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WELSH STATUTORY INSTRUMENTS

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**2008 No. 1848 (W.177)**

**LOCAL GOVERNMENT, WALES**

**The Local Authorities (Conduct of  
Referendums) (Wales) Regulations 2008**

*Made - - - - 9 July 2008*

*Coming into force in accordance with regulation 1*

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the National Assembly for Wales by section 26 of the Welsh Language Act 1993(1) and by sections 45, 105 and 106(1) of the Local Government Act 2000(2) and now vested in them(3):

The Welsh Ministers have consulted the Electoral Commission about these Regulations in accordance with section 45(8A) of the Local Government Act 2000.

In accordance with section 45(8B) and (8C) of that Act, the Welsh Ministers have consulted the Electoral Commission on the intelligibility of the questions which may be asked at a referendum together with the statements which precede these questions as specified in these Regulations. They have laid before the National Assembly for Wales a report stating the views expressed by the Commission in response.

In accordance with section 45(8D) of that Act, the Welsh Ministers have sought and had regard to the views of the Electoral Commission on the matter of the limitation of referendums expenses. They have laid no statement before the National Assembly for Wales in pursuance of that subsection because these Regulations accord with those views.

In accordance with section 105(6) of that Act (as applied by paragraph 34(2) of Schedule 11 to the Government of Wales Act 2006), a draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales.

**Title, commencement and revocation**

1.—(1) The title of these Regulations is the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008.

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

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(1) 1993 c. 38.

(2) 2000 c. 22; sections 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).

(3) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

- (3) These Regulations apply to the holding of referendums by local authorities in Wales.
- (4) The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 are revoked<sup>(4)</sup>.

## Interpretation

### 2.—(1) In these Regulations—

- “the 1983 Act” (“*Deddf 1983*”) means the Representation of the People Act 1983<sup>(5)</sup>;
- “the 1985 Act” (“*Deddf 1985*”) means the Representation of the People Act 1985<sup>(6)</sup>;
- “the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000<sup>(7)</sup>;
- “counting observer” (“*arsylwr cyfrif*”) means a person appointed by a counting officer under rule 18(2) of the Local Government Act Referendums Rules;
- “counting officer” (“*swyddog cyfrif*”) means a person referred to in regulation 9;
- “elected mayor” (“*maer etholedig*”), in relation to a local authority, means an individual elected as mayor of the local authority by the local government electors for the local authority’s area in accordance with provisions made by or under Part II of the 2000 Act;
- “the Elections Act” (“*Deddf yr Etholiadau*”) means the Political Parties, Elections and Referendums Act 2000<sup>(8)</sup>;
- “European Parliamentary election” (“*etholiad Senedd Ewrop*”) and “European Parliamentary general election” (“*etholiad cyffredinol Senedd Ewrop*”) must be construed in accordance with section 27(1) of the 1985 Act<sup>(9)</sup>;
- “further referendum” (“*refferendwm pellach*”) means a referendum held in pursuance of an order under regulation 13(3);
- “the Local Government Act Referendums Rules” (“*Rheolau Refferenda'r Ddeddf Llywodraeth Leol*”) means the rules set out in Schedule 3 to these Regulations;
- “local government election” (“*etholiad llywodraeth leol*”) must be construed in accordance with section 203(1) of the 1983 Act;
- “mayoral election” (“*etholiad maerol*”) must be construed in accordance with the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007<sup>(10)</sup>;
- “outline fall-back proposals” (“*cynigion wrth gefn amlinellol*”)—
- (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 following 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 II or Part III 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—

<sup>(4)</sup> S.I. 2004/870 (W.85), amended by S.I. 2005/3302 (W.256).

<sup>(5)</sup> 1983 c. 2.

<sup>(6)</sup> 1985 c. 50.

<sup>(7)</sup> 2000 c. 22.

<sup>(8)</sup> 2000 c. 41.

<sup>(9)</sup> 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.

<sup>(10)</sup> S.I. 2007/1024.

- (i) if the local authority are then operating executive or alternative arrangements, a summary of those arrangements;
  - (ii) in any other case, an outline of the proposals specified in the order that the local 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 local authority's existing executive arrangements or existing alternative arrangements (as the case may be);

“the Petitions and Directions Regulations” (“*Rheoliadau Deisebau a Chyfarwyddiadau*”) means the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001<sup>(11)</sup>;

“petition organiser” (“*trefnnydd deiseb*”), 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 local authority by or in respect of which the referendum is held<sup>(12)</sup>;

“polling observer” (“*arsylwr pleidleisio*”) means a person appointed by a counting officer under rule 18(1) of the Local Government Act Referendums Rules;

“proper officer” (“*swyddog priodol*”) must be construed in accordance with section 270(3) of the Local Government Act 1972<sup>(13)</sup>;

“proposals date” (“*dyddiad y cynigion*”)—

- (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<sup>(14)</sup>,are sent to the Welsh Ministers; and
- (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” (“*refferendwm*”) 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 II (arrangements with respect to executives etc.) of the 2000 Act;

“referendum period” (“*cyfnod y refferendwm*”), 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;

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<sup>(11)</sup> S.I. 2001/2292 (W.180) as amended by S.I.2003/398 (W.55).

<sup>(12)</sup> The definition of “petition organiser” is to be found in regulation 3 of the Petitions and Directions Regulations. As to the validity of petitions, see regulation 9(1) of those Regulations. As to amalgamated, constituent and post-announcement petitions, relevant definitions are to be found in regulation 3 of those Regulations.

<sup>(13)</sup> 1972 c. 70.

<sup>(14)</sup> See the Local Authorities (Changing Executive Arrangements and Alternative Arrangements (Wales) Regulations 2004 (S.I. 2004/3158 (W.275)).

- (b) in any other case, the proposals date, and ending on the date of the referendum;
- “the Representation of the People Regulations” (“*Rheoliadau Cynrychiolaeth y Bobl*”) means the Representation of the People (England and Wales) Regulations 2001<sup>(15)</sup>;
- “the RP Act 2000” (“*Deddf CB 2000*”) means the Representation of the People Act 2000<sup>(16)</sup>; and
- “voting area” (“*ardal y bleidlais*”) 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.

### **The statement and the question to be asked in a referendum**

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

### **Publicity and other information in connection with referendums**

4.—(1) 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 Welsh Ministers;
- (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) of the question to be asked in the referendum,
  - (iv) that the referendum will be conducted in accordance with procedures similar to those used at local government elections,

<sup>(15)</sup> S.I. 2001/341; amended by S.I. 2001/1700, 2002/1871, 2004/226, 2006/752 and 2006/2910.

<sup>(16)</sup> 2000 c. 2.

- (v) 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,
- (vi) of the address and times at which a copy of the proposals, and of the local authority's outline fall-back proposals, may be inspected, and
- (vii) of the procedures for obtaining a copy of the proposals and outline fall-back proposals.

(2) 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 (vii).

(3) 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) no more than 55 days and no less than 28 days before the date of the referendum.

(4) The local 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.

(5) The local 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.

(6) In determining for the purposes of paragraph (5) 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 Welsh Ministers 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" ("*cyhoeddi*") 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(17)); and "publication" ("*cyhoeddiad*") is to be construed accordingly.

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(17) 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).

**General restriction on referendum expenses**

6.—(1) In this regulation and regulation 7—

“campaign organiser” (“*trefnydd ymgyrch*”) 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” (“*ymgyrch refferendwm*”) 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” (“*treuliau refferendwm*”) 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 in paragraphs 1 to 7 of Schedule 2 to these Regulations, as read in accordance with paragraph 8 of that Schedule;

“referendum expenses limit” (“*cyfyngiad treuliau refferendwm*”) 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” (“*at ddibenion refferendwm*”) 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” (“*y gofrestr berthnasol*”) means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act<sup>(18)</sup> after the conclusion of the canvass conducted under section 10 of that Act<sup>(19)</sup> 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 the duty of the Director of Public Prosecutions to make such inquiries and institute such prosecutions as the circumstances of the case appear to the Director of Public Prosecutions 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, that person, 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

<sup>(18)</sup> 1983 c. 2; section 13 was substituted for section 13 as originally enacted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

<sup>(19)</sup> Section 10 was substituted together with section 10A for section 10 as originally enacted 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. 22).

(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<sup>(20)</sup>, 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—
  - (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 that person or on behalf of that person in respect of that use, they would be (or are) referendum expenses incurred by that person or on that person's 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 the employee's 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 the employee's employer in respect of the period for which the employee's 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 the individual's own services which the individual provides voluntarily in the individual's own time and free of charge.

### **Conduct of 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).

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<sup>(20)</sup> 2003 c. 44.

(2) The provisions mentioned in the first column of Tables 1 to 5 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) 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(1A)(a) (returning officers: local elections) of the 1983 Act<sup>(21)</sup>.

(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.

### **Result of referendum or further referendum**

**10.**—(1) This regulation is subject to regulations 12 and 13.

(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 local 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 II 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 local 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 II 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 local 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 local 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 local 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

(21) 1983 c. 2; subsection (1A) was inserted by the Local Government (Wales) Act 1994, section 66(6), Schedule 16, paragraph 68(7).



- (c) in section 27(10), to the substitution for “Outline fall-back proposals and detailed” of “Detailed”.

### **Procedures for questioning referendum**

**11.**—(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 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 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 5 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<sup>(22)</sup> 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 6 to these Regulations and to any contrary provision of these Regulations.

### **Immediate consequences of referendum petitions**

**12.**—(1) This regulation, apart from paragraph (8), applies where—

- (a) a referendum petition is presented on any of the grounds mentioned in regulation 11(1) (a) to (c), or

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<sup>(22)</sup> S.I. 1960/543; amended by S.I. 1985/1278, 1999/1352 and 2003/972.

- (b) leave is granted to the presentation of a referendum petition brought under the ground mentioned in regulation 11(1)(d).

(2) Where this regulation applies—

(a) in relation to a referendum—

- (i) at which the statement and the question asked were 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) before the local authority have passed a resolution under section 29,

the local 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 statement and the question asked were 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 local authority have passed a resolution under section 29,

the local 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 statement and the question asked were 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 local 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 local 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 local authority have passed a resolution under section 29 (operation of, and publicity for, executive arrangements) or section 33 (operation of alternative arrangements),

the local 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 local authority have passed a resolution under section 29 or 33,

the local 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 11(1)(d)—

- (a) in relation to a referendum—
  - (i) at which the statement and the question asked were 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**

**13.**—(1) Where an election court certifies, as its determination of a referendum petition, that the result of the referendum declared under regulation 10 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 local 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 II (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 11(1), that the referendum was avoided, the local 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 12(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), the local 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 local 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 local 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 local 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) Where the local authority’s outline fall-back proposals are alternative arrangements —
- (a) section 33(2) (operation of alternative arrangements) applies for the purpose of enabling the local authority to operate the alternative arrangements set out in their detailed fall-back proposals as it applies for the purpose of enabling a local authority to operate alternative 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 local authority’s existing executive arrangements the local authority have resolved to operate the alternative arrangements that were described in their outline fall-back proposals at the time of the referendum.”
- (10) 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 local authority’s existing executive or alternative arrangements”,
    - (iii) in paragraph (1)(c)(vi), 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 or alternative arrangements”,
    - (iv) in paragraph (1)(c)(vii), the substitution for “the proposals and” of “that document and those”,
    - (v) after paragraph (1)(c)(vii), the insertion of—

“(viii) 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 (4), 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 or alternative arrangements”,

(vii) in paragraph (5), the substitution, for “the proposals”, of “the main features of the local authority’s current executive or alternative arrangements”, and

(b) the substitution of paragraph 1 of Schedule 1 and the first form to appear in the Appendix to the Local Government Act Referendums Rules, by —

"At the mayoral referendum held on *[insert date as appropriate]* the electorate for *[insert name of local authority]* approved the proposal that a mayor should lead that *[insert "county" or "county borough" as appropriate]* and be responsible for making decisions about council services together with a "cabinet" of elected councillors appointed by that mayor. On *[insert date as appropriate]* the Election Court declared that mayoral referendum to be tainted. The Election Court ordered that a further referendum be held.

Should the majority of votes cast in this further referendum be "no" votes, *[insert name of local authority]* will implement *[executive]\* [alternative]\** arrangements consisting of *[a leader elected by the authority and a cabinet of elected councillors]\* [an elected mayor and council manager appointed as such by the authority]\* [a politically balanced board]\** responsible for making decisions about local council services.

*\*delete as appropriate*

.....

