Representation of the People (Armed Forces) Act 1976

1976 CHAPTER 29

An Act to make provision for the registration for electoral purposes of members of the armed forces and the wives and husbands of such members. [22nd July 1976]

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:—

Change in effect of service declarations by members of the forces, etc. 1969 c. 15.

1.—(1) The rule established by section 2(1) of the Representation of the People Act 1969 that a service declaration shall be made only with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register shall not apply to members of the forces and their wives and husbands, and that subsection and subsection (2) of that section (time of making, and expiry of, service declaration) shall cease to have effect.

1949 c. 68.

(2) Instead, in section 10 of the Representation of the People Act 1949 (service qualification), after subsection (3) there shall be inserted the following subsections:—

"(3A) A service declaration made by a member of the forces or the wife or husband of such a member shall, if not cancelled, continue in force so long as the declarant has a service qualification, except in so far as regulations provide that the declaration shall cease to be in force on a change in the circumstances giving the service qualification.

(3B) A service declaration made by any other person shall be made with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register.

(3C) A service declaration made with reference to any qualifying date shall be made during the twelve months ending with that date, but shall not have effect if after it is made and before that date the declarant ceases to have a service qualification or cancels the declaration or, in so far as regulations so provide, if after the declaration is made and before that date there is a change in the circumstances giving the service qualification.".

Change of service qualification. 1949 c. 68.

2. The wife or husband of a member of the forces shall have a service qualification for the purposes of the Representation of the People Act 1949, notwithstanding that she or he does not satisfy the requirement of paragraph (*c*) of section 10(1) of that Act that she or he must be residing outside the United Kingdom to be with that member, and accordingly for that paragraph there shall be substituted the following paragraphs:—

" (*c*) any person who is the wife or husband of a member of the forces;

(*d*) any person who is the wife or husband of a person mentioned in paragraph (*b*) or (*bb*) above and is residing outside the United Kingdom to be with her husband or, as the case may be, his wife,"

and in paragraph (*b*) of that subsection, after the word " who " there shall be inserted the words " (not being such a member) ".

Consequential amendments and repeals.

3.—(1) In accordance with sections 1 and 2 above the Representation of the People Act 1949 shall be amended as mentioned in subsections (2) to (6) below.

(2) In the provisos to section 8(1) and (2) (persons with service qualifications not entitled to be registered as electors except in pursuance of a service declaration) for the words from " except in pursuance " to the end of each proviso there shall be substituted the words " except in pursuance of the appropriate service declaration ".

(3) After section 8(2) there shall be inserted the following subsection:—

" (3) The appropriate service declaration for a member of the forces or the wife or husband of such a member is a service declaration made in accordance with section 10 of this Act and in force on the qualifying date and in any other case is a service declaration made in accordance with that section with reference to that date.".

(4) For paragraphs (*b*) and (*c*) of section 10(5) there shall be substituted the following paragraphs:—

"(*b*) where the declarant is a member of the forces or the wife or husband of such a member, that on that date the declarant is, or but for the circumstances entitling him to make the declaration would have been, residing in the United Kingdom;

(*bb*) in the case of any other declarant, that on that date and, unless it is a qualifying date, on the qualifying date next following he is or will be, or but for those circumstances would have been, residing in the United Kingdom;

(*c*) the address where the declarant is or, as the case may be, will be or would have been residing in the United Kingdom or, if he cannot give any such address, an address at which he has resided in the United Kingdom.".

(5) For section 10(6) there shall be substituted the following subsection:—

"(6) A member of the forces or the wife or husband of such a member whose service declaration is in force on the qualifying date shall be treated for the purposes of registration, and any other person whose service declaration is made with reference to the qualifying date for any register shall be so treated in relation to that register,—

(*a*) as resident on the qualifying date at the address specified in the declaration;

(*b*) in the case of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of three months ending on the qualifying date; and

(*c*) in any case, until the contrary is proved, as being a British subject or a citizen of the Republic of Ireland of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.".

(6) In section 10(9) for the words "and made with reference to the same qualifying date" there shall be substituted the words "if, in the case of a service declaration made otherwise than by a member of the forces or the wife or husband of such a member, it is made with reference to the same qualifying date".

(7) In subsections (2) to (6) above any reference to any provision of the Representation of the People Act 1949 is a refer- 1949 c. 68.

1969 c. 15.

ence to that provision as amended by Schedule 2 to the Representation of the People Act 1969.

(8) In the said Act of 1969 the following are hereby repealed, that is to say—

(*a*) section 2(4);

(*b*) in Schedule 2, paragraphs 2(1) and 4(3) and in paragraph 4(1) the words from "and at the end of paragraph (*c*)" onwards; and

(*c*) in Schedule 4, the entry relating to section 2(1) and (2).

Short title, citation and commencement.

4.—(1) This Act may be cited as the Representation of the People (Armed Forces) Act 1976, 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 date as the Secretary of State may by order made by statutory instrument appoint.