
STATUTORY INSTRUMENTS

2008 No. 1741

The Representation of the People
(Northern Ireland) Regulations 2008

PART 4

ABSENT VOTERS

Interpretation of Part 4

54. In this Part—

“his allotted polling station” in relation to an elector means the polling station allotted or likely to be allotted to him under the elections rules; and

one person is “related” to another if he is the spouse or civil partner, parent, grandparent, brother, sister, child or grandchild of the other.

General requirements for applications for an absent vote

55.—(1) An application under section 6, 7, 8 or 9 of the 1985 Act⁽¹⁾ must comply with the requirements of this regulation and such further requirements in this Part of these Regulations as are relevant to the application.

(2) In the case of an application under section 6(1) or 7(1), the application must state, in addition to the matters required by section 6(1)(ba) to (bc) or section 7(1)(ba) to (bc) of the 1985 Act **(2)**—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under section 9 of the 1985 Act;
- (c) in the case of such an application the proxy’s address, together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of subparagraph(b); and
- (d) in the case of an application under section 6(1), 7(1) or 9(4) or (7) of the 1985 Act, the grounds on which the elector claims to be entitled to an absent vote.

(3) The application shall be made in writing and be signed and dated by the applicant.

(4) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of regulation 56.

(1) 1985 c. 50; sections 6, 7, 8 and 9 were amended by Schedule 6 to the 2000 Act; sections 6 and 7 were amended by section 3 of the 2002 Act (c.13) and paragraph 134 of Schedule 1 to the 2006 Act (c.22) also amended section 6. Section 8(5) was also amended by S.I. 2005/3129. Section 9(11A) was inserted by section 38(5) of the 2006 Act.

(2) Sections 6(1)(ba) to (bc) and 7(1)(ba) to (bc) were inserted by section 3 of the 2002 Act (c.13).

Additional requirements for applications for the appointment of a proxy

56. An application for the appointment of a proxy under section 8(6) or (7) of the 1985 Act shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that the person is capable of being and willing to be appointed to vote as his proxy; or
- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

Additional requirements for applications on grounds of blindness or other disability

57.—(1) An application under section 6(2)(b)(3) of the 1985 Act shall specify the disability by reason of which it is made.

- (2) Subject to paragraph (3), such an application shall be attested and signed by—
 - (a) a registered medical practitioner;
 - (b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(4) by virtue of qualifications in nursing;
 - (c) a Christian Science practitioner;
 - (d) the person registered under the Registered Homes (Northern Ireland) Order 1992(5) as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the applicant states that he is resident in such a home;
 - (e) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(6), where the applicant states that he is resident in such accommodation; or
 - (f) the manager or other person in charge of premises forming one of a group of premises provided for persons of pensionable age or persons with a disability for which there is a resident manager or other person in charge, where the applicant states that he resides in such premises.
- (3) The person attesting the application shall state—
 - (a) his name and address and the qualification by virtue of which he attests the application;
 - (b) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
 - (c) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (4) Paragraphs (2) to (4) shall not apply where—
 - (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by a Health and Social Services Board which is specified in the application; or

(3) Section 6(2)(b) was amended by paragraph 134 of Schedule 1 to the 2006 Act (c.22).

(4) S.I.2002/253.

(5) S.I. 1992/3204 (N.I. 20); the definitions of "residential care home" and "nursing home" have been amended by Schedule 9 to S.I. 1995/755 (N.I.2).

(6) S.I. 1972/1265 (N.I.14).

- (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(7)) because of the disability specified in the application.

(5) The fact that an applicant is registered with a Health and Social Services Board as a blind person shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in section 6(2)(b) of the 1985 Act.

Additional requirements for applications based on occupation, service, employment or attendance on a course

58.—(1) An application under section 6(2)(c) of the 1985 Act(8) shall state—

- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or civil partner; or
- (b) whether it is the applicant or his spouse or civil partner who is attending the course provided by an educational institution in respect of which the application is made; and
- (c) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
- (d) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as “the employed person”) is self-employed, that fact; and in any other case the name of that person’s employer;
- (e) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.

(2) Such an application shall be attested and signed—

- (a) where the person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;
- (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
- (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.

(3) The person attesting an application made under paragraph (2) shall—

- (a) where the applicant is the employed person, self-employed person or the person attending the course, certify that the statements required by sub-paragraphs (a) to (e) of paragraph (1) to be included in the application are true; or
- (b) where the applicant is the spouse or civil partner of the employed person, self-employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (d) of paragraph (1) are true.

(4) The person attesting an application under paragraph (2) shall also state—

(7) 1992 c.7 (N.I.).

