

2001 No. 80

REPRESENTATION OF THE PEOPLE

**The Local Elections (Parishes and Communities)
(Amendment) Rules 2001**

Made - - - - - *15th January 2001*

Laid before Parliament *23rd January 2001*

Coming into force - - *16th February 2001*

The Secretary of State in exercise of the powers conferred on him by section 36(1) of the Representation of the People Act 1983(a) hereby makes the following Rules:

1.—(1) These Rules may be cited as the Local Elections (Parishes and Communities) (Amendment) Rules 2001.

(2) These Rules shall come into force on 16th February 2001 except for the purposes of any election where the last day for the publication of the notice of election in respect of that election precedes that date.

(3) Rule 6(2) of the Local Elections (Parishes and Communities) (Amendment) Rules 1998(b) is hereby revoked.

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

2. The rules in Schedule 2 to the Local Elections (Parishes and Communities) Rules 1986(c) shall be amended as follows.

3. In rule 4A(3) (nomination papers: name of registered political party)(d) for “the Registration of Political Parties Act 1998” substitute “Part II of the Political Parties, Elections and Referendums Act 2000(e)”.

4. For rule 5(7) (subscription of nomination paper) substitute:

“(7) In this rule “elector”—

(a) means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election; and

(b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.”.

5. In rule 17(1)(a) (use of schools and public rooms)(f) omit “, a grant-maintained school”.

(a) 1983 c. 2.

(b) S.I. 1998/585.

(c) S.I. 1986/2215.

(d) Rule 4A was inserted by S.I. 1999/395.

(e) 2000 c. 41.

(f) The words now omitted were inserted by S.I. 1998/585.

6. For rule 19 (postal ballot papers) substitute:

“19. The returning officer shall, in accordance with regulations made under the Representation of the People Act 1983, issue to those entitled to vote by post a postal ballot paper and a declaration of identity in the forms set out in the Appendix, or forms to the like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by such regulations.”.

7.—(1) Rule 23 (equipment of polling stations) is amended as follows.

(2) After paragraph (3) insert:

“(3A) The returning officer shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) a device of such description as is set out in paragraphs (6) to (11) below for enabling voters 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 33(1)).”.

(3) After paragraph (5) insert:

“(6) The device referred to in paragraph (3A)(b) above must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(7) On the right-hand side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (8) to (11) below.

(8) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of the particulars of the candidates on which the vote is to be marked (“the relevant space”).

(9) Each tab shall be numbered so that, when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidates whose particulars are to the left of the relevant space covered by the tab in question.

(10) Each number on the tab shall be in raised form so that it can be clearly identified by touch.

(11) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.”.

8. In rule 26(1)(e) (admission to polling station) for “blind voters” substitute “voters with disabilities”.

9. For rule 33 (voting by blind persons) substitute:

“Voting by persons with disabilities

33.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other physical incapacity, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of these rules; and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to, or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person shall be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(5) The declaration made by the companion—

- (a) shall be in the form of the Appendix; and
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.”.

10. In rule 37(1)(f) (procedure on close of poll) for “blind voters” (wherever occurring) substitute “voters with disabilities”.

11. For rule 39(3) (validity of postal ballot papers) substitute:

“(3) A postal ballot paper shall not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (3A) below and reaches the returning officer or any polling station in the electoral area in question before the close of the poll; and
- (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (3A) below and reaches him or such a polling station before that time.

(3A) The manner in which any postal ballot paper or declaration of identity may be returned—

- (a) to the returning officer, is by hand or by post;
- (b) to a polling station, is by hand.”.

12. In rule 46(c) (delivery of documents) for “blind voters” (wherever occurring) substitute “voters with disabilities”.

13. In the Appendix of forms, in the form of nomination paper—

- (a) omit note 3, and
- (b) in note 5, omit “or electors lists”.

14. In that Appendix, in the form of declaration to be made by the companion of a blind voter—

- (a) for “blind person” or “blind voter” (wherever occurring) substitute “voter with disabilities”; and
- (b) after the note at the end of the form (which shall become note 1), insert—
“2. A voter with disabilities is a voter who has made a declaration under the local elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.”.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Local Elections (Parishes and Communities) Rules 1986.

Rule 3 makes an amendment to take account of the replacement of registration under the Registration of Political Parties Act 1998 with registration under the Political Parties, Elections and Referendums Act 2000.

Rules 4 and 13 make amendments to the local elections rules equivalent to those made to the parliamentary elections rules (in Schedule 1 to the Representation of the People Act 1983) by paragraph 23 of Schedule 1 to the Representation of the People Act 2000 (c. 2; “the 2000 Act”). Rules 6 and 11 make amendments equivalent to those made by paragraph 10(3) and (4) of Schedule 6 to the 2000 Act.

Rules 7 to 10 and 12 and 14 make changes to the local elections rules equivalent to those made to the parliamentary elections rules by section 13 of the 2000 Act.

Rule 5 reflects the repeal of the equivalent words in the parliamentary elections rules by Schedule 31 to the School Standards and Framework Act 1998 (c. 31).

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