

Changes to legislation: There are currently no known outstanding effects for the Representation of the People Act 2000, Cross Heading: Voting as proxy. (See end of Document for details)

SCHEDULES

SCHEDULE 4

ABSENT VOTING IN GREAT BRITAIN

Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) (E.W.) (2.4.2001) by [S.I. 2001/1298](#), regs. 15, 16, 17, [Sch. 5 Pt. I Table](#) (as amended (13.3.2004) by [S.I. 2004/226](#), [art. 2\(3\)](#), [Sch.](#))
Sch. 4: functions transferred (25.11.2002) by [S.I. 2002/2626](#), [art. 11\(1\)](#), [Sch. 1](#) (with [arts. 12, 13](#))
- C1** Sch. 4: functions transferred (19.8.2003) by The Secretary of State for Constitutional Affairs Order ([S.I. 2003/1887](#)), [art. 4](#), {[Sch. 1](#)}
- C1** [Sch. 4](#) applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), [reg. 8](#), [Sch. 3](#) [Table 1](#) (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#), [reg. 1](#))
- C1** Sch. 4 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 6](#), [Sch. 2 Pt. 1](#)
- C1** [Sch. 4](#) applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), regs. 8, 11, 12, 13, [Sch. 4](#) [Table 3](#)
- C1** [Sch. 4](#) applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), [reg. 8](#), [Sch. 4 para. 1](#) [Table 2](#)
- C1** Sch. 4 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), [reg. 1](#), [Sch. 4 para. 1 Table 3](#) (as amended (31.10.2023) by [S.I. 2023/1147](#), [regs. 1\(2\)](#), [15\(5\)\(b\)](#))
- C1** Sch. 4 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), [reg. 1](#), [Sch. 4 para. 1 Table 3](#) (with [reg. 27](#)) (as amended (31.10.2023) by [S.I. 2023/1147](#), [regs. 1\(2\)](#), [16\(5\)\(b\)](#))
- C1** Sch. 4 applied (with modifications) (E.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), [regs. 1, 8, 12, 13](#), [Sch. 4 Pt. 1 Table 3](#) (as amended (31.10.2023) by [S.I. 2023/1147](#), [regs. 1\(2\)](#), [18\(5\)\(b\)](#))

Voting as proxy

- 7
- (1) A person entitled to vote as proxy at a parliamentary or local government election may do so in person at the polling station allotted to the elector under the appropriate rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.
 - (2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
 - (3) For the purposes of this Schedule and the 1983 Act a person entitled to vote as proxy for another at a parliamentary or local government election is entitled so to vote by post if he is included in the list kept under sub-paragraph (8) in respect of the election.
 - (4) Where a person applies to the registration officer to vote by post—

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- (a) as proxy at parliamentary elections, at local government elections or at both ^{F1} ..., or
 - (b) as proxy at a particular parliamentary or local government election,
- the registration officer shall grant the application if the conditions set out in sub-paragraph (5) are satisfied.

(5) Those conditions are—

- (a) that the registration officer is satisfied that the elector is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
- (b) that there is in force an appointment of the applicant as the elector’s proxy to vote for him at elections of the kind in question or, as the case may be, the election concerned, and
- (c) that the application [^{F2}contains the applicant's signature and date of birth and] meets the prescribed requirements [^{F3}and, in the case of an application to vote by post as proxy at local government elections in Scotland or Wales for a particular period, specifies the period].

[^{F4}(5A) Any grant of an application under sub-paragraph (4)(a) to vote by post as proxy at parliamentary elections, or at local government elections in England, is to be for—

- (a) the period ending with the third 31 January following the date on which the application is granted, or
- (b) any shorter period specified in the application.]

(6) The registration officer shall keep a record of those whose applications under sub-paragraph (4)(a) have been granted showing—

- (a) whether their applications—
 - (i) were in respect of parliamentary elections, local government elections or both, ^{F5}...
 - ^{F6}(ii)

[^{F7}(aa) in the case of those who may vote by post as proxy at parliamentary elections or at local government elections in England (or both), the period for which they may do so,

- (ab) in the case of those who may vote by post as proxy at local government elections in Scotland or Wales, whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period), and]
- (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(7) Where, in the case of a particular parliamentary or local government election, a person included in the record kept under sub-paragraph (6) in respect of elections of the kind in question applies to the registration officer for his ballot paper to be sent to a different address from that shown in the record, the registration officer shall grant the application if it meets the prescribed requirements.

