

Draft Regulations laid before Parliament under section 105(6) of the Local Government Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Conduct of
Referendums) (England) Regulations 2007**

Laid before Parliament in draft

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45 and 105 of the Local Government Act 2000⁽¹⁾:

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with section 45(8A) of that Act.

In accordance with section 45(8B) of that Act, the Secretary of State has consulted the Electoral Commission on the intelligibility of the questions which may be asked at a referendum as specified in these Regulations. He has laid before each House of Parliament a report stating the views expressed by the Commission in response.

In accordance with section 45(8D) of that Act, the Secretary of State has sought and had regard to the views of the Electoral Commission on the matter of the limitation of referendums expenses. He has laid no statement before each House of Parliament in pursuance of that subsection because these Regulations accord with those views.

In accordance with section 105(6) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and revocations

1.—(1) These Regulations may be cited as The Local Authorities (Conduct of Referendums) (England) Regulations 2007.

(2) These Regulations come into force 14 days after the day on which they are made.

(3) These Regulations apply to the holding of referendums by local authorities in England.

⁽¹⁾ 2000 c. 22; section 45(8A) to (8D) were inserted by, and section 45(9) was amended by, paragraph 18 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41); section 105(6) was amended by, and section 105(6A) was inserted by, paragraph 14 of Schedule 3 to the Local Government Act 2003 (c. 26).

- (4) The following statutory instruments are revoked—
- (a) The Local Authorities (Conduct of Referendums) (England) Regulations 2001**(2)**;
 - (b) The Local Authorities (Conduct of Referendums) (England) (Consequential Amendments) Order 2001**(3)**;
 - (c) The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2004**(4)**;
 - (d) The Civil Partnerships Act 2004 (Amendments to Subordinate Legislation) Order 2005,**(5)** to the extent of Part 3 of Schedule 12.

Interpretation

2.—(1) In these Regulations—

“the 1983 Act” means the Representation of the People Act 1983**(6)**;

“the 1985 Act” means the Representation of the People Act 1985**(7)**;

“the 2000 Act” means the Local Government Act 2000**(8)**;

“the Petitions and Directions Regulations” means The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000**(9)**;

“the Representation of the People Regulations” means The Representation of the People (England and Wales) Regulations 2001**(10)**;

“the Combination of Polls Regulations” means The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004**(11)**;

“the Local Government Act Referendums Rules” means the rules set out in Schedule 3 to these Regulations;

“the Local Government Act Referendums (Combination of Polls) Rules” means the rules set out in Schedule 5 to these Regulations;

“counting observer” means a person appointed by a counting officer under rule 18(2) of the Local Government Act Referendums Rules or rule 18(1) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be);

“counting officer” means a person referred to in regulation 9;

“elected mayor”, in relation to a local authority, means an individual elected as mayor of the authority by the local government electors for the authority’s area in accordance with provisions made by or under Part 2 of the 2000 Act;

“European Parliamentary election” and “European Parliamentary general election” must be construed in accordance with section 27(1) of the 1985 Act**(12)**;

“further referendum” means a referendum held in pursuance of an order under regulation 17(3);

(2) S.I. 2001/1298.

(3) S.I. 2001/1494.

(4) S.I. 2004/226.

(5) S.I. 2005/2114.

(6) 1983 c. 2.

(7) 1985 c. 50.

(8) 2000 c. 22.

(9) S.I. 2000/2852; amended by S.I. 2001/760 and 2001/1310.

(10) S.I. 2001/341; amended by S.I. 2001/1700, 2002/1871, 2004/226, 2006/752 and 2006/2910.

(11) S.I. 2004/294; amended by S.I. 2006/3278.

(12) 1985 c. 50; the definitions were amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58) in consequence of the European Assembly being renamed the European Parliament.

“local government election” must be construed in accordance with section 203(1) of the 1983 Act⁽¹³⁾;

“mayoral election” must be construed in accordance with The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007⁽¹⁴⁾;

“outline fall-back proposals”—

- (a) in relation to proposals under section 25 (proposals) of the 2000 Act, means an outline of the proposals that a local authority intend to implement if their proposals under section 25 are rejected in a referendum;
- (b) in relation to proposals under regulation 17 (action before referendum) or regulation 19 (action on receipt of direction) of the Petitions and Directions Regulations, means an outline of the proposals that a local authority intend to implement if proposals that are to be the subject of a referendum under Part 2 or Part 3 of those Regulations are rejected in that referendum;
- (c) in relation to proposals under an order under section 36 (referendum following order) of the 2000 Act, means—
 - (i) if the authority are then operating executive or alternative arrangements, a summary of those arrangements;
 - (ii) in any other case, an outline of the proposals that the authority intend to implement if proposals that are to be the subject of a referendum are rejected in that referendum;
- (d) in relation to proposals under regulations under section 30 (operation of different executive arrangements) or section 33 (operation of alternative arrangements) of the 2000 Act, means a summary of the authority’s existing executive arrangements or existing alternative arrangements (as the case may be);

“petition organiser”, in relation to a referendum, means a person who is treated for the purposes of regulation 10(4) or (5) (formalities of petition) (as the case may be) of the Petitions and Directions Regulations, as the petition organiser of any valid petition (whether an amalgamated petition, a constituent petition or a post-announcement petition) received by the council by or in respect of which the referendum is held;

“polling observer” means a person appointed by a counting officer under rule 18(1) of the Local Government Act Referendums Rules or rule 19(1) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be);

“proper officer” must be construed in accordance with section 270(3) of the Local Government Act 1972⁽¹⁵⁾;

“proposals date”—

- (a) in relation to a referendum, other than a further referendum, means the date on which proposals—
 - (i) under section 25 of the 2000 Act which involve a form of executive for which a referendum is required,
 - (ii) under regulation 17 or 19 of the Petitions and Directions Regulations,
 - (iii) under an order under section 36 of the 2000 Act, or
 - (iv) under regulations under section 30 or 33 of the 2000 Act,

are sent to the Secretary of State; and

⁽¹³⁾ 1983 c. 2; the definition of “local government election” was amended by paragraph 39 of Schedule 17 to the Greater London Authority Act 1999 (c. 29).

⁽¹⁴⁾ S.I. 2007/1024.

⁽¹⁵⁾ 1972 c. 70.

- (b) in relation to a further referendum, means the day which falls two months before the day on which the poll at the further referendum is held;

“referendum” means a referendum held under section 27 (referendum in case of proposals involving elected mayor) of the 2000 Act, or by virtue of regulations or an order made under any provision of Part 2 (arrangements with respect to executives etc.) of the 2000 Act;

“referendum period”, in relation to a referendum (including a further referendum), means the period beginning with—

- (a) where the proposals date precedes the coming into force of these Regulations, the date on which these Regulations come into force;
- (b) in any other case, the proposals date,

and ending on the date of the referendum;

“relevant election or referendum” means one or more of the following—

- (a) another referendum (including a further referendum);
- (b) a Parliamentary election;
- (c) a European Parliamentary election;
- (d) a local government election;
- (e) a mayoral election;

the poll at which is taken together with the poll at the referendum;

“voting area” means the area in which a referendum is held.

(2) Any reference in the following provisions of these Regulations to a section followed by a number is, unless the context otherwise requires, a reference to the section of the 2000 Act that bears that number.

Question to be asked in referendum

- 3. Where the proposals in relation to which a referendum is to be held involve—
 - (a) a mayor and cabinet executive, the question to be asked in that referendum is to be in the form set out in paragraph 1 of Schedule 1 to these Regulations;
 - (b) a mayor and council manager executive, the question to be asked in that referendum is to be in the form set out in paragraph 2 of that Schedule;
 - (c) a leader and cabinet executive, the question to be asked in that referendum is to be in the form set out in paragraph 3 of that Schedule.

Publicity and other information in connection with referendums

4.—(1) Subject to paragraph (2), the proper officer must, as soon as practicable after the proposals date, publish in at least one newspaper circulating in the local authority’s area, a notice which contains—

- (a) a statement that, as the case may be—
 - (i) proposals under section 25 involving a form of executive for which a referendum is required,
 - (ii) proposals under regulation 17(3) or 19(1) of the Petitions and Directions Regulations,
 - (iii) proposals under an order under section 36, or
 - (iv) proposals under regulations under section 30 or 33,

have been sent to the Secretary of State;

(b) a description of the main features of the proposals and of the outline fall-back proposals;

(c) a statement—

(i) that a referendum will be held,

(ii) of the date on which the referendum will be held,

(iii) in a case to which regulation 10(1) or (7) applies, that the poll in the referendum will be taken together with the poll or polls in an election or elections of a description which is to be specified in the statement,

(iv) of the question to be asked in the referendum,

(v) that the referendum will be conducted in accordance with procedures similar to those used at local government elections,

(vi) of the referendum expenses limit (as defined in regulation 6(1)) that will apply in relation to the referendum and the number of local government electors by reference to which that limit has been calculated,

(vii) of the address and times at which a copy of the proposals, and of the authority's outline fall-back proposals, may be inspected,

(viii) of the procedures for obtaining a copy of the proposals and outline fall-back proposals, and

(ix) if the proper officer then knows that the poll in the referendum (whether or not it is to be taken together with the poll in an election) will be taken together with the poll in a referendum for another area, that the polls will be taken together for the two (or more) areas, which are to be specified in the statement.

(2) At least 14 days before the day on which he publishes a notice in accordance with paragraph (1) the proper officer of an authority must, by notice in writing, advise—

(a) if he is the proper officer of a county council, the proper officer of the council of each district comprised in the county;

(b) if he is the proper officer of a district council comprised in an area for which there is a county council, the proper officer of—

(i) the council of the county in which the district lies, and

(ii) each of the other district councils in that county,

that he intends to publish a notice under paragraph (1) and of the date of the referendum to be held in his area.

(3) It is the duty of each proper officer—

(a) to whom notice has been given under paragraph (2), and

(b) whose council are considering the holding of a referendum in their area,

to consider whether it would be practicable to combine that referendum with the one of which such notice has been given; and each such officer must reply to the notice with seven days from the date of its receipt, indicating whether his authority wish to combine their referendum with that to which that notice refers.

(4) Unless the notice required to be published by paragraph (1) (“the first notice”) is published fewer than 56 days before the date of the referendum, the proper officer must publish a second notice containing the particulars specified in paragraph (1)(c)(i) to (viii) and, if paragraph (1)(c)(ix) applies (whether or not it applied in relation to the first notice), the particulars specified in that paragraph.

(5) The second notice is to be published—

- (a) in the same newspaper or newspapers as were used for the publication of the first notice, and
 - (b) not greater than 55 days and not fewer than 28 days before the date of the referendum.
- (6) The authority must make available for inspection throughout the referendum period, at the address and times stated in the notice, and free of charge, a copy of their proposals and outline fall-back proposals, and must secure that sufficient copies are available for persons who wish to obtain copies.
- (7) The authority may provide (whether or not in pursuance of any duty to do so) any other factual information relating to the proposals, the outline fall-back proposals or the referendum so far as it is presented fairly.
- (8) In determining for the purposes of paragraph (7) whether any information is presented fairly, regard is, in accordance with section 38, to be had to any guidance for the time being issued by the Secretary of State under section 38.

Restriction on publication etc. of promotional material

- 5.—(1) This regulation applies to any material which—
- (a) provides general information about the referendum,
 - (b) deals with any of the issues raised by the question to be asked in the referendum, or
 - (c) puts any arguments for or against a particular answer to that question.
- (2) No material to which this regulation applies is to be published by or on behalf of a local authority during the period of 28 days ending with the date of the poll at the referendum.
- (3) Paragraph (2) does not apply to—
- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it,
 - (b) the publication of information relating to the holding of the poll at the referendum, or
 - (c) the publication of press notices containing factual information where the sole purpose of the publication is to refute or correct any inaccuracy in material published by a person other than the local authority.
- (4) In this regulation “publish” means make available to the public at large, or to any section of the public, in whatever form and by whatever means (including, in particular, by inclusion in any programme included in a programme service within the meaning of the Broadcasting Act 1990(16)); and “publication” is to be construed accordingly.

General restriction on referendum expenses

- 6.—(1) In this regulation and regulation 7—
- “campaign organiser” means the individual or body by whom, or on whose behalf, referendum expenses are incurred (including expenses treated as incurred) in connection with a referendum campaign;
 - “referendum campaign” means a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in a referendum;
 - “referendum expenses” means the expenses incurred by or on behalf of any individual or body during the referendum period for referendum purposes in respect of any of the matters set out

(16) 1990 c. 42. Section 201, containing the definition of programme service, was amended by section 360 of and Schedule 19 to the Communications Act 2003 (c. 21).

in paragraphs 1 to 7 of Schedule 2 to these Regulations, as read in accordance with paragraph 8 of that Schedule;

“referendum expenses limit” means the aggregate of £2,362 and the amount found by multiplying by 5.9 pence the number of entries in the relevant register;

“for referendum purposes” means—

- (a) in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to the question asked in the referendum, or
- (b) otherwise in connection with promoting or procuring any such outcome;

“the relevant register” means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act⁽¹⁷⁾ after the conclusion of the canvass conducted under section 10 of that Act⁽¹⁸⁾ in the year immediately preceding that in which the referendum is held, which has (or have) effect in the area of the local authority by which or as regards which the referendum is held (whether or not the persons to whom those entries relate are entitled to vote in the referendum).

(2) The total referendum expenses incurred, or, in accordance with regulation 7, treated as incurred, by or on behalf of any individual or body must not exceed the referendum expenses limit.

(3) Where any referendum expenses are incurred in excess of the referendum expenses limit, a person who knew or ought reasonably to have known that that limit would be exceeded, or who, without reasonable excuse, authorises another person to exceed that limit, is guilty of an offence.

(4) Where information is given to the Director of Public Prosecutions that an offence under paragraph (3) has been committed, it is his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

(5) Where an offence under paragraph (3) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.

(6) A person who commits an offence under paragraph (3) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 12 months or both.

(7) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003,⁽¹⁹⁾ the reference in paragraph (6)(a) to 12 months is to be read as a reference to 6 months.

(8) Nothing in paragraph (2) affects the right of any creditor who, when the expense was incurred, was ignorant of that expense being in contravention of that paragraph.

Notional referendum expenses

7.—(1) This regulation applies where—

- (a) property, services or facilities is or are provided for the use or benefit of any person either—

⁽¹⁷⁾ 1983 c. 2; the existing section 13 was substituted for the original section 13 by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

⁽¹⁸⁾ 1983 c. 2; the present section 10 was substituted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by paragraphs 5 and 105 of Schedule 1 to the Electoral Administration Act 2006 (c. 26).

⁽¹⁹⁾ 2003 c. 44.

- (i) free of charge, or
 - (ii) at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the services or facilities; and
- (b) the property, services or facilities is or are made use of by or on behalf of that person in circumstances such that, if any expenses were to be (or are) actually incurred by him or on his behalf in respect of that use, they would be (or are) referendum expenses incurred by him or on his behalf.

(2) Subject to paragraph (5), where this regulation applies an amount of referendum expenses determined in accordance with paragraph (3) is, unless it is not more than £200, to be treated for the purposes of regulation 6 as incurred by that person during the period for which the property, services or facilities is or are made use of as mentioned in paragraph (1)(b).

- (3) The amount mentioned in paragraph (2) is such proportion of either—
- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
 - (b) the difference between that commercial rate and the amount of the expenses actually incurred by or on behalf of that person in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (1)(b).

(4) Where the services of an employee are made available by his employer for the use or benefit of a person, the amount which is to be taken as constituting the commercial rate for the provision of those services is the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but that amount is not to include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).

(5) No amount of referendum expenses is to be regarded as incurred by virtue of paragraph (2) in respect of the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.

Conduct of referendum: poll at referendum not taken together with poll at relevant election or referendum

8.—(1) A referendum is to be conducted in accordance with the Local Government Act Referendums Rules (as contained in Schedule 3 to these Regulations), unless the poll at the referendum is taken together with the poll at a relevant election or referendum.

(2) The provisions mentioned in the first column of Tables 1 to 6 of Schedule 4 to these Regulations have effect in relation to referendums, subject to the modifications specified in that Schedule and to any contrary provision of these Regulations.

Counting officer

9.—(1) Subject to regulations 11(2) and 13(2), functions conferred by these Regulations on the counting officer are to be exercised in each voting area by the person who is for the time being the returning officer at elections of councillors for that area under section 35(1) or (3) (returning officers: local elections) of the 1983 Act. **(20)**

(2) It is the counting officer's general duty at the referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by these Regulations.

(3) The counting officer must also appoint and pay such persons as may be necessary for the purpose of the counting of the votes.

Combination of polls: general

10.—(1) Where the poll at a referendum would be taken on a day that falls within the period—

- (a) beginning 28 days before the day on which the poll is to be taken at an election of a description mentioned in paragraph (2), and
- (b) ending 28 days after the day on which the poll is to be taken at any such election,

the poll at the referendum must, subject to paragraphs (3) and (5), be taken on the day on which the poll is to be taken at the election; and the polls must be taken together.

(2) The descriptions of election mentioned in this paragraph are—

- (a) an ordinary election of councillors for a county electoral division or a district or London borough ward (as the case may be) of the local authority by which or as regards which the referendum is to be held;
- (b) an ordinary election of councillors for a county electoral division or a district or London borough ward (as the case may be) of any other local authority, where that division or ward is wholly or partly within the area of the local authority by which or as regards which the referendum is to be held;
- (c) a parliamentary general election;
- (d) an election to fill a vacancy in a parliamentary constituency that is wholly or partly within the area of the local authority by which or as regards which the referendum is to be held;
- (e) a European Parliamentary general election;
- (f) a European Parliamentary election in respect of an electoral region within the meaning of section 1 of the European Parliamentary Elections Act 2002⁽²¹⁾ in which the area of the local authority by which or as regards which the referendum is to be held falls;
- (g) an ordinary election within the meaning of Part 1 (the Greater London Authority) of the Greater London Authority Act 1999,⁽²²⁾ where the local authority by which or as regards which the referendum is to be held is a London borough;
- (h) an election (other than an ordinary election) of the Mayor of London under section 16(2) (filling a vacancy in the office of Mayor) of the Greater London Authority Act 1999, where the local authority by which or as regards which the referendum is to be held is a London borough.

(3) Where the poll at a referendum would be taken together with the poll at an election of a description mentioned in paragraph (2)(c), (d), (f) or (h), paragraph (1) does not apply where notice of the date of the referendum is given under regulation 4 before the date on which notice is given of the date of the election, and the date of the referendum is not the same as that of the election.

(4) In a case to which paragraph (3) applies, the poll at the referendum is to be taken on the day of which notice has been given under regulation 4.

(5) Nothing in paragraph (1) requires the poll at a referendum to be taken together with the poll at an election where the day on which those polls would be taken falls within the period—

⁽²¹⁾ 2002 c. 24; the present section 1 was substituted by section 1 of the European Parliament (Representation) Act 2003 (c. 7) and amended by S.I. 2004/366 and 2004/1245.

⁽²²⁾ 1999 c. 29.

