

1990 No. 157

REPRESENTATION OF THE PEOPLE

**The Local Elections (Parishes and Communities)
(Amendment) Rules 1990**

Made - - - - - *5th February 1990*

Laid before Parliament *9th February 1990*

Coming into force in accordance with rule 1(3)

In exercise of the powers conferred upon me by section 36(2) of the Representation of the People Act 1983(a), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Local Elections (Parishes and Communities) (Amendment) Rules 1990.

(2) These Rules do not extend to Scotland or Northern Ireland.

(3) These Rules shall come into force on 3rd March 1990 except that—

(a) rule 2(3) shall come into force on 1st April 1990, and

(b) rules 2(4) and (5), 3(4) and (5) and 4(5) and (6) shall not apply in respect of an election if the date by which notice of election for that election is required to be published preceded 3rd March 1990.

2.—(1) The rules in Schedule 2 to the Local Elections (Parishes and Communities) Rules 1986(b) (rules for conduct of parish and community council elections) shall be amended as follows.

(2) In rule 7(7) (decisions as to validity of nomination papers) the word “paper” shall be omitted.

(3) Paragraph (3) of rule 17 (use of schools and public rooms) shall be omitted.

(4) In the Appendix of forms, in the form of declaration of identity—

(a) in the front of the form—

(i) the words “(or mark)” and “(or marked)” shall be omitted, and

(ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”; and

(b) in the back of the form—

(i) in paragraph 1, the words “(or mark)” shall be omitted, and

(ii) in paragraph 4, the words “, in order to be counted,” shall be omitted.

(5) In the Appendix of forms, in the form of elector’s official poll card—

(a) for the first paragraph on the back of the card there shall be substituted—

“This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.”, and

(a) 1983 c. 2.

(b) S.I. 1986/2215.

(b) for the fifth paragraph on the back of the card(a) there shall be substituted—

“The ballot paper tells you how many candidates you may vote for. Do not vote for more than that number. Put no other mark on the ballot paper, or your vote may not be counted.”.

3.—(1) Schedule 3 to the Local Elections (Parishes and Communities) Rules 1986 (modification of elections rules for combined parish or community council and district council elections) shall be amended as follows.

(2) In the provision added by paragraph 7 of that Schedule, after the words “paragraph (1)(d) above” there shall be inserted the words “or in the list of proxies under paragraph (1)(e) above” and before the words “so as to identify” there shall be inserted the words “or, as the case may be, list”.

(3) In paragraph (1)(a) of rule 39 as substituted by paragraph 14 of that Schedule, before the words “open each” there shall be inserted the words “in the presence of the counting agents”.

(4) In the form set out in paragraph 18(2) of that Schedule—

(a) in the front of the form—

(i) the words “(or mark)” and “(or marked)” shall be omitted, and

(ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”; and

(b) in the back of the form—

(i) in paragraph 1 the words “(or mark)” shall be omitted;

(ii) in the final sentence of paragraph 2, for the words “paper, or your vote” there shall be substituted the words “papers, or your votes”;

(iii) in the first sentence of paragraph 3, for the words “the ballot” there shall be substituted the words “each ballot”, and

(iv) in the final sentence of paragraph 4, the words “, in order to be counted,” shall be omitted.

(5) In the form set out in paragraph 18(3) of that Schedule—

(a) in the front of the form—

(i) the words “(or mark)” and “(or marked)” shall be omitted, and

(ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”; and

(b) in the back of the form—

(i) in paragraph 1 the words “(or mark)” and “(or marked)” shall be omitted, and

(ii) for paragraph 4 there shall be substituted the following paragraph—

“4. Different colours are used for the ballot papers for each election. 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 of identity 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:

(a) place each 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.”.

(a) That paragraph was amended by rule 2(7) of the Local Elections (Parishes and Communities) (Amendment) Rules 1987 (S.I. 1987/260).

4.—(1) Schedule 4 to the Local Elections (Parishes and Communities) Rules 1986 (modification of elections rules for combined polls under section 15(2) of the Representation of the People Act 1985(a)) shall be amended as follows.

(2) In the provision added by paragraph 8 of that Schedule, after the words “paragraph (1)(d) above” there shall be inserted the words “or in the list of proxies under paragraph (1)(e) above” and before the words “so as to identify” there shall be inserted the words “or, as the case may be, list”.

(3) In paragraph (1) of rule 39, as substituted by paragraph 17 of that Schedule, in subparagraph (g) after the word “deliver” there shall be inserted the words “or cause to be delivered”.

(4) In paragraph (2A)(a) of rule 39, as substituted by paragraph 17 of that Schedule, before the words “open each” there shall be inserted the words “in the presence of the counting agents”.

(5) In the form set out in paragraph 20(2) of that Schedule—

(a) in the front of the form—

- (i) the words “(or mark)” and “(or marked)” shall be omitted, and
- (ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”; and

(b) in the back of the form—

- (i) in paragraph 1 the words “(or mark)” shall be omitted;
- (ii) in the final sentence of paragraph 2, for the words “paper, or your vote” there shall be substituted the words “papers, or your votes”;
- (iii) in the first sentence of paragraph 3, for the words “the ballot” there shall be substituted the words “each ballot”, and
- (iv) in the final sentence of paragraph 4, the words “, in order to be counted,” shall be omitted.

(6) In the form set out in paragraph 20(3) of that Schedule—

(a) in the front of the form—

- (i) the words “(or mark)” and “(or marked)” shall be omitted, and
- (ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted “(WRITE CLEARLY)”, and

(b) in the back of the form—

- (i) the words “(or mark)” and “(or marked)” shall be omitted, and
- (ii) for paragraph 4 there shall be substituted the following paragraph—

“4. Different colours are used for the ballot papers for each election. 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 of identity 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:

- (a) place each 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.”.

5. Paragraph (7) of rule 2 of the Local Elections (Parishes and Communities) (Amendment) Rules 1987(a) (amendment of elector's official poll card) shall be omitted.

Home Office
5th February 1990

David Waddington
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of these Rules)

These Rules amend the Local Elections (Parishes and Communities) Rules 1986. Rules 2(4), 3(4) and (5) and 4(5) and (6) modify the declarations of identity for use in connection with postal voting (and also such use at various combined elections). Rule 2(5) amends the official poll card in an attempt to clarify the use to which it may be put. Rules 2(2), 3(2) and (3) and 4(2) to (4) correct errors or omissions in the 1986 Rules.

Rule 2(3) omits a provision about rating which is equivalent to a provision in the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 which will be repealed by Part I of Schedule 13 to the Local Government Finance Act 1988 (c. 41).

Rule 5 omits a provision which is superseded by the amendment made by rule 2(5)(b).

(a) S.I. 1987/260.

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