

SCHEDULE 5

regulations 15, 16 and 17

COMBINATION OF POLLS

PART I

General provisions

1. For the purposes of combining the poll at one or more of—
 - (a) a Parliamentary general election,
 - (b) a European Parliamentary general election,
 - (c) an ordinary local government election, or
 - (d) a Greater London Authority election, with the poll at a referendum, the provisions specified in column (1) of the Table below shall be modified as specified in column (2).
2. In relation to the application of provisions of the European Parliamentary Elections Rules for the purposes referred to in paragraph 1, references to the returning officer at a European Parliamentary general election shall be taken to include references to the local returning officer.

TABLE

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The 1985 Act</i>	
Section 15 (combination of polls at parliamentary, European Parliamentary and local elections)	<p>In subsection (1), at the end of paragraph (c), insert “or</p> <p style="padding-left: 40px;">(d) a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 and—</p> <p style="padding-left: 80px;">(i) a parliamentary election,</p> <p style="padding-left: 80px;">(ii) a European Parliamentary election, or</p> <p style="padding-left: 80px;">(iii) an ordinary local government election,”⁽¹⁾.</p> <p>In subsection (2), after “related areas”, insert “or the polls at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas”.</p> <p>In subsection (4)—</p>

(1) For the definition of “parliamentary election” see the Interpretation Act 1978 (c. 30), Schedule 1. For the definition of “European Parliamentary election” see the Representation of the People Act 1985, section 27(1). For the definition of “local government election” see the Representation of the People Act 1983, section 203(1), amended by the Greater London Authority Act 1999 (c. 29). Schedule 3, paragraph 39(1) and (4). As to ordinary elections, see the Local Government Act 1972 (c. 70), section 7(1) and (2) and Schedule 2, paragraph 6 and, as to the Greater London Authority, section 2(7) of the Greater London Authority Act 1999.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(a) after “elections” (in the first place where that word appears) insert “or, as the case may be, elections and a referendum”;</p> <p>(b) after “one election” insert “or the referendum”; and</p> <p>(c) after “elections” (in the second place where that word appears) insert “or, as the case may be, the elections and the referendum”.</p> <p>In subsection (5), after “any elections” insert “or at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
<i>The RPAAct 2000</i> (2)	
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1), at the end insert “; and as regards referendums under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Schedule 4 (absent voting in Great Britain)	<p>In paragraph 1, in sub-paragraph (1)—</p> <p>(a) in the definition of “the appropriate rules”, at the end of paragraph (b), insert “and (c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”;</p> <p>(b) after the definition of “local government election”, insert the following definition—</p> <p style="padding-left: 40px;">““referendum” means a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In paragraphs 2 to 7, except in paragraphs 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(4)(a)(i) and 7(6)(a)(i), after “or both,”, insert “or referendums”.</p> <p>In paragraphs 6(7) and 7(4)(a), after “or at both,”, insert “or at referendums”.</p>

(2) 2000 c. 2.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The 1986 Regulations</i>	
Regulation 97(4)	For “elections for related areas” substitute “elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas”. After “the Act of 1985”, insert “, as applied by those Regulations”. In sub-paragraph (a)— (a) insert at the beginning “the returning officer for that election or, if there is more than one election,”; and (b) after “regulation 98 below”, insert “and the functions of the counting officer in relation to the referendum”(3).
Regulation 98	For “regulation 78” substitute “regulation 65 of the Representation of the People (England and Wales) Regulations 2001”.
<i>The Elections Regulations</i>	
Paragraph (2) of regulation 3	At the end of sub-paragraph (b), insert— “, or (c) in the case of a referendum, such of those rules made under section 36 of the 1983 Act as are applied (with or without modification) by the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Regulation 51	In paragraph (4), in sub-paragraph (b)— (a) after “for” insert “all or any of”; (b) after “elections” insert “and referendums, identifying those in respect of which it is made”; and (c) for “both”, substitute “referendums, or any combination”. In paragraph (5)— (a) after “election”, in each place, insert “or referendum”; and (b) for “elections”, substitute “polls”.
Regulation 56	In paragraphs (1) to (5), after “election”, in each place, insert “or referendum”.

(3) The definitions of “counting officer” and “referendum” will be found in regulation 2(1).

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 65	<p>In paragraph (7)(b), after “election” insert “or referendum”.</p> <p>After “polls at elections” insert “or polls at an election and a referendum”.</p> <p>After “each election” insert “or, as the case may be, the election and the referendum”.</p> <p>After “returning officers” insert “or, as the case may be, the returning officers and the counting officer at the referendum”.</p>
Regulation 68	<p>For sub-paragraph (a) substitute “(a) the counting officer and his clerks;”.</p> <p>In sub-paragraph (b), after “candidate”, insert “or those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes.”.</p>
Regulation 72	<p>Omit sub-paragraphs (c) and (d).</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none"> (a) after “one election”, insert “or referendum, or for an election combined with a referendum”; (b) in sub-paragraph (a)— <ul style="list-style-type: none"> (i) after “elections”, insert “or referendums”; and (ii) after “election”, insert “or referendum”; and (c) in sub-paragraph (b), for “election”, in each place, substitute “election or referendum”.
Regulation 74	<p>In paragraph (6), for “the poll at one election is taken with the poll at another election”, substitute “polls are taken together”.</p> <p>In paragraph (4), after “65 above”, insert “or under regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
Regulation 77	<p>In paragraph (2), for “more than one election have been issued together under regulation 65 above”, substitute “more than one poll have been issued together”.</p>
Regulation 80	<p>In paragraph (1), after “each candidate”, insert “or those persons who, in accordance with</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 83	regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes”. In paragraph (1), after “the agents”, insert “or the counting observers for the referendum”.
Regulation 85	In paragraph (3), after “the agents”, insert “or the counting observers for the referendum”.
Regulation 91	In paragraph (1)— (a) after “returning officer”, insert “or in the case of a referendum, the counting officer,”; (b) after “local government election”, insert “or referendum”; (c) after “the date of the election”, insert “or referendum”; (d) after “electoral area”, insert “or voting area”; and (e) for “election (or elections)”, substitute “ballot (or ballots)”. In paragraph (2), after “election”, in the first two places where that word appears, insert “or referendum”.
Schedule 3, Form E	After “REPRESENTATION OF THE PEOPLE ACTS” insert “[<i>insert name of council</i>] REFERENDUM”. After “Parliamentary electoral area”, insert “and referendum voting area”. After “electoral region].]”, insert “and/or to vote for him/her at the referendum on (<i>insert date</i>)”. In paragraph 2 of the note, after “election”, in each place, insert “or referendum”.