- (a) beginning five months after the date that, in relation to the referendum, is the petition date or the direction date (as the case may be), and
 - (b) ending six months after the petition date or direction date (as the case may be).
- (6) In paragraph (5)—
- “petition date” must be construed in accordance with Part 2 (Petitions and Referendums) of the Petitions and Directions Regulations⁽²³⁾;
- “direction date” means the date on which the Secretary of State gives a direction under regulation 18 (circumstances in which Secretary of State may require referendum) of those Regulations.
- (7) The poll at a referendum may be taken together with the poll at an election under section 89 (filling of casual vacancies in the case of councillors) of the Local Government Act 1972⁽²⁴⁾ or under section 10 (filling a vacancy in an Assembly constituency) of the Greater London Authority Act 1999—
- (a) where the referendum is to be held in compliance with a direction of the Secretary of State, if he so determines;
 - (b) in any other case, if the authority by which the referendum is to be held so determines.
- (8) Notice of a determination under paragraph (7) must be given in writing—
- (a) where the determination is made by the Secretary of State, to the authority or authorities (as the case may be) by which the election and the referendum concerned are to be held;
 - (b) where the determination is made by an authority, to the authority (other than themselves) by which the election concerned is to be held.
- (9) Subject to paragraph (10), where an authority (“the first authority”) have given notice under regulation 4(1) of the date on which a referendum will be held in their area, no other authority—
- (a) whose area includes that of the first authority, or
 - (b) whose area is part of that of the council of the same county as that of the first authority,
- may hold a referendum in their area within the period beginning 28 days before the date of the first authority’s referendum and ending 28 days after that date unless the polls at the referendums are combined.
- (10) Where the date on which a referendum is to be held in a county is the same as that on which a referendum is to be held in any district within that county, the polls must be taken together.

Combination of referendum and election polls: conduct of referendum

11.—(1) This regulation applies, in relation to the referendum, where polls are taken together in accordance with regulation 10(1) or (7).

(2) The referendum is to be conducted in accordance with the Local Government Act Referendums (Combination of Polls) Rules (as contained in Schedule 5 to these Regulations).

(3) The provisions specified in the first column of Tables 1 to 6 of Schedule 4 have effect in relation to the referendum, subject to the modifications specified in that Schedule and to any contrary provision of these Regulations.

⁽²³⁾ S.I. 2000/2852; amended by S.I. 2001/760 and 2001/1310.

⁽²⁴⁾ 1972 c.70; section 89 was amended by paragraph 13 of Schedule 8 to the Representation of the People Act 1983 (c. 2), section 19 of the Representation of the People Act 1985 (c. 50) and Schedule 17 to the Local Government Act 1985 (c. 51).

(4) Where a person applies under Schedule 4 to the Representation of the People Act 2000⁽²⁵⁾ to vote by post, or to vote by proxy, at the election, he is to be treated as applying also to vote by post, or to vote by proxy, at the referendum.

Combination of referendum and election polls: supplementary provisions relating to elections

12.—(1) This regulation applies, in relation to the election or elections (as the case may be), where polls are taken together in accordance with regulation 10(1) or (7).

(2) The provisions specified in the first column of Tables 2, 3 and 6 of Schedule 4 have effect in relation to elections to which this regulation applies, subject to the modifications specified in that Schedule and to any contrary provision of these Regulations.

(3) Where a person applies under Schedule 4 to the Representation of the People Act 2000 to vote by post, or to vote by proxy, at the referendum, he is to be treated as applying also to vote at the election by post or by proxy.

Combination of referendum polls: supplementary

13.—(1) This regulation applies where polls at referendums are taken together in accordance with regulation 10(9) or (10).

(2) The functions mentioned in paragraph (3) are all to be discharged by one counting officer, and the counting officers are to agree as to which of them that should be.

(3) The functions mentioned in this paragraph are—

(a) those under the following rules of the Local Government Act Referendums (Combination of Polls) Rules—

- (i) unless paragraph (ii) applies, rule 8 (the corresponding number list) to the extent that it relates to ballot papers to be provided in pursuance of rule 17(1);
- (ii) where the proceedings on the issue and receipt of postal ballot papers at the referendums are taken together under regulation 65 of Representation of the People Regulations (as applied by paragraph (5)), rule 8 (the corresponding number list);
- (iii) rule 12(3) (notice of situation of polling stations, etc.);
- (iv) where the proceedings on the issue and receipt of postal ballot papers at the referendums are taken together under regulation 65 of Representation of the People Regulations (as applied by paragraph (5)), rule 13 (postal ballot papers);
- (v) rule 14 (provision of polling stations);
- (vi) rule 15(1) and (2) (appointment of presiding officers and clerks) to the extent that that rule concerns the appointment of presiding officers and clerks to assist them;
- (vii) rule 17 (equipment of polling stations);
- (viii) rule 20 (notification of requirement of secrecy in relation to polling stations);
- (ix) where the proceedings on the issue and receipt of postal ballot papers at the referendums are taken together under regulation 65 of Representation of the People Regulations (as applied by paragraph (5)), rule 22 (return of postal ballot papers);
- (x) rule 23(3) (signature as to certificate of employment);
- (xi) rule 24(2)(b) (keeping of order in station);
- (xii) rule 38(1) (the count); and

⁽²⁵⁾ 2000 c. 2. Schedule 4 was amended by paragraph 164 of Schedule 27 to the Civil Partnerships Act 2004 (c. 33), and sections 5, 14, 35 and 38 of, and paragraphs 19, 20 and 137 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22).

- (b) where the proceedings on the issue and receipt of postal ballot papers at more than one referendum are taken together under regulation 65 of the Representation of the People Regulations (as applied by paragraph (5)), the functions conferred by the provisions of Part 5 of those Regulations applied by paragraph (5).
- (4) The referendums are to be conducted in accordance with the Local Government Act Referendums (Combination of Polls) Rules.
- (5) The provisions specified in the first column of Tables 1 to 6 of Schedule 4 have effect in relation to the referendums, subject to the modifications specified in that Schedule and to any contrary provision of these Regulations.
- (6) The cost of taking the combined poll (excluding any cost solely attributable to one referendum) and any cost attributable to the combination is to be apportioned equally among the referendums.

Result of referendum or further referendum

- 14.**—(1) This regulation is subject to regulations 16 and 17.
- (2) If the majority of the votes cast in a referendum other than a further referendum are “yes” votes, the result of the referendum is—
 - (a) for the purposes of section 27(7), to approve the authority’s proposals under section 25;
 - (b) for the purposes of regulation 23 (action where referendum proposals approved) of the Petitions and Directions Regulations or, as the case may be, the comparable provisions of any other regulations or order made under any provision of Part 2 of the 2000 Act, to approve the proposals that were the subject of the referendum.
 - (3) If the majority of the votes cast in a referendum other than a further referendum are “no” votes, the result of the referendum is—
 - (a) for the purposes of section 27(8), to reject the authority’s proposals under section 25;
 - (b) for the purposes of regulation 24 (action where referendum proposals rejected) of the Petitions and Directions Regulations or, as the case may be, the comparable provisions of any other regulations or order made under any provision of Part 2 of the 2000 Act, to reject the proposals that were the subject of the referendum.
 - (4) If the majority of the votes cast in a further referendum are “yes” votes, the result of the referendum is to approve the continuation of the authority’s existing executive arrangements or their existing alternative arrangements (as the case may be).
 - (5) If the majority of the votes cast in a further referendum are “no” votes, the result of the referendum is to reject the continuation of the authority’s existing executive arrangements or their existing alternative arrangements (as the case may be).
 - (6) In a case to which paragraph (5) applies, section 27(8) to (12) is then to apply as if the result of the further referendum was the rejection of the authority’s proposals under section 25, but subject—
 - (a) in section 27(8)(b), to the insertion after “outline fall-back proposals” of “that were proposed at the time of the referendum”,
 - (b) in section 27(9), to the omission of “outline fall-back proposals or”, and
 - (c) in section 27(10), to the substitution for “Outline fall-back proposals and detailed” of “Detailed”.

Procedures for questioning referendum

- 15.**—(1) A referendum under these Regulations may be questioned by petition (“a referendum petition”)—

- (a) on the ground that the result of the referendum was not in accordance with the votes cast,
 - (b) on the ground that the referendum was avoided by such corrupt or illegal practices, within the meaning of the 1983 Act, as are relevant to referendums by virtue of regulation 8, 11 or 13 or paragraph (8),
 - (c) on the grounds provided by section 164 (avoidance of election for general corruption etc.) of the 1983 Act, as applied for the purposes of these Regulations by paragraph (8), or
 - (d) subject to paragraph (3), on the ground that a payment of money or other reward has been made or promised since the referendum in pursuance of a corrupt or illegal practice relevant to the referendum by virtue of regulation 8, 11 or 13 or paragraph (8).
- (2) A referendum petition on any of the grounds specified in paragraph (1)(a) to (c) must be presented not later than 21 days after the day on which the referendum was held.
- (3) A referendum petition on the ground mentioned in paragraph (1)(d) may be presented only with the leave of the High Court.
- (4) An application for leave must be made, not later than 28 days after the date of the alleged payment or promise, by application notice to the court at such time and place as the court may appoint.
- (5) Not less than seven days before the day so appointed the applicant must—
- (a) serve the application notice on the respondent and the Director of Public Prosecutions and lodge a copy in the election petitions office, and
 - (b) publish notice of the intended application in at least one newspaper circulating in the voting area for the referendum to which the application relates.
- (6) The application notice must state the grounds on which the application is made.
- (7) A referendum petition is to be tried by an election court, that is to say, a court constituted under section 130 (election court for local election in England and Wales, and place of trial) of the 1983 Act for the trial of an election petition, as applied by paragraph (8).
- (8) Schedule 6 to these Regulations contains provisions which have effect in relation to the questioning of a referendum as they have effect in relation to the questioning of an election under the Local Government Act 1972, subject to the modifications specified in that Schedule and to any contrary provision of these Regulations.
- (9) The Election Petition Rules 1960⁽²⁶⁾ have effect in relation to a referendum petition as they have effect in relation to a local election petition within the meaning of those Rules, subject to the modifications specified in Schedule 7 to these Regulations and to any contrary provision of these Regulations.

Immediate consequences of referendum petitions

- 16.**—(1) This regulation, apart from paragraph (8), applies where—
- (a) a referendum petition is presented on any of the grounds mentioned in regulation 15(1) (a) to (c), or
 - (b) leave is granted to the presentation of a referendum petition brought under the ground mentioned in regulation 15(1)(d).
- (2) Where this regulation applies—
- (a) in relation to a referendum—
 - (i) at which the question asked was in the form set out in paragraph 3 of Schedule 1, and
 - (ii) in which the majority of the votes cast are “yes” votes; and

⁽²⁶⁾ S.I. 1960/543; amended by S.I. 1985/1278, 1999/1352 and 2003/972.

(b) before the authority have passed a resolution under section 29, the authority must take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(3) Where this regulation applies—

(a) in relation to a referendum—

- (i) at which the question asked was in the form set out in paragraph 3 of Schedule 1, and
- (ii) in which the majority of the votes cast are “yes” votes; and

(b) after the authority have passed a resolution under section 29,

the authority must continue to operate the executive arrangements that are the subject of that resolution.

(4) Where this regulation applies—

(a) in relation to a referendum—

- (i) at which the question asked was in the form set out in paragraph 1 or 2 of Schedule 1, and
- (ii) in which the majority of the votes cast are “yes” votes; and

(b) without an election for the return of an elected mayor having taken place in consequence of the referendum,

the authority must take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(5) Where this regulation applies—

(a) in relation to a referendum in which the majority of the votes cast are “no” votes; and

(b) the authority’s outline fall-back proposals are based on the executive or alternative arrangements which they were operating at the date of the referendum,

they must continue to operate those arrangements.

(6) Where this regulation applies but paragraph (5) does not apply—

(a) in relation to a referendum in which the majority of the votes cast are “no” votes, and

(b) before the authority have passed a resolution under section 29 (operation of, and publicity for, executive arrangements) or section 33 (operation of alternative arrangements),

the authority must take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(7) Where this regulation applies—

(a) in relation to a referendum in which the majority of the votes cast are “no” votes, and

(b) after the authority have passed a resolution under section 29 or 33,

the authority must continue to operate the executive arrangements or the alternative arrangements (as the case may be) that are the subject of that resolution.

(8) Where leave is granted to the presentation of a referendum petition brought under the ground mentioned in regulation 15(1)(d)—

(a) in relation to a referendum—

- (i) at which the question asked was in the form set out in paragraph 1 or 2 of Schedule 1, and
- (ii) in which the majority of the votes cast are “yes” votes; and

(b) after an election for the return of an elected mayor has taken place in consequence of the referendum,

the elected mayor is to continue in office.

Determination of referendum petitions and subsequent procedures

17.—(1) Where an election court certifies, as its determination of a referendum petition, that the result of the referendum declared under regulation 14 is or is not in accordance with the votes cast (as the case may be), any reference (in whatever terms) in the timetable—

- (a) included in the authority’s proposals under section 25,
- (b) included in their proposals under regulation 17(3)(a) or 19(1)(c) of the Petitions and Directions Regulations,
- (c) prepared in pursuance of section 27(4) or regulation 17(7)(a)(ii) or 20(3)(a)(iii) of those Regulations, or
- (d) prepared in pursuance of any other regulations or an order made under any provision of Part 2 (arrangements with respect to executives etc.) of the 2000 Act,

to the date of the result of the referendum is to be construed as a reference to the date on which the election court certifies its determination.

(2) Where an election court certifies, as its determination of a referendum petition specifying any of the grounds mentioned in regulation 15(1), that the referendum was avoided, the authority concerned must, not earlier than two months and not later than three months after the date on which the election court has certified that determination, hold another referendum.

- (3) Where the circumstances are as mentioned in regulation 16(8)(a) and (b), the court must—
- (a) dismiss the petition, or
 - (b) allow the petition,

and, where the court allows the petition, it must declare the referendum to be tainted, and order that a further referendum be held.

(4) Where the election court makes the order mentioned in paragraph (3), subject to regulation 10(1), the authority must hold the further referendum as soon as practicable after the expiration of the period of five years beginning with the date on which the tainted referendum was held.

- (5) If the majority of the votes cast in a further referendum are “yes” votes—
- (a) where the authority are operating executive arrangements, they must continue to operate those arrangements unless and until they are authorised or required to operate different executive arrangements or authorised to operate alternative arrangements in place of their existing executive arrangements, and
 - (b) where the authority are operating alternative arrangements, they must continue to operate those arrangements unless and until they are authorised to operate different alternative arrangements or authorised or required to operate executive arrangements in place of their existing alternative arrangements.

- (6) If the majority of votes cast in the further referendum are “no” votes, the authority—
- (a) must implement the proposals that were their outline fall-back proposals at the time of the tainted referendum, and
 - (b) subject to paragraphs (7) and (8), section 27(13) (referendum in case of proposals involving elected mayor) applies to the implementation of detailed fall-back proposals as if those outline fall-back proposals were outline fall-back proposals in the event that proposals under section 25 (proposals) are rejected in a referendum under section 27.

(7) Where the authority’s outline fall-back proposals are the executive or alternative arrangements which they were operating at the date of the tainted referendum, section 27(13) applies (as mentioned

in paragraph (6)) as if, for “in accordance with the timetable mentioned in subsection (4)”, there were substituted “as soon as practicable”.

(8) Where the authority’s outline fall-back proposals are executive arrangements which involve a form of executive for which a referendum is not required—

(a) section 29(1) (operation of, and publicity for, executive arrangements) applies for the purpose of enabling the authority to operate the executive arrangements set out in their detailed fall-back proposals as it applies for the purpose of enabling an authority to operate executive arrangements in other circumstances, and

(b) section 29(2) applies as if in paragraph (b) for sub-paragraph (i) there were substituted—

“(i) states that, in consequence of the rejection in a further referendum of the authority’s existing executive arrangements, the authority have resolved to operate the different executive arrangements that were described in their outline fall-back proposals at the time of the referendum.”.

(9) These Regulations, except where the context otherwise requires, apply (so far as relevant) to the conduct of the further referendum as they apply to the conduct of any other referendum subject to—

(a) in regulation 4—

(i) the omission of paragraph (1)(a),

(ii) in paragraph (1)(b), the substitution for “the proposals” of “the authority’s existing executive arrangements”,

(iii) in paragraph (1)(c)(vii), the substitution for “a copy of the proposals” of “a document in which are set out the main features of the authority’s existing executive arrangements”,

(iv) in paragraph (1)(c)(viii), the substitution for “the proposals and” of “that document and those”,

(v) after paragraph (1)(c)(ix), the insertion of—

“(x) if it be the case, that the referendum is being held in consequence of the determination of an election court that the referendum last held in the authority’s area was void or, as the case may be, declared to be tainted by reason of a payment of money or other reward made or promised since the referendum in pursuance of a corrupt or illegal practice.”,

(vi) in paragraph (6), the substitution for “a copy of their proposals” of “a document in which are set out the main features of the authority’s current executive arrangements”; and

(b) in paragraphs 1 and 2 of Schedule 1, and in the first two forms to appear in the Appendix both to the Local Government Act Referendums Rules and the Local Government Act Referendums (Combination of Polls) Rules—

(i) the omission of “the proposal for”, and

(ii) the substitution for “to be run in a new way,” of “continuing to be run in a way”.

(10) On the substantive hearing of a referendum petition for which leave has been granted where the circumstances are as mentioned in any paragraph of regulation 16 other than paragraph (8), the election court must either—

(a) dismiss the petition, or

(b) allow the petition,

and, where the court allows the petition, it must declare the referendum avoided.

Time

18.—(1) The days mentioned in paragraph (2) are to be disregarded in calculating any period of time for the purposes of regulation 4(1).

(2) The days mentioned in this paragraph are—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(27) in England, and
- (c) any day appointed as a day of public thanksgiving or mourning.

Advertisements

19. The Town and Country Planning (Control of Advertisements) Regulations 1992(28) have effect in relation to the display on any site in a voting area of an advertisement relating specifically to the referendum as they have effect in relation to the display of an advertisement relating specifically to a local government election.

Non-domestic rating: premises used for referendum purposes

20. In relation to premises in a voting area, section 65(6) of the Local Government Finance Act 1988(29) (occupation for election meetings and polls) has effect as if—

- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result in the referendum, and
- (b) the reference to the use by a returning officer for the purpose of taking the poll in an election included a reference to the use for the purpose of taking the poll in the referendum—
 - (i) by a person exercising functions of a counting officer in accordance with regulation 9, or
 - (ii) by a relevant returning or counting officer within the meaning of rule 2(1) of the Local Government Act Referendums (Combination of Polls) Rules.

Signed by the authority of the Secretary of State

Address
Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

(27) 1971 c. 80.

(28) S.I. 1992/666; as amended by paragraph 233 of Schedule 22 to the Environment Act 1995 (c. 25) and S.I. 1994/2351, 1996/525, 1997/2971, 1999/1810, 2001/1149, 2001/4050, 2003/2155 and 2005/3050.

(29) 1988 c. 41; there are no relevant amendments.

SCHEDULE 1

Regulation 3

Questions to be Asked in a Referendum

1. Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a mayor, who will be elected by the voters of that [insert “borough”, “city”, “county” or “district”, as appropriate], to be in charge of the Council’s services and to lead [insert name of local authority] and the community which it serves?

2. Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a mayor, who will be elected by the voters of that [insert “borough”, “city”, “county” or “district”, as appropriate], to lead [insert name of local authority] and the community which it serves?

3. Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a councillor, who will be elected by the councillors of [insert name of local authority], to lead the Council and the community which it serves?