Question

Are you in favour of *[insert name of local authority]* continuing to be led by a mayor together with a cabinet of elected councillors?"; and

(c) the substitution of paragraph 2 of Schedule 1 and the second form to appear in the Appendix to the Local Government Act Rules by —

"At the mayoral referendum held on *[insert date as appropriate]* the electorate for *[insert name of local authority]* approved the proposal that a mayor should lead that *[insert "county" or "county borough" as appropriate]* and be responsible for making decisions about council services together with an officer of that *[insert "county" or "county borough" as appropriate]* appointed as "council manager" by elected councillors. On *[insert date as appropriate]* the Election Court declared that mayoral referendum to be tainted. The Election Court ordered that a further referendum be held.

Should the majority of votes cast in this further referendum be "no" votes, *[insert name of local authority]* will implement *[executive]\* [alternative]\** arrangements consisting of *[an elected mayor and a cabinet of elected councillors appointed by the mayor]\* [a leader elected by the authority and a cabinet of elected councillors]\* [a politically balanced board]\** responsible for making decisions about local council services.

*\*delete as appropriate*

.....  
Question

Are you in favour of *[insert name of local authority]* continuing to be led by a mayor together with a council manager?".

(11) 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 12 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**

14.—(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<sup>(23)</sup> in Wales, and
- (c) any day appointed as a day of public thanksgiving or mourning.

### **Advertisements**

**15.** The Town and Country Planning (Control of Advertisements) Regulations 1992<sup>(24)</sup> 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**

**16.** In relation to premises in a voting area, section 65(6) of the Local Government Finance Act 1988<sup>(25)</sup> (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 by a person exercising functions of a counting officer in accordance with regulation 9.

9 July 2008

*Brian Gibbons*  
Minister for Social Justice and Local  
Government, one of the Welsh Ministers

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<sup>(23)</sup> 1971 c. 80.

<sup>(24)</sup> 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.

<sup>(25)</sup> 1988 c. 41.

SCHEDULE 1

Regulation 3

STATEMENTS AND QUESTIONS TO BE ASKED IN A REFERENDUM

1. At the moment [insert name of local authority] works under "[executive]\* [alternative]\* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the council's cabinet]\* [council leader and the members of the council's cabinet are chosen by the councillors]\* [mayor is chosen by the electorate and the mayor then selects other council members to become members of the council's cabinet]\* [mayor is chosen by the electorate and the council manager is appointed by the councillors]\* [council is run by a politically balanced board]\*. The [council leader and cabinet]\* [elected mayor and cabinet]\* [elected mayor and council manager]\* [Board]\* are responsible for making decisions about local council services.

[A]\* [An]\* [petition has been received making a proposal]\* [direction from the Welsh Ministers has been received and it is proposed]\* [Order has been made by the Welsh Ministers and it is proposed]\*[the council has proposed]\* to change this so that, in future, a mayor directly elected by voters in the [county]\* [county borough]\* would lead the council. The mayor would appoint two or more council members to become members of a cabinet, and the mayor and cabinet would be responsible for making decisions about local council services.

\*delete as appropriate

.....

**Question**

Do you support the proposal for a directly elected mayor for [insert name of local authority]?

2. At the moment [insert name of local authority] works under "[executive]\* [alternative]\* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the council's cabinet]\* [council leader and the members of the council's cabinet are chosen by the councillors]\* [mayor is chosen by the electorate and the mayor then selects other council members to become members of the council's cabinet]\* [mayor is chosen by the electorate and the council manager is appointed by the councillors]\* [council is run by a politically balanced board]\*. The [council leader and cabinet]\* [elected mayor and cabinet]\* [elected mayor and council manager]\* [Board]\* are responsible for making decisions about local council services.



[A]\* [An]\* [petition has been received making a proposal]\* [direction from the Welsh Ministers has been received and it is proposed]\* [Order has been made by the Welsh Ministers and it is proposed]\* [the council has proposed]\* to change this so that, in future, a mayor directly elected by voters in the [county]\* [county borough]\* would lead the council. The councillors would appoint an officer of [insert name of local authority] to act as council manager, and the mayor and council manager would be responsible for making decisions about local council services.

*\*delete as appropriate*

.....

**Question**

Do you support the proposal for a directly elected mayor for [insert name of local authority]?

3. At the moment [insert name of local authority] works under "[executive]\* [alternative]\* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the council's cabinet]\* [council leader and the members of the council's cabinet are chosen by the councillors]\* [mayor is chosen by the electorate and the mayor then selects other council members to become members of the council's cabinet]\* [mayor is chosen by the electorate and the council manager is appointed by the councillors]\* [council is run by a politically balanced board]\*. The [council leader and cabinet]\* [elected mayor and cabinet]\* [elected mayor and council manager]\* [Board]\* are responsible for making decisions about local council services.

[A]\* [An]\* [direction from the Welsh Ministers has been received]\* [Order has been made by the Welsh Ministers]\* and it is proposed to change this so that, in future, a council leader chosen by the councillors of the [county]\* [county borough]\* would lead the council. The council leader would select other council members to become members of the council's cabinet, and the council leader and cabinet would be responsible for making decisions about local council services.

*\*delete as appropriate*

.....

**Question**

Do you support the proposal for a council leader chosen by councillors for [insert name of local authority]?

## 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 the individual's accommodation or other personal needs to the extent that the expenses are paid by the individual from the individual's own resources and are not reimbursed to the individual.

## SCHEDULE 3

Regulation 8

### The Local Government Act Referendums Rules

## **PART 1**

### Title and Interpretation

1. Title
2. Interpretation

## **PART 2**

### Provisions as to Time

3. Timetable
4. Computation of time

## **PART 3**

### General Provisions

5. Notice of referendum
6. Poll to be taken by ballot
7. The ballot papers
8. The corresponding number list
9. The official mark
10. Prohibition of disclosure of vote
11. Use of schools and public rooms

## **PART 4**

### Action to be Taken Before the Poll

12. Notice of poll
13. Postal ballot papers
14. Provision of polling stations
15. Appointment of presiding officers and polling clerks
16. Issue of official poll cards
17. Equipment of polling stations
18. Appointment of polling observers and counting observers
19. Notification of requirement of secrecy
20. Return of postal ballot papers

## **PART 5**

### The Poll

21. Admission to polling station
22. Keeping of order in station
23. Sealing of ballot boxes
24. Questions to be put to voters and proxies
25. Challenge of voter or proxy
26. Voting procedure
27. Votes marked by presiding officer
28. Voting by persons with disabilities
29. Tendered ballot papers: circumstances where available
30. Tendered ballot papers: general provisions
31. Spoilt ballot papers

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- 32. Correction of errors on day of poll
- 33. Adjournment of poll in case of riot
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## **PART 6**

### Counting of Votes

- 35. Attendance at counting of votes
- 36. The count
- 37. Re-count
- 38. Rejected ballot papers
- 39. Decisions on ballot papers
- 40. Equality of votes

## **PART 7**

### Declaration of Result and Disposal of Documents

- 41. Declaration of result
- 42. Sealing up of ballot papers
- 43. Delivery of documents to relevant registration officer
- 44. Orders for production of documents
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## **PART 8**

### Appendix of Forms

Signature  
Explanatory Note

## **PART 1**

### Title and Interpretation

#### **Title**

- 1. The title of these Rules is the Local Government Act Referendums Rules.

#### **Interpretation**

2.—(1) In these Rules “voter” (“*pleidleisiwr*”) means a person entitled to vote on that person’s 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 must 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 14(2)(a) to (c) must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the counting officer 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 the counting officer in pursuance of rule 13(1) or provided by the counting officer 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 is required, in any legal proceeding to question the referendum, to state for which answer that person 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 the Welsh Ministers 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 statement and 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<sup>(26)</sup>, 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.

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(26) 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).

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

- (a) translations into languages other than English or Welsh 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 the counting officer 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.

(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 the counting officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer 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 the presiding officer, any act (including the asking of questions) which the presiding officer 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 the voter's qualifying address, and
- (b) in the case of a proxy, to the proxy's 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;

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- (b) the name of the voter, the voter's 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 the person 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<sup>(27)</sup> 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.

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<sup>(27)</sup> Section 13B of the 1983 Act was inserted by paragraph 6 of Schedule 1 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) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English or Welsh as the counting officer 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

“REFERENDWM [*Noder enw'r cyngor ... ..*]. Rhowch groes (X) yn y blwch ar yr ochr dde gyferbyn â'r ateb o'ch dewis. Pleidleisiwch UNWAITH yn unig. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu efallai na fydd eich pleidlais yn cael ei chyfrif.

[*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 the voter or proxy may mark the voter's or proxy's vote;
  - (ii) identify the answer to which each such space refers; and
  - (iii) mark the voter's or proxy's vote on the space the voter or proxy 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”).

(3) For the purpose of assisting the counting officer in the discharge of the counting officer's 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 the counting observer 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

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person to be appointed as a counting observer in that person's 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 are to 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 do any act or thing which any counting observer is authorised to do, or may assist any counting observer appointed on that person's 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 does 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 the counting officer 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<sup>(28)</sup>, as applied by Schedule 4; and
- (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<sup>(29)</sup>.

(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.

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<sup>(28)</sup> Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(a) and (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).

<sup>(29)</sup> See regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2901.

## 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<sup>(30)</sup>;
- (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 the polling station allotted to that constable or employed person under these Rules, except on production and surrender of a certificate of 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.

#### Keeping of order in station

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

(2) If a person misconducts themselves in a polling station, or fails to obey the presiding officer's lawful orders, the person 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 that person,

and the person so removed must 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

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<sup>(30)</sup> 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).

**Status:** This is the original version (as it was originally made).

is empty, and must then lock it up, if it has a lock and (in any case) place the presiding officer’s seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in the presiding officer’s 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) (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) (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]  (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
3	A person applying as proxy for a voter who has an anonymous entry (instead of the questions at entry 2)	<p>or grandchild of C.D.? [R]</p> <p>(a) (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]</p> <p>(b) —Have you already voted here or elsewhere in this referendum as proxy on behalf of the voter whose number on the register of electors is (<i>read out the number</i>)? [R]</p> <p>(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]</p>
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	<p>(a) (a) —Did you apply to vote by post?</p> <p>(b) —Why have you not voted by post?</p>
6	A person applying as proxy who is named in the proxy postal voters list	<p>(a) (a) —Did you apply to vote by post as proxy?</p> <p>(b) —Why have you not voted by post as proxy?</p>

*Status: This is the original version (as it was originally made).*

(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 are to 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 that person has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry is 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 they have reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds of being 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 the voter;
- (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 that person's name in the list of proxies.

(2) In the case of a voter who has an anonymous entry, the voter must show the presiding officer the voter's official poll card and only the voter's number must 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 the voter's or proxy's paper and fold it up so as to conceal the voter's or proxy's 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 the ballot paper has been put 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 the voter or proxy 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 is to 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".

### **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 the voter or proxy 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 the voter or proxy is so incapacitated by blindness or other disability, or by an 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 the voter's or proxy's 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 that person has made such a declaration as is mentioned in paragraph (1), and a person is 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 that person's 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.

*Status: This is the original version (as it was originally made).*

(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 is 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,
- (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 is to be charged in respect of the declaration.

**Tendered ballot papers: circumstances where available**

**29.**—(1) If a person, representing themselves 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 the voter’s proxy, the applicant is entitled, on satisfactorily answering the questions permitted by law to be asked at the poll, 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 themselves to be a particular voter named on the register,
- (b) the person is also named in the postal voters list, and
- (c) the person claims not to have made an application to vote by post at the referendum.

(3) Paragraph (4) also applies if—

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

(4) The person is entitled, on satisfactorily answering the questions permitted by law to be asked at the poll, 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 themselves 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 to have lost or not received their postal ballot paper.



(6) The person is entitled, on satisfactorily answering the questions permitted by law to be asked at the poll, 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 the presiding officer with the name of the person who has marked a tendered ballot paper and that person’s 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 that person’s 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 must 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 must be ignored;
- (b) otherwise, a reference to a person named on a register or list is to 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 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 “that person’s number in the register of electors” there were substituted “the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in paragraph (2) of this rule, for “that person’s number in the register of electors” there were substituted “the number relating to that person 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 their 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 the presiding officer’s 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 until 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 are to 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 the presiding officer's 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 spoilt 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 the counting officer; but if the packets are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery 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 the presiding officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt 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 the counting officer will begin to count the votes.

(2) No person other than—

- (a) the counting officer and the counting officer's 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 is not permitted to do so by the counting officer unless the counting officer 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 the counting officer can give them consistently with the orderly conduct of the proceedings and the discharge of the counting officer's 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 are 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 the counting officer or such a polling station before that time;

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- (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<sup>(31)</sup>, 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 the counting officer, and the unused and spoilt ballot papers in the counting officer's 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.
- (8) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the counting officer 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 the counting officer's 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 the counting officer's opinion the request is unreasonable.
- (2) No step must 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,
- subject to paragraph (2), is void and must not be counted.
- (2) A ballot paper on which the vote is marked—

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<sup>(31)</sup> 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.

