



Representation of the People Act 1985

1985 CHAPTER 50

Extension of franchise to British citizens overseas

[^{F1}1 **Extension of parliamentary franchise.**

[^{F2}(1) A person is entitled to vote as an elector at a parliamentary election in a constituency if—

- (a) on the declaration date, the person—
 - (i) qualifies as an overseas elector in respect of that constituency (see section 1A),
 - (ii) is not subject to any legal incapacity to vote (age apart), and
 - (iii) is a British citizen, and
- (b) on the date of the poll, the person—
 - (i) is not subject to any legal incapacity to vote,
 - (ii) is a British citizen, and
 - (iii) is registered in a register of parliamentary electors for that constituency.

(2) In this section, “the declaration date” means—

- (a) the date on which the person makes a declaration under and in accordance with [section 1C](#) (overseas elector’s declaration), or
- (b) where the person makes a declaration under and in accordance with [section 1E](#) (renewal declaration), the date on which the person makes the declaration.]

Textual Amendments

- F1** [S. 1](#) substituted (16.2.2001) by [2000 c. 2, s. 8, Sch. 2 para. 2](#); S.I. 2001/116, [art. 2\(1\)](#) (subject to transitional provisions in [art. 2\(3\)-\(5\)](#))
- F2** [Ss. 1-1E](#) substituted for ss. 1, 2 (6.2.2023 for specified purposes) by [Elections Act 2022 \(c. 37\), ss. 14\(1\), 67\(1\)](#); S.I. 2023/115, [reg. 2\(b\)\(i\)](#)
- F3** Words in s. 1(3)(4) substituted (1.4.2002) by [2000 c. 41, s. 141\(a\)](#) (with s. 156(6)); S.I. 2001/3526, [art. 4](#)

Changes to legislation: Representation of the People Act 1985, Cross Heading: Extension of franchise to British citizens overseas is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C1** S. 1(3)(4)(b) modified (8.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 42(7), 52**
- C2** S. 1(3)(4)(b) modified (14.5.2014) by [House of Lords Reform Act 2014 \(c. 24\)](#), **ss. 4(6), 7(3)**
- C3** S. 1(3)(4)(b) modified (16.2.2001) by [S.I. 2001/84](#), **art. 2**
- C4** S. 1(4)(b) modified (14.5.2014) by [House of Lords Reform Act 2014 \(c. 24\)](#), **ss. 4(6), 7(3)**

Marginal Citations

- M1** 1962 c.14 (N.I.).

[^{F2}1A Qualification as an overseas elector in respect of a constituency

- (1) For the purposes of this Act and the principal Act, a person qualifies as an overseas elector in respect of a constituency on the declaration date if—
- (a) on that date the person is not resident in the United Kingdom, and
 - (b) the person satisfies the previous registration condition or the previous residence condition.
- (2) A person satisfies the previous registration condition if—
- (a) the person has at some time in the past been entered in an electoral register in respect of an address at a place that is situated within the constituency, and
 - (b) subsequent to that entry ceasing to have effect, the person has not been included in any electoral register (whether in respect of the address mentioned in paragraph (a) or any other address).
- (3) A person satisfies the previous residence condition if—
- (a) the person has at some time in the past been resident in the United Kingdom,
 - (b) on the last day on which the person was resident in the United Kingdom, the person—
 - (i) was resident at an address at a place that is situated within the constituency, or
 - (ii) was not so resident but could have made a declaration under section 7B of the principal Act (a “declaration of local connection”) in respect of such an address, and
 - (c) subject to [section 1B\(4\)](#), the person has not at any time been included in any electoral register (whether in respect of the address mentioned in [paragraph \(b\)](#) or any other address).
- (4) For the purposes of [subsection \(3\)\(b\)\(ii\)](#), it is to be assumed that section 7B of the principal Act was in force on the last day on which the person was resident in the United Kingdom.
- (5) In this section—
- “declaration date” has the same meaning as in [section 1](#);
- “electoral register” means—
- (a) a register of parliamentary electors, or
 - (b) a register of local government electors (including a register of electors prepared for the purposes of local elections (within the meaning of the Electoral Law Act (Northern Ireland) 1962)).]