SCHEDULE 2

Regulation 6(1)

Matters relevant to Referendum Expenses

1. Advertising of any nature (whatever the medium used).

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

2. Unsolicited material addressed to voters (whether addressed to them by name or intended for delivery to households within any particular area or areas).

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

3. Any material of a description referred to in regulation 5(1).

4. Market research or canvassing conducted for the purposes of ascertaining voting intentions.

5. The provision of any services or facilities in connection with press conferences or other dealings with the media.

6. Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign.

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the referendum period.

7. Rallies and other events, including public meetings organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.

Expenses in respect of such events include costs in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

8. Nothing in paragraphs 1 to 7 is to be taken as extending to—

- (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
- (b) any expenses incurred in respect of the remuneration or allowances payable to any member of staff of the campaign organiser;
- (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for his accommodation or other personal needs to the extent that the expenses are paid by the individual from his own resources and are not reimbursed to him.

SCHEDULE 3

Regulation 8

The Local Government Act Referendums Rules

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PART 1

General Provisions

Citation

1. These Rules may be cited as the Local Government Act Referendums Rules.

Interpretation

- 2.—(1) In these Rules “voter” means a person entitled to vote on his own behalf.
(2) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

PART 2

Provisions as to Time

3. The proceedings at the referendum shall be conducted in accordance with the following Timetable.

Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the day of referendum.
Notice of poll	Not later than the sixth day before the day of the referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of referendum.

Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 18(2)(a) to (c) shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the counting officer be obliged to proceed with the counting of the votes on such a day.

PART 3

General Provisions

Notice of referendum

- 5.—(1) The counting officer must publish notice of the referendum, stating the date of the poll.
(2) The notice of referendum must state the date by which—
 - (a) applications to vote by post or by proxy, and
 - (b) other applications and notices about postal or proxy voting,must reach the registration officer in order that they may be effective for the referendum.

Poll to be taken by ballot

6. A poll must be taken at the referendum and the votes at the poll must be given by ballot.

The ballot papers

- 7.—(1) The ballot of every person entitled to vote at the referendum must consist of a ballot paper.
- (2) Every ballot paper to be used in the referendum must be in the appropriate form in the Appendix (depending on the question to be asked in the referendum).
- (3) Every ballot paper must—
 - (a) be capable of being folded up; and
 - (b) have a number and other unique identifying mark printed on the back.

The corresponding number list

- 8.—(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 13(1) or provided by him in pursuance of rule 17(1).
- (2) The list must be in the appropriate form in the Appendix or a form to like effect.

The official mark

- 9.—(1) Every ballot paper must contain an appropriate security marking (the official mark).
- (2) The official mark must be kept secret.
- (3) The counting officer may use a different official mark for different purposes at the same referendum.

Prohibition of disclosure of vote

10. No person who has voted at the referendum shall, in any legal proceeding to question the referendum, be required to state for which answer he has voted.

Use of schools and public rooms

- 11.—(1) The counting officer may use, free of charge, for the purpose of taking the poll or counting the votes—
 - (a) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
 - (b) a room the expense of maintaining which is payable out of any rate.
- (2) The counting officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

PART 4

Action to be Taken Before the Poll

Notice of poll

12.—(1) The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll, and
- (b) the question to be asked in the referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

(3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station; and
- (b) the description of persons entitled to vote there.

Postal ballot papers

13.—(1) The counting officer must, in accordance with regulations made under the 1983 Act, **(30)** issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) The counting officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters and proxies sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the voter or proxy.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter or proxy.

Provision of polling stations

14.—(1) The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the voters to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to voters from any parliamentary polling district wholly or partly within the voting area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

(30) See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) (amended by [S.I. 2001/1700](#), [2002/1871](#), [2004/226](#), [2006/752](#) and [2006/2910](#)).

(4) The counting officer must provide each polling station with such number of compartments as may be necessary in which the voters and proxies can mark their votes screened from observation.

Appointment of presiding officers and polling clerks

15.—(1) The counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

(2) The counting officer may, if he thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

16.—(1) The counting officer must as soon as practicable after the publication of the notice of the referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

- (a) in the case of a voter, to his qualifying address, and
- (b) in the case of a proxy, to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form in the Appendix, or a form to the like effect, and must set out—

- (a) the name of the council and of the voting area;
- (b) the name of the voter, his qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different voters or to different descriptions of voter

(4) In the case of a voter who has an anonymous entry in the register, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

- (a) are to a person who is registered in the register of local government electors for the voting area in question on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

Equipment of polling stations

17.—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer's opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
 - (b) copies of the register of electors for the voting area or such part of it as contains the names of the voters allotted to the station;
 - (c) the parts of any special lists prepared for the referendum corresponding to the register of electors for the voting area or the part of it provided under sub-paragraph (b);
 - (d) a list consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.
- (4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽³¹⁾ in respect of alterations to the register.
- (5) The counting officer must also provide each polling station with—
- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and
 - (b) a device of such description as is set out in paragraph (9) for enabling voters and proxies who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 28(1)).
- (6) A notice in the form in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as he considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.
- (8) In every compartment of every polling station there must be exhibited the notice “[*Specify name of council* ...] REFERENDUM. Mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only. Put no other mark on the ballot paper, or your vote may not be counted.”.
- (9) The device referred to in paragraph (5)(b) must—
- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
 - (b) hold the ballot paper firmly in place during use; and
 - (c) provide suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the answer to which each such space refers; and
 - (iii) mark his vote on the space he has chosen.

Appointment of polling observers and counting observers

18.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

⁽³¹⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

(3) For the purpose of assisting the counting officer in the discharge of his functions under paragraph (2), a petition organiser may nominate persons who in the opinion of the petition organiser are suitable for appointment as counting observers.

(4) A nomination under paragraph (3) must be made by notice in writing to the counting officer not later than the fifth day before the poll (disregarding any day which is to be disregarded by virtue of rule 4) and the notice must contain the address of each nominee.

(5) Subject to paragraph (6), the counting officer must not, without good cause, decline to appoint as a counting observer a person nominated by a petition organiser under paragraph (3).

(6) The counting officer may limit the number of counting observers, so however that—

- (a) the number must be the same in the case of each petition organiser, and
- (b) the number allowed to a petition organiser must not (except in special circumstances) be fewer than the number obtained by dividing the number of clerks employed on the counting by the number of petition organisers.

For the purposes of the calculations required by this paragraph, a counting observer who has been appointed on the nomination of more than one petition organiser is a separate counting observer for each of the petition organisers by whom he has been nominated.

(7) Where a counting observer appointed on the nomination of a petition organiser dies or becomes incapable of acting, the petition organiser who made the nomination may nominate another person to be appointed as a counting observer in his place by giving notice in writing to the counting officer.

(8) Paragraphs (4) and (5) apply to a nomination under paragraph (7), with the substitution in paragraph (4) for “fifth day” of “final day”.

(9) In the following provisions of these Rules references to polling observers and counting observers shall be taken as references to polling observers and counting observers whose appointments have been duly made.

(10) Any notice required to be given by the counting officer to a counting observer appointed on the nomination of a petition organiser may be delivered at, or sent by post to, the address stated in the notice of nomination.

(11) A petition organiser may himself do any act or thing which any counting observer is authorised to do, or may assist any counting observer appointed on his nomination in doing any such act or thing.

(12) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

19. The counting officer must make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act,⁽³²⁾ as applied by Schedule 4; and

⁽³²⁾ Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22); subsection (6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 4.

Return of postal ballot papers

20.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act.**(33)**

(2) Rule 36(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

PART 5

The Poll

Admission to polling station

21.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters and proxies;
- (b) persons under the age of 18 who accompany voters and proxies to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000**(34)**;
- (f) the constables on duty;
- (g) the companions of voters and proxies with disabilities;
- (h) the elected mayor, if any, of the council in respect of which the referendum is held; and
- (i) any petition organiser.

(2) The presiding officer must regulate the total number of voters, proxies and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by a counting officer must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the counting officer, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

(33) See regulation 84A of the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2006/2910](#).

(34) Sections 6A to 6F of the Political Parties, Elections and Referendums Act 2000 ([c.41](#)) were inserted by section 29 of the Electoral Administration Act 2006 ([c. 22](#)).

Keeping of order in station

22.—(1) It is the presiding officer’s duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer’s lawful orders, he may immediately, by the presiding officer’s order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the counting officer to remove him,

and the person so removed shall not, without the presiding officer’s permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter or proxy who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

23. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place his seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in his view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters and proxies

24.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the second column of the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and a petition organiser or polling observer requires the question to be put:

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a voter	(a)—Are you the person registered in the register of local government electors for this voting area as follows? <i>read the whole entry from the register</i> [R] (b)—Have you already voted here or elsewhere at this referendum, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as A.B. in the list of proxies for this voting area as entitled to vote as proxy on behalf of C.D.? [R] (b)—Have you already voted here or elsewhere at this referendum as proxy on behalf of C.D.? [R]

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
		(c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]
3	A person applying as proxy for a voter who has an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the voter whose number on the register of electors is (<i>read out the number</i>)? [R] (b)—Have you already voted here or elsewhere as proxy on behalf of the voter whose number on the register of electors is (<i>read out the number</i>)? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R]
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted at this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	A person applying as a voter in relation to whom there is an entry in the postal voters list	(a)—Did you apply to vote by post? (b)—Why have you not voted by post?
6	A person applying as proxy who is named in the proxy postal voters list	(a)—Did you apply to vote by post as proxy? (b)—Why have you not voted by post as proxy?

(2) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register shall be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.

Challenge of voter or proxy

25. A person must not be prevented from voting by reason only that—

- (a) any petition organiser or polling observer permitted to be present in accordance with rule 21(1) declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

26.—(1) A ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the voter as stated in the copy of the register of electors must be called out;
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 17(3)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of a voter who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).

(3) In the case of a voter who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub-paragraph (b), for “in the register” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter or proxy, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(5) The voter or proxy must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

Votes marked by presiding officer

27.—(1) The presiding officer, on the application of a voter or proxy—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or
- (b) who declares orally that he is unable to read,

must, in the presence of the polling observers (if any), cause that person’s vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”).

In the case of a person voting as proxy for a voter, the number to be entered together with the proxy’s name shall be the number in the register of the voter.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, (35) paragraph (2) applies as if for “on the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

Voting by persons with disabilities

28.—(1) If a voter or proxy makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter or proxy to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter or proxy is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter or proxy with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one voter or proxy with disabilities to vote at the referendum,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that voter or proxy in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a voter or proxy with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter or proxy with disabilities to vote if that person—

- (a) is a person who is entitled to vote on his own behalf at the referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter or proxy and has attained the age of 18 years.

(4) The name and number in the register of electors of every person whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters or proxies with disabilities assisted by companions”).

In the case of a person voting as proxy for a voter, the number to be entered together with the proxy’s name shall be the number in the register of the voter.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The declaration made by the companion of a voter or proxy with disabilities—

- (a) must be in the form in the Appendix,

(35) Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

- (b) must be made before the presiding officer at the time when the voter or proxy applies to vote with the assistance of a companion, and
 - (c) must forthwith be given to the presiding officer who must attest and retain it.
- (7) No fee or other payment shall be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

29.—(1) If a person, representing himself to be—

- (a) a particular voter named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for a voter and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the voter or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 30, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter or proxy.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular voter named on the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the referendum.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 30, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

(5) Paragraph (6) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular voter named on the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 30, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

Tendered ballot papers: general provisions

30.—(1) A tendered ballot paper must—

- (a) be of a colour differing from that of the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the person who has marked a tendered ballot paper and his number in the register of electors, and set aside in a separate packet.

(2) The name of the person who has marked a tendered ballot paper and his number in the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) In the case of a person voting as proxy for a voter, the number to be endorsed or entered together with the proxy’s name shall be the number in the register of the voter.

(4) In the case of a voter who has an anonymous entry, this rule and rule 29 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the person who has marked a tendered ballot paper shall be ignored;
- (b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears in the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 29 shall apply as if—

- (a) in rule 29(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
- (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

31. A voter or proxy who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

32. The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

Adjournment of poll in case of riot

33.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the counting officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll shall be construed accordingly.

Procedure on close of poll

34.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any), make up into separate packets, sealed with his own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 26(1)(b) (together referred to in these Rules as “the completed corresponding number lists”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 32 (correction of errors on day of poll), and the declarations made by the companions of voters and proxies with disabilities,

and must deliver the packets or cause them to be delivered to the counting officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery shall require the counting officer’s approval.

(2) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

PART 6

Counting of Votes

Attendance at counting of votes

35.—(1) The counting officer must make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the close of the poll, and must give to the counting observers notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than—

- (a) the counting officer and his clerks,
- (b) the counting observers,
- (c) the elected mayor, if any, of the council in respect of which the referendum is held,
- (d) the petition organisers, and
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the counting officer unless he is satisfied that the efficient counting of the votes will not be impeded.

(4) The counting officer must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

36.—(1) The counting officer must—

- (a) in the presence of the counting observers open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the counting observers verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) The counting officer must not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(3) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (4) and reaches the counting officer or any polling station in the voting area in question before the close of the poll;
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches him or such a polling station before that time;
- (c) the postal voting statement also states the date of birth of a voter or proxy; and
- (d) in a case where steps for verifying the date of birth and signature of a voter or proxy have been prescribed by regulations made under the 1983 Act, **(36)** the counting officer (having taken such steps) verifies that date of birth and that signature.

(4) The manner in which any postal ballot paper or postal voting statement may be returned—

- (a) to the counting officer, is by hand or by post;
- (b) to a polling station, is by hand.

(5) The counting officer must not count any tendered ballot paper.

(6) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(7) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.

(36) See regulations 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

(8) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.

(9) During the time so excluded the counting officer must—

- (a) place the ballot papers and other documents relating to the referendum under his own seal; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Re-count

37.—(1) A petition organiser, if present when the counting or any re-count of the votes is completed, may require the counting officer to have the votes re-counted or again re-counted but the counting officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until such petition organisers as are present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

38.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more than one answer, or
- (c) on which anything is written or marked by which the voter or proxy can be identified except the printed number and other unique identifying mark on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraph (2), be void and not counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be deemed to be void if an intention that the vote shall be for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the voter or proxy and it is not shown that he can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to his decision.

(4) The counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the voter or proxy could be identified;
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

39. The decision of the counting officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on a referendum petition.

Equality of votes

40. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers the counting officer must forthwith decide the referendum by lot.

PART 7

Declaration of Result and Disposal of Documents

Declaration of result

41. When the result of the poll has been ascertained, the counting officer must forthwith—
- (a) declare the result of the referendum,
 - (b) inform the proper officer of the authority by or in respect of which the referendum was held of the result of the referendum,
 - (c) give public notice of—
 - (i) the result of the referendum,
 - (ii) the number of ballot papers counted,
 - (iii) the total number of votes cast for each answer, and
 - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Sealing up of ballot papers

42.—(1) On the completion of the counting at a referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

- (2) The counting officer must not open the sealed packets of—
- (a) tendered ballot papers,
 - (b) the completed corresponding number lists,
 - (c) certificates as to employment on duty on the day of the poll, or
 - (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

43.—(1) The counting officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 32, and the declarations made by the companions of voters and proxies with disabilities,
- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty on the day of the poll, and

- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the local authority by which or in respect of which the referendum was held.

(2) In this rule and in rules 44 and 45 references to the relevant registration officer are to the registration officer of the local authority by or in respect of which the referendum is held.

Orders for production of documents

44.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a referendum petition.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved—

- (a) that his vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the High Court from any order of a county court under this rule.

(6) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(7) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified referendum—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any referendum, and

- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Retention of documents

45. The relevant registration officer must retain for one year all documents relating to a referendum forwarded to him in pursuance of these Rules by a counting officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

PART 8

Appendix of Forms

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

- Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1
- Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1
- Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1
- Corresponding Number List L1
- Corresponding Number List L2
- Form of Postal Voting Statement
- Official Poll Card (to be sent to a voter voting in person)
- Official Postal Poll Card (to be sent to a voter voting by post)
- Official Proxy Poll Card (to be sent to an appointed proxy voting in person)
- Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)
- Form of directions for the guidance of the voters and proxies in voting
- Form of Certificate of Employment
- Form of declaration to be made by the companion of a voter or proxy with disabilities

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089

Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Front of ballot paper

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a mayor, who will be elected by the voters of that [insert "borough", "city", "county" or "district", as appropriate], to be in charge of the Council's services and to lead [insert name of local authority] and the community which it serves?

Mark a cross (X) in the box on the right hand side of the answer of your choice. Do not mark the ballot paper in any other way, or your vote may not be counted.

Vote ONCE only

YES	
NO	

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [insert name of voting area]

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Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Front of ballot paper

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a mayor, who will be elected by the voters of that [insert "borough", "city", "county" or "district", as appropriate], to lead [insert name of local authority] and the community which it serves?

Mark a cross (X) in the box on the right hand side of the answer of your choice. Do not mark the ballot paper in any other way, or your vote may not be counted.

Vote ONCE only

YES	
NO	

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [insert name of voting area]

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Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Front of ballot paper

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a councillor, who will be elected by the councillors of [insert name of local authority], to lead the Council and the community which it serves?

Mark a cross (X) in the box on the right hand side of the answer of your choice. Do not mark the ballot paper in any other way, or your vote may not be counted.

Vote ONCE only

YES	
NO	

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [insert name of voting area]

Form of Postal Voting Statement
(for use at a referendum)

Postal Voting Statement

*Name of person voting by post: Ballot paper No.
*(Counting Officer to insert name but omit where ballot papers sent to a person with an anonymous entry in the register) [other identifying mark]

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (Date of birth of person voting)

#Signature

Signature Here

 (Signature of person voting)
IMPORTANT – Keep signature within border

*(Counting Officer to omit where a person has been granted a waiver)

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

PLEASE READ INSTRUCTIONS TO THE PERSON VOTING

Issued by the Counting Officer

INSTRUCTIONS TO THE PERSON VOTING

Complete the ballot paper yourself and in private. If you need help contact the Counting Officer's staff as shown below

[contact details for assistance
include address as appropriate]

1. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.
2. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the answer of your choice.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. Put the ballot paper in the small envelope marked **A** and seal it.
6. Complete the postal voting statement by [#signing it, and] providing your date of birth.
7. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
8. After receiving this postal vote, you cannot vote in person at a polling station at this

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referendum.

9. If you accidentally spoil your ballot paper, you can apply to the Counting Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Counting Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Counting Officer by 10 p.m. on [day/date of poll]. You can deliver your completed postal vote to any polling station in your voting area on polling day.

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

It is illegal to vote more than once at the same referendum (unless you are appointed as a proxy for another person entitled to vote at the referendum).

