

## SCHEDULE 4

### Combination of polls

## PART 1

### General

#### Returning officers and polling stations

1.—(1) Where the polls at an Assembly general election and an ordinary local government election are taken together under article 16(1)—

- (a) those functions of the returning officer at the local government election which are specified in paragraph 2 shall be discharged by the constituency returning officer for an Assembly constituency for such part of the local government area as is situated in the constituency; and
- (b) only polling stations used for the Assembly general election shall be used for the local government election.

(2) Subject to sub-paragraph (4) where the polls at an Assembly and a local government election for related areas (within the meaning of article 16(3)) are taken together under article 16(2)—

- (a) the returning officers for those elections shall decide which returning officer shall discharge in the area in which the polls are combined (“the combined area”) those functions of the other which are specified in paragraph 2; and
- (b) the only polling stations which shall be used in the combined area at such elections are the polling stations used at the election for which the returning officer who discharges the functions referred to in paragraph (a) acts as returning officer.

(3) Where by virtue of sub-paragraph (2)(a) functions in respect of another election fall to be discharged by a regional returning officer, he in turn shall delegate the discharge of those functions to the constituency returning officer for an Assembly constituency that is wholly or partly situated in the combined area in relation to such part of the combined area as is situated in the Assembly constituency; and where functions are so delegated subsequent references in this Part to the returning officer who discharges the functions specified in paragraph 2 are to be treated as references to such a constituency returning officer.

(4) Where the polls at an Assembly general election and a local government election for related areas are taken together under article 16(2), sub-paragraphs (1)(a) and (b) shall apply.

#### Functions at combined polls

2.—(1) The functions referred to in paragraph 1 are the functions conferred—

- (a) in the case of an Assembly election, by Schedule 5 and which are specified in sub-paragraph (2);
- (b) in the case of a local government election which is not a mayoral election, by those of the rules made under section 36 of the 1983 Act which correspond to the provisions specified in sub-paragraph (2); and
- (c) in the case of a local government election which is a mayoral election, by those rules made under section 44 of the Local Government Act 2000(1) which correspond to the provisions specified in sub-paragraph (2),

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(1) 2000 c. 22.

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and where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3, the functions conferred by that Schedule and by Part 5 of the 2001 Regulations(2).

(2) The functions referred to in sub-paragraph (1) are those functions in Schedule 5 conferred or by—

- (a) rule 27 (corresponding number list);
- (b) rule 32(2) and (3) (notice of situation of polling stations etc);
- (c) rule 33 (postal ballot papers) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3 and rule 55 (the count) of Schedule 5;
- (d) rule 34 (provision of polling stations);
- (e) rule 35(1) and (3) (appointment of presiding officers and clerks) to the extent that the paragraph concerns the appointment of presiding officers and clerks to assist them;
- (f) rule 37 (equipment of polling stations);
- (g) rule 39(a) (notification of requirement of secrecy at polling station);
- (h) rule 40 (return of postal ballot papers) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3;
- (i) rule 41(5) (signature of certificate as to employment);
- (j) rule 42(2)(b) (authorisation to order removal from polling station); and
- (k) paragraphs (1)(as substituted by paragraph 20 of this Schedule) and paragraph (8) of rule 55 (the count).

### **Modification of provisions about expenses in this Order and the 1983 Act**

3.—(1) Where those functions of a returning officer at an election which are specified in paragraph 2 are discharged by the returning officer at another election under paragraph 1, references to the returning officer or his charges or expenditure—

- (a) in article 23(1) to (4), (7), (9) and (10) (payments by and to returning officer);
- (b) in article 24 (detailed assessment of returning officer's account); and
- (c) in section 36(4) and (5A) of the 1983 Act(3) (expenses at local elections),

shall, to the extent that such functions are so discharged, be construed as references to the returning officer who discharges those functions and his charges or expenditure in respect of those functions.

(2) The reference in section 36(6) of the 1983 Act to the returning officer or person acting as returning officer requesting an advance in respect of his expenses shall, to the extent that those expenses relate to the functions specified in paragraph 2, include a reference to the returning officer who under paragraph 1 discharges those functions at the local government election.

(3) In relation to elections the polls at which are taken together under article 16(1) or (2), the Assembly may under article 23(1) include special provision for services properly rendered, or expenses properly incurred, in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

(2) In part 5 Regulation 72 was amended by Regulation 12 of S.I. 2002/1871, Regulation 77 was amended by Regulation 13(1), (2) and (3) of S.I. 2002/1871 and Regulation 85 by Regulation 2(1) of S.I. 2002/1871. Regulation 64 was amended by regulation 48, regulations 72 and 73 by regulation 49, regulation 75 by regulation 50, regulation 84 by regulations 51 and 52 and regulation 91 by regulation 53 all of S.I. 2006/2910.

(3) Sub-section (5A) was added by Schedule 16 to the Local Government (Wales) Act 1994 c. 19.

(4) In relation to elections the polls at which are taken together under article 16(1) or (2), a county or county borough council may, in fixing a scale under—

- (a) section 36(4) of the 1983 Act (fixing a scale at an election to the council etc); or
- (b) section 36(5A) of that Act (fixing a scale at an election for a community within the area of the council etc),

include special provision for expenses incurred in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.