(8) Section 6(2)(c) was amended by Schedule 6 to the 2000 Act and S.I.2005/3129.

- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him; and
- (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
- (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.

Additional requirements for applications in respect of a particular election

59.—(1) An application under section 7(1) of the 1985 Act shall set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Except in respect of an application to which paragraph (4), (6) or (8) applies, such an application shall be signed and attested by a person who—

- (a) is aged 18 years or over;
- (b) resides in the United Kingdom;
- (c) knows the applicant but is not related to him; and
- (d) has not attested under this paragraph any other application in respect of the election for which the application he attests is made.

(3) The person attesting an application under paragraph (2) shall state—

- (a) his full name and address;
- (b) that he is aged 18 years or over;
- (c) that he resides in the United Kingdom;
- (d) that he knows the applicant but is not related to him; and
- (e) that he has not attested under paragraph (2) any other application in respect of the election for which the application he attests is made,

and shall certify that, to the best of his knowledge and belief, the statement included in the application in accordance with paragraph (1) is true.

(4) This paragraph applies in respect of an application under section 7(1) of the 1985 Act in which the circumstances set out in accordance with paragraph (1) are that the applicant will be or is likely to be ill on the date of the poll, and which—

- (a) specifies the illness which he is likely to suffer from; and
- (b) is attested and signed by one of the persons specified in sub-paragraphs (a), (b) and (c) of regulation 57(2).

(5) The person attesting an application under paragraph (4) shall state—

- (a) his name and address;
- (b) the qualification by virtue of which he is authorised to attest it;
- (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with paragraph (1); and
- (d) that, to the best of his knowledge and belief—
 - (i) the applicant is suffering from the illness specified in the application;
 - (ii) that he will be or is likely to be so suffering on the date of the poll; and

- (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness.
- (6) This paragraph applies in respect of an application under section 7(1) of the 1985 Act—
 - (a) which is received by the registration officer after 5 p.m. on the fourteenth day (calculated in accordance with regulation 61(5)) before the date of the poll at the election in question (“the standard closing date for applications”) but before 5 p.m. on the sixth day (so calculated) before the date of that poll;
 - (b) in which the circumstances set out in accordance with paragraph (1) relate to the applicant’s health;
 - (c) which includes a statement to the effect that, before the standard closing date for applications, the applicant could not have reasonably foreseen that those circumstances would, or would be likely to, exist on the date of the poll; and
 - (d) which is attested and signed by one of the persons specified in sub-paragraphs (a), (b) and (c) of regulation 57(2).
- (7) The person attesting an application under paragraph (6) shall state—
 - (a) his name and address;
 - (b) the qualification by virtue of which he is authorised to attest it;
 - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with paragraph (1);
 - (d) that to the best of his knowledge and belief—
 - (i) the applicant is suffering from the illness specified in the application;
 - (ii) that he will be or is likely to be so suffering on the date of the poll; and
 - (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness; and
 - (e) that, to the best of his knowledge and belief, the statement which the applicant made in accordance with paragraph (6)(c) is correct.
- (8) This paragraph applies in respect of an application under section 7(1) of the 1985 Act—
 - (a) which is received by the registration officer during the period specified in paragraph (6)(a);
 - (b) in which the circumstances set out in accordance with paragraph (1) relate to the applicant’s employment either as a constable or by the returning officer on the date of the poll of the election for which the application is made for a purpose connected with that election or any other parliamentary or European Parliamentary election the poll for which is held on the same day;
 - (c) which states the employment in question; and
 - (d) in the case of a constable, which is signed by a member of the Police Service of Northern Ireland of or above the rank of chief inspector.

Additional requirements for applications by proxies to vote by post at a particular election

60. An application under section 9(7) of the 1985 Act shall set out why the applicant’s circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the elections rules.

Closing date for applications

61.—(1) An application under section 6(1) or (5), 8(6) or 9(4) of the 1985 Act shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at that election.

(2) Subject to paragraph (3), an application under section 7(1) or (2), 8(7) or 9(7) or (8) of the 1985 Act shall be refused if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at the election for which is made.

(3) Paragraph (2) shall not apply to an application which satisfies the requirements of either paragraphs (6) and (7) or paragraph (8) of regulation 59; and such an application shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the day of the poll at the election for which it is made.

(4) An application under—

- (a) section 6(4)(a) of the 1985 Act by an elector to be removed from the record kept under section 6(3) of that Act; or
- (b) section 9(11)(a) of that Act by a proxy to be removed from the record kept under section 9(6) of that Act,

and a notice under section 8(9) of that Act by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the date of the poll at that election.

