

*Draft Order in Council laid before Parliament under section 4(3) of the Greater London Authority (Referendum) Act 1998 for approval by resolution of each House of Parliament. This draft supersedes the draft of the Greater London Authority (Referendum) Order 1998 which was laid before Parliament on 23rd February 1998 and approved by the House of Lords on 3rd March 1998 and by the House of Commons on 4th March 1998. The only change is in respect of the date mentioned in article 6. A copy of this draft is being issued free of charge to all known recipients of the earlier draft of the Order.*

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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

**REFERENDUM**

**The Greater London Authority (Referendum) Order 1998**

*Made* - - - - 1998  
*Coming into force* - - 1998

At the Court at Buckingham Palace, the 1998  
Present,  
The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and approved by resolution of each House:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 4 of the Greater London Authority (Referendum) Act 1998(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Citation and commencement**

1. This Order may be cited as the Greater London Authority (Referendum) Order 1998 and shall come into force on the day after the day on which it is made.

**Interpretation**

2. In this Order and in any provision applied by this Order—  
“the 1983 Act” means the Representation of the People Act 1983(2);

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(1) 1998 c. 3.  
(2) 1983 c. 2.

- “the 1998 Act” means the Greater London Authority (Referendum) Act 1998;
- “Chief Counting Officer” means the person appointed as such under section 3(1) of the 1998 Act;
- “the Common Council” means the Common Council of the City of London;
- “counting observer” means a person appointed by a counting officer under article 10(1)(b);
- “counting officer” means a person appointed as a counting officer under section 3(2) of the 1998 Act;
- “Greater London” has the meaning given by section 2(1) of the London Government Act 1963<sup>(3)</sup>;
- “polling observer” means a person appointed by a returning officer under article 7(3);
- “the referendum” means the referendum held by virtue of section 1(1) of the 1998 Act; and
- “voting area” means a London borough or the City of London.

**Time**

- 3.** In calculating any period of time for the purposes of any provision of, or applied by, this Order, the following days shall be disregarded—
- (a) a Saturday or Sunday, and
  - (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(4)</sup> in England and Wales.

**Advertisements**

- 4.** The Town and County Planning (Control of Advertisements) Regulations 1992<sup>(5)</sup> shall have effect in relation to the display on any site in Greater London 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**

- 5.** In relation to premises in Greater London, section 65(6) of the Local Government Finance Act 1988 (occupation for election meetings and polls)<sup>(6)</sup> shall have 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 use by a returning officer for the purpose of taking the poll in an election included a reference to use by a person exercising functions of a returning officer in accordance with article 7(1) for the purposes of taking the poll in the referendum.

**Alteration of Register**

- 6.** An alteration made in a register of electors or a ward list after 6th April 1998 shall be disregarded for the purposes of the referendum<sup>(7)</sup>.

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(3) 1963 c. 33.

(4) 1971 c. 80.

(5) S.I. 1992/666; see regulation 3(2) and Class F in Schedule 2.

(6) 1988 c. 41.

(7) see section 2(2) of the 1998 Act.

### **Returning officers**

7.—(1) Functions conferred by this Order on the returning officer shall be exercised—

- (a) in each London borough, by the person who is for the time being the returning officer at an election of councillors for that borough under section 35(3) of the 1983 Act (returning officers: local elections); and
- (b) in the City of London, by the person who is for the time being appointed by the Common Council to act as the returning officer at the referendum.

(2) It is the returning 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 this Order.

(3) The returning officer may appoint persons to attend at polling stations for the purpose of detecting personation ("polling observers").

### **Hours of polling**

8. The hours of polling shall be between 8 a.m. and 9 p.m. on the day of the referendum.

### **Ballot papers**

9.—(1) The back of the ballot papers shall be in the following form—

"No.

Greater London referendum on [insert date]: [insert name of voting area] ... ..

*Note.—The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters."*

(2) A ballot paper—

- (a) shall be capable of being folded up;
- (b) shall have a number printed on the back; and
- (c) shall have attached a counterfoil with the same number printed on it.

### **Counting of votes &c**

10.—(1) A counting officer shall, in accordance with any directions given by the Chief Counting Officer under section 3(3)(a) of the 1998 Act—

- (a) appoint and pay such persons as may be necessary for the purpose of the counting of the votes; and
- (b) appoint persons to observe the counting of the votes and the verification of the ballot paper accounts ("counting observers").

(2) A counting officer shall make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the close of the poll and shall give those observers notice in writing of the time and place at which he will begin to count the votes.

(3) No person may attend the counting of votes for any voting area unless he is—

- (a) the counting officer for that area;
- (b) a person appointed by him under paragraph (1) above;
- (c) the Chief Counting Officer;
- (d) the Member of Parliament for a constituency wholly or partly within that area,
- (e) permitted by the counting officer for that area to attend the count.

(4) A counting officer shall give the counting observers such reasonable facilities for observing the proceedings at the counting of votes, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) Before a counting officer makes a certification under section 3(3)(b) of the 1998 Act, or makes any public announcement as to the result of the count, he shall consult the Chief Counting Officer.

### **Chief Counting Officer's fees and charges**

**11.** The following shall be charged on and paid out of the Consolidated Fund<sup>(8)</sup>—

- (a) the fee payable to the Chief Counting Officer in accordance with the terms of his appointment; and
- (b) on an account being submitted to, and approved by, the Secretary of State, any charges properly made or expenditure properly incurred by the Chief Counting Officer in connection with the referendum.

### **Application of provisions**

**12.** The provisions set out in column (1) of the Tables in Schedule 1 shall have effect in relation to the referendum with the modifications shown in column (2) of those Tables and any other necessary modifications; in particular, except where the context otherwise requires—

- (a) a reference to an election shall be construed as a reference to the referendum;
- (b) a reference to a constituency shall be construed as a reference to a voting area;
- (c) a reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, an answer;
- (d) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, shall be construed as a reference to promoting or procuring a particular result in the referendum;
- (e) a reference to the return of a person shall be construed as a reference to a particular result in the referendum;
- (f) a reference to a person voting as an elector shall be construed as a reference to a person voting on his own behalf;
- (g) a reference to a person's entitlement as an elector to an absent vote shall be construed as a reference to a person's entitlement to vote by post on his own behalf or to vote by proxy;
- (h) except where the polls at the referendum and an ordinary election of councillors are taken together in accordance with section 4(1) of the 1998 Act, where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents shall be ignored;
- (i) a reference to anything being prescribed shall be construed as a reference to its being provided for by a provision of subordinate legislation applied by this Order;
- (j) a form which is required to be used may be used with such variations as the circumstances may require;
- (k) in relation to the City of London—
  - (i) a reference to a register of electors shall be construed as a reference to a list of persons entitled to vote at the referendum by virtue of section 2(1)(b) of the 1998 Act;

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<sup>(8)</sup> *see* section 12(1)(a) of the 1998 Act.

