SCHEDULE

Regulation 2(7)

REPLACEMENT FOR SCHEDULE 5 TO THE PRINCIPAL REGULATIONS

"SCHEDULE 5

Regulations 15, 16 and 17

COMBINATION OF POLLS

PART I

General Provisions

- 1. For the purposes of combining the poll at—
 - (a) a Parliamentary general election(1),
 - (b) a European Parliamentary election,
 - (c) a local government election,
 - (d) a mayoral election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002, or
 - (e) another referendum,

with the poll at a referendum, the provisions specified in column (1) of the Table below shall be modified as specified in column (2).

TABLE

(1)	(2)
Provision	Modification
The 1985 Act	
Section 15 (combination of polls at parliamentary, European Parliamentary and local elections)	In subsection (1), at the end of paragraph (c), insert
	"or
	(d) a referendum under the
	Local Authorities (Conduct

- Local Authorities (Conduct of Referendums) (England) Regulations 2001 and—
 - (i) a parliamentary election,
 - (ii) a European Parliamentary election, or
 - (iii) an ordinary local government election,".

In subsection (2), after "related areas", insert "or the polls at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas".

⁽¹⁾ For the definition of "Parliamentary election" see the Interpretation Act 1978 (c. 30), Schedule 1.

(1) Provision	(2) Madification
Provision	 Modification In subsection (4)— (a) after "elections" (in the first place where that word appears) insert "or, as the case may be, elections and a referendum"; (b) after "one election", insert "or the referendum"; and (c) after "elections" (in the second place where that word appears), insert "or, as the case may be, the elections and the referendum".
	In subsection (5), after "any elections" insert "or at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001".
The RP Act 2000	
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1), at the end insert "; and as regards referendums pursuant to the Local Authorities (Conduct of Referendums) (England) Regulations 2001".
Schedule 4 (absent voting in Great Britain)	 In paragraph 1, in sub-paragraph (1)— (a) in the definition of "the appropriate rules", after paragraph (b), insert—
	"and
	 (c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2001"; (b) after the definition of "local government election", insert the following definition— ""referendum" means a referendum pursuant to the Local Authorities (Conduct of Referendums) (England) Regulations 2001".
	 In paragraphs 2 to 7— (a) except in paragraphs 3(1), 3(2), 3(4)(a) (i), 6(3), 6(7), 6(8), 7(4)(a) and 7(6)(a)(i) after "local government election", "local government elections", "elections" and "election", insert, as the context requires, "or a referendum,""or referendums", or "or the referendum"; and (b) for "an elector" in each case where it appears, substitute "a voter".

(1) Provision	(2) Modification
	 (c) In paragraphs 3(1) and 3(2) for "or at both", substitute "or at referendums, or at any combination of such polls".
	In paragraphs $3(4)(a)(i)$ and $7(6)(a)(i)$, for "or both,", substitute "or referendums, or at any combination of such polls".
	In paragraphs $6(7)$, $6(8)$ and $7(4)(a)$, for "or at both,", insert "or at referendums, or at any combination of such polls".
The Elections Regulations	
Paragraph (2) of regulation 3 (interpretation)	At the end of sub-paragraph (b), insert—
	", or
	 (c) in the case of a referendum, such of those rules made under section 36 of the 1983 Act as are applied to that referendum (with or without modification) by the Local Authorities (Conduct of Referendums) (England) Regulations 2001".
Regulation 51 (general requirements for applications for an absent vote)	 In paragraph (4), in sub-paragraph (b)— (a) after "for", insert "all or any of"; (b) after "local government elections", insert "or referendums, identifying those in respect of which it is made"; and (c) for "both", substitute "referendums, or at any combination of such polls".
	 In paragraph (5)— (a) after "election", in each place, insert "or referendum"; and (b) for "elections", substitute "polls".
Regulation 56 (closing dates for applications)	In paragraphs (1) to (5) and (7)(b), after "election", in each place, insert "or referendum".
Regulation 65 (combination of polls)	Substitute—
	65. Where the polls at elections or polls at an election and a referendum, or at two referendums are taken together, the proceedings on issue and receipt of postal ballot papers in respect of each election or, as the case may be the election and the referendum or each referendum may be taken together, if the returning officers or, as the case may be the returning officer and the counting

