

Draft Regulations laid before Parliament under section 333(3A) of the Town and Country Planning Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. XXXX

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (Referendums) Regulations 2012

Made - - - - *******

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990⁽¹⁾ and section 38A(3) of the Planning and Compulsory Purchase Act 2004⁽²⁾.

In accordance with paragraph 16(5) of that Schedule, the Secretary of State has consulted the Electoral Commission on these Regulations.

In accordance with section 333(3A) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Neighbourhood Planning (Referendums) Regulations 2012 and come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

“the 1983 Act” means the Representation of the People Act 1983⁽³⁾;

“the 1990 Act” means the Town and Country Planning Act 1990;

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004;

(1) 1990 c.8. Schedule 4B was inserted into the 1990 Act by section 121 of and Schedule 10 to the Localism Act 2011 (c.20). Section 333(3A) of the 1990 Act was inserted by paragraph 22(3) of Schedule 12 to the Localism Act 2011.

(2) 2004 c.5. Section 38A of the 2004 Act, inserted by paragraph 7 of Schedule 9 to the Localism Act 2011, applies Schedule 4B to the 1990 Act to neighbourhood plans, subject to the modifications set out in section 38C(5). By virtue of paragraph 7 of Schedule 4C to the 1990 Act, inserted by Schedule 11 to the Localism Act 2011, Schedule 4B has effect in relation to community right to build orders subject to the modifications set out in paragraphs 8 to 10 of Schedule 4C.

(3) 1983 c. 2.

“counting observer” means the person appointed to that position under rule 19 of the Neighbourhood Planning Referendums Rules or rule 19 of the Neighbourhood Planning Referendums (Combination of Polls) Rules;

“counting officer” means the person referred to in regulation 9;

“electoral area” has the meaning given in section 203(1) of the 1983 Act⁽⁴⁾;

“European Parliamentary election” must be construed in accordance with section 27(1) of the Representation of the People Act 1985⁽⁵⁾

“GLA election” means the election of a Mayor of London or a member of the London Assembly in accordance with Part 1 of the Greater London Authority Act 1999⁽⁶⁾;

“local government election” means the election of a councillor for any electoral area;

“local referendum” means—

- (a) a referendum under Part 1A of the Local Government Act 2000 (local authority governance in England);
- (b) a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 (council tax increases);

“mayoral election” means the election for the return of an elected mayor as defined by section 9H of the Local Government Act 2000⁽⁷⁾;

“neighbourhood plan” means a neighbourhood development plan as defined in section 38A of the 2004 Act;

“police and crime commissioner election” means the election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011⁽⁸⁾;

“polling observer” means the person appointed to that position under rule 19 of the Neighbourhood Planning Referendums Rules or rule 19 of the Neighbourhood Planning Referendums (Combination of Polls) Rules;

“proper officer” must be construed in accordance with section 270(3) of the Local Government Act 1972⁽⁹⁾;

“referendum”, except in the definition “local referendum”, means a referendum required to be held as a result of paragraph 12(4) of Schedule 4B, or paragraph 10(3) of Schedule 4C, to the 1990 Act;

“referendum period” means the period beginning with the date on which the information statement and documents required to be published by regulation 4(1) are published and ending on the date on which the referendum is held; and

“relevant election” means—

- (a) a Parliamentary election;
- (b) a European Parliamentary election;
- (c) a GLA election;
- (d) a local government election;
- (e) a local referendum;

(4) 1983 c.2. The definition of “electoral area” was substituted by paragraph 71 of Schedule 4 to the Representation of the People Act 1985 (c.50) and amended by paragraph 39 of Schedule 3 to the Greater London Authority Act 1999 (c.29).

(5) 1985 c.50. The definition was amended by section 3 of the European Communities (Amendment) Act 1986 (c.58).

(6) 1999 c.29.

(7) 2000 c.22. Section 9H was inserted by section 21 of the Localism Act 2011 (c.20).

(8) 2011 c.13.

(9) 1972 c.70.

- (f) a mayoral election;
- (g) a police and crime commissioner election.

(2) A reference in these Regulations to a neighbourhood development order includes a community right to build order except in so far as the contrary intention appears⁽¹⁰⁾.

Question to be asked in a referendum

3. The question to be asked in the referendum is, where the proposal in relation to which the referendum is to be held is—

- (a) a neighbourhood plan, the question set out in paragraph 1 of Schedule 1;
- (b) a neighbourhood development order, other than a community right to build order, the question set out in paragraph 2 of Schedule 1;
- (c) a community right to build order, the question set out in paragraph 3 of Schedule 1.

Information to be made available in relation to referendums

4.—(1) Not fewer than 28 days before the date on which the referendum will be held, the proper officer of the relevant council⁽¹¹⁾ must ensure the information statement and the specified documents are—

- (a) published on the website of the relevant council; and
- (b) made available during the referendum period for inspection—
 - (i) at the principal offices of the relevant council; and
 - (ii) where the relevant council controls any premises which are open to the public in the referendum area, at such of those premises as the council considers appropriate having regard to the desirability of ensuring a geographical distribution of premises where the statement and documents are made available, provided that in all cases they are available at least at one such premises.

(2) The information statement and the specified documents published in accordance with paragraph (1) must, as far as reasonably practicable, remain available throughout the referendum period in the form in which they were originally published.

(3) For the purposes of this regulation—

- (a) “the information statement” is a statement that specifies—
 - (i) that a referendum will be held;
 - (ii) the date on which the referendum will be held;
 - (iii) the question to be asked in the referendum;
 - (iv) a map of the referendum area;
 - (v) where the referendum area is not identical to the neighbourhood area, a map of the neighbourhood area;
 - (vi) a description of persons entitled to vote in the referendum;
 - (vii) the referendum expenses limit that will apply in relation to the referendum and the number of persons entitled to vote by reference to which that limit has been calculated;

⁽¹⁰⁾ “Neighbourhood development order” is defined in section 61E of the 1990 Act and “community right to build order” is defined in section 61Q of, and Schedule 4C to, the 1990 Act (sections 61E and G were inserted by paragraph 2 of Schedule 9, and Schedule 4C was inserted by Schedule 11 to the Localism Act 2011 (c.20)).

⁽¹¹⁾ “Relevant council” is defined in paragraph 14(3) of Schedule 4B to the 1990 Act.

- (viii) that the referendum will be conducted in accordance with procedures similar to those used at local government elections; and
 - (ix) the address and times at which a copy of the specified documents can be inspected; and
- (b) “the specified documents” are—
- (i) the draft neighbourhood plan or neighbourhood development order;
 - (ii) the report made by the independent examiner under paragraph 10 of Schedule 4B to the 1990 (in the case of a neighbourhood plan, as applied by section 38A(3) of the 2004 Act);
 - (iii) a summary of any representations submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act;
 - (iv) a statement—
 - (aa) in the case of a draft neighbourhood development order (excluding a community right to build order), that the local planning authority are satisfied the order meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the 1990 Act and complies with the provision made by or under sections 61E(2), 61J and 61L of that Act, or
 - (bb) in the case of a draft neighbourhood plan, that the local planning authority are satisfied the draft plan meets those basic conditions and complies with the provision made by or under sections 38A and 38B of the 2004 Act; or
 - (cc) in the case of a community right to build order, that the independent examiner has recommended that the draft order is submitted to a referendum under paragraph 10(3) of Schedule 4C to that Act;
 - (v) a statement that sets out general information as to town and country planning (including neighbourhood planning) and the referendum, which is prepared having regard to any guidance issued by the Secretary of State; and
 - (vi) in the case of a community right to build order, a statement that sets out details of any enfranchisement right⁽¹²⁾ which are not to be exercisable in relation to land the development of which is to be authorised by the draft order, and the properties, or types of properties, in relation to which, the qualifying body proposes that right is not exercisable.
- (4) The days mentioned in paragraph (5) are to be disregarded in calculating the period of 28 days referred to in paragraph (1).
- (5) The days mentioned in this paragraph are—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England, and
 - (c) any day appointed as a day of public thanksgiving or mourning in England.

Restriction on publication etc of promotional material

- 5.—**(1) This regulation applies to any material which—
- (a) provides general information about the referendum;
 - (b) deals with any of the issues raised by the question to be asked in the referendum; or

(12) See paragraph 11(2) of Schedule 4C to the 1990 Act and regulation 28 of [S.I. 2012/637](#).

- (c) puts any arguments for or against a particular answer to that question.
- (2) No material to which this regulation applies is to be published by or on behalf of—
- (a) the relevant council, or
 - (b) the local planning authority for the referendum area, where that is not the relevant council, during the referendum period.
- (3) Paragraph (2) does not apply to—
- (a) material required to be published under regulation 4, or
 - (b) the publication of press notices containing factual information where the sole purpose of the publication is to refute or correct any inaccuracy in material published by a person other than the relevant council.
- (4) In this regulation “publish” means make available to the public, or to any section of the public, in whatever form and by whatever means (including, in particular, by inclusion in any programme included in a programme service within the meaning of the Broadcasting Act 1990)⁽¹³⁾; and “publication” is to be construed accordingly.

General restriction on referendum expenses

6.—(1) In this regulation and in regulation 7—

“campaign organiser” means an individual or body by whom, or on whose behalf, referendum expenses are incurred (including expenses treated as incurred) in connection with a referendum campaign;

“referendum campaign” means a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in a referendum;

“referendum expenses” means the expenses incurred by or on behalf of any individual or body during the referendum period for referendum purposes in respect of any of the matters set out in paragraphs 1 to 7 of Schedule 2, as read in accordance with paragraph 8 of that Schedule;

“referendum expenses limit” is calculated using the formula—

$$£2,362 + (0.059xN)$$

where N is number of entries in the relevant register;

“for referendum purposes” means—

- (a) in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular result in the referendum, or
- (b) otherwise in connection with promoting or procuring any such outcome;

“relevant register” means the part or parts of the register or registers of local government electors published under section 13 of the 1983 Act⁽¹⁴⁾ after the conclusion of the canvass conducted under section 10 of that Act in the year immediately preceding that in which the referendum is held, which has or have effect in respect of the referendum area (whether or not the persons to whom these entries relate are entitled to vote in the referendum).

- (2) The total referendum expenses incurred or, in accordance with regulation 7, treated as incurred, by, or on behalf of, a campaign organiser must not exceed the referendum expenses limit.

⁽¹³⁾ 1990 c.42. Section 201, which contains the definition of programme service, was amended by section 360 of and Schedule 19 to the Communications Act 2003 (c. 21).

⁽¹⁴⁾ 1983 c.2; section 10 was substituted by paragraph 4 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by paragraphs 5 and 105 of Schedule 1 to the Electoral Administration Act 2006 (c. 26). Section 13 was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000.

(3) Where any referendum expenses are incurred in excess of the referendum expenses limit, a person who knew or ought reasonably to have known that that limit would be exceeded, or who, without reasonable excuse, authorises another person to exceed that limit, is guilty of an offence.

(4) Where an offence under paragraph (3) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished accordingly.

(5) A person who commits an offence under paragraph (3) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 12 months or both.

(6) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003⁽¹⁵⁾, the reference in paragraph (5)(a) to 12 months is to be read as a reference to 6 months.

(7) Where information is given to the Director of Public Prosecutions (“the DPP”) that an offence under paragraph (3) has been committed, it is the DPP’s duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to the DPP to require.

(8) Nothing in paragraph (2) affects the right of any creditor who, when the expenses were incurred, was ignorant of that expense being in contravention of that paragraph.

Notional referendum expenses

7.—(1) This regulation applies where property, services or facilities provided for the use or benefit of any person either—

- (a) free of charge, or
- (b) at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the services or facilities,

is or are made use of by or on behalf of that person in circumstances such that, if any expenses were to be (or are) actually incurred by that person or on that person’s behalf in respect of that use, they would be (or are) referendum expenses incurred by that person or on that person’s behalf.

(2) Subject to paragraph (5), where this regulation applies, an amount of referendum expenses determined in accordance with paragraph (3) is, unless it is not more than £200, to be treated for the purposes of regulation 6 as incurred by that person for the period for which the property, services or facilities is or are made use of as mentioned in paragraph (1).

(3) The amount mentioned in paragraph (2) is such proportion of either—

- (a) the commercial rate for use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of the expenses actually incurred by or on behalf of that person in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (1).

(15) 2003 c.44.

(4) Where the services of an employee are made available by that employee's employer for the use or benefit of a person, the amount which is to be taken as constituting the commercial rate for the provision of those services is the amount of the remuneration or allowances payable to the employee by the employer in respect of the period for which the employee's services are made available (but that amount is not to include any amount in respect of contributions or other payments for which the employer is liable in respect of that employee).

(5) No amount of referendum expenses is to be regarded as incurred by virtue of paragraph (2) in respect of the provision by any individual of the individual's own services which the individual provides voluntarily in that individual's own time and free of charge.

Conduct of referendum: poll at referendum not taken together with poll at relevant election or referendum

8.—(1) This regulation applies, in relation to the referendum, where the poll is not taken together with the poll at a relevant election.

(2) The referendum is to be conducted in accordance with the Neighbourhood Planning Referendums Rules (set out in Schedule 3).

(3) The enactments mentioned Tables 1 to 6 of Schedule 4 have effect in relation to the referendum, subject to—

- (a) unless the context otherwise requires, the general modifications specified in paragraph (4), and
- (b) the modifications specified in those Tables.

(4) The general modifications are—

- (a) a reference to an election must be construed as a reference to the referendum;
- (b) a reference to a returning officer must be construed as a reference to the counting officer;
- (c) a reference to a constituency, an electoral division or a ward, or a reference to a voting area must be construed as a reference to the referendum area;
- (d) a reference to any local authority by or in respect of which an election is held must be construed as a reference to the relevant council;
- (e) a reference to voting for, or a vote for, a candidate must be construed as a reference to voting for, or a vote for, an answer;
- (f) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, must be construed as a reference to promoting or procuring a particular result in the referendum;
- (g) references to nomination papers and, except as mentioned in sub-paragraphs (e) and (f), references to candidates, are ignored;
- (h) a reference to the return of a person must be construed as a reference to a particular result in the referendum;
- (i) a reference to a person voting as an elector must be construed as a person voting on their own behalf;
- (j) a reference to a person's entitlement as an elector to an absent vote must be construed as a reference to a person's entitlement to vote by post on their own behalf or to vote by proxy;
- (k) where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents is ignored;
- (l) a reference to anything having been prescribed must be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;

- (m) a form which is required to be used may be used with such variations as the circumstances require;
- (n) a reference to the registration officer, in relation to a district, London borough, the Common Council of the City of London or the Isles of Scilly, is a reference to the relevant registration officer appointed under section 8 or 203(4) of the 1983 Act⁽¹⁶⁾, and for the purpose of the exercise of a registration officer's functions in relation to the referendum, section 52(1) to (4) (discharge of registration duties) and section 54(1), (3) and (4) (payment of expenses of registration) of that Act have effect;
- (o) any reference to an enactment or instrument made under an enactment must be construed as a reference to that enactment or instrument as applied by these Regulations;
- (p) so much of any provision as applies to an election petition is ignored;
- (q) so much of any provision as applies only in Scotland, Wales or Northern Ireland is ignored.

Counting officer

9.—(1) Where the relevant council is not the Common Council of the City of London, functions conferred by these Regulations on the counting officer are to be exercised in the referendum area by the person who is for the time being the returning officer at local government elections in which the referendum area is situated under section 35(1) or (3) of the 1983 Act⁽¹⁷⁾.

(2) Where the relevant council is the Common Council of the City of London, functions conferred by these Regulations on the counting officer are to be exercised by the person who is for the time being appointed by the Common Council to act as the counting officer of the referendum.

(3) It is the counting officer's general duty at the referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by these Regulations.

(4) The counting officer must also appoint and pay any such persons as may be necessary for the purpose of the counting of the votes.

Cross-boundary referendum areas and the Chief Counting Officer

10.—(1) This regulation applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where under these Regulations a proper officer is required to publish any notice or document, that notice or document must be published in the same manner and on the same date in respect of each relevant council.

(3) Where paragraph (2) applies, the decision as to the manner and date of the publicity required is to be made by the proper officers of the relevant councils jointly or, if they cannot agree, by the proper officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of local government electors is registered.

(4) Where this regulation applies—

- (a) the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of local government electors is registered, or
- (b) such other relevant council as both or all (as the case may be) the councils agree,

must appoint a person to be Chief Counting Officer in relation to the referendum.

⁽¹⁶⁾ 1983 c.2. The relevant amendments to which are: section 11(4) of the Parliamentary Voting System and Constituencies Act 2011 (c.1), paragraphs 12, 14 and 71 of Schedule 4 to the Representation of the People Act 1985 (c.50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

⁽¹⁷⁾ 1983 c. 2; section 35(1) was amended by paragraph 11 of Schedule 16 to the Local Government Act 1985 (c.51).

(5) The Chief Counting Officer may give, to a counting officer, directions relating to the discharge of the counting officer's functions at the referendum, including directions requiring the provision to the Chief Counting Officer of any information which the counting officer has or is entitled to have and directions requiring them to take specified steps in preparation for the referendum.

(6) It is the duty of a counting officer to whom directions are given under paragraph (5) to discharge that counting officer's functions at the referendum in accordance with the directions.

(7) In relation to the discharge of all or any of the functions of the Chief Counting Officer in relation to the referendum, the Chief Counting Officer may, in writing, appoint—

- (a) deputies;
- (b) clerks.

Combination of polls: general

11.—(1) Where the poll at a referendum would be taken on a day that falls within the period beginning 28 days before the day on which the poll is to be taken at a relevant election, the poll at the referendum may be taken on the day on which the poll is to be taken at the relevant election and the polls may be taken together if the returning officer or counting officer for the relevant election and the counting officer for the referendum think fit.

(2) Where the poll at a referendum would be taken on a day that falls within the period beginning 28 days before the day on which the poll is to be taken at another referendum, the poll at both referendums may be taken on the same day and the polls may be taken together if the counting officer thinks fit.

(3) The cost of taking the combined polls (excluding any cost solely attributable to one election or referendum) and any cost attributable to their combination are to be apportioned equally among the elections or referendums.

Combination of polls: conduct of referendum

12.—(1) This regulation applies, in relation to the referendum, where polls are taken together in accordance with regulation 11.

(2) The poll at the referendum is to be conducted in accordance with the Neighbourhood Planning Referendums (Combination of Polls) Rules (set out in Schedule 5).

(3) The enactments mentioned in Tables 1 to 6 of Schedule 4 have effect, in relation to the referendum, subject to—

- (a) unless the context otherwise requires, the general modifications in regulation 8(4), and
- (b) the modifications specified in those Tables.

(4) The enactments mentioned in Part 2 of Schedule 4 have effect, in relation to the referendum, subject to the modifications specified in that Part.

(5) Where the polls at a relevant election are held on the same day as the referendum, a person who is entitled to vote at the referendum is to be treated as being entitled to vote by post, or to vote by proxy, at the referendum where that person is entitled under the absent voter legislation to vote by post, or to vote by proxy, at the relevant election.