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

is not for such reason to be deemed to be void if an intention that the vote is 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 the voter or proxy can be identified by it.

(3) The counting officer must endorse the word “rejected” (“*gwrthodwyd*”) on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” (“*gwrthwynebwyd ei wrthod*”) if any objection is made by a counting observer to the counting officer’s 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 is to be final, but is 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 the counting officer's 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 the relevant registration officer's 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 is not disclosed until it has been proved—

- (a) that the person's 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 the registration officer or the registration officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced is 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,

are 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 is 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 the registration officer 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.

**Status:** This is the original version (as it was originally made).

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

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

Form of Ballot Paper: Statement and 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



<b>FFURF Y PAPUR PLEIDLEISIO</b>			
<b>FORM OF BALLOT PAPER</b>			
<b>FFURF Y PAPUR PLEIDLEISIO: DATGANIAD A CHWESTIWN YN Y REFFERENDWM FEL A BENNIR YM MHARAGRAFF 1 O ATODLEN 1</b>			
<b>BLAEN Y PAPUR PLEIDLEISIO</b>			
<b>FORM OF BALLOT PAPER: STATEMENT AND QUESTION IN REFERENDUM AS SPECIFIED IN PARAGRAPH 1 OF SCHEDULE 1</b>			
<b>FRONT OF BALLOT PAPER</b>			
<p><i>[mewnosoder testun priodol y datganiad a'r cwestiwn fel a bennir ym mharagraff 1 o Atodlen 1 i'r Rheoliadau hyn ]</i></p> <p>Rhowch groes (X) yn y blwch ar yr ochr dde gyferbyn â'r ateb o'ch dewis. Peidiwch â rhoi unrhyw farc arall ar y papur neu efallai na chaiff eich pleidlais ei chyfrif.</p>		<p><i>[insert appropriate text of statement and question as specified in paragraph 1 of Schedule 1 to these Regulations]</i></p> <p>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.</p>	
Pleidleisiwch UNWAITH yn unig		Vote ONCE only	
YDW		YES	
NAC YDW		NO	

**CEFN Y PAPUR PLEIDLEISIO**

**BACK OF BALLOT PAPER**

Rhif y Papur Pleidleisio  
Nod Adnabod Unigryw Arall

Ballot Paper Number  
Other Unique Identifying Mark

Refferendwm y cyngor ar *[mewnosoder y dyddiad]*:  
*[mewnosoder enw ardal y bleidlais]*

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

**Status:** This is the original version (as it was originally made).

<b>FFURF Y PAPUR PLEIDLEISIO: DATGANIAD A CHWESTIWN YN Y REFFERENDWM FEL A BENNIR YM MHARAGRAFF 2 O ATODLEN 1</b>			
<b>BLAEN Y PAPUR PLEIDLEISIO</b>  <b>FORM OF BALLOT PAPER: STATEMENT AND QUESTION IN REFERENDUM AS SPECIFIED IN PARAGRAPH 2 OF SCHEDULE 1</b>  <b>FRONT OF BALLOT PAPER</b>			
<p><i>[mewnosoder testun priodol y datganiad a'r cwestiwn fel a bennir ym mharagraff 2 o Atodlen 1 i'r Rheoliadau hyn ]</i></p> <p>Rhowch groes (X) yn y blwch ar yr ochr dde gyferbyn â'r ateb o'ch dewis. Peidiwch â rhoi unrhyw farc arall ar y papur neu efallai na chaiff eich pleidlais ei ch yfrif.</p> <p>Pleidleisiwch UNWAITH yn unig</p>	<p><i>[insert appropriate text of statement and question as specified in paragraph 2 of Schedule 1 to these Regulations]</i></p> <p>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.</p> <p>Vote ONCE only</p>		
YDW		YES	
NAC YDW		NO	

**CEFN Y PAPUR PLEIDLEISIO**  
**BACK OF BALLOT PAPER**

Rhif y Papur Pleidleisio  
Nod Adnabod Unigryw Arall

Ballot Paper Number  
Other Unique Identifying Mark

Refferendwm y cyngor ar *[mewnosoder y dyddiad]*:  
*[mewnosoder enw ardal y bleidlais]*

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

**Status:** This is the original version (as it was originally made).

<b>FFURF Y PAPUR PLEIDLEISIO: DATGANIAD A CHWESTIWN YN Y REFFERENDWM FEL A BENNIR YM MHARAGRAFF 3 O ATODLEN 1</b>			
<b>BLAEN Y PAPUR PLEIDLEISIO</b>			
<b>FORM OF BALLOT PAPER: STATEMENT AND QUESTION IN REFERENDUM AS SPECIFIED IN PARAGRAPH 3 OF SCHEDULE 1</b>			
<b>FRONT OF BALLOT PAPER</b>			
<p><i>[mewnosoder testun priodol y datganiad a'r cwestiwn fel a bennir ym mharagraff 3 o Atodlen 1 i'r Rheoliadau hyn ]</i></p> <p>Rhowch groes (X) yn y blwch ar yr ochr dde gyferbyn â'r ateb o'ch dewis. Peidiwch â rhoi unrhyw farc arall ar y papur neu efallai na chaiff eich pleidlais ei ch yfrif.</p> <p>Pleidleisiwch UNWAITH yn unig</p>		<p><i>[insert appropriate text of statement and question as specified in paragraph 3 of Schedule 1 to these Regulations]</i></p> <p>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.</p> <p>Vote ONCE only</p>	
YDW		YES	
NAC YDW		NO	

**CEFN Y PAPUR PLEIDLEISIO**  
**BACK OF BALLOT PAPER**

Rhif y Papur Pleidleisio  
Nod Adnabod Unigryw Arall

Refferendwm y cyngor ar *[mewnosoder y dyddiad]*:  
*[mewnosoder enw ardal y bleidlais]*

Ballot Paper Number  
Other Unique Identifying Mark

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





Status: This is the original version (as it was originally made).

**Ffurf y Datganiad Pleidlais Bost  
(i'w ddefnyddio mewn refferendwm)  
Form of Postal Voting Statement  
(for use at a referendum)**

Datganiad Pleidlais Bost	Postal Voting Statement
<p>*Enw'r person sy'n pleidleisio drwy'r post: .....</p> <p>Rhif y Papur Pleidleisio:.....</p> <p><i>*(Y Swyddog Cyfrif i lenwi'r enw, ond ei hepgor pan anfonir papurau pleidleisio at berson â chofnod dienw yn y gofrestr ) [nod adnabod arall]</i></p> <p><b>Rhaid ichi ddarparu eich [*llofnod a'ch] dyddiad geni. Os na wnewch hynny, ni fydd y datganiad pleidlais bost yn ddilys ac ni fydd eich pleidlais yn cael ei chyfrif</b></p> <p>FI YW'R PERSON YR ANFONWYD Y PAPUR PLEIDLEISIO SYDD Â'R RHIF UCHOD ATO</p> <p>Dyddiad geni    Ⓞ Ⓞ    Ⓞ Ⓞ    Ⓞ Ⓞ Ⓞ Ⓞ (Dyddiad geni'r person sy'n pleidleisio)</p> <p>Llofnod</p> <div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto;"></div> <p align="center">(Llofnod y person sy'n pleidleisio)</p> <p align="center">PWYSIG - Llofnodwch o fewn y border</p> <p><i>*(Y Swyddog Cyfrif i'w hepgor pan fo person wedi cael hepgoriad)</i></p> <p><b>Mae twyllo wrth bleidleisio yn drosedd. Rhaid ichi beidio â phleidleisio drwy ddefnyddio papur pleidleisio nad yw wedi ei gyfeirio atoch chi, nac ymyrryd â phapur pleidleisio neb arall</b></p> <p>DARLLENWCH Y CYFARWYDDIADAU I'R PERSON SY'N PLEIDLEISIO</p> <p align="center">Cyhoeddwyd gan y Swyddog Cyfrif</p> <p>CYFARWYDDIADAU I'R PERSON SY'N PLEIDLEISIO</p>	<p>*Name of person voting by post .....</p> <p>Ballot Paper No:.....</p> <p><i>*(Counting Officer to insert name but omit where ballot papers sent to a person with an anonymous entry in the register) [other identifying mark]</i></p> <p><b>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</b></p> <p>I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO</p> <p>Date of birth    Ⓞ Ⓞ    Ⓞ Ⓞ    Ⓞ Ⓞ Ⓞ Ⓞ (Date of birth of person voting)</p> <p>Signature</p> <div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto;"></div> <p align="center">(Signature of person voting)</p> <p align="center">IMPORTANT - Keep Signature within border</p> <p><i>*(Counting Officer to omit where a person has been granted a waiver)</i></p> <p><b>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</b></p> <p align="center">PLEASE READ INSTRUCTIONS TO THE PERSON VOTING</p> <p align="center">Issued by the Counting Officer</p> <p align="center">INSTRUCTIONS TO THE PERSON VOTING</p>

<p><b>Llenwch y papur pleidleisio eich hunan, ac yn breifat. Os oes angen help arnoch, cysylltwch â staff y Swyddog Cyfrif fel a ddangosir isod</b></p> <p>[manyllion cyswllt ar gyfer cymorth, gan gynnwys cyfeiriad fel y bo'n briodol]</p> <ol style="list-style-type: none"><li>1. Rhaid ichi ddarparu eich [*]lofnod a'ch] dyddiad geni. Os na wnewch hynny, ni fydd y datganiad pleidlais bost yn ddilys ac ni fydd eich pleidlais yn cael ei chyfrif.</li><li>2. Pleidleiswch UNWAITH yn unig. Peidiwch â rhoi unrhyw farc arall ar y papur neu efallai na chaiff eich pleidlais ei chyfrif.</li><li>3. Rhowch groes (X) yn y blwch ar yr ochr dde gyferbyn â'r ateb o'ch dewis.</li><li>4. Os oes angen help arnoch i bleidleisio, rhaid i'r person sy'n eich helpu beidio â dweud wrth neb sut y pleidleisioch.</li><li>5. Rhowch y papur pleidleisio yn yr amlen fach a farciwyd <b>A</b> a seliwch yr amlen.</li><li>6. Llenwch y datganiad pleidlais bost, drwy [*ei lofnodi, a] nodi eich dyddiad geni.</li><li>7. Yna rhowch yr amlen a farciwyd <b>A</b> ynghyd â'r datganiad pleidlais bost i mewn yn yr amlen fwy, a farciwyd <b>B</b>. Anfonwch hi yn ôl ar unwaith.</li><li>8. Ar ôl cael y bleidlais bost hon, ni fyddwch yn cael pleidleisio yn bersonol mewn gorsaf bleidleisio yn y refferendwm hwn.</li><li>9. Os digwydd ichi ddifetha eich papur pleidleisio yn ddamweiniol, gallwch wneud cais i'r Swyddog Cyfrif am bapur pleidleisio arall yn ei le, cyn 5.00pm ar [diwrnod/ dyddiad y pleidleisio]. Bydd yn rhaid ichi ddychwelyd y papur pleidleisio a ddifethwyd, y datganiad pleidlais bost a'r amlenni a farciwyd <b>A</b> a <b>B</b>. Gwnewch yn siŵr eich bod yn cysylltu â'r Swyddog Cyfrif cyn gynted ag y bo modd</li></ol> <p>! Rhaid i'ch papur pleidleisio a'r datganiad pleidlais bost gyrraedd y Swyddog Cyfrif erbyn 10.00am ar [diwrnod/ dyddiad y pleidleisio]. Cewch ddanfôn eich pleidlais bost gyflawn i unrhyw orsaf bleidleisio yn ardal y bleidlais ar ddiwrnod y bleidlais.</p> <p><b>Mae twyllo wrth bleidleisio yn drosedd. Rhaid ichi beidio â phleidleisio drwy ddefnyddio papur pleidleisio nad yw wedi ei gyfeirio atoch chi, nac ymyrryd â phapur pleidleisio neb arall</b></p> <p><b>Mae'n anghyfreithlon pleidleisio fwy nag unwaith yn yr un refferendwm (oni chwsoch eich penodi yn ddirprwy i berson arall sydd â hawl i bleidleisio yn y refferendwm)</b></p> <p>*( Y Swyddog Cyfrif i'w hepgor pan fo person wedi cael hepgoriad)</p>	<p><b>Complete the ballot paper yourself and in private. If you need help contact the Counting Officer's staff as shown below</b></p> <p>[contact details for assistance include address as appropriate]</p> <ol style="list-style-type: none"><li>1. You must provide [*signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.</li><li>2. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.</li><li>3. Mark a cross (X) in the box on the right hand side of the answer of your choice.</li><li>4. If you need help voting, the person helping you must not tell anyone how you voted.</li><li>5. Put the ballot paper in the small envelope marked <b>A</b> and seal it.</li><li>6. Complete the postal voting statement by [*signing it, and] providing your date of birth.</li><li>7. Then put the envelope marked <b>A</b> together with the postal voting statement in the larger envelope marked <b>B</b>. Return it straightaway.</li><li>8. After receiving this postal vote, you cannot vote in person at a polling station at this referendum.</li><li>9. If you accidentally spoil your ballot paper, you can apply to the Counting Officer for a replacement before 5.00pm on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement and the envelopes marked <b>A</b> and <b>B</b>. Make sure you contact the Counting Officer as soon as possible.</li></ol> <p>! Your ballot paper and the postal voting statement must be received by the Counting Officer by 10.00am on [day/date of poll]. You can deliver your completed postal vote to any polling station in your voting area on polling day.</p> <p><b>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</b></p> <p><b>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)</b></p> <p>*(Counting Officer to omit where a person has been granted a waiver)</p>
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*Status: This is the original version (as it was originally made).*