may be, the returning officer and the counting

(1) Provision	(2) Modification
Provision	<i>Modification</i> officer at the referendum or the counting officers concerned agree.
Regulation 67 (persons entitled to be present at proceedings on issue of ballot papers	After "the returning officer and his clerks", insert "and in the case of a referendum, the counting officer and his clerks;"
Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)	In sub-paragraph (a), after "the returning officer and his clerks", insert "and in the case of a referendum, the counting officer and his clerks;".
	In sub-paragraph (b), after "candidate", insert "at any relevant election or referendum or those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes.".
Regulation 69 (agents of candidates who may	For paragraph (8), substitute—
attend proceedings on receipt of postal ballot papers)	"(8) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents or in the case of a referendum, the persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes, the non- attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done."
Regulation 72 (procedure on issue of postal ballot papers)	 In paragraph (5)— (a) after "one election", insert "or referendum, or for an election or elections combined with a referendum or referendums"; (b) in sub-paragraph (a)— (i) after "elections", insert "or referendums"; and (ii) after "election", insert "or referendums";
	In paragraph (6), for "the poll at one election is taken with the poll at another election", substitute "polls are taken together".
Regulation 74 (envelopes)	In paragraph (4), after "65 above", insert "or under regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001".

(1) Provision	(2) Modification
Regulation 77 (spoilt ballot papers)	In paragraph (2), for "more than one election have been issued together under regulation 65 above", substitute "more than one poll have been issued together".
Regulation 80 (notice of opening postal ballot paper envelopes)	In paragraph (1), after "each candidate", insert "in the case of an election and those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes for the referendum".
Regulation 83 (opening of postal voters' ballot box)	In paragraph (1), after "the agents", insert "in the case of an election and the counting observers for the referendum".
Regulation 85 (procedure in relation to declarations of identity)	In paragraph (3), after "the agents", insert "in the case of an election and the counting observers for the referendum".
Regulation 91 (forwarding of document)s	 In paragraph (1)— (a) after "returning officer", insert "or in the case of a referendum, the counting officer,"; (b) after "local government election", insert "or referendum"; (c) after "the date of the election", insert "or referendum"; (d) after "electoral area", insert "or voting area"; and (e) for "election (or elections)", substitute "poll (or polls)".
	In paragraph (2), after "election", in the first two places where that word appears, insert "or referendum".
Schedule 3, Form E	After "European Parliamentary electoral region", in each place where it appears, insert "voting area". After "European Parliamentary election", in each place where it appears, insert "and referendum".
	In paragraphs 1 and 2 of the note, after "election", in each place where it appears, insert "or referendum".

PART II

COMBINED POLLS AT REFERENDUMS: MODIFICATIONS TO SCHEDULE 3 TO THE PRINCIPAL AREAS RULES

TABLE

(1)	(2)
Provision and, if of limited application, relevant circumstances	Modification
Rule 1 (timetable)	In the Table, omit all the entries except the ones relating to the publication of the notice of election and the notice of poll.
Rule 2 (computation of time)	Omit.
Rule 3 (notice of election)	For paragraph (1), substitute—
	"(1) The counting officer shall publish notic of the referendum stating the date of the poll."
	In paragraph (2), substitute "referendum" for "election", in both places where that word appears.
Rules 4 to 12	Omit.
Rule 13 (poll to be taken by ballot)	Omit the words from "the result" to the end.
Rule 14 (the ballot papers)	Omit.
Rule 15 (the official mark)	For paragraph (2), substitute— "(2) The official mark shall be kept secre and an interval of not less than five years sha intervene between the use of the same officia mark at a referendum for the same county county borough, district or London borough a the case may be."
	In paragraph (3), omit "at the same election".
Rule 16 (prohibition of disclosure of vote)	For "election", in both places, substitute "referendum".
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraphs (b) to (d), substitute—
	"and
	(b) the question to be asked in the referendum.".
	Omit paragraph (2).
	In paragraph (3), omit the words from "and he shall" to the end.