- (ii) a reference to the council of a voting area shall be construed as a reference to the Common Council;
- (l) a reference to the registration officer is—
  - (i) in the case of a London borough, a reference to the relevant registration officer appointed under section 8 of the 1983 Act; and
  - (ii) in the case of the City of London, a reference to the town clerk of the City<sup>(9)</sup>;and, for the purpose of the exercise of a registration officer’s functions in relation to the referendum, sections 52(1) to (4) (discharge of registration duties) and 54(1), (3) and (4) (payment of expenses of registration) of the 1983 Act<sup>(10)</sup> shall have effect;
- (m) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Order; and
- (n) so much of any provision as—
  - (i) relates to an election petition or an election court; or
  - (ii) applies only in relation to Scotland, Wales or Northern Ireland,shall be ignored.

### **Combined polls**

**13.** Schedule 2 shall have effect where the polls at the referendum and an ordinary election of councillors for any electoral ward of a London borough are taken together in accordance with section 4(1) of the 1998 Act.

Clerk of the Privy Council

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(9) *see* section 8(2) and (5) of the [City of London \(Various Powers\) Act 1957 \(c.x\)](#) to which relevant amendments were made by section 3(2) and (3) of the [City of London \(Various Powers\) Act 1968 \(c.xxxvii\)](#) and Schedule 2 to the Representation of the People Act 1985 (c. 50) (“the 1985 Act”).

(10) Sections 52 and 54 of the 1983 Act were amended by Schedules 4 and 5 to the 1985 Act.

## SCHEDULE 1

Article 12

## APPLICATION WITH MODIFICATION OF ACTS AND STATUTORY INSTRUMENTS

## TABLE 1

## REPRESENTATION OF THE PEOPLE ACT 1983 (C.2)

(1) <i>Provision</i>	(2) <i>Modification</i>
Section 18(1), (4) and (9) (polling districts and polling places)	After subsection (1) insert— “(1A) The polling districts and polling places designated under this section shall be the same as those used or designated for parliamentary elections, except where it appears to those responsible for the designation of parliamentary polling districts and polling places that special circumstances make it desirable for some other polling district or polling place to be designated.”.
Section 35(4) (appointments by returning officers)	For “at any election mentioned in subsections (1) to (3) above” substitute “or the counting officer”.
Section 36(4) and (6) (returning officer’s expenditure at local election)( <b>11</b> )	In subsection (4) for the words from “by a returning officer” to “London borough” substitute “in relation to the referendum by the returning officer or the counting officer for a voting area”.  In subsection (6), omit the words from the beginning to “community councillor” and after “of the returning officer” insert “or counting officer”.
Section 47 (loan of equipment for local elections)( <b>12</b> )	In subsection (1), article 12(a) shall not apply to the reference to parliamentary elections and the words “at a local government election” shall be omitted.  In subsection (2) for “an election held under those Acts” substitute “the referendum”.
Section 49(2), (4) and (5) (effect of registers)( <b>13</b> )	In subsection (5) omit “parliamentary or” and “prevent the rejection of the vote on a scrutiny or”.

(11) Section 36(4) was amended by Schedule 17 to the Local Government Act 1985 (c. 51) and Schedule 16 to the Local Government (Wales) Act 1994 (c. 19).

(12) Section 47(1) was amended by regulation 4 of S.I. 1991/1728.

(13) Section 49(2) was amended by Schedule 5 to the 1985 Act and section 49(5) was substituted by Schedule 2 to S.I. 1995/1948.

(1) <i>Provision</i>	(2) <i>Modification</i>
Section 50(b) and (c) (effect of misdescription)	In paragraph (c) for “parliamentary election rules” substitute “rules made under section 36”.
Section 60 (personation)	
Section 61 (other voting offences)(14)	For subsections (2) to (4) substitute— “(2) A person shall be guilty of an offence if— (a) he votes on his own behalf otherwise than by proxy— (i) more than once in the same voting area; (ii) in more than one voting area; or (iii) in any voting area when there is in force an appointment of a person to vote as his proxy in the referendum in another voting area, or (b) he votes on his own behalf in person and is entitled to vote by post, or (c) he votes on his own behalf in person knowing that a person appointed to vote as his proxy has already voted in person or is entitled to vote by post, or (d) he applies for a person to be appointed as his proxy to vote for him without applying for the cancellation of a previous appointment of a third person then in force or without withdrawing a pending application for such an appointment. (3) A person shall be guilty of an offence if— (a) he votes as proxy for the same person either— (i) more than once in the same voting area, or (ii) in more than one voting area, or (b) he votes in person as proxy for a person and is entitled to vote by post as proxy for that person, or (c) he votes in person as proxy for someone whom he knows already to have voted in person.

(14) Amended by Schedules 2 and 5 to the 1985 Act.

(1) <i>Provision</i>	(2) <i>Modification</i>
	(4) A person shall also be guilty of an offence if he votes as proxy in any voting area for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.”.
Section 63 (breach of official duty)(15)	In subsection (3) after paragraph (b) insert— “(bb) the Chief Counting Officer or a counting officer;”.
Section 65 (tampering with papers)(16)	In subsection (3)— (a) for “a returning officer” substitute “the returning officer, the Chief Counting Officer, a counting officer”; and (b) for “clerk” substitute “person”.
Section 66 (requirement of secrecy)(17)	For subsection (1)(b) substitute— “(b) every Member of Parliament or polling observer so attending”.
Section 92 (broadcasting from outside the United Kingdom)(18)	
Section 94(1) (imitation poll cards)(19)	
Section 95 (schools and rooms for meetings)(19)	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 the referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies.  (1A) In subsection (1) “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”.  Omit subsection (2).  In subsection (3), omit “situated in the constituency”.  In subsection (4), omit “or on whose behalf”.  In subsection (5), for “candidate” substitute “person”.  For subsection (6) substitute— “(6) The lists maintained by London borough councils of meeting rooms which candidates at

(15) This section was substituted by Schedule 4 to the 1985 Act.

(16) Subsections (3) and (4) were substituted by Schedule 3 to the 1985 Act.

(17) Subsection (6) was amended by Schedule 3 to the 1985 Act.

(18) Subsection (1) was substituted by Schedule 20 to the Broadcasting Act 1990 (c. 42).

(19) Amended by Schedule 4 to the 1985 Act.

(19) Amended by Schedule 4 to the 1985 Act.



