

SCHEDULE 5

THE NEIGHBOURHOOD PLANNING REFERENDUMS (COMBINATION OF POLLS) RULES

PART 4

Action to be Taken Before the Poll

Notice of poll

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

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

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

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

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

(4) The notice published under paragraph (3) must—

- (a) state that the poll at the referendum is to be taken together with the poll at a relevant election;
- (b) specify the parliamentary constituency, electoral area, local counting area, Assembly constituency, voting area or, as the case may be, the relevant local authority area for which the relevant election is held; and
- (c) where any of the polls are to be taken together in part of the area only, specify that part.

Postal ballot papers

14.—(1) The relevant returning or counting officer must, in accordance with regulations made under the 1983 Act⁽¹⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement in the form set out in Form 6 or 7 in the Appendix (as the case may be), or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.

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

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

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

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

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

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

Provision of polling stations

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

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

(3) In paragraph (2) “combined functions” means functions under regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004.

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

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

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

Appointment of presiding officers and polling clerks

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

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

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the 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

17.—(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 form set out in Form 8, 9, 10 or 11 in the Appendix (as the case may be), or a form to like effect, and must set out—

(a) the name of the relevant council and of the neighbourhood area;

(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 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.

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

Equipment of polling stations

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

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

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

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of such part of the register of electors as contains the names of the voters who have the station allotted to them;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors or the part of it provided under sub-paragraph (b);
- (d) a list, in the form set out in Form 5 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(5) The reference in paragraph (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⁽²⁾ in respect of alterations to the register.

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

- (a) at least one large version of each ballot paper which must be printed on the same colour paper as the corresponding ballot paper and displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and

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

(b) a device of such description as is set out in paragraph (11) for enabling voters and proxies who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 29(1)).

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

(a) as to the election or referendum to which it relates, as shown on the ballot papers for the election or referendum; and

(b) with the words “Place the [*specify colour of ballot papers in question*] ballot papers here”.

(8) A notice in the form set out in Form 12 in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

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

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

“*PARLIAMENTARY ELECTION

(*specify colour*) ballot paper)

vote for ONE candidate only

*EUROPEAN PARLIAMENTARY ELECTION

(*specify colour*) ballot paper)

vote for ONE party or individual candidate only

*[*specify name of council*] COUNCIL ELECTION

(*specify colour*) ballot paper)

*vote for no more than candidates

*vote for ONE candidate only

*ELECTION OF THE MAYOR OF LONDON

(*specify colour*) ballot paper)

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

*ELECTION OF THE LONDON ASSEMBLY

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

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

*ELECTION OF MAYOR for [*specify name of council*]

(*specify colour*) ballot paper)

*vote for ONE candidate only

*vote once in column 1 for first choice (X) and vote once in column 2 for your second choice (X)

*ELECTION OF POLICE AND CRIME COMMISSIONER FOR [*specify name of force area*]
POLICE FORCE AREA

[*specify colour*] ballot paper)

*vote for ONE candidate only

*vote once in column 1 for first choice (X) and vote once in column 2 for your second choice (X)

*REFERENDUM on [*specify name of authority in respect of which referendum is held*]'s council tax increase for the financial year [*specify financial year*]

[*specify colour*] ballot paper)

Mark a cross (X) in the box next to the answer of your choice

Vote ONCE only

*[*specify name of council*] REFERENDUM

[*specify colour*] ballot paper)

Mark a cross (X) in the box next to the answer of your choice

Vote ONCE only

*REFERENDUM ON [*specify: neighbourhood plan / neighbourhood development order or community right to build order*] FOR [*specify name of neighbourhood area*].

Mark a cross (X) in the box next to the answer of your choice

Vote ONCE only

DO NOT MARK THE BALLOT PAPERS IN ANY OTHER WAY, OR YOUR VOTE MAY NOT BE COUNTED”

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

(11) The device referred to in paragraph (6)(b) must—

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

Appointment of polling observers and counting observers

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

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

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

(4) Not more than four polling observers or polling agents, or such greater number as the relevant returning or counting officer may by notice allow, are permitted to attend at any particular polling

station and if the number of such polling observers or agents exceeds that number, the relevant returning or counting officer must determine which polling observer or agents are permitted to attend by lot and only the polling observers and agents on whom the lot falls is deemed to have been duly appointed.

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

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

(7) 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.

(8) 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

20.—(1) The relevant returning or counting officer must make such arrangements as the 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⁽³⁾, 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

21.—(1) Where—

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

the relevant returning or counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act⁽⁴⁾.

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

(3) Rule 37(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

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

(4) See regulation 84(7) of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), as amended by S.I. 2006/2910.

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