<p style="text-align: center;"><b>CERDYN PLEIDLEISIO SWYDDOGOL</b></p> <p>(i'w anfon at bleidleisiwr sy'n pleidleisio yn bersonol) <i>Blaen y cerdyn</i></p> <p style="text-align: center;"><b>CERDYN PLEIDLEISIO SWYDDOGOL</b></p> <p>Cyngor: Rhif ar y Gofrestr:</p> <p>Ardal y Bleidlais: *Enw</p> <p>Diwrnod Pleidleisio: ..... *Cyfeiriad</p> <p>Oriau pleidleisio: 7 a.m. tan 10 p.m. ....</p> <p>Eich gorsaf bleidleisio fydd: *( Y Swyddog Cyfrif i'w hepgor pan anfonir cerdyn pleidleisio at berson â chofnod diemw yn y gofrestr. Rhaid anfon cerdyn pleidleisio at berson o'r fath mewn amlen seliedig)</p> <p><b>*Cerdyn er gwybodaeth yn unig yw hwn. Gallwch bleidleisio hebdo, ond bydd yn arbed amser os ewch â'r cerdyn gyda chi i'r orsaf bleidleisio a'i ddangos i'r clerwr yno</b></p> <p style="text-align: center;"><b>GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN</b></p> <p style="text-align: center;"><i>Cefn y Cerdyn</i></p> <p>REFERENDWM [mewnoder enw'r awdurdod lleol]</p> <p>*Pan ewch i'r orsaf bleidleisio, dywedwch eich enw a'ch cyfeiriad wrth y clerwr, fel y'u dangosir ar wyneb y cerdyn.</p> <p><b>*Bydd y clerwr yn cadarnhau eich manylion ar y gofrestr.</b></p> <p>Pan roddir eich papur pleidleisio ichi, ewch i mewn i un o'r bythau pleidleisio. Rhwch groes (X) yn y blwch ar yr ochr dde gyferbyn â'r ateb o'ch dewis.</p> <p><b>Pleidleiswch UNWAITH yn unig. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio neu efallai na chaiff eich pleidlais ei chyfrif.</b></p>	<p style="text-align: center;"><b>OFFICIAL POLL CARD</b></p> <p>(to be sent to a voter voting in person) <i>Front of card</i></p> <p style="text-align: center;"><b>OFFICIAL POLL CARD</b></p> <p>Council: Number on Register:</p> <p>Voting Area: *Name</p> <p>Polling Day: ..... *Address</p> <p>Polling hours: 7 a.m. to 10 p.m. ....</p> <p>Your polling station will be: *(Counting Officer to omit where polling 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><b>*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</b></p> <p style="text-align: center;"><b>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</b></p> <p style="text-align: center;"><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><b>*The clerk will confirm your details on the register.</b></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><b>Vote ONCE only. Do not put any other mark on the ballot paper, or your vote may not be counted.</b></p>
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Os gwnewch gamgymeriad a difetha eich papur pleidleisio, dangoswch y papur i'r swyddog llywyddu a gofynnwch am un yn ei le.

Plygwch y papur pleidleisio yn ddau. Dangoswch y rhif a'r nod adnabod unigryw arall sydd ar gefn y papur i'r swyddog llywyddu, ond peidiwch â gadael i neb weld eich pleidlais. Rhowch y papur yn y blwch pleidleisio ac ewch allan o'r orsaf pleidleisio.

Os byddwch i ffwrdd ar ddyddiad y pleidleisio—

- Gallwch wneud cais i bleidleisio drwy'r post. Rhaid i'ch ffurflen ddod i law cyn 5 p.m. ar [dyddiad cau -11 diwrnod]. Os rhoddir pleidlais bost ichi, ni fydd hawl gennych i bleidleisio yn bersonol yn y refferendwm hwn.
- Gallwch wneud cais i bleidleisio drwy ddirprwy (hynny yw, gall rhywun arall bleidleisio ar eich rhan). Rhaid i'ch cais ddod i law cyn 5 p.m. ar [dyddiad cau -6 diwrnod]. Os penodwch ddirprwy bydd yn dal yn bosibl ichi bleidleisio yn bersonol yn y refferendwm hwn os gwnewch hynny cyn i'ch dirprwy bleidleisio ar eich rhan. [dyddiad cau -6 diwrnod].
- Mewn amgylchiadau penodol, gall fod yn bosibl gwneud cais i bleidleisio drwy ddirprwy ar ôl [dyddiad cau -6 diwrnod]

Er mwyn newid unrhyw drefniadau pleidleisio, dylech gysylltu â [rhif llinell gymorth] cyn gynted ag y bo modd.

Cyhoeddwyd gan y Swyddog Cyfrif

[Pan anfonir cerdyn pleidleisio at berson sydd â chofnod diennw yn y gofrestr, rhowch y canlynol yn lle'r paragraffau a farciwyd â \* uchod:-

**Rhaid ichi fynd â'r cerdyn hwn gyda chi i bleidleisio. Ni chewch bleidleisio hebdo.**

Pan gyrhaeddwch yr orsaf pleidleisio, gofynnwch am gael siarad â'r swyddog llywyddu, a dangoswch y cerdyn hwn iddo.

**Bydd y swyddog llywyddu yn cadarnhau eich cofnod ar y gofrestr].**

If you spoil your 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 your 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 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. [-6 day/date deadline].
- In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline]

To change any of your voting arrangements please contact [helpline number] as soon as possible.

Issued by the Counting Officer

[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].**

Status: This is the original version (as it was originally made).

<p>CERDYN SWYDDOGOL PLEIDLAIS BOST (i'w anfon at bleidleisiwr sy'n pleidleisio drwy'r post) <i>Blaen y cerdyn</i></p>	<p>OFFICIAL POSTAL POLL CARD (to be sent to a voter voting by post) <i>Front of card</i></p>
<p><b>CERDYN SWYDDOGOL PLEIDLAIS BOST</b></p> <p>Cyngor: Diben yr hysbysiad hwn yw dweud wrthych eich bod wedi gwneud cais i bleidleisio drwy'r post ar gyfer y refferendwm hwn, ac na fydd modd ichi bleidleisio mewn gorsaf bleidleisio. Os ydych yn dymuno canslo eich pleidlais bost, ffoniwch y rhif llinell gymorth isod cyn 5 p.m. ar [dyddiad cau - 11 diwrnod].</p> <p>Ardal y Bleidlais: <b>Byddwn yn anfon eich papurau pleidlais bost atoch tua</b> [diwrnod/ dyddiad].</p> <p>Ar gyfer y refferendwm ar [diwrnod/ dyddiad]</p> <p>Rhif ar y Gofrestr</p> <p>*Enw a Chyfeiriad *(Y Swyddog Cyfrif i'w hepgor pan anfonir cerdyn pleidleisio at berson â chofnod diemw yn y gofrestr. Rhaid danfon cerdyn pleidleisio at berson o'r fath mewn amlen seliedig.)</p> <p>Cyfeiriwyd at: (Enw a Chyfeiriad))</p> <p><b>Os na fydd eich papurau pleidlais bost wedi cyrraedd erbyn</b> [diwrnod/ dyddiad] <b>ffoniwch</b> [rhif llinell gymorth] <b>a gofynnwch am help.</b></p> <p>Os digwydd ichi gollu eich papur pleidleisio neu ei ddifetha yn ddamweiniol, ffoniwch y rhif llinell gymorth uchod, cyn gynted ag y bo modd. Gellir rhoi papurau pleidleisio arall cyn 5 p.m. ar [diwrnod/ dyddiad y pleidleisio].</p> <p><b>Diben y cerdyn hwn yw rhoi gwybodaeth ichi am bleidleisio drwy'r post</b></p> <p><i>GWELER YR WYBODAETH AR GEFN Y CERDYN</i></p> <p><i>Cefn y Cerdyn</i></p>	<p><b>OFFICIAL POSTAL POLL CARD</b></p> <p>Council: 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 [-11day/date deadline].</p> <p>Voting Area: For the referendum on [day/date]</p> <p>Number on Register</p> <p>*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><b>We will send your postal voting papers around</b> [day/date].</p> <p>Addressed to: (Name and Address)</p> <p><b>If your postal voting papers have not arrived by</b> [day/date] <b>call</b> [helpline number] <b>and ask for help.</b></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 be issued before 5 p.m. on [day/date of poll].</p> <p><b>This card is to provide you with information about voting by post</b></p> <p><i>SEE INFORMATION ON BACK OF THIS CARD</i></p> <p><i>Back of card</i></p>
<p>REFERENDWM [mewnosoder enw'r awdurdod lleol]</p> <p>Os gwelwch yn dda, pan gewch eich pecyn pleidlais bost, darllenwch y cyfarwyddiadau yn ofalus cyn llenwi eich papur pleidlais bost.</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>Peidiwch â gadael i neb weld eich pleidlais. Os oes angen help amoch i bleidleisio, rhaid i'r person sy'n eich helpu beidio â dweud wrth neb sut y pleidleisioch. Mae cymorth annibynnol i'w gael gan y Swyddog Cyfrif; ffoniwch y rhif llinell gymorth a ddangosir isod.</p> <p>Rhaid ichi lofnodi'r datganiad pleidlais bost (heblaw eich bod wedi cael hepgoriad drwy drefniant ymlaen llaw gyda'r Swyddog Cyfrif) a darparu eich dyddiad geni. Mesur diogelwch yw hwn. Ni fydd yn effeithio ar eich pleidlais nac yn golygu y bydd modd ei hadnabod. Heb eich llofnod chi (heblaw i chi gael hepgoriad) a'ch dyddiad geni, ni fydd y datganiad yn ddilys ac ni fydd eich pleidlais yn cael ei chyfrif. Gall y Swyddog Cyfrif wirio eich llofnod gyferbyn â chofnodion eraill a gedwir ganddo.</p> <p>Os digwydd ichi gollu eich papur pleidleisio neu ei ddifetha yn ddamweiniol, ffoniwch y rhif llinell gymorth cyn gynted ag y bo modd. Dim ond cyn 5p.m. ar [diwrnod/ dyddiad y pleidleisio] y gallwn roi papur pleidlais bost arall i chi.</p> <p>Llenwch a dychwelwch eich pleidlais bost cyn gynted ag y bo modd. Rhaid i'r Swyddog Cyfrif gael eich pleidlais bost erbyn 10 p.m. ar [diwrnod/ dyddiad y pleidleisio]. Cewch ddanfôn eich papurau pleidleisio ar ôl eu llenwi i unrhyw orsaf bleidleisio yn ardal y bleidlais.</p> <p>Os oes amoch eisiau pleidleisio yn bersonol yn y refferendwm hwn, rhaid ichi ganslo eich pleidlais bost cyn 5 p.m. ar [dyddiad cau -11 diwrnod].</p> <p>Os oes angen unrhyw gymorth amoch, ffoniwch ein llinell gymorth ar: [rhif y llinell gymorth]</p> <p><b>Mae pleidleisio ar bapur pleidleisio nad yw wedi ei gyfeirio atoch chi yn dramgwydd</b></p> <p><i>Cyhoeddwyd gan y Swyddog Cyfrif</i></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><b>It is an offence to vote using a ballot paper that was not addressed to you</b></p> <p><i>Issued by the Counting Officer</i></p>
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<p>CERDYN SWYDDOGOL PLEIDLEISIO DRWY DDIRPRWY</p> <p>(i'w anfon at ddirprwy penodedig sy'n pleidleisio yn bersonol)</p> <p><i>Blaen y cerdyn</i></p>	<p>OFFICIAL PROXY POLL CARD</p> <p>(to be sent to an appointed proxy voting in person)</p> <p><i>Front of card</i></p>
<p><b>CERDYN SWYDDOGOL PLEIDLEISIO DRWY DDIRPRWY</b></p> <p>Cyngor: *Diben y cerdyn pleidleisio hwn yw dweud wrthych bod</p> <p>Ardal y Bleidlais: y person a enwir ar gefn y cerdyn wedi eich penodi chi yn ddirprwy iddo ar gyfer y refferendwm hwn.</p> <p>Diwrnod Pleidleisio: *Enw'r dirprwy</p> <p>Oriau pleidleisio: 7 a.m. tan 10 p.m.</p> <p>Yr orsaf bleidleisio lle y cewch bleidleisio ar ran y person y'ch penododd chi yn ddirprwy fydd:</p> <p>*Cyfeiriad y dirprwy</p> <p>.....</p> <p><i>*( Y Swyddog Cyfrif i'w hepgor pan anfonir cerdyn pleidleisio at ddirprwy person â chofnod diennw yn y gofrestr. Rhaid anfon cerdyn pleidleisio at ddirprwy o'r fath mewn amlen seliedig)</i></p> <p><b>*Cerdyn er gwybodaeth yn unig yw hwn. Gallwch bleidleisio hebdo, ond bydd yn arbed amser os ewch â'r cerdyn gyda chi i'r orsaf bleidleisio a'i ddangos i'r clerc yno</b></p> <p><i>GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN</i></p>	<p><b>OFFICIAL PROXY POLL CARD</b></p> <p>Council: *This poll card is to tell you that for this referendum the person named on the back of the card has appointed you as their proxy.</p> <p>Voting Area:</p> <p>Polling Day:</p> <p>Polling hours: 7 a.m. to 10 p.m. *Proxy's name</p> <p>The polling station at which you may vote on behalf of the person who has appointed you proxy will be: *Proxy's address</p> <p>.....</p> <p><i>*(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 should be delivered in a sealed envelope).</i></p> <p><b>*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</b></p> <p><i>SEE FURTHER INFORMATION ON BACK OF THIS CARD</i></p>
<p><i>Cefn y Cerdyn</i></p>	<p><i>Back of card</i></p>
<p>REFERENDWM [mewnoder enw'r awdurdod lleol]</p>	<p>[insert name of local authority] REFERENDUM</p>

