

SCHEDULES

SCHEDULE 2

Absent voting in PCC elections

PART 1

Manner of voting at PCC election and entitlement to absent vote

Manner of voting at PCC elections

1.—(1) This paragraph applies to determine the manner of voting of a person (“P”) entitled to vote as an elector at a PCC election.

(2) P may vote in person at the polling station to which he or she is allotted under the PCC elections rules, unless P is entitled as an elector to vote by post or by proxy at the PCC election.

(3) P may vote by post if P is entitled as an elector to vote by post at the PCC election.

(4) If P is entitled to vote by proxy at the PCC election, P may so vote unless, before a ballot paper has been issued for P to vote by proxy, P applies at the polling station to which he or she is allotted under the PCC elections rules for a ballot paper for the purpose of voting in person, in which case P may vote in person there.

(5) If—

(a) P is not entitled to vote by post or by proxy at a PCC election, but

(b) P cannot reasonably be expected to go in person to the polling station to which P is allotted under the PCC elections rules by reason of the particular circumstances of P’s employment, either as a constable or by a local returning officer, on the date of the poll for a purpose connected with the PCC election,

P may vote in person at any polling station in the same voting area as the allotted polling station.

(6) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether the person is registered by virtue of that provision or not; and such a person may vote—

(a) in person (where the person is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or

(b) by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the PCC election).

(7) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7A of the 1983 Act (persons remanded in custody) applies, whether the person is registered by virtue of that provision or not; and such a person may vote only by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the PCC election).

(8) Sub-paragraph (2) does not prevent a person, at the polling station to which he or she is allotted, marking a tendered ballot paper in pursuance of rule 40 of the PCC elections rules (votes marked by presiding officer).

Entitlement to absent vote at PCC elections

2.—(1) A person entitled to vote in a PCC election is entitled to vote by post or by proxy if sub-paragraph (2) or (3) (as the case may be) applies to the person.

(2) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 4(2) as entitled to vote by post in a PCC election.

(3) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 4(3) as entitled to vote by proxy in a PCC election.

Application to vote by post or proxy at a particular PCC election

3.—(1) Where a person applies to the registration officer to vote by post at a particular PCC election, the officer must grant the application if—

- (a) the officer is satisfied that the applicant is or will be registered in the register of electors, and
- (b) the application contains the applicant's signature and date of birth and meets the requirements set out in Part 2 of this Schedule.

(2) Where a person applies to the registration officer to vote by proxy at a particular PCC election, the officer must grant the application if—

- (a) the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station to which the applicant is, or is likely to be, allotted under the PCC elections rules,
- (b) the officer is satisfied that the applicant is or will be registered in the register of electors, and
- (c) the application contains the applicant's signature and date of birth and meets the requirements set out in Part 2 of this Schedule.

(3) Where a person who has an anonymous entry in the register applies to the registration officer to vote by proxy at a particular PCC election, the registration officer must grant the application if it meets the requirements set out in Part 2 of this Schedule.

(4) Nothing in sub-paragraph (1), (2) or (3) applies to—

- (a) a person who is included in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 (absent vote at parliamentary or local government elections for definite or indefinite period)(1), or
- (b) a person who is included in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 (absent vote at European Parliamentary elections for definite or indefinite period)(2).

(5) But if a person is included in a record mentioned in sub-paragraph (4) and is shown in the record as voting by post, the person may, in respect of a particular PCC election, apply to the registration officer—

- (a) for his or her ballot paper to be sent to a different address from that shown in the record, or
- (b) to vote by proxy.

(1) Schedule 4 to the Representation of the People Act 2000 (c.2) also has effect in relation to mayoral elections in England and Wales by virtue of Schedule 2 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024). It also has effect in relation to referendums in England by virtue of Schedule 4 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323) and Schedule 4 to the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444).

(2) S.I. 2004/293.

- (6) The registration officer must grant an application under sub-paragraph (5) if—
 - (a) in the case of any application, it meets the requirements set out in Part 2 of this Schedule, and
 - (b) in the case of an application to vote by proxy, the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station to which the applicant is, or is likely to be allotted, under the PCC elections rules.
- (7) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)(c) for the applicant to provide a signature if the officer is satisfied that the applicant is unable—
 - (a) to provide a signature because of any disability the applicant has, or
 - (b) to provide a signature because the applicant is unable to read or write, or
 - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (8) The registration officer must keep a record of those whose applications under this paragraph have been granted showing—
 - (a) their dates of birth, and
 - (b) except in cases where the registration officer in pursuance of sub-paragraph (7) has dispensed with the requirement to provide a signature, their signatures.
- (9) The record kept under sub-paragraph (8) must be retained by the registration officer for the period specified in paragraph 26 of this Schedule (the personal identifiers record).

Absent voter lists

4.—(1) The registration officer must, in respect of each PCC election, keep the two special lists mentioned in sub-paragraphs (2) and (3).