#{Counting Officer to omit where a person has been granted a waiver}

<p>OFFICIAL POLL CARD (to be sent to a voter who is voting in person) <i>Front of card</i></p>	
<p>OFFICIAL POLL CARD</p>	
<p>Council:</p> <p>Voting Area:</p> <p>Polling Day:</p> <p>Polling hours: 7 a.m. to 10 p.m.</p> <p>Your polling station will be:</p>	<p>Number on register:</p> <p>*Name</p> <p>.....</p> <p>*Address</p> <p>.....</p> <p><i>*(Counting Officer to omit where poll card sent to a person with an anonymous entry in the register. Poll card to such a person must be delivered in a sealed envelope.)</i></p>
<p>*This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there.</p> <p><i>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</i></p>	
<p><i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.</p> <p>*The clerk will confirm your details on the register.</p> <p>When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the answer of your choice.</p> <p>Vote ONCE only. Do not put any other mark on the ballot paper, or your vote may not be counted.</p> <p>If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.</p> <p>If you will be away on the date of the poll –</p> <ul style="list-style-type: none"> • You can apply to vote by post. Your application form must be received before 5 p.m. on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this referendum. • You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 p.m. on [-6 day/date deadline]. If you appoint a proxy, you can still vote in this referendum yourself if you do so before your proxy has voted for you. • In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline]. <p>To change any of your voting arrangements please contact [helpline number] as soon as possible.</p>	
<p>Issued by the Counting Officer</p>	

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*[Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above:-*

You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show them this card.

The presiding officer will confirm your entry on the register.]

<p>OFFICIAL POSTAL POLL CARD (to be sent to a voter who is voting by post) <i>Front of card</i></p>	
<p>OFFICIAL POSTAL POLL CARD</p>	
<p>Council: Voting Area: For the referendum on: [day/date] Number on Register: *Name and Address: <i>*(Counting Officer to omit where poll card sent to a person with an anonymous entry in the register. Poll card to such a person must be delivered in a sealed envelope.)</i></p>	<p>This notice is to tell you that you have asked to vote by post for this referendum, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send your postal voting papers around [day/date]. Addressed to: (Name and Address) If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. <i>SEE INFORMATION ON THE BACK OF THIS CARD</i> <i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.</p> <p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Counting Officer: please call the helpline number shown below.</p> <p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless a waiver has been granted), and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records that they hold.</p> <p>If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p> <p>Complete and return your postal vote as soon as possible. The Counting Officer must receive your postal vote by 10 p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in the voting area.</p> <p>If you want to vote in person at this referendum, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].</p> <p>If you need any assistance, please call our helpline on: [helpline number].</p>	
<p>It is an offence to vote using a ballot paper that was not addressed to you. Issued by the Counting Officer</p>	

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<p>OFFICIAL PROXY POLL CARD (to be sent to an appointed proxy voting in person) <i>Front of card</i></p>	
<p>OFFICIAL PROXY POLL CARD</p>	
<p>Council: Voting Area: Polling Day: Polling hours: 7 a.m. to 10 p.m. The polling station at which you may vote on behalf of the person who has appointed you proxy will be:</p>	<p>*This poll card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy. *Proxy's name *Proxy's address *(Counting Officer to omit where poll card sent to the proxy of a person with an anonymous entry in the register. Poll card to such a proxy must be delivered in a sealed envelope.)</p>
<p>*This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there. <i>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</i></p>	
<p><i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>*This poll card is to tell you that for this referendum you are appointed as proxy for: *(Person's name) *(Person's address) *(Person's number on register) *When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the person shown above. The clerk will confirm the details on the register. When you are given the ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the answer the person is voting for. Vote ONCE only. Do not put any other mark on the ballot paper, or the vote may not be counted. If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station. If you will be away on the date of the poll, you can apply before 5 p.m. on [-11 day/date]</p>	

deadline] to vote by post. If you are given a postal vote, you or the person who appointed you as proxy will *not* be entitled to vote in person at this referendum.

The person who appointed you as proxy may vote at this referendum. If they wish to do so they must vote in person before you vote on their behalf.

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.
- Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [*helpline number*].

Issued by the Counting Officer

[Where poll card sent to the proxy of a person with an anonymous entry in the register substitute for the text marked with * above:-

You must have this card with you when you vote, you cannot vote as proxy without it.

You are entitled to vote as proxy for the person whose number on the register is shown below:

.....

(Person's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card.]

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<p>OFFICIAL PROXY POSTAL POLL CARD (to be sent to an appointed proxy voting by post) <i>Front of card</i></p>	
<p>OFFICIAL PROXY POSTAL POLL CARD</p>	
<p>Council: Voting Area: For the referendum on: [day/date] Name and Address (Proxy):</p>	<p>This poll card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy and you have decided to vote by post. You will not be able to vote on behalf of the person who appointed you as proxy in a polling station. If you want to cancel this postal vote and vote in person on polling day, please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send the proxy postal voting papers around [day/date].</p> <p>If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil the postal ballot paper of the person who appointed you as proxy, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. <i>SEE INFORMATION ON THE BACK OF THIS CARD</i></p>	
<p><i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>*This poll card is to tell you that for this referendum you are appointed as proxy for the person named below and you have decided to vote by post.</p>	
<p>..... *(Person's name)</p>	
<p>..... *(Person's address)</p>	
<p>When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.</p>	
<p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.</p>	
<p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless a waiver has been granted), and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records they hold.</p>	
<p>If you lose or accidentally spoil the postal ballot paper, please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p>	
<p>Complete and return the postal vote as soon as possible. The Counting Officer must receive the postal vote by 10 p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in your voting area.</p>	

If you want to vote in person as a proxy at this referendum, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.
- Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [helpline number].

Issued by the Counting Officer

[Where poll card sent to the proxy of a person with an anonymous entry in the register substitute for the text marked with * above:-

This poll card is to tell you that for this referendum you are appointed as proxy for the person whose number on the register is shown below and you have decided to vote by post.

You are entitled to vote as proxy for the voter whose number on the register is shown below:

.....

(Person's number on register.)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089*

Form of directions for the guidance of the voters and proxies in voting

GUIDANCE FOR VOTERS AND PROXIES

1. When you are given your ballot paper go to one of the polling booths.
2. Mark a cross (X) in the box on the right hand side of the answer of your choice.
3. Vote ONCE only. Put no other mark on the ballot paper, or your vote may not be counted.
4. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote.
5. Put the ballot paper in the ballot box and leave the polling station.
6. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

Form of Certificate of Employment

LOCAL GOVERNMENT ACT REFERENDUM

VOTING AREA OF

I certify that (name).....who is numbered
..... in the register of electors for the voting area named above cannot
reasonably be expected to go in person to the polling station allotted to him or her at the
referendum [*date of poll*] by reason of the particular circumstances of his or her
employment on that date for a purpose connected with the referendum –

* (a) as a constable

* (b) by me

Signature

* Counting Officer/Police Officer (Inspector or above)

Date

* Delete whichever is inappropriate

Note:- The person named above is entitled to vote at any polling station of the above
voting area on production and surrender of this certificate to the presiding officer.

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**Form of declaration to be made by the companion
of a voter or proxy with disabilities**

I, (name of companion),
of..... (address of companion)
having been requested to assist(name of voter or proxy)
[in the case of a proxy with disabilities, adding voting as proxy for
.....(name of voter)] whose number on the register
is..... to record their vote at the referendum now being held in this voting area, hereby
declare that

- I am entitled to vote on my own behalf at the said referendum
- I am the * of the said voter or proxy and have attained the age of 18 years,
and
- I have not previously assisted any voter with disabilities [except.....
(name of other voter or proxy), of(address of
other voter or proxy)] to vote at the said referendum.

**State the relationship of the companion to the voter or proxy*

Signed(Companion)

Date

I, the undersigned, being the presiding officer for (polling station) for the
..... voting area of hereby certify that the
above declaration, having been first read to the above-named companion, was signed by the
companion in my presence.

Signed (Presiding Officer)

Date

Time (a.m./p.m.)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.
2. A voter or proxy with disabilities is a person who has made a declaration under the Local Government Act Referendums Rules that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

SCHEDULE 4

Regulations 8, 11, 12 and 13

Application, with Modifications, of Acts and Subordinate Legislation

Interpretation

- 1.—(1) The provisions set out in the first column of Tables 1 to 6 have effect subject to—
- (a) any modification mentioned in the second column of those Tables, and
 - (b) unless the context otherwise requires, the modifications mentioned in sub-paragraph (2).
- (2) The modifications mentioned in this paragraph are—
- (a) a reference to an election must be construed as a reference to the referendum;
 - (b) a reference to a returning officer must be construed as a reference to the counting officer;
 - (c) a reference to a constituency, an electoral division or a ward must be construed as a reference to a voting area;
 - (d) a reference to voting for, or a vote for, a candidate must be construed as a reference to voting for, or a vote for, an answer;
 - (e) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, must be construed as a reference to promoting or procuring a particular result in the referendum;
 - (f) references to nomination papers and, except as mentioned in sub-paragraphs (d) and (e), references to candidates, must be ignored;
 - (g) a reference to the return of a person must be construed as a reference to a particular result in the referendum;
 - (h) a reference to a person voting as an elector must be construed as a person voting on his own behalf;
 - (i) a reference to a person's entitlement as an elector to an absent vote must be construed as a reference to a person's entitlement to vote by post on his own behalf or to vote by proxy;
 - (j) except where the polls at the referendum and an election are taken together in accordance with regulation 10(1) or (7), where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents must be ignored;
 - (k) a reference to anything having been prescribed must be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;
 - (l) a form which is required to be used may be used with such variations as the circumstances require;
 - (m) a reference to the registration officer, in relation to a district or a London borough, is a reference to the relevant registration officer appointed under section 8 of the 1983 Act⁽³⁷⁾; and for the purpose of the exercise of a registration officer's functions in relation to the referendum, section 52(1) to (4)⁽³⁸⁾ (discharge of registration duties) and section 54(1), (3) and (4)⁽³⁹⁾ (payment of expenses of registration) of that Act have effect;
 - (n) a reference to an election petition must be construed as a reference to a referendum petition;
 - (o) any reference to an enactment or instrument made under an enactment must be construed as a reference to that enactment or instrument as applied by these Regulations;

⁽³⁷⁾ 1983 c. 2.

⁽³⁸⁾ As amended by paragraph 12 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

⁽³⁹⁾ As amended by paragraph 14 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

- (p) so much of any provision as applies only in Scotland, Wales or Northern Ireland is to be ignored.

Table 1

Representation of the People Act 1983(40)	
<i>(1) Provision</i>	<i>(2) Modification</i>
Section 13B (alteration of registers: pending elections)(41)	<p>After “election”, in each place, substitute “ or referendum”.</p> <p>After subsection (4) insert—</p> <p>“(4A) This section also applies to referendums.”</p>
Section 31 (polling districts and stations at local government elections)(42)	<p>In subsection (1)—</p> <p>(a) for “elections of county councillors” substitute “referendums by or in respect of a county”, and</p> <p>(b) for “elections of London borough or district councillors” substitute “referendums by or in respect of a London borough or district”.</p> <p>In subsection (3) for “local government elections” substitute “referendums”.</p>
Section 35(4) (appointments by returning officers)	
Section 36(4) and (6) (returning officer’s expenditure at local elections)(43)	<p>In subsection (4) for the words from “by a returning officer” to “London borough)” substitute “by a counting officer for a voting area in relation to the holding of a referendum”.</p> <p>In subsection (6) for the words from the beginning to “councillor, the council” substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the authority”.</p> <p>Paragraph 1(2)(b) of this Schedule does not have effect in relation to the first reference in subsection (6) to the returning officer.</p>

(40) 1983 c. 2.

(41) The existing section 13B was substituted (together with sections 13 and 13A) for section 13 as originally enacted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2); section 13B was amended by the section 11 of the Electoral Administration Act 2006 (c. 41).

(42) Section 31 was amended by Schedule 17 to the Local Government Act 1985 (c. 50), paragraph 2 of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and paragraph 108 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(43) Subsection (4) was amended by Schedule 17 to the Local Government Act 1985 (c. 51).

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 47 (loan of equipment for local elections)(44)	<p>In subsection (1) for “the returning officer at a local government election” substitute “the counting officer at a referendum”.</p> <p>In subsection (2)—</p> <p>(a) omit the words from “, or” at the end of paragraph (a) to “as the case may be”;</p> <p>(b) for “an election held under those Acts” substitute “a referendum”.</p>
Section 49(4) to (5) (effect of registers)(45)	<p>In subsection (5) omit “prevent the rejection of the vote on a scrutiny or”.</p>
Section 60 (personation)	<p>In subsection (2) omit “parliamentary or”.</p>
Section 61 (other voting offences)(46)	<p>In subsection (1) after “local government election” and “local government elections”, in each place, insert “or referendum” or “or referendums” respectively.</p> <p>For subsections (2) to (4) substitute—</p> <p>“(2) A person shall be guilty of an offence if—</p> <p>(a) he votes on his own behalf otherwise than by proxy—</p> <p>(i) more than once in the same voting area,</p> <p>(ii) in more than one voting area, or</p> <p>(iii) in any voting area where there is in force an appointment of a person to vote as his proxy in the referendum in another voting area, or</p> <p>(b) he votes on his own behalf in person and is entitled to vote by post, or</p> <p>(c) he votes on his own behalf in person knowing that a person appointed to vote as his proxy has already voted in person or is entitled to vote by post, or</p> ”

(44) Section 47 was amended by [S.I. 1991/1728](#) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(45) Subsection (4A) was inserted by paragraph 7 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); subsection (5) was substituted by [S.I. 1995/1948](#) and amended by paragraph 12 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(46) Section 61 was amended by paragraph 2 of Schedule 2, and Schedule 5, to the Representation of the People Act 1985 (c. 50), paragraph 10 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), paragraph 83 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and section 38(3) of the Electoral Administration Act 2006 (c. 22).

<i>(1) Provision</i>	<i>(2) Modification</i>
	<p>(d) he applies for a person to be appointed as his proxy to vote for him without applying for the cancellation of a previous appointment of a third party then in force or without withdrawing a pending application for such an appointment.</p> <p>(3) A person shall be guilty of an offence if—</p> <p>(a) he votes as proxy for the same person either—</p> <p style="padding-left: 40px;">(i) more than once in the same voting area, or</p> <p style="padding-left: 40px;">(ii) in more than one voting area, or</p> <p>(b) he votes in person as proxy for a person and is entitled to vote by post as proxy for someone whom he already knows to have voted in person.</p> <p>(4) A person shall also be guilty of an offence if he votes as proxy in any voting area for more than two persons of whom he is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.”</p> <p>For subsection (6A) substitute—</p> <p>“(6A) A person is not guilty of an offence under subsection (2)(b) only by reason of his having marked a tendered ballot paper in pursuance of rule 29 of the Local Government Act Referendums Rules or rule 31 of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007.”</p>
Section 62A (offences relating to applications for postal and proxy votes)(47)	In subsection (1)(a) after “election” insert “or referendum”.
Section 63 (breach of official duty)(48)	<p>In subsection (3) after “local government election” in both places insert “or referendum”.</p> <p>In subsection (4)(a) after “election” insert “or referendum”.</p>

(47) Section 62A was inserted by section 40 of the Electoral Administration Act 2006 (c. 22).

(48) The existing section 63 was substituted by paragraph 19 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by S.I. 2001/1149 and sections 7 and 41(8) of the Electoral Administration Act 2006 (c. 22).

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 65 (tampering with ballot papers, etc.)(49)	In subsection (1)— (a) after “election”, in the first place it occurs, insert “or referendum”, and (b) omit paragraph (a). In subsection (3) for “clerk” substitute “person”.
Section 66 (requirement of secrecy)(50)	For subsection (1)(b) substitute— “(b) every polling observer, so attending.”.
Section 66A (prohibition of exit polls)(51)	In subsection (2) omit the “and” preceding paragraph (b) and after that paragraph insert— “; and (c) any referendum”.
Section 92 (broadcasting from outside the United Kingdom)(52)	In subsection (1) after “local government election” insert “or referendum”.
Section 94 (imitation poll cards)(53)	In subsection (2)— (a) after “section 36” insert “above, or regulations made under section 45 of the Local Government Act 2000”, and (b) after “the rules”, insert “or, as the case may be, the regulations”.
Section 96 (schools and rooms for local election meetings)(54)	For subsection (1) substitute— “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in the referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (1A) In subsection (1), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”

(49) Section 65 was amended by paragraph 2 of Schedule 3 to the Representation of the People Act 1985 (c. 50) and paragraphs 72 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(50) Section 66 was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50), paragraph 11 of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and paragraphs 82, 86 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(51) Section 66B was inserted by paragraphs 3 and 6 of Schedule 6 to the Representation of the People Act 2000 (c. 2).

(52) Section 92 was amended by paragraph 35 of Schedule 20 to the Broadcasting Act 1990 (c. 42) and paragraph 61 of Schedule 17 to the Communications Act 2003 (c. 21).

(53) Section 94 was amended by paragraph 36 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(54) The existing section 96 was substituted for section 96 as originally enacted by paragraph 38 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 11 of Schedule 40 to the School Standards and Framework Act 1998 (c. 31) and paragraph 29 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

<i>(1) Provision</i>	<i>(2) Modification</i>
	Omit subsection (2).
	In subsection (3)—
	(a) for the words from “electoral area for which” to “that electoral area” substitute “voting area”, and
	(b) omit paragraph (b).
	In subsection (4)—
	(a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”,
	(b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “candidate” of the word “person””, and
	(c) omit the words from “and any person” to the end.
	After subsection (4) insert—
	“(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”
Section 97 (disturbances at election meetings)(55)	For subsection (2) substitute—
	“(2) This section applies to a meeting in connection with a referendum held during the campaign period.
	(2A) In subsection (2) “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”
Section 100(1) and (2) (illegal canvassing by police officers)(56)	In subsection (1) for the words from “from giving his vote” to the end substitute “from giving his vote in the referendum in a voting area wholly or partly within the police area”.

(55) Section 97 was amended by paragraph 39 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and Part 1 of Schedule 7 to the Police and Criminal Evidence Act 1984 (c. 60).

(56) Subsection (2) was amended by paragraph 5 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 109 (payments for the exhibition of election notices)	
Section 110 (details to appear on election publications)(57)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)(58)	
Section 114 (treating)	
Section 115 (undue influence)(59)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part 2)(60)	
Section 119 (computation of time for purposes of Part 2)(61)	In subsection (1)(b) after “disregarded” insert— “; and (c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a referendum, any of the days so mentioned shall be disregarded.”
Section 167 (application for relief)(62)	
Section 168 (prosecutions for corrupt practices)(63)	
Section 169 (prosecutions for illegal practices)(64)	
Section 170 (conviction of illegal practice on charge of corrupt practice etc)	
Section 173(1)(a)(i), (2) and (3)(65)	In subsection (1)(a)(i) after “Great Britain” insert “or at any referendum”.

(57) The existing section 110 was substituted for section 110 as originally enacted by paragraph 14 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(58) Section 113 was amended by paragraph 30 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

(59) Section 115 was amended by section 39(1) of the Electoral Administration Act 2006 (c. 22).