PART II

Modifications of the Parliamentary Elections Rules and the European Parliamentary Elections Rules

Note: unless otherwise indicated, the numbered rules specified in column (1) are those of that number in the Parliamentary Elections Rules and in the European Parliamentary Elections Rules: and are to be applied, with the relevant modification, as the particular circumstances require.

TABLE

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 5 (notice of election)(4)	<p>After paragraph (1) insert—</p> <p>“(1A) The notice published under paragraph (1) shall—</p> <p style="padding-left: 40px;">(a) state that the poll is to be taken together with the poll at the referendum; and</p> <p style="padding-left: 40px;">(b) where the polls are to be taken together in part of the constituency only, specify that part.”.</p>
<p>Rule 23 (notice of poll)(5)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>In paragraph (1), after “taken”, insert “and that the poll will be taken together with the poll at the referendum; and where the polls are to be taken together in part of the constituency only, specifying that part”.</p> <p>In paragraph (2), after sub-paragraph (b), insert—</p> <p>“(c) the taking of the poll together with the poll at the referendum; and</p> <p style="padding-left: 40px;">(d) if the polls are to be taken together in part of the constituency only, the part in which the polls are to be taken together.”.</p>
<p>Rule 23 (notice of poll)(6)</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p>	<p>In paragraph (1), after “taken”, insert “and that the poll will be taken together with the poll at the referendum; and where the polls are to be taken together in part of the constituency only, specifying that part”.</p> <p>In paragraph (2), after sub-paragraph (b), insert—</p> <p>“(c) the taking of the poll together with the poll at the referendum; and</p> <p style="padding-left: 40px;">(d) if the polls are to be taken together in part of the constituency only, the part in which the polls are to be taken together.”.</p> <p>In paragraph (3)—</p>

(4) Rule 5 was amended by the Representation of the People Act 1985, sections 11, 24 and 28(1), Schedule 2, Part I, paragraph 4, Schedule 4, paragraph 74 and Schedule 5, and by the Representation of the People Act 2000, Schedule 6, paragraph 10(2).

(5) Rule 23 was amended by the Representation of the People Act 1985, sections 24 and 28(1), Schedule 4, paragraph 77 and Schedule 5.

(6) Rule 23 was amended by the Representation of the People Act 1985, sections 24 and 28(1), Schedule 4, paragraph 77 and Schedule 5. Paragraph (3) was inserted by S.I.1999/1214, Schedule 3, paragraph 3.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 28 (issue of official poll cards) <i>For use where the referendum poll is taken together with that at a parliamentary election</i>	(a) in sub-paragraph (a), after “government election”, insert “or referendum”; and (b) in sub-paragraph (b), after “the election”, insert “or referendum”. Add, at the end— “(5) A single official poll card may be issued in respect of both the election and the referendum.”.
Rule 28 (issue of official poll cards)(7) <i>For use where the referendum poll is taken together with that at a European Parliamentary election</i>	In paragraph (5), insert, at the end, “or referendum”.
Rule 29 (equipment of polling stations)(8) <i>The modification to paragraph (5) applies only where the referendum poll is taken together with that at a parliamentary election</i>	In paragraph (4)— (a) for “the form in the Appendix”, substitute “in the following form”; and (b) after “polling station” insert— “GUIDANCE FOR VOTERS 1. When you are given ballot papers, make sure they are stamped with the official mark. 2. Go to one of the voting compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. Vote only for the number of candidates specified on the ballot paper for the election. 3. Put no other mark on the ballot paper or your vote may not be counted. 4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station. 5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

(7) Paragraph (5) was inserted by S.I. 1999/1214, Schedule 3, paragraph 4.

(8) Paragraph (3A) was inserted by the Representation of the People Act 2000, section 13(2). Rule 29 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraphs 5 and 6.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>In paragraph (5) after “exhibited” insert “, on paper of the same colour as that of the ballot papers for use at the election.”.</p> <p>After paragraph (5) insert—</p> <p>“(5A) In every compartment of every polling station there shall be exhibited, on paper of the same colour as that of the ballot papers for use at the referendum, the notice “Mark one box only. Put no other mark on the ballot paper, or your vote may not be counted.””.</p> <p>In paragraph (8), after “particulars of the candidate”, insert “, or the answer.”.</p> <p>After paragraph (9), insert—</p> <p>“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.</p> <p>In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab.”.</p>
<p>Rule 32 (admission to polling station)(9)</p>	<p>In paragraph (1), in sub-paragraph (b), after “agents appointed”, insert “, and any person appointed under regulation 11(3) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, or rule 26(1) of the Local Elections (Principal Areas) Rules 1986, as applied for the purposes of referendums under those Regulations,”(10).</p> <p>In paragraph (3) after “the prescribed form” insert</p> <p>“with the following modifications—</p> <p>(a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “[PARLIAMENTARY] [EUROPEAN PARLIAMENTARY] ELECTION AND LOCAL AUTHORITY REFERENDUM”;</p>

(9) Paragraph (1)(e) was amended by the Representation of the People Act 2000, section 13(4).

(10) The persons referred to are polling observers, the elected mayor (if any) and petition organisers. Rule 26(1) of the Principal Areas Rules is applied, with modifications, in relation to petition organisers, by regulation 8 of, and Table 3 of Schedule 3 to these Regulations.

(1) Rule	(2) Modification
Rule 37 (voting procedure)(11) <i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i>	(b) after “at the election” insert “and referendum”; and (c) after “with the election” insert “and referendum”. Add at the end— “(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum and one mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1)(e), to denote that a ballot paper has been received in respect of both polls; except that, where a ballot paper has been issued in respect of one poll only, a different mark shall be placed in the register or in the list of proxies so as to identify the poll in respect of which the ballot paper was issued.”
Rule 38 (votes marked by presiding officer)(12) <i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i>	At the end of paragraph (2) add— “The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list identifies the poll at which the ballot paper was so marked.”
Rule 39 (voting by persons with disabilities)(13) <i>The modification to paragraph (4) and the insertion of paragraph (4A) apply only where the referendum poll is taken together with that at a parliamentary election</i>	In paragraph (2)— (a) in sub-paragraph (b)(ii), after “the election”, insert “or the referendum”; and (b) for “his vote”, substitute “his votes”. In paragraph (3)(a), after “the election”, insert “or the referendum”. In paragraph (4), for “whose vote is given”, substitute “whose votes are given”. After paragraph (4) insert— “(4A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”
Rule 40 (tendered ballot papers)	After paragraph (3) add—

(11) Rule 37 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraph 11.