(1) Provision and, if of limited application, relevant circumstances	(2) Modification
	For paragraph (4)(a), substitute—
	"(a) state that the poll at the referendum is to be taken together with the poll at a relevant election or referendum;".
Rule 20 (provision of polling stations)	In paragraph (1), for "electors", substitute "voters".
	 In paragraph (3)— (a) for "electors", substitute "voters"; (b) for "electoral area", in the first place where those words appear, substitute "voting area"; and for "electoral area", substitute "voting area".
Rule 21 (appointment of presiding officers and clerks)	In paragraph (1), omit the words from "but he shall not appoint" to the end.
Rule 22 (issue of official poll cards)	 In paragraph (1)— (a) for "electors", substitute "voters"; (b) for "an elector", substitute "a voter"; and (c) for "election", in both places where that word appears, substitute "referendum".
	In paragraph (2), for "An elector's", substitute "A voter's".
	 In paragraph (3)— (a) for the words "shall be in the form in the Appendix, or a form to like effect, substitute "shall be in the form specified in Table 3 of Schedule 3 to the Referendums Regulations or a form to like effect"; (b) for "the electoral division or ward to which councillors are to be elected", substitute "the voting area"; and (c) for "the elector's", in both places where those words appear, substitute "the voter's".
	For paragraph (5), substitute—
	"(5) If the counting officer and the returning officer for each relevant election or referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election or referendum."
Rule 23 (equipment of polling stations)	In paragraph (1A), for "principal area election", substitute "referendum".

(1)	(2)
<i>Provision and, if of limited application, relevant circumstances</i>	Modification
Rule 24 (appointment of polling and counting agents)	 In paragraph (3)— (a) for "electoral area", in both places, substitute "voting area"; (b) for "electors", in the second place where that word appears, substitute "voters"; and (c) for "election", substitute "referendum". In paragraph (6)(c)(ii), for "registered party or individual candidate", substitute "answer". Omit paragraphs (1) to (3), (5), (7) and (11). In paragraph (4), for "appointed for" and "appointed", substitute "nominated by" and "nominated", respectively.
	In paragraph (6), omit the words from "and shall" to the end. After paragraph (6), insert— "(6A) Notice of the nomination of counting observers which is required by paragraph (6) to
	be given to the counting officer shall be given to the returning officer or counting officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations."
	In paragraph (9), for "the notice of appointment", substitute "the nomination under regulation 13(2) of the Referendums Regulations ".
	In paragraph (12), for "these rules" substitute "the LGA Referendum Rules".
Rule 26 (admission to polling station)	Omit paragraph (2).
Rule 29 (questions to be put to voters)	For paragraphs (1) and (2) substitute—
	"(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions.
	(2) In the case of a person applying to vote on his own behalf, the relevant questions are—
	 (a) "Are you the person registered in the register of local government electors for this electoral area as follows [<i>read the whole entry from the register</i>]?"; and

(1) Provision and, if of limited application,	(2) Modification
relevant circumstances	(b) "Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?".
	(2A) In the case of a person applying as proxy, the relevant questions are—
	(a) "Are you the person whose name appears as AB in the list of proxies for this referendum as entitled to vote as proxy on behalf of CD?"; and
	(b) "Have you already voted, here or elsewhere, at this referendum as proxy on behalf of CD?".
	 (2B) In the case of a person applying as proxy, the presiding officer may put the following additional question— "Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of CD?", and, if that question is not answered in the affirmative, the following question— "Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?""
	In paragraph (4), for "principal area election", substitute "referendum".
Rule 31 (voting procedure)	In paragraph (1), for "elector" in each place where that word appears, substitute "voter".
	For paragraph (4), substitute—
	"(4) The same copy of the register of electors which is used under paragraph (1) for the referendum may also be used for a relevant election or referendum.
	(5) One mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1)(e), to denote that a ballot paper has been received in respect of the referendum and each relevant election or referendum; except that—
	 (a) where the polls at two referendums are taken together, and a ballot paper has been issued in respect of one referendum only, different marks