- (2) The first of those lists (“the postal voters list”) is a list of—
 - (a) the persons who are for the time being shown as voting by post in the record referred to in paragraph 3(4)(a) or (b), together with (in each case) the addresses provided in their applications under, as the case may be—
 - (i) paragraph 3 of Schedule 4 to the Representation of the People Act 2000,
 - (ii) paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004, or
 - (iii) paragraph 3(5)(a) of this Schedule,as the address to which their ballot papers are to be sent;
 - (b) the persons whose application under paragraph 3(1) of this Schedule to vote by post at the PCC election have been granted, together with the addresses provided in their applications as the address to which their ballot papers are to be sent.
- (3) The second list (“the list of proxies”) is a list of—
 - (a) the persons who are for the time being shown as voting by proxy in the record referred to in paragraph 3(4)(a) or (b), together with (in each case) the names and addresses of the proxies appointed under, as the case may be—
 - (i) paragraph 6 of Schedule 4 to the Representation of the People Act 2000,
 - (ii) paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations 2004;
 - (b) the persons whose application under paragraph 3(2), (3) or (5)(b) of this Schedule to vote by proxy at the PCC election have been granted, together with (in each case) the names and addresses of the proxy appointed under paragraph 5 of this Schedule.

(4) In the case of a person who has an anonymous entry in the register of electors, the postal voters list or list of proxies (as the case may be) must contain only—

- (a) the person's electoral number, and
- (b) the period for which the anonymous entry has effect.

(5) The registration officer must, forthwith on completion of the compilation of those special lists, supply to the local returning officer for any voting area wholly or partly comprised in the area for which the registration officer acts so much of those lists as relate to that voting area.

Proxies at PCC elections: appointment

5.—(1) Subject to the following provisions of this paragraph, any person is capable of being appointed proxy to vote for another (“the elector”) at a PCC election.

(2) The elector cannot have more than one person at a time appointed as proxy to vote for the elector at a PCC election in the same police area.

(3) A person is capable of being appointed to vote as proxy at a PCC election only if—

- (a) the person is not subject to any legal incapacity (age apart) to vote at that election as an elector, and
- (b) the person is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union.

(4) The registration officer must make the appointment if the application meets the requirements set out in Part 2 of this Schedule and the registration officer is satisfied that—

- (a) the elector is or will be—
 - (i) registered in the register of electors, and
 - (ii) entitled to vote by proxy at that election by virtue of an application under paragraph 3(2), (3) or (5)(b) (proxy vote at particular PCC election), and
- (b) the proxy is capable of being, and willing to be, appointed.

(5) The appointment of a proxy under this paragraph must be made by means of a proxy paper issued by the registration officer in Form 1 set out in Part 4 of this Schedule or a proxy paper to the like effect.

(6) The appointment may be cancelled by the elector by giving notice to the registration officer.

(7) The appointment also ceases to be in force on the issue of a proxy paper appointing a different person to vote for the elector at a PCC election in the same police area.

(8) Subject to sub-paragraphs (6) and (7), the appointment remains in force for the particular election to which it relates.

Proxies at PCC elections: entitlement to vote

6.—(1) Subject to the following provisions of this paragraph, where a relevant proxy appointment is in force, the person appointed is entitled to vote as proxy for the person for whom the appointment was made (“the elector”).

(2) In sub-paragraph (1) “relevant proxy appointment” means—

- (a) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(a)
 - (i), an appointment under paragraph 6 of Schedule 4 to the Representation of the People Act 2000;
- (b) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(a)
 - (ii), an appointment under paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations 2004;

- (c) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(b), an appointment under paragraph 5 of this Schedule.
- (3) A person is capable of voting as proxy at a PCC election only if—
 - (a) the person is not subject to any legal incapacity (age apart) to vote at that election as an elector, and
 - (b) the person is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union.
- (4) A person is not capable of voting as proxy at a PCC election unless on the date of the poll he or she has attained the age of eighteen.
- (5) A person is not entitled to vote as proxy at the same ordinary PCC election in any police area on behalf of more than two others of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Voting as proxy

- 7.—(1) A person entitled to vote as proxy for another (“the elector”) at a PCC election may do so in person at the polling station to which the elector is allotted under the PCC elections rules unless the person is entitled to vote by post as proxy for the elector at the election, in which case the person may vote by post.
- (2) Where a person is entitled to vote by post as proxy for an elector at a PCC election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
 - (3) A person entitled to vote as proxy for an elector at a PCC election is entitled so to vote by post if the person is included in the list kept under sub-paragraph (7) in respect of the election.
 - (4) Where a person applies to the registration officer to vote by post as proxy at a particular PCC election, the registration officer must grant the application if the conditions set out in sub-paragraph (5) are satisfied.
 - (5) Those conditions are—
 - (a) that the registration officer is satisfied that the elector is or will be registered in the register of electors, and
 - (b) that the applicant is the subject of a relevant proxy appointment within the meaning of paragraph 6(2)(c), and
 - (c) that the application contains the applicant’s signature and date of birth and meets the requirements set out in Part 2 of this Schedule.
 - (6) In the case of a particular PCC election, a person who is the subject of a relevant proxy appointment within the meaning of paragraph 6(2)(a) or (b) and who—
 - (a) is included in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 (record of proxies who have applied to vote by post), or
 - (b) is included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections 2004 (record of proxies who have applied to vote by post),may apply to the registration officer for his or her ballot paper for the PCC election to be sent to a different address from that shown in the record, and the officer must grant the application if it meets the requirements set out in Part 2 of this Schedule.
 - (7) The registration officer must, in respect of each PCC election, keep a special list (“the proxy postal voters list”) of—
 - (a) the proxies who—
 - (i) were appointed as mentioned in paragraph 4(3)(a)(i), and