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Textual Amendments

F2 Ss. 1-1E substituted for ss. 1, 2 (6.2.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), [ss. 14\(1\)](#), [67\(1\)](#); S.I. 2023/115, [reg. 2\(b\)\(i\)](#)

[^{F2}1B **British citizens overseas: entitlement to be registered**

- (1) A person is entitled to be registered in a register of parliamentary electors in pursuance of a declaration made by the person under and in accordance with [section 1C](#) (an “overseas elector’s declaration”) if the following two conditions are satisfied.
- (2) The first condition is that the register is for the constituency or part of the constituency within which is situated the place of the address specified in the declaration by virtue of—
 - (a) [section 1C\(2\)\(a\)](#) (where the person is seeking to be registered in reliance on the previous registration condition), or
 - (b) [section 1C\(3\)\(a\)](#) or [\(4\)](#) (where the person is seeking to be registered in reliance on the previous residence condition).
- (3) The second condition is that the registration officer concerned is satisfied that, on the date on which the person makes the declaration, the person qualifies as an overseas elector in respect of the constituency.
- (4) Where—
 - (a) a person applies to be registered in a register of parliamentary electors in reliance on the previous residence condition, and
 - (b) the registration officer concerned considers that insufficient evidence is available for the purpose of determining whether the person has at any time been included in any electoral register (within the meaning of [section 1A](#)),the officer may disregard [section 1A\(3\)\(c\)](#) in determining whether the person satisfies the previous residence condition.
- (5) An overseas elector’s declaration made by a person is of no effect unless received by the registration officer concerned within the period of 3 months beginning with the date on which the person makes the declaration.
- (6) For the purposes of [section 1A](#), where a person is registered in a register of parliamentary electors for a constituency or part of a constituency in pursuance of an overseas elector’s declaration, it is to be conclusively presumed that the person was not resident in the United Kingdom on the date on which the person made the declaration.
- (7) See also sections 10ZC and 10A of the principal Act, which (among other things) contain provision about the making of applications for registration.]

Textual Amendments

F2 Ss. 1-1E substituted for ss. 1, 2 (6.2.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), [ss. 14\(1\)](#), [67\(1\)](#); S.I. 2023/115, [reg. 2\(b\)\(i\)](#)

[^{F2}1C **Overseas elector’s declaration**

- (1) An overseas elector’s declaration must—

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- (a) give the full name of the person making the declaration (“the declarant”),
 - (b) state the date of the declaration,
 - (c) state that the declarant is a British citizen,
 - (d) state that the declarant is not resident in the United Kingdom on the date of the declaration,
 - (e) state whether the declarant is seeking to be registered in reliance on the previous registration condition or the previous residence condition,
 - (f) contain any other prescribed information and satisfy any other prescribed requirements (which may include requirements for the declaration to be attested), and
 - (g) state that the declarant believes the matters stated in the declaration to be true.
- (2) Where the declarant is seeking to be registered in reliance on the previous registration condition, the declaration must also—
- (a) specify—
 - (i) the address in the United Kingdom in respect of which the declarant was included in an electoral register, and
 - (ii) when the declarant was last included in such a register in respect of that address, and
 - (b) state that since the declarant’s entry in that register in respect of that address ceased to have effect, the declarant has not been included in any electoral register (whether in respect of that or any other address).
- (3) Where the declarant is seeking to be registered in reliance on the previous residence condition by virtue of [section 1A\(3\)\(b\)\(i\)](#), the declaration must also—
- (a) specify—
 - (i) the address in the United Kingdom at which the declarant was resident, and
 - (ii) when the declarant was last resident at that address, and
 - (b) state that since being resident at that address, the declarant has not been resident at any other address in the United Kingdom.
- (4) Where the declarant is seeking to be registered in reliance on the previous residence condition by virtue of [section 1A\(3\)\(b\)\(ii\)](#), the declaration must also specify an address in respect of which the declarant could have made a declaration of local connection on the last day on which the declarant was resident in the United Kingdom.
- (5) An overseas elector’s declaration that specifies an address in Northern Ireland under [subsection \(2\)\(a\)](#), [\(3\)\(a\)](#) or [\(4\)](#) may, instead of or in addition to including a statement under [subsection \(1\)\(c\)](#), state that the declarant is an Irish citizen who—
- (a) was born in Northern Ireland, and
 - (b) qualifies as a British citizen (whether or not the declarant identifies as such).
- (6) If the declarant—
- (a) makes an overseas elector’s declaration that specifies more than one address under [subsection \(2\)\(a\)](#), [\(3\)\(a\)](#) or [\(4\)](#), or
 - (b) makes two or more overseas elector’s declarations that bear the same date and specify different addresses in the United Kingdom under [subsection \(2\)\(a\)](#), [\(3\)\(a\)](#) or [\(4\)](#),
- the declaration or declarations are void.