(6) In paragraph (5), “absent voter legislation” means one or more of the following—

- (a) Schedule 4 to the Representation of the People Act 2000⁽¹⁸⁾;
- (b) Schedule 2 to the Police and Crime Commissioner Elections Order 2012⁽¹⁹⁾; and

⁽¹⁸⁾ 2000 c.2. Schedule 4 was amended by paragraph 164 of Schedule 27 to the Civil Partnerships Act 2004 (c.33), and sections 5, 14, 35 and 38 of, paragraphs 19, 20 and 137 of Schedule 1 to, the Electoral Administration Act 2006 (c.22).

⁽¹⁹⁾ S.I. 2012/

- (c) Schedule 2 to the European Parliamentary Elections Regulations 2004(20).

Combination of polls: supplementary provisions relating to relevant elections

13.—(1) This regulation applies, in relation to the relevant election, where polls are taken together in accordance with regulation 11.

(2) The enactments mentioned in Tables 2, 3 and 6 of Part 1 and Parts 2 and 3 of Schedule 4, have effect, in relation to the relevant election taken together with the referendum, subject to—

- (a) unless the context otherwise requires, the general modifications specified in paragraph (3), and
 - (b) the modifications specified in Tables 2, 3 and 6 and Parts 2 and 3.
- (3) The general modifications are—
- (a) a reference to an election must be construed as including the referendum;
 - (b) a reference to a returning officer must be construed as including the counting officer;
 - (c) a reference to a constituency, an electoral division or a ward, or a reference to a voting area must be construed as including the referendum area;
 - (d) a reference to any local authority by or in respect of which an election is held must be construed as including the relevant council;
 - (e) a reference to voting for, or a vote for, a candidate must be construed as including voting for, or a vote for, an answer;
 - (f) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, must be construed as including promoting or procuring a particular result in the referendum;
 - (g) a reference to the return of a person must be construed as including a particular result in the referendum;
 - (h) a reference to a person voting as an elector must be construed as including a person voting on their own behalf;
 - (i) a reference to a person's entitlement as an elector to an absent vote must be construed as including a person's entitlement to vote by post on their own behalf or to vote by proxy;
 - (j) a reference to anything having been prescribed must be construed as including its being provided for by a provision of subordinate legislation applied by these Regulations;
 - (k) a form which is required to be used may be used with such variations as the circumstances require;
 - (l) a reference to the registration officer, in relation to a district, London borough, the Common Council of the City of London or the Isles of Scilly, includes a reference to the relevant registration officer appointed under section 8 or 203(4) of the 1983 Act, and for the purpose of the exercise of a registration officer's functions in relation to the referendum, section 52(1) to (4) (discharge of registration duties) and section 54(1), (3) and (4) (payment of expenses of registration) of that Act have effect;
 - (m) any reference to an enactment or instrument made under an enactment must be construed as including that enactment or instrument as applied by these Regulations.

Advertisements

14. The Town and Country Planning (Control of Advertisements) Regulations 2007(21) have effect in relation to the display on any site in a referendum area of an advertisement relating specifically to the referendum as they have effect in relation to the display of an advertisement relating specifically to a local government election.

Non-domestic rating: premises used for referendum purposes

15. In relation to premises in a referendum area, section 65(6) of the Local Government Finance Act 1988(22) has effect as if—

- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result in the referendum, and
- (b) the reference to the use by a returning officer for the purpose of taking the poll in an election included a reference to the use for the purpose of taking the poll in the referendum by a person exercising functions of a counting officer in accordance with regulation 9.

Referendums not arranged by the local planning authority

16. If any relevant council is not the local planning authority, the relevant council and the local planning authority must co-operate in relation to the holding of referendums, and in particular—

- (a) the proper officer of the local planning authority must inform the proper officer of the relevant council as soon as they know that a referendum is required to be held by paragraph 12(4) of Schedule 4B, or paragraph 10(3) of Schedule 4C, to the 1990 Act;
- (b) the proper officer of the local planning authority must promptly provide to the proper officer of the relevant council—
 - (i) a summary of written representations, and
 - (ii) any information or copies of documents held by the local planning authority, which the proper officer of the relevant council requires to comply with regulation 4;
- (c) the proper officers of the local planning authority and the relevant council must each respond as soon as reasonably practicable to any request for information from the other in connection with the holding of the referendum; and
- (d) the proper officer of the relevant council must, as soon as reasonably practicable, inform the proper officer of the local planning authority of the result of the referendum.

Signed by authority of the Secretary of State for Communities and Local Government

Minister of State
Department for Communities and Local
Government

(21) S.I. 2007/783.

(22) 1988 c.41, to which there have been no relevant amendments.

SCHEDULE 1

Regulation 3

Question to be asked in a referendum

1. Do you want [*insert name of local planning authority*] to use the neighbourhood plan for [*insert name of neighbourhood area*] to help it decide planning applications in the neighbourhood area?
2. Do you want the type of development in the neighbourhood development order for [*insert name of neighbourhood area*] to have planning permission?
3. Do you want the development in the community right to build order for [*insert name of neighbourhood area*] to have planning permission?

SCHEDULE 2

Regulation 6

Matters relevant to referendum expenses

1. Advertising of any nature (whatever the medium used):

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

2. Unsolicited material addressed to voters (whether addressed to them by name or intended for delivery to households within any particular area or areas):

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

3. Any material of a description referred to in regulation 5(1).
4. Market research or canvassing conducted for the purposes of ascertaining voting intentions.
5. The provision of any property, services or facilities in connection with press conferences or other dealings with the media.
6. Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign:

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the referendum period.

7. Rallies and other events, including public meetings organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.

Expenses in respect of such events include costs in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

8. Nothing in paragraphs 1 to 7 is to be taken as extending to—
 - (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
 - (b) any expenses incurred in respect of the remuneration or allowances payable to any member of staff of the campaign or the campaign organiser;

- (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for that individual's accommodation or other personal needs to the extent that the expenses are paid by the individual from that individual's own resources and are not reimbursed to the individual.

SCHEDULE 3

Regulation 8

THE NEIGHBOURHOOD PLANNING REFERENDUMS RULES

CONTENTS

PART 1

Citation and Interpretation

1. Citation
2. Interpretation

PART 2

Provisions as to Time

3. Timetable
4. Computation of time

PART 3

General Provisions

5. Notice of referendum
6. Poll to be taken by ballot
7. The ballot papers
8. The corresponding number list
9. The official mark
10. Prohibition of disclosure of vote
11. Use of schools and public rooms
12. Cross-boundary referendum areas

PART 4

Action to be Taken Before the Poll

13. Notice of poll
14. Postal ballot papers
15. Provision of polling stations
16. Appointment of presiding officers and polling clerks
17. Issue of official poll cards
18. Equipment of polling stations
19. Appointment of polling observers and counting observers
20. Notification of requirement of secrecy
21. Return of postal ballot papers

PART 5

The Poll

22. Admission to polling station
23. Keeping of order in station
24. Sealing of ballot boxes
25. Questions to be put to voters and proxies
26. Challenge of voter or proxy
27. Voting procedure
28. Votes marked by presiding officer
29. Voting by persons with disabilities
30. Tendered ballot papers: circumstances where available
31. Tendered ballot papers: general provisions
32. Spoilt ballot papers
33. Correction of errors on day of poll
34. Adjournment of poll in case of riot
35. Procedure on close of poll

PART 6

Counting of Votes

36. Attendance at counting of votes
37. The count
38. Re-count
39. Rejected ballot papers
40. Decisions on ballot papers
41. Equality of votes

PART 7

Declaration of Result and Disposal of Documents

42. Declaration of result
43. Declaration of result: cross-boundary referendum areas
44. Sealing up of ballot papers
45. Delivery of documents to relevant registration officer
46. Orders for production of documents
47. Retention of documents

PART 8

Appendix of Forms

Signature
Explanatory Note

PART 1

Citation and Interpretation

Citation

1. These Rules may be cited as the Neighbourhood Planning Referendums Rules.

Interpretation

- 2.—(1) In these Rules “voter” means a person entitled to vote on their own behalf.
- (2) References to the register of local government electors (other than a reference to a person’s number on the register) must be construed as references to the part or parts of the register or registers of local government electors which has or have effect in respect of the referendum area.
- (3) References to the relevant registration officer are to—
- (a) the registration officer of the relevant council;
 - (b) if the referendum area comprises any part of the area of more than one relevant council, the registration officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of electors is registered.
- (4) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

PART 2

Provisions as to Time

Timetable

3. The proceedings at the referendum are to be conducted in accordance with the following Timetable.

Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the day of the referendum.
Notice of poll	Not later than the sixth day before the day of the referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of the referendum.

Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 4(5) are to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the counting officer obliged to proceed with the counting of the votes on such a day.

PART 3

General Provisions

Notice of referendum

- 5.—(1) The counting officer must publish notice of the referendum, stating the date of the poll.
- (2) The notice of referendum must state the date by which—

- (a) applications to vote by post or by proxy; and
 - (b) other applications and notices about postal or proxy voting,
- must reach the registration officer in order that they may be effective for the referendum.

Poll to be taken by ballot

6. A poll must be taken at the referendum and the votes at the poll must be given by ballot.

The ballot papers

- 7.—(1) The ballot of every person entitled to vote at the referendum must consist of a ballot paper.
- (2) Every ballot paper to be used in the referendum must be in the form set out in Form 1, 2 or 3 in the Appendix (as the case may be).
- (3) Every ballot paper—
- (a) must be capable of being folded up; and
 - (b) must have a number and other unique identifying mark printed on the back.

The corresponding number list

- 8.—(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by the counting officer in pursuance of rule 14(1) or provided by that person in pursuance of rule 18(1).
- (2) The list must be in the form set out in Form 4 in the Appendix or a form to like effect.

The official mark

- 9.—(1) Every ballot paper must contain an appropriate security marking (the official mark).
- (2) The official mark must be kept secret.
- (3) The counting officer may use a different official mark for different purposes at the same referendum.

Prohibition of disclosure of vote

10. No person who has voted at the referendum is, in any legal proceeding to question the referendum, required to state for which answer that person has voted.

Use of schools and public rooms

- 11.—(1) The counting officer may use, free of charge, for the purpose of taking the poll or counting the votes—
- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996⁽²³⁾) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
 - (b) a room the expense of maintaining which is payable out of any rate.
- (2) The counting officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

(23) 1996 c.56.

Cross-boundary referendum areas

12.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where this rule applies, the Chief Counting Officer must ensure, as far as practicable, that any ballot paper or other document issued in relation to the referendum is in the same form (except for necessary changes) and is issued on the same date in respect of each relevant council.

PART 4

Action to be Taken Before the Poll

Notice of poll

13.—(1) The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the question to be asked in the referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

(3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station; and
- (b) the description of persons entitled to vote there.

Postal ballot papers

14.—(1) The counting officer must, in accordance with regulations made under the 1983 Act⁽²⁴⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement in the form set out in Form 6 in the Appendix, or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) The counting officer must also issue to those entitled to vote by post such information as the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters and proxies sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the voter or proxy.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter or proxy.

⁽²⁴⁾ See the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as amended by S.I. 2001/1700, 2002/1871, 2004/226, 2006/752 and 2006/2910.

Provision of polling stations

15.—(1) The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot polling stations to voters in such manner as the counting officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to voters from any parliamentary polling district wholly or partly within the referendum area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

(4) The counting officer must provide each polling station with such number of compartments as may be necessary in which the voters and proxies can mark their votes screened from observation.

Appointment of presiding officers and polling clerks

16.—(1) The counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

(2) The counting officer may, if that officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

17.—(1) The counting officer must as soon as practicable after the publication of the notice of the referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

(a) in the case of a voter, to the voter's qualifying address; and

(b) in the case of a proxy, to the proxy's address as shown in the list of proxies.

(3) The official poll card must be in the form set out in Form 7, 8, 9 or 10 in the Appendix (as the case may be), or a form to like effect, and must set out—

(a) the name of the relevant council and of the neighbourhood area;

(b) the name of the voter, the voter's qualifying address and number on the register;

(c) the date and hours of the poll and the situation of the voter's polling station;

(d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different voters or to different descriptions of voter.

(4) In the case of a voter who has an anonymous entry in the register, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

(a) are to a person who is registered in the register of local government electors on the last day for the publication of notice of the referendum; and

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

Equipment of polling stations

18.—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer’s opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of such part of the register of electors as contains the names of the voters who have the station allotted to them;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors or the part of it provided under sub-paragraph (b);
- (d) a list, in the form set out in Form 5 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽²⁵⁾ in respect of alterations to the register.

(5) The counting officer must also provide each polling station with—

- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and
- (b) a device of such description as is set out in paragraph (9) for enabling voters and proxies 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 29(1)).

(6) A notice in the form set out in Form 11 in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as the counting officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(8) In every compartment of every polling station there must be exhibited the notice “REFERENDUM ON [specify: neighbourhood plan / neighbourhood development order or community right to build order] FOR [specify name of neighbourhood area]. Mark a cross (X) in the box next to the answer of your choice. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.”.

(9) The device referred to in paragraph (5)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
- (b) hold the ballot paper firmly in place during use; and
- (c) provide suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which they may mark their vote;
 - (ii) identify the answer to which each such space refers; and

⁽²⁵⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and section 13B(3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

(iii) mark their vote on the space they have chosen.

Appointment of polling observers and counting observers

19.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(3) In the following provisions of these Rules references to polling observers and counting observers are to be taken as references to polling observers and counting observers whose appointments have been duly made.

(4) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

20.—(1) The counting officer must make such arrangements as the counting officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act⁽²⁶⁾, as applied by Schedule 4; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 4.

Return of postal ballot papers

21.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list; or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act⁽²⁷⁾.

(2) Rule 37(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

⁽²⁶⁾ Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22); subsection (6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

⁽²⁷⁾ See regulation 84(7) of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as amended by S.I. 2006/2910.

PART 5

The Poll

Admission to polling station

22.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters and proxies;
- (b) persons under the age of 18 who accompany voters and proxies to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000⁽²⁸⁾;
- (f) the constables on duty; and
- (g) the companions of voters and proxies with disabilities.

(2) The presiding officer must regulate the total number of voters, proxies and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by a counting officer must not be admitted to vote in person elsewhere than at the polling station allotted to them under these Rules, except on production and surrender of a certificate as to their employment which must be in the form set out in Form 12 in the Appendix, or a form to like effect, and signed by an officer of police of or above the rank of inspector or by the counting officer by whom the person is employed, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

23.—(1) It is the presiding officer's duty to keep order at the presiding officer's polling station.

(2) If a person misconducts themselves in a polling station, or fails to obey the presiding officer's lawful orders, that person may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station; or
- (b) by any other person authorised in writing by the counting officer to remove the person,

and the person so removed may not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter or proxy who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

24. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place the officer's seal on it in such a manner as to prevent the box being opened without breaking the seal and must place the

⁽²⁸⁾ 2000 c.41. Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

box in the officer’s view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters and proxies

25.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the Table; and
- (b) must be put if the letter “R” appears after the question and a polling observer requires the question to be put:

Table

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a voter	(a)—Are you the person registered in the register of local government electors for this referendum area as follows? <i>(read the whole entry from the register)</i> [R] (b)—Have you already voted here or elsewhere at this referendum, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as AB in the list of proxies for this referendum area as entitled to vote as proxy on behalf of CD? [R] (b)—Have you already voted here or elsewhere at this referendum as proxy on behalf of CD? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD? [R]
3	A person applying as proxy for a voter with an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (b)—Have you already voted here or elsewhere as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is <i>(read out the number)</i> ? [R]
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted at this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
5	A person applying as a voter in relation to whom there is an entry in the postal voters list	(a)—Did you apply to vote by post? (b)—Why have you not voted by post?
6	A person applying as proxy who is named in the proxy postal voters list	(a)—Did you apply to vote by post as proxy? (b)—Why have you not voted by post as proxy?

(2) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register are taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless that person has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

Challenge of voter or proxy

26. A person must not be prevented from voting by reason only that—

- (a) any polling observer permitted to be present in accordance with rule 22(1) declares that the polling observer has reasonable cause to believe that the person has committed an offence of personation; or
- (b) the person is arrested on the grounds that the person is suspected of committing or of being about to commit such an offence.

Voting procedure

27.—(1) A ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the voter as stated in the copy of the register of electors must be called out;
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 18(3)(d) beside the number of the ballot paper to be issued;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against their name in the list of proxies.

(2) A voter who has an anonymous entry must show the presiding officer their official poll card and only their number is to be called out in pursuance of paragraph (1)(a).

(3) In the case of a voter who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub-paragraph (b), for “in the register” substitute “in the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;

(c) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter or proxy, on receiving their ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark the ballot paper and fold it up so as to conceal their vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(5) The voter or proxy must vote without undue delay, and must leave the polling station as soon as the voter or proxy has put the ballot paper into the ballot box.

Votes marked by presiding officer

28.—(1) The presiding officer, on the application of a voter or proxy—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
- (b) who declares orally that the voter or proxy is unable to read,

must, in the presence of the polling observers (if any), cause that person’s vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number in the register of electors of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”).

(3) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy’s name is the number in the register of the voter.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

Voting by persons with disabilities

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

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the voter or proxy is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter or proxy to declare, orally or in writing, whether the voter or proxy is so incapacitated by blindness or other disability, or by the voter or proxy’s inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter or proxy is so incapacitated or unable to read; 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 or proxy with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one voter or proxy with disabilities to vote at the referendum,

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

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

- (a) is a person who is entitled to vote on their own behalf at the referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter or proxy and has attained the age of 18 years.

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

(5) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy’s name is the number in the register of the voter.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(7) The declaration made by the companion of a voter or proxy with disabilities—

- (a) must be in the form set out in Form 13 in the Appendix;
- (b) must be made before the presiding officer at the time when the voter or proxy applies to vote with the assistance of a companion; and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

(8) No fee or other payment may be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

30.—(1) If a person, representing themselves to be—

- (a) a particular voter named on the register and not named in the absent voters list; or
- (b) a particular person named in the list of proxies as proxy for a voter and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the voter or the voter’s proxy, the applicant is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter or proxy.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing themselves to be a particular voter named on the register;
- (b) that person is also named in the postal voters list; and
- (c) that person claims that that person did not make an application to vote by post at the referendum.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing themselves to be a particular person named as a proxy in the list of proxies;
- (b) that person is also named in the proxy postal voters list; and

(c) that person claims that the person did not make an application to vote by post as proxy.

(4) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

(5) Paragraph (6) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents themselves to be—

- (a) a particular voter named on the register who is also named in the postal voters list; or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that the person has lost or has not received their postal ballot paper.

(6) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

Tendered ballot papers: general provisions

31.—(1) A tendered ballot paper must—

- (a) be of a colour differing from that of the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the officer with the name of the person who has marked a tendered ballot paper and their number in the register of electors, and set aside in a separate packet.

(2) The name of the person who has marked a tendered ballot paper and their number in the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) In the case of a person voting as proxy for a voter, the number to be endorsed or entered together with the proxy’s name is the number in the register of the voter.