- (ii) are for the time being included in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 (record of proxies who have applied to vote by post),

together with the addresses provided in their applications under paragraph 7(4)(a) or (7) of that Schedule or under sub-paragraph (6) (as the case may be) as the addresses to which their ballot papers are to be sent;

- (b) the proxies who—

- (i) were appointed as mentioned in paragraph 4(3)(a)(ii), and

- (ii) are for the time being included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (record of proxies who have applied to vote by post),

together with the addresses provided in their applications under paragraph 7(4)(a) or (7) of that Schedule or under sub-paragraph (6) (as the case may be) as the addresses to which their ballot papers are to be sent;

- (c) the proxies—

- (i) who were appointed as mentioned in paragraph 4(3)(b), and

- (ii) whose applications under sub-paragraph (4) have been granted,

together with the addresses provided in their application under sub-paragraph (4) as the addresses to which their ballot papers are to be sent.

- (8) In the case of a person who has an anonymous entry in the register of electors, the special list mentioned in sub-paragraph (7) must contain only—

- (a) the person's electoral number, and

- (b) the period for which the anonymous entry has effect.

- (9) The registration officer must, forthwith on the completion of the compilation of that special list, supply to the local returning officer for any voting area wholly or partly comprised in the area for which the registration officer acts so much of that list as relates to that voting area.

- (10) Sub-paragraph (2) does not prevent a person, at the polling station to which the person is allotted, marking a tendered ballot paper in the circumstances set out in case 3, 4, 5 or 6 of rule 42 of the PCC elections rules, if the person would otherwise be able to do so.

- (11) The registration officer may dispense with the requirement under sub-paragraph (5)(c) for the applicant to provide a signature if the officer is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has, or

- (b) to provide a signature because the applicant is unable to read or write, or

- (c) to sign in a consistent and distinctive way because of any such disability or inability.

- (12) The registration officer must also keep a record in relation to those whose applications under sub-paragraph (4), have been granted showing—

- (a) their dates of birth, and

- (b) except in cases where the registration officer in pursuance of sub-paragraph (11) has dispensed with the requirement to provide a signature, their signatures.

- (13) The record kept under sub-paragraph (12) must be retained by the registration officer for the period specified in paragraph 26 of this Schedule (the personal identifiers record).

Use of personal identifier information

- 8.—(1) The registration officer must either—

- (a) provide the local returning officer for a PCC election with a copy of the information in relation to electors entitled to vote at the election which is contained in records kept by the registration officer in pursuance of—
 - (i) paragraphs 3(9), 4(6) and 7(12) of Schedule 4 to the Representation of the People Act 2000 (dates of birth and signatures of certain electors and proxies),
 - (ii) paragraphs 3(9), 4(7) and 7(13) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (dates of birth and signatures of certain electors and proxies),
 - (iii) paragraphs 3(8) and 7(12) of this Schedule, or
 - (b) give the local returning officer access to such information.
- (2) Information contained in records kept by a registration officer in pursuance of paragraph 3(8) or 7(12) may be disclosed by the registration officer (subject to the conditions prescribed in Part 2 of this Schedule) to—
- (a) any other registration officer if the officer thinks that to do so will assist the other registration officer in the performance of his or her duties;
 - (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under this Order or the Representation of the People Acts.

Offences as to declarations or forms used for purposes of postal and proxy vote applications

9. A person who—

- (a) in any declaration or form used for any of the purposes of this Part of this Schedule makes a statement knowing it to be false, or
- (b) attests an application under paragraph 3 knowing—
 - (i) that he or she is not authorised to do so, or
 - (ii) that it contains a statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Other offences as to postal and proxy vote applications

10.—(1) A person (“P”) commits an offence if P—

- (a) engages in an act specified in sub-paragraph (2) at a PCC election, and
 - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for P or another a gain of a vote to which P or the other is not otherwise entitled or a gain of money or property.
- (2) These are the acts—
- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
 - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
 - (c) inducing the registration officer or local returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
 - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

- (3) In sub-paragraph (1)(b) property includes any description of property.
- (4) In sub-paragraph (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (5) A person who commits an offence under sub-paragraph (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.