(60) Section 118 was amended by paragraph 43 of Schedule 4 to the Representation of the People Act 1985 (c. 50), section 135 of and paragraph 15 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraphs 119 and 133 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(61) Section 119 was amended by section 19(4) of the Representation of the People Act 1985 (c. 50) and paragraphs 49 and 51(1) of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(62) Section 167 was amended by paragraph 56 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and paragraph 18 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(63) Section 168 was amended by paragraph 8 of Schedule 3 and paragraph 57 of Schedule 5 to the Representation of the People Act 1985 (c. 50) and paragraph 121 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(64) Section 169 was amended by paragraph 9 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

(65) The existing section 173 was substituted for section 173 as originally enacted by section 136 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and amended by paragraph 122 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 174 (mitigation and remission etc.)(66)	
Section 175 (illegal payments etc.)(67)	Omit subsection (2).
Section 176 (time limit for prosecutions)	
Section 177 (summary trial)	For “the local government Act” substitute “the Local Authority (Conduct of Referendums) (England) Regulations 2007”.
	In subsection (1)(a) for the words from “in the county” to “adjoins”, substitute “for the voting area in which the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom)(68)	
Section 179 (offences by associations)	
Section 181(1) (Director of Public Prosecutions)(69)	
Section 185 (interpretation of Part 3)(70)	
Section 199B (translations of certain documents)(71)	In subsections (1), (5) and (7) after “local government election” insert “or referendum”.
	Omit subsection (4)(a).
Section 200(1A) and (2) (public notices, and declarations)(72)	
Section 202 (interpretation)(73)	

Table 2

Representation of the People Act 1985(74)

- (66) Section 174 was amended by paragraph 18 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (67) Section 175 was amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c. 50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (68) The existing section 178 was substituted for section 178 as originally enacted by paragraph 62 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (69) Subsection (1) was amended by paragraph 63 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (70) Section 185 was amended by paragraph 10 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraphs 86 and 87 of Schedule 6 to the Licensing Act 2003 (c. 17).
- (71) Section 199B was inserted by section 36 of the Electoral Administration Act 2006 (c. 22).
- (72) Subsection (1A), together with the existing subsection (1), were substituted for subsection (1) as originally enacted by paragraph 68 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (73) Section 202 was amended by Part 1 of Schedule 2 and paragraph 70 of Schedule 4 to the Representation of the People Act 1985 (c. 50), the Statute Law (Repeals) Act 1993 (c. 50), S.I. 1995/1948, the Schedule to the Law Officers Act 1997 (c. 60), paragraph 38 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), paragraph 22 of Schedule 1 and paragraphs 3 and 9 of Schedule 6 to the Representation of the People Act 2000 (c. 2), paragraph 19 of Schedule 18 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41), S.I. 2001/1149 and section 73 and paragraphs 13, 76 and 128 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (74) 1985 c. 50.

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 15 (combination of polls at parliamentary, European and local elections)(75)	<p>After subsection (1)(c) insert—</p> <p>“or</p> <p>(d) a referendum and an election of one or more of the descriptions specified in paragraphs (a) to (c),”.</p> <p>In subsection (2), after “related areas”, insert “or the polls at elections and a referendum”.</p> <p>In subsection (4)—</p> <p>(a) after “elections”, in the first place where that word appears, insert “or elections and a referendum (as the case may be)”,</p> <p>(b) after “one election” insert “or the referendum”, and</p> <p>(c) after “elections”, in the second place where that word appears, insert “or the elections and the referendum (as the case may be)”.</p>

Table 3

Representation of the People Act 2000(76)

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 10 (pilot schemes for local elections in England and Wales)(77)	<p>In subsection (2)—</p> <p>(a) after “Representation of the People Acts”, insert “or the Local Government Act 2000”, and</p> <p>(b) in paragraph (c) for “candidates” substitute “any campaign organiser within the meaning of regulation 6 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>In subsection (3)—</p> <p>(a) in paragraph (b) for “candidates” substitute “campaign organisers”, and</p>

(75) The European Assembly to which section 15 as originally enacted referred was renamed the European Parliament by section 3 of the European Communities (Amendment) Act 1986 (c. 58); section 15 was amended by paragraph 7 of Schedule 7 to the Local Government Act 2003 (c. 26) and section 3(2) of the Elections Act 2001 (c. 7).

(76) 2000 c. 2.

(77) Section 10 was amended by paragraph 16 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

<i>(1) Provision</i>	<i>(2) Modification</i>
	<p>(b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)” substitute “regulation 6 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>Omit subsection (4).</p> <p>At the end of subsection (7)(a) insert “or the Local Government Act 2000”.</p> <p>In subsection (11) for the words after “means”, substitute “a county council, district council or a London borough council.”</p>
<p>Section 12 (changes relating to absent voting at elections in Great Britain)</p>	<p>In subsection (1) at the end insert “; and as regards referendums”.</p>
<p>Schedule 4 (absent voting in Great Britain)(78)</p>	<p>In paragraph 1(1), in the definition of “the appropriate rules” at the end of paragraph (b), insert—</p> <p>“; and</p> <p>(c) in the case of a referendum, the Local Government Act Referendums Rules or the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>In paragraphs 2 to 7, 7C and 7D, except in paragraphs 3(1), 3(2), 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum”, “or referendums”, or “or the referendum”.</p> <p>In paragraphs 3(1) and 3(2) for “or at both” substitute “or at referendums, or at any combination of such polls”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i) for “or both” substitute “or referendums, or at any combination of such polls”.</p>

(78) Schedule 4 was amended by paragraph 164 of Schedule 27 to the Civil Partnerships Act 2004 (c. 33), and sections 5, 14, 35 and 38 of, and paragraphs 19, 20 and 137 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22).

<i>(1) Provision</i>	<i>(2) Modification</i>
	In paragraphs 6(7) and 7(4)(a) for “or at both” substitute “or at referendums, or at any combination of such polls”.

Table 4

Political Parties, Elections and Referendums Act 2000(79)

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 6A (attendance of representatives of Commission at elections etc.)	After subsection (1)(b) insert— “; (c) proceedings relating to a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2007 which are the responsibility of the counting officer.”
Section 6B (observation of working practices by representatives of Commission)	After subsection (2) insert— “(2A) A representative of the Commission may also observe the working practices of a counting officer at a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2007, and any person acting under his direction.”
Section 6C (accredited observers: individuals)	In subsection (1) after “applies” insert “or which is held under the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.
Section 6D (accredited observers: organisations)	In subsection (1) after “applies” insert “or which is held under the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.
Section 6E (attendance and conduct of observers)	For subsection (4)(c) substitute— “(c) in the case of any other proceedings at a referendum to which Part 7 applies, the relevant counting officer (within the meaning of section 6A); (ca) in the case of any other proceedings at a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2007, the counting officer;”

(79) 2000 c. 41. All the provisions mentioned in this Table were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

<i>(1) Provision</i>	<i>(2) Modification</i>
	In subsection (4) for “or (c)” substitute “, (c) or (ca)”.

Table 5

Electoral Administration Act 2006**(80)**

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 42 (access to other election documents)	
Section 43 (access to other election documents: contravention of regulations)	In subsection (1)(a) after “section 42” insert “as applied by the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.
Section 44 (access to other election documents: supplementary)	In subsection (5) for the words “election documents” to “Northern Ireland)” substitute “referendum documents are such documents relating to a referendum”.
	After subsection (7)(e) insert— “, ; (f) in relation to a referendum, a voting area within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007.”
Section 46 (returning officers: correction of procedural errors)	After subsection (3)(b) insert— “, ; (c) a referendum.” Omit subsection (6).
Section 69 (encouraging electoral participation)	After subsection (8)(b) insert— “, ; (c) a counting officer at a referendum.”

Table 6

The Representation of the People (England and Wales) Regulations 2001**(81)**

<i>(1) Provision</i>	<i>(2) Modification</i>
Regulation 3 (interpretation) (82)	At the end of paragraph (2)(b) insert— “, or

(80) 2006 c. 22.

(81) S.I. 2001/341; as amended by S.I. 2001/1700, 2002/1871, 2004/226, 2005/2114, 2006/752 and 2006/2910.

(82) As amended by S.I. 2001/1700, 2002/1871 and 2006/2910.

<i>(1) Provision</i>	<i>(2) Modification</i>
	(c) in the case of a referendum, the corresponding rule in the Local Government Act Referendums Rules or the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007.”
Regulation 4(1)(b) (forms) and, to the extent of Form E in Schedule 3, (2)	
Regulation 5 (communication of applications, notices, etc)(83)	
Regulation 6 (electronic signatures and related certificates)(84)	
Regulation 7 (copies of documents)(85)	
Regulation 8 (time)(86)	
Regulation 11 (interference with notices)	
Regulation 50 (interpretation of Part 4)(87)	
Regulation 51 (general requirements for an absent vote)(88)	For paragraph (4)(b) substitute— “(b) whether it is made for all or any of parliamentary elections, local government elections or referendums.”
	In paragraph (5)—
	(a) after “election”, in each place, insert “or referendum”, and
	(b) omit “elections”.
Regulation 51A (additional provision concerning the requirement that an application for an absent vote must be signed by the applicant)(89)	
Regulation 51AA (additional requirement for applications for ballot papers to be sent to different address from that stated in application)(90)	

(83) As amended by S.I. 2006/2910.

(84) As amended by S.I. 2006/2910.

(85) As amended by S.I. 2002/1871 and 2006/2910.

(86) As amended by S.I. 2006/2910.

(87) As amended by S.I. 2006/2910.

(88) As amended by S.I. 2006/752 and 2006/2910.

(89) Inserted by S.I. 2006/752 and amended by S.I. 2006/2910.

(90) Inserted by S.I. 2006/2910.

<i>(1) Provision</i>	<i>(2) Modification</i>
Regulation 51B (additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4)(91)	
Regulation 52 (additional requirements for applications for the appointment of a proxy)	
Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)(92)	
Regulation 56 (closing dates for applications)(93)	In paragraphs (1) to (5) and (7)(b) after “election”, in each place, insert “or referendum”.
Regulation 57 (grant or refusal of applications)(94)	In paragraph (5) after “election” insert “or referendum”.
Regulation 58 (notice of appeal)	
Regulation 59 (cancellation of proxy appointment)	
Regulation 61B(95)	In paragraph (3)(a) for “any candidate or agent” substitute “those”.
Regulation 62 (marked register for polling stations)(96)	
Regulation 64 (interpretation of Part 5)(97)	Omit the definition of “agent”.
Regulation 65 (combination of polls)	Substitute— “65. Where the polls at elections or referendums are taken together under— (a) section 15(1) or (2) of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), (b) section 36(3) or (3AB) of the 1983 Act (combination of polls at local elections), or (c) the Local Authorities (Conduct of Referendums) (England) Regulations 2007,

(91) Inserted by [S.I. 2006/2910](#).

(92) Substituted by [S.I. 2006/752](#) and amended by [S.I. 2006/2910](#).

(93) Amended by [S.I. 2006/752](#) and [2006/2910](#).

(94) Amended by [S.I. 2006/752](#) and [2006/2910](#).

(95) Inserted by [S.I. 2006/2910](#).

(96) Amended by [S.I. 2006/2910](#).

(97) Amended by [S.I. 2006/2910](#).

<i>(1) Provision</i>	<i>(2) Modification</i>
	the proceedings at the issue and receipt of postal ballot papers may, if the returning and counting officers concerned agree, be taken together.”
Regulation 66 (form of postal voting statement)	Omit paragraph (a).
Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers)(98)	
Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)(99)	<i>Where the issue and receipt of postal votes are not taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i>
	For paragraphs (a) to (d) substitute— “(a) the counting officer and his clerks, (b) persons who by virtue of rule 35(2) (a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 are entitled to attend at the counting of the votes.”
	<i>Where the issue and receipt of postal votes are taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i>
	After paragraph (d) insert— “(e) the counting officer and his clerks, and (f) persons who by virtue of rule 35(2) (a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules

(98) Amended by S.I. 2006/2910.

(99) Amended by S.I. 2006/2910.

<i>(1) Provision</i>	<i>(2) Modification</i>
	(as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 are entitled to attend at the counting of the votes.”
Regulation 69 (agents of candidates who may attend proceedings on receipt of postal ballot papers)	In paragraph (8) for “candidates or their agents” substitute “persons entitled to be present by virtue of regulation 68”. <i>Where the issue and receipt of postal votes are not taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i> Omit paragraphs (1) to (7). <i>Where the issue and receipt of postal votes are taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i> For paragraph (3) substitute— “(3) Where postal ballot papers for more than one election or referendum are issued together by virtue of regulation 65, the references to the returning officer in paragraphs (2), (4) and (5) must be construed as references to the returning or counting officer who issues the postal ballot papers.”
Regulation 70 (notification of requirement of secrecy)	
Regulation 71 (time when postal ballot papers are to be issued)	
Regulation 72 (procedure on issue of postal ballot paper)(100)	In paragraph (5) after “one election” insert “or referendum, or for an election combined with a referendum”. In paragraph (5)(a)— (a) after “elections” insert “and referendums”, and (b) after “election” insert “or referendum”.

(100) Amended by S.I. 2002/1871, 2006/752 and 2006/2910.

<i>(1) Provision</i>	<i>(2) Modification</i>
	In paragraph (6) for “the poll at one election is taken with the poll at another election” substitute “polls are taken together”.
Regulation 73 (refusal to issue postal ballot paper)(101)	
Regulation 74 (envelopes)(102)	
Regulation 75 (sealing up of completed corresponding number lists and security of special lists)(103)	
Regulation 76 (delivery of postal ballot papers)	
Regulation 77 (spoilt postal ballot papers)(104)	In paragraph (2)(b) for “election” substitute “poll”.
Regulation 78 (lost postal ballot papers)(105)	In paragraph (2A)(b) for “election” substitute “poll”.
Regulation 79(3) to (5) (alternative means of returning postal ballot paper or postal voting statement)(106)	In paragraph (5) for “polling agents” substitute “polling observers (if any)”.
Regulation 80 (notice of opening of postal ballot paper envelopes)	<p><i>Where the issue and receipt of postal votes are not taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i></p> <p>In paragraph (1) for “each candidate” substitute “those persons who by virtue of rule 35(2)(a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 are entitled to attend at the counting of the votes”.</p> <p>Omit paragraph (2)(b).</p> <p><i>Where the issue and receipt of postal votes are taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i></p>

(101) Amended by S.I. 2006/2910.

(102) Amended by S.I. 2006/2910.

(103) Amended by S.I. 2006/2910.

(104) Amended by S.I. 2006/752 and 2006/2910.

(105) Amended by S.I. 2006/752 and 2006/2910.

(106) Amended by S.I. 2006/752.

<i>(1) Provision</i>	<i>(2) Modification</i>
	In paragraph (1) after “each candidate” insert “and those persons who by virtue of rule 35(2)(a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 are entitled to attend at the counting of the votes”.
Regulation 81 (postal ballot boxes and receptacles)(107)	In paragraphs (3) and (4) for “the agents” substitute “those”.
Regulation 82 (receipt of covering envelopes)	
Regulation 83 (opening of postal voters’ ballot box)	In paragraph (1) for “the agents” substitute “such of those who are entitled to attend as are present”.
Regulation 84 (opening of covering envelopes)(108)	
Regulation 84A (confirming receipt of postal voting statements)(109)	
Regulation 85 (procedure in relation to postal voting statements)(110)	In paragraph (3) for “agents” substitute “counting observers or agents or both (as the case may be)”.
Regulation 85A (procedure in relation to postal voting statements: personal identifier verification)(111)	In paragraph (4) for “agents” substitute “counting observers or agents or both (as the case may be)”.
Regulation 85B (Postal Voting Statements: additional personal identifier verification)(112)	In paragraphs (3)(a) and (c) and (4) for “agents” substitute “counting observers or agents or both (as the case may be)”.
Regulation 86 (opening of ballot paper envelopes)	
Regulation 86A (retrieval of cancelled postal ballot papers)(113)	In paragraph (2)(b) and (f) for “agents” substitute “counting observers or agents or both (as the case may be)”.
Regulation 87 (lists of rejected postal ballot papers)	
Regulation 88 (checking of lists kept under regulation 87)	

(107) Amended by [S.I. 2006/2910](#).

(108) Amended by [S.I. 2006/2910](#).

(109) Inserted by [S.I. 2006/2910](#).

(110) Amended by [S.I. 2002/1871](#) and [2006/2910](#).

(111) Inserted by [S.I. 2006/2910](#).

(112) Inserted by [S.I. 2006/2910](#).

(113) Inserted by [S.I. 2006/2910](#).

<i>(1) Provision</i>	<i>(2) Modification</i>
Regulation 89 (sealing of receptacles)(114)	
Regulation 91 (forwarding of documents)(115)	After paragraph (2) insert— “(2A) In the case of a referendum, the documents to be forwarded under paragraph (1) are to be forwarded to the registration officer of the local authority by or in respect of which the referendum is held.”
Regulation 116 (interpretation of Part 7)(116)	
Regulation 118 (inspection of documents open to public inspection)(117)	
Regulation 119 (conditions on the use, supply and disclosure of documents open to public inspection)(118)	
In Schedule 3, Form E(119)	After “REPRESENTATION OF THE PEOPLE ACTS” insert “*[<i>insert name of council</i>] REFERENDUM”. After “European Parliamentary electoral area” insert “Referendum voting area”. After the words “*[European Parliamentary] election”, in both places where they occur, insert “*[referendum]”. After the words “*[European Parliamentary electoral region]”, in both places where they occur, insert “*[voting area]”. In the note after “election” in each place insert “or referendum”.

SCHEDULE 5

Regulations 11 and 13

The Local Government Act Referendums (Combination of Polls) Rules

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(114) Inserted by S.I. 2006/2910.
(115) Amended by S.I. 2006/752 and 2006/2910.
(116) Inserted by S.I. 2006/2910.
(117) Inserted by S.I. 2006/2910.
(118) Inserted by S.I. 2006/2910.
(119) Amended by S.I. 2005/2114.

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PART 1

General Provisions

Citation

1. These Rules may be cited as the Local Government Act Referendums (Combination of Polls) Rules.

Interpretation

2.—(1) In these Rules—

“relevant returning or counting officer” means the returning officer or the counting officer discharging the functions under (as the case may be)—

- (a) regulation 5 of the Combination of Polls Regulations,(120) or
- (b) regulation 13(2);

“voter” means a person entitled to vote on his own behalf.

(2) Subject to paragraph (1), expressions used both in these Rules and the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

PART 2

Provisions as to Time

Timetable

3. The proceedings at the referendum shall be conducted in accordance with the following Timetable.

Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the day of referendum.
Notice of poll	No later than the sixth day before the day of the referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of referendum.

Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 18(2)(a) to (c) shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the relevant returning or counting officer, nor the counting officer, be obliged to take any step in relation to the counting of the votes on such a day.

PART 3

General Provisions

Notice of referendum

5.—(1) The counting officer must publish notice of the referendum stating the date of the poll.
 (2) The notice of referendum must state the date by which—
 (a) applications to vote by post or by proxy, and
 (b) other applications and notices about postal or proxy voting,
 must reach the registration officer in order that they may be effective for the referendum.

Poll to be taken by ballot

6. A poll must be taken at the referendum and the votes at the poll must be given by ballot.

The ballot papers

7.—(1) The ballot of every person entitled to a vote at the referendum must consist of a ballot paper.

(2) Every ballot paper to be used in the referendum must be in the appropriate form in the Appendix (depending on the question to be asked in the referendum).

(3) Every ballot paper must—

- (a) be capable of being folded up;
- (b) have a number and other unique identifying mark printed on the back; and
- (c) be a different colour from the ballot papers used at any other relevant election or referendum.

The corresponding number list

8.—(1) Subject to paragraph (2), the relevant returning or counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 13(1) or provided by him in pursuance of rule 17(1).

(2) Where proceedings on the issue and receipt of postal ballot papers in the referendum are not taken together with such proceedings at one or more relevant elections and referendums, the counting officer must prepare the list mentioned in paragraph (1) in respect of all of the ballot papers to be issued by him in pursuance of rule 13(1).