(4) In the case of a voter who has an anonymous entry, this rule and rule 30 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the person who has marked a tendered ballot paper are ignored;
- (b) otherwise, a reference to a person named in a register or list is construed as a reference to a person whose number appears in the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 30 apply as if—

- (a) in rule 30(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
- (b) in paragraph (1)(b) of this rule for “their number in the register of electors” there were substituted “the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in paragraph (2) of this rule, for “their number in the register of electors” there were substituted “the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (d) in paragraph (3) of this rule, for “the number in the register of the voter” there were substituted “the number relating to the voter on a notice issued under section 13(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

32. A voter or proxy who has inadvertently dealt with their ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer's satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as "a spoilt ballot paper"), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

33. The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

Adjournment of poll in case of riot

34.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice to the counting officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll are construed accordingly.

Procedure on close of poll

35.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any), make up into separate packets, sealed with the presiding officer's own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 27(1)(b) (together referred to in these Rules as "the completed corresponding number lists");
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads "disability" and "unable to read", the list maintained under rule 33, and the declarations made by the companions of voters and proxies with disabilities,

and must deliver the packets or cause them to be delivered to the counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery require the counting officer's approval.

(2) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to that officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

PART 6

Counting of Votes

Attendance at counting of votes

36.—(1) The counting officer must make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the close of the poll, and must give to the counting observers notice in writing of the time and place at which the counting officer will begin to count the votes.

(2) No person other than—

- (a) the Chief Counting Officer, the counting officer and the counting officer’s clerks;
- (b) the counting observers; and
- (c) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(3) A person not entitled to attend at the counting of the votes is not permitted to do so by the counting officer unless the counting officer is satisfied that the efficient counting of the votes will not be impeded.

(4) The counting officer must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistent with the orderly conduct of the proceedings and the discharge of the officer’s duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers are entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

37.—(1) The counting officer must—

- (a) in the presence of the counting observers open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the counting observers verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) The counting officer must not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

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

- (a) it is returned in the manner set out in paragraph (4) and reaches the counting officer or any polling station used at the referendum in question before the close of the poll;
 - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches the counting officer or such a polling station before that time;
 - (c) the postal voting statement also states the date of birth of the voter or proxy; and
 - (d) in a case where steps for verifying the date of birth and signature of a voter or proxy have been prescribed by regulations made under the 1983 Act, the counting officer (having taken such steps) verifies that date of birth and that signature.
- (4) The manner in which any postal ballot paper or postal voting statement may be returned—
- (a) to the counting officer, is by hand or by post;
 - (b) to a polling station, is by hand.
- (5) The counting officer must not count any tendered ballot paper.
- (6) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (7) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.
- (8) Where the referendum area comprises any part of the area of more than one relevant council, as soon as is practicable after the counting officer has drawn up the statement as to the result of the verification, the counting officer must inform the Chief Counting Officer of its content.
- (9) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the counting officer may exclude the hours between 7 in the evening and 9 on the following morning.
- (10) During the time so excluded the counting officer must—
- (a) place the ballot papers and other documents relating to the referendum under the counting officer's own seal; and
 - (b) otherwise take proper precautions for the security of the papers and documents.

Re-count

- 38.**—(1) The counting officer may have the votes re-counted or again re-counted.
- (2) Paragraphs (3) to (7) apply where the referendum area comprises any part of the area of more than one relevant council.
- (3) As soon as practicable after the conclusion of the count (which includes any re-count whether or not directed under this rule), the counting officer must draw up a provisional statement showing—
- (a) the number of ballot papers counted by the counting officer;
 - (b) the number of votes cast in favour of each answer to the question asked in the referendum.
- (4) As soon as possible after completion of the provisional statement, the counting officer must inform the Chief Counting Officer of its contents.
- (5) Once the Chief Counting Officer has received the report of any counting officer on the contents of that counting officer's provisional statement prepared under paragraph (3) and under

rule 39(5), the Chief Counting Officer may direct the counting officer to re-count (or further re-count) the votes.

(6) A re-count directed by the Chief Counting Officer under paragraph (5) may be of the votes in the whole referendum area, or in the areas of such of the relevant councils falling within the referendum area as the Chief Counting Officer considers reasonable.

(7) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith must notify those counting observers entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

Rejected ballot papers

39.—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more than one answer; or
- (c) on which anything is written or marked by which the voter or proxy can be identified except the printed number and other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

is not for such reason deemed to be void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the voter or proxy and it is not shown that the voter or proxy can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to the counting officer's decision.

(4) Subject to paragraph (5), the counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the voter or proxy could be identified;
- (d) unmarked or void for uncertainty.

(5) Where the referendum area comprises any part of the area of more than one relevant council, the statement referred to in paragraph (4) above is to be a provisional statement and as soon as practicable after the completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

Decisions on ballot papers

40. The decision of the counting officer on any question arising in respect of a ballot paper is final.

Equality of votes

41. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers, the result is that there is no majority in favour of the making of the plan or order.

PART 7

Declaration of Result and Disposal of Documents

Declaration of result

42.—(1) This rule applies where rule 43 does not apply.

(2) When the result of the poll has been ascertained, the counting officer must forthwith—

- (a) declare the result of the referendum;
- (b) inform the proper officer of the relevant council of the result of the referendum;
- (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.

Declaration of result: cross-boundary referendum areas

43.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) When the Chief Counting Officer is satisfied the result of the poll has been ascertained, the Chief Counting Officer must direct the counting officers to draw up a final statement of the matters referred to in rule 38(3) and to provide final versions of their statements of rejected ballot papers.

(3) The counting officer, having drawn up the final statement, must—

- (a) forthwith inform the Chief Counting Officer of its contents; and
- (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) When authorised by the Chief Counting Officer to do so, each counting officer must—

- (a) make a declaration of the matters referred to in the final statement; and
- (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(5) The Chief Counting Officer, having received notification of the final statement from each counting officer referred to in paragraph (2) must—

- (a) draw up a statement of—
 - (i) the total number of ballot papers counted, and
 - (ii) the total number of votes cast in favour of each answer to the question asked, in respect of the referendum;
- (b) declare the result of the referendum;

- (c) inform the proper officer of each relevant council of the result of the referendum;
- (d) 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.

Sealing up of ballot papers

44.—(1) On the completion of the counting at a referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

- (2) The counting officer must not open the sealed packets of—
 - (a) tendered ballot papers;
 - (b) the completed corresponding number lists;
 - (c) certificates as to employment on duty on the day of the poll; or
 - (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

45. The counting officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in the counting officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 33, and the declarations made by the companions of voters and proxies with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the relevant council.

Orders for production of documents

- 46.**—(1) An order—
 - (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
 - (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the relevant registration officer's custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons;
- (b) time;
- (c) place and mode of inspection;
- (d) production or opening,

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given is not disclosed until it has been proved—

- (a) that their vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the High Court from any order of a county court under this rule.

(6) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(7) Where an order is made for the production by the relevant registration officer of any document in the relevant registration officer's possession relating to any specified referendum—

- (a) the production by the relevant registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any referendum; and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as by this rule provided, no person is to be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Retention of documents

47. The relevant registration officer must retain for one year all documents relating to a referendum forwarded to that officer in pursuance of these Rules by a counting officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

PART 8

Appendix of Forms

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Form 4 - Corresponding Number List L1

Form 5 - Corresponding Number List L2

Form 6 - Form of Postal Voting Statement

Form 7 - Official Poll Card (to be sent to a voter voting in person)

Form 8 - Official Postal Poll Card (to be sent to a voter voting by post)

Form 9 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Form 10 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Form 11 - Form of directions for the guidance of the voters and proxies in voting

Form 12 - Form of Certificate of Employment

Form 13 - Form of declaration made by the companion of a voter or proxy with disabilities

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Front of ballot paper

Referendum on the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i>	
Do you want <i>[insert name of local planning authority]</i> to use the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i> to help it decide planning applications in the neighbourhood area?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Front of ballot paper

Referendum on the Neighbourhood Development Order for [<i>insert name of neighbourhood area</i>]	
Do you want the type of development in the Neighbourhood Development Order for [<i>insert name of neighbourhood area</i>] to have planning permission?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Neighbourhood Development Order for [<i>insert name of neighbourhood area</i>] on [<i>insert date</i>]

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Front of ballot paper

Referendum on the Community Right to Build Order for <i>[insert name of neighbourhood area]</i>	
Do you want the development in the Community Right to Build Order for <i>[insert name of neighbourhood area]</i> to have planning permission?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Community Right to Build Order for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

Form 4 - Corresponding Number List L1

Corresponding Number List – L1		
(to be used at a referendum taken alone)		
Area:		
Date of Poll:		
Sheet No:		
Ballot Paper Number	Unique Identifying Mark	Number on electoral register <i>(to be completed only in respect of ballot papers issued to postal voters and proxies voting by post)</i>

Form 5 - Corresponding Number List L2

Corresponding Number List – L2	
(to be used at a referendum taken alone)	
Area:	
Date of Poll:	
Polling Station:	
Sheet No:	
Ballot Paper Number	Number on electoral register

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Form 6 - Form of Postal Voting Statement

Postal Voting Statement

*Name of person voting by post: Ballot paper No.
*Counting Officer to insert name but omit where ballot papers sent to a person with an anonymous entry in the register

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth

--	--	--	--	--	--	--	--

 (Date of birth of person voting)

#Signature

--

 (Signature of person voting)
IMPORTANT – Keep signature within border

#Counting Officer to omit where a person has been granted a waiver

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person’s ballot paper.

PLEASE READ INSTRUCTIONS TO THE PERSON VOTING
Issued by the Counting Officer

INSTRUCTIONS TO THE PERSON VOTING

Complete the ballot paper yourself and in private. If you need help contact the Counting Officer’s staff as shown below
[Contact details for assistance include address as appropriate]

- 1. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.
- 2. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.
- 3. Mark a cross (X) in the box next to the answer of your choice.
- 4. If you need help voting, the person helping you must not tell anyone how you voted.
- 5. Put the ballot paper in the envelope marked **A** and seal it.
- 6. Complete the postal voting statement by [# signing it, and] providing your date of birth.
- 7. Then put the envelope marked **A** together with the postal voting statement in the envelope marked **B**. Return it straightaway.
- 8. After receiving this postal vote, you cannot vote in person at a polling station at this referendum.
- 9. If you accidentally spoil your ballot paper, you can apply to the Counting Officer for a replacement before 5 p.m. on [day / date of poll]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Counting Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Counting Officer by 10 p.m. on [day / date of poll]. You can deliver your completed postal vote to any polling station in your area on polling day.

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person’s ballot paper.

It is illegal to vote more than once at the same referendum (unless you are appointed as a proxy for another person entitled to vote at the referendum).

Counting officer to omit where a person has been granted a waiver.

Form 7 - Official Poll Card (to be sent to a voter voting in person)

OFFICIAL POLL CARD (To be sent to a voter who is voting in person)	
<i>Front of card</i>	
OFFICIAL POLL CARD	
Relevant council:	Number on register:
Neighbourhood area:	*Name
Polling Day:
Polling hours: 7 a.m. to 10 p.m.	*Address
Your polling station will be:
<i>*(Counting Officer to omit where poll card sent to a person with an anonymous entry on the register. Poll card to such a person must be delivered in a sealed envelope.)</i>	
* This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD	

Back of card

REFERENDUM ON [*specify: the neighbourhood plan / the neighbourhood development order or the community right to build order*] FOR [*specify name of neighbourhood area*]

*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.

*The clerk will confirm your details on the register.

1. When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box next to the answer of your choice.
2. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.
3. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.
4. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll—

- You can apply to vote by post. Your application form must be received before 5 p.m. on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this referendum.
- You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 p.m. on [-6 day/date deadline]. If you appoint a proxy, you can still vote at this referendum yourself if you do so before your proxy has voted for you.
- In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline].

To change any of your voting arrangements please contact [*helpline number*] as soon as possible.

Issued by the Counting Officer

[Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above:

You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show them this card.

The presiding officer will confirm your entry on the register.]

Form 8 - Official Postal Poll Card (to be sent to a voter voting by post)

<p>OFFICIAL POSTAL POLL CARD (To be sent to a voter who is voting by post)</p>	
<p><i>Front of card</i></p>	
<p>OFFICIAL POLL CARD</p>	
<p>Relevant Council: Neighbourhood Area: For the referendum on: [day/date] Number on register *Name and address: *(Counting Officer to omit where poll card sent to a person with an anonymous entry in the register. Poll card to such a person must be delivered in a sealed envelope.)</p>	<p>This notice is to tell you that you have asked to vote by post for this referendum, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call the helpline number shown below before 5 p.m. on [-11 day/date deadline].</p> <p>We will send your postal voting papers around [day/date]. Addressed to: (Name and address)</p> <p>If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day / date of poll].</p>	
<p>This card is to provide you with information about voting by post. <i>SEE INFORMATION ON THE BACK OF THIS CARD</i></p>	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Back of card

REFERENDUM ON [*specify: the neighbourhood plan / the neighbourhood development order or the community right to build order*] FOR [*specify name of neighbourhood area*]

When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Counting Officer: please call the helpline number shown below.

You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless a waiver has been granted), and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [*day/date of poll.*]

Complete and return your postal vote as soon as possible. The Counting Officer must receive your postal vote by 10 p.m. on [*day/date of poll*]. You can deliver your completed voting papers to any polling station in the area.

If you want to vote in person at this referendum, you must cancel your postal vote before 5 p.m. on [*-11 day/date deadline*].

If you need any assistance, please call our helpline on: [*helpline number*].

It is an offence to vote using a ballot paper that was not addressed to you.

Issued by the Counting Officer

Form 9 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

OFFICIAL PROXY POLL CARD (To be sent to an appointed proxy voting in person)	
<i>Front of card</i>	
OFFICIAL POLL CARD	
Relevant Council: Neighbourhood Area: Polling Day: Polling hours: 7 a.m. to 10 p.m. Your polling station will be:	<p>*This card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy.</p> <p>*Proxy's name</p> <p>*Proxy's address</p> <p><i>*(Counting Officer to omit where poll card sent to the proxy of a person with an anonymous entry on the register. Poll card to such a proxy must be delivered in a sealed envelope.)</i></p>
* This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there.	
SEE FURTHER INFORMATION ON THE BACK OF THIS CARD	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Back of card

REFERENDUM ON [*specify: the neighbourhood plan / the neighbourhood development order or the community right to build order*] FOR [*specify name of neighbourhood area*]

*This poll card is to tell you that for this referendum you are appointed as proxy for:

.....
*(Person's name)

.....
*(Person's address)

.....
*(Person's number on register)

* When you go to the polling station, tell the clerk that you wish to vote as proxy for the person shown above. The clerk will confirm the details on the register.

1. When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box next to the answer the person is voting for.
2. Vote ONCE only. Do not mark the ballot paper in any other way, or the vote may not be counted.
3. If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.
4. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll, you can apply before 5 p.m. on [*-day/date deadline*] to vote by post. If you are given a postal vote, the person who appointed you as proxy will not be entitled to vote in person at this referendum.

The person who appointed you as proxy may vote in this referendum. If they wish to do so they must vote in person before you vote on their behalf.

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.
- Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline number on: [*helpline number*].
Issued by the Counting Officer

[Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above:

You must have this card with you when you vote. You cannot vote as proxy without it. You are entitled to vote as proxy for the person whose number on the register is shown below:

.....
(Person's number on register).

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card.]

Form 10 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

<p>OFFICIAL PROXY POSTAL POLL CARD (To be sent to an appointed proxy voting by post)</p>	
<p><i>Front of card</i></p>	
<p>OFFICIAL POLL CARD</p>	
<p>Relevant Council: Neighbourhood Area: For the referendum on [day/date]: Name and Address (Proxy):</p>	<p>*This poll card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy and you have decided to vote by post.</p> <p>You will not be able to vote on behalf of the person who appointed you as proxy in a polling station. If you want to cancel this postal vote and vote in person on polling day, please call the helpline number shown below before 5 p.m. on [-11 day/date deadline].</p> <p>We will send the proxy postal voting papers around [day/date].</p> <p>If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help.</p> <p><i>[Where the poll card sent to the proxy of a person with an anonymous entry in the register the Counting Officer is to substitute for the text marked * above-</i></p> <p>This poll card is to tell you that for this referendum, the person whose number is shown on the back of this card has appointed you as their proxy and you have decided to vote by post.</p> <p><i>The poll card to such a proxy must be delivered in a sealed envelope.]</i></p>
<p>If you lose or accidentally spoil the ballot paper of the person who appointed you as proxy, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</p>	

Back of card

REFERENDUM ON [*specify: the neighbourhood plan / the neighbourhood development order or the community right to build order*] FOR [*specify name of neighbourhood area*]

*This card is to tell you that for this referendum you are appointed as proxy for the person named below and you have decided to vote by post.

.....
*(Person's name)

.....
*(Person's address)

1. When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.
2. Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.
3. You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless a waiver has been granted) and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records they hold.
4. If you lose or accidentally spoil the postal ballot paper, please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [*day/date of poll*].
5. Complete and return the postal vote as soon as possible. The Counting Officer must receive the postal vote by 10 p.m. on [*day/date of poll*]. You can deliver your completed voting papers to any polling station in your area.
6. If you want to vote in person as a proxy at this referendum, you must cancel your postal vote before 5 p.m. on [*-11 day/date deadline*].

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.
- Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline number on: [*helpline number*].

Issued by the Counting Officer

[*Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above:*

This poll card is to tell you that for this referendum you are appointed as proxy for the person whose number on the register is shown below and you have decided to vote by post.

You are entitled to vote as proxy for the voter whose number on the register is shown below:

.....
(Person's number on register.)

Form 11 - Form of directions for the guidance of the voters and proxies in voting

GUIDANCE FOR VOTERS

1. When you are given your ballot paper go to one of the polling booths.
2. Mark a cross (X) in the box next to the answer of your choice.
3. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.
4. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote.
5. Put the ballot paper in the ballot box and leave the polling station.
6. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

Form 12 - Form of Certificate of Employment

REFERENDUM ON [*specify: the neighbourhood plan / the neighbourhood development order or the community right to build order*] FOR [*specify name of neighbourhood area*]

I certify that (name) who is numbered in the register of electors cannot reasonably be expected to go in person to the polling station allotted to them at the referendum on [*date of poll*] by reason of the particular circumstances of their employment on that date for a purpose connected with the referendum –

*(a) as a constable

*(b) by me

Signature

*Counting Officer/Police Officer (Inspector or above)

Date

*Delete whichever is inappropriate

Note: the person named above is entitled to vote at any polling station of the area on production and surrender of this certificate to the presiding officer.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Form 13 - Form of declaration made by the companion of a voter or proxy with disabilities

REFERENDUM ON [specify: the neighbourhood plan / the neighbourhood development order or the community right to build order] FOR [specify name of neighbourhood area]

I, (name of companion), of
..... (address of companion) having been requested to assist (*name of voter or proxy) [in the case of a proxy with disabilities, add voting as proxy for (*name of voter)] whose number on the register is to record their vote at the referendum now being held for this referendum area, hereby declare that—

I have not previously assisted any other voter with disabilities [except (name of other voter or proxy), of (address of other voter or proxy) or if anonymous voter substitute "the person whose number is on the register"] to vote at the said referendum, and

- I am entitled to vote on my own behalf at the said referendum, or
- I am the (relationship of the companion to the voter or proxy) of the said voter or proxy and have attained the age of 18 years.