<p>*Diben y cerdyn pleidleisio hwn yw dweud wrthych eich bod, ar gyfer y refferendwm hwn, wedi eich penodi yn ddirprwy dros</p> <p>.....</p> <p>*(Enw'r person)</p> <p>.....</p> <p>*(Cyfeiriad y person)</p> <p>.....</p> <p>*(Rhif y person ar y gofrestr)</p> <p>*Pan ewch i'r orsaf bleidleisio, dywedwch wrth y clerch eich bod yn dymuno pleidleisio fel dirprwy ar ran y person a ddangosir uchod.</p> <p><b>Bydd y clerch yn cadarnhau y manylion ar y gofrestr.</b></p> <p>Pan roddir eich papur pleidleisio ichi, ewch i mewn i un o'r bythau pleidleisio. Rhowch groes (X) yn y blwch ar yr ochr dde gyferbyn â'r ateb y mae'r person yn pleidleisio drosto.</p> <p><b>Pleidleiswch UNWAITH yn unig. Peidiwch â rhoi unrhyw farc arall ar y papur neu efallai na chaiff eich pleidlais ei chyfrif.</b></p> <p>Os gwnewch gamgymeriad a difetha eich papur pleidleisio, dangoswch y papur i'r swyddog llywyddu a gofynnwch am un arall yn ei le.</p> <p>Plygwch y papur pleidleisio yn ddau. Dangoswch y rhif a'r nod adnabod unigryw arall sydd ar gefn y papur pleidleisio i'r swyddog llywyddu, ond peidiwch â gadael i neb weld y bleidlais. Rhowch y papur yn y blwch pleidleisio ac ewch allan o'r orsaf bleidleisio.</p> <p>Os byddwch i ffwrdd ar ddyddiad y pleidleisio, gallwch wneud cais cyn 5 p.m. ar [<i>dyddiad cau -11 diwrnod</i>] i gael pleidleisio drwy'r post. Os rhoddir pleidlais bost ichi, <i>ni</i> fydd hawl gennych chi, na'r person y'ch penododd yn ddirprwy iddo, i bleidleisio yn bersonol yn y refferendwm hwn.</p> <p>Caiff y person y'ch penododd chi yn ddirprwy bleidleisio yn y refferendwm hwn. Os yw'n dymuno gwneud hynny, rhaid iddo bleidleisio yn bersonol cyn eich bod chi wedi pleidleisio ar ei ran.</p> <p><b>Mae'n anghyfreithlon gwneud unrhyw un o'r canlynol:</b></p>	<p>*This poll card is to tell you that for this referendum you are appointed as proxy for</p> <p>.....</p> <p>*(Person's name)</p> <p>.....</p> <p>*(Person's address)</p> <p>.....</p> <p>*(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.</p> <p><b>The clerk will confirm the details on the register.</b></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 answer the person is voting for.</p> <p><b>Vote ONCE only. Do not put any other mark on the ballot paper, or the vote may not be counted.</b></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 [<i>-11 day/date deadline</i>] 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> <p><b>It is illegal to do any of the following:</b></p>
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<ul style="list-style-type: none"> <li>• Pleidleisio fwy nag unwaith (heblaw i chi gael eich penodi yn ddirprwy dros berson arall) yn yr un refferendwm.</li> <li>• Pleidleisio fel dirprwy yn yr un refferendwm dros fwy na dau berson onid ydych yn briod, partner sifil, rhiant, taid (tad-cu), nain (mam-gu), brawd, chwaer, mab, merch, wyr neu wyres iddynt.</li> <li>• Pleidleisio fel dirprwy dros berson gan wybod bod y person hwnnw yn anghymwys yn gyfreithiol i bleidleisio.</li> </ul> <p>Os oes angen unrhyw gymorth amoch, ffloniwch ein llinell gymorth ar: <i>[rhif y llinell gymorth]</i></p> <p><b>Cyhoeddwyd gan y Swyddog Cyfrif</b></p> <p><i>[Pan anfonir cerdyn pleidleisio at ddirprwy person sydd â chofnod diennw yn y gofrestr, rhowch y canlynol yn lle'r paragraffau a farciwyd â * uchod:-</i></p> <p><b>Rhaid ichi fynd â'r cerdyn hwn gyda chi i bleidleisio. Ni chewch bleidleisio fel dirprwy hebdo.</b></p> <p>Mae hawl gennych i bleidleisio fel dirprwy dros y person y dangosir isod ei rif ar y gofrestr</p> <p>.....</p> <p><i>(Rhif y person ar y gofrestr)</i></p> <p>I bleidleisio fel dirprwy, rhaid ichi fynd i'r orsaf bleidleisio a ddangosir ar flaen y cerdyn hwn. Gofynnwch am gael siarad â'r swyddog llywyddu a dangoswch y cerdyn hwn iddo .]</p>	<ul style="list-style-type: none"> <li>• Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.</li> <li>• 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.</li> <li>• Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.</li> </ul> <p>If you need any assistance, please call our helpline number on: <i>[helpline number]</i>.</p> <p><b>Issued by the Counting Officer</b></p> <p><i>[Where poll card is sent to the proxy of a person with an anonymous entry in the register substitute for the text marked * above:-</i></p> <p><b>You must have this card with you when you vote, you cannot vote as proxy without it.</b></p> <p>You are entitled to vote as proxy for the person whose number on the register is shown below</p> <p>.....</p> <p><i>(Person's number on register)</i></p> <p>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.]</p>
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CERDYN SWYDDOGOL PLEIDLAIS BOST DRWY DDIRPRWY		OFFICIAL PROXY POSTAL POLL CARD	
(i'w anfon at ddirprwy penodedig sy'n pleidleisio drwy'r post)		(to be sent to an appointed proxy voting by post)	
<i>Blaen y cerdyn</i>		<i>Front of card</i>	
CERDYN SWYDDOGOL PLEIDLAIS BOST DRWY DDIRPRWY		OFFICIAL PROXY POSTAL POLL CARD	
Cyngor:	Diben y cerdyn pleidleisio hwn yw dweud wrthych bod y person a enwir ar gefn y cerdyn wedi eich penodi chi yn ddirprwy iddo ar gyfer y refferendwm hwn, a'ch bod chi wedi penderfynu pleidleisio drwy'r post. <b>Ni fydd modd ichi bleidleisio ar ran y person y'ch penododd yn ddirprwy mewn gorsaf bleidleisio.</b>	Council:	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. <b>You will not be able to vote on behalf of the person who appointed you as proxy in a polling station.</b> 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].
Ardal y Bleidlais:	Os ydych yn dymuno canslo'r bleidlais bost hon a phleidleisio yn bersonol ar ddiwrnod y bleidlais, ffoniwch y rhif llinell gymorth isod cyn 5 p.m. ar [dyddiad cau - 11 diwrnod].	Voting Area:	
Ar gyfer y refferendwm ar [diwrnod/ dyddiad]	<b>Byddwn yn anfon y papurau pleidlais bost drwy ddirprwy atoch tua [diwrnod/ dyddiad].</b>	For the referendum on:[day/date]	<b>We will send the proxy postal voting papers around [day/date].</b>
Enw a Chyfeiriad (Dirprwy)	<b>Os na fydd y papurau pleidlais bost wedi cyrraedd erbyn [diwrnod/ dyddiad] ffoniwch [rhif llinell gymorth] a gofynnwch am gymorth.</b>	Name and Address (Proxy):	<b>If the postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</b>
Os digwydd ichi gollu papur pleidleisio'r person y'ch penododd chi yn ddirprwy, neu ei ddifetha yn ddamweiniol, ffoniwch y rhif llinell gymorth uchod, cyn gynted ag y bo modd. Dim ond cyn 5 p.m. ar [diwrnod/ dyddiad y pleidleisio] y gallwn roi papur pleidlais bost arall i chi.		If you lose or accidentally spoil the ballot paper of the person who appointed you as proxy, please call the helpline number shown above as soon as possible. Replacement postal ballot papers can only be issued before 5 p.m. on [day/date of poll].	

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<p><b>Diben y cerdyn hwn yw rhoi gwybodaeth ichi ynglŷn â phleidleisio drwy'r post.</b></p> <p><i>GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN</i></p>	<p><b>This card is to provide you with information about voting by post.</b></p> <p><i>SEE FURTHER INFORMATION ON BACK OF THIS CARD</i></p>
<p><i>Cefn y Cerdyn</i></p>	<p><i>Back of card</i></p>
<p>REFERENDWM [<i>mewnosoder enw'r awdurdod lleol</i>]</p>	<p>[<i>insert name of local authority</i>] REFERENDUM</p>
<p><b>*Diben y cerdyn pleidleisio hwn yw dweud wrthyh eich bod, ar gyfer y refferendwm hwn, wedi eich penodi yn ddirprwy dros y person a enwir isod a'ch bod wedi penderfynu pleidleisio drwy'r post</b></p>	<p><b>*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</b></p>
<p>..... *(<i>Enw'r person</i>)</p>	<p>..... *(<i>Person's name</i>)</p>
<p>..... .....</p>	<p>..... .....</p>
<p>*(<i>Cyfeiriad y person</i>)</p>	<p>*(<i>Person's address</i>)</p>
<p>Os gwelwch yn dda, pan gewch y pecyn pleidlais bost, darllenwch y cyfarwyddiadau yn ofalus cyn llenwi'r papur pleidlais bost.</p>	<p>When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.</p>
<p>Peidiwch â gadael i neb weld eich pleidlais. Os oes angen help arnoch i bleidleisio, rhaid i'r person sy'n eich helpu beidio â dweud wrth neb sut y pleidleisioch.</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>Rhaid ichi lofnodi'r datganiad pleidlais bost (heblaw eich bod wedi cael hepgoriad drwy drefniant ymlaen llaw gyda'r Swyddog Cyfrif) a darparu eich dyddiad geni. Mesur diogelwch yw hwn. Ni fydd yn effeithio ar eich pleidlais nac yn golygu y bydd modd ei hadnabod. Heb eich llofnod chi (heblaw i chi gael hepgoriad) a'ch dyddiad geni, ni fydd y datganiad yn ddilys ac ni fydd eich pleidlais yn cael ei chyfrif. Gall y Swyddog Cyfrif wirio eich llofnod gyferbyn â chofnodion eraill a gedwir ganddo.</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 that 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>Os digwydd ichi gollu'r papur pleidleisio neu ei ddifetha yn ddamweiniol, ffoniwch y rhif llinell gymorth cyn gynted ag y bo modd. Dim ond cyn 5 p.m. ar [<i>diwrnod/ dyddiad y pleidleisio</i>] y gallwn roi papurau pleidleisio arall i chi.</p>	<p>If you lose or accidentally spoil the postal ballot papers please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [<i>day/date of poll</i>].</p>
<p>Llenwch a dychwelwch y bleidlais bost cyn gynted ag y bo modd. Rhaid i'r Swyddog Cyfrif gael eich pleidlais bost erbyn 10 a.m. ar [<i>diwrnod/ dyddiad y pleidleisio</i>]. Cewch ddanfôn eich papurau pleidleisio ar ôl eu llenwi i unrhyw orsaf bleidleisio yn ardal y bleidlais.</p>	<p>Complete and return the postal vote as soon as possible. The Counting Officer must receive the postal vote by 10 a.m. on [<i>day/date of poll</i>]. You can deliver your completed voting papers to any polling station in your voting area.</p>



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Os oes amoch eisiau pleidleisio yn bersonol fel dirprwy yn y refferendwm hwn, rhaid ichi ganslo eich pleidlais bost cyn 5 p.m. ar [dyddiad cau -11 diwrnod].