(5) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday shall be disregarded.

(6) In paragraph (5) “bank holiday” means—

- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(9) in any part of the United Kingdom; and
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland,

except that where, at a parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, sub-paragraph (b), not sub-paragraph (a), shall apply.

Grant or refusal of applications

62.—(1) Where the registration officer grants an application under section 6, 7, 8 or 9 of the 1985 Act, he shall, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The proxy paper (as amended for use also in respect of European Parliamentary elections) to be issued by the registration officer on the appointment of a proxy shall be in Form E.

(4) Where the registration officer refuses an application under section 6, 7, 8 or 9 of the 1985 Act, he shall notify the applicant of his decision and, in the case of an application under section 6(1) or 9(4), of the reasons for it; and he shall date such a notification.

(5) Where under regulation 61(1) or 61(4) the registration officer disregards an application for the purposes of a particular election, he shall, where practicable, notify the applicant of this.

(9) 1971 c.80.

Notice of appeal

63.—(1) A person desiring to appeal under section 58(1)(b) of the 1983 Act(**10**) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under regulation 62(4), specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the appropriate county court together with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Cancellation of proxy appointment

64. Where the appointment of a proxy is cancelled by notice given to the registration officer under section 8(9) of the 1985 Act(**11**) or ceases to be in force under that provision or is no longer in force under section 8(10)(b) of that Act, the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy; and
- (b) remove his name from the record kept under section 6(3)(c) of that Act.

Inquiries by registration officer

65.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown in the record kept under section 6(3) of the 1985 Act(**12**) by virtue of an application under that section on the grounds set out in paragraph (b) or (c) of section 6(2).

(2) In the case of a person who is shown in the record kept under section 6(3) of the 1985 Act by virtue of an application under that section on the grounds set out in section 6(2)(c), the registration officer shall make the inquiries referred to in paragraph (1) not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Records and lists kept under sections 6, 7 and 9 of the 1985 Act

66.—(1) The registration officer shall, on request, supply free of charge a copy of the list kept under sections 7(4) and 9(9) of the 1985 Act(**13**) to each candidate at a parliamentary election or his election agent.

(2) The registration officer shall make available for inspection at his office a copy of the records kept under sections 6(3) and 9(6) of the 1985 Act(**14**).

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with regulation 61(5)) the registration officer shall publish the lists kept under sections 7(4) and 9(9) of the 1985 Act by making a copy of them available for inspection at his office.

(10) 1983 c. 2; section 58 was substituted by Schedule 4 to the Miscellaneous Provisions Act 2006.

(11) Section 8(9) was substituted by Schedule 6 to the 2000 Act (c.2).

(12) Section 6(3) was amended by Schedule 6 to the 2000 Act.

(13) 1985 c. 50. Sections 7(4) and 9(9) were amended by Schedule 6 to the 2000 Act.

(14) Section 6(3) and 9(9) were amended by Schedule 6 to the 2000 Act.

Marked register for polling stations

67. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

Certificate of employment at a parliamentary election

68.—(1) The form of certificate in Form F is prescribed for the purposes of rule 32(3) of the elections rules.

(2) The prescribed officer of police for those purposes is a member of the Police Service of Northern Ireland of or above the rank of chief inspector.

Form of Corresponding number lists

69.—(1) The form of the corresponding number list to be prepared by the returning officer under rule 19A(**15**) of the elections rules shall be in Form G.

(2) The form of the corresponding number list to be prepared by the returning officer for the purposes of rules 29(3)(e)(**16**) and 37(1)(c)(**17**) of the elections rules shall be in Form H.

(3) The form of the corresponding number list to be prepared by a returning officer under rule 19A of the elections rules, when a parliamentary election is combined with another poll under section 15 of the 1985 Act(**18**) shall be in Form J.

(4) The form of the corresponding number list to be prepared by a returning officer for the purposes of rules 29(3)(e) and 37(1)(c) of the elections rules, when a parliamentary election is combined with another poll under section 15 of the 1983 Act shall be in Form K.

(15) 1983 c.3; rule 19A was inserted by section 31 of the 2006 Act (c.22).

(16) Sub-paragraph (e) of rule 29(3) was inserted by section 31 of the 2006 Act.

(17) Rule 37(1)(c) was amended for Northern Ireland by paragraph 90 of Schedule 1 to the 2006 Act.

(18) 1985 c.50; section 15 was amended by section 3 of the European Communities (Amendment) Act 1986 (c.58), section 3(2) of the Elections Act 2001 (c.7) and paragraph 7 of Schedule 7 to the Local Government Act 2003 (c.26).