(12) Rule 38 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraph 12.

(13) Rule 39 was substituted by the Representation of the People Act 2000, section 13(3). Rule 39 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraph 13.

(1) <i>Rule</i>	(2) <i>Modification</i>
<p><i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>“(3A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the list identifies the poll at which a tendered ballot paper was marked.”</p>
<p>Rule 43 (procedure on close of poll) of the Parliamentary Elections Rules(14)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>After paragraph (1) insert—</p> <p>“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined with the statement prepared under that paragraph of those Rules.”</p>
<p>Rule 43 (procedure on close of poll) of the European Parliamentary Elections Rules(15)</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p>	<p>In rule 43—</p> <p>(a) for paragraph (1A), substitute—</p> <p>“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined with the statement prepared under that paragraph of those Rules.”</p>
	<p>After rule 43, insert rules 43A (attendance at verification of ballot paper accounts) and 43B (procedure at verification of ballot paper accounts), as set out in Schedule 1 to the European Parliamentary Elections Regulations 1999(16).</p>
	<p>In rule 43B (as so inserted)—</p> <p>(a) after paragraph (5), insert—</p> <p>“(5A) The returning officer shall separate the ballot papers relating to the European Parliamentary election from those relating to the referendum.”; and</p> <p>(b) after paragraph (8), insert—</p> <p>“(8A) Where the poll at the European Parliamentary election is taken, not only with the poll at the referendum, but also with the poll at a local government election</p>

(14) Paragraph (1)(f) was amended by the Representation of the People Act 2000, section 13(4).

(15) Rule 43 was amended by S.I. 1999/1214, Schedule 3, paragraph 16.

(16) S.I. 1999/1214.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	or a parliamentary election, the returning officer shall— <ul style="list-style-type: none"><li data-bbox="933 488 1350 683">(a) make up into packets the ballot papers for the referendum and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;<li data-bbox="933 689 1350 1064">(b) deliver or cause to be delivered to the counting officer—<ul style="list-style-type: none"><li data-bbox="1013 761 1350 862">(i) those containers, together with a list of them and of the contents of each; and<li data-bbox="1013 873 1350 1064">(ii) the ballot paper accounts, together with a copy of the statement as to the result of their verification in respect of that referendum; and<li data-bbox="933 1075 1350 1534">(c) at the same time deliver or cause to be delivered to that officer packets that so relate containing—<ul style="list-style-type: none"><li data-bbox="1013 1209 1350 1276">(i) the unused and spoilt ballot papers,<li data-bbox="1013 1288 1350 1355">(ii) the tendered ballot papers, and<li data-bbox="1013 1366 1350 1534">(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty at the poll.”
Rule 44 (attendance at counting of votes) of the Parliamentary Elections Rules <i>For use where the referendum poll is taken together with that at a parliamentary election</i>	In paragraph (1), after “returning officer” insert “who is discharging the functions specified in regulation 98 of the Representation of the People Regulations 1986”.
Rule 44 (attendance at counting of votes) of the European Parliamentary Elections Rules(17) <i>For use where the referendum poll is taken together with that at a European Parliamentary election</i>	In paragraph (1), for sub-paragraphs (a) and (b), substitute “the material time”.

(17) Rule 44 was amended by S.I. [1999/1214](#), Schedule 3, paragraph 18.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
<p>Rule 45 (the count) of the Parliamentary Elections Rules(18)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>For paragraph (1) substitute—</p> <p>“(1) The returning officer shall—</p> <ul style="list-style-type: none"> (a) in the presence of the counting agents and the counting observers open each ballot box and record the number of ballot papers in it; (b) in the presence of the election agents and the counting observers verify each ballot paper account in accordance with paragraph (5) below; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each poll; and (d) separate the ballot papers relating to the parliamentary election from the ballot papers relating to the referendum.” <p>Omit paragraph (2).</p> <p>In paragraph (5), for the words from “a statement” to the end, substitute—</p> <p>“a statement as to the result of the verification—</p> <ul style="list-style-type: none"> (a) in relation to the election; and (b) in relation to the referendum.”. <p>After paragraph (5), insert—</p> <p>“(5A) Any election agent may copy the statement referred to in paragraph (5)(a) and any counting observer may copy the statement referred to in paragraph (5)(b).</p> <p>(5B) The returning officer shall—</p> <ul style="list-style-type: none"> (a) make up into packets the ballot papers for each referendum and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate; (b) deliver or cause to be delivered to the counting officer at the referendum to which the ballot papers relate—

(18) Paragraphs (1) and (1A) were substituted by the Representation of the People Act 1985, Schedule 4 paragraph 82. Paragraph (1B) was inserted by the Representation of the People Act 2000, Schedule 6, paragraph 10(4).

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>(i) those containers, together with a list of them and of the contents of each; and</p> <p>(ii) the ballot paper accounts, together with a copy of the statement as to the result of their verification in respect of that referendum; and</p> <p>(c) at the same time deliver or cause to be delivered to that officer packets that so relate containing—</p> <p>(i) the unused and spoilt ballot papers,</p> <p>(ii) the tendered ballot papers, and</p> <p>(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty at the poll.</p> <p>(5C) The returning officer shall mix together all of the ballot papers used at the election and proceed in accordance with the parliamentary election rules.</p> <p>(5D) The counting officer shall mix together all of the ballot papers used at the referendum and proceed in accordance with the LGA Referendum Rules.”.</p> <p>In paragraph (7), in sub-paragraph (a), after “election”, insert “and the referendum”.</p>
Rule 45 (the count) of the European Parliamentary Elections Rules(19) <i>For use where the referendum poll is taken together with that at a European Parliamentary election</i>	For paragraph (1), as substituted by paragraph 19 of Schedule 3 to the European Parliamentary Elections Regulations 1999, substitute— “(1) The local returning officer shall open the packets referred to in rule 43B(8) above and mix together all of the ballot papers.”.
Rule 60 (countermand or abandonment of poll on death of candidate)	Add at the end of paragraph (1)— “Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.”.
	Substitute for paragraph (2)— “(2)

(19) Rule 45 was amended by S.I. [1999/1214](#), Schedule 3, paragraphs 19 and 20.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>(3) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—</p> <p>(a) it shall not be necessary for any ballot paper account to be prepared or verified; and</p> <p>(b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and</p> <p>(c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”</p>
In the Appendix of Forms	<p>In the <i>form of declaration to be made by the companion of a voter with disabilities</i>⁽²⁰⁾—</p> <p>(a) after “this constituency” insert “and the referendum now being held in that area”; and</p> <p>(b) after “said election” in each place insert “and that referendum”.</p>

PART III

Modifications of the Principal Areas Rules

TABLE

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 18 (notice of poll)	Add at the end—

⁽²⁰⁾ The form was amended by the Representation of the People Act 2000, section 13(5).