**Mae'n anghyfreithlon gwneud unrhyw un o'r canlynol:**

- Pleidleisio fwy nag unwaith (heblaw i chi gael eich penodi yn ddirprwy dros berson arall) yn yr un refferendwm.
- Pleidleisio fel dirprwy yn yr un refferendwm dros fwy na dau berson, heblaw eich bod yn briod, partner sifil, rhiant, taid (tad-cu), nain (mam-gu), brawd, chwaer, mab, merch, wyr neu wyres iddynt.
- Pleidleisio fel dirprwy dros berson gan wybod bod y person hwnnw yn anghymwys yn gyfreithiol i bleidleisio.

Os oes angen unrhyw gymorth amoch, ffoniwch ein llinell gymorth ar: [rhif y llinell gymorth]

**Cyhoeddwyd gan y Swyddog Cyfrif**

[Pan anfonir cerdyn pleidleisio at ddirprwy person sydd â chofnod diennw yn y gofrestr, rhowch y canlynol yn lle'r paragraffau a farciwyd â \* uchod:-

**Diben y cerdyn pleidleisio hwn yw dweud wrthyh eich bod, ar gyfer y refferendwm hwn, wedi eich penodi yn ddirprwy dros y person y dangosir isod ei rif ar y gofrestr, a'ch bod wedi penderfynu pleidleisio drwy'r post.**

Mae hawl gennych i bleidleisio fel dirprwy dros pleidleisiwr y dangosir isod ei rif ar y gofrestr

.....

(Rhif y person ar y gofrestr)

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 as 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 number on: [helpline number].

**Issued by the Counting Officer**

[Where poll card is sent to the proxy of a person with an anonymous entry in the register substitute for the text marked \* 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)

*Status: This is the original version (as it was originally made).*

**Ffurf y cyfarwyddiadau fel canllawiau i bleidleiswyr a dirpwyon wrth bleidleisio**

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

**CANLLAWIAU I BLEIDLEISWYR A DIRPRWYON**

**GUIDANCE FOR VOTERS AND PROXIES**

- |  |   |
|--|---|
| <ol style="list-style-type: none"><li>1. Pan roddir eich papur pleidleisio ichi, ewch i un o'r blychau pleidleisio</li><li>2. Rhowch groes (X) yn y blwch ar yr ochr dde gyferbyn â'r ateb o'ch dewis.</li><li>3. Pleidleiswch UNWAITH yn unig. Peidiwch â rhoi unrhyw farc arall ar y papur neu efallai na chaiff eich pleidlais ei chyfrif.</li><li>4. Plygwch y papur pleidleisio yn ddau. Dangoswch y rhif a'r nod adnabod unigryw arall sydd ar gefn y papur i'r swyddog llywyddu, ond peidiwch â gadael i neb weld eich pleidlais.</li><li>5. Rhowch y papur pleidleisio yn y blwch pleidleisio ac ewch allan o'r orsaf bleidleisio.</li><li>6. Os gwnewch gamgymeriad a difetha eich papur pleidleisio, dangoswch ef i'r swyddog llywyddu a gofynnwch am un arall yn ei le.</li></ol> | <ol style="list-style-type: none"><li>1. When you are given your ballot paper go to one of the polling booths.</li><li>2. Mark a cross (X) in the box on the right hand side of the answer of your choice.</li><li>3. Vote ONCE only. Put no other mark on the ballot paper, or your vote may not be counted.</li><li>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.</li><li>5. Put the ballot paper in the ballot box and leave the polling station.</li><li>6. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.</li></ol> |
|--|---|

<b>Ffurf Tystysgrif Cyflogaeth</b> <b>Form of Certificate of Employment</b>	
<p style="text-align: center;"><b>REFERENDWM DEDDF LLYWODRAETH LEOL</b></p> <p>ARDAL Y BLEIDLAIS.....</p> <p>Rwy'n ardystio na ellir, yn rhesymol, ddisgwyl i (enw) ..... sydd â'r rhif ..... yn y gofrestr etholwyr ar gyfer ardal y bleidlais a enwir uchod fynd yn bersonol i'r orsaf bleidleisio a ddyrannwyd *[iddo] *[iddi] yn y refferendwm ar [dyddiad y pleidleisio] oherwydd amgylchiadau penodol ei *[gyflogi] *[chyflogi] ar y dyddiad hwnnw at bwrpas sy'n gysylltiedig â'r refferendwm —</p> <p>*(a) fel cwnstabl</p> <p>*(b) gennyf i</p> <p>Llofnod .....</p> <p>*Swyddog Cyfrif, Swyddog o'r Heddlu (Arolygydd neu uwch)</p> <p>Dyddiad .....</p> <p>*Dileer pa un bynnag sy'n amhriodol</p> <p>Noder: Mae hawl gan y person a enwir uchod i bleidleisio mewn unrhyw orsaf bleidleisio yn yr ardal bleidlais uchod drwy ddangos ac ildio'r dystysgrif hon i'r swyddog llywyddu.</p>	<p style="text-align: center;"><b>LOCAL GOVERNMENT ACT REFERENDUM</b></p> <p>VOTING AREA .....</p> <p>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 [<i>date of poll</i>] by reason of the particular circumstances of his or her employment on that date for a purpose connected with the referendum—</p> <p>*(a) as a constable</p> <p>*(b) by me</p> <p>Signature.....</p> <p>*Counting Officer, Police Officer (Inspector or above)</p> <p>Date: .....</p> <p>*Delete whichever is inappropriate</p> <p>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.</p>

Status: This is the original version (as it was originally made).

<b>Ffurf y datganiad sydd i'w wneud gan gydymaith pleidleisiwr neu ddirprwy ag anableddau</b> <b>Form of declaration to be made by the companion of a voter or proxy with disabilities</b>	
<p>Yr wyf i, ..... (enw'r cydymaith)</p> <p>o ..... (cyfeiriad y cydymaith)</p> <p>y gofynnwyd imi gynorthwyo..... (enw'r pleidleisiwr neu ddirprwy)</p> <p>[yn achos dirprwy ag anableddau ychwaneger sy'n pleidleisio fel dirprwy dros. ....</p> <p>(enw'r pleidleisiwr)] sydd â'i rif ar y gofrestr yn.....i fwrw ei bleidlais yn y refferendwm a gynhelir yn awr yn ardal y bleidlais hon, drwy hyn yn datgan</p> <ul style="list-style-type: none"> <li>• bod hawl gennyf i bleidleisio ar fy rhan fy hunan yn y refferendwm dywededig,</li> <li>• fy mod yn *.....i'r pleidleisiwr neu ddirprwy dywededig ac fy mod dros 18 mlwydd oed, ac</li> <li>• nad wyf eisoes wedi cynorthwyo unrhyw bleidleisiwr ag anableddau [heblaw am..... (enw'r pleidleisiwr neu ddirprwy arall)], o ..... (cyfeiriad y pleidleisiwr neu ddirprwy arall)] i bleidleisio yn y refferendwm dywededig.</li> </ul> <p><i>*noder perthynas y cydymaith â'r pleidleisiwr neu ddirprwy</i></p> <p>Llofnod..... (Cydymaith)</p> <p>Dyddiad.....</p> <p>Yr wyf i, sydd â'm llofnod isod, sef y swyddog llywyddu ar gyfer (gorsaf bleidleisio) ..... ar gyfer yr ardal bleidlais..... yn ardystio drwy hyn bod y datganiad uchod, a ddarllenwyd yn uchel yn gyntaf i'r cydymaith a enwir uchod, wedi ei lofnodi gan y cydymaith yn fy mhresenoldeb i.</p> <p>Llofnod .....(Swyddog Llywyddu)</p> <p>Dyddiad .....</p> <p>Amser ..... (a.m./p.m.)</p>	<p>I, ..... (name of companion)</p> <p>of..... (address of companion)</p> <p>having been requested to assist..... (name of voter or proxy)</p> <p>[in the case of a proxy with disabilities, adding voting by proxy for.....</p> <p>(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</p> <ul style="list-style-type: none"> <li>• I am entitled to vote on my own behalf at the said referendum</li> <li>• I am the *..... of the said voter or proxy and have attained the age of 18 years and</li> <li>• 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.</li> </ul> <p><i>*state the relationship of the companion to the voter or proxy</i></p> <p>Signed..... (Companion)</p> <p>Date.....</p> <p>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.</p> <p>Signed ..... (Presiding Officer)</p> <p>Date .....</p> <p>Time ..... (a.m./p.m.)</p>

<p><b>NODER:</b></p> <ol style="list-style-type: none"><li>1. Os yw'r person sy'n gwneud y datganiad uchod yn fwriadol a chan wybod hynny, yn gwneud datganiad sy'n ffug mewn manylyn o bwys, bydd yn euog o dramgwydd.</li><li>2. Pleidleisiwr neu ddirprwy ag anableddau yw person a wnaeth ddatganiad o dan Rheolau Refferenda'r Ddeddf Llywodraeth Leol bod y person hwnnw wedi ei analluogi i'r fath raddau gan ddallineb neu anabledd arall, neu gan anallu i ddarllen, fel nad yw'n gallu pleidleisio heb gymorth.</li></ol>	<p><b>NOTE:</b></p> <ol style="list-style-type: none"><li>1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, that person will be guilty of an offence.</li><li>2. A voter or proxy with disabilities is a person who has made a declaration under the Local Government Act Referendum Rules that that person is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance.</li></ol>
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#### SCHEDULE 4

Regulation 8

### Application, with Modifications, of Acts and Subordinate Legislation

#### Interpretation

- 1.—(1) The provisions set out in the first column of Tables 1 to 5 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 or an electoral division 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 that person's 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 that person's own behalf or to vote by proxy;
  - (j) 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;

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- (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 local authority, is a reference to the relevant registration officer appointed under section 8 of the 1983 Act<sup>(32)</sup>; and for the purpose of the exercise of a registration officer's functions in relation to the referendum, section 52(1) to (4)<sup>(33)</sup> (discharge of registration duties) and section 54(1), (3) and (4)<sup>(34)</sup> (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;
- (p) so much of any provision as applies only in Scotland, England or Northern Ireland is to be ignored.

**Table 1 Representation of the People Act 1983<sup>(35)</sup>**

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 13B (alteration of registers: pending elections) <sup>(36)</sup>	After "election", in each place, insert "or referendum".  After subsection (4) insert— “(4A) This section also applies to referendums.”
Section 31 (polling districts and stations at local government elections) <sup>(37)</sup>	In subsection (1A) for "elections of county councillors" substitute "referendums by or in respect of a county or county borough".  In subsection (3) for "local government elections" substitute "referendums".
Section 35(4) (appointments by returning officers)	
Section 36(4) and (6) (returning officer's expenditure at local elections) <sup>(38)</sup>	In subsection (4) for the words from "by a returning officer" to "London borough" substitute "by a counting officer for a

<sup>(32)</sup> 1983 c. 2.

<sup>(33)</sup> As amended by paragraph 12 of Schedule 4 to the Representation of the People Act 1985 (c. 50), paragraph 68 of Schedule 16, and Schedule 18 to, the Local Government (Wales) Act 1994 (c. 19) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

<sup>(34)</sup> As amended by paragraph 14 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

<sup>(35)</sup> 1983 c. 2.

<sup>(36)</sup> 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. 22).

<sup>(37)</sup> Section 31 was amended by Schedule 17 to the Local Government Act 1985 (c. 50), section 66(6) of and paragraph 68 of Schedule 16 to the Local Government (Wales) Act 1994, section 237 of and Part I of Schedule 13 to the Education Reform Act 1988 (c. 40), 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).

