

51A. Power of Electoral Commissioner to remove names of incapacitated electors

- (1) Where the Electoral Commissioner is satisfied, that in consequence of physical incapacity, mental illness or mental disorder an elector is incapable of complying with the provisions of this Act relating to compulsory voting, the Electoral Commissioner may remove the name of that elector from the roll.
- (2) The Electoral Commissioner shall not, under subsection (1), remove the name of the elector from the roll unless, —
 - (a) he has, by notice in writing served on the elector, given notice of his intention so to remove the name of the elector;
 - (b) he has, in the notice, specified a date being not less than 14 days from the date of the notice on or before which the elector may by notice in writing served on the Electoral Commissioner advise him that he objects to his name being so removed; and
 - (c) the elector has failed to serve a notice on the Electoral Commissioner under and in accordance with the provisions of paragraph (b).
- (3) A person whose name has been removed from a roll pursuant to this section may claim in the manner prescribed in section 42, to have his name entered upon any roll for which he possesses the necessary qualification.
- (4) The power of removal conferred on the Electoral Commissioner by subsection (1) does not extend to —
 - (a) a person in respect of whom a guardianship or administration order is in force under the *Guardianship and Administration Act 1990*; or
 - (b) a person in respect of whom an order of the kind referred to in section 201 (1) of the *Mental Health Act 1996* is in force.

[Section 51A inserted by No. 33 of 1967 s.8; amended by No. 40 of 1987 s.84; No. 24 of 1990 s.123; No. 69 of 1996 s.25.]