(1) <i>Provision</i>	(2) <i>Modification</i>
Section 97 (disturbances at election meetings)( <b>20</b> )	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.”.  For subsection (2) substitute— “(2) This section applies to a meeting in connection with the referendum held during the campaign period.  (2A) In subsection (2) “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”.
Section 100(1) and (2) (illegal canvassing by police officers)( <b>21</b> )	In subsection (1), for the words from “from giving his vote” to the end substitute “from giving his vote in the referendum in a voting area wholly or partly within the police area”.
Sections 101 to 104 (conveyance of voters)( <b>22</b> )	
Section 109 (payments for exhibition of election notices)	
Section 110 (printer’s name and address on election publications)( <b>23</b> )	For subsection (3) substitute— “(3) A person acting in contravention of this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.
Section 111 (prohibition of paid canvassers)	
Section 112(a) and (c) (providing money for illegal purposes)	
Sections 113 to 115 (bribery, treating and undue influence)	
Section 116(a) (rights of creditors)	
Section 117(2) (granting employees right of absence to vote)	Omit “parliamentary” (where it first occurs).
In section 118 (interpretation of Part II), the definitions of “money”, “pecuniary reward” and “payment”	
Section 160(4) (persons guilty of corrupt practices)	For the words from the beginning of the subsection to “report” substitute “For the purposes of section 173, the incapacities are that the person convicted of a corrupt

(20) Subsection (2) was amended by Schedule 4 to the 1985 Act and subsection (3) by Schedule 7 to the Police and Criminal Evidence Act 1984 (c. 60).

(21) Subsection (2) was amended by Schedule 3 to the 1985 Act.

(22) Section 103(2) was repealed, and section 104(b) amended, by Schedule 5 to the 1985 Act.

(23) Subsection (3) was amended by Schedule 3 to the 1985 Act.

(1) <i>Provision</i>	(2) <i>Modification</i>
	practice shall for five years from the date of the conviction”.
Section 167 (application for relief)( <b>24</b> )	
Section 168 to 170 (prosecutions for corrupt and illegal practices)( <b>25</b> )	
Section 173 (incapacities on conviction of corrupt or illegal practice)( <b>26</b> )	In paragraph (a) for “imposed” substitute “mentioned” and omit the words from “as if” to the end of the paragraph.  In paragraph (b) for the words from “be” to “illegal practice” substitute “for five years from the date of the conviction be incapable of being registered as an elector or voting at any parliamentary election or at any election to a public office held for or within any voting area where, or in relation to which, the illegal practice occurred”.
Sections 174 to 176 (mitigation of incapacities, illegal payments, &c., and prosecutions)( <b>27</b> )	
Section 177 (summary trial)	For “in the county in which the local government area for which the election was held is situated or which it adjoins” substitute “for the voting area where, or in relation to which, the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom)( <b>28</b> )	
Section 179 (offences by associations)	
Section 181(1) (Director of Public Prosecutions)( <b>29</b> )	
Section 184 (service of notices)	
In section 185 (interpretation of Part III), the definitions of “judicial office”, “money” and “pecuniary reward”, “payment” and “public office”	
Section 200(1) and (2) (public notices, and declarations)( <b>30</b> )	
Section 202 (interpretation), the definitions in subsection (1) of “the absent voters' list”,	

(24) Subsection (1A) was inserted by Schedule 4 to the 1985 Act.

(25) Sections 168 and 169 were amended by Schedule 3, 4 and 5 to the 1985 Act.

(26) Paragraph (a) was amended by Schedule 5 to the 1985 Act.

(27) Section 175(1) was amended by Schedule 3 to the 1985 Act and section 176 by Schedules 4 and 5 to that Act.

(28) This section was substituted by Schedule 4 to the 1985 Act.

(29) Amended by Schedule 4 to the 1985 Act.

(30) Subsection (1) was substituted by Schedule 4 to the 1985 Act.

(1) <i>Provision</i>	(2) <i>Modification</i>
“citizen of the Union” and “relevant citizen of the Union”, “elector”, “legal incapacity”, “the list of proxies”, “person”, and “voter”; and subsection (2)( <b>31</b> )	
Section 203(1) (local government provisions as to England and Wales)( <b>32</b> )	

## TABLE 2

### LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 1986: SCHEDULE 2(**33**)

(1) <i>Provision</i>	(2) <i>Modification</i>
Rule 3 (notice of election)	For paragraph (1) substitute— <p style="margin-left: 40px;">“(1) Not later than the 25th day before the date of the referendum, the returning officer shall publish a notice of referendum stating—</p> <p style="margin-left: 80px;">(a) the date of the referendum; and</p> <p style="margin-left: 80px;">(b) the question to be asked in the referendum.”.</p> <p>In paragraph (2) for “election” (in both places) substitute “referendum”.</p>
Rule 15 (ballot papers: official mark)	For paragraph (2) substitute— <p style="margin-left: 40px;">“(2) The official mark shall be kept secret”.</p> <p>In paragraph (3) omit “at the same election”.</p>
Rule 17 (use of schools and public rooms)	
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraphs (b) to (d) substitute— <p style="margin-left: 40px;">“and</p> <p style="margin-left: 80px;">(b) the question to be asked in the referendum.”.</p> <p>For paragraph (2) substitute—  <p style="margin-left: 40px;">“(2) The notice of poll shall be published not later than the sixth day before the date of the referendum.”.</p> <p>In paragraph (3), omit the words from “and he shall” to the end.</p> </p>

(31) The definitions of “the absent voters' list” and “the list of proxies” were inserted by Schedule 2 to the 1985 Act. The definitions of “citizen of the Union” and “relevant citizen of the Union” were inserted by [S.I. 1995/1948](#).

(32) Amended by Schedule 4 to the 1985 Act, Schedule 17 to the Local Government Act 1985 and Schedule 13 to the Education Reform Act 1988 (c. 40).

(33) [S.I. 1986/2214](#); amended by [S.I. 1987/261](#); [1990/158](#) and [1995/1948](#).