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- (7) The declarant may at any time cancel an overseas elector's declaration made by the declarant.
- (8) In this section—
“electoral register” has the same meaning as in [section 1A](#);
“registered” means registered in a register of parliamentary electors.
- (9) A person found abandoned in Northern Ireland as a new-born infant is, unless the contrary is shown, deemed for the purposes of [subsection \(5\)](#) to have been born in Northern Ireland.]

Textual Amendments

- F2** [Ss. 1-1E](#) substituted for ss. 1, 2 (6.2.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), [ss. 14\(1\)](#), [67\(1\)](#); [S.I. 2023/115](#), [reg. 2\(b\)\(i\)](#)

[^{F2}1D Duration of entitlement to be registered

- (1) Where a person is registered in a register of parliamentary electors in pursuance of an overseas elector's declaration, the person is entitled to remain so registered until—
- the third 1 November following the date when the person's entry on the register first takes effect (subject to any extension under [subsections \(2\) and \(3\)](#)), or
 - if sooner, the occurrence of an event mentioned in [subsection \(4\)](#).
- (2) [Subsection \(3\)](#) applies if—
- at any time during the 6 months ending with the last day of the initial registration period or of any further registration period, the registration officer concerned receives a declaration made by the person under and in accordance with [section 1E](#) (a “renewal declaration”), and
 - the registration officer is satisfied that, on the date on which the person makes the renewal declaration, the person is entitled to remain registered in the register in pursuance of the overseas elector's declaration.
- (3) The person is entitled to remain registered in the register in pursuance of the overseas elector's declaration until—
- the third 1 November following the day after the last day of the initial registration period or of the further registration period in question (subject to any further extension), or
 - if sooner, the occurrence of an event specified in [subsection \(4\)](#).
- (4) The events referred to in [subsections \(1\)\(b\) and \(3\)\(b\)](#) are—
- the registration officer determines in accordance with regulations that the person was not entitled to be registered or to remain registered (as the case may be);
 - the registration officer determines in accordance with regulations—
 - that the person was registered as the result of an application under [section 10ZC](#) or [10A\(1\)](#) of the principal Act made by some other person, or
 - that the person's entry has been altered as the result of an application under [section 10ZD](#) or [10A\(4\)](#) of that Act made by some other person;

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- (c) the overseas elector’s declaration is cancelled (see section [1C\(7\)](#));
 - (d) another entry made in respect of the person in any electoral register takes effect (in the case of a register of parliamentary electors, whether or not in pursuance of an overseas elector’s declaration).
- (5) A renewal declaration made by a person is of no effect unless received by the registration officer concerned within the period of 3 months beginning with the date on which the person makes the declaration.
- (6) In this section—
- “electoral register” has the same meaning as in [section 1A](#);
 - “initial registration period” means the period for which the person is entitled by virtue of [subsection \(1\)\(a\)](#) to remain registered;
 - “further registration period” means a period for which the person is entitled by virtue of [subsection \(3\)\(a\)](#) to remain registered.
- (7) Where a person is entitled to remain registered in a register of parliamentary electors for a constituency or part of a constituency by virtue of subsections (2) and (3), it is to be conclusively presumed for the purposes of [section 1A](#) that the person was not resident in the United Kingdom on the date on which the person made the renewal declaration in question.
- (8) Where a person’s entitlement to remain registered in a register of parliamentary electors terminates by virtue of [subsection \(1\)](#) or (3), the registration officer concerned must remove the person’s entry from the register.]

