule to the Elections Act 2001 applies as if for “second” there were substituted “third”.

### **Savings for certain proxy appointments at ongoing relevant elections**

7.—(1) This paragraph applies where—

- (a) a proxy appointment ceases to have effect in accordance with paragraph 8 or 9 of Schedule 4 to EA 2022 or paragraph 32 or 47 of Schedule 6 to EA 2022, and
- (b) ignoring the effect of that paragraph, a person would have been entitled by virtue of that appointment to vote as proxy at an ongoing relevant election.

(2) Despite the effect of paragraph 8(2) or 9(2) of Schedule 4 to EA 2022 or paragraph 32(2) or 47(2) of Schedule 6 to EA 2022, the proxy appointment continues to have effect for the purposes of the ongoing relevant election.

### **Transitional provision: postal vote entitlement limit for overseas electors**

8. Until section 14 of EA 2022 (extension of franchise for parliamentary elections: British citizens overseas) comes fully into force, paragraph 3(1B)(a) of Schedule 4 to the Representation of the People Act 2000(8) is to be read as if for the words from “1 November” to “register” there were

(6) Rule 32 was amended by paragraph 64 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), by paragraph 13(4) to (6) of Schedule 6 to the Elections Act 2022 and by S.I. 2002/2385.

(7) 2001 c. 7.

(8) Paragraph 3(1B) is inserted by paragraph 2(3) of Schedule 3 to the Elections Act 2022.

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substituted “date on which, in accordance with section 2(2)(a) of the Representation of the People Act 1985<sup>(9)</sup>, the person’s entitlement to remain registered in that register ends”.

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(9) Section 2 was substituted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000. It is prospectively amended by section 14(1) of the Election Act 2022 from a date and time to be appointed.