

SCHEDULE 5

THE NEIGHBOURHOOD PLANNING REFERENDUMS (COMBINATION OF POLLS) RULES

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 form set out in Form 1, 2 or 3 in the Appendix (as the case may be).
- (3) Every ballot paper—
- (a) must be capable of being folded up;
 - (b) must have a number and other unique identifying mark printed on the back; and
 - (c) must be a different colour from the ballot papers used at any relevant election.

The corresponding number list

- 8.—(1) Subject to paragraph (2), the relevant returning or counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by that officer in pursuance of rule 14(1) or provided by that officer in pursuance of rule 18(1).
- (2) Where proceedings on the issue and receipt of postal ballot papers in the referendum are not taken together with such proceedings at one or more relevant elections, the counting officer must prepare the list mentioned in paragraph (1) in respect of all of the ballot papers to be issued by the officer in pursuance of rule 14(1).
- (3) The list must be in the form set out in Form 4 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, in any legal proceeding to question the referendum, required to state for which answer that person has voted.

Use of schools and public rooms

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

- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996⁽¹⁾) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

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

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

- (a) in the case of the counting officer, the counting of the votes; and
- (b) in the case of the relevant returning or counting officer, the taking of the poll and the discharging of the functions under rule 37(1).

Cross-boundary referendum areas

12.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where this rule applies, the Chief Counting Officer must ensure, as far as practicable, that any ballot paper or other document issued in relation to the referendum is in the same form (except for necessary changes) and is issued on the same date in respect of each relevant council.

(1) 1996 c.56.