(1) <i>Provision</i>	(2) <i>Modification</i>
Rule 19 (postal ballot papers)	
Rule 20 (provision of polling stations)	In paragraph (3) omit “unless that place is outside the electoral area”.
Rule 21 (appointment of presiding officers and clerks)	In paragraph (1) omit the words from “but he shall not appoint” to the end.
Rule 22(1) to (3) (issue of official poll cards)	For paragraph (3)(a) substitute— “(a) the name of the voting area;”.
Rule 23 (equipment of polling stations)	For paragraph (5) substitute— “(5) In every compartment of every polling station there shall be exhibited the following notice— “GREATER LONDON REFERENDUM Mark one box only. Put no other mark on the ballot paper or your vote may not be counted.” (5A) In every polling station there shall be exhibited the following notice— “GREATER LONDON REFERENDUM The front of the ballot paper looks like this [insert the form of ballot paper set out in the Schedule to the 1998 Act] Mark one box only. Put no other mark on the ballot paper or your vote may not be counted.””
Rule 25 (notification of requirement of secrecy)	After “returning officer” insert “in the case of paragraph (a) and the counting officer in the case of paragraph (b)” and for “he thinks” substitute “they think”.
Rule 26(1), (3) and (4) (admission to polling station)	In paragraph (1), for sub-paragraphs (a) and (b) substitute— “(a) the Member of Parliament for the constituency within which the polling station is situated; (b) polling observers;”.
Rule 27 (keeping of order in station)	
Rule 28 (sealing of ballot boxes)	
Rule 29 (questions to be put to voters)	For paragraphs (1) and (2) substitute— “(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions. (2) In the case of a person applying to vote on his own behalf, the relevant questions are— (a) “Are you the person registered in [the register of local government

(1) <i>Provision</i>	(2) <i>Modification</i>
	<p>electors for this borough] [a ward list of the City of London as a resident] as follows?” (<i>read the whole entry from the [register][ward list].</i>)</p> <p>(b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as a proxy for some other person?”.</p> <p>(2A) In the case of a person applying as proxy, the relevant questions are—</p> <p>(a) “Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?”</p> <p>(b) “Have you already voted, here or elsewhere, in this referendum as proxy on behalf of C.D.?”.</p> <p>(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question—</p> <p>“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”</p> <p>and if that question is not answered in the affirmative the following question—</p> <p>“Have you already voted in this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?””</p>
Rule 30 (challenge of voters)	In paragraph (1) for “a candidate or his election or polling agent” substitute “a Member of Parliament for the voting area within which the polling station is situated or a polling observer”.
Rule 31 (voting procedure)	
Rule 32 (votes marked by presiding officer)	
Rule 33 (voting by blind persons)	
Rule 34 (tendered ballot papers)	
Rule 35 (spoilt ballot papers)	
Rule 36 (adjournment of poll in case of riot)	In paragraph (1) after “returning officer” insert “and the counting officer”.
Rule 37 (procedure on close of poll)	In paragraph (1)—

(1) <i>Provision</i>	(2) <i>Modification</i>
Rule 39 (the count)	<p>(a) for “polling agents” (in both places) substitute “polling observers (if any)”; and</p> <p>(b) for “the returning officer” (in each place) substitute “the counting officer”.</p> <p>In paragraphs (1) and (2) and (4) to (7) for “returning officer”, in each place substitute “counting officer”.</p> <p>In paragraph (1)(a) for “counting agents” substitute “counting observers”.</p> <p>In paragraph (1)(b) for “election agents” substitute “counting observers”.</p> <p>In paragraph (6), for “election agent” substitute “counting observer present at the verification”.</p> <p>In paragraph (7), for “in so far as he and the agents agree” substitute “if the Chief Counting Officer approves” and omit from “For the purposes” to the end.</p> <p>For paragraph (8) substitute—</p> <p>“(8) During the excluded time the counting officer shall take proper precautions for the security of the ballot papers and documents.”.</p>
Rule 41(1) and (3) to (5) (rejected ballot papers)	<p>For paragraph (1)(b) substitute—</p> <p>“(b) on which votes are given for more than one answer;”.</p> <p>For paragraph (4) substitute—</p> <p>“(4) The counting officer shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted.”.</p> <p>In paragraph (5) for “returning officer” substitute “counting officer”.</p>
Rule 42 (decisions on ballot papers)	<p>At the beginning insert “Except where the Chief Counting Officer, under section 3(3)(a) of the 1998 Act, directs the counting officer to recount the ballot papers;”.</p>
Rule 45 (sealing up of ballot papers)	<p>For “returning officer”, in both places, substitute “counting officer”.</p>
Rule 46 (delivery of documents)	<p>For the words from the beginning of the rule to “following documents” substitute “The counting officer shall retain the following documents for the period of one month beginning with the day after the date of the referendum”.</p>

(1) <i>Provision</i>	(2) <i>Modification</i>
	For the words from “the date of the election” to the end of the rule substitute “and the name of the voting area”.
The Appendix of Forms: Form of declaration of identity	<p>On the front of the form, for “REPRESENTATION OF THE PEOPLE ACTS” substitute “GREATER LONDON REFERENDUM”.</p> <p>On the back of the form—</p> <p>(a) for paragraphs 2 and 3 substitute—</p> <p style="padding-left: 40px;">“2. Read the ballot paper carefully. On the ballot paper mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p> <p style="padding-left: 40px;">3. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.”;</p> <p>(b) in paragraph 5 for “same election” substitute “referendum”;</p> <p>(c) in paragraph 6 for “election” substitute “referendum”.</p>
Elector’s official poll card	<p>On the front of the card—</p> <p>(a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute “GREATER LONDON REFERENDUM”;</p> <p>(b) omit “[ ... ..Council]”; and</p> <p>(c) for “Electoral division/ward” substitute “Voting area”.</p> <p>On the back of the card—</p> <p>(a) for the heading substitute “GREATER LONDON REFERENDUM”;</p> <p>(b) for the third paragraph substitute—</p> <p style="padding-left: 40px;">“Take the ballot paper to one of the voting compartments and read it carefully. On the ballot paper mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.”</p> <p>Omit the fifth paragraph.</p> <p>In the seventh and final paragraphs for “this election” substitute “the referendum”.</p>
Proxy’s official poll card	On the front of the card—

(1) <i>Provision</i>	(2) <i>Modification</i>
	<p>(a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute “GREATER LONDON REFERENDUM”;</p> <p>(b) for “LOCAL GOVERNMENT ELECTION”, “[ ... .. Council]” and “ ... .. Electoral division/ward” substitute “[insert name of voting area]”. On the back of the card in the penultimate and final paragraphs for “this election” substitute “the referendum”.</p>
<p>Form of directions for guidance of the voters in voting</p>	<p>For paragraph 2 substitute—</p> <p style="padding-left: 40px;">“2. Take the ballot paper to one of the voting compartments and read it carefully. On the ballot paper mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.”.</p> <p>Omit paragraph 4 and renumber paragraph 5.</p>
<p>Form of certificate of employment</p>	<p>For “REPRESENTATION OF THE PEOPLE ACTS” and “ELECTION IN THE” substitute “GREATER LONDON REFERENDUM” and for “ ... ..ELECTORAL DIVISION/WARD of ... ..” substitute “[insert name of voting area] ... .. ”.</p> <p>For “electoral area” in each place substitute “voting area”.</p> <p>For “election” in each place substitute “referendum”.</p>
<p>Form of declaration to be made by the companion of a blind voter</p>	<p>For “election now being held in this electoral area” substitute “referendum now being held in Greater London”.</p> <p>For “the said election” in each place substitute “that referendum”.</p> <p>For “for the ... ..electoral division/ward of ... ..” substitute “in the ... .. [insert name of voting area]”.</p>