(1) Provision and, if of limited application, relevant circumstances	(2) Modification
	shall be placed in the register or, as the case may be, the list, so as to identify the referendum in respect of which the ballot paper was issued; and
	(b) where the polls at a referendum and an election are taken together, and ballot papers have been issued in respect of either the referendum only, or the election only, different marks shall be placed in the register or, as the case may be, the list, so as to indicate whether the ballot paper was issued in respect of the referendum or the election.".
Rule 32 (votes marked by presiding officer)	In paragraph (3), for the words "principal area election", substitute "referendum".
Rule 33 (voting by persons with disabilities)	In paragraph $(3)(a)$, for the words "an elector at the election", substitute "a voter at the referendum".
	In paragraph (4A), for the words "principal area election", substitute "referendum".
Rule 34 (tendered ballot papers)	In paragraph (1), for "elector", substitute "voter".
	In paragraph (3), for the words "principal area election", substitute "referendum".
Rule 36 (adjournment of poll in case of riot)	At the end of paragraph (1), insert—
	"or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Referendums Regulations are to be discharged.".
Rule 37 (procedure on close of poll)	 In paragraph (1)— (a) for "principal area election", substitute "referendum"; and (b) for "those", substitute "the polling or counting agents (as the case may be)".
	At the end of paragraph (1B), insert—
	"or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Referendums Regulations are to be discharged.".
Rule 38 (attendance at counting of votes)	In paragraphs (1), (1A) and (2) for the words "principal area election", in each place where 10

(1) Provision and, if of limited application, relevant circumstances	(2) Modification
	they occur, substitute "referendum".Omit paragraphs (3)(b), (4) and (5).
Rule 39 (the count), where the polls at two referendums are taken together.	For paragraph (1), substitute— "(1) Where the counting officer is discharging the functions specified in regulation 17(2) of the Referendums Regulations, he shall, in the presence of the counting observers in respect of each referendum—
	 (a) open each ballot box and record separately the number of ballot papers used in each referendum;
	(b) separate the ballot papers relating to each referendum;
	 (c) verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list), and shall draw up a statement as to the result of the verification, which any counting observer present at the verification may copy;
	(d) count such of the postal ballot papers as have been duly returned and record separately the number counted in each referendum;
	 (e) make up into packets the ballot papers for each referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;
	 (f) deliver, or cause to be delivered, to the counting officer in respect of the other referendum—
	(i) the container of ballot papers relating to the other referendum; and
	(ii) the ballot paper account relating to that referendum, and a copy of the statement as to its verification; and

(1) Provision and, if of limited application, relevant circumstances	(2) Modification
	(g) at the same time deliver, or cause to be delivered, to that counting officer, packets that so relate containing—
	(i) the unused and spoilt ballot papers;
	(ii) the tendered ballot papers; and
	(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll."
	For paragraphs (2) and (2A), substitute—
	"(2) After completion of the proceeding under paragraph (1), the counting officer for each referendum shall, separately as regard each referendum, mix together all of the ballo papers used at that referendum and count the votes given on them, and thereafter the proceedings in relation to each referendum shall be conducted in accordance with the LGA Referendum Rules. (2A) Where the counting officer a does not discharge the functions specified
	in regulations 17(2) of the Referendum Regulations, he shall—
	 (a) on receipt of the containers of ballot papers from the counting officer who does discharge those functions, and after the time specified in the notice given under rule 38(1A), in the presence of the counting observers open each container,
	 (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings each referendum under regulation 65 of the Elections Regulations as applied by these Regulations, count such of the postal ballot papers as have been duly returned and record the number counted, and
	(c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,