(8) The registration officer shall, in respect of each parliamentary or local government election, keep a special list [^{F8} (“the proxy postal voters list”)] of—

- (a) those who are for the time being included in the record kept under sub-paragraph (6) in respect of elections of the kind in question, together with the addresses provided by them in their applications under sub-paragraph (4)

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- (a) or, as the case may be, sub-paragraph (7) as the addresses to which their ballot papers are to be sent, and
 - (b) those whose applications under sub-paragraph (4)(b) above have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- [^{F9}(8A) In the case of a person who has an anonymous entry in a register the special list mentioned in sub-paragraph (8) must contain only—
- (a) the person's electoral number, and
 - (b) the period for which the anonymous entry has effect.
- (8B) [^{F10}Sub-paragraph (8A) does not apply to a special list kept in respect of a local government election in Scotland.]]
- (9) The registration officer shall remove a person from the record kept under sub-paragraph (6)—
- (a) if he applies to the registration officer to be removed,
 - (b) if the elector ceases to be registered as mentioned in sub-paragraph (5)(a),
 - (c) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed), ^{F11} ...
- [^{F12}(ca) in the case of a person shown in the record as voting by post as proxy at parliamentary elections or at local government elections in England (or both), once the period for which the person is entitled to vote by post as proxy at elections of the kind in question has expired, or]
- (d) in the case of a person who applied to vote by post as proxy [^{F13}at local government elections in Scotland or Wales] for a particular period, once that period expires.
- [^{F14}(10) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.]
- [^{F15}(11) The registration officer may dispense with the requirement under sub-paragraph (5) (c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
 - (b) to provide a signature because the applicant is unable to read or write, or
 - (c) to sign in a consistent and distinctive way because of any such disability or inability.”
- (12) The registration officer must also keep a record in relation to those whose applications under sub-paragraph (4)(a) or (b) have been granted showing—
- (a) their dates of birth;
 - (b) except in cases where the registration officer in pursuance of sub-paragraph (11) has dispensed with the requirement to provide a signature, their signatures.
- (13) The record kept under sub-paragraph (12) must be retained by the registration officer for the prescribed period.]

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- [^{F16}(14) Sub-paragraph (2) above does not prevent a person entitled to vote as proxy for another, at the polling station allotted to him at a local government election in Scotland, marking a tendered ballot paper in pursuance of any provision—
- (a) made under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9) as to the conduct of elections of councillors, and
 - (b) which entitles him to do so despite the fact that he is or may be entitled to vote by post as proxy.]

Textual Amendments

- F1** Words in Sch. 4 para. 7(4)(a) omitted (31.10.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(2)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F2** Words in Sch. 4 para. 7(5)(c) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 14(3)(a), 77** (with saving in s. 14(8)); S.I. 2006/3412, **art. 3**, Sch. 1 para. 3 (subject to transitional provisions in Sch. 2)
- F3** Words in Sch. 4 para. 7(5)(c) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(3)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F4** Sch. 4 para. 7(5A) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(4)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F5** Word in Sch. 4 para. 7(6)(a)(i) omitted (31.10.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(5)(a)(i)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F6** Sch. 4 para. 7(6)(a)(ii) omitted (31.10.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(5)(a)(ii)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F7** Sch. 4 para. 7(6)(aa)(ab) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(5)(b)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F8** Words in Sch. 4 para. 7(8) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 74(1), 77, Sch. 1 para. 137(7)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in Sch. 2)
- F9** Sch. 4 para. 7(8A)(8B) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 10, 77, Sch. 1 para. 23**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 12 (subject to transitional provisions in Sch. 2)
- F10** Sch. 4 para. 7(8B) repealed (S.) (29.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 20(c)(iv), 63(2)**; S.S.I. 2007/26, **art. 2**
- F11** Word in Sch. 4 para. 7(9) omitted (31.10.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(6)(a)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F12** Sch. 4 para. 7(9)(ca) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(6)(b)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F13** Words in Sch. 4 para. 7(9)(d) inserted (31.10.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 3 para. 3(6)(c)** (with Sch. 7 para. 16(2)); S.I. 2023/1145, reg. 2(e)
- F14** Sch. 4 para. 7(10) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 38(6)(b), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14 (subject to transitional provisions in Sch. 2)
- F15** Sch. 4 para. 7(11)-(13) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 14(3)(b), 77** (with saving in s. 14(8)); S.I. 2006/3412, **art. 3**, Sch. 1 para. 3 (subject to transitional provisions in Sch. 2)
- F16** Sch. 4 para. 7(14) inserted (S.) (17.2.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 27(2)(b), 63(2)**; S.S.I. 2007/26, **art. 3**

Commencement Information

- I1** Sch. 4 para. 7 wholly in force at 16.2.2001, see s. 17(3) and S.I. 2001/116, **art. 2(1)** (subject to art. 2(3)-(5))

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