**TABLE 3**  
**REPRESENTATION OF THE PEOPLE ACT 1985(34)**

(1) <i>Provision</i>	(2) <i>Modification</i>
Sections 5 and 7 to 9	<p>A reference to prescribed requirements shall be construed as a reference to the requirements of the provisions of the Representation of the People Regulations 1986 as applied by Table 4.</p> <p>A reference to the principal Act shall be construed as a reference to the 1983 Act and the rules under section 36 of that Act which are applied by Table 2.</p> <p>A reference to a parliamentary or local government election, or a particular such election, shall be construed as a reference to the referendum.</p>
Section 5 (manner of voting)	<p>In subsection (7), for the definition of “appropriate rules” substitute—  ““appropriate rules” means the rules made under section 36 of the 1983 Act as they have effect for the purposes of the referendum.”.</p>
Section 7 (absent vote at a particular election and absent voters list)	<p>In subsection (1)(b) omit “parliamentary or, as the case may be,”.</p> <p>In subsections (2) and (4) for “elections of the kind in question”; in each place, substitute “local government elections”.</p> <p>In subsection (4) for “each parliamentary or local government election” and “the election”, in each place, substitute “the referendum”.</p>
Section 8 (proxies)	<p>In subsection (2) for “parliamentary elections (whether in the same constituency or elsewhere)” substitute “the referendum”.</p> <p>Omit subsection (3).</p> <p>In subsection (3A) for “a local government election” substitute “the referendum” and for “that election” substitute “a local government election”.</p> <p>In subsection (5) for the words from “same parliamentary” to “electoral area” substitute “referendum in any voting area”.</p> <p>Omit subsection (6).</p>

(34) 1985 c. 50; in section 8 subsection (11) was repealed by Part IX of Schedule 27 to the Finance Act 1985 (c. 54) and subsections (3) and (3A) were substituted by Schedule 2 to S.I. 1995/1948.

(1) <i>Provision</i>	(2) <i>Modification</i>
Section 9 (voting as proxy)	<p>In subsection (7)(a) omit “parliamentary or, as the case may be,”.</p> <p>For subsections (9) and (10) substitute—</p> <p>“(9) The appointment of a proxy shall remain in force for the referendum, unless cancelled by notice from the elector to the registration officer.”.</p> <p>Omit subsections (4) to (6) and (11).</p> <p>In subsection (8), for the words from “kept” to “question” substitute “of those whose applications to vote by post as proxy at local government elections for an indefinite period have been granted (“the relevant record”)”.</p> <p>In subsection (9)—</p> <p>(a) for “each parliamentary or local government election” substitute “the referendum”; and</p> <p>(b) in paragraph (a) for the words from “the record” to “question” substitute “the relevant record”.</p> <p>In subsection (10)—</p> <p>(a) in paragraph (a) omit “parliamentary or, as the case may be,” and</p> <p>(b) in paragraph (b) for “elections of the kind in question” substitute “local government elections” and for “the election concerned” substitute “the referendum”.</p>
Section 12(3) and (4) (offences)	

## TABLE 4

### REPRESENTATION OF THE PEOPLE REGULATIONS 1986(35)

(1) <i>Provision</i>	(2) <i>Modification</i>
<p>In regulation 4(1) (interpretation), the definitions of “available for inspection”, “postal proxy” and “register”.</p> <p>Regulation 6(1)(b) (forms)</p>	

(35) [S.I. 1986/1081](#); amended by [S.I. 1990/520](#), [1991/1198](#), [1991/1728](#), [1992/722](#), [1994/342](#) and [1995/1948](#).

(1) <i>Provision</i>	(2) <i>Modification</i>
Regulation 7 (sending of applications, notices, &c.)	
Regulation 9 (misnomers)	
Regulation 13 (interference with notices, etc.)	
Regulation 63 (absent voters: general requirements for applications)	
Regulation 66 (additional requirements for applications in respect of a particular election)	
Regulation 67 (additional requirements for applications for appointment of proxy)	
Regulation 68 (additional requirements for applications by proxies to vote by post at a particular election)	
Regulation 69(1) to (5) (closing dates for applications)	
Regulation 70 (grant or refusal of applications)	
Regulation 72 (cancellation of proxy appointment)	
Regulation 74 (records and lists)	
Regulation 75 (marked register for polling stations)	
Regulation 77 (interpretation of Part V)	
Regulation 80(1) (persons entitled to be present at issue and receipt of postal ballot papers)	For sub-paragraphs (b) to (d) substitute— “(b) persons appointed by the returning officer to act as observers at any such proceedings”.
Regulation 81 (notification of requirement of secrecy)	
Regulation 83(1) and (2) (marking of postal ballot papers)	
Regulation 84 (refusal to issue postal ballot paper)	
Regulation 85(1) and (2) (envelopes)	
Regulation 86 (delivery of postal ballot papers to post office)	
Regulation 87 (provision of postal voters' ballot box)	For paragraph (2) substitute— “(2) Every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal.”.

(1) <i>Provision</i>	(2) <i>Modification</i>
Regulation 88 (sealing up of special lists and counterfoils)	
Regulation 89 (spoilt postal ballot papers)	<p>Omit paragraph (2).</p> <p>In paragraph (3) omit “or, as the case may be, ballot papers” and “(or ballot papers)”.</p> <p>In paragraph (5) omit “, and any other postal ballot paper issued with it under regulation 78 above”.</p>
Regulation 90 (receipt of covering envelope)	
Regulation 91 (opening of postal voters' ballot box)	<p>In paragraph (1) for “the agents” substitute “persons appointed by the returning officer to act as observers”.</p> <p>Omit paragraph (3).</p> <p>In paragraph (4) for the words from “and every such ballot box” to the end substitute “; and every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal.”.</p>
Regulation 92 (opening of covering envelopes)	
Regulation 93 (sealing up of rejected votes and declarations of identity)	
Regulation 94 (opening of ballot paper envelopes)	
Regulation 96 (forwarding of documents)	<p>For paragraph (1) substitute—</p> <p>“(1) The returning officer shall retain for the period of one month beginning with the day after the date of the referendum the packets referred to in regulations 88, 89, 93 and 94, endorsing on each packet a description of its contents and the name of the voting area.”.</p> <p>Omit paragraph (2).</p> <p>In paragraph (3) for “forward it at a subsequent date” substitute “retain it”.</p> <p>Omit paragraphs (4) and (5).</p>
Schedule 2 Form D: PROXY PAPER	<p>For “REPRESENTATION OF THE PEOPLE ACTS” substitute “GREATER LONDON REFERENDUM”</p> <p>For “Constituency” substitute “Voting area”.</p> <p>Omit “Local government electoral area(s)”.</p>

