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SCHEDULES

SCHEDULE 5

COMBINATION OF POLLS: ENGLAND

PART 1

PROVISION ABOUT COMBINATION

GENERAL PROVISIONS

Interpretation

- 1 (1) An election or local referendum the poll for which is, under section 4(1), to be taken together with the poll for the referendum under section 1 is referred to in this Schedule as a “relevant election”.
- (2) The polls to be taken together are referred to in this Schedule as “combined polls”.
- (3) In relation to a local referendum, expressions used in this Part of this Schedule are to be construed in accordance with the following table.

<i>Expression</i>	<i>Meaning</i>
“Counting agent”	Counting observer as defined by regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089).
“Election agent”	Counting observer as defined by that regulation.
“Polling agent”	Polling observer as defined by that regulation.
“Returning officer”	Counting officer as defined by that regulation.
“Elector”	Voter as defined by rule 2(1) of the Local Referendums (Combination of Polls) Rules.

- 2 In this Schedule—
 - “counting agent” means a counting agent for the referendum or a counting agent for a relevant election (except where one or other is specified);
 - “local authority” means—
 - (a) a county council in England;
 - (b) a district council;
 - (c) a London borough council;
 - (d) a parish council;

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“Local Elections (Combination of Polls) Rules” means the rules set out in Schedule 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006 ([S.I. 2006/3304](#));

“local referendum” means a referendum held in England under Part 2 of the Local Government Act 2000;

“Local Referendums (Combination of Polls) Rules” means the rules set out in Schedule 5 to the Local Authorities (Conduct of Referendums) (England) Regulations 2007 ([S.I. 2007/2089](#));

“Mayoral Elections (Combination of Polls) Rules” means the rules set out in Schedule 3 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 ([S.I. 2007/1024](#));

“Parish Elections (Combination of Polls) Rules” means the rules set out in Schedule 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 ([S.I. 2006/3305](#)).

Functions to be performed by counting officer

- 3 (1) The specified functions of a returning officer for a relevant election are to be carried out instead by the counting officer for the voting area in which the relevant election is to be held.
- (2) The specified functions are those specified in regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 ([S.I. 2004/294](#)) (so far as relating to relevant elections).
- (3) This paragraph applies instead of regulation 4 of those regulations so far as it relates to the functions of returning officers.

Attendance and conduct of observers

- 4 Section 6E of the 2000 Act has effect as if for subsection (4) there were substituted—

“(4) A relevant officer is—

- (a) in the case of proceedings at a polling station, the presiding officer;
- (b) in the case of any other proceedings at the issue or receipt of postal ballot papers, the relevant returning or counting officer within the meaning of regulation 64 of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#));
- (c) in the case of any proceedings at the counting of votes, the counting or returning officer responsible for counting the votes under paragraph 44(1) or (3) of Schedule 5 to the Parliamentary Voting System and Constituencies Act 2011;
- (d) in the case of any proceedings not mentioned in paragraph (a), (b) or (c), the counting officer for the referendum on the voting system for United Kingdom parliamentary elections;
- (e) such other person as a person mentioned in paragraph (a), (b), (c) or (d) authorises for the purposes of the proceedings mentioned in that paragraph.”

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Cost of combined polls

- 5 The cost of taking the combined polls (excluding any cost solely attributable to the referendum or to a particular relevant election), and any cost attributable to their combination, is to be apportioned equally among them.
- 6 (1) In section 36 of the 1983 Act (local authority elections), subsections (4), (5) and (6) apply—
- (a) as if a reference to a returning officer included a reference to a counting officer carrying out functions that, but for this Schedule, would be exercisable by a returning officer (“transferred functions”), and
 - (b) as if, in relation to that counting officer, a reference to expenditure or expenses were to expenditure or expenses in respect of transferred functions.
- (2) In fixing a scale under subsection (4) or (5) of that section a local authority may include special provision in respect of expenditure incurred by a counting officer in carrying out transferred functions (including expenditure incurred in respect of the remuneration of presiding officers or clerks).

Application of other provisions about combination of polls

- 7 (1) The following regulations have effect as if a reference to “a relevant election or referendum” included a reference to the referendum under section 1.
- (2) The regulations are—
- (a) the Local Elections (Principal Areas) (England and Wales) Rules 2006;
 - (b) the Local Elections (Parishes and Communities) (England and Wales) Rules 2006;
 - (c) the Local Authorities (Conduct of Referendums) (England) Regulations 2007;
 - (d) the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007.
- (3) Regulation 11 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 has effect as if the reference to regulation 10(1) or (7) included a reference to section 4.
- (4) In relation to the referendum, expressions used in the regulations are to be construed in accordance with the following table.

<i>Expression</i>	<i>Meaning</i>
“Counting agent”	Counting agent appointed under rule 18 of the referendum rules.
“Election agent”	Counting agent appointed under rule 18 of the referendum rules.
“Polling agent”	Polling agent appointed under rule 18 of the referendum rules.
“Voting area”	Voting area as defined by section 7.

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Forms

- 8 Forms 2, 3, 5, 6 and 8 in Part 3 of this Schedule are “relevant forms” for the purposes of rule 10 of the referendum rules.