

Schedule

Transitional provisions and savings

Part 2

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

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);
 - (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.

(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.

(3) Section 8 was repealed, in relation to England, Wales and Scotland, by section 12(2) of the Representation of the People Act 2000 (c. 2), and was amended by Part 9 of Schedule 27 to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.