(1) <i>Provision</i>	(2) <i>Modification</i>
	<p>For the words from “*[who qualifies” to “local government electoral area].]” substitute “to vote for him/her at the referendum on (<i>insert date</i>)”.</p> <p>Omit “*[This proxy appointment is not valid until ... .. ]”.</p> <p>For paragraphs 2 and 3 of the note substitute—</p> <p style="padding-left: 40px;">“<b>2.</b> Your appointment as proxy will be for the referendum only. You have the right to vote as proxy only at the referendum specified in the proxy paper.</p> <p style="padding-left: 40px;"><b>3.</b> Prior to the elector applying to have you appointed as proxy, you should have been consulted and asked if you were capable of being, and willing to be, appointed as proxy, or you should have signed a statement to the effect that you were capable of being, and were willing to be, appointed as proxy. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other Commonwealth citizen, a citizen of any other member state of the European Union, a citizen of the Republic of Ireland and not for any reason disqualified from voting. If for any reason you are not capable of being, or are not willing to be, the proxy please advise the elector, without delay, in order that the elector may cancel the appointment.”.</p> <p>In paragraph 4 of the note—</p> <ul style="list-style-type: none"><li>(a) in the second sentence omit “at the same election”;</li><li>(b) in the fifth sentence for “Remember” substitute “You should note”; and</li><li>(c) for the final sentence substitute “If a ballot paper is issued to the elector at the polling station before you apply there for a ballot paper as the proxy, you will not be entitled to vote as the proxy.”.</li></ul> <p>For paragraph 5 of the note substitute—</p> <p>“You may also apply to vote by post as proxy at the referendum if the Electoral Registration Officer is satisfied that you cannot reasonably be expected to vote in person at the elector’s polling station. You should note that the Electoral Registration Officer cannot allow an application</p>

(1) <i>Provision</i>	(2) <i>Modification</i>
	to vote by post at the referendum if he receives it after 5.00 p.m. on the eleventh working day before the poll.”.

SCHEDULE 2

Article 13

COMBINED POLLS

PART I

*General*

1. In this Schedule—

“the 1985 Act” means the Representation of the People Act 1985;

“counting agents” and “election agents” means the persons appointed as such for the purposes of the ordinary election;

“the ordinary election” means the ordinary election of councillors for any electoral ward of a London borough the poll at which is to be taken together with the poll at the referendum;

“the election rules” means the rules set out in Schedule 2 to the Local Elections (Principal Areas) Rules 1986;

“the referendum rules” means those rules insofar as they are applied, with or without modifications, in relation to the referendum by article 12; and

except where the context otherwise requires a reference to a numbered rule is a reference to the rule bearing that number in both the election rules and the referendum rules.

2. The application in relation to the referendum by article 12 of section 18 of the 1983 Act shall not have effect; and the polling districts and polling stations for the purposes of the referendum shall be the polling districts and polling stations constituted for the purposes of the ordinary election under section 31 of that Act.

3. In section 36(4) of the 1983 Act (including that subsection insofar as it is applied, with modifications, by article 12), the reference to expenditure includes expenditure incurred by the returning officer in relation to the taking together of the polls at the ordinary election and the referendum.

4. The ballot papers used at the referendum shall be of a different colour from that of the ballot papers used at the ordinary election.

5. The back of the ballot papers for the referendum (the form of which is set out in article 9(1)) may include a reference to the name of the electoral ward of the London borough which is the voting area for the purposes of the referendum.

6. The same ballot box shall be used for the polls at the referendum and the ordinary election.

7.—(1) Subject to sub-paragraph (2) below—

(a) where a person applies under subsection (1) of section 7 of the 1985 Act to vote by post, or to vote by proxy, at the ordinary election he shall be treated as applying also to vote

by post, or to vote by proxy, at the referendum under that subsection (as applied, with modifications, by article 12); and

- (b) where a person applies under that subsection (as so applied) to vote by post, or to vote by proxy, at the referendum he shall be treated as applying also to vote by post, or to vote by proxy, at the ordinary election under subsection (1) of section 7 of that Act.

(2) Sub-paragraph (1) above shall not have effect where the person making such an application as is mentioned in that sub-paragraph states to the registration officer that he is applying to vote by post, or to vote by proxy, only at the ordinary election or, as the case may be, only at the referendum.

## PART II

### *Modification of Rules*

1. The election rules and the referendum rules shall have effect subject to the provisions of this Part.

2. The public notice given under paragraph (3) of rule 18 shall state that the polls at the referendum and the ordinary election are to be taken together.

3. For the purposes of rule 22 (issue of official poll cards), a single official poll card may be issued in respect of both the ordinary election and the referendum in the form in the Appendix to the election rules (or a form to the like effect) with the following modifications—

- (a) on the front of the elector’s official poll card immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND GREATER LONDON REFERENDUM”; and

- (b) on the back of that card—

- (i) after “LOCAL GOVERNMENT ELECTION” insert “AND GREATER LONDON REFERENDUM”

- (ii) in the second paragraph for “a ballot paper” substitute “two ballot papers of different colours” and for “on it before he gives it to you” substitute “on each of them before he gives them to you”

- (iii) for the third paragraph substitute—

“Go to one of the voting compartments and read the ballot papers carefully.

On the [*specify colour*] ballot paper for the referendum mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.

On the [*specify colour*] ballot paper for the borough council election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. The ballot paper tells you how many candidates you may vote for. Do not vote for more than that number. Put no other mark on the ballot paper or your vote may not be counted.”;

- (iv) in the fourth paragraph for “ballot paper” substitute “ballot papers”, for “mark” substitute “marks” and for “vote” substitute “votes”; and

- (v) omit the fifth paragraph;

- (c) on the front of the proxy’s official poll card after “LOCAL GOVERNMENT ELECTION” insert “AND GREATER LONDON REFERENDUM”; and

- (d) on the back of that card, in the penultimate and final paragraphs after “this election” insert “and the referendum”.