<sup>(38)</sup> Subsection (4) was amended by Schedule 17 to the Local Government Act 1985 (c. 51) and by section 66 of and paragraph 68(9) of Schedule 16 to the Local Government (Wales) Act 1994..

<i>(1) Provision</i>	<i>(2) Modification</i>
	voting area in relation to the holding of a referendum”.
	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”.
	Paragraph 1(2)(b) of this Schedule does not have effect in relation to the first reference in subsection (6) to the returning officer.
Section 47 (loan of equipment for local elections)(39)	In subsection (1) for “the returning officer at a local government election” substitute “the counting officer at a referendum”.
	In subsection (2)—
	(a) omit the words from “, or” at the end of paragraph (a) to “as the case may be”;
	(b) for “an election held under those Acts” substitute “a referendum”.
Section 49(4) and (5) (effect of registers)(40)	In subsection (5) omit “prevent the rejection of the vote on a scrutiny or”.
Section 60 (personation)	In subsection (2) omit “parliamentary or”.
Section 61 (other voting offences)(41)	In subsection (1) after “local government election” and “local government elections”, in each place, insert “or referendum” or “or referendums” respectively.
	For subsections (2) to (4) substitute—
	“(2) A person shall be guilty of an offence if—
	(a) that person votes on their own behalf otherwise than by proxy—
	(i) more than once in the same voting area,
	(ii) in more than one voting area, or
	(iii) in any voting area where there is in force an appointment of a person to vote as that person’s

(39) 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).

(40) 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).

(41) 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).

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<i>(1) Provision</i>	<i>(2) Modification</i>
	<p>proxy in the referendum in another voting area, or</p> <p>(b) that person votes on their own behalf in person and is entitled to vote by post, or</p> <p>(c) that person votes on their own behalf in person knowing that a person appointed to vote as their proxy has already voted in person or is entitled to vote by post, or</p> <p>(d) that person applies for a person to be appointed as their proxy to vote for them 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) that person votes as proxy for the same person either—</p> <p>(i) more than once in the same voting area, or</p> <p>(ii) in more than one voting area, or</p> <p>(b) that person votes in person as proxy for a person and is entitled to vote by post as proxy for that person, or</p> <p>(c) that person votes in person as proxy for someone whom that person knows already to have voted in person.</p> <p>(4) A person shall also be guilty of an offence if that person votes as proxy in any voting area for more than two persons of whom that person 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 that person having marked a tendered ballot paper in pursuance of rule 29 of the Local Government Act Referendums Rules within the meaning of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008.”</p>



<i>(1) Provision</i>	<i>(2) Modification</i>
Section 62A (offences relating to applications for postal and proxy votes)(42)	In subsection (1)(a) after “election” insert “or referendum”.
Section 63 (breach of official duty)(43)	In subsection (3) after “local government election” in both places insert “or referendum”.
	In subsection (4)(a) after “election” insert “or referendum”.
Section 65 (tampering with ballot papers, etc.)(44)	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)(45)	For subsection (1)(b) substitute— “(b) every polling observer, so attending.”.
Section 66A (prohibition of publication of exit polls)(46)	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)(47)	In subsection (1) after “local government election” insert “or referendum”.
Section 94 (imitation poll cards)(48)	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)(49)	For subsection (1) substitute— “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding

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

(43) 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, 41(8) and 46(6) of the Electoral Administration Act 2006 (c. 22).

(44) 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).

(45) 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).

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

(47) 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).

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

(49) 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 30 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).

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<i>(1) Provision</i>	<i>(2) Modification</i>
	<p>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.</p> <p>(1A) In subsection (1), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”</p> <p>Omit subsection (2).</p> <p>In subsection (3)—</p> <p>(a) for the words from “electoral area for which” to “that electoral area” substitute “voting area”, and</p> <p>(b) omit paragraph (b).</p> <p>In subsection (4)—</p> <p>(a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”,</p> <p>(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</p> <p>(c) omit the words from “and any person” to the end.</p> <p>After subsection (4) insert—</p> <p>“(5) The lists maintained by a county or county 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.”</p>
Section 97 (disturbances at election meetings)( <b>50</b> )	<p>For subsection (2) substitute—</p> <p>“(2) This section applies to a meeting in connection with a referendum held during the campaign period.</p> <p>(2A) In subsection (2) “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”</p>
Section 100(1) and (2) (illegal canvassing by police officers)( <b>51</b> )	<p>In subsection (1) for the words from “from giving his vote” to the end substitute “from</p>

**(50)** 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).

**(51)** 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>
	giving his vote in the referendum in a voting area wholly or partly within the police area”.
Section 109 (payments for the exhibition of election notices)	
Section 110 (details to appear on election publications)( <b>52</b> )	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)( <b>53</b> )	
Section 114 (treating)	
Section 115 (undue influence)( <b>54</b> )	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part 2)( <b>55</b> )	
Section 119 (computation of time for purposes of Part 2)( <b>56</b> )	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)( <b>57</b> )	
Section 168 (prosecutions for corrupt practices)( <b>58</b> )	
Section 169 (prosecutions for illegal practices)( <b>59</b> )	
Section 170 (conviction of illegal practice on charge of corrupt practice etc)	

(52) 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).

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

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

(55) 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).

(56) 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).

(57) 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).

(58) Section 168 was amended by paragraph 8 of Schedule 3 and paragraph 57 of Schedule 4 and 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).

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

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<i>(1) Provision</i>	<i>(2) Modification</i>
Section 173(1)(a)(i), (2) and (3) (incapacities on conviction of corrupt or illegal practice)(60)	In subsection (1)(a)(i) after “Great Britain” insert “or at any referendum”.
Section 174 (mitigation and remission etc.)(61)	
Section 175 (illegal payments etc.)(62)	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) (Wales) Regulations 2008”.
	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)(63)	
Section 179 (offences by associations)	
Section 181(1) (Director of Public Prosecutions)(64)	
Section 185 (interpretation of Part 3)(65)	
Section 199B (translations of certain documents)(66)	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)(67)	
Section 202 (interpretation)(68)	

- (60) 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).
- (61) Section 174 was amended by paragraph 18 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (62) 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).
- (63) 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).
- (64) Subsection (1) was amended by paragraph 63 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (65) 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).
- (66) Section 199B was inserted by section 36 of the Electoral Administration Act 2006 (c. 22).
- (67) 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).
- (68) 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).

**Table 2 Representation of the People Act 2000(69)**

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 10 (pilot schemes for local elections in England and Wales)(70)	<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) (Wales) Regulations 2008”.</p> <p>In subsection (3)—</p> <p>(a) in paragraph (b) for “candidates” substitute “campaign organisers”, and</p> <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) (Wales) Regulations 2008”.</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 or county borough council.”</p>
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1) at the end insert “; and as regards referendums”.
Schedule 4 (absent voting in Great Britain)(71)	<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 within the meaning of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008”.</p>

(69)

2000 c. 2.

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

(71) 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).

**Status:** This is the original version (as it was originally made).

<i>(1) Provision</i>	<i>(2) Modification</i>
	<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”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i) for “or both” substitute “or referendums”.</p> <p>In paragraphs 6(7) and 7(4)(a) for “or at both” substitute “or at referendums”.</p>

**Table 3 Political Parties, Elections and Referendums Act 2000(72)**

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 6A (attendance of representatives of Commission at elections etc.)	<p>After subsection (1)(b) insert—</p> <p>“;</p> <p>(c) proceedings relating to a referendum under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 which are the responsibility of the counting officer.”</p>
Section 6B (observation of working practices by representatives of Commission)	<p>After subsection (2) insert—</p> <p>“(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) (Wales) Regulations 2008, and any person acting under the counting officer’s direction.”</p>
Section 6C (accredited observers: individuals Referendums)	<p>In subsection (1) after “applies” insert “or which is held under the Local Authorities (Conduct of (Wales) Regulations 2008”.</p>
Section 6D (accredited observers: organisations) Referendums)	<p>In subsection (1) after “applies” insert “or which is held under the Local Authorities (Conduct of (Wales) Regulations 2008”.</p>
Section 6E (attendance and conduct of observers)	<p>For subsection (4)(c) substitute—</p>

(72)

**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>
	<p>“(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);</p> <p>(ca) in the case of any other proceedings at a referendum under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008, the counting officer;”</p> <p>In subsection (4) for “or (c)” substitute “, (c) or (ca)”.</p>

**Table 4 Electoral Administration Act 2006(73)**

<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) (Wales) Regulations 2008”.
Section 44 (access to other election documents: supplementary)	<p>In subsection (5) for the words from “election documents” to “Northern Ireland)” substitute “referendum documents are such documents relating to a referendum”.</p> <p>After subsection (7)(e) insert—</p> <p>“;</p> <p>(f) in relation to a referendum, a voting area within the meaning of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008.”</p>
Section 46 (returning officers: correction of procedural errors)	<p>After subsection (3)(b) insert—</p> <p>“;</p> <p>(c) a referendum.”</p> <p>Omit subsection (6).</p>
Section 69 (encouraging electoral participation)	<p>After subsection (8)(b) insert—</p> <p>“;</p> <p>(c) a counting officer at a referendum.”</p>

*Status:* This is the original version (as it was originally made).

**Table 5 The Representation of the People (England and Wales) Regulations 2001(74)**

<i>(1) Provision</i>	<i>(2) Modification</i>
Regulation 3 (interpretation)(75)	At the end of paragraph (2)(b) insert—  “, or  (c) in the case of a referendum, the corresponding rule in the Local Government Act Referendums Rules within the meaning of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008.”
Regulation 4(1)(b) (forms) and, to the extent of Form E in Schedule 3, (2)	
Regulation 5 (communication of applications, notices, etc)(76)	
Regulation 6 (electronic signatures and related certificates)(77)	
Regulation 7 (copies of documents)(78)	
Regulation 8 (time)(79)	
Regulation 11 (interference with notices)	
Regulation 50 (interpretation of Part 4)(80)	
Regulation 51 (general requirements for an absent vote)(81)	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)(82)	

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

(75) As amended by [S.I. 2001/1700](#), [2002/1871](#) and [2006/2910](#).

(76) As amended by [S.I. 2006/2910](#).

(77) As amended by [S.I. 2006/2910](#).

(78) As amended by [S.I. 2002/1871](#) and [2006/2910](#).

(79) As amended by [S.I. 2006/2910](#).

(80) As amended by [S.I. 2006/2910](#).

(81) As amended by [S.I. 2006/752](#) and [2006/2910](#).

(82) Inserted by [S.I. 2006/752](#) and amended by [S.I. 2006/2910](#).



<i>(1) Provision</i>	<i>(2) Modification</i>
Regulation 51AA (additional requirement for applications for ballot papers to be sent to different address from that stated in application)( <b>83</b> )	
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)( <b>84</b> )	
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)( <b>85</b> )	
Regulation 56 (closing dates for applications)( <b>86</b> )	In paragraphs (1) to (5) and (7)(b) after “election”, in each place, insert “or referendum”.
Regulation 57 (grant or refusal of applications)( <b>87</b> )	In paragraph (5) after “election” insert “or referendum”.
Regulation 58 (notice of appeal)	
Regulation 59 (cancellation of proxy appointment)	
Regulation 61B (personal identifiers record) ( <b>88</b> )	In paragraph (3)(a) for “any candidate or agent” substitute “those”.
Regulation 62 (marked register for polling stations)( <b>89</b> )	
Regulation 64 (interpretation of Part 5)( <b>90</b> )	Omit the definition of “agent”.
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)( <b>91</b> )	
Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)( <b>92</b> )	<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</i>

**(83)** Inserted by S.I. 2006/2910.**(84)** Inserted by S.I. 2006/752 and amended by S.I. 2006/2910.**(85)** Substituted by S.I. 2006/752 and amended by S.I. 2006/2910.**(86)** Amended by S.I. 2006/752 and 2006/2910.**(87)** Amended by S.I. 2006/752 and 2006/2910.**(88)** Inserted by S.I. 2006/2910.**(89)** Amended by S.I. 2006/2910.**(90)** Amended by S.I. 2006/2910.**(91)** Amended by S.I. 2006/2910.**(92)** Amended by S.I. 2006/2910.