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>“(4) The notice published under paragraph (3) shall—</p> <ul style="list-style-type: none">(a) state that the poll is to be taken together with the poll at the referendum; and(b) where the polls are to be taken together in part of the local authority area only, specify that part.”
Rule 22 (issue of official poll cards)	<p>Add at the end—</p> <p>“(5) A single official poll card may be issued in respect of both the election and the referendum.”</p>
Rule 23 (equipment of polling stations)	<p>For paragraph (4) substitute—</p> <p>“(4) A notice in the following form shall be printed in conspicuous characters and exhibited inside and outside every polling station—</p> <p>“GUIDANCE FOR VOTERS</p> <ul style="list-style-type: none">1. When you are given ballot papers, make sure they are stamped with the official mark.2. Go to one of the voting compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. Vote only for the number of candidates specified on the ballot paper for the election.3. Put no other mark on the ballot paper or your vote may not be counted.4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”” <p>For paragraph (5) substitute—</p> <p>“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate form, which shall be printed on paper of the same colour as that of the ballot</p>

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 26 (admission to polling station)(21)	<p>papers for use at the election or referendum to which the notice in question relates.”</p> <p>In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.</p> <p>After paragraph (9), insert—</p> <p>“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.</p> <p>In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab,”.</p> <p>In paragraph (1), after sub-paragraph (e), insert “(f) any person entitled under regulation 11(3) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, or rule 26(1) of the Local Elections (Principal Areas) Rules 1986, as applied for the purposes of referendums under those Regulations,”(22)</p> <p>In paragraph (3) after “Appendix” insert “with the following modifications—</p> <ul style="list-style-type: none"> (a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND REFERENDUM”; (b) after “at the election” insert “and referendum”; and (c) after “with the election” insert “and referendum”.”.
Rule 31 (voting procedure)	<p>After paragraph (3) insert—</p> <p>“(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum and one mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1)(e), to denote that a ballot paper has been received in respect of both polls; except that, where a ballot paper has been issued in respect of one poll only, a different</p>

(21) Rule 26 was amended by S.I. 2001/81, rule 9.

(22) The persons referred to are polling observers and petition organisers. Rule 26(1) of the Principal Areas Rules is applied, with modifications, in relation to petition organisers, by regulation 8 of, and Table 3 of Schedule 3 to these Regulations.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 32 (votes marked by presiding officer)	mark shall be placed in the register or in the list of proxies so as to identify the poll in respect of which the ballot paper was issued.” At the end of paragraph (2) add— “The same list may be used for the poll at the election and the poll at the referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list identifies the poll at which the ballot paper was so marked.”
Rule 33 (voting by persons with disabilities)(23)	After paragraph (4) insert— “(4A) The same list may be used for the poll at the election and the poll at the referendum and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”
Rule 34 (tendered ballot papers)	At the end of paragraph (3) add— “The same list may be used for the poll at the election and the poll at the referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the list identifies the poll at which a tendered ballot paper was marked.”
Rule 37 (procedure on close of poll)	After paragraph (1) insert— “(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined with the statement prepared under that paragraph of those Rules.”
Rule 38 (attendance at counting of votes)	In paragraph (2), after sub-paragraph (d), insert— “(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”(24).

(23) Rule 33 was substituted by S.I. 2001/81, rule 10.

(24) The persons referred to are the counting officer, counting observers, petition organisers and others permitted by the counting officer to attend for the purposes of the referendum.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 39 (the count)(25)	<p>For paragraphs (1) and (2) substitute—</p> <p>“(1) The returning officer shall—</p> <ul style="list-style-type: none"> (a) in the presence of the counting agents and the counting observers open each ballot box and record separately the number of ballot papers used in each poll; (b) in the presence of the election agents and the counting observers verify each ballot paper account in accordance with paragraph (2) below; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each poll; and (d) separate the ballot papers relating to the referendum from the ballot papers relating to the parliamentary election, the European Parliamentary election or, as the case may be, the ordinary election. <p>(1A) The returning officer shall—</p> <ul style="list-style-type: none"> (a) make up into packets the ballot papers for the referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate; (b) deliver, or cause to be delivered, to the counting officer for the referendum— <ul style="list-style-type: none"> (i) the container of ballot papers relating to the referendum; and (ii) the ballot paper account relating to the referendum, and a copy of the statement as to its verification; and (c) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing— <ul style="list-style-type: none"> (i) the unused and spoilt ballot papers; (ii) the tendered ballot papers; and

(25) Rule 39 was amended by S.I. [2001/81](#), rule 12.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.</p> <p>(2) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent or counting observer present at the verification may copy.”</p> <p>For paragraph (6) substitute—</p> <p>“(6) The returning officer shall mix together all of the ballot papers used at the election and proceed in accordance with the election rules.</p> <p>(6A) The counting officer shall mix together all of the ballot papers used at the referendum and proceed in accordance with the LGA Referendum Rules.”.</p>
Rule 49 (countermand or abandonment of poll)	<p>Add at the end of paragraph (1)—</p> <p>“Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.</p> <p>Substitute for paragraph (2)—</p> <p>“(2) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—</p> <p>(a) it shall not be necessary for any ballot paper account to be prepared or verified; and</p> <p>(b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall</p>