**Where the declaration is made in relation to a voter, or a proxy of a voter with an anonymous entry in the register, substitute the name of the voter with "the person".*

Signed (companion)

Date

I, the undersigned, being the presiding officer for (polling station) for the area of hereby certify that the above declaration, having first been read to the above-named companion, was signed by the companion in my presence.

Signed (Presiding Officer)

Date

Time (am/pm)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, the person will be guilty of an offence.

2. A voter or proxy with disabilities is a person who has made a declaration under the Neighbourhood Planning Referendums Rules that the person is so incapacitated by blindness or other disability, or by inability to read, as to be unable to vote without assistance.

SCHEDULE 4

Regulations 8, 12 and 13

Application, with Modification, of other Acts and Subordinate Legislation

PART 1

Table 1

Representation of the People Act 1983

<i>Provision</i>	<i>Modification</i>
Section 13B (alteration of registers: pending elections)(29)	After “election”, in each place, substitute “or referendum”.
	After subsection (4) insert— “(4A) This section also applies to referendums.”.
Section 31 (polling districts and stations at local government elections)(30)	In subsection (1)— (a) for “elections of county councillors” substitute “referendums by or in respect of a county”, and (b) for “elections of London borough or district councillors” substitute “referendums by or in respect of a London borough or district”.
	In subsection (3) for “local government elections” substitute “referendums”.
Section 35(4) (appointments by returning officers)	
Section 36(4) and (6) (returning officer’s expenditure at local elections)(31)	In subsection (4)— (a) for the words from “by a returning officer” to “London borough” substitute “by a counting officer for a relevant council in relation to the holding of a referendum”; and (b) for the words “the council for that area” substitute “that council”.
	In subsection (6) for the words from the beginning to “councillor, the council” substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the authority”.

(29) Section 13B was inserted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2) and amended by section 11 of the Electoral Administration Act 2006 (c.41).

(30) Section 31 was amended by Schedule 17 to the Local Government Act 1985 (c.50), paragraphs 1 and 2 of Schedule 3 to the Greater London Authority Act 1999 (c.29) and paragraphs 104 and 108 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(31) Section 36(4) was amended by Schedule 17 to the Local Government Act 1985 (c.51).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

<i>Provision</i>	<i>Modification</i>
	The first reference in subsection (6) to the council who appointed the returning officer must be construed as a reference to the council who appointed the returning officer, but other references to the returning officer must be construed as references to the counting officer.
Section 47 (loan of equipment for local elections)(32)	In subsection (1) for “the returning officer at a local government election” substitute “the counting officer at a referendum”.
	In subsection (2) for “an election held under those Acts” substitute “a referendum”.
Section 49(4) to (5), and (6) (effect of registers)(33)	In subsection (5) omit “prevent the rejection of the vote on a scrutiny, or”.
Section 60 (personation)	In subsection (2)— (a) omit “parliamentary or”; and (b) after “local government election” insert “or referendum”.
Section 61 (other voting offences)(34)	In subsection (1) after “local government election” and “local government elections”, in each place, insert “or referendum” or “or referendums” respectively.
	For subsections (2) to (4) substitute— “(2) A person (“V”) shall be guilty of an offence if— (a) V votes on V’s own behalf otherwise than by proxy more than once in the same referendum; or (b) V votes on V’s own behalf in person and is entitled to vote by post, or (c) V votes on V’s own behalf in person knowing that a person appointed to vote as V’s proxy has already voted in person or is entitled to vote by post, or (d) V applies for a person to be appointed as V’s proxy to vote for V without applying for

(32) Section 47 was amended by S.I. 1991/1728 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).

(33) Section 49 was amended by paragraphs 2 and 7 of Schedule 1 to the Electoral Administration Act 2006 (c.22), S.I. 1995/1948 and paragraph 12 of Schedule 1 to the Representation of the People Act 2000 (c.2).

(34) Section 61 was amended by paragraph 2 of Schedule 2, and Schedule 5, to the Representation of the People Act 1985 (c. 50), paragraph 10 of Schedule 3 to the Greater London Authority Act 1999 (c.29), paragraph 83 of Schedule 27 to the Civil Partnership Act 2004 (c.33) and section 38(3) of the Electoral Administration Act 2006 (c.22).

<i>Provision</i>	<i>Modification</i>
	<p>the cancellation of a previous appointment of a third party then in force or without withdrawing a pending application for such an appointment.</p> <p>(3) A person (“P”) shall be guilty of an offence if—</p> <p>(a) P votes as proxy for the same person more than once in the same referendum; or</p> <p>(b) P votes in person as proxy for a person and is entitled to vote by post as proxy for someone whom P already knows to have voted in person.</p> <p>(4) A person (“R”) shall also be guilty of an offence if R votes as proxy in any referendum for more than two persons of whom R is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.”.</p>
	<p>For subsection (6A) substitute—</p> <p>“(6A) A person is not guilty of an offence under subsection (2)(b) only by reason of that person having marked a tendered ballot paper in pursuance of rule 30 of the Neighbourhood Planning Referendums Rules or rule 30 of the Neighbourhood Planning Referendums (Combination of Polls) Rules (as the case may be).”.</p>
Section 62A (offences relating to applications for postal and proxy votes)(35)	In subsection (1)(a) after “election” insert “or referendum”.
Section 63 (breach of official duty)(36)	In subsection (3) after “local government election” and “local government elections”, in each place insert “or referendum” or “in referendums” respectively.
	In subsection (4)(a) after “election” insert “or referendum”.
Section 65 (tampering with ballot papers, etc)(37)	<p>In subsection (1)—</p> <p>(a) after “election”, in the first place it occurs, insert “or referendum”, and</p>

(35) Section 62A was inserted by section 40 of the Electoral Administration Act 2006 (c.22).

(36) Section 63 was substituted by paragraph 19 of Schedule 4 to the Representation of the People Act 1985 (c.50) and amended by S.I. 2001/1149, sections 7, 41(8) and 46(6) of the Electoral Administration Act 2006 (c.22) and sections 25(a) and 39 of, and Schedule 7 to, the Political Parties and Elections Act 2009 (c.12).

(37) Section 65 was amended by paragraph 2 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraphs 69, 72 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

<i>Provision</i>	<i>Modification</i>
	(b) omit paragraph (a).
	In subsection (3) for “clerk” substitute “person”.
Section 66 (requirement of secrecy)(38)	For subsection (1)(b) substitute— “(b) every polling observer, so attending,”.
Section 66A (prohibition of exit polls)(39)	In subsection (2) omit the “and” preceding paragraph (b) and after that paragraph insert— “; and (c) any referendum.”.
Section 92 (broadcasting from outside the United Kingdom)(40)	In subsection (1) after “local government election” insert “or referendum”.
Section 94 (imitation poll cards)(41)	In subsection (1) after “local government election” insert “or referendum”.
	In subsection (2)— (a) after “local government election” insert “or referendum, (b) after “section 36” insert “above, or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”, and (c) after “the rules”, insert “or, as the case may be, the regulations”.
Section 96 (schools and rooms for local election meetings)(42)	For subsection (1) substitute— “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in a referendum under Schedule 4B to the Town and Country Planning Act 1990, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies.

(38) Section 66 was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50), paragraph 11 of Schedule 3 to the Greater London Authority Act 1999 (c.29) and paragraphs 69, 82, 86 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

(39) Section 66A was inserted by paragraphs 3 and 6 of Schedule 6 to the Representation of the People Act 2000 (c.2)

(40) Section 92 was amended by paragraph 35 of Schedule 20 to the Broadcasting Act 1990 (c.42) and paragraph 61 of Schedule 17 to the Communications Act 2003 (c.21).

(41) Section 94 was amended by paragraph 36 of Schedule 4 to the Representation of the People Act 1985 (c.50).

(42) Section 96 was substituted by paragraph 38 of Schedule 4 to the Representation of the People Act 1985 (c.50) and amended by paragraph 11 of Schedule 30 to the School Standards and Framework Act 1998 (c.31) and paragraph 29 of Schedule 3 to the Greater London Authority Act 1999 (c.29).

<i>Provision</i>	<i>Modification</i>
	(1A) In subsection (1), “the campaign period” means the period between the last day on which notice of referendum may be published in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 and the day before the date of the referendum.”.
	Omit subsection (2).
	In subsection (3) for the words from “electoral area for which” to “that electoral area” substitute “the area of the relevant council”.
	In subsection (4)— (a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”, (b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “candidate” of the word “person””, and (c) omit the words from “and any person” to the end.
	After subsection (4) insert— “(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”.
Section 97 (disturbances at election meetings)(43)	For subsection (2) substitute— “(2) This section applies to a meeting in connection with a referendum under Schedule 4B to the Town and Country Planning Act 1990 held during the campaign period. (2A) In subsection (2) “the campaign period” means the period between the last day on which notice of referendum may be published in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and

(43) Section 97 was amended by paragraph 39 of Schedule 4 to the Representation of the People Act 1985 (c.50) and Part 1 of Schedule 7 to the Police and Criminal Evidence Act 1984 (c.60).

<i>Provision</i>	<i>Modification</i>
	Country Planning Act 1990 and the day before the date of the referendum.”.
Section 100(1) and (2) (illegal canvassing by police officers)(44)	In subsection (1) for the words from “from giving his vote” to the end substitute “from giving their vote in a referendum under Schedule 4B to the Town and Country Planning Act 1990 in relation to a referendum area wholly or partly within the police area”.
Section 109 (payments for the exhibition of election notices)	
Section 110 (details to appear on election publications)(45)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)(46)	
Section 114 (treating)	
Section 115 (undue influence)(47)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part 2)(48)	
Section 119 (computation of time for purposes of Part 2)(49)	In subsection (1)(b) after “disregarded” insert- “; and (c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a referendum under Schedule 4B to the Town and Country Planning Act 1990, any of the days so mentioned shall be disregarded.”
Section 168 (prosecutions for corrupt practices)(50)	
Section 169 (prosecutions for illegal practices)(51)	

(44) Section 100(2) was amended by paragraph 5 of Schedule 3 to the Representation of the People Act 1985 (c.50).

(45) Section 110 was substituted by paragraphs 1 and 14 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c.41).

(46) Section 113 was amended by paragraph 30 of Schedule 3 to the Greater London Authority Act 1999 (c.29).

(47) Section 115 was amended by section 39(1) of the Electoral Administration Act 2006 (c.22).

(48) Section 118 was amended by paragraph 43 of Schedule 4 to the Representation of the People Act 1985 (c.50), section 135 of, and paragraphs 1 and 15 of Schedule 18 to, the Political Parties, Elections and Referendums Act 2000 (c.41) and paragraphs 104, 119 and 133 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

(49) Section 119 was amended by section 19(4) of the Representation of the People Act 1985 (c.50) and paragraphs 49 and 51(1) of Schedule 1 to the Electoral Administration Act 2006 (c.22).

(50) Section 168 was amended by paragraph 8 of Schedule 3 to, and paragraph 57 of Schedule 5 to, the Representation of the People Act 1985 (c.50) and paragraphs 104 and 121 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

(51) Section 169 was amended by paragraph 9 of Schedule 3 to the Representation of the People Act 1985 (c.50).

<i>Provision</i>	<i>Modification</i>
Section 170 (conviction of illegal practices on charge of corrupt practice etc)	
Section 173 (incapacities)(52)	In subsection (1)(a)(i) after “Great Britain” insert “or at any referendum”.
Section 175 (illegal payments etc)(53)	Omit subsection (2).
Section 176 (time limit for prosecutions)	
Section 177 (summary trial)	For “the election under the local government Act” substitute “the referendum under Schedule 4B to the Town and Country Planning Act 1990”; In subsection (1)(a) for the words from “in the county” to “adjoins”, substitute “for the referendum area in which the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom) (54)	
Section 179 (offences by association)	
Section 181 (Director of Public Prosecutions)(55)	
Section 185 (interpretation of Part 3)(56)	
Section 199B (translations of certain documents)(57)	
Section 200(1A) and (2) (public notices, and declarations)(58)	
Section 202 (interpretation)(59)	

Table 2**Representation of the People Act 1985(60)**

- (52) Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2000 (c.41).
- (53) Section 175 was amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).
- (54) Section 178 was substituted by paragraph 62 of Schedule 4 to the Representation of the People Act 1985 (c.50).
- (55) Section 181 was amended by paragraph 63 of Schedule 4 to the Representation of the People Act 1985 (c.50).
- (56) Section 185 was amended by paragraph 10 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c.41) and paragraphs 86 and 87 of Schedule 6 to the Licensing Act 2003 (c.17).
- (57) Section 199B was inserted by section 36 of the Electoral Administration Act 2006 (c.22).
- (58) Section 202 was amended by Part 1 of Schedule 2 and paragraph 70 of Schedule 4 to the Representation of the People Act 1985 (c.50), the Statute Law (Repeals) Act 1983 (c.50), S.I. 1995/1948, the Schedule to the Law Officers Act 1997 (c.60), paragraph 38 of Schedule 3 to the Greater London Authority Act 1999 (c.29), paragraph 22 of Schedule 1 and paragraphs 3 and 9 of Schedule 6 to the Representation of the People Act 2000 (c.2), paragraph 19 of Schedule 18 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41), S.I. 2001/1149 and section 73 and paragraphs 13, 76 and 128 of Schedule 1 to the Electoral Administration Act 2006 (c.22).
- (59) Section 175 was amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).
- (60) 1985 c.50. Section 15 was amended by paragraph 7 of Schedule 7 to the Local Government Act 2003 (c.26) and section 3(2) of the Elections Act 2001 (c.1).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

<i>Provision</i>	<i>Modification</i>
Section 15 (combination of polls at parliamentary, European and local elections)	After section 15(3) insert— “(3AA) Where the polls at one or more relevant elections are to be taken on the same date as a neighbourhood planning referendum, they may be taken together if the returning officer for each relevant election thinks fit.”.
	For section 15(4) substitute— “(4) Where polls at any relevant election and neighbourhood planning referendum are combined under this section the costs of taking the combined polls (excluding any cost solely attributable to one relevant election or the referendum) and any cost attributable to their combination shall be apportioned equally among the relevant elections and the neighbourhood planning referendum. (4A) In subsections (3AA) and (4)— “neighbourhood planning referendum” means a referendum under Schedule 4B to the Town and Country Planning Act 1990; “relevant election” has the meaning given in regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012.”.

Table 3

Representation of the People Act 2000(61)

<i>Provision</i>	<i>Modification</i>
Section 10 (pilot schemes for local elections in England and Wales)(62)	In subsection (2)— (a) after “Representation of the People Acts”, insert “or the Town and Country Planning Act 1990”, and (b) in paragraph (c) for “candidates” substitute “any campaign organiser within the meaning of regulation 6 of the Neighbourhood Planning (Referendums) Regulations 2012”.
	In subsection (3)—

(61) 2000 c.2.

(62) Section 10 was amended by paragraphs 6 and 16 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).

<i>Provision</i>	<i>Modification</i>
	(a) in paragraph (b) for “candidates” substitute “campaign organisers”, and (b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)” substitute “regulation 6 of the Neighbourhood Planning (Referendums) Regulations 2012”.
	Omit subsection (4).
	At the end of subsection (7)(a) insert “or the Town and Country Planning Act 1990”.
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1) at the end insert “; and as regards referendums”.
Schedule 4 (absent voting in Great Britain)(63)	In paragraph 1(1), in the definition of “the appropriate rules” at the end of paragraph (b), insert— “, and (c) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990, the Neighbourhood Planning Referendums Rules or the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be”.
	In paragraphs 2 to 7, 7C and 7D, except in paragraphs 3(1), 3(2), 3(4)(a)(i), 6(7), 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”.
	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) and 7(4)(a) for “or at both” substitute “or at referendums, or at any combination of such polls”.

(63) Schedule 4 was amended by paragraph 164 of Schedule 27 to the Civil Partnerships Act 2004 (c.33), and section 5, 14, 35 and 38 of, and paragraphs 19, 20 and 137 of Schedule 1 to, the Electoral Administration Act 2006 (c.22).

Table 4

Political Parties, Elections and Referendums Act 2000(64)

<i>Provision</i>	<i>Modification</i>
Section 6A (attendance of representatives of Commission at elections etc)	After subsection (1)(b) insert— “(c) proceedings relating to a referendum under Schedule 4B to the Town and Country Planning Act 1990 which are the responsibility of the counting officer.”.
Section 6B (observation of working practices by representatives of Commission)	After subsection (2) insert— “(2A) A representative of the Commission may also observe the working practices of a counting officer at a referendum under Schedule 4B to the Town and Country Planning Act 1990, and any person acting under the counting officer’s direction.”.
Section 6C (accredited observers: individuals)	In subsection (1) after “applies” insert “or which is held under Schedule 4B to the Town and Country Planning Act 1990”.
Section 6D (accredited observers: organisations)	In subsection (1) after “applies” insert “or which is held under Schedule 4B to the Town and Country Planning Act 1990”.
Section 6E (attendance and conduct of observers)	For subsection (4)(c) substitute— “(c) in the case of any other proceedings at a referendum to which Part 7 applies, the relevant counting officer (within the meaning of section 6A); (ca) in the case of any other proceedings at a referendum under Schedule 4B to the Town and Country Planning Act 1990, the counting officer;”.
	In subsection (4)(d) for “or (c)” substitute “, (c) or (ca)”.

Table 5

Electoral Administration Act 2006(65)

<i>Provision</i>	<i>Modification</i>
Section 42 (access to other election documents)	In subsection (1)(b) for “election documents” substitute “referendum documents”.

(64) 2000 c.41. All the provisions mentioned in this table were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

(65) 2006 (c.22).

<i>Provision</i>	<i>Modification</i>
Section 43 (access to other election documents: contravention of regulations)	In subsection (1)(a) after “section 42,” insert “as applied by the Neighbourhood Planning (Referendums) Regulations 2012,”.
Section 44 (access to other election documents: supplementary)	In subsection (3)(b) for the words “such registration officer as the Secretary of State by order appoints”, insert “the registration officer of the relevant council or where the referendum area comprises the areas of two or more councils, the returning officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of local government electors are registered”.
	In subsection (5) for the words “election documents” to “Northern Ireland)” substitute “referendum documents are such documents relating to a referendum”.
	After subsection (7)(e) insert— “(f) in relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, the area in which the referendum takes place.”.
Section 46 (returning officers: correction of procedural errors)	After subsection (3)(b) insert— “(c) a referendum.”.
	Omit subsection (6).
Section 69 (encouraging electoral participation)	In subsection (1) for “by electors in the electoral process” substitute “in a referendum under Schedule 4B to the Town and Country Planning Act 1990 by those entitled to vote in the referendum”.
	After subsection (8)(b) insert— “(c) a counting officer at a referendum.”.