Textual Amendments

F2 Ss. 1-1E substituted for ss. 1, 2 (6.2.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), **ss. 14(1)**, 67(1); S.I. 2023/115, **reg. 2(b)(i)**

Modifications etc. (not altering text)

C5 S. 1D(2)(3) applied (with modifications) (16.1.2024) by [The Elections Act 2022 \(Commencement No. 11, Transitional Provisions and Specified Day\)](#) and [Levelling-up and Regeneration Act 2023 \(Commencement No. 1\) Regulations 2023 \(S.I. 2023/1405\)](#), **reg. 4**

[^{F2}1E **Renewal declaration**

- (1) A renewal declaration must—
- (a) give the full name and date of birth of the person making the declaration (“the declarant”),
 - (b) state the date of the declaration,
 - (c) state that the declarant is a British citizen,
 - (d) state that the declarant is not resident in the United Kingdom on the date of the declaration,
 - (e) contain any other prescribed information and satisfy any other prescribed requirements, and
 - (f) state that the declarant believes the matters stated in the declaration to be true.
- (2) A renewal declaration must also—
- (a) specify the address in respect of which the declarant is registered, and

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- (b) state that since the declarant was registered in respect of that address, no other entry has been made in respect of the declarant in any electoral register (whether in respect of the address mentioned in [paragraph \(a\)](#) or any other address).
- (3) A renewal declaration that specifies an address in Northern Ireland under [subsection \(2\)\(a\)](#) may, instead of or in addition to the statement under [subsection \(1\)\(c\)](#), state that the declarant is an Irish citizen who—
- (a) was born in Northern Ireland, and
- (b) qualifies as a British citizen (whether or not the declarant identifies as such), (and [section 1C\(9\)](#) applies as it applies for the purposes of [section 1C\(5\)](#)).
- (4) If the declarant—
- (a) makes a renewal declaration that specifies more than one address under [subsection \(2\)\(a\)](#), or
- (b) makes two or more renewal declarations that bear the same date and specify different addresses under [subsection \(2\)\(a\)](#),
- the declaration or declarations are void.
- (5) In this section—
- “electoral register” has the same meaning as in [section 1A](#);
- “registered” means registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration.]

Textual Amendments

- F2** Ss. 1-1E substituted for ss. 1, 2 (6.2.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), [ss. 14\(1\)](#), [67\(1\)](#); S.I. 2023/115, [reg. 2\(b\)\(i\)](#)

[^{F2}]^{F42} Registration of British citizens overseas.

- (1) A person is entitled to be registered in a register of parliamentary electors in pursuance of a declaration made by him under and in accordance with this section (an “overseas elector’s declaration”) if—
- (a) the register is for the constituency or part of the constituency within which is situated the place in the United Kingdom specified in the declaration in accordance with subsection (4) below as having been the address—
- (i) in respect of which he was registered, or
- (ii) at which he was resident,
- as the case may be, and
- (b) the registration officer concerned is satisfied that, on the relevant date, he qualifies as an overseas elector in respect of that constituency for which that register is prepared.
- (2) A person registered in a register of parliamentary electors in pursuance of an overseas elector’s declaration 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,
- [^{F5}(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered,]

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- [the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC of the principal Act made by some other person or that the person's entry has been altered as the result of an application under section 10ZD of that Act made by some other person,]
- ^{F6}(ab) [the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC of the principal Act made by some other person or that the person's entry has been altered as the result of an application under section 10ZD of that Act made by some other person,]
- ^{F5}(b) the declaration is cancelled under subsection (5) below, or
- (c) any entry made in respect of him in any register of parliamentary electors takes effect otherwise than in pursuance of an overseas elector's declaration, whichever first occurs; and, where the entitlement of such a person to remain so registered terminates by virtue of this subsection, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further overseas elector's declaration.
- (3) An overseas elector's declaration must state—
- (a) the date of the declaration,
 - (b) that the declarant is a British citizen,
 - (c) that the declarant is not resident in the United Kingdom on the relevant date, and
 - (d) when he ceased to be so resident or, in the case of a person relying on registration in pursuance of a service declaration, when he ceased to have a service qualification or, if later, ceased to be so resident,
- and must contain such other information and satisfy such other requirements (which may include requirements for declarations to be attested and for the charging of fees in respect of their attestation) as may be prescribed.
- [An overseas elector's declaration that specifies an address in Northern Ireland
- ^{F7}(3A) under subsection (4) may, instead of or in addition to including a statement under subsection (3)(b), state that the declarant is an eligible Irish citizen.]
- (4) An overseas elector's declaration must—
- (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 if the declarant makes more than one such declaration bearing the same date and specifying different addresses in the United Kingdom as the address in respect of which he was registered or, as the case may be, at which he was resident the declarations shall be void.
- (5) An overseas elector's declaration may be cancelled at any time by the declarant.
- (6) An overseas elector's declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the relevant date.