4.—(1) In place of the notice required by paragraph (4) of rule 23 (equipment of polling stations) the following notice shall be printed in conspicuous characters and exhibited inside and outside every polling station—

**“GUIDANCE FOR VOTERS**

1. When you are given ballot papers, make sure that they are stamped with the official mark.
2. Take the ballot papers to one of the voting compartments and read them carefully.
3. On the [*specify colour*] ballot paper for the referendum mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.
4. On the [*specify colour*] ballot paper for the borough council election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. The ballot paper tells you how many candidates to vote for. Do not vote for more than that number. Put no other mark on the ballot paper or your vote may not be counted.
5. Fold each ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.
6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

(2) For the purposes of paragraph (5) of that rule—

- (i) the notice in respect of the referendum shall be of the same colour as the ballot paper to be used at the referendum; and
- (ii) the notice in respect of the ordinary election shall include the heading “[*specify name of council*] COUNCIL ELECTION” and shall be of the same colour as the ballot paper to be used at that election.

5. The certificate to be produced and surrendered for the purposes of rule 26(3) shall be in the form in the Appendix to the election rules, or a form to the like effect, with the following modifications—

- (a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND GREATER LONDON REFERENDUM”;
- (b) after “at the election” insert “and referendum”; and
- (c) after “with the election” insert “and referendum”.

6. For the purposes of paragraph (1) of rule 31 (voting procedure), the same copy of the register of electors may be used for the poll at the referendum and the poll at the ordinary election and one mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1) (e), of that rule to denote that a ballot paper has been received in respect of both polls; except that, where a ballot paper has been issued in respect of one poll only, a different mark shall be placed in the register or in the list of proxies so as to identify the poll in respect of which the ballot paper was issued.

7. For the purposes of paragraph (2) of rule 32 (votes marked by presiding officer), the same list may be used for the poll at the referendum and the poll at the ordinary election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were marked in respect of each poll, unless the list identifies the poll at which the ballot paper was marked.

8.—(1) For the purposes of paragraph (4) of rule 33 (voting by blind persons), the same list may be used for the poll at the referendum and the poll at the ordinary election and, where it is so used, an entry in that list shall be taken to mean that the votes were given in respect of each poll, unless the list identifies the poll at which the vote was given.



(2) For the purposes of paragraph (5) of that rule, the form of declaration to be made by the companion of a blind voter shall be the form in the Appendix to the election rules with the following modifications—

- (a) after “this electoral area” insert “and the referendum now being held in Greater London”;  
and
- (b) after “said election” in each place insert “and that referendum”.

**9.** For the purposes of paragraph (3) of rule 34 (tendered ballot papers), the same list may be used for the poll at the referendum and the poll at the ordinary election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the list identifies the poll at which the tendered ballot paper was marked.

**10.—(1)** The contents of the packets referred to in paragraph (1)(b), (c) and (e) of rule 37 of the election rules (procedure on close of poll) shall not be combined with the contents of the packets made up under those sub-paragraphs of rule 37 of the referendum rules; nor shall the statement made under rule 37(3) of the election rules be combined with the statement made under rule 37(3) of the referendum rules.

(2) The packets made up under rule 37(1) of the referendum rules shall be delivered to the returning officer instead of the counting officer and, if they are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.

**11.—(1)** The returning officer shall, instead of the arrangements in rule 38(1) of the election rules, make arrangements for discharging the functions under paragraph 12 below in the presence of the counting agents and the counting observers as soon as practicable after the close of the poll and for counting the votes at that election in the presence of the counting agents; and he shall give those agents and observers notice in writing of the time and place at which he will begin to discharge those functions.

(2) No-one other than a person mentioned in article 10(3) or rule 38(2) of the election rules or a person permitted to attend by the returning officer may be present at the proceedings under paragraph 12 below; and the returning officer shall not permit a person to attend those proceedings unless he is satisfied that the efficient separating of the ballot papers will not be impeded and he has either consulted the election agents or thought it impracticable to do so.

**12.—(1)** This paragraph has effect in place of rule 39(1), (2) and (6).

(2) The returning officer shall—

- (a) in the presence of the counting agents and the counting observers open each ballot box and count and record separately the number of ballot papers used in each poll;
- (b) in the presence of the election agents and the counting observers, verify each ballot paper account in accordance with sub-paragraph (3) below;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each poll; and
- (d) separate the ballot papers relating to the ordinary election from the ballot papers relating to the referendum.

(3) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent or counting observer present at the verification may copy.

(4) If the returning officer has not been appointed as the counting officer, he shall make secure and proper arrangements for the delivery to the counting officer of all the ballot papers relating to the referendum together with the packets made up under rule 37(1)(b), (c) and (d) of the referendum rules, the ballot paper accounts in respect of the referendum and the statement as to the result of their verification.

(5) The returning officer shall mix together all of the ballot papers relating to the ordinary election and proceed in accordance with the election rules.

(6) The counting officer shall mix together all of the ballot papers relating to the referendum and proceed in accordance with article 10(3) to (5) and the referendum rules.

**13.—**(1) This paragraph has effect where, under rule 49(1) of the election rules—

- (a) the returning officer countermands the poll at an election at which a candidate has died; or
- (b) directs that poll to be abandoned;

and where this paragraph has effect, rule 49(2) of those rules shall not apply in relation to that election.

(2) Neither the countermand nor the direction mentioned in sub-paragraph (1) above shall affect the poll at the referendum.

(3) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at that election had not been abandoned and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes; but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the returning officer having, where necessary, separated the ballot papers relating to the referendum shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up those ballot papers, whether the votes on them have been counted or not; and
- (c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

## PART III

### *Postal ballot papers*

**1.** The Representation of the People Regulations 1986 (including those Regulations insofar as they are applied, with or without modifications, in relation to the referendum by article 12) shall have effect subject to the provisions of this Part; and, in this Part, a reference to a numbered regulation is a reference to the regulation bearing that number in those Regulations.

**2.** The proceedings under Part V of those Regulations on the issue and receipt of postal ballot papers in respect of the ordinary election and of the referendum may be taken together.