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and</p> <p>(c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.””</p>
<p>In the Appendix</p> <p><i>Form of declaration of identity for use where postal votes are combined</i></p>	<p>In the Form of declaration of identity—</p> <p>(a) after “REPRESENTATION OF THE PEOPLE ACTS”, insert “[<i>name of Council</i>] REFERENDUM”;</p> <p>(b) for “Ballot Paper No.”, substitute “Ballot Paper Nos.”;</p> <p>(c) for “the ballot paper numbered as above was sent”, substitute “the ballot papers numbered as above were sent”;</p> <p>(d) in paragraph 2 of the Instructions to the Voter, after “one candidate only.)]”, insert “In the referendum, vote once only.”;</p> <p>(e) in paragraph 3 of those Instructions, for “the ballot paper”, substitute “each ballot paper”; and</p> <p>(f) in paragraph 7 of those Instructions, for “With your application you must return”, substitute “If you do this you MUST RETURN ALL THE BALLOT PAPERS YOU HAVE RECEIVED, together with the spoilt paper. In addition, in your application for fresh postal ballot papers you MUST RETURN”.</p>
<p><i>Form of declaration of identity for use where there are separate postal votes</i></p>	<p>In the Form of declaration of identity—</p> <p>(a) after “REPRESENTATION OF THE PEOPLE ACTS”, insert “To be returned with the [<i>insert colour of ballot paper</i>] coloured ballot paper No.”;</p> <p>(b) after “the person to whom”, insert “[<i>insert colour of ballot paper</i>]”;</p> <p>(c) in paragraph 1 of the Instructions to the Voter, after “known to you.”, insert “<i>You are required to do this even if you have already signed a declaration of identity in respect of another election or referendum to be held on the same day.</i>”;</p> <p>(d) in paragraph 2 of those Instructions, omit “[<i>(Vote for one candidate only)</i>]”; and</p> <p>(e) for paragraph 4 of those Instructions, substitute—</p>

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>“4. Different colours are used for the ballot papers for [each] [the] election and referendum. Each ballot paper has its own ballot paper envelope (the smaller envelope marked “A”), declaration of identity and covering envelope (the larger envelope marked “B”). The covering envelope and declaration for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:</p> <ul style="list-style-type: none">(a) place [each][the] ballot paper in the correct smaller envelope and seal it;(b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;(c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.”.
<p><i>Form of declaration to be made by the companion of a voter with disabilities</i>(26)</p>	<p>After “this electoral area” insert “and the referendum now being held in that area”.</p> <p>After “said election” in each place insert “and that referendum”.</p>

(26) The form was amended by S.I. [2001/81](#), rule 15.

PART IV

APPLICATION, WITH MODIFICATIONS, OF THE GLA ELECTIONS RULES

In this Part—

“GLA constituency” means an area for the time being specified in an order made by the Secretary of State under section 2(4) of the Greater London Authority Act 1999⁽²⁷⁾;

“GLA election” means an election under one or more of—

- (a) the Constituency Members Election Rules,
- (b) the London Members Election Rules,
- (c) the Mayoral Elections Rules, and
- (d) the Ordinary Elections rules;

and expressions used in both this Part and in any of Schedules 1, 2 and 3 to the GLA Elections Rules have the same meaning for the purposes of this Part as they have for the purposes of that Schedule.

TABLE

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
CMER 15 ⁽²⁸⁾	Add at the end of paragraph (2)—
LMER 16 ⁽²⁹⁾	“(e) shall be of a different colour from that of any ballot papers used at the referendum the poll at which is taken together with the poll at the GLA election”
MER 16 ⁽³⁰⁾ (the ballot papers)	
CMER 19	Add at the end—
LMER 20	“(4) The notice published under paragraph (3) shall—
MER 20 (notice of poll)	(a) state that the poll at the GLA election is to be taken together with the poll at a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001; and (b) specify the area in which the referendum is held.”
CMER 23	In paragraph (4), for “or, as the case may be, a London borough election”, substitute “a London borough election or, as the case may be, a referendum”.
LMER 24	
MER 24	

⁽²⁷⁾ 1999 c. 29.

⁽²⁸⁾ The Constituency Members Election Rules set out in Schedule 1 to the GLA Elections Rules (S.I. 2000/427, amended by S.I. 2000/1040).

⁽²⁹⁾ The London Members Election Rules set out in Schedule 2 to the GLA Elections Rules.

⁽³⁰⁾ The Mayoral Election Rules set out in Schedule 3 to the GLA Elections Rules.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
(issue of official poll cards)	
CMER 24	For paragraph (2), substitute—
LMER 25	“(2) The ballot papers shall, as the returning officer may decide, be placed—
MER 25	(a) in a single ballot box; or
(equipment of polling stations)	(b) in separate ballot boxes according to whether the votes given on them are cast in the election or the referendum.”.
	For paragraph (4) in the CMER and LMER, substitute—
	“(4) In every compartment of every polling station there shall be exhibited notices in the appropriate forms, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or the referendum to which the notice in question relates.”
	For paragraph (5) in the MER, substitute—
	“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate forms, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or the referendum to which the notice in question relates.”
CMER 32	Add at the end—
LMER 33	“(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum.
MER 33	(5) One mark may be placed in that register under paragraph (1)(d) to denote that a ballot paper has been received in respect of both the election and the referendum; except that, where a ballot paper has been issued in respect of either the election only, or the referendum only, a different mark shall be placed in the register so as to identify that the ballot paper was issued in respect of the election or, as the case may be, the referendum.”
(voting procedure)	
CMER 39(1)	For paragraph (1) substitute—
(attendance at counting of votes)	

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
LMER 40(1) (attendance at local count) MER 40(1) (attendance at local count)	<p>“(1) As soon as practicable after the close of the polls, the CRO shall make arrangements for counting the votes at the election and the referendum in the presence of—</p> <p style="padding-left: 40px;">(a) the counting agents appointed for the purposes of the GLA election; and</p> <p style="padding-left: 40px;">(b) the counting observers appointed for the purposes of the referendum,</p> <p>and he shall give to those counting agents and counting observers notice in writing of the time and place at which he will begin to count the votes.”</p>
CMER 39(2) to (5)	<p>In paragraph (2), after subparagraph (d), insert—</p> <p style="padding-left: 40px;">“(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at the counting of the votes at the referendum.”.</p> <p>In paragraph (3)(a), before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”.</p> <p>In paragraph (4), after “counting agents”, insert “and the counting observers”.</p> <p>In paragraph (5)—</p> <p style="padding-left: 20px;">(a) after “the candidate for whom”, insert “or the answer for which”;</p> <p style="padding-left: 20px;">(b) after “each candidate”, insert “or each answer”; and</p> <p style="padding-left: 20px;">(c) after “counting agents”, insert “and the counting observers”.</p>
LMER 40(2) to (5)	<p>In paragraph (2), after sub-paragraph (d), insert—</p> <p style="padding-left: 40px;">“(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>the counting of the votes at the referendum.”.</p> <p>In paragraph (3)(a), before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”.</p> <p>In paragraph (4), after “counting agents”, insert “and the counting observers”.</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none">(a) after “for whom”, insert “, or the answer for which,”;(b) after “or party”, insert “or answer”;and(c) after “counting agents”, insert “and the counting observers”.
MER 40(2) to (5)	<p>In paragraph (2), after sub-paragraph (d), insert—</p> <ul style="list-style-type: none">“(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at the counting of the votes at the referendum.”. <p>In paragraph (4), after “counting agents”, insert “and the counting observers”.</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none">(a) after “the candidate for whom”, insert “or the answer for which”;(b) after “each candidate”, insert “or each answer”; and(c) after “counting agents”, insert “and the counting observers”.
CMER 40 LMER 41 MER 41 (the count)	<p>In paragraph (1)—</p> <ul style="list-style-type: none">(a) after “returning officer”, insert “who is discharging the functions specified in regulation 98 of the Representation of the People Regulations 1986”;(b) for the words after “shall” substitute—<ul style="list-style-type: none">“(a) in the presence of the counting agents appointed for the purposes of the GLA election and the counting observers appointed for the