Table 6**The Representation of the People (England and Wales) Regulations 2001(66)**

<i>Provision</i>	<i>Modification</i>
Regulation 3 (interpretation)	At the end of paragraph (2)(b) insert— “, or

(66) S.I. 2001/341; as amended by S.I. 2001/1700, 2002/1871, 2004/226, 2005/2114, 2006/752, 2006/1694, 2006/2910, 2007/1025, 2008/1901/ 2009/1182, 2010/231/2010/882, 2011/2085 and by paragraph 9 of Schedule 1 to the Counter-Terrorism Act 2008 (c. 28) and Part 3 of Schedule 4 to the Parliamentary Voting System and Constituencies Act 2011 (c. 1).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

<i>Provision</i>	<i>Modification</i>
	(c) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990, the corresponding rule in the Neighbourhood Planning Referendums Rules or the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be.”.
Regulation 4(1)(b) (forms) and, to the extent of Form E in Schedule 3, (2)	
Regulation 5 (communication of applications, notices, etc)	
Regulation 6 (electronic signatures and related certificates)	
Regulation 7 (copies of documents)	
Regulation 8 (time)	
Regulation 11 (interference with notices)	
Regulation 50 (interpretation of Part 4)	
Regulation 51 (general requirements for an absent vote)	In paragraph (2)(c) for “the elector for whom he will act as proxy and the elector’s” substitute “the voter for whom he will act as proxy and the voter’s”.
	For paragraph (4)(b) substitute— “(b) whether it is made for all or any of parliamentary elections, local government elections or referendums.”.
	In paragraph (5)— (a) after “election”, in each place, insert “or referendum”, and (b) omit “elections”.
Regulation 51A (additional provision concerning the requirement that an application for an absent vote must be signed by the applicant)	
Regulation 51AA (additional requirement for applications for ballot papers to be sent to different address from that stated in the application)	
Regulation 51B (additional requirements for applications for ballot papers to be sent to	

<i>Provision</i>	<i>Modification</i>
different address from that shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4)	
Regulation 52 (additional requirements for applications for the appointment of a proxy)	
Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)	
Regulation 56 (closing dates for applications)	In paragraphs (1) to (5) and (7)(b) after “election”, in each place, insert “or referendum”
Regulation 57 (grant or refusal of applications)	In paragraph (5) after “election” insert “or referendum”
Regulation 58 (notice of appeal)	
Regulation 59 (cancellation of proxy appointment)	
Regulation 61B	In paragraph (3)(a) for “any candidate or agent” substitute “those”.
Regulation 62 (marked register for polling stations)	
Regulation 64 (interpretation of Part 5)	Omit the definition of “agent”.
Regulation 65 (combination of polls)	For regulation 65 substitute— “ 65 Where the polls at elections or referendums are taken together under— (a) section 15(1), (2) or (3AA) of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), (b) section 36(3) or (3AB) of the 1983 Act (combination of polls at local elections), or (c) regulation 11 of the Neighbourhood Planning (Referendums) Regulations 2012, the proceedings at the issue and receipt of postal ballot papers may, if the returning and counting officers concerned agree, be taken together.”.
Regulation 66 (form of postal voting statement)	Omit paragraph (a).
Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)(67)	<i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country</i>

(67) Amended by [SI 2006/2910](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

<i>Provision</i>	<i>Modification</i>
	<p><i>Planning Act 1990 are not taken together with the proceedings for the issue and receipt of postal ballot papers in one or more relevant election in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 68 has effect in relation to the referendum as follows:</i></p>
	<p>For paragraphs (a) to (d) substitute—</p> <p>“(a) the counting officer and that officer’s clerks,</p> <p>(b) persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes.”.</p>
	<p><i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are taken together with the proceedings for the issue and receipt of postal ballot papers at one or more relevant elections in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 68 has effect in relation to the referendum and each of the relevant elections as follows:</i></p> <p>After paragraph (d) insert—</p> <p>“(e) the counting officer and that officer’s clerks,</p> <p>(f) persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes,</p> <p>(g) persons who by virtue of rule 35(2)(a) to (d) of the Local Government Finance Act Referendums Rules or rule 37(3)(a) to (d) of the Local Government Finance Act Referendums (Combination of Polls) Rules,</p>

<i>Provision</i>	<i>Modification</i>
	<p>as the case may be, are entitled to attend at the counting of the votes,</p> <p>(h) persons who by virtue of rule 35(2)(a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes.”.</p>
Regulation 69 (agents of candidates who may attend proceedings on receipt of postal ballot papers)	In paragraph (8) for “candidates or their agents” substitute “persons entitled to be present by virtue of regulation 68”.
	<i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are not taken together with the proceedings for the issue and receipt of postal ballot papers in one or more relevant election in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 69 has effect in relation to the referendum as follows:</i>
	Omit paragraphs (1) to (7).
	<p><i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are taken together with the proceedings for the issue and receipt of postal ballot papers at one or more relevant elections in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 69 has effect in relation to the referendum and each of the relevant elections as follows:</i></p> <p>For paragraph (3) substitute—</p> <p>“(3) Where postal ballot papers for more than one election or referendum are issued together by virtue of regulation 65, the references to the returning officer in paragraphs (2), (4) and (5) must be construed as references to the returning or counting officer who issues the postal ballot papers.”.</p>
Regulation 70 (notification of requirement of secrecy)	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

<i>Provision</i>	<i>Modification</i>
Regulation 71 (time when postal ballot papers are to be issued)	
Regulation 72 (procedure on issue of postal ballot paper)	In paragraph (5) after “one election” insert “or referendum, or for an election combined with a referendum,”.
	In paragraph (5)(a)— (a) after “elections” insert “and referendums”, and (b) after “election” insert “or referendum”.
	In paragraph (6) for “the poll at one election is taken with the poll at another election” substitute “polls are taken together”.
Regulation 73 (refusal to issue postal ballot paper)	
Regulation 74 (envelopes)	
Regulation 75 (sealing up of completed corresponding number lists and security of special lists)	
Regulation 76 (delivery of postal ballot papers)	
Regulation 77 (spoilt postal ballot papers)	In paragraph (2)(b) for “election” substitute “poll”.
Regulation 78 (lost postal ballot papers)	In paragraph (2A)(b) for “election” substitute “poll”.
Regulation 79 (alternative means of returning postal ballot paper or postal voting statement)	In paragraph (5) after “polling agents” insert “or polling observers (if any)”. After paragraph (5) insert- “(5A) For the purpose of paragraph (5), in relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, “polling observer” has the meaning given in regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012.”.
Regulation 80 (notice of opening of postal ballot paper envelopes)	<i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum are not taken together with the proceedings for the issue and receipt of postal ballot papers in one or more relevant election in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 80</i>

<i>Provision</i>	<i>Modification</i>
	<i>has effect in relation to the referendum as follows:</i>
	In paragraph (1) for “each candidate” substitute “those persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes”.
	Omit paragraph (2)(b).
	<i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum are taken together with the proceedings for the issue and receipt of postal ballot papers at one or more relevant elections in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 80 has effect in relation to the referendum and each of the relevant elections as follows:</i>
	<p>For paragraph (1) substitute—</p> <p>“(1) The counting officer shall give to those persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes and the other persons entitled to attend the opening of postal votes, not less than 48 hours’ notice in writing of each occasion on which a postal voters’ ballot box and the envelopes contained in it is to be opened.</p> <p>(1A) For the purposes of paragraph (1) the other person entitled to attend the opening of postal votes are—</p> <p>(a) where the proceedings for the issue and receipt of postal ballot papers are taken together with the poll at an election, each candidate, or</p> <p>(b) where the proceedings for the issue and receipt of postal ballot papers are taken together with the poll at a Local Government Finance Act referendum, persons who by virtue</p>

<i>Provision</i>	<i>Modification</i>
	<p>of rule 35(2)(a) to (d) of the Local Government Finance Act Referendums Rules or rule 37(3)(a) to (d) of the Local Government Finance Act Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes,</p> <p>(c) where the proceedings for the issue and receipt of postal ballot papers are taken together with the poll at a Local Government Act referendum, persons who by virtue of rule 35(2)(a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes.”.</p>
Regulation 81 (postal ballot boxes and receptacles)	In paragraphs (3) and (4) for “the agents” substitute “those”.
Regulation 83 (opening of postal voters’ ballot box)	In paragraph (1) for “the agents” substitute “such of those who are entitled to attend as are present”.
Regulation 85 (procedure in relation to postal voting statements)	<p>In paragraph (3) for “agents” substitute “counting observers or agents or both (as the case may be)”.</p> <p>After paragraph (3) insert—</p> <p>“(3A) In this regulation and regulations 85A, 85B and 86A, in relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, “counting observer” has the meaning given in regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012.”.</p>
Regulation 85A (procedure in relation to postal voting statements: personal identifier verification)	In paragraph (4) for “agents” substitute “counting observers or agents or both (as the case may be)”.
Regulation 85B (postal voting statements: additional personal identifier verification)	In paragraphs (3)(a) and (c) and (4) for “agents” substitute “counting observers or agents or both (as the case may be)”.
Regulation 86A (retrieval of cancelled postal ballot papers)	In paragraph (2)(b) and (f) for “agents” substitute “counting observers or agents or both (as the case may be)”.
Regulation 91 (forwarding of documents)	In paragraph (1) for “constituency or electoral area (or areas)” substitute “neighbourhood area”.
	After paragraph (2) insert—

<i>Provision</i>	<i>Modification</i>
	“(2A) In the case of a referendum, the documents to be forwarded under paragraph (1) are to be forwarded to the registration officer of the relevant council.”.
Regulation 98 (supply of free copy of full register for electoral purposes and restrictions on use)	After paragraph (8) insert— “(8A) Where a registration officer is not the counting officer for a referendum held wholly or partly within the registration officer’s registration area, the registration officer shall supply, free of charge, to the counting officer for that referendum, as many printed copies of the documents referred to in paragraph (4) (a) and (b) above as the counting officer may reasonably require for the purposes of such a referendum, together with one copy of each in data form.”.
	In paragraph (9) after “election” insert “or referendum”.
In Schedule 3, Form E	After “REPRESENTATION OF THE PEOPLE ACTS” insert “*[NEIGHBOURHOOD PLANNING REFERENDUM FOR [<i>insert name of neighbourhood area</i>]]”.
	After “European Parliamentary electoral region” insert “Neighbourhood area ”.
	After the words “*[European Parliamentary] election”, in both places where they occur, insert “*[referendum]”.
	After the words “*[European Parliamentary electoral region]”, in both places where they occur, insert “*[neighbourhood area]”.

PART 2

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

1. The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(68) have effect subject to the following modifications.

2. In regulation 2 (interpretation)—

- (a) in paragraph (1), in the definition of “referendum”, after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or a referendum held under Schedule 4B to the Town and Country Planning Act 1990”;

(68) [S.I. 2004/294](#).

- (b) in paragraph (2) after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”.
3. For regulation 4(8) substitute—
- “(8) Subject to paragraph (9), where the polls at two or more referendums or polls at an election and referendum are taken together under section 15(3AA) of the 1985 Act—
- (a) the returning officer for each election or referendum shall decide which returning officer shall discharge those functions of the other (or others) which are specified in regulation 5, but the returning officer at a European Parliamentary election shall not discharge those functions; and
- (b) the only polling stations which shall be used at each election or referendum are the polling stations used at the election or referendum for which the returning officer who discharges the functions referred to in sub-paragraph (a) above acts as returning officer.”.
- 4.—(1) Regulation 5 (functions at combined polls) is amended as follows.
- (2) In paragraph (1), after sub-paragraph (e) insert—
- “(f) at a referendum held under Schedule 4B to the Town and Country Planning Act 1990, by those rules in regulations made under paragraph 16 of Schedule 4B to that Act which correspond to the rules specified in paragraph (2);”.
- (3) In paragraph (3), after sub-paragraph (b) insert—
- “(c) that regulation and that Part as applied by regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990.”.
- 5.—(1) In regulation 6(3) and (4) (modification of provisions about expenses in the 1983 Act) for “15(1) or (2)” substitute “15(1), (2) or (3AA)”.
- (2) In regulation 6(5)—
- (a) omit “and” at the end of sub-paragraph (a), and
- (b) at the end of sub-paragraph (a) insert—
- “(ab) the provisions in regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 which correspond to that provision; and”.
6. In regulation 8 (modification of parliamentary elections rules)—
- (a) omit “or” at the end of sub-paragraph (a); and
- (b) after sub-paragraph (b) insert—
- “or
- (c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990,”.
7. In Schedule 2 (modifications to parliamentary elections rules)—
- (a) in paragraph 2, in the definition of “referendum” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or a referendum held under Schedule 4B to the Town and Country Planning Act 1990”;
- (b) in paragraph 3(a) after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;

- (c) in paragraph 22, in substituted sub-paragraph (1AC)(b), after “the Local Government Act 2000” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

PART 3

Other secondary legislation about combination of polls

8.—(1) The following enactments have effect subject to the modifications mentioned in regulation 13(2)(a) and (3) and the additional modifications in paragraphs 9 to 39—

- (a) the European Parliamentary Elections Regulations 2004(**69**);
- (b) the Local Elections (Principal Areas) (England and Wales) Rules 2006(**70**);
- (c) the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(**71**);
- (d) the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(**72**);
- (e) the Greater London Authority Elections Rules 2007(**73**);
- (f) the Local Authorities (Conduct of Referendums) (England) Regulations 2012(**74**);
- (g) the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012(**75**);
- (h) the Police and Crime Commissioner Elections Order 2012(**76**).

The European Parliamentary Elections Regulations 2004

9. The European Parliamentary Elections Regulations 2004 have effect with the additional modifications set out in paragraphs 10 to 14.

10. In regulation 2(**77**) (interpretation), in the definition of “referendum” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2007” insert “or a referendum held under Schedule 4B to the Town and Country Planning Act 1990”.

11. In regulation 11 (combination of polls)—

- (a) omit “or” at the end of sub-paragraph (a); and
- (b) after sub-paragraph (b) insert—
 - “or
 - (c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums),”.

12. In paragraph 23(4) and (5) of Schedule 1 (European Parliamentary Elections Rules)—

- (a) omit “or” and the end of paragraph (a); and
- (b) after paragraph (b) insert—
 - “or

(69) [S.I. 2004/293](#).

(70) [S.I. 2006/3304](#).

(71) [S.I. 2006/3305](#).

(72) [S.I. 2007/1024](#).

(73) [S.I. 2007/3541](#).

(74) [S.I. 2012/323](#).

(75) [S.I. 2012/444](#).

(76) [S.I. 2012/](#)

(77) Regulation 2 was amended by [S.I. 2009/186](#).

(c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums),”.

13. In Schedule 2 (absent voting)—

- (a) in paragraph 17(9), after “Local Government Act 2000,” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums)”;
- (b) in paragraph 40(1), after sub-paragraph (d), in the definition of “relevant election or referendum” insert “(e) referendum conducted in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”;
- (c) omit paragraph 40(2)(a);
- (d) in paragraph 40(2)(b), (c), and (d) after “that regulation” in each place insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;
- (e) in paragraph 41—
 - (i) omit “or” and the end of paragraph (a); and
 - (ii) after paragraph (b) insert—

“or

(c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums),”.

14. In Schedule 3 (modification of European Parliamentary elections rules for combined polls), in paragraph 2(2)(a) after the Local Authorities (Conduct of Referendums) (England) Regulations 2007 insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”.

The Local Elections (Principal Areas) (England and Wales) Rules 2006

15. The Local Elections (Principal Areas) (England and Wales) Rules 2006 have effect with the additional modifications set out in paragraphs 16 and 17.

16. In rule 2 (interpretation)—

- (a) in paragraph (1) in the definition of “counting observer”, “counting officer”, “polling observer” and “referendum” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” in each place insert “or the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;
- (b) omit paragraph (3)(a).

17. In Schedule 3 (rules for conduct of an election of councillors of a principal area where the poll is taken together with the poll at a relevant election or referendum), in rule 45(5)(b) after “the Local Government Act 2000,” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

18. The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 have effect with the additional modifications set out in paragraphs 19 and 20.

19. In rule 2(1) (interpretation)—

- (a) in the definition of “counting officer” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;
- (b) in the definition of “referendum” after the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

20. In Schedule 3 (rules for conduct of an election of councillors of a parish or community where the poll is taken together with the poll at a relevant election or referendum), in rule 45(4)(b) after “Local Government Act 2000,” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

21. The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 have effect with the additional modifications set out in paragraphs 22 and 23.

22. In regulation 2 (interpretation), in the definition of “the Referendums Regulations” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or the Neighbourhood Planning (Referendums) Regulations 2012”.

23. In Schedule 3 (mayoral election (combination of polls) rules), in paragraph 47(4) after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

The Greater London Authority Elections Rules 2007

24. The Greater London Authority Elections Rules 2007 have effect with the additional modifications set out in paragraphs 25 to 30.

25. In rule 2(1) (interpretation) in the definition of “referendum” after “the Referendum Regulations” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

26. In rule 5(1) (rules for Authority elections combined with a relevant election or referendum)—

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

(b) after sub-paragraph (b) insert—

“or

(c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums).”.

27. In Schedule 5 (the constituency members election rules)—

(a) in paragraph 2(1)—

(i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” in each place insert “or the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;

(ii) in the definition of “referendum” after “the Referendum Regulations” insert “or the Neighbourhood Planning (Referendums) Regulations 2012”;

(iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

(b) omit paragraph 2(2)(a); and

- (c) in paragraph 49(2)(b) after “the Local Government Act 2000” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

28. In Schedule 6 (the London members election rules)—

- (a) in paragraph 2(1)—
 - (i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Referendum Regulations” in each place insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be);
 - (ii) in the definition of “referendum” after “the Referendum Regulations” insert “or the Neighbourhood Planning (Referendums) Regulations 2012”;
 - (iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.
- (b) omit paragraph 2(2)(a); and
- (c) in paragraph 50(2)(b) after “the Local Government Act 2000” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

29. In Schedule 7 (the Mayoral election rules)—

- (a) in paragraph 2(1)—
 - (i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Referendum Regulations” in each place insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be);
 - (ii) in the definition of “referendum” after “the Referendum Regulations” insert “or the Neighbourhood Planning (Referendums) Regulations 2012”;
 - (iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.
- (b) omit paragraph 2(2)(a); and
- (c) in paragraph 49(2)(b) after “the Local Government Act 2000” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

30. In Schedule 8 (combined manual count rules) in paragraph 2(1) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

The Local Authorities (Conduct of Referendums) (England) Regulations 2012

31. The Local Authorities (Conduct of Referendums) (England) Regulations 2012 have effect with the additional modifications set out in paragraphs 32 to 34.

32. In regulation 2(1) (interpretation), in the definition of “relevant election or referendum” after sub-paragraph (f) insert—

- “(g) a referendum held under Schedule 4B to the Town and Country Planning Act 1990.”.

33. In regulation 10 (combination of polls: general) after paragraph (8) add—

- “(9) Where the poll at the referendum is to be taken on the same day as the poll is to be taken at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums), the polls may be taken together if the counting officer for each of those referendums thinks fit.”.

34. In regulation 11 (combination of referendums and election polls: conduct of referendums) in paragraph (1) for “10(1) or (5)” substitute “10(1), (5) or (9)”.

The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012

35. The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 have effect with the additional modifications set out in paragraph 36.

36. In regulation 17(3) (combination and timing of polls: general)—

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

(b) after sub-paragraph (p) insert—

“or

(q) a referendum held by the relevant council under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums).”.

The Police and Crime Commissioner Elections Order 2012

37. The Police and Crime Commissioner Elections Order 2012(**78**) have effect with the additional modifications set out in paragraphs 38 and 39.

