

SCHEDULES

SCHEDULE 4

Combination of polls

PART 2

Amendment of existing provisions in secondary legislation

The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004

3. The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(1) are amended in accordance with paragraphs 4 to 9.

4. In regulation 2 (interpretation)—

(a) after the definition of “2002 Act” insert—

““2011 Act” means the Police Reform and Social Responsibility Act 2011;”;

(b) after the definition of “mayoral election” insert—

““PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”.

5.—(1) Regulation 4 (returning officers and polling stations) is amended as follows.

(2) In paragraphs (1)(a), (2)(a), (3)(a) and (4)(a), for “local government area or voting area” substitute “local government area, voting area or police area”.

(3) In paragraphs (5)(a) and (6)(a) for “the electoral region or local government area” substitute “the electoral region, local government area or police area”.

(4) For paragraph (7), substitute —

“(7) Where none of the above paragraphs applies and the poll at an ordinary parish or community council election is taken together with the poll at another election under a relevant enactment—

(a) those functions of the returning officer at the other election which are specified in regulation 5 shall be discharged by the returning officer at the parish or community council election for such part of the electoral region or police area as is situated in the area of the parish or community council; and

(b) only polling stations used for the parish or community council election shall be used for the poll at the other election.”

(5) After paragraph (7) insert—

“(7A) Where none of the above paragraphs applies and the poll at a PCC election is taken together with the poll at a European Parliamentary election under a relevant enactment—

(a) those functions of the returning officer at the European Parliamentary election which are specified in regulation 5 shall be discharged by the returning officer at

(1) [S.I. 2004/294](#). The regulations are modified in relation to certain referendums by regulations made under sections 52ZQ and 113 of the Local Government Finance Act 1992 (see Schedule 4 to [S.I. 2012/444](#)).

the PCC election for such part of the electoral region as is situated in the police area; and

(b) only polling stations used for the PCC election shall be used for the European Parliamentary election.”

(6) In paragraph (8), for “(including by virtue of section 15(2) and (3) as applied by regulations made under sections 44 and 105 or 45 and 105 of the 2000 Act)” substitute “(including by virtue of section 15(2) and (3) as applied by orders or regulations made under any of the listed provisions)”.

(7) In paragraph (9), for “paragraphs (1) to (7) above” substitute “paragraphs (1) to (7A) above”.

(8) In paragraph (10)—

(a) after the definition of “county council election” insert—

““the listed provisions” means—

(a) sections 52ZQ and 113 of the Local Government Finance Act 1992,

(b) sections 9HE and 105, 9MG and 105, 44 and 105 or 45 and 105 of the 2000 Act,

(c) sections 58 and 154 of the 2011 Act;

“police area” means a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London);”;

(b) in the definition of “relevant enactment”, for the words from “and includes” to the end substitute “and includes a reference to each section as applied in orders or regulations made under any of the listed provisions;”.

(9) In paragraph (11), after sub-paragraph (b) insert—

“(c) the returning officer at a PCC election, shall be construed as including a reference to the police area returning officer.”

6.—(1) Regulation 5 (functions at combined polls) is amended as follows.

(2) In paragraph (1), after sub-paragraph (e) insert—

“(f) at a PCC election, by those rules in an Order made under sections 58 and 154 of the 2011 Act which correspond to the rules specified in paragraph (2);”.

(3) In paragraph (3)—

(a) omit “and” at the end of sub-paragraph (a);

(b) after sub-paragraph (b) insert—

“; and

(c) the provisions in an Order made under sections 58 and 154 of the 2011 Act which correspond to that regulation and that Part.”

7. In regulation 6(5) (modification of provisions about expenses in the 1983 Act)—

(a) omit “and” at the end of sub-paragraph (a);

(b) after sub-paragraph (a) insert—

“(ab) any provision in Chapter 6 of Part 1 of the 2011 Act which corresponds to that provision; and”;

(c) in sub-paragraph (b), for the words from “regulations made under” to the end substitute “orders or regulations made under any of the listed provisions.”

8. In regulation 8 (modification of parliamentary elections rules)—

(a) omit “or” at the end of sub-paragraph (a);

(b) after sub-paragraph (b) insert—

“or

- (c) the poll at a mayoral election, referendum or PCC election in accordance with orders or regulations made under any of the listed provisions.”

9. In paragraph 2 of Schedule 2 (definitions for the purposes of modifications of the parliamentary elections rules set out in Schedule 1 to the 1983 Act)(2)—

- (a) after the definition of “mayoral election” insert—

““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”.

- (b) in the definition of “relevant election or referendum”, after paragraph (d) insert—

“(e) a police and crime commissioner election,”.

(2) Schedule 2 to the Representation of the People (Combination of Polls) (England Wales) Regulations 2004 modifies the parliamentary elections rules in their application to combined polls by virtue of regulation 8 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (combination of polls).