**Status:** This is the original version (as it was originally made).

<i>(1) Provision</i>	<i>(2) Modification</i>
	<p><i>Representation of the People Regulations as applied by these Regulations:</i></p> <p>For paragraphs (a) to (d) substitute:</p> <p style="padding-left: 40px;">“(a) the counting officer and his clerks,</p> <p style="padding-left: 40px;">(b) persons who by virtue of rule 35(2) (a) to (e) of the Local Government Referendums Rules within the meaning of the Local Authorities (Conduct of Referendum) (Wales) Regulations 2008 are entitled to attend at the counting of the votes.”</p>
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”.
	<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>Omit paragraphs (1) to (7).</p>
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)(93)	
Regulation 73 (refusal to issue postal ballot paper)(94)	
Regulation 74 (envelopes)(95)	
Regulation 75 (sealing up of completed corresponding number lists and security of special lists)(96)	
Regulation 76 (delivery of postal ballot papers)	
Regulation 77 (spoilt postal ballot papers)(97)	
Regulation 78 (lost postal ballot papers)(98)	

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

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

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

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

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

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

<i>(1) Provision</i>	<i>(2) Modification</i>
Regulation 79(3) to (5) (alternative means of returning postal ballot paper or postal voting statement)( <b>99</b> )	In paragraph (5) for “polling agents” substitute “polling observers (if any)”.
Regulation 80 (notice of opening of postal ballot paper envelopes)	<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>  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 within the meaning of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 are entitled to attend at the counting of the votes”.  Omit paragraph (2)(b).  In paragraphs (3) and (4) for “the agents” substitute “those”.
Regulation 81 (postal ballot boxes and receptacles)( <b>100</b> )	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)( <b>101</b> )	
Regulation 84A (confirming receipt of postal voting statements)( <b>102</b> )	
Regulation 85 (procedure in relation to postal voting statements)( <b>103</b> )	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)( <b>104</b> )	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)( <b>105</b> )	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)	

**(99)** Amended by S.I. 2006/752 and 2006/2910.**(100)** Amended by S.I. 2006/2910.**(101)** Amended by S.I. 2006/2910.**(102)** Inserted by S.I. 2006/2910.**(103)** Amended by S.I. 2002/1871 and 2006/2910.**(104)** Inserted by S.I. 2006/2910.**(105)** Inserted by S.I. 2006/2910.

**Status:** This is the original version (as it was originally made).

<i>(1) Provision</i>	<i>(2) Modification</i>
Regulation 86A (retrieval of cancelled postal ballot papers)( <b>106</b> )	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)	
Regulation 89 (sealing of receptacles)( <b>107</b> )	
Regulation 91 (forwarding of documents)( <b>108</b> )	After paragraph (2) insert— “ <b>(2A)</b> 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)( <b>109</b> )	
Regulation 118 (inspection of documents open to public inspection)( <b>110</b> )	
Regulation 119 (conditions on the use, supply and disclosure of documents open to public inspection)( <b>111</b> )	
In Schedule 3, Form E( <b>112</b> )	For “REPRESENTATION OF THE PEOPLE ACTS” substitute “*[[insert name of council] REFERENDUM]”.  Omit “Constituency” and “Polling District”.  For “European Parliamentary electoral region” substitute “Referendum voting area ... ..”.  For the words from “*[who qualifies” to “electoral region]”, substitute “to vote for that person at the referendum on ( <i>insert date</i> )”.  Omit “*[This proxy appointment is not valid until ... .. ]” and “*[This proxy appointment remains valid until ... ..]”.  For paragraph 2 of the note substitute — <p style="margin-left: 40px;"><b>2.</b> Your appointment as proxy will be for the referendum only. You have</p>

(**106**) Inserted by S.I. 2006/2910.  
(**107**) Inserted by S.I. 2006/2910.  
(**108**) Amended by S.I. 2006/752 and 2006/2910.  
(**109**) Inserted by S.I. 2006/2910 and amended by S.I. 2007/1025.  
(**110**) Inserted by S.I. 2006/2910.  
(**111**) Inserted by S.I. 2006/2910.  
(**112**) Amended by S.I. 2005/2114.

<i>(1) Provision</i>	<i>(2) Modification</i>
	the right to vote as proxy only at the referendum specified in the proxy paper.”

SCHEDULE 5

Regulation 11

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)( <b>113</b> )	<p>In subsection (1)—</p> <p>(a) for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008”, 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) (Wales) Regulations 2008”.</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). 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)( <b>114</b> )	<p>In subsection (1) for “in England and Wales under the local government Act” substitute “in Wales under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008”.</p>

(113) 1983 c. 2; section 128 was amended by paragraph 12 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(114) 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).

**Status:** This is the original version (as it was originally made).

<i>(1) Provision</i>	<i>(2) Further modifications</i>
	In subsection (3)(a) for “in England and Wales under the local government Act” substitute “in Wales under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008”.
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)( <b>115</b> )	In subsection (2)(b) for “petition questioning an election under the local government Act” substitute “referendum petition within the meaning of regulation 11 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008”.
Section 137 (petition at issue)( <b>116</b> )	
Section 138 (list of petitions)( <b>117</b> )	In subsection (1)(a) for “all election petitions” substitute “all referendum petitions within the meaning of regulation 11 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008.”
	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) (Wales) Regulations 2008”, 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).

**(115)** 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).

**(116)** 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).

**(117)** Section 138 was amended by paragraph 4 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

<i>(1) Provision</i>	<i>(2) Further modifications</i>
	<p>For subsection (5) substitute—</p> <p>“(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.”</p> <p>For subsection (6) substitute—</p> <p>“(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.</p> <p>(6A) This subsection applies where the court disallows any vote cast in the referendum; and in any such case—</p> <ul style="list-style-type: none"><li>(a) the determination referred to in subsection (6) is to have no effect, and</li><li>(b) the court is to declare the result of the referendum.</li></ul> <p>(6B) Where—</p> <ul style="list-style-type: none"><li>(a) the petition relates to a referendum at which no equality of votes was found at the count, and</li><li>(b) the court—<ul style="list-style-type: none"><li>(i) disallows any vote cast in the referendum, and</li><li>(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.”</li></ul></li></ul>
Section 140 (witnesses)( <b>118</b> )	
Section 141 (duty to answer relevant questions)( <b>119</b> )	
Section 143 (expenses of witnesses)	
Section 145 (conclusion of trial of local election petition)( <b>120</b> )	<p>For subsection (1) substitute—</p> <p>“(1) At the conclusion of the trial of a petition questioning a referendum under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 the election court is to determine—</p>

(118) Section 140 was amended by paragraph 49 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(119) 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).

(120) Section 145 was amended by paragraph 33 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

**Status:** This is the original version (as it was originally made).

<i>(1) Provision</i>	<i>(2) Further modifications</i>
	<p>(a) in the case of a petition presented on the ground mentioned in regulation 11(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 11(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)	Omit subsection (2).
	In subsection (3) for the words from the beginning to “local government Act” substitute—
	“(3) In the case of a referendum petition under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008,”.
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)(121)	
Section 157 (appeals and jurisdiction)(122)	Omit subsection (4).
Section 160(1) and (3) (persons reported personally guilty of corrupt practices)(123)	Omit subsection (1)(b).

(121) Section 156 was amended by paragraph 51 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(122) 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. 4).

(123) Subsection (1) was amended by paragraph 52 of Schedule 4 to the Representation of the People Act 1985 (c. 50), and subsection (3) was substituted for subsection (3) as originally enacted by that paragraph.



<i>(1) Provision</i>	<i>(2) Further modifications</i>
Section 161 (Justices of the Peace)( <b>124</b> )	
Section 162 (member of legal and certain other professions)( <b>125</b> )	
Section 163 (holder of licence or certificate under Licensing Acts)( <b>126</b> )	
Section 164(1) and (2) (avoidance of election for general corruption etc.)	<p>In subsection (1)—</p> <p>(a) for “election”, in the first two places where that word appears, substitute “referendum”,</p> <p>(b) for “the election of any person at that election” substitute “a particular outcome in relation to the question asked in the referendum”, and</p> <p>(c) for paragraphs (a) and (b) substitute “, the referendum, if that outcome was achieved, is void”.</p> <p>In subsection (2) for “An election” substitute “A referendum”.</p>
Section 167 (application for relief)( <b>127</b> )	
Section 180 (evidence by certificate of holding of election)	Omit sub-paragraph (ii) and the word immediately preceding it.
Section 183 (costs)( <b>128</b> )	
Section 184 (service of notices)( <b>129</b> )	
Section 185 (interpretation of Part 3)( <b>130</b> )	

SCHEDULE 6

Regulation 11

Modifications of the Election Petition Rules 1960

<i>(1) Provision modified</i>	<i>(2) Modification</i>
Rule 2(2)( <b>131</b> )	After the definition of “the Act” insert— ““the 2008 Regulations” means the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008;”.

(124) 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. 4).

(125) Section 162 was amended by paragraph 54 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(126) Section 163 was amended by paragraph 55 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(127) 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).

(128) Section 183 was amended by paragraph 28 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4).

(129) Section 184 was amended by paragraph 19 of Schedule 18 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and S.I. 2001/1149.

(130) 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).

(131) Amended by S.I. 1985/1278.

Status: This is the original version (as it was originally made).

<i>(1) Provision modified</i>	<i>(2) Modification</i>
	<p>After the definition of “local election petition” insert—</p> <p>    ““referendum petition” means a petition under the 2008 Regulations;”.</p> <p>In the definition of “petition” insert at the end “or a referendum petition”.</p> <p>For the definition of “constituency” substitute—</p> <p>    ““constituency” in relation to—</p> <p>    (a) a local election petition, means the local government area to which the petition relates;</p> <p>    (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 2008 Regulations.”</p>
Rule 2(3)(132)	After “local government Act” insert “and referendums under the 2008 Regulations”.
Rule 4(1)(133)	<p>Omit sub-paragraph (a).</p> <p>For sub-paragraph (b) substitute—</p> <p>    “(b) the date and result of the referendum to which the petition relates;”.</p>
Rule 10(134)	Omit.
Rule 12(3)(135)	For “the election” substitute “the referendum”.
Rule 14(2)(136)	For “the election may” substitute “the referendum may”.
Rule 16(3)(137)	For “the election may” substitute “the referendum may”.

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(132) Amended by S.I. 1985/1278.  
(133) Amended by S.I. 1985/1278.  
(134) Amended by S.I. 1999/1352.  
(135) Amended by S.I. 1999/1352.  
(136) Amended by S.I. 1999/1352.  
(137) Amended by S.I. 1985/1278.

<i>(1) Provision modified</i>	<i>(2) Modification</i>
Rule 18( <b>138</b> )	After “local election petition” insert “or a referendum petition”.
The Schedule( <b>139</b> )	<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 style="padding-left: 40px;">“<b>2.</b> 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 style="padding-left: 40px;">“(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 13(3) of the 2008 Regulations]*.</p> <p style="padding-left: 80px;">* <i>Include or omit as the circumstances require</i>”</p>

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations re-enact Regulations of the same name made in 2004 (S.I. 2004/870 (W.85)) (“the 2004 Regulations”), with necessary amendments, to make provision for the conduct of referendums to be held under section 27 of the Local Government Act 2000 (c. 22) (“the 2000 Act”), or by virtue of regulations or an order made under any provision of Part II of the 2000 Act. These Regulations apply in relation to Wales. The referendums will relate to the question of whether a county or county

(138) Amended by S.I. 1985/1278.

(139) Amended by S.I. 1985/1278.

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 Regulations also prescribe certain forms for use at a referendum under the Welsh Language Act 1993.

The principal changes that are made to the 2004 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, and second, to set out the rules for the conduct of referendums in full.

Regulation 3 and Schedule 1 prescribe the form of words of the statement and the question to be asked in the referendum.

Regulation 4 requires public notice to be given of the local 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) (Wales) Regulations 2001 (“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 local authority’s proposals. This regulation also allows local 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 2004 Regulations and these Regulations. Under regulation 6(3) there is an offence 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. The 2004 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 5 of Schedule 4).

Regulation 9 specifies who is to be the counting officer at the referendum.

Regulation 10 deals with the result of the referendum, subject to the provisions which allow the result of the referendum to be challenged.

Regulation 11 specifies the grounds of challenge and the period within which a referendum petition must be made. It also sets out the procedures applicable to referendum petitions, and applies with modifications, through Schedules 5 and 6, provisions of the Representation of the People Act 1983 and the Election Petitions Rules 1960. Regulation 12 addresses 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). Regulation 13 makes provision for the situation after an election court has determined a referendum petition.

Regulation 14 provides for certain days to be ignored in computing certain periods of time for the purposes of these Regulations.

Regulation 15 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 16 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 statement and the form of the question to be asked in the referendum.

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. 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 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.

Schedule 6 makes modifications to the Election Petition Rules 1960, when applied to referendums by regulation 11(9).

The provisions of the Local Government Act Referendums Rules (“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.

A regulatory impact assessment has been carried out in connection with these Regulations and is available from the Local Government Policy Division of the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.