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>purposes of the referendum, open each ballot box and record separately the number of ballot papers used in the election and in the referendum;</p> <p>(b) in the presence of the election agents appointed for the purposes of the GLA election and the counting observers appointed for the purposes of the referendum, verify each ballot paper account;</p> <p>(c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and the referendum;</p> <p>(d) separate the ballot papers relating to the GLA election from the ballot papers relating to the referendum;</p> <p>(e) make up into packets the ballot papers relating to the referendum and seal them up in a container endorsing on it a description of the area to which the ballot papers relate;</p> <p>(f) deliver or cause to be delivered to the counting officer for the referendum to which the ballot papers relate—</p> <ul style="list-style-type: none"> (i) the container, together with a list of its contents; and (ii) the ballot paper account together with a copy of the statement as to the result of its verification in respect of the referendum; and

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(g) at the same time deliver to that officer packets that so relate containing—</p> <ul style="list-style-type: none"> (i) the unused and spoilt ballot papers, (ii) the tendered ballot papers, and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.”.

For paragraph (2), substitute—

“(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the GLA election and count the votes given on them.

(2A) Paragraph (6) does not apply to proceedings under paragraph (1) or (2).”.

CMER 50

LMER 51

MER 51

(delivery of documents)

CMER 51

LMER 58

MER 56

(countermand or abandonment of poll)

In Schedule 5 (forms), Form 8 (declaration of identity—constituency and mayoral elections otherwise than at ordinary elections) and Form 9 (declaration of identity—ordinary elections)

Add at the end of paragraph (1)—

“Provided that neither the countermand of the poll at the GLA election nor the direction that that poll be abandoned shall affect the poll at the referendum.”

- (a) (a) For “Ballot Paper No.” or, as the case may be, “Ballot Paper Nos.”, substitute “Ballot Paper No(s).”
- (b) In paragraph 2 of the section entitled “INSTRUCTIONS TO THE VOTER”, for the words from the beginning to the end of the bracket substitute “*[At the election vote for one candidate only.] [At the”

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	election vote for no more than candidates.] [At the Mayoral election, vote once for your first choice and once for your second choice.] [At the referendum, vote “yes” or “no” by putting a cross (X) in one box only.] *complete or omit as appropriate.”

PART V

COMBINED POLLS AT REFERENDUMS: MODIFICATIONS OF THE RULES IN SCHEDULE 2 TO THE PRINCIPAL AREAS RULES, AS MODIFIED BY SCHEDULE 4 TO THOSE RULES

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 1 (timetable)	Omit the words from “Delivery” in the first place where that word appears to “day of election” in the fourth place where those words appear. Omit the item “Polling”.
Rule 2	Omit
Rule 3 (notice of referendum)	For paragraph (1), substitute “(1) The counting officer shall publish notice of the referendum stating the date of the poll.” In paragraph (2), substitute “referendum” for “election”, in both places.
Rules 4 to 12	Omit.
Rule 13 (poll to be taken by ballot)	Omit the words from “the result” to the end.
Rule 14	Omit.
Rule 15 (the official mark)	For paragraph (2) substitute— “(2) The official mark shall be kept secret.” In paragraph (3) omit “at the same election”.
Rule 16 (prohibition of disclosure of vote)	For “election”, in both places, substitute “referendum”.
Rule 17 (use of schools and public rooms)	
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraphs (b) to (d), substitute—

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>“and</p> <p>(b) the question to be asked in the referendum.”.</p> <p>For paragraph (2) substitute—</p> <p>“(2) The notice of poll shall be published not later than the sixth day before the date of the referendum.”.</p> <p>In paragraph (3), omit the words from “and he shall” to the end.</p> <p>In paragraph (4)—</p> <p>(a) for sub-paragraph (a), substitute—</p> <p>“(a) state that the poll at the referendum is to be taken together with the poll at another referendum or, as the case may be, an election or elections;”;</p> <p>and</p> <p>(b) omit sub-paragraph (b).</p>
Rule 19 (postal ballot papers)	For “returning officer” substitute “counting officer”.
Rule 20 (provision of polling stations)	
In paragraph (1)—	
(a) for “returning officer”, substitute “counting officer”; and	
(b) for “electors”, substitute “voters”.	
In paragraph (3)—	
(a) for “electors”, substitute “voters”;	
(b) for “electoral area”, in the first place where those words appear, substitute “voting area”; and	
(c) omit “, unless that place is outside the electoral area”.	
In paragraph (4), for “returning officer” substitute “counting officer”.	
Rule 21 (appointment of presiding officers and clerks)	In paragraph (1)—
	(a) for “returning officer”, substitute “counting officer”; and
	(b) omit the words from “but he shall not appoint” to the end.