(3) The list must be in the appropriate form in the Appendix or a form to like effect.

The official mark

9.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret.

(3) The counting officer may use a different official mark for different purposes at the same referendum.

Prohibition of disclosure of vote

10. No person who has voted at the referendum shall, in any legal proceeding to question the referendum, be required to state for which answer he has voted.

Use of schools and public rooms

11.—(1) The counting officer and the relevant returning or counting officer may use, free of charge, for relevant purposes—

- (a) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) That officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

(3) In paragraph (1) “relevant purposes” means—

- (a) in the case of the counting officer, the counting of the votes, and

- (b) in the case of the relevant returning or counting officer, the taking of the poll and the discharging of the functions under rule 38(1).

PART 4

Action to be Taken Before the Poll

Notice of Poll

- 12.**—(1) The counting officer must publish notice of the poll stating—
- (a) the day and hours fixed for the poll, and
 - (b) the question to be asked in the referendum.
- (2) The notice of the poll must be published no later than the sixth day before the date of the referendum.
- (3) The relevant returning or counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—
- (a) the situation of each polling station; and
 - (b) the description of persons entitled to vote there.
- (4) The notice published under paragraph (3) must—
- (a) state that the poll at the referendum is to be taken together with the poll at a relevant election or referendum;
 - (b) specify the parliamentary constituency,**(121)** local counting area, Assembly constituency, voting area or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election is held; and
 - (c) where any of the polls are to be taken together in part of the electoral area only, specify that part.

Postal ballot papers

- 13.**—(1) The relevant returning or counting officer must, in accordance with regulations made under the 1983 Act,**(122)** issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.
- (2) The relevant returning or counting officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—
- (a) translations into languages other than English of any directions to or guidance for voters and proxies sent with the ballot paper;
 - (b) a translation into Braille of such directions or guidance;
 - (c) graphical representations of such directions or guidance;
 - (d) the directions or guidance in any other form (including any audible form).
- (3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the voter or proxy.

(121)For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c.56).

(122)See the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2002/1871, 2006/752 and S.I. 2006/2910.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the relevant returning or counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter or proxy.

(5) In paragraphs (1), (2) and (4) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections or referendums.

Provision of polling stations

14.—(1) The relevant returning or counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the voters to the polling stations in such manner as he thinks most convenient.

(2) The polling stations are the polling places or polling stations (as the case may be) designated for the purposes of the election or referendum for which the relevant returning or counting officer discharges functions which are not combined functions.

(3) In paragraph (2) “combined functions” means functions under regulation 5 of the Combination of Polls Regulations or regulation 13(2).

(4) One or more polling stations may be provided in the same room.

(5) The polling station allotted to voters from any parliamentary polling district wholly or partly within the voting area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

(6) The relevant returning or counting officer must provide each polling station with such number of compartments as may be necessary in which the voters and proxies can mark their votes screened from observation.

Appointment of presiding officers and clerks

15.—(1) The relevant returning or counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

(2) The relevant returning or counting officer may, if he thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall apply to a relevant returning or counting officer so presiding with the necessary modifications as to things to be done by the relevant returning or counting officer to the presiding officer or by the presiding officer to the relevant returning or counting officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

16.—(1) The counting officer must as soon as practicable after the publication of the notice of referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

(a) in the case of a voter, to his qualifying address, and

(b) in the case of a proxy, to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form in the Appendix, or a form to the like effect, and must set out—

(a) the name of the council and of the voting area;

(b) the name of the voter, his qualifying address and number on the register;

(c) the date and hours of the poll and the situation of the voter's polling station;
 (d) such other information as the counting officer thinks appropriate,
 and different information may be provided in pursuance of sub-paragraph (d) to different voters or to different descriptions of voter.

(4) In the case of a voter with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

- (a) mean a person who is registered in the register of local government electors for the voting area in question on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

(6) If the counting officer and the returning or counting officer (as the case may be) for each relevant election or referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election or referendum.

Equipment of polling stations

17.—(1) The relevant returning or counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the former officer's opinion may be necessary.

(2) The same ballot box may be used for the poll at the referendum and the poll at every relevant election or referendum, if the relevant returning or counting officer thinks fit.

(3) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(4) The relevant returning or counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of the register of electors for the voting area or such part of it as contains the names of the voters allotted to the station;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors for the voting area or the part of it provided under sub-paragraph (b);
- (d) a list consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(5) The reference in paragraph (4)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽¹²³⁾ in respect of alterations to the register.

(6) The relevant returning or counting officer must also provide each polling station with—

- (a) at least one large version of each ballot paper which must be printed on the same colour paper as the corresponding ballot paper and displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and
- (b) a device of such description as is set out in paragraph (11) for enabling voters and proxies who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 30(1)).

⁽¹²³⁾Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

(7) Where notwithstanding paragraph (2) separate ballot boxes are to be used, each ballot box must be clearly marked with—

- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum; and
- (b) the words “Place the [*specify colour of ballot papers in question*] ballot papers in here”.

(8) A notice in the form in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(9) The relevant returning or counting officer may also provide copies of the notice mentioned in paragraph (8) in Braille or translated into languages other than English as he considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(10) In every compartment of every polling station there must be exhibited the following notice—

*PARLIAMENTARY ELECTION

(*[Specify colour]* ballot paper)

vote for ONE candidate only

*EUROPEAN PARLIAMENTARY ELECTION

(*[specify colour]* ballot paper)

vote for ONE party or individual candidate only

**[specify name of council ...]* COUNCIL ELECTION

(*[specify colour]* ballot paper)

*vote for no more than Candidates

*vote for ONE candidate only

*ELECTION OF THE MAYOR OF LONDON

(*[specify colour]* ballot paper)

#[On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice]

*ELECTION OF THE LONDON ASSEMBLY

[On the constituency members ballot paper *[specify colour]* vote for ONE candidate only]

#[On the London members ballot paper *[specify colour]* vote for ONE party or individual candidate only]

**[specify name of council ...]* REFERENDUM

(*[specify colour]* ballot paper)

Mark a cross (X) in the box on the right hand side of the answer of your choice.

Vote ONCE only.

**[specify other]* ELECTION/REFERENDUM

(*[specify colour]* ballot paper)

#[vote for one candidate/answer only] [vote ONCE for your first choice and ONCE for your second choice]

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED

*Complete or omit as necessary.

#This wording should be used where the Greater London Returning Officer (within the meaning of the Greater London Authority Act 1999(124)) has not supplied wording pursuant to the Greater London Authority Elections (No.2) Rules 2000.(125)

- (11) The device referred to in paragraph (6)(b) must—
- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
 - (b) hold the ballot paper firmly in place during use; and
 - (c) provide suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the registered party or individual candidate or answer to which each such space refers; and
 - (iii) mark his vote on the space he has chosen.

Appointment of counting observers

18.—(1) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(2) Where the counting officer is not the relevant returning or counting officer, he must give notice in writing of the appointments of counting observers to that officer as soon as is practicable following the appointment.

(3) For the purpose of assisting the counting officer in the discharge of his functions under paragraph (1), a petition organiser may nominate persons who in the opinion of the petition organiser are suitable for appointment as counting observers.

(4) A nomination under paragraph (3) must be made by notice in writing to the counting officer not later than the fifth day before the poll (disregarding any day which is to be disregarded by virtue of rule 4) and the notice must contain the address of each nominee.

(5) Subject to paragraph (6), the counting officer must not, without good cause, decline to appoint as a counting observer a person nominated by a petition organiser under paragraph (3).

- (6) The counting officer may limit the number of counting observers, so however that—
- (a) the number must be the same in the case of each petition organiser, and
 - (b) the number allowed to a petition organiser must not (except in special circumstances) be fewer than the number obtained by dividing the number of clerks employed on the counting by the number of petition organisers.

For the purposes of the calculations required by this paragraph, a counting observer who has been appointed on the nomination of more than one petition organiser is a separate counting observer for each of the petition organisers by whom he has been nominated.

(7) Where a counting observer appointed on the nomination of a petition organiser dies or becomes incapable of acting, the petition organiser who made the nomination may nominate another person to be appointed as a counting observer in his place by giving notice in writing to the counting officer.

(8) Paragraphs (4) and (5) apply to a nomination under paragraph (7), with the substitution in paragraph (4) for “fifth day” of “final day”.

(9) In the following provisions of these Rules references to counting observers shall be taken as references to counting observers whose appointments have been duly made.

(124) 1999 c. 29.
(125) S.I. 2000/427

(10) Any notice required to be given by the counting officer to a counting observer appointed on the nomination of a petition organiser may be delivered at, or sent by post to, the address stated in the notice of nomination.

(11) A petition organiser may himself do any act or thing which any counting observer is authorised to do, or may assist any counting observer appointed on his nomination in doing any such act or thing.

(12) Where by these Rules any act or thing is required or authorised to be done in the presence of the counting observers, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Appointment of polling observers

19.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) Where the counting officer is not the relevant returning or counting officer, he must give notice in writing of the appointment to the relevant returning or counting officer.

(3) That notice must state the names and addresses of the persons appointed and must be given not later than the fifth day (disregarding any day specified in rule 4) before the day of the poll.

(4) Not more than four polling observers or polling agents, or such greater number as the relevant returning or counting officer may by notice allow, shall be permitted to attend at any particular polling station and if the number of such polling observers or agents exceeds that number, the relevant returning or counting officer must determine which polling observers or agents are permitted to attend by lot and only the polling observers and agents on whom the lot falls shall be deemed to have been duly appointed.

(5) In the following provisions of these Rules references to polling observers shall be taken as references to polling observers—

(a) whose appointments have been duly made, and

(b) where the number of such observers is restricted, who are within the permitted numbers.

(6) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy in respect of polling stations

20. The relevant returning or counting officer must make such arrangements as he thinks fit to ensure that every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act, as applied by Schedule 4.**(126)**

Notification of requirement of secrecy in respect of the count

21. The counting officer must make such arrangements as he thinks fit to ensure that every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of section 66 of the 1983 Act, as applied by Schedule 4.

(126) Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22); subsection (6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

Return of postal ballot papers

22.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the relevant returning or counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act.(127)

(2) In paragraph (1) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections or referendums.

(3) Rule 38(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

PART 5

The Poll

Admission to the polling station

23.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters and proxies;
- (b) persons under the age of 18 who accompany voters and proxies to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000(128);
- (f) the constables on duty;
- (g) the companions of voters and proxies with disabilities;
- (h) the elected mayor, if any, of the council in respect of which the referendum is held;
- (i) any petition organiser; and
- (j) persons entitled to be admitted to the polling station at a relevant election or referendum with which the poll at the referendum is combined.

(2) The presiding officer must regulate the total number of voters and proxies and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by any returning or counting officer at any relevant election or referendum must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning or counting officer by whom the person is employed, as the case may be.

(127) See regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910.

(128) Sections 6A to 6F of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

- (4) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

24.—(1) It is the presiding officer’s duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer’s lawful orders, he may immediately, by the presiding officer’s order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the relevant returning or counting officer to remove him,

and the person so removed shall not, without the presiding officer’s permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter or proxy who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

25. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place his seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in his view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters and proxies

26.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the second column of the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and a petition organiser or a polling observer requires the question to be put:

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a voter	(a)—Are you the person registered in the register of local government electors for this voting area as follows? <i>read the whole entry from the register</i> [R] (b)—Have you already voted here or elsewhere at this referendum, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as A.B. in the list of proxies for this voting area as entitled to vote as proxy on behalf of C.D.? [R]

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
		(b)—Have you already voted here or elsewhere at this referendum as proxy on behalf of C.D.? [R]
		(c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]
3	A person applying as proxy for a voter with an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the voter whose number on the register of electors is (<i>read out the number</i>)? [R] (b)—Have you already voted here or elsewhere as proxy on behalf of the voter whose number on the register of electors is (<i>read out the number</i>)? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R]
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted at this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	A person applying as a voter in relation to whom there is an entry in the postal voters list	(a)—Did you apply to vote by post? (b)—Why have you not voted by post?
6	A person applying as proxy who is named in the proxy postal voters list	(a)—Did you apply to vote by post as proxy? (b)—Why have you not voted by post as proxy?

(2) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register shall be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.

Challenge of voter or proxy

27. A person must not be prevented from voting by reason only that—

- (a) any petition organiser or polling observer permitted to be present in accordance with rule 23(1) declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

28.—(1) A ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the voter as stated in the copy of the register of electors must be called out;
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 17(4)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of a voter who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).

(3) In the case of a voter or proxy who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, (129) paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub-paragraph (b), for “in the register” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter or proxy, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(5) The voter or proxy must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

(6) The same copy of the register of electors which is used under paragraph (1) for the referendum or, where paragraph (3) applies, the same copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act, may be used for each relevant election or referendum, and—

- (a) one mark may be placed in that copy of the register or on that notice under paragraph (1) (c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each election or referendum; but
- (b) where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark must be placed in the copy of that register or, as the case may be, on that notice or in that list so as to identify each election or referendum in respect of which a ballot paper was issued.

Votes marked by presiding officer

29.—(1) The presiding officer, on the application of a voter or proxy—

(129) Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or
- (b) who declares orally that he is unable to read,

must, in the presence of the polling observers (if any), cause that person's vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for a voter, the number to be entered together with the proxy's name shall be the number in the register of the voter.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for "on the register of electors of every person" there were substituted "relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(4) The same list may be used for the referendum and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

Voting by persons with disabilities

30.—(1) If a voter or proxy makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the voter or proxy to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter or proxy is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as "the declaration made by the companion of a voter or proxy with disabilities") that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one voter or proxy with disabilities to vote at the referendum,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that voter or proxy in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a voter or proxy with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter or proxy with disabilities to vote if that person—

- (a) is a person who is entitled to vote on his own behalf at the referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter or proxy and has attained the age of 18 years.

(4) The name and number in the register of electors of every person whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters and proxies with disabilities assisted by companions”). In the case of a person voting as proxy for a voter, the number to be entered together with the proxy’s name shall be the number in the register of the voter.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The same list may be used for the referendum and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

(7) The declaration made by the companion of a voter or proxy with disabilities—

- (a) must be in the form in the Appendix,
- (b) must be made before the presiding officer at the time when the voter or proxy applies to vote with the assistance of a companion, and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

(8) No fee or other payment shall be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

31.—(1) If a person, representing himself to be—

- (a) a particular voter named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for a voter and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the voter or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 32, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular voter named on the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 32, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular voter named on the register who is also named in the postal voters list, or

- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 32, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

32.—(1) A tendered ballot paper must—

- (a) be of a colour differing from that of the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the person who has marked a tendered ballot paper and his number in the register of electors, and set aside in a separate packet.

(2) The name of the person who has marked a tendered ballot paper and his number in the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) The same list may be used for the referendum and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

(4) In the case of a person voting as proxy for a voter, the number to be endorsed or entered together with the proxy’s name shall be the number in the register of the voter.

(5) In the case of a voter who has an anonymous entry, this rule and rule 31 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the person who has marked a tendered ballot paper shall be ignored;
- (b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears on the register or list (as the case may be).

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 31 shall apply as if—

- (a) in rule 31(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
- (b) in paragraph (1)(b) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

33. A voter or proxy who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

34.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.

Adjournment of poll in case of riot

35.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the relevant returning or counting officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll shall be construed accordingly.

Procedure on close of poll

36.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers appointed for the purposes of the referendum and the polling agents or observers appointed for the purposes of each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling observers and agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 28(1)(b) (together referred to in these Rules as “the completed corresponding number lists”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 34 (correction of errors on day of poll) and the declarations made by the companions of voters and proxies with disabilities,

and must deliver the packets or cause them to be delivered to the relevant returning or counting officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the relevant returning or counting officer, the arrangements for their delivery shall require that officer’s approval.

(2) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) must not be combined with the contents of the packets made under the corresponding rule that applies

at any relevant election or referendum; nor shall the statement prepared under paragraph (4) be so combined.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

PART 6

Counting of Votes

Attendance at counting of votes

37.—(1) Where the counting officer at the referendum is the relevant returning or counting officer, he must—

- (a) make arrangements for—
 - (i) discharging the functions under rule 38(1) in the presence of the counting observers appointed for the purposes of the referendum and the election agents and counting agents or observers appointed for the purpose of each relevant election or referendum as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at the referendum in the presence of the counting observers appointed for the purpose of that referendum; and
- (b) give to the counting observers appointed for the purposes of the referendum and the election agents and counting agents or observers appointed for the purpose of each relevant election or referendum notice in writing of the time and place at which he will begin to discharge the functions under rule 38(1).

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, he must—

- (a) make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the delivery of the ballot papers to him by the relevant returning or counting officer; and
 - (b) give to the counting observers notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.
- (3) No person other than—
- (a) the counting officer and his clerks,
 - (b) the counting observers,
 - (c) the elected mayor, if any, of the council in respect of which the referendum is held,
 - (d) the petition organisers, and
 - (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(4) No person other than a person entitled to be present at the counting of the votes at the referendum under paragraphs (4) to (13) of rule 38 or at a relevant election or referendum may be present at the proceedings under rule 38(1) unless permitted by the relevant returning or counting officer to attend.

- (5) A person not entitled to attend at—
- (a) the proceedings under rule 38(1), or
 - (b) the counting of the votes,

must not be permitted to do so by, respectively, the relevant returning or counting officer or the counting officer unless he is satisfied that the efficient separation of the ballot papers or, as the case may be, the efficient counting of the votes will not be impeded.

- (6) The—
- (a) relevant returning or counting officer, in respect of proceedings under rule 38(1), and
 - (b) counting officer, in respect of the counting of votes,

must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(7) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

38.—(1) Where the counting officer at the referendum is the relevant returning or counting officer, he must—

- (a) in the presence of the counting observers appointed for the purposes of the poll at the referendum and the election agents and counting agents or observers appointed for the purposes of the poll at each relevant election or referendum open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the counting observers appointed for the purposes of the poll at the referendum and the election agents and counting agents or observers appointed for the purposes of each relevant election or referendum verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the referendum and each relevant election or referendum;
- (d) separate the ballot papers relating to the referendum from the ballot papers relating to each relevant election or referendum;
- (e) make up into packets the ballot papers for each relevant election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning or counting officer for the relevant election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver or cause to be delivered to that officer packets that so relate containing—
 - (i) the unused and spoilt ballot papers,

- (ii) the tendered ballot papers, and
- (iii) the certificates as to employment on duty on the day of the poll.

(2) Where separate ballot boxes are used, no vote for any candidate or answer shall be rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.

(3) After completion of the proceedings under paragraph (1), the counting officer must mix together all of the ballot papers used at the referendum and count the votes given on them.

(4) Where the counting officer at the referendum is not the relevant returning or counting officer, he must—

- (a) on receipt of containers from the relevant returning or counting officer, and after the time specified in the notice given under rule 37(2)(b), in the presence of the counting observers open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with such proceedings at a relevant election or referendum under regulation 65 of the Representation of the People (England and Wales) Regulations 2001,⁽¹³⁰⁾ or under that regulation as applied by these Regulations or by regulations made under sections 44 and 105 of the Local Government Act 2000, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,

and paragraph (11) shall not apply to these proceedings.