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(7) For the purposes of section 1 of this Act, where a person is registered in a register of parliamentary electors for any constituency or part of a constituency in pursuance of an overseas elector's declaration, it shall be conclusively presumed that he was not resident in the United Kingdom on the relevant date.

(8) In this section “ the relevant date ” has the meaning given by section 1(1)(a) of this Act.]

[^{F8}(9) In this section “eligible Irish citizen” means an Irish citizen who—

- (a) was born in Northern Ireland, and
- (b) qualifies as a British citizen (whether or not he identifies himself as such).

(10) A person found abandoned in Northern Ireland as a new-born infant is, unless the contrary is shown, deemed for the purposes of subsection (9) to have been born in Northern Ireland.]]

Textual Amendments

- F2** Ss. 1-1E substituted for ss. 1, 2 (6.2.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), **ss. 14(1)**, 67(1); S.I. 2023/115, **reg. 2(b)(i)**
- F4** S. 2 substituted (16.2.2001) by 2000 c. 2, s. 8, **Sch. 2 para. 3**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in [art. 2\(3\)-\(5\)](#))
- F5** S. 2(2)(aa) inserted (1.1.2007 for E.W.S.; 14.5.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 12(9)**, 77(2); S.I. 2006/3412, **art. 3**, [Sch. 1 para. 14\(a\)](#) (subject to [art. 6](#) and with [Sch. 2](#)); S.I. 2008/1316, **arts. 2(1)**, 3(a)
- F6** S. 2(2)(ab) inserted (10.6.2014 for E.W.; 15.9.2014 for N.I.; 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), s. 27(1), **Sch. 4 para. 21** (with [Sch. 5](#)); S.I. 2014/414, **art. 5(m)**; S.I. 2014/2439, **art. 2(l)**
- F7** S. 2(3A) inserted (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c.22), s. 15(1)(a); S.I. 2014/2613, **art. 2(2)(b)**
- F8** Ss. 2(9)(10) inserted (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c.22), s. 15(1)(b); S.I. 2014/2613, **art. 2(2)(b)**

Modifications etc. (not altering text)

- C6** S. 2 applied (with modifications) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4)**, **Sch. 4 Pt. II**
- C7** S. 2 applied (with modifications) (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008 \(S.I. 2008/1741\)](#), **reg. 14(3)(5)**, **Sch. 4**

^{F9}3 **Extension of franchise for European Parliamentary elections.**

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Textual Amendments

- F9** S. 3 repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), **reg. 1**, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, **regs. 1**, 2(2))

4 **Extension of franchise: consequential amendments.**

^{F10}(1)

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F10(2)

F10(3)

F11(4)

(5) In section 202 of that Act (interpretation) before the definition of “parliamentary election petition” there shall be inserted the following definition—

““overseas elector’s declaration” has the meaning given by section 2 of the Representation of the People Act 1985”.

(6) In Schedule 1 to that Act in rule 28 (issue of poll cards) at the end of paragraph (1) there shall be inserted the words “and a card shall not be sent to any person registered, or to be registered, in pursuance of an overseas elector’s declaration”.

(7) In Schedule 2 to that Act (regulations as to registration)—

(a) at the end of paragraph 4 there shall be inserted—

“(2) Provisions as to the manner in which overseas electors’ declarations, and applications from persons making such declarations, are to be transmitted to the registration officer.”; and

(b) after paragraph 5(1) there shall be inserted—

“(1A) Provisions as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, of a person satisfying any of the requirements for qualifying as an overseas elector in respect of any constituency.”

Textual Amendments

F10 S. 4(1)-(3) repealed (16.2.2001) by 2000 c. 2, s. 15(2), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)** (subject to transitional provisions in **art. 2(3)-(5)**)

F11 S. 4(4) repealed (6.8.1995) by S.I. 1995/1948, **reg. 5(2)**, **Sch. 2 para. 9**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(d)(e) inserted by [2012 c. 11 s. 2\(2\)\(b\)](#)
- s. 15(3ZA) inserted by [2012 c. 11 s. 2\(4\)](#)