**3.** Where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 2 above—

- (a) the application by article 12 of regulation 80(1), and the modification of regulation 91(1) in column (2) of Table 4 of Schedule 1, shall not have effect;
- (b) for the purpose of regulation 83—
  - (i) one mark shall be placed in the absent voters list or the list of postal proxies under paragraph (1) of that regulation to denote that ballot papers have been issued in

- respect of the polls at the ordinary election and the referendum, except that where ballot papers are not so issued a different mark shall be placed in the absent voters list or list of postal proxies to identify the poll in respect of which the ballot paper was issued; and
- (ii) the number of each ballot paper shall be marked on the declaration of identity under paragraph (2) of that regulation; and
- (c) in regulations 85(1) and (2), 92(2), (3), (6)(c) and (7) and 94(2)(c) references to ballot papers shall be construed as references to the ballot paper for the ordinary election and the ballot paper for the referendum;
- (d) if a postal voter exercises the entitlement conferred by paragraph (1) of regulation 89—
- (i) he shall, together with the documents referred to in that paragraph, return all of the postal ballot papers issued to him, whether spoilt or not; and
  - (ii) on receipt of those documents, the returning officer shall issue other postal ballot papers except where the documents are received too late for other ballot papers to be returned before the close of poll; and
  - (iii) the spoilt postal ballot paper, and any other postal ballot paper issued with it under paragraph 2 above, the declaration of identity and the ballot paper envelope shall be immediately cancelled.
- 4.** Where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 2 above, the declaration of identity for the purposes of rule 19 shall be in the form set out in the Appendix to the election rules with the following modifications—
- (a) on the front of the form—
    - (i) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND GREATER LONDON REFERENDUM”;
    - (ii) for “Ballot Paper No.” substitute “Ballot Paper No(s).” and for “the ballot paper numbered as above was sent” substitute “the ballot papers numbered as above were sent”; and
    - (iii) after “WRITE CLEARLY” in both places insert “IN CAPITALS”
  - (b) on the back of the form—
    - (i) for paragraphs 2 and 3 substitute—
      - (a) On the [*specify colour*] ballot paper for the Greater London referendum mark a cross (X) in the box to the right of the answer you are voting for.
      - (b) On the [*specify colour*] ballot paper for the borough council election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. The ballot paper tells you how many candidates you may vote for. Do not vote for more than that number.
- 3.** Put no other mark on the ballot papers or your votes may not be counted. Mark your ballot papers secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.”;
- (ii) in paragraph 4 for “ballot paper” in each place substitute “ballot papers”;
  - (iii) in paragraph 5 after “ballot paper” insert “relating to the Greater London referendum or the borough council election” and for “the same election” substitute “the referendum or the election”;

- (iv) in paragraph 6 after “election” insert “and the Greater London referendum”; and
- (v) for paragraph 7 substitute—

“7. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for another one. To do this you **MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED**, including the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you **MUST RETURN**, in your own envelope, the declaration of identity and the envelopes marked “A” and “B”. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.”.

5. Where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2 above—

- (a) the colour of each postal ballot paper shall be marked on the declaration of identity sent with that paper;
- (b) the envelope referred to in regulation 85(1) shall also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”; and
- (c) on the envelope referred to in regulation 85(2), after the words “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

6. Where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2 above, the declaration of identity for the purposes of rule 19 shall be in the form set out in the Appendix to the election rules or, as the case may be, the referendum rules, in each case with the following modifications—

- (a) on the front of the form, for “I hereby declare that I am the person to whom the ballot paper numbered as above was sent” substitute “To be returned with the [*insert colour of ballot paper*] coloured ballot paper No I hereby declare that I am the person to whom the [*insert colour of ballot paper*] coloured ballot paper numbered as above was sent.”;
- (b) on the back of the form—
  - (i) after the end of the first sentence of paragraph 1, insert “*You are required to do this even if you have already signed a similar declaration of identity in respect of [the borough council election] [the Greater London referendum] to be held on the same day.*”
  - (ii) for paragraph 4 substitute—

“4. Different colours are used for the ballot papers for the borough council election and the Greater London referendum. Each ballot paper has its own ballot paper envelope (the smaller envelope marked “A”), declaration of identity and covering envelope (the larger envelope marked “B”). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the *colour* of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place [each] ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.”; and

(iii) for paragraph 5 substitute—

“5. If you receive more than one ballot paper relating to the borough council election or the Greater London referendum, remember that it is illegal to vote more than once (otherwise than as a proxy) at that election or referendum.”

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the conduct of the referendum to be held under section 1 of the Greater London Authority (Referendum) Act 1998 (“the 1998 Act”) on the establishment of a Greater London Authority made up of an elected assembly and a separately elected mayor.

The referendum is to be held on 7th May 1998 (although section 1 of the 1998 Act enables a later date to be prescribed).

Article 4 of the Order exempts advertisements relating specifically to the referendum from regulations under the Town and Country Planning Act 1990 controlling the display of advertisements.

Article 5 provides that premises in Greater London used in relation to the referendum for public meetings or the taking of the poll shall be treated as unoccupied for rating purposes.

Article 6 provides that an alteration in an electoral register after 6th April 1998 shall not have effect for the purposes of the referendum.

Article 7 makes provision for the exercise of functions conferred on the returning officer by the Order.

Article 8 provides that the hours of polling shall be between 8 a.m. and 9 p.m.

Article 9 makes provision in respect of referendum ballot papers. The question to be asked and the front of the ballot papers are in the form set out in the Schedule to the 1998 Act.

Article 10 makes provision for the functions of counting officers appointed under section 3 of the 1998 Act and in relation to the counting of votes at the referendum.

Article 11 provides that the Chief Counting Officer’s fee and charges shall be paid out of the Consolidated Fund.

Article 12 applies the provisions set out in column (1) of the Tables in Schedule 1 with the modifications shown in column (2) of those Tables and makes some general modifications to those provisions.

Article 13 provides that Schedule 2 has effect where the polls at the referendum and the ordinary election of London borough councillors are combined. Section 4(1) of the 1998 Act provides that the polls at the referendum and such an ordinary election shall be taken together when they are to be taken on the same day. The ordinary election of councillors is to be held on 7th May 1998.

Schedule 1 sets out the enactments and provisions made under enactments which are applied, with or without modifications, in relation to the referendum—

*Table 1* applies provisions in the Representation of the People Act 1983, including provision in respect of personation and other voting offences and corrupt and illegal practices

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

*Table 2* applies provisions in Schedule 2 to the Local Elections (Principal Areas) Rules 1986 which contains the rules (“election rules”) applicable to the conduct of elections of the council of a principal area, including a London borough

*Table 3* applies the provisions of the Representation of the People Act 1985 relating to voting by post or proxy

*Table 4* applies provisions in the Representation of the People Regulations 1986 relating to applications for a postal or proxy vote and the proceedings on the issue and receipt of postal ballot papers

Schedule 2 makes provision in respect of combined polls for the referendum and London borough elections—

*Part I* makes general provision, including provision that the same ballot box shall be used and that the ballot papers at the two polls should be of different colours

*Part II* modifies the election rules and those rules as applied to the referendum by Table 2 of Schedule 1

*Part III* enables the proceedings on the issue and receipt of postal ballot papers in respect of the ordinary election and the referendum to be taken together and makes provision for cases where those proceeding are taken together and where they are not.