(5) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (6) and reaches the relevant returning or counting officer or any polling station in the appropriate electoral area (as defined in paragraph (7)) before the close of the poll;
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches him or such a polling station before that time;
- (c) the postal voting statement also states the date of birth of the voter or proxy; and
- (d) in a case where steps for verifying the date of birth and signature of a voter or proxy have been prescribed by regulations made under the 1983 Act,⁽¹³¹⁾ the relevant returning or counting officer (having taken such steps) verifies that date of birth and that signature.

(6) The manner in which any postal ballot paper or postal voting statement may be returned—

- (a) to the relevant returning or counting officer, is by hand or by post;
- (b) to a polling station, is by hand.

(7) The appropriate electoral area in respect of any voter or proxy shall be—

- (a) the area which is common to the parliamentary constituency,⁽¹³²⁾ electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the referendum and any relevant election or referendum are being taken together; and
- (b) in respect of which polls the voter or proxy has been issued with a postal ballot paper.

(8) In paragraphs (5)(a) and (d) and (6)(a) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the

⁽¹³⁰⁾S.I. 2001/341.

⁽¹³¹⁾See regulations 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

⁽¹³²⁾For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c.56).

referendum are not taken together with such proceedings at one or more relevant elections or referendums.

(9) The counting officer must not count any tendered ballot papers.

(10) The—

(a) relevant returning or counting officer, in respect of the proceedings under paragraph (1), and

(b) the counting officer, while counting the votes,

must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(11) The relevant returning or counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.

(12) The—

(a) relevant returning or counting officer, in respect of the proceedings under paragraph (1), and

(b) counting officer, in respect of the counting of the votes,

must so far as practicable proceed continuously, allowing only time for refreshment, except that they may exclude the hours between 7 in the evening and 9 on the following morning.

(13) During the time so excluded the relevant returning or counting officer or counting officer (as the case may be) must—

(a) place the ballot papers and other documents relating to the referendum under his own seal and the seals of such of the counting observers as desire to affix their seals; and

(b) otherwise take proper precautions for the security of the papers and documents.

Re-count

39.—(1) A petition organiser, if present when the counting or any re-count of the votes is completed, may require the counting officer to have the votes re-counted or again re-counted but the counting officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until such petition organisers as are present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

40.—(1) Any ballot paper—

(a) which does not bear the official mark, or

(b) on which votes are given for more than one answer, or

(c) on which anything is written or marked by which the voter or proxy can be identified except the printed number on the back and other unique identifying mark, or

(d) which is unmarked or void for uncertainty,

shall, subject to paragraph (2), be void and not counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be deemed to be void if an intention that the vote shall be for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the voter or proxy and it is not shown that he can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to his decision.

(4) The counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the voter or proxy could be identified;
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

41. The decision of the counting officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on a referendum petition.

Equality of votes

42. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers the counting officer must forthwith decide the referendum by lot.

PART 7

Final Proceedings and Miscellaneous

Declaration of result

43. When the result of the poll has been ascertained, the counting officer must forthwith—

- (a) declare the result of the referendum,
- (b) inform the proper officer of the authority by or in respect of which the referendum was held of the result of the referendum,
- (c) give public notice of—
 - (i) the result of the referendum,
 - (ii) the number of ballot papers counted,
 - (iii) the total number of votes cast for each answer, and
 - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Sealing up of ballot papers

44.—(1) On the completion of the counting at a referendum, the counting officer must seal up in separate packets the counted and rejected ballot papers.

- (2) The counting officer must not open the sealed packets of—
 - (a) tendered ballot papers, or
 - (b) certificates as to employment on duty on the day of the poll.
- (3) The relevant returning or counting officer must not open the sealed packets of—
 - (a) the completed corresponding number lists, or
 - (b) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

45.—(1) Where the counting officer is the relevant returning or counting officer, he must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 34, and the declarations made by the companions of voters and proxies with disabilities,
- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty on the day of the poll, and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the referendum to which they relate and the name of the local authority by which or in respect of which the referendum was held.

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, paragraph (1) has effect as if sub-paragraphs (c), (d) and (f) were omitted.

- (3) In this rule and in rules 46 and 47 references to the relevant registration officer are to—
 - (a) the registration officer of the local authority by or in respect of which the referendum is held;
 - (b) if the electoral area of the relevant election or referendum comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered;

and for these purposes “local authority” does not include the Greater London Authority.

Orders for production of documents

46.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer, or

- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a referendum petition.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved—

- (a) that his vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the High Court from any order of a county court under this rule.

(6) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(7) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified referendum—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any referendum, and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Retention of documents

47. The relevant registration officer must retain for one year all documents relating to a referendum forwarded to him in pursuance of these Rules by the relevant returning or counting officer and the counting officer and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

Countermand or abandonment of poll at election on death of candidate

48. Where at a contested election the notice of poll is countermanded, or the polling is abandoned, due to the death of a candidate, the polling at the referendum shall not be affected.

PART 8

Appendix of Forms

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

- Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1
- Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1
- Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1
- Corresponding Number List M1
- Corresponding Number List M2
- Form of Postal Voting Statement (for use where there is joint issue and receipt of postal ballot papers)
- Form of Postal Voting Statement (for use when a referendum poll is combined with another poll but the postal ballot papers are not combined)
- Official Poll Card (to be sent to a voter voting in person)
- Official Postal Poll Card (to be sent to a voter voting by post)
- Official Proxy Poll Card (to be sent to an appointed proxy voting in person)
- Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)
- Form of directions for the guidance of the voters and proxies in voting
- Form of Certificate of Employment
- Form of declaration to be made by the companion of a voter or proxy with disabilities

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089

Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Front of ballot paper

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a mayor, who will be elected by the voters of that [insert "borough", "city", "county" or "district", as appropriate], to be in charge of the Council's services and to lead [insert name of local authority] and the community which it serves?

Mark a cross (X) in the box on the right hand side of the answer of your choice. Do not mark the ballot paper in any other way, or your vote may not be counted.

Vote ONCE only

YES	
NO	

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [insert name of voting area]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089

Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Front of ballot paper

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a mayor, who will be elected by the voters of that [insert "borough", "city", "county" or "district", as appropriate], to lead [insert name of local authority] and the community which it serves?

Mark a cross (X) in the box on the right hand side of the answer of your choice. Do not mark the ballot paper in any other way, or your vote may not be counted.

Vote ONCE only

YES	
NO	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark

Council referendum on [insert date] [insert name of voting area]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089*

Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Front of ballot paper

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a councillor, who will be elected by the councillors of [insert name of local authority], to lead the Council and the community which it serves?

Mark a cross (X) in the box on the right hand side of the answer of your choice.
Do not mark the ballot paper in any other way, or your vote may not be counted.

Vote ONCE only

YES	
NO	

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [insert name of voting area]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089

Form of Postal Voting Statement
(for use where there is a joint issue and receipt of postal ballot papers)

Postal Voting Statement

*Name of person voting by post: Ballot paper Nos.
*(Relevant returning or counting officer to insert name but omit where ballot papers sent to a person with an anonymous entry in the register) [other identifying marks]

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT TO

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (date of birth of person voting)

#Signature

Signature Here

 (signature of person voting)
IMPORTANT – Keep signature within border

*(Relevant returning or counting officer to omit where a person has been granted a waiver)

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

PLEASE READ INSTRUCTIONS TO PERSON VOTING

Issued by the [insert "Returning Officer" or "Counting Officer" depending on who is the relevant returning or counting officer]

INSTRUCTIONS TO PERSON VOTING

Complete the ballot paper yourself and in private.

If you need help contact the [insert "Returning Officer's" or "Counting Officer's" depending on who is the relevant returning or counting officer] staff as shown below

[contact details for assistance
include address as appropriate]

1. You must provide your [# signature and] date of birth. If you do not, this postal voting statement will be invalid and your vote(s) will not be counted.
2. [*When you are voting in a local government election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. Vote for no more than [...] candidates.]
3. [*When you are voting in a Parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.]
4. [*When you are voting in a European Parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.]
5. [^* When you are voting in a Greater London Authority election—
(a) [* in the constituency members' election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE candidate only.]

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(b) [* in the London members' election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.]

(c) [* in the London Mayoral election ([insert colour of ballot paper] ballot paper), vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE.]]

6. [*When you are voting in a [*specify] election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the candidate of your choice. Vote for ONE candidate only/Vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE*.]
7. When you are voting in a referendum, mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.
8. Do not mark your ballot papers in any other way or your votes may not be counted.
9. If you need help voting, the person helping you must not tell anyone how you voted.
10. Put all the ballot papers in the small envelope marked **A** and seal it.
11. Complete the postal voting statement by [#signing it, and] providing your date of birth.
12. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.

After receiving this postal vote, you cannot vote in person at a polling station at [this] [these] [election(s) or referendum(s).]*

**(delete whichever is inappropriate)*

^ Alternatively, insert such information as to the manner of voting as the GLRO may decide.

If you accidentally spoil any of your ballot papers, you can apply to the [insert "Returning Officer" or "Counting Officer" depending on who is the relevant returning or counting officer] for a replacement before 5 p.m. on [day/date of poll]. You must return all the ballot papers, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the [insert "Returning Officer" or "Counting Officer" depending on who is the relevant returning or counting officer] as soon as possible.

! Your ballot papers and the postal voting statement must be received by the [insert "Returning Officer" or "Counting Officer" depending on who is the relevant returning or counting officer] by 10 p.m. on [day/date of poll]. You can deliver your completed postal vote to any polling station in your voting area on polling day.

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot papers.

It is illegal to vote more than once at the same referendum (unless you are appointed as a proxy for another person entitled to vote at the referendum).

#(Relevant returning or counting officer to omit where a person has been granted a waiver)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089

Form of Postal Voting Statement
(for use when a referendum poll is combined with another poll
but the postal ballot papers are not combined)

Postal Voting Statement

*Name of person voting by post: Ballot paper No. (Colour)

*(Counting officer to insert name but omit where ballot papers sent to a person with an anonymous entry in the register) [other identifying mark]

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (date of birth of person voting)

#Signature

Signature Here

 (signature of person voting)
IMPORTANT – Keep signature within border

*(Relevant returning or counting officer to omit where a person has been granted a waiver)

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

PLEASE READ INSTRUCTIONS TO PERSON VOTING

Issued by the Counting Officer

INSTRUCTIONS TO PERSON VOTING

**Complete the ballot paper yourself and in private.
If you need help contact the Counting Officer's staff as shown below**

[contact details for assistance
include address as appropriate]

1. You must provide your [# signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election or referendum to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not be counted.
2. Vote ONCE only. Do not mark the ballot paper in any other way or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the answer of your choice.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. Different colours are used for the ballot papers for each election and referendum. Each ballot paper has its own ballot paper envelope (marked **A**), postal voting statement and return envelope (marked **B**). The return envelope and postal voting statement for each ballot paper refer to the colour of that ballot paper. It is important that you use the correct envelopes and postal voting statement or your vote may not be counted. You may find it helpful to sort the documents into separate sets.
6. Put the ballot paper in the small envelope marked **A** and seal it.

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7. Complete the postal voting statement by [#signing it, and] providing your date of birth.
8. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.

After receiving this postal vote, you cannot vote in person at a polling station at this referendum.

If you accidentally spoil your ballot paper, you can apply to the Counting Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Counting Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Counting Officer by 10 p.m. on [day/date of poll]. You can deliver your completed postal vote to any polling station in your voting area on polling day.

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

It is illegal to vote more than once (unless you are appointed as a proxy for another voter) at the same referendum.

#(Counting Officer to omit where a person has been granted a waiver)

<p>OFFICIAL POLL CARD (to be sent to a voter who is voting in person) <i>Front of card</i></p>	
<p>OFFICIAL POLL CARD</p>	
<p>Council: Voting Area: Polling Day: Polling hours: 7 a.m. to 10 p.m. Your polling station will be:</p>	<p>Number on register: *Name *Address <i>*(Counting Officer to omit where poll card sent to a person with an anonymous entry in the register. Poll card to such a person must be delivered in a sealed envelope.)</i></p>
<p>*This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there. <i>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</i> <i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.</p> <p>*The clerk will confirm your details on the register.</p> <p>When you are given the ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper, opposite the answer you are voting for.</p> <p>Vote ONCE only. Do not put any other mark on the ballot paper, or your vote may not be counted.</p> <p>If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.</p> <p>If you will be away on the date of the poll –</p> <ul style="list-style-type: none"> • You can apply to vote by post. Your application form must be received before 5 p.m. on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this referendum. • You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 p.m. on [-6 day/date deadline]. If you appoint a proxy, you can still vote in this referendum yourself if you do so before your proxy has voted for you. <p>In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline].</p> <p>To change any of your voting arrangements please contact [helpline number] as soon as possible.</p> <p style="text-align: right;">Issued by the Counting Officer</p> <p><i>[Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above:-</i></p>	

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You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show them this card.

The presiding officer will confirm your entry on the register.]

<p>OFFICIAL POSTAL POLL CARD (to be sent to a voter who is voting by post) <i>Front of card</i></p>	
<p>OFFICIAL POSTAL POLL CARD</p>	
<p>Council: Voting Area: For the referendum on: [day/date] Number on Register: *Name and Address: *(Counting officer to omit where poll card sent to a person with an anonymous entry in the register. Poll card to such a person must be delivered in a sealed envelope.)</p>	<p>This notice is to tell you that you have asked to vote by post (either at this referendum or an election combined with this referendum), and you will not be able to vote in a polling station at this referendum. If you want to cancel your postal vote please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send your postal voting papers around [day/date]. Addressed to: (Name and Address) If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. SEE INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.</p> <p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Counting Officer: please call the helpline number shown below.</p> <p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless a waiver has been granted), and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records that they hold.</p> <p>If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p> <p>Complete and return your postal vote as soon as possible. The Counting Officer must receive your postal vote by 10 p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in the voting area.</p> <p>If you want to vote in person at this referendum, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].</p> <p>If you need any assistance, please call our helpline on: [helpline number].</p> <p style="text-align: center;">It is an offence to vote using a ballot paper that was not addressed to you.</p> <p style="text-align: center;">Issued by the Counting Officer</p>	

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<p>OFFICIAL PROXY POLL CARD (to be sent to an appointed proxy voting in person) <i>Front of card</i></p>	
<p>OFFICIAL PROXY POLL CARD</p>	
<p>Council: Voting Area: Polling Day: Polling hours: 7 a.m. to 10 p.m. The polling station at which you may vote on behalf of the person who has appointed you proxy will be:</p>	<p>*This poll card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy. *Proxy's name *Proxy's address *(Counting Officer to omit where poll card sent to the proxy of a person with an anonymous entry in the register. Poll card to such a proxy must be delivered in a sealed envelope.)</p>
<p>*This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>*This poll card is to tell you that for this referendum you are appointed as proxy for: *(Person's name) *(Person's address) *(Person's number on register)</p> <p>*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the person shown above. The clerk will confirm the details on the register.</p> <p>When you are given the ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the answer the person is voting for.</p> <p>Vote ONCE only. Do not put any other mark on the ballot paper, or your vote may not be counted.</p> <p>If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.</p> <p>If you will be away on the date of the poll, you can apply before 5 p.m. on [-11 day/date deadline] to vote by post. If you are given a postal vote, you or the person who appointed you as proxy will <i>not</i> be entitled to vote in person at this referendum.</p> <p>The person who appointed you as proxy may vote at this referendum. If they wish to do so they must vote in person before you vote on their behalf.</p>	

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.
- Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [*helpline number*].

Issued by the Counting Officer

*[Where poll card sent to the proxy of a person with an anonymous entry in the register substitute for the text marked with * above:-*

You must have this card with you when you vote, you cannot vote as proxy without it.

You are entitled to vote as proxy for the person whose number on the register is shown below:

.....
(Person's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card.]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089

<p>OFFICIAL PROXY POSTAL POLL CARD (to be sent to an appointed proxy voting by post) <i>Front of card</i></p>	
<p>OFFICIAL PROXY POSTAL POLL CARD</p>	
<p>Council: Voting Area: For the referendum on: [day/date] Name and Address (Proxy):</p>	<p>This poll card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy and you have decided to vote by post. You will not be able to vote on behalf of the person who appointed you as proxy in a polling station. If you want to cancel this postal vote and vote in person on polling day, please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send the proxy postal voting papers around [day/date].</p> <p>If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil the postal ballot paper of the person who appointed you as proxy, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. SEE INFORMATION ON THE BACK OF THIS CARD</p>	
<p><i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>This poll card is to tell you that for this referendum you are appointed as proxy for the person named below and you have decided to vote by post.</p> <p>..... *(Person's name)</p> <p>..... *(Person's address)</p> <p>When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.</p> <p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.</p> <p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless you have been granted a waiver), and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records they hold.</p> <p>If you lose or accidentally spoil the postal ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p> <p>Complete and return the postal vote as soon as possible. The Counting Officer must receive the postal vote by 10 p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in your voting area.</p> <p>If you want to vote in person as a proxy at this referendum, you must cancel your postal vote</p>	

before 5 p.m. on [-11 day/date deadline].

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.
- Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [helpline number].

Issued by the Counting Officer

*[Where poll card sent to the proxy of a person with an anonymous entry in the register substitute for the text marked with * above:-*

This poll card is to tell you that for this referendum you are appointed as proxy for the voter whose number on the register is shown below and you have decided to vote by post.

You are entitled to vote as proxy for the person whose number on the register is shown below:

.....
(Person's number on register.)

Form of directions for the guidance of the voters and proxies in voting

GUIDANCE FOR VOTERS AND PROXIES AT COMBINED POLLS

1. When you are given your ballot papers go to one of the polling booths.
2.
 - A. [At the Parliamentary election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.]*
 - B. [At the local government election(s) mark a cross (X) in the box on the right hand side of [each]*[the]* ballot paper opposite the name of each candidate you are voting for. [Vote for ONE candidate only]*[Vote for no more than ... candidates]*.]*
 - C. [At the European Parliamentary election, mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for. Vote for ONE party or candidate only.]*
 - #D. [At the Greater London Authority election—
 - (i) in the constituency members' election, vote for ONE candidate only]*
 - (ii) in the London members' election, vote for ONE party or individual candidate only]*
 - (iii) in the London Mayoral election, vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE.]**
 - E. [At the [specify other] election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate for whom you are voting. [Vote ONCE only]*[Vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE].]**
 - F. At the referendum[s]* mark a cross (X) in the box on the right hand side of [the ballot paper]*[each ballot paper]* opposite the answer of your choice. Vote ONCE only.
3. [Please do not fold the ballot papers for the [specify the election(s) at which the votes are to be counted electronically]. Fold any other ballot paper(s) in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate*] ballot box and leave the polling station.]*
3. [Fold each ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate]* ballot box and leave the polling station.]*
4. [Vote only for the number of candidates specified on each ballot paper.] [Vote for one of the answers on [each/the]* ballot paper for the referendum[s].]* Put no other mark on the ballot papers or your vote[s]* may not be counted.
5. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

* Complete or omit as necessary

#Alternatively, insert such information as to the manner of voting as the GLRO may decide.