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 22 (issue of official poll cards)	<p>In paragraph (2), for “returning officer”, substitute “counting officer”.</p> <p>In paragraph (1)—</p> <ul style="list-style-type: none"> (a) for “returning officer”, substitute “counting officer”; (b) for “electors”, substitute “voters”; (c) for “an elector”, substitute “a voter”; and (d) for “election”, in both places, substitute “referendum”. <p>In paragraph (2), for “An elector's”, substitute “A voter's”.</p> <p>In paragraph (3)—</p> <ul style="list-style-type: none"> (a) for “the electoral division or ward to which councillors are to be elected”, substitute “the voting area;”; and (b) for “the elector's”, in both places, substitute “the voter's”. <p>For paragraph (5) substitute—</p> <p>“(5) An official poll card issued under this rule may be combined with the official poll card issued at an election or, as the case may be, another referendum.”.</p>
Rule 23 (equipment of polling stations)	<p>In paragraph (1), for “returning officer”, in both places, substitute “counting officer”.</p> <p>For paragraph (1A), substitute—</p> <p>“(1A) The ballot papers shall, as the counting officer may decide, be placed—</p> <ul style="list-style-type: none"> (a) in a single ballot box; or (b) in separate ballot boxes according to the referendum in which the votes given on them are cast.”. <p>In paragraph (3)—</p> <ul style="list-style-type: none"> (a) for “returning officer”, substitute “counting officer”; (b) for “electoral area”, in both places, substitute “voting area”; (c) for “electors”, in the second place where that word appears, substitute “voters”; and (d) for “election”, substitute “referendum”. <p>For paragraph (5) substitute—</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 24 (appointment of polling and counting Agents)	<p>“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate form, which shall be printed on paper of the same colour as that of the ballot papers for use at the referendum or election to which the notice in question relates.”.</p> <p>In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.</p> <p>After paragraph (9), insert—</p> <p>“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.</p> <p>In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab.”.</p> <p>Omit paragraphs (1) to (3), (5), (7) and (11).</p> <p>In paragraph (4)—</p> <p>(a) for “counting agents”, “counting agent” and “agent”, substitute “counting observers”, “counting observer” and “observer”, respectively;</p> <p>(b) for “candidate” and “candidates”, substitute “petition organiser” and “petition organisers”, respectively;</p> <p>(c) for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively; and</p> <p>(d) for “returning officer”, substitute “counting officer”.</p> <p>In paragraph (6)—</p> <p>(a) for “an agent” (in the first place where those words appear), and “candidate”, substitute “a counting observer” and “counting officer”, respectively; and</p> <p>(b) omit the words from “and shall” to the end.</p> <p>After paragraph (6), insert—</p> <p>“(6A) Notice of the nomination of counting observers which is required by paragraph (6) to be given to the counting officer shall be</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>given to the returning officer or counting officer who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986.”</p> <p>In paragraph (8)—</p> <ul style="list-style-type: none"> (a) omit “polling agents and”; (b) for “counting agents” and “agents”, substitute “counting observers”; and (c) in sub-paragraph (a), omit “and notified”. <p>In paragraph (9)—</p> <ul style="list-style-type: none"> (a) for “a counting agent by the returning officer”, substitute “a counting observer by the counting officer”; and (b) for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”. <p>In paragraph (10)—</p> <ul style="list-style-type: none"> (a) for “candidate” substitute “petition organiser”; (b) for “polling or counting agent” substitute “counting observer”; and (c) for “agent” substitute “counting observer”. <p>In paragraph (12)—</p> <ul style="list-style-type: none"> (a) for “these rules” substitute “the LGA Referendum Rules”; (b) for “polling or counting agents” substitute “counting observers”; and (c) for “agent or agents” substitute “such observer or observers”.
Rule 25 (notification of requirement of secrecy)	For “returning officer” substitute “counting officer”.
Rule 26 (admission to polling station)	<p>In paragraph (1), after sub-paragraph (e), insert “(f) the polling observers and petition organisers, and the elected mayor (if any) of the council in respect of which the referendum is held.”</p> <p>In paragraph (3) after “Appendix” insert “with the following modifications—</p> <ul style="list-style-type: none"> (a) immediately below “REPRESENTATION OF THE

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND REFERENDUM”; (b) after “at the election” insert “and referendum”; and (c) after “with the election” insert “and referendum””. Omit paragraph (2).
Rule 27 (keeping of order in station) Rule 28 (sealing of ballot boxes) Rule 29 (questions to be put to voters)	For paragraphs (1) and (2) substitute— “(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions. (2) In the case of a person applying to vote on his own behalf, the relevant questions are— (a) “Are you the person registered in the register of local government electors for this electoral area as follows?” (<i>read the whole entry from the register.</i>) (b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?” (2A) In the case of a person applying as proxy, the relevant questions are— (a) “Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?” (b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of C.D.?” (2B) In the case of a person applying as proxy, the presiding officer may put the following additional question— “Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?” and, if that question is not answered in the affirmative, the following question—

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>“Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”</p>
<p>Rule 30 (challenge of voters)</p>	<p>In paragraph (1), for “a candidate or his election or polling agent”, substitute “any petition organiser or polling observer permitted to be present in accordance with rule 26, as modified”.</p>
<p>Rule 31 (voting procedure)</p>	<p>For paragraph (4), substitute—</p> <p>“(4) The same copy of the register of electors may be used under paragraph (1) for each referendum or, as the case may be, the referendum and the election.</p> <p>(5) One mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each referendum or, as the case may be, the referendum and the election; except that—</p> <p>(a) where the polls at two referendums are taken together, and a ballot paper has been issued in respect of one referendum only, different marks shall be placed in the register or, as the case may be, the list, so as to identify the referendum in respect of which the ballot paper was issued; and</p> <p>(b) where the polls at a referendum and an election are taken together, and ballot papers have been issued in respect of either the referendum only, or the election only, different marks shall be placed in the register or, as the case may be, the list, so as to indicate whether the ballot paper was issued in respect of the referendum or the election.”.</p>
<p>Rule 32 (votes marked by presiding officer)</p>	<p>For the words inserted by paragraph 10 of Schedule 4 to the Principal Areas Rules substitute—</p> <p>“The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 33 (voting by persons with disabilities) (31)	<p>identifies the poll at which the ballot paper was so marked.”.</p> <p>In paragraph (3), in sub-paragraph (a), for “an elector at the election”, substitute “a voter at the referendum”.</p> <p>After paragraph (4), insert—</p> <p>“(4A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”.</p>
Rule 34 (tendered ballot papers)	<p>For the words inserted by paragraph 12 of Schedule 4 to the Principal Areas Rules substitute—</p> <p>“The same list may be used for both polls, and where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the list identifies the poll at which a tendered ballot paper was marked.”.</p>
Rule 35 (spoilt ballot papers)	
Rule 36 (adjournment of poll in case of riot)	<p>In paragraph (1), after the words inserted by paragraph 13 of Schedule 4 to the Principal Areas Rules, insert—</p> <p>“or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 are to be discharged.”.</p>
Rule 37 (procedure on close of poll)	<p>For paragraph (1A), substitute the following—</p> <p>“(1A) As regards each referendum or, as the case may be, the referendum and the election, the contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall be kept separate; and the statements prepared under paragraph (3) shall not be combined.”</p> <p>In paragraph (1B), (inserted by paragraph 14 of Schedule 4 to the Principal Areas Rules), at the end insert—</p>

(31) Rule 33 was substituted by S.I. [2001/81](#), rule 10.