38. In article 2(1) (interpretation), in the definition of “local referendum” after paragraph (c) insert—

“(d) a referendum under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums).”.

39. In Schedule 4, after paragraph 13(4) insert—

“(5) In relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012;

“counting officer” means a person referred to in regulation 2 of those Regulations;

“polling agent” means a polling observer as defined in regulation 2 of those Regulations;

“elector” means voter as defined by rule 2 of the Neighbourhood Planning Referendums Rules contained in Schedule 3 of those Regulations or rule 2 of the Neighbourhood Planning Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.”.

SCHEDULE 5

Regulation 12

THE NEIGHBOURHOOD PLANNING REFERENDUMS (COMBINATION OF POLLS) RULES

CONTENTS

PART 1

Citation and Interpretation

1. Citation
2. Interpretation

PART 2

Provisions as to Time

3. Timetable
4. Computation of time

PART 3

General Provisions

5. Notice of referendum
6. Poll to be taken by ballot
7. The ballot papers
8. The corresponding number list
9. The official mark
10. Prohibition of disclosure of vote
11. Use of schools and public rooms
12. Cross-boundary referendum areas

PART 4

Action to be Taken Before the Poll

13. Notice of poll
14. Postal ballot papers
15. Provision of polling stations
16. Appointment of presiding officers and polling clerks
17. Issue of official poll cards
18. Equipment of polling stations
19. Appointment of polling observers and counting observers
20. Notification of requirement of secrecy
21. Return of postal ballot papers

PART 5

The Poll

22. Admission to polling station
23. Keeping of order in station
24. Sealing of ballot boxes
25. Questions to be put to voters and proxies
26. Challenge of voter or proxy
27. Voting procedure
28. Votes marked by presiding officer
29. Voting by persons with disabilities
30. Tendered ballot papers: circumstances where available
31. Tendered ballot papers: general provisions
32. Spoilt ballot papers
33. Correction of errors on day of poll

- 34. Adjournment of poll in case of riot
- 35. Procedure on close of poll

PART 6

Counting of Votes

- 36. Attendance at counting of votes
- 37. The count
- 38. Re-count
- 39. Rejected ballot papers
- 40. Decisions on ballot papers
- 41. Equality of votes

PART 7

Declaration of Result and Disposal of Documents

- 42. Declaration of result
- 43. Declaration of result: cross-boundary referendum areas
- 44. Sealing up of ballot papers
- 45. Delivery of documents to relevant registration officer
- 46. Orders for production of documents
- 47. Retention of documents
- 48. Countermand or abandonment of poll at relevant election on death of candidate

PART 8

Appendix of Forms

Signature
Explanatory Note

PART 1

Citation and Interpretation

Citation

1. These Rules may be cited as the Neighbourhood Planning Referendums (Combination of Polls) Rules.

Interpretation

2.—(1) In these Rules—

“polling agent” means a person appointed as such under—

- (a) rule 30 of Schedule 1 to the Representation of the People Act 1983,
- (b) rule 30 of Schedule 1, paragraph 31 of Schedule 2 or paragraph 30 of Schedule 3, to the Greater London Authority Elections Rules 2007⁽⁷⁹⁾;

⁽⁷⁹⁾ S.I. 2007/3541.

- (c) rule 29 of Schedule 1 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007⁽⁸⁰⁾;
 - (d) rule 27 of Schedule 2 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006⁽⁸¹⁾;
 - (e) rule 27 of Schedule 2 to the Local Elections (Principal Areas) (England and Wales) Rules 2006⁽⁸²⁾;
 - (f) rule 33 of Schedule 1 to the European Parliamentary Elections Regulations 2004⁽⁸³⁾;
 - (g) rule 31 of Schedule 3 to the Police and Crime Commissioner Elections Order 2012⁽⁸⁴⁾;
- “relevant returning or counting officer” means the returning or counting officer (as the case may be) discharging the functions under regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004⁽⁸⁵⁾; and
- “voter” means a person entitled to vote on their own behalf.

(2) References to the register of local government electors (other than a reference to a person’s number on the register) must be construed as references to the part or parts of the register or registers of local government electors which has or have effect in respect of the referendum area.

(3) References to the relevant registration officer are to—

- (a) the registration officer of the relevant council;
- (b) if the referendum area comprises any part of the area of more than one relevant council, the registration officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of electors is registered.

(4) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

PART 2

Provisions as to Time

Timetable

3. The proceedings at the referendum are to be conducted in accordance with the following Timetable.

Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the day of the referendum.
Notice of poll	Not later than the sixth day before the day of the referendum.

⁽⁸⁰⁾ S.I. 2007/1024.

⁽⁸¹⁾ S.I. 2006/3305.

⁽⁸²⁾ S.I. 2006/3304.

⁽⁸³⁾ S.I. 2004/293.

⁽⁸⁴⁾ S.I. 2012/

⁽⁸⁵⁾ S.I. 2004/294; as amended by S.I. 2006/3278 and as modified by these Regulations.

<i>Proceedings</i>	<i>Time</i>
Polling	Between the hours of 7 in the morning and 10 at night on the day of the referendum.

Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 4(5) are to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the relevant returning or counting officer, nor the counting officer obliged to proceed with the counting of the votes on such a day.

PART 3

General Provisions

Notice of referendum

5.—(1) The counting officer must publish notice of the referendum, stating the date of the poll.
(2) The notice of referendum must state the date by which—
(a) applications to vote by post or by proxy; and
(b) other applications and notices about postal or proxy voting,
must reach the registration officer in order that they may be effective for the referendum.

Poll to be taken by ballot

6. A poll must be taken at the referendum and the votes at the poll must be given by ballot.

The ballot papers

7.—(1) The ballot of every person entitled to vote at the referendum must consist of a ballot paper.
(2) Every ballot paper to be used in the referendum must be in the form set out in Form 1, 2 or 3 in the Appendix (as the case may be).
(3) Every ballot paper—
(a) must be capable of being folded up;
(b) must have a number and other unique identifying mark printed on the back; and
(c) must be a different colour from the ballot papers used at any relevant election.

The corresponding number list

8.—(1) Subject to paragraph (2), the relevant returning or counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by that officer in pursuance of rule 14(1) or provided by that officer in pursuance of rule 18(1).
(2) Where proceedings on the issue and receipt of postal ballot papers in the referendum are not taken together with such proceedings at one or more relevant elections, the counting officer must prepare the list mentioned in paragraph (1) in respect of all of the ballot papers to be issued by the officer in pursuance of rule 14(1).
(3) The list must be in the form set out in Form 4 in the Appendix or a form to like effect.

The official mark

- 9.**—(1) Every ballot paper must contain an appropriate security marking (the official mark).
(2) The official mark must be kept secret.
(3) The counting officer may use a different official mark for different purposes at the same referendum.

Prohibition of disclosure of vote

10. No person who has voted at the referendum is, in any legal proceeding to question the referendum, required to state for which answer that person has voted.

Use of schools and public rooms

- 11.**—(1) The counting officer and the relevant returning or counting officer may use, free of charge, for the relevant purposes of taking the poll or counting the votes—
- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996⁽⁸⁶⁾) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
 - (b) a room the expense of maintaining which is payable out of any rate.
- (2) That officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.
- (3) In paragraph (1) “relevant purposes” means—
- (a) in the case of the counting officer, the counting of the votes; and
 - (b) in the case of the relevant returning or counting officer, the taking of the poll and the discharging of the functions under rule 37(1).

Cross-boundary referendum areas

- 12.**—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.
- (2) Where this rule applies, the Chief Counting Officer must ensure, as far as practicable, that any ballot paper or other document issued in relation to the referendum is in the same form (except for necessary changes) and is issued on the same date in respect of each relevant council.

PART 4

Action to be Taken Before the Poll

Notice of poll

- 13.**—(1) The counting officer must publish notice of the poll stating—
- (a) the day and hours fixed for the poll; and
 - (b) the question to be asked in the referendum.
- (2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

⁽⁸⁶⁾ 1996 c.56.

- (3) The relevant returning or counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—
- (a) the situation of each polling station; and
 - (b) the description of persons entitled to vote there.
- (4) The notice published under paragraph (3) must—
- (a) state that the poll at the referendum is to be taken together with the poll at a relevant election;
 - (b) specify the parliamentary constituency, electoral area, local counting area, Assembly constituency, voting area or, as the case may be, the relevant local authority area for which the relevant election is held; and
 - (c) where any of the polls are to be taken together in part of the area only, specify that part.

Postal ballot papers

14.—(1) The relevant returning or counting officer must, in accordance with regulations made under the 1983 Act⁽⁸⁷⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement in the form set out in Form 6 or 7 in the Appendix (as the case may be), or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) The relevant returning or counting officer must also issue to those entitled to vote by post such information as the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters and proxies sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the voter or proxy.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the relevant returning or counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter or proxy.

(5) In paragraphs (1), (2) and (4) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections.

Provision of polling stations

15.—(1) The relevant returning or counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot polling stations to voters in such manner as the relevant returning or counting officer thinks most convenient.

(2) The polling stations are the polling places or polling stations (as the case may be) designated for the purposes of the relevant election for which the relevant returning or counting officer discharges functions which are not combined functions.

(3) In paragraph (2) “combined functions” means functions under regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004.

(4) One or more polling stations may be provided in the same room.

⁽⁸⁷⁾ See the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as amended by S.I. 2001/1700, 2002/1871, 2004/226, 2006/752 and 2006/2910.

(5) The polling station allotted to voters from any parliamentary polling district wholly or partly within the referendum area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

(6) The relevant returning or counting officer must provide each polling station with such number of compartments as may be necessary in which the voters and proxies can mark their votes screened from observation.

Appointment of presiding officers and polling clerks

16.—(1) The relevant returning or counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

(2) The relevant returning or counting officer may, if that officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a relevant returning or counting officer so presiding with the necessary modifications as to things to be done by the relevant returning or counting officer to the presiding officer or by the presiding officer to the relevant returning or counting officer.

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

17.—(1) The counting officer must as soon as practicable after the publication of the notice of the referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

- (a) in the case of a voter, to the voter's qualifying address; and
- (b) in the case of a proxy, to the proxy's address as shown in the list of proxies.

(3) The official poll card must be in the form set out in Form 8, 9, 10 or 11 in the Appendix (as the case may be), or a form to like effect, and must set out—

- (a) the name of the relevant council and of the neighbourhood area;
- (b) the name of the voter, the voter's qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different voters or to different descriptions of voter.

(4) In the case of a voter who has an anonymous entry in the register, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

- (a) are to a person who is registered in the register of local government electors on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll.

(6) If the returning officer (or, as the case may be, the counting officer) for each relevant election and the counting officer for the referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election.

Equipment of polling stations

18.—(1) The relevant returning or counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer’s opinion may be necessary.

(2) The same ballot box may be used for the poll at the referendum and the poll at every relevant election, if the relevant returning or counting officer thinks fit.

(3) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(4) The relevant returning or counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of such part of the register of electors as contains the names of the voters who have the station allotted to them;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors or the part of it provided under sub-paragraph (b);
- (d) a list, in the form set out in Form 5 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(5) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽⁸⁸⁾ in respect of alterations to the register.

(6) The relevant returning or counting officer must also provide each polling station with—

- (a) at least one large version of each ballot paper which must be printed on the same colour paper as the corresponding ballot paper and displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and
- (b) a device of such description as is set out in paragraph (11) for enabling voters and proxies 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 29(1)).

(7) Where, notwithstanding paragraph (2), separate ballot boxes are to be used, each ballot box must be clearly marked—

- (a) as to the election or referendum to which it relates, as shown on the ballot papers for the election or referendum; and
- (b) with the words “Place the [*specify colour of ballot papers in question*] ballot papers here”.

(8) A notice in the form set out in Form 12 in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(9) The relevant returning or counting officer may also provide copies of the notice mentioned in paragraph (8) in Braille or translated into languages other than English as the counting officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(10) In every compartment of every polling station there must be exhibited the following notice—

“*PARLIAMENTARY ELECTION

(*[specify colour]* ballot paper)

⁽⁸⁸⁾ Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and section 13(3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

vote for ONE candidate only

*EUROPEAN PARLIAMENTARY ELECTION

(*[specify colour]* ballot paper)

vote for ONE party or individual candidate only

**[specify name of council]* COUNCIL ELECTION

(*[specify colour]* ballot paper)

*vote for no more than candidates

*vote for ONE candidate only

*ELECTION OF THE MAYOR OF LONDON

(*[specify colour]* ballot paper)

#[On the ballot paper for the election of the Mayor of London, vote ONCE for your first choice and ONCE for your SECOND choice]

*ELECTION OF THE LONDON ASSEMBLY

[On the constituency members ballot paper *[specify colour]* vote for ONE candidate only]

#[On the London members ballot paper *[specify colour]* vote for ONE party or individual candidate only]

*ELECTION OF MAYOR for *[specify name of council]*

(*[specify colour]* ballot paper)

*vote for ONE candidate only

*vote once in column 1 for first choice (X) and vote once in column 2 for your second choice (X)

*ELECTION OF POLICE AND CRIME COMMISSIONER FOR *[specify name of force area]*
POLICE FORCE AREA

(*[specify colour]* ballot paper)

*vote for ONE candidate only

*vote once in column 1 for first choice (X) and vote once in column 2 for your second choice (X)

*REFERENDUM on *[specify name of authority in respect of which referendum is held]*'s council tax increase for the financial year *[specify financial year]*

(*[specify colour]* ballot paper)

Mark a cross (X) in the box next to the answer of your choice

Vote ONCE only

**[specify name of council]* REFERENDUM

(*[specify colour]* ballot paper)

Mark a cross (X) in the box next to the answer of your choice

Vote ONCE only

*REFERENDUM ON *[specify: neighbourhood plan / neighbourhood development order or community right to build order]* FOR *[specify name of neighbourhood area]*.

Mark a cross (X) in the box next to the answer of your choice

Vote ONCE only

DO NOT MARK THE BALLOT PAPERS IN ANY OTHER WAY, OR YOUR VOTE MAY NOT BE COUNTED”

#This wording should be used where the Greater London Returning Officer (within the meaning of the Greater London Authority Act 1999) has not supplied wording pursuant to the Greater London Authority Elections (No. 2) Rules 2000.

- (11) The device referred to in paragraph (6)(b) must—
- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
 - (b) hold the ballot paper firmly in place during use; and
 - (c) provide suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which they may mark their vote;
 - (ii) identify the registered party or individual candidate or answer to which each such space refers; and
 - (iii) mark their vote on the space they have chosen.

Appointment of polling observers and counting observers

19.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) Where the counting officer is not the relevant returning or counting officer, the counting officer must give notice in writing of the appointments of polling observers to the relevant returning or counting officer.

(3) That notice must state the names and addresses of the persons appointed and must be given not later than the fifth day (disregarding any day specified in rule 4) before the day of the poll.

(4) Not more than four polling observers or polling agents, or such greater number as the relevant returning or counting officer may by notice allow, are permitted to attend at any particular polling station and if the number of such polling observers or agents exceeds that number, the relevant returning or counting officer must determine which polling observer or agents are permitted to attend by lot and only the polling observers and agents on whom the lot falls is deemed to have been duly appointed.

(5) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(6) Where the counting officer is not the relevant returning or counting officer, the counting officer must give notice in writing of the appointments of counting observers to the relevant returning or counting officer as soon as is practicable following the appointment.

(7) In the following provisions of these Rules references to polling observers and counting observers are to be taken as references to polling observers and counting observers whose appointments have been duly made.

(8) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

20.—(1) The relevant returning or counting officer must make such arrangements as the officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act⁽⁸⁹⁾, as applied by Schedule 4; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 4.

Return of postal ballot papers

21.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list; or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the relevant returning or counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act⁽⁹⁰⁾.

(2) In paragraph (1) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections.

(3) Rule 37(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

PART 5

The Poll

Admission to polling station

22.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters and proxies;
- (b) persons under the age of 18 who accompany voters and proxies to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000⁽⁹¹⁾;
- (f) the constables on duty;
- (g) the companions of voters and proxies with disabilities and
- (h) persons entitled to be admitted to the polling station at a relevant election with which the poll at the referendum is combined.

⁽⁸⁹⁾ Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22); subsection (6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

⁽⁹⁰⁾ See regulation 84(7) of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), as amended by S.I. 2006/2910.

⁽⁹¹⁾ 2000 c.41. Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

(2) The presiding officer must regulate the total number of voters, proxies and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by the counting officer or a relevant returning or counting officer must not be admitted to vote in person elsewhere than at the polling station allotted to them under these Rules, except on production and surrender of a certificate as to their employment which must be in the form set out in Form 13 in the Appendix, or a form to like effect, and signed by an officer of police of or above the rank of inspector or by the counting officer or the relevant returning or counting officer by whom the person is employed, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

23.—(1) It is the presiding officer’s duty to keep order at the presiding officer’s polling station.

(2) If a person misconducts themselves in a polling station, or fails to obey the presiding officer’s lawful orders, that person may immediately, by the presiding officer’s order, be removed from the polling station—

- (a) by a constable in or near that station; or
- (b) by any other person authorised in writing by the relevant returning or counting officer to remove the person,

and the person so removed may not, without the presiding officer’s permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter or proxy who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

24. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place the officer’s seal on it in such a manner as to prevent the box being opened without breaking the seal and must place the box in the officer’s view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters and proxies

25.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the Table; and
- (b) must be put if the letter “R” appears after the question and a polling observer requires the question to be put:

Table

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a voter	(a)—Are you the person registered in the register of local government electors for this referendum area as follows? <i>(read the whole entry from the register)</i> [R] (b)—Have you already voted here or elsewhere at this referendum, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as AB in the list of proxies for this referendum area as entitled to vote as proxy on behalf of CD? [R] (b)—Have you already voted here or elsewhere at this referendum as proxy on behalf of CD? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD? [R]
3	A person applying as proxy for a voter with an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (b)—Have you already voted here or elsewhere as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is <i>(read out the number)</i> ? [R]
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted at this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	A person applying as a voter in relation to whom there is an entry in the postal voters list	(a)—Did you apply to vote by post? (b)—Why have you not voted by post?
6	A person applying as proxy who is named in the proxy postal voters list	(a)—Did you apply to vote by post as proxy? (b)—Why have you not voted by post as proxy?

(2) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading

from the register are taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless that person has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

Challenge of voter or proxy

26. A person must not be prevented from voting by reason only that—

- (a) any polling observer permitted to be present in accordance with rule 22(1) declares that the polling observer has reasonable cause to believe that the person has committed an offence of personation; or
- (b) the person is arrested on the grounds that the person is suspected of committing or of being about to commit such an offence.

Voting procedure

27.—(1) A ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the voter as stated in the copy of the register of electors must be called out;
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 18(4)(d) beside the number of the ballot paper to be issued;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against their name in the list of proxies.

(2) A voter who has an anonymous entry must show the presiding officer their official poll card and only their number is to be called out in pursuance of paragraph (1)(a).

(3) In the case of a voter who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub-paragraph (b), for “in the register” substitute “in the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter or proxy, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark their ballot paper and fold it up so as to conceal their vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(5) The voter or proxy must vote without undue delay, and must leave the polling station as soon as the voter or proxy has put the ballot paper into the ballot box.