(1) Provision and, if of limited application, relevant circumstances	(2) Modification
	and paragraph (6) below shall not apply to these proceedings."
	In paragraph (3)(a), for "returning officer", substitute "counting officer".
	In paragraph (3AA), for "principal area election", substitute "referendum".
	In paragraph (6), for "election agent", substitute "counting observer present at the verification".
	In paragraph (7), for "returning officer", substitute "counting officer".
Rule 39, where the polls at a referendum and an	For paragraphs (1) and (2), substitute—
election are taken together.	"(1) Where the counting officer is discharging the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—
	 (a) in the presence of the counting agents appointed for the purposes of the election and the counting observers, open each ballot box and record separately the number of ballot papers used in the election and the referendum;
	 (b) in the presence of the election agents appointed for the purposes of the election and the counting observers, verify each ballot paper account;
	 (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and the referendum;
	(d) separate the ballot papers relating to the election from the ballot papers relating to the referendum;
	 (e) make up into packets the ballot papers for each relevant election or referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;
	(f) deliver, or cause to be delivered, to the returning officer for the election—

(1) Provision and, if of limited application,	(2) Modification
relevant circumstances	(i) the container of ballot papers relating to that election; and
	(ii) the ballot paper account relating to that election, and a copy of the statement as to its verification; and
	(g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—
	(i) the unused and spoilt ballot papers;
	(ii) the tendered ballot papers; and
	(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.
	(2) After completion of the proceedings under paragraph (1), the counting officer shall mix together all of the ballot papers used at the referendum and count the votes given on them."
	In paragraph (6), after "election agent", insert "or counting observer present at the verification".
Rule 41 (rejected ballot papers)	In paragraph (1)— (a) for sub-paragraph (b), substitute
	"(b) on which votes are given for more than one answer,"; and
	(b) for "paragraphs (2) and (3)", substitute "paragraph (3)".
	Omit paragraph (2).
	In paragraph (4), omit sub-paragraph (b).
	 In paragraph (5)— (a) omit "including those rejected in part,"; (b) for sub-paragraph (b), substitute—
	"(b) voting for more than one answer;" and
	(c) omit the words from "and the statement" to the end.
Rule 43 (equality of votes)	For the words from "an equality" to the end, substitute—

(1) Provision and, if of limited application, relevant circumstances	(2) Modification
	"an equality of YES and NO votes is found, the counting officer shall forthwith decide the referendum by lot.".
Rule 44 (declaration of result)	Substitute—
	" 44. The counting officer shall forthwith—
	(a) declare the result of the referendum;
	(b) inform the proper officer of the authority by or in respect of which the referendum was held of the result of the referendum; and
	(c) give public notice of—
	(i) the result of the referendum;
	(ii) the number of ballot papers counted;
	 (iii) the total number of votes cast for each answer; and (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.".
Rule 45 (sealing up of ballot papers)	In paragraph (1), for "at a contested election" substitute "at a referendum" and omit "including ballot papers rejected in part".
Rule 46 (delivery of documents)	In paragraph (1), for the words from "the date of the election" to the end, substitute "and the name of the voting area".
	In paragraph (2), after the words "Combination of Polls Regulations, insert "or rule 17(2) of the Referendums Rules."
Rule 47 (orders for production of documents)	In paragraph (1), omit "including ballot papers rejected in part".
Rule 49 (countermand or abandonment of poll)	Substitute—
	"49. If the poll at an election which is combined with the referendum is countermanded or abandoned as a result of the death one of the persons named or to be named as candidate in the ballot papers, the presiding officer shall take the like steps

(1) Provision and, if of limited application, relevant circumstances	(2) Modification
	for the delivery to the returning officer, or counting officer, as the case may be, who is discharging the functions specified in regulation 5 of the Combination of Polls Regulations of the ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—
	 (a) it shall not be necessary for any ballot paper account to be prepared or verified for that election, unless there is a discrepancy in the ballot paper account for the referendum; and
	(b) it shall not be necessary to seal up counted and rejected ballot papers for that election in separate packets."
The Appendix of Forms:	Omit
Forms of nomination paper, candidate's consent to nomination, elector's official poll card, proxy's official poll card and ballot paper.	
Form of declaration of identity for use where there is separate issue and receipt of postal ballot papers	On the back of the form, for paragraph 2, substitute "Vote for one answer only.""

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