



Representation of the People Act 1989

1989 CHAPTER 28

An Act to amend the law relating to the entitlement of British citizens resident outside the United Kingdom to vote at parliamentary elections and elections to the European Parliament and to increase the maximum amount of candidates' election expenses at parliamentary by-elections. [27th July 1989]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Further provisions about enfranchisement of British citizens overseas

1 Extension of permitted period of overseas residence

In sections 1(3)(c) and 3(4)(c) of the Representation of the People Act 1985 (person resident abroad may qualify as an elector if previously included, as resident in the United Kingdom, in a register prepared by reference to a date within the preceding five years), for “five years” there is substituted “twenty years”.

2 Extension to those not previously registered in United Kingdom because of age

(1) After section 1(3) of the Representation of the People Act 1985 (conditions for qualifying as an overseas elector include previous registration as resident in the United Kingdom) there is inserted—

“(3A) The second set of conditions is that—

- (a) he was last resident in the United Kingdom within the period of twenty years ending immediately before the qualifying date,
- (b) he was by reason only of his age incapable of being included in any register of parliamentary electors prepared by reference to the last date within that period by reference to which such registers were prepared on which he was so resident, and

- (c) the address at which he was resident on the date referred to in paragraph (b) above was at a place that is situated within the constituency concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors prepared by reference to that date”.
- (2) After section 3(4) of that Act (conditions for peer to qualify as an overseas elector for European Parliamentary elections include previous registration as resident in the United Kingdom) there is inserted—

“(4A) The second set of conditions is that—

- (a) he was last resident in the United Kingdom within the period of twenty years ending immediately before the qualifying date,
- (b) he was by reason only of his age incapable of being included in any register of local government electors prepared by reference to the last date within that period by reference to which such registers were prepared on which he was so resident, and
- (c) the address at which he was resident on the date referred to in paragraph (b) above was at a place that is situated within the constituency concerned and a parent or guardian of his was included, in respect of that address, in a register of parliamentary electors or a register of local government electors prepared by reference to that date”.

3 Provisions supplementary to section 2

- (1) In section 1 of the Representation of the People Act 1985—
- (a) in subsection (2)(b), for “the following” there is substituted “one of the following sets of”,
 - (b) in subsection (3), for “Those conditions are” there is substituted “The first set of conditions is”, and
 - (c) at the end of subsection (4) there is inserted “and the reference in subsection (3A) above to a register of local government electors includes a reference to a register of electors prepared for the purposes of local elections (within the meaning of the Electoral Law Act (Northern Ireland) 1962)”.
- (2) In section 2 of that Act—
- (a) in subsection (1), at the end of paragraph (b) there is inserted “or, as the case may be, at which he was resident”,
 - (b) in subsection (2), after “year” there is inserted “(being a year during the whole or any part of which he may be entitled to vote)”,
 - (c) in subsection (4)—
 - (i) for the words from “specify the” to “such address” there is substituted—
 - “(a) show which set of conditions in section 1 of this Act the declarant claims to satisfy,
 - (b) in the case of the first set of conditions, specify the address in respect of which he was registered, and
 - (c) in the case of the second set of conditions, specify—
 - (i) the date of the declarant’s birth,

- (ii) the address in the United Kingdom at which he was resident, and
- (iii) the name of the parent or guardian on whose registration in respect of that address he relies, and whether the person named was a parent or guardian,

and may not, in the case of either set of conditions, specify more than one such address”, and

- (ii) after “registered” there is inserted “or, as the case may be, at which he was resident”.

(3) In section 3 of that Act—

- (a) in subsection (3)(b), for “the following” there is substituted “one of the following sets of”, and
- (b) in subsection (4), for “Those conditions are” there is substituted “The first set of conditions is”.

4 Abolition of declaration of intent

In section 2(3) of the Representation of the People Act 1985 (overseas electors' declarations), paragraph (e) (declarant to state that he does not intend to reside permanently outside the United Kingdom) and the preceding “and” are repealed and at the end of paragraph (c) there is inserted “and”.

5 Annual reminders to overseas electors

In Schedule 2 to the Representation of the People Act 1983 (provisions that may be contained in regulations about registration), after paragraph 2 there is inserted—

“(2A) Provisions requiring registration officers to remind persons registered in pursuance of overseas electors' declarations in a register of parliamentary electors of the need to make fresh declarations in order to be so registered in the subsequent register.”

Election expenses

6 Increase of limits on expenses of candidates at parliamentary by-elections

(1) In section 76(2) of the Representation of the People Act 1983 (limitation of election expenses)—

- (a) in paragraph (a), for “parliamentary election” there is substituted “parliamentary general election, being an election”, and
- (b) after that paragraph there is inserted—

“(aa) for a candidate at a parliamentary by-election—

- (i) in a county constituency, £14,592 together with an additional 16.4p for every entry in the register of electors to be used at the election (as first published); and
- (ii) in a borough constituency, £14,592 together with an additional 12.4p for every entry in the register

of electors to be used at the election (as first published);”.

- (2) For the purposes of the first order made under section 76A of that Act which varies an amount specified in section 76(2)(aa) of that Act, that amount shall be taken to have been fixed on 10th April 1989 (the day on which the Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1989 was made).

General

7 Expenses

- (1) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.
- (2) There shall be paid out of money provided by Parliament—
 - (a) any increase attributable to this Act in the sums to be paid out of money so provided under any other Act, and
 - (b) any administrative expenses incurred by the Secretary of State in consequence of this Act.

8 Short title, commencement and extent

- (1) This Act may be cited as the Representation of the People Act 1989 and shall be included among the Acts that may be cited as the Representation of the People Acts.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (3) This Act extends to Northern Ireland.