(6) The same copy of the register of electors which is used under paragraph (1) for the referendum or, where paragraph (3) applies, the same copy of the notice issued under section 13(3B) or (3D) of the 1983 Act, may be used for each relevant election, and—

- (a) one mark may be placed in that copy of the register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each relevant election and the referendum; but
- (b) where a ballot paper has not been issued in respect of a relevant election, a different mark must be placed in the copy of that register or, as the case may be, on that notice or in that list so as to identify each relevant election in respect of which a ballot paper was issued.

Votes marked by presiding officer

28.—(1) The presiding officer, on the application of a voter or proxy—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
- (b) who declares orally that the voter or proxy is unable to read,

must, in the presence of the polling observers (if any), cause that person’s vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number in the register of electors of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”).

(3) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy’s name is the number in the register of the voter.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(5) The same list may be used for the referendum and each relevant election and, where it is so used, an entry in that list means that the ballot papers were so marked in respect of the referendum and each relevant election, unless the list identifies the relevant election or the referendum at which the ballot paper was so marked.

Voting by persons with disabilities

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

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the voter or proxy is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter or proxy to declare, orally or in writing, whether the voter or proxy is so incapacitated by blindness or other disability, or by the voter or proxy’s inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter or proxy is so incapacitated or unable to read; 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 or proxy with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one voter or proxy with disabilities to vote at the referendum,

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

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

- (a) is a person who is entitled to vote on their own behalf at the referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter or proxy and has attained the age of 18 years.

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

(5) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy’s name is the number in the register of the voter.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(7) The same list may be used for the referendum and each relevant election and, where it is so used, an entry in that list means that the votes were so given in respect of the referendum and each relevant election, unless the list identifies the relevant election or the referendum at which the vote was so given.

- (8) The declaration made by the companion of a voter or proxy with disabilities—
 - (a) must be in the form set out in Form 14 in the Appendix;
 - (b) must be made before the presiding officer at the time when the voter or proxy applies to vote with the assistance of a companion; and
 - (c) must forthwith be given to the presiding officer who must attest and retain it.
- (9) No fee or other payment may be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

- 30.**—(1) If a person, representing themselves to be—
- (a) a particular voter named on the register and not named in the absent voters list; or
 - (b) a particular person named in the list of proxies as proxy for a voter and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the voter or the voter’s proxy, the applicant is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter or proxy.

- (2) Paragraph (4) applies if—
 - (a) a person applies for a ballot paper representing themselves to be a particular voter named on the register;
 - (b) that person is also named in the postal voters list; and
 - (c) that person claims that that person did not make an application to vote by post at the referendum.
- (3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing themselves to be a particular person named as a proxy in the list of proxies;
 - (b) that person is also named in the proxy postal voters list; and
 - (c) that person claims that the person did not make an application to vote by post as proxy.
- (4) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.
- (5) Paragraph (6) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents themselves to be—
- (a) a particular voter named on the register who is also named in the postal voters list; or
 - (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,
- and claims that the person has lost or has not received their postal ballot paper.
- (6) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

Tendered ballot papers: general provisions

- 31.—**(1) A tendered ballot paper must—
- (a) be of a colour differing from that of the other ballot papers;
 - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the officer with the name of the person who has marked a tendered ballot paper and their number in the register of electors, and set aside in a separate packet.
- (2) The name of the person who has marked a tendered ballot paper and their number in the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).
- (3) The same list may be used for the referendum and each relevant election and, where it is so used, an entry in that list means that the tendered ballot papers were so marked in respect of the referendum and each relevant election, unless the list identifies the relevant election or the referendum at which a tendered ballot paper was marked.
- (4) In the case of a person voting as proxy for a voter, the number to be endorsed or entered together with the proxy’s name is the number in the register of the voter.
- (5) In the case of a voter who has an anonymous entry, this rule and rule 30 apply subject to the following modifications—
- (a) in paragraphs (1)(b) and (2) above, the references to the name of the person who has marked a tendered ballot paper are ignored;
 - (b) otherwise, a reference to a person named in a register or list is construed as a reference to a person whose number appears in the register or list (as the case may be).
- (6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 30 apply as if—
- (a) in rule 30(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
 - (b) in paragraph (1)(b) of this rule for “their number in the register of electors” there were substituted “the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;

- (c) in paragraph (2) of this rule, for “their number in the register of electors” there were substituted “the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (d) in paragraph (4) of this rule, for “the number in the register of the voter” there were substituted “the number relating to the voter on a notice issued under section 13(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

32. A voter or proxy who has inadvertently dealt with their ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer’s satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

33.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for the referendum and each relevant election and, where it is so used, an entry in that list means that the ballot papers were issued in respect of the referendum and each relevant election, unless the list identifies the relevant election or the referendum for which a ballot paper was issued.

Adjournment of poll in case of riot

34.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice to the relevant returning or counting officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll are construed accordingly.

Procedure on close of poll

35.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any) appointed for the purposes of the referendum and the polling agents or observers appointed for the purposes of each relevant election, make up into separate packets, sealed with the presiding officer’s own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;

- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 27(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 33, and the declarations made by the companions of voters and proxies with disabilities,

and must deliver the packets or cause them to be delivered to the relevant returning or counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding officer personally to the relevant returning or counting officer, the arrangements for their delivery require that officer’s approval.

(2) The contents of the packets referred to in sub-paragraphs (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election; nor is the statement prepared under paragraph (4) to be so combined.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to that officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

PART 6

Counting of Votes

Attendance at counting of votes

36.—(1) Where the counting officer at the referendum is the relevant returning or counting officer, the officer must—

- (a) make arrangements for—
 - (i) discharging the functions under rule 37(1) in the presence of the counting observers appointed for the purposes of the referendum and the election agents or observers appointed for the purpose of each relevant election as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at the referendum in the presence of the counting observers appointed for the purpose of the referendum; and
- (b) give to the counting observers appointed for the purposes of the referendum and the election agents or observers appointed for the purposes of each relevant election notice in writing of the time and place at which the counting officer will begin to discharge the functions under rule 37(1).

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, the counting officer must—

- (a) make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the delivery of ballot papers to the officer by the relevant returning or counting officer; and

- (b) give to the counting observers notice in writing of the time at which the counting officer will begin to count the votes if by then the officer has received the ballot papers and of the place at which the count will take place.

(3) No person other than—

- (a) the Chief Counting Officer, the counting officer and the counting officer's clerks;
- (b) the counting observers; and
- (c) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(4) No person other than a person entitled to be present at the counting of the votes at the referendum or at a relevant election may be present at the proceedings under rule 37(1) unless permitted by the relevant returning or counting officer to attend.

(5) A person not entitled to attend at—

- (a) the proceedings under rule 37(1); or
- (b) the counting of the votes,

must not be permitted to do so by, respectively, the relevant returning or counting officer or counting officer unless the officer is satisfied that the efficient separation of the ballot papers or, as the case may be, the efficient counting of the votes will not be impeded.

(6) The—

- (a) relevant returning or counting officer, in respect of proceedings under rule 37(1); and
- (b) counting officer, in respect of the counting of the votes,

must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistent with the orderly conduct of the proceedings and the discharge of the officer's duties in connection with them.

(7) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers are entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

37.—(1) Where the counting officer at the referendum is the relevant returning or counting officer, the counting officer must—

- (a) in the presence of the counting observers appointed for the purposes of the poll at the referendum and the election agents and counting agents or observers appointed for the purposes of the poll at each relevant election, open each ballot box and record separately the number of ballot papers used in the referendum and each relevant election;
- (b) in the presence of the counting observers appointed for the purposes of the poll at the referendum and the election agents and counting agents or observers appointed for the purposes of the poll at each relevant election, verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the referendum and each relevant election;
- (d) separate the ballot papers relating to the referendum from the ballot papers relating to each relevant election;
- (e) make up into packets the ballot papers for the referendum and each relevant election and seal them up in separate containers endorsing on each a description of the areas to which the ballot paper relates;

- (f) deliver or cause to be delivered to the counting officer for the referendum or the returning officer or counting officer for the relevant election to which the ballot paper relates—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with, in the case of each such account, a copy of the statement as to the result of their verification in respect of that referendum or election; 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 certificates as to employment on duty on the day of the poll.
- (2) Where separate ballot boxes are used, no vote for any candidate or answer is rendered invalid by the ballot paper being placed in the incorrect ballot box.
- (3) After completion of the proceedings under paragraph (1), the counting officer must mix together all of the ballot papers used at the referendum and count the votes given on them.
- (4) Where the counting officer at the referendum is not the relevant returning or counting officer, the counting officer must—
 - (a) on receipt of containers from the relevant returning or counting officer, and no earlier than the time specified in the notice given under rule 36(2)(b), in the presence of the counting observers open each container;
 - (b) where proceedings on the issue and receipt of postal ballot papers are not taken together with such proceedings at a relevant election, count such of the postal ballot papers as have been duly returned and record the number counted; and mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them, and paragraph (11) does not apply to these proceedings.
- (5) A postal ballot paper must not be taken to be duly returned unless—
 - (a) it is returned in the manner set out in paragraph (6) and reaches the relevant returning or counting officer or any polling station in the appropriate area before the close of the poll;
 - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches the relevant returning or counting officer or such a polling station before that time;
 - (c) the postal voting statement also states the date of birth of a voter or proxy; and
 - (d) in a case where steps for verifying the date of birth and signature of a voter or proxy have been prescribed by regulations made under the 1983 Act, the relevant returning or counting officer (having taken such steps) verifies that date of birth and that signature.
- (6) The manner in which any postal ballot paper or postal voting statement may be returned—
 - (a) to the relevant returning or counting officer, is by hand or by post;
 - (b) to a polling station, is by hand.
- (7) The appropriate area in respect of any voter or proxy is—
 - (a) the area which is common to the parliamentary constituency, electoral area, local counting area, local authority area or voting area (as case may be) in which the polls at the referendum and any relevant election are being taken together; and
 - (b) in respect of which polls the voter or proxy has been issued with a postal ballot paper.

(8) In paragraphs (5)(a) and (d) and (6)(a) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections.

(9) The counting officer must not count any tendered ballot paper.

(10) The—

(a) relevant returning or counting officer, in respect of the proceedings under paragraph (1); and

(b) counting officer, while counting the votes,

must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(11) The relevant returning or counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer’s possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.

(12) Where the referendum area comprises any part of the area of more than one relevant council, as soon as is practicable after the relevant returning or counting officer has drawn up the statement as to the result of the verification, the relevant returning or counting officer must inform the Chief Counting Officer of its content.

(13) The—

(a) relevant returning or counting officer, in respect of the proceedings under paragraph (1), and

(b) counting officer, in respect of the counting of votes,

must so far as practicable proceed continuously, allowing only time for refreshment, except that they may exclude the hours between 7 in the evening and 9 on the following morning.

(14) During the time so excluded the relevant returning or counting officer or counting officer (as the case may be) must—

(a) place the ballot papers and other documents relating to the referendum under the officer’s own seal and the seals of such of the counting observers as desire to affix their seals; and

(b) otherwise take proper precautions for the security of the papers and documents.

Re-count

38.—(1) The counting officer may have the votes re-counted or again re-counted.

(2) Paragraphs (3) to (7) apply where the referendum area comprises any part of the area of more than one relevant council.

(3) As soon as practicable after the conclusion of the count (which includes any re-count whether or not directed under this rule), the counting officer must draw up a provisional statement showing—

(a) the number of ballot papers counted by the counting officer;

(b) the number of votes cast in favour of each answer to the question asked in the referendum.

(4) As soon as possible after completion of the provisional statement, the counting officer must inform the Chief Counting Officer of its contents.

(5) Once the Chief Counting Officer has received the report of any counting officer on the contents of that counting officer’s provisional statement prepared under paragraph (3) and under

rule 39(5), the Chief Counting Officer may direct the counting officer to re-count (or further re-count) the votes.

(6) A re-count directed by the Chief Counting Officer under paragraph (5) may be of the votes in the whole referendum area, or in the areas of such of the relevant councils falling within the referendum area as the Chief Counting Officer considers reasonable.

(7) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith must notify those counting observers entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

Rejected ballot papers

39.—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more than one answer; or
- (c) on which anything is written or marked by which the voter or proxy can be identified except the printed number and other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

is not for such reason deemed to be void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the voter or proxy and it is not shown that the voter or proxy can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to the counting officer's decision.

(4) Subject to paragraph (5), the counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the voter or proxy could be identified;
- (d) unmarked or void for uncertainty.

(5) Where the referendum area comprises any part of the area of more than one relevant council, the statement referred to in paragraph (4) above is to be a provisional statement and as soon as practicable after the completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

Decisions on ballot papers

40. The decision of the counting officer on any question arising in respect of a ballot paper is final.

Equality of votes

41. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers, the result is that there is no majority in favour of the making of the plan or order.

PART 7

Declaration of Result and Disposal of Documents

Declaration of result

42.—(1) This rule applies where rule 43 does not apply.

(2) When the result of the poll has been ascertained, the counting officer must forthwith—

- (a) declare the result of the referendum;
- (b) inform the proper officer of the relevant council of the result of the referendum;
- (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.

Declaration of result: cross-boundary referendum areas

43.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) When the Chief Counting Officer is satisfied the result of the poll has been ascertained, the Chief Counting Officer must direct the counting officers to draw up a final statement of the matters referred to in rule 38(3) and to provide final versions of their statements of rejected ballot papers.

(3) The counting officer, having drawn up the final statement, must—

- (a) forthwith inform the Chief Counting Officer of its contents; and
- (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) When authorised by the Chief Counting Officer to do so, each counting officer must—

- (a) make a declaration of the matters referred to in the final statement; and
- (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(5) The Chief Counting Officer, having received notification of the final statement from each counting officer referred to in paragraph (2) must—

- (a) draw up a statement of—
 - (i) the total number of ballot papers counted, and
 - (ii) the total number of votes cast in favour of each answer to the question asked, in respect of the referendum;
- (b) declare the result of the referendum;

- (c) inform the proper officer of each relevant council of the result of the referendum;
- (d) 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.

Sealing up of ballot papers

44.—(1) On the completion of the counting at a referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

- (2) The counting officer must not open the sealed packets of—
 - (a) tendered ballot papers;
 - (b) certificates as to employment on duty on the day of the poll;
- (3) The relevant returning or counting officer must not open the sealed packets of—
 - (a) the completed corresponding number lists; or
 - (b) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

45.—(1) Where the counting officer is the relevant returning or counting officer, the counting officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in the counting officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 33, and the declarations made by the companions of voters and proxies with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the relevant council.

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, the counting officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in the counting officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts; and
- (c) the packets of certificates as to employment on duty on the day of the poll,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the relevant council.

Orders for production of documents

46.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the relevant registration officer's custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons;
- (b) time;
- (c) place and mode of inspection;
- (d) production or opening,

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given is not disclosed until it has been proved—

- (a) that their vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the High Court from any order of a county court under this rule.

(6) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(7) Where an order is made for the production by the relevant registration officer of any document in the relevant registration officer's possession relating to any specified referendum—

- (a) the production by the relevant registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any referendum; and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983

Act at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as by this rule provided, no person is to be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Retention of documents

47. The relevant registration officer must retain for one year all documents relating to a referendum forwarded to that officer in pursuance of these Rules by the relevant returning or counting officer and the counting officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

Countermand or abandonment of poll at relevant election on death of candidate

48. Where at a relevant election the notice of poll is countermanded, or the polling is abandoned, due to the death of a candidate, the polling at the referendum is not affected.

PART 8

Appendix of Forms

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Form 4 - Corresponding Number List M1

Form 5 - Corresponding Number List M2

Form 6 - Form of Postal Voting Statement (for use where there is joint issue and receipt of postal ballot papers)

Form 7 - Form of Postal Voting Statement (for use where a referendum poll is combined with another poll but the postal ballot papers are not combined)

Form 8 - Official Poll Card (to be sent to a voter voting in person)

Form 9 - Official Postal Poll Card (to be sent to a voter voting by post)

Form 10 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Form 11 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Form 12 - Form of directions for the guidance of the voters and proxies in voting

Form 13 - Form of Certificate of Employment

Form 14 - Form of declaration made by the companion of a voter or proxy with disabilities

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Front of ballot paper

Referendum on the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i>	
Do you want <i>[insert name of local planning authority]</i> to use the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i> to help it decide planning applications in the neighbourhood area?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Front of ballot paper

Referendum on the Neighbourhood Development Order for <i>[insert name of neighbourhood area]</i>	
Do you want the type of development in the Neighbourhood Development Order for <i>[insert name of neighbourhood area]</i> to have planning permission?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Neighbourhood Development Order for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Front of ballot paper

Referendum on the Community Right to Build Order for [<i>insert name of neighbourhood area</i>]	
Do you want the development in the Community Right to Build Order for [<i>insert name of neighbourhood area</i>] to have planning permission?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Community Right to Build Order for [<i>insert name of neighbourhood area</i>] on [<i>insert date</i>]

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Form 6 - Form of Postal Voting Statement (for use where there is joint issue and receipt of postal ballot papers)

Postal Voting Statement

*Name of person voting by post: Ballot paper No.

**Relevant returning or counting Officer to insert name but omit where ballot papers sent to a person with an anonymous entry in the register*

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth

--	--	--	--

--	--	--	--

 (Date of birth of person voting)

#Signature

--	--	--	--

 (Signature of person voting)
IMPORTANT – Keep signature within border

#Relevant returning or counting officer to omit where a person has been granted a waiver

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person’s ballot paper.

PLEASE READ INSTRUCTIONS TO THE PERSON VOTING

Issued by the [*insert "Returning Officer" or "Counting Officer" depending on who is the relevant returning or counting officer*]

INSTRUCTIONS TO THE PERSON VOTING

Complete the ballot paper yourself and in private. If you need help contact the [*insert "Returning Officer's" or "Counting Officer's" depending on who is the relevant returning or counting officer*] staff as shown below

[Contact details for assistance include address as appropriate]

1. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.
2. [**When you are voting in a local government election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box next to the name of each candidate you are voting for. Vote for no more than [...] candidates.*]
3. [**When you are voting in a Parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box next to the name of the candidate you are voting for. Vote for ONE candidate only.*]
4. [**When you are voting in a European Parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box next to the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.*]
5. [***When you are voting in a Greater London Authority election—*

- (a) [* in the constituency members' election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) in the box next to the name of the candidate of your choice. Vote for ONE candidate only.]
 - (b) [* in the London members' election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) in the box next to the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.]
 - (c) [* in the London Mayoral election (*[insert colour of ballot paper]* ballot paper), vote ONCE in column 1 for your FIRST CHOICE and ONCE in column 2 for your SECOND CHOICE.]
6. [*When you are voting in a Police and Crime Commissioner election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) in the box next to the name of the candidate of your choice. [*Vote for ONE candidate only.][*Vote ONCE in column 1 for your FIRST CHOICE and ONCE in column 2 for your SECOND CHOICE.]]
 7. [*When you are voting in an election of a mayor (*[insert colour of ballot paper]* ballot paper), mark a cross (X) in the box next to the name of the candidate of your choice. [*Vote for ONE candidate only.][*Vote ONCE in column 1 for your FIRST CHOICE and ONCE in column 2 for your SECOND CHOICE.]]
 8. [*When you are voting in a referendum (*[insert colour of ballot paper]* ballot paper), mark a cross (X) in the box next to the answer of your choice. Vote ONCE only.]
 9. Do not mark the ballot paper in any other way, or your vote may not be counted.
 10. If you need help voting, the person helping you must not tell anyone how you voted.
 11. Put the ballot paper in the envelope marked **A** and seal it.
 12. Complete the postal voting statement by [# signing it, and] providing your date of birth.
 13. Then put the envelope marked **A** together with the postal voting statement in the envelope marked **B**. Return it straightaway.
 14. After receiving this postal vote, you cannot vote in person at a polling station at [*this][these] [election[s] or referendum[s]].