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
<p>Rule 39 (the count), where the polls at two referendums are taken together.</p>	<p>“or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 are to be discharged.”.</p> <p>For paragraph (1), substitute—</p> <p>“(1) The counting officer who is discharging the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 shall, in the presence of the counting observers—</p> <ul style="list-style-type: none"> (a) open each ballot box and record separately the number of ballot papers used in each referendum; (b) count such of the postal ballot papers as have been duly returned and record separately the number counted in each referendum; (c) separate the ballot papers relating to each referendum; (d) verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list), and shall draw up a statement as to the result of the verification, which any counting observer present at the verification may copy; (e) make up into packets the ballot papers for each referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate; (f) deliver, or cause to be delivered, to the counting officer— <ul style="list-style-type: none"> (i) the container of ballot papers relating to each referendum; and (ii) the ballot paper account relating to each referendum, and a

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	copy of the statement as to its verification; and (g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing— (i) the unused and spoilt ballot papers; (ii) the tendered ballot papers; and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.”

For paragraph (2), substitute—

“(2) After completion of the proceedings under paragraph (1), the counting officer for each referendum shall, separately as regards each referendum, mix together all of the ballot papers used at that referendum and count the votes given on them, and thereafter the proceedings in relation to each referendum shall be conducted in accordance with the LGA Referendum Rules.”

In paragraph (3)(32)—

- (a) in sub-paragraph (a)—
 - (i) for “returning officer”, substitute “counting officer”; and
 - (ii) for “electoral area”, substitute “voting area”.

In paragraph (3A), in sub-paragraph (a), for “returning officer”, substitute “counting officer”.

In paragraphs (4) and (5), for “returning officer”, substitute “counting officer”.

In paragraph (6)—

- (a) for “returning officer”, substitute “counting officer”; and
- (b) for “election agent”, substitute “counting observer present at the verification”.

In paragraph (7)—

(32) Paragraphs (3) and (3A) were substituted for paragraph (3) by S.I. 2001/81, rule 12.

(1) <i>Provision and, if of limited application, relevant circumstances</i>	(2) <i>Modification</i>
Rule 39, where the polls at a referendum and an election are taken together.	<p>(a) for “returning officer”, substitute “counting officer”;</p> <p>(b) for “the agents”, substitute “the counting observers”; and</p> <p>(c) omit the words from “For the purposes” to “counting agents”.</p> <p>In paragraph (8), for “returning officer”, substitute “counting officer”.</p> <p>For paragraphs (1) and (2), substitute—</p> <p>“(1) The returning officer shall—</p> <p>(a) in the presence of the counting agents appointed for the purposes of the election and the counting observers, open each ballot box and record separately the number of ballot papers used in the election and the referendum;</p> <p>(b) in the presence of the election agents appointed for the purposes of the election and the counting observers, verify each ballot paper account;</p> <p>(c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and the referendum;</p> <p>(d) separate the ballot papers relating to the election from the ballot papers relating to the referendum;</p> <p>(e) make up into packets the ballot papers for the election and the referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;</p> <p>(f) deliver, or cause to be delivered, to the counting officer—</p> <p>(i) the container of ballot papers relating to the referendum; and</p> <p>(ii) the ballot paper account relating to the referendum, and a copy of the statement as to its verification; and</p> <p>(g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>(i) the unused and spoilt ballot papers;</p> <p>(ii) the tendered ballot papers; and</p> <p>(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.</p> <p>(2) After completion of the proceedings under paragraph (1), the counting officer shall mix together all of the ballot papers used at the referendum and count the votes given on them; and thereafter the proceedings in relation to the referendum shall be conducted in accordance with the LGA Referendum Rules.”.</p> <p>In paragraph (6), after “election agent”, insert “or counting observer present at the verification”.</p>
Rule 49 (countermand or abandonment of poll)	<p>Add at the end of paragraph (1)—</p> <p>“Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.”</p> <p>Substitute for paragraph (2)—</p> <p>“(2) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—</p> <p>(a) it shall not be necessary for any ballot paper account to be prepared or verified; and</p> <p>(b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall</p>

<i>(1)</i> Provision and, if of limited application, relevant circumstances	<i>(2)</i> Modification
The Appendix of Forms:	<p>seal up all of those ballot papers, whether the votes on them have been counted or not; and</p> <p>(c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”</p> <p>On the front of the form, after</p>
Form of declaration of identity for use where postal ballots are taken together	<p>“REPRESENTATION OF THE PEOPLE ACTS”, insert—</p> <p>“<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>On the back of the form—</p> <p>(a) in paragraph 2—</p> <p>(i) after “candidates.]”, insert “In the referendum, vote once only.”;</p> <p>(ii) after “elections”, insert “or referendums”; and</p> <p>(iii) for “regulation 78” substitute “regulation 66”; and</p> <p>(b) in paragraph 3, after “candidates”, insert “and answers”.</p>
The Appendix of Forms:	<p>On the front of the form, for</p>
Form of declaration of identity for use unless postal ballots are taken together	<p>“REPRESENTATION OF THE PEOPLE ACTS” substitute—</p> <p>“<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>On the back of the form—</p> <p>(a) in paragraph 1, for “another election”, substitute “an election”;</p> <p>(b) in paragraph 2, for the first sentence, substitute “Vote either “YES” or “NO”.”</p> <p>(c) in paragraph 3—</p> <p>(i) for “Mark”, substitute “On the (<i>specify colour</i>) ballot paper, mark”; and</p> <p>(ii) for “candidate” substitute “answer”;</p> <p>(d) in paragraph 4, for “each election”, substitute “[the][each] referendum and election”;</p> <p>(e) in paragraph 5, for “same election”, substitute “same referendum”; and</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
The Appendix of Forms: Form of directions for the guidance of the voters in voting	(f) in paragraph 6, for “At this election” substitute “At this referendum”. Substitute— “GUIDANCE FOR VOTERS 1. When you are given ballot papers, make sure they are stamped with the official mark. 2. Go to one of the voting compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. Vote only for the number of candidates specified on the ballot paper for the election. 3. Put no other mark on the ballot paper or your vote may not be counted. 4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station. 5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.
The Appendix of Forms: Form of declaration to be made by the companion of a voter with disabilities	<i>Where the polls at two referendums are combined</i> For “election now being held in this electoral area” substitute “referendums now being held in the county and the (<i>specify the relevant district or, as the case may be, the relevant districts</i>)”. For “said election”, in both places, substitute “the referendums”. <i>Where the polls at two referendums are combined with the poll at an election</i> After “election now being held in this electoral area” insert “and referendums now being held in (<i>specify the relevant county and district or, as the case may be, the relevant districts</i>)”. After “said election”, in both places, insert “and the referendums”.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums) (England) Regulations 2001 No. 1298*