Form of Certificate of Employment

LOCAL GOVERNMENT ACT REFERENDUM

*Electoral/Voting Area of

*Constituency/Region/District/Ward/Parish/Community of

I certify that (name).....who is numbered in the register of electors for the [electoral/voting]* area named above cannot reasonably be expected to go in person to the polling station allotted to him or her at the referendum on [date of poll] by reason of the particular circumstances of his or her employment on that date for a purpose connected with the referendum or an election with which it is combined-

* (a) as a constable

* (b) by me

Signature

* Counting Officer/Returning Officer/Police Officer (Inspector or above)

Date

* Delete whichever is inappropriate

Note:- The person named above is entitled to vote at any polling station of the above voting area on production and surrender of this certificate to the presiding officer.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089

**Form of declaration to be made by the companion
of a voter with disabilities**

I, (name of companion),
of..... (address of companion) having
been requested to assist(name of voter or
proxy) [*in the case of a proxy with disabilities, adding 'voting as proxy for*
.....(name of voter)] whose number on the register
is..... to record their vote at the election[s]* and [*referendum[s]* now being held in this
*parliamentary constituency/*European Parliamentary region/*Greater London Authority
constituency/*district/London borough/*parish or community/*local government/voting area],
**delete those words which are inappropriate*

hereby declare that

- I am entitled to vote on my own behalf at the said referendum
- I am the * of the said voter or proxy and have attained the age of 18 years, and
- I have not previously assisted any voter with disabilities [except.....
(name of other voter or proxy), of(address of other voter or proxy)] to vote at the said referendum.

***State the relationship of the companion to the voter or proxy**

Signed(Companion)

Date

I, the undersigned, being the presiding officer for (polling station) for
the voting area of hereby certify that
the above declaration, having been first read to the above-named companion, was signed by the
companion in my presence.

Signed (Presiding Officer)

Date

Time (a.m./p.m.)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.
2. A voter or proxy with disabilities is a person who has made a declaration under the Local Government Act Referendums (Combination of Polls) Rules that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

SCHEDULE 6

Regulation 15

Application, with further modifications, of the Representation of the People Act 1983 in relation to Referendum Petitions

<i>(1) Provision</i>	<i>(2) Further modifications</i>
Section 128 (presentation of petition questioning local election)(133)	<p>In subsection (1)—</p> <p>(a) for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2007”, and</p> <p>(b) omit “either” and the words from “, or by a person” to the end.</p> <p>In subsection (2), for the words from the beginning to “any” substitute “Any”.</p>
Section 129 (time for presentation or amendment of petition questioning local election)	<p>In subsection (1) for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>In subsection (2)(b) for “a candidate elected at the election” substitute “any person”.</p> <p>In subsection (3)(b) for “the candidate elected at the election, or by an agent of the candidate or with the privity of the candidate or his election agent” substitute “any person”.</p> <p>Omit subsections (4) and (5).</p> <p>For subsection (7) substitute—</p> <p>“(7) Subsections (3) and (6) apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.”</p> <p>Omit subsection (9).</p>
Section 130 (election court for local election in England and Wales, and place of trial)(134)	<p>In subsection (1) for “and Wales under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>In subsection (3)(a) for “and Wales under the local government Act” substitute “under the</p>

(133) 1983 c. 2; section 128 was amended by paragraph 12 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(134) Section 130 was amended by paragraph 50 of Schedule 10 to the Courts and Legal Services Act 1990 (c. 41) and paragraph 2 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

<i>(1) Provision</i>	<i>(2) Further modifications</i>
	Local Authorities (Conduct of Referendums) (England) Regulations 2007”.
Section 131 (accommodation of and attendance on court)	
Section 132 (remuneration and allowances)	
Section 133 (repayments under section 131 and 132)	
Section 136 (security for costs)(135)	In subsection (2)(b) for “petition questioning an election under the local government Act” substitute “referendum petition within the meaning of regulation 15 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.
Section 137 (petition at issue)(136)	
Section 138 (list of petitions)(137)	In subsection (1)(a) for “all election petitions” substitute “all referendum petitions within the meaning of regulation 15 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.
	In subsection (3) for the words from the beginning to “candidates” substitute “Two or more persons”.
	In subsection (4)—
	(a) for “the same election or to elections under the local government Act” substitute “the same referendum or referendums under the Local Authorities (Conduct of Referendums) (England) Regulations 2007”, and
	(b) for “the election list”, in both places, substitute “the list made out under subsection (1)”.
Section 139 (trial of petition)	In subsection (1) omit “, in the case of a parliamentary election petition, 14 days and in any other case,”.
	Omit subsection (3).
	For subsection (5) substitute—

(135) Section 136 was amended by paragraph 48 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and paragraph 19 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(136) The existing section 137 was substituted for section 137 as originally enacted by paragraph 3 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(137) Section 138 was amended by paragraph 4 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(1) Provision

(2) Further modifications

“(5) On the trial of a petition, the respondent may give evidence in the same manner as if he had presented a petition against the referendum.”

For subsection (6) substitute—

“(6) Where the petition relates to a referendum as regards which, by reason of an equality of votes found at the count, the result was determined by lot, that determination is to be effective also for the purposes of the petition unless subsection (6A) applies.

(6A) This subsection applies where the court disallows any vote cast in the referendum; and in any such case—

- (a) the determination referred to in subsection (6) is to have no effect, and
- (b) the court is to declare the result of the referendum.

(6B) Where—

- (a) the petition relates to a referendum at which no equality of votes was found at the count, and
- (b) the court—
 - (i) disallows any vote cast in the referendum, and
 - (ii) determines that an equality of votes was cast in the referendum,

the result of the referendum is to be determined by the court by lot.”

Section 140 (witnesses)(138)

Section 141 (duty to answer relevant questions)(139)

Section 143 (expenses of witnesses)

Section 145 (conclusion of trial of local election petition)(140) For subsection (1) substitute—

“(1) At the conclusion of the trial of a petition questioning a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2007 the election court is to determine—

(138) Section 140 was amended by paragraph 49 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(139) Section 141 was amended by paragraph 50 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and paragraph 84 of Schedule 27 to the Civil Partnership Act 2004 (c. 33).

(140) Section 145 was amended by paragraph 33 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

<i>(1) Provision</i>	<i>(2) Further modifications</i>
	<p>(a) in the case of a petition presented on the ground mentioned in regulation 15(1)(a) of those Regulations, whether the result of the referendum was or was not in accordance with the votes cast in the referendum,</p> <p>(b) in the case of a petition presented on the ground mentioned in regulation 15(1)(b) or (c) of those Regulations, whether the referendum was void.</p> <p>(1A) Following a determination under subsection (1)(a), the election court must, as the circumstances require, confirm or reverse the result of the referendum.”</p> <p>In subsection (3)—</p> <p>(a) for “sections 158 and” substitute “section”, and</p> <p>(b) for the words from “for which” to the end substitute “by which or in respect of which the referendum was held”.</p> <p>In subsection (6) for “for which the election was held” substitute “by which or in respect of which the referendum was held”.</p>
Section 146 (special case for determination of High Court)	<p>Omit subsection (2).</p> <p>In subsection (3) for the words from the beginning to “local government Act” substitute—</p> <p>“(3) In the case of a referendum petition under the Local Authorities (Conduct of Referendums) (England) Regulations 2007,”.</p>
Section 147 (withdrawal of petition)	
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	
Section 156 (further provision as to costs)(141)	
Section 157 (appeals and jurisdiction)(142)	Omit subsection (4).

(141) Section 156 was amended by paragraph 51 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(142) Section 157 was amended by paragraph 6 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraph 28 of Schedule 11 to the Constitutional Reform Act 2005 (c. 5).

<i>(1) Provision</i>	<i>(2) Further modifications</i>
Section 160(1) and (3) (persons reported personally guilty of corrupt practices)(143)	Omit subsection (1)(b).
Section 161 (Justices of the Peace)(144)	
Section 162 (member of legal and certain other professions)(145)	
Section 163 (holder of licence or certificate under Licensing Acts)(146)	
Section 164(1) and (2) (avoidance of election for general corruption etc.)	In subsection (1)— (a) for “election”, in the first two places where that words appears, substitute “referendum”, (b) for “the election of any person at that election” substitute “a particular outcome in relation to the question asked in the referendum”, and (c) for paragraphs (a) and (b) substitute “, the referendum, if that outcome was achieved, is void”. In subsection (2) for “An election” substitute “A referendum”.
Section 167 (application for relief)(147)	
Section 180 (evidence by certificate of holding of election)	Omit sub-paragraph (ii) and the word immediately preceding it.
Section 183 (costs)(148)	
Section 184 (service of notices)(149)	
Section 185 (interpretation of Part 3)(150)	

(143) Subsection (1) was amended by paragraph 52 of Schedule 4 to the Representation of the People Act 1985 (c. 50), and the present subsection (3) was substituted for subsection (3) as originally enacted by that paragraph.

(144) Section 161 was amended by paragraph 53 of Schedule 4, and Schedule 5, to the Representation of the People Act 1985 (c. 50) and paragraph 149 of Schedule 4 to the Constitutional Reform Act 2005 (c. 5).

(145) Section 162 was amended by paragraph 54 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(146) Section 163 was amended by paragraph 55 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(147) Section 167 was amended by paragraph 56 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and paragraph 18 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(148) Section 183 was amended by paragraph 28 of Schedule 11 to the Constitutional Reform Act 2005 (c. 5).

(149) Section 184 was amended by paragraph 19 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and S.I. 2001/1149.

(150) Section 185 was amended by paragraph 10 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraphs 86 and 87 of Schedule 6 to the Licensing Act 2003 (c. 17).

SCHEDULE 7

Regulation 15

Modifications of the Election Petition Rules 1960

<i>(1) Provision modified</i>	<i>(2) Modification</i>
Rule 2(2)(151)	<p>After the definition of “the Act” insert— ““the 2007 Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2007;”.</p> <p>After the definition of “local election petition” insert— ““referendum petition” means a petition under the 2007 Regulations;”.</p> <p>In the definition of “petition” insert at the end “or a referendum petition”.</p> <p>For the definition of “constituency” substitute— ““constituency” in relation to— (a) a local election petition, means the local government area to which the petition relates; (b) a referendum petition, means the local government area in which the referendum is held;”.</p> <p>After the definition of “returning officer” insert “and, in relation to a referendum petition, any reference to a provision of the Act must be construed as a reference to that provision as applied by the 2007 Regulations.”</p>
Rule 2(3)(152)	After “local government Act” insert “and referendums under the 2007 Regulations”.
Rule 4(1)(153)	<p>Omit sub-paragraph (a).</p> <p>For sub-paragraph (b) substitute— “(b) the date and result of the referendum to which the petition relates;”.</p> <p>In sub-paragraph (c) for the words from “petition” to “the Act” substitute “referendum petition”.</p>
Rule 10(154)	Omit.

(151) Amended by S.I. 1985/1278.**(152)** Amended by S.I. 1985/1278.**(153)** Amended by S.I. 1985/1278.**(154)** Amended by S.I. 1985/1278.

<i>(1) Provision modified</i>	<i>(2) Modification</i>
Rule 12(3)(155)	For “the election” substitute “the referendum”.
Rule 14(2)(156)	For “the election may” substitute “the referendum may”.
Rule 16(3)(157)	For “the election may” substitute “the referendum may”.
Rule 18(158)	After “local election petition” insert “or a referendum petition”.
The Schedule(159)	<p>For “a Parliamentary (or Local Government) Election for (<i>state place</i>)” substitute “a referendum in (<i>state area</i>)”.</p> <p>In paragraph 1—</p> <p>(a) for “election”, in the first place where that word occurs, substitute “referendum”,</p> <p>(b) omit “(or was a candidate at the above election) (or in the case of a parliamentary election claims to have had a right to be elected or returned at the above election)”.</p> <p>For paragraph 2 substitute—</p> <p>“2. That referendum was held on the [<i>insert day</i>] day of [<i>insert month</i>] [<i>insert year</i>]”.</p> <p>In paragraph 4 omit “in the case of a petition mentioned in section 122(2) or (3) or”.</p> <p>For paragraph (1) of the Prayer substitute—</p> <p>“(1) That it may be determined [that the result of the referendum was not in accordance with the votes cast]* [that the referendum is avoided]* [that the referendum is tainted as mentioned in regulation 17(3) of the 2007 Regulations]*.</p> <p><i>* Include or omit as the circumstances require.</i>”</p>

(155) Amended by S.I. 1999/1352.
(156) Amended by S.I. 1999/1352.
(157) Amended by S.I. 1999/1352.
(158) Amended by S.I. 1985/1278.
(159) Amended by S.I. 1985/1278.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact Regulations of the same name made in 2001 ([S.I. 2001/1298](#)) (“the 2001 Regulations”) to make provision for the conduct of referendums to be held under section 27 of the Local Government Act 2000 ([c. 2](#)) (“the 2000 Act”), or by virtue of regulations or an order made under any provision of Part 2 of the 2000 Act. These Regulations apply only in relation to England. The referendums will relate to the question of whether a county, district or London borough council should adopt executive arrangements that include a mayor and cabinet executive, a mayor and council manager executive or a leader and cabinet executive.

The principal changes that are made to the 2001 Regulations are, first, to make the changes necessary to implement the changes made by the Electoral Administration Act 2006 ([c. 22](#)) (“the 2006 Act”) in this context; secondly, to set out the rules for the conduct of referendums in full; and, thirdly, to remove the option of a referendum being conducted by means of an all-postal ballot.

Regulation 3 and Schedule 1 prescribe the form of words of the question to be asked in the referendum.

Regulation 4 requires public notice to be given of the authority’s proposals under section 25 of the 2000 Act or, as the case may be, under regulation 17 or 19 of the Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 (“the Petitions and Directions Regulations”), under regulations under section 30 or 33 of the 2000 Act, or an order under section 36 of that Act. The notice must specify the date of the referendum, various matters relating to the conduct of the referendum, and the availability for public inspection of the authority’s proposals. This regulation also allows authorities to provide factual information about their proposals, outline fall-back proposals and the referendum, so long as the information is presented fairly.

Regulation 5 imposes restrictions on the material that may be published, displayed or distributed by and on behalf of the authority during the period of 28 days before the date of the referendum.

Regulation 6 imposes a referendum expenses limit on the amount that may be incurred by way of referendum expenses (both terms are defined in regulation 6(1), to which Schedule 2 is relevant). The amount of referendum expenses is updated to reflect inflation between the making of the 2001 Regulations and these Regulations. An offence is created for expenditure in excess of the referendum expenses limit.

Regulation 7 provides for amounts relevant to the use of certain property, services and facilities to be treated as incurred by way of referendum expenses for the purposes of regulation 6.

Regulation 8 provides for the conduct of a referendum which is not combined with any other polls. The 2001 Regulations applied for this purpose The Local Elections (Principal Areas) Rules 1986 ([S.I. 1986/2214](#)) with modifications. These Regulations set out the rules for the conduct of a referendum in full (the Local Government Act Referendums Rules), in Schedule 3. The changes which reflect the 2006 Act are summarised at the end of this note. Other electoral legislation is applied, with modifications, to facilitate the conduct of referendums (as set out in Tables 1 to 6 of Schedule 4).

Regulation 9 specifies who is to be the counting officer at the referendum.

Regulation 10 provides for the poll at the referendum to be combined with polls at the elections specified in it, where the referendum would otherwise be held within a period of 28 days either before or after the date of the election.

There are two principal exceptions to this. The first (as contained in paragraph (3)) applies where public notice has already been given of the referendum before an announcement of the date of certain of the elections specified in this paragraph. Where this exception applies, the referendum is to be held on the date of which public notice has been given. The second (as contained in paragraph (5)) applies where the combination of polls would result in the poll at the referendum being held between five and six months after the date that is determined for the purposes of Part 2 of the Petitions and Directions Regulations as the “petition date”, or in a case in which the Secretary of State has directed that a referendum be held, the date of his direction. In such a case the referendum may be (but need not be) held in a period provided under the Petitions and Directions Regulations.

Regulation 10 also provides for the optional combination of referendums with elections to fill casual vacancies in the case of councillors, or, in London, vacancies in Greater London Authority constituencies. It provides for the combination of referendums with other referendums held under the 2000 Act by other authorities.

Regulation 11 makes provision for the conduct of referendums when combined with elections. The rules for conducting such referendums are again set out in full (the Local Government Act Referendums (Combination of Polls) Rules), in Schedule 5. Other electoral legislation is applied to facilitate the conduct of such referendums, as is the case with referendums which are not combined with other polls.

Regulation 12 makes provision about the conduct of elections, when they are combined with the poll at a referendum.

Regulation 13 makes provision about the conduct of a referendum the poll at which is combined with another referendum.

Regulation 14 deals with the result of the referendum, subject to the provisions which allow the result of the referendum to be challenged.

Regulation 15 makes provision for a referendum to be challenged by the bringing of a referendum petition. The provisions of the Representation of the People Act 1983 (c. 2) contained in Schedule 6 are applied with modifications to facilitate this. Regulations 16 and 17 address the immediate consequences of the bringing of a referendum petition (as to whether the authority may implement or continue to operate new executive arrangements in pursuance of the referendum) and how a referendum petition is to be determined.

Regulation 18 provides for certain days to be ignored in computing certain periods of time for the purposes of these Regulations.

Regulation 19 exempts advertisements relating specifically to the referendum from regulations under the Town and County Planning Act 1990 (c. 8) controlling the display of advertisements.

Regulation 20 provides that premises used in relation to the referendum for public meetings or the taking of the poll are to be treated as unoccupied for rating purposes.

Schedule 1 prescribes the referendum questions.

Schedule 2 makes provision about the matters relevant to referendum expenses.

Schedule 3 contains the Local Government Act Referendums Rules.

Schedule 4 applies electoral legislation with modifications to facilitate the conduct of referendums (and with the exception of Tables 1, 4 and 5) elections combined with referendums. Provisions from the following enactments and subordinate legislation are applied: the Representation of the People Acts 1983 (c. 2), 1985 (c. 50) and 2000 (c. 2), the Political Parties, Elections and Referendums Act 2000 (c. 41), the 2006 Act and the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341).

Schedule 5 contains the Local Government Act Referendums (Combination of Polls) Rules.

Schedule 6 applies with modifications provisions of the Representation of the People Act 1983 for the purposes of the bringing of a referendum petition to challenge the result in a referendum.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums) (England) Regulations 2007 No. 2089*

Schedule 7 makes modifications to the Election Petition Rules 1960, when applied to referendums by regulation 15(9).

The provisions of the Local Government Act Referendums Rules and the Local Government Act Referendums (Combination of Polls) Rules (collectively, “the Rules”) which reflect changes made by the 2006 Act include the following.

The Rules reflect new security measures introduced by the 2006 Act. Security markings on ballot papers are provided for; so too are unique identifying marks. Counterfoils on ballot papers are replaced by corresponding number lists. Requirements are imposed requiring postal voters and postal proxies to provide both their signature and date of birth when returning postal ballot papers.

The Rules reflect alterations as to the circumstances in which a person may give a tendered vote. New requirements are introduced as to the information and accessibility of information to be provided by counting officers to voters.

The Rules reflect changes made as to the persons who may be admitted to a polling station and the count to observe referendums.

Amendments are made to provide for transmission of information to a presiding officer of alterations to the electoral register taking effect on the day of the poll. Amendments consequential upon the introduction of a scheme for the anonymous registration of certain electors are made.

The Rules reflect changes made regarding the retention and inspection of referendum documents after the poll.

The new forms which are appended to the Rules reflect the changes made by the 2006 Act.