*delete as appropriate

^ alternatively, insert such information as to the manner of voting as the Greater London Returning Officer (within the meaning of the Greater London Authority Act 1999) may decide.

15. If you accidentally spoil your ballot paper, you can apply to the *[insert "Returning Officer" or "Counting Officer" depending on who is the relevant returning or counting officer]* for a replacement before 5 p.m. on *[day / date of poll]*. You must return all the ballot papers, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the *[insert "Returning Officer" or "Counting Officer" depending on who is the relevant returning or counting officer]* as soon as possible.

! Your ballot paper and the postal voting statement must be received by the *[insert "Returning Officer" or "Counting Officer" depending on who is the relevant returning or counting officer]* by 10 p.m. on *[day / date of poll]*. You can deliver your completed postal vote to any polling station in your area on polling day.

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

It is illegal to vote more than once at the same referendum (unless you are appointed as a proxy for another person entitled to vote at the referendum).

#*Relevant returning or counting officer to omit where a person has been granted a waiver.*

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Form 7 - Form of Postal Voting Statement (for use where a referendum poll is combined with another poll but the postal ballot papers are not combined)

Postal Voting Statement

*Name of person voting by post: Ballot paper No.
.....

*Counting Officer to insert name but omit where ballot papers sent to a person with an anonymous entry in the register

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth

--	--	--	--	--	--	--	--

 (Date of birth of person voting)

#Signature

--

 (Signature of person voting)
IMPORTANT – Keep signature within border

#Relevant returning or counting officer to omit where a person has been granted a waiver

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.
PLEASE READ INSTRUCTIONS TO THE PERSON VOTING
Issued by the Counting Officer

INSTRUCTIONS TO THE PERSON VOTING
Complete the ballot paper yourself and in private. If you need help contact the Counting Officer's staff as shown below
[Contact details for assistance include address as appropriate]

1. You must provide your [# signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election or referendum to be held on the same day. If you do not, the postal voting statement will be invalid and your vote will not be counted.
2. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.
3. Mark a cross (X) in the box next to the answer of your choice.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. Different colours are used for the ballot papers for each election and referendum. Each ballot paper has its own ballot paper envelope (marked A), postal voting statement and return envelope (marked B). The return envelope and postal voting statement for each ballot paper refer to the colour of that ballot paper. It is important that you use the correct envelopes and postal voting statement or your vote may not be counted. You may find it helpful to sort the documents into separate sets.
6. Put the ballot paper in the envelope marked **A** and seal it.
7. Complete the postal voting statement by [# signing it, and] providing your date of birth.
8. Then put the envelope marked **A** together with the postal voting statement in the envelope marked **B**. Return it straightaway.
9. After receiving this postal vote, you cannot vote in person at a polling station at this referendum.
10. If you accidentally spoil your ballot paper, you can apply to the Counting Officer for a replacement before 5 p.m. on [day / date of poll]. You must return all the ballot papers, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Counting Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Counting Officer by 10 p.m. on [day / date of poll]. You can deliver your completed postal vote to any polling station in your area on polling day.

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

It is illegal to vote more than once at the same referendum (unless you are appointed as a proxy for another person entitled to vote at the referendum).

Counting officer to omit where a person has been granted a waiver.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

Form 8 - Official Poll Card (to be sent to a voter voting in person)

OFFICIAL POLL CARD (To be sent to a voter who is voting in person)	
<i>Front of card</i>	
OFFICIAL POLL CARD	
Relevant council: Neighbourhood area: Polling Day: Polling hours: 7 a.m. to 10 p.m. Your polling station will be:	Number on register: *Name *Address *(Counting Officer to omit where poll card sent to a person with an anonymous entry on the register. Poll card to such a person must be delivered in a sealed envelope.)
* This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD	

Back of card

REFERENDUM ON [*specify: the neighbourhood plan / the neighbourhood development order or the community right to build order*] FOR [*specify name of neighbourhood area*]

*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.

*The clerk will confirm your details on the register.

1. When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box next to the answer of your choice.
2. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.
3. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.
4. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll–

- You can apply to vote by post. Your application form must be received before 5 p.m. on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this referendum.
- You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 p.m. on [-6 day/date deadline]. If you appoint a proxy, you can still vote at this referendum yourself if you do so before your proxy has voted for you.
- In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline].

To change any of your voting arrangements please contact [*helpline number*] as soon as possible.

Issued by the Counting Officer

[Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above:

You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show them this card.

The presiding officer will confirm your entry on the register.]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Form 9 – Official Postal Poll Card (to be sent to a voter voting by post)

<p>OFFICIAL POSTAL POLL CARD (To be sent to a voter who is voting by post)</p>	
<p><i>Front of card</i></p>	
<p>OFFICIAL POLL CARD</p>	
<p>Relevant council: Neighbourhood area: For the referendum on: [day/date] Number on register *Name and address: <i>*(Counting Officer to omit where poll card sent to a person with an anonymous entry in the register. Poll card to such a person must be delivered in a sealed envelope.)</i></p>	<p>This notice is to tell you that you have asked to vote by post (either at this referendum or an election combined with this referendum), and you will not be able to vote in a polling station. If you want to cancel your postal vote please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send your postal voting papers around [day/date].</p> <p style="text-align: center;">Addressed to: (Name and address)</p> <p>If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day / date of poll].</p>	
<p>This card is to provide you with information about voting by post. <i>SEE INFORMATION ON THE BACK OF THIS CARD</i></p>	

Back of card

REFERENDUM ON [*specify: the neighbourhood plan / the neighbourhood development order or the community right to build order*] FOR [*specify name of neighbourhood area*]

When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Counting Officer: please call the helpline number shown below.

You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless a waiver has been granted), and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [*day/date of poll.*]

Complete and return your postal vote as soon as possible. The Counting Officer must receive your postal vote by 10 p.m. on [*day/date of poll*]. You can deliver your completed voting papers to any polling station in the area.

If you want to vote in person at this referendum, you must cancel your postal vote before 5 p.m. on [*-11 day/date deadline*].

If you need any assistance, please call our helpline on: [*helpline number*].

It is an offence to vote using a ballot paper that was not addressed to you.

Issued by the Counting Officer

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

Form 10 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

OFFICIAL PROXY POLL CARD (To be sent to an appointed proxy voting in person)	
<i>Front of card</i>	
OFFICIAL POLL CARD	
Relevant council: Neighbourhood area: Polling Day: Polling hours: 7 a.m. to 10 p.m. Your polling station will be:	*This card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy. *Proxy's name *Proxy's address *(Counting Officer to omit where poll card sent to the proxy of a person with an anonymous entry on the register. Poll card to such a proxy must be delivered in a sealed envelope.)
* This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD	

<i>Back of card</i>
<p>REFERENDUM ON [<i>specify: the neighbourhood plan / the neighbourhood development order or the community right to build order</i>] FOR [<i>specify name of neighbourhood area</i>]</p> <p>*This poll card is to tell you that for this referendum you are appointed as proxy for:</p> <p>.....</p> <p>*(Person's name)</p> <p>.....</p> <p>*(Person's address)</p> <p>.....</p> <p>*(Person's number on register)</p> <p>* When you go to the polling station, tell the clerk that you wish to vote as proxy for the person shown above. The clerk will confirm the details on the register.</p> <ol style="list-style-type: none">1. When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box next to the answer the person is voting for.2. Vote ONCE only. Do not mark the ballot paper in any other way, or the vote may not be counted.3. If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.4. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station. <p>If you will be away on the date of the poll, you can apply before 5 p.m. on [<i>-day/date deadline</i>] to vote by post. If you are given a postal vote, the person who appointed you as proxy will not be entitled to vote in person at this referendum.</p> <p>The person who appointed you as proxy may vote in this referendum. If they wish to do so they must vote in person before you vote on their behalf.</p> <p>It is illegal to do any of the following:</p> <ul style="list-style-type: none">• Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.• Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner parent, grandparent, brother, sister, child or grandchild.• Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote. <p>If you need any assistance, please call our helpline number on: [<i>helpline number</i>]. Issued by the Counting Officer</p> <p>[<i>Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above:</i> You must have this card with you when you vote. You cannot vote as proxy without it. You are entitled to vote as proxy for the person whose number on the register is shown below:</p> <p>.....</p> <p>(Person's number on register).</p> <p>To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card.]</p>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Form 11 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

<p>OFFICIAL PROXY POSTAL POLL CARD (To be sent to an appointed proxy voting by post)</p>	
<p><i>Front of card</i></p>	
<p>OFFICIAL POLL CARD</p>	
<p>Relevant council: Neighbourhood area: For the referendum on [day/date]: Name and Address (Proxy):</p>	<p>*This poll card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy and you have decided to vote by post (either at this referendum or an election combined with this referendum). You will not be able to vote on behalf of the person who appointed you as proxy in a polling station. If you want to cancel this postal vote and vote in person on polling day, please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send the proxy postal voting papers around [day/date]. If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help. <i>[Where the poll card sent to the proxy of a person with an anonymous entry in the register the Counting Officer is to substitute for the text marked * above-</i> This poll card is to tell you that for this referendum, the person whose number is shown on the back of this card has appointed you as their proxy and you have decided to vote by post (either at this referendum or an election combined with this referendum). <i>The poll card to such a proxy must be delivered in a sealed envelope.]</i></p>
<p>If you lose or accidentally spoil the ballot paper of the person who appointed you as proxy, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</p>	

<i>Back of card</i>
<p>REFERENDUM ON [<i>specify: the neighbourhood plan / the neighbourhood development order or the community right to build order</i>] FOR [<i>specify name of neighbourhood area</i>]</p> <p>* This card is to tell you that for this referendum you are appointed as proxy for the person named below and you have decided to vote by post (either at this referendum or an election combined with this referendum).</p> <p>.....</p> <p>* (Person's name)</p> <p>.....</p> <p>* (Person's address)</p> <p>.....</p> <ol style="list-style-type: none">1. When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.2. Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.3. You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless a waiver has been granted) and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records they hold.4. If you lose or accidentally spoil the postal ballot paper, please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [<i>day/date of poll</i>].5. Complete and return the postal vote as soon as possible. The Counting Officer must receive the postal vote by 10 p.m. on [<i>day/date of poll</i>]. You can deliver your completed voting papers to any polling station in your area.6. If you want to vote in person as a proxy at this referendum, you must cancel your postal vote before 5 p.m. on [<i>-11 day/date deadline</i>]. <p>It is illegal to do any of the following:</p> <ul style="list-style-type: none">• Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.• Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner parent, grandparent, brother, sister, child or grandchild.• Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote. <p>If you need any assistance, please call our helpline number on: [<i>helpline number</i>].</p> <p style="text-align: center;">Issued by the Counting Officer</p> <p>[<i>Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above-</i></p> <p>This poll card is to tell you that for this referendum you are appointed as proxy for the person whose number on the register is shown below and you have decided to vote by post (either at this referendum or an election combined with this referendum).</p> <p>You are entitled to vote as proxy for the voter whose number on the register is shown below:</p> <p>.....</p> <p>(Person's number on register).]</p>

Form 12 - Form of directions for the guidance of the voters and proxies in voting

GUIDANCE FOR VOTERS

1. When you are given your ballot paper go to one of the polling booths.
2. A **[At the local government election(s) mark a cross (X) in the box next to the name of [each][the] candidate you are voting for. [Vote for ONE candidate only][Vote for no more than [...] candidates]*.*

B **[At the Parliamentary election mark a cross (X) in the box next to the name of the candidate you are voting for. Vote for ONE candidate only.]*

C **[At the European Parliamentary election mark a cross (X) in the box next to the name of the party or individual candidate you are voting for. Vote for ONE party or candidate only.]*

D *#*[At the Greater London Authority election—*
 - (i) **[in the constituency members' election, vote for ONE candidate only.]*
 - (ii) **[in the London members' election, vote for ONE party or individual candidate only.]*
 - (iii) **[in the London Mayoral election, vote ONCE in column 1 for your FIRST CHOICE and ONCE in column 2 for your SECOND CHOICE.]*
E **[At the Police and Crime Commissioner election mark a cross (X) in the box next to the name of the candidate you are voting for. [Vote for ONE candidate only][Vote ONCE in column 1 for your FIRST CHOICE and ONCE in column 2 for your SECOND CHOICE]*.*

F **[At the election of a Mayor mark a cross (X) in the box next to the name of the candidate you are voting for. [Vote for ONE candidate only][Vote ONCE in column 1 for your FIRST CHOICE and ONCE in column 2 for your SECOND CHOICE]*.*

G **[At the referendum[s]* mark a cross (X) in the box next to answer of your choice. Vote ONCE only.]*
3. *[Please do not fold the ballot paper for the [specify the election / referendum at which votes are to be counted electronically]. Fold any other ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate]* ballot box and leave the polling station.]**
3. *[Fold each ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate]* ballot box and leave the polling station.]**
4. *[Vote only for the number of candidates specified on each ballot paper.][Vote for one of the answers on [each][the]* ballot paper for the referendum[s]*.] Do not mark the ballot paper in any other way, or your vote may not be counted.*
5. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

**complete or omit as appropriate*

#Alternatively insert such information as to the manner of voting as the Greater London Returning Officer (within the meaning of the Greater London Authority Act 1999) may decide.

Form 13 - Form of Certificate of Employment

REFERENDUM ON [*specify: the neighbourhood plan / the neighbourhood development order or the community right to build order*] FOR [*specify name of neighbourhood area*]

I certify that (name) who is numbered in the register of electors for the area named above cannot reasonably be expected to go in person to the polling station allotted to them at the referendum on [*date of poll*] by reason of the particular circumstances of their employment on that date for a purpose connected with the referendum or an election or referendum with which it is combined—

*(a) as a constable

*(b) by me

Signature

*Counting Officer/Returning Officer/Police Officer (Inspector or above)

Date

*Delete whichever is inappropriate

Note: the person named above is entitled to vote at any polling station of the above area on production and surrender of this certificate to the presiding officer.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031

Form 14 - Form of declaration made by the companion of a voter or proxy with disabilities
REFERENDUM ON [specify: the neighbourhood plan / the neighbourhood development order or the community right to build order] FOR [specify name of neighbourhood area]

I, (name of companion), of (address of companion) having been requested to assist (*name of voter or proxy) [in the case of a proxy with disabilities, add voting as proxy for (*name of voter)] whose number on the register is to record their vote at the referendum[s]** and [**elections[s]** now being held for this **parliamentary constituency / **European Parliamentary region / **Greater London Authority constituency / **district / **London borough / **police area / **local government area / **voting area / **referendum area],

****delete those words which are inappropriate**
hereby declare that—

I have not previously assisted any other voter with disabilities [except (name of other voter or proxy), of (address of other voter or proxy) or if anonymous voter substitute "the person whose number is on the register"] to vote at the said referendum, and

- I am entitled to vote on my own behalf at the said referendum, or
- I am the (relationship of the companion to the voter or proxy) of the said voter or proxy and have attained the age of 18 years.

**Where the declaration is made in relation to a voter, or a proxy of a voter with an anonymous entry in the register, substitute the name of the voter with "the person".*

Signed (companion)

Date

I, the undersigned, being the presiding officer for (polling station) for the area of hereby certify that the above declaration, having first been read to the above-named companion, was signed by the companion in my presence.

Signed (Presiding Officer)

Date

Time (am/pm)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, the person will be guilty of an offence.

2. A voter or proxy with disabilities is a person who has made a declaration under the Neighbourhood Planning Referendums (Combination of Polls) Rules that the person is so incapacitated by blindness or other disability, or by inability to read, as to be unable to vote without assistance.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the conduct of referendums held under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 (“the 1990 Act”). These Regulations only apply in relation to England. The referendums will relate to the question of whether a neighbourhood plan, neighbourhood development order or a community right to build order is approved.

Regulation 3 and Schedule 1 prescribe the form of words of the question to be asked in a referendum.

Regulation 4 sets out the further information that must be published in connection with a referendum, not fewer than 28 days before the date it is held. And provides for certain days to be ignored in calculating the referendum period.

Regulation 5 imposes restrictions on the material that may be published by or on behalf of the relevant council and the local planning authority for the area during the period of 28 days before the date the referendum is held.

Regulation 6 imposes a referendum expenses limit on the amount that may be incurred by way of referendum expenses. Schedule 2 makes provision about the matters relevant to referendum expenses. Under regulation 6(3) it is an offence for a campaign organiser in certain circumstances to exceed that limit. Regulation 7 provides for amounts relevant to certain property, services and facilities to be treated as incurred by way of referendum expenses for the purposes of regulation 6.

Regulation 8 provides that a referendum is to be conducted in accordance with the Neighbourhood Planning Referendums Rules (set out in Schedule 3), where the poll is not taken together with the poll at another election or referendum. Other electoral legislation is applied, with modifications, to facilitate the conduct of referendums (set out in Tables 1 to 6 of Schedule 4).

Regulation 9 specifies who is to be the counting officer at the referendum and makes provision in relation to the counting officer’s duties.

Regulation 10 allows a relevant council, where the referendum area comprises any part of the area of two or more relevant councils, to appoint a chief counting officer in relation to the referendum, who may give directions to a counting officer.

Regulation 11 makes provision for the combination of polls. Where another election or referendum is to be held within 28 days of the date proposed for the referendum they may be combined if the returning officers and counting officer think fit.

Regulation 12 makes provision for the conduct of referendums where combined with polls at elections or other referendums. The rules for conducting such referendums are the Neighbourhood Planning Referendums (Combination of Polls) Rules (set out in Schedule 5). Other electoral legislation is applied to facilitate the conduct of such referendums (set out in Tables 1 to 6 of Schedule 4).

Regulation 13 makes provision about the conduct of elections (or other referendums) when they are combined with the poll at the referendum. Other electoral legislation is applied to facilitate the conduct of such referendums (set out in Tables 2, 3 and 6 and Parts 2 and 3 of Schedule 4).

Regulation 14 exempts advertisements relating specifically to the referendum from regulations under the Town and Country Planning Act 1990 (c. 8) controlling the display of advertisements.

Regulation 15 provides that premises used in relation to the referendum for public meetings or the taking of polls are to be treated as unoccupied for rating purposes.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

Regulation 16 makes provision for co-operation between authorities where the relevant council holding the referendum is not the local planning authority.

An impact assessment has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and can be found on the Department for Communities and Local Government website (<http://www.communities.gov.uk>).