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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**Representation of the People (England  
and Wales) Regulations 2001**

**PART I**

**GENERAL, INTERPRETATION AND MISCELLANEOUS**

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Representation of the People (England and Wales) Regulations 2001 and shall come into force on 16th February 2001.

(2) These Regulations shall not extend to Scotland or Northern Ireland.

**Revocations**

**2.** The instruments listed in column 1 of Schedule 2 to these Regulations (which have the references listed in column 2) are hereby revoked to the extent indicated in column 3 of that Schedule.

**Interpretation**

**3.**—(1) For the purposes of these Regulations, unless the context otherwise requires—

“1983 Act” means the Representation of the People Act 1983<sup>(1)</sup>;

“1985 Act” means the Representation of the People Act 1985<sup>(2)</sup>;

“2000 Act” means the Representation of the People Act 2000<sup>(3)</sup>;

“available for inspection” means available for inspection during ordinary office hours;

“British Council employee” means a person employed by the British Council in a post outside the United Kingdom;

“candidate” means—

(a) in relation to a parliamentary election, a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;

(b) in relation to a local government election, a person having been nominated or having declared himself a candidate for election to the office to be filled at the election;

“Crown servant” means a person who is employed in a post falling within the class or description set out in regulation 14 below;

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(1) 1983 c. 2.  
(2) 1985 c. 50.  
(3) 2000 c. 2.

“data” has the same meaning as in section 1(1) of the Data Protection Act 1998<sup>(4)</sup>;

“European Parliamentary overseas elector” means a peer who has made a European Parliamentary overseas elector’s declaration and is registered or is entitled to be registered in pursuance of it;

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of section 2 of the 1985 Act, as applied by regulation 13 of, and Schedule 4 to, these Regulations;

“list of overseas electors” means the list prepared under regulation 45 below;

“overseas elector” means a person who has made an overseas elector’s declaration and is registered or entitled to be registered as a parliamentary elector in pursuance of it;

“register” means the register of electors; and

“registration officer” means the electoral registration officer.

(2) A reference in these Regulations to a numbered rule in the elections rules shall be construed as a reference to—

- (a) the rule of that number in the parliamentary elections rules in Schedule 1 to the 1983 Act in the case of a parliamentary election, or
- (b) the corresponding rule in the rules made under section 36 of the 1983 Act in the case of a local government election.

(3) A reference in these Regulations to a form identified by means of a letter shall be construed as a reference to the form so identified in Schedule 3 to these Regulations.

(4) In the application of these Regulations to the registers which are required to be published not later than 15th February 2001 by section 13(1) of the 1983 Act, as enacted, references to the publication of the revised version are to be read as references to the publication of the register.

## Forms

**4.—**(1) The registration officer shall supply free of charge as many forms for use in connection with—

- (a) section 10A(1)(a) and (3) of the 1983 Act<sup>(5)</sup>, and
- (b) applications made under Schedule 4 to the 2000 Act and Part IV of these Regulations,

as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with an election.

(2) The forms set out in Schedule 3 to these Regulations or forms substantially to the like effect may be used with such variations as the circumstances may require.

## Communication of applications, notices etc.

**5.** The requirement in these Regulations that any application, notice or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

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<sup>(4)</sup> 1998 c. 29.

<sup>(5)</sup> Section 10A was substituted by Schedule 1 to the 2000 Act.

### **Electronic signatures and related certificates**

6.—(1) A requirement in these Regulations for an application, notice or objection to be signed is satisfied (as an alternative to the signature given by hand) where there is—

- (a) an electronic signature incorporated into or logically associated with a particular electronic communication, and
- (b) the certification by any person of such a signature.

(2) For the purposes of this regulation an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this regulation an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature,
- (b) a means of producing, communicating or verifying the signature, or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

### **Copies of documents**

7. Where a document is made available for inspection under these Regulations, any person may make a copy (whether hand-written or by other means) of the whole or any part of it.

### **Time**

8.—(1) Where the day or last day of the time allowed by these Regulations for the doing of any thing falls on any of the days mentioned in paragraph (3) below, that time shall be extended until the next following day which is not one of those days.

(2) Subject to regulation 56(6) below, in computing any period of not more than 7 days for the purposes of these Regulations any of the days mentioned in paragraph (3) below shall be disregarded.

(3) The days referred to in paragraphs (1) and (2) above are a Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday.

(4) In paragraph (3) above “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(6) in England and Wales.

### **Official poll card at parliamentary elections**

9.—(1) For the purposes of rule 28(3) of the rules in Schedule 1 to the 1983 Act the following forms are hereby prescribed.

- (2) The official poll card issued to an elector shall be in Form A.
- (3) The official poll card issued to the proxy of an elector shall be Form B.

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(6) 1971 c. 80.

### **Return and declaration of election expenses**

**10.**—(1) For the purpose of section 75(3) of the 1983 Act, the form of the return of election expenses shall be in Form C and the form of the declaration as to election expenses shall be in Form D.

(2) The fee for inspecting a return or declaration (including any accompanying documents) specified in section 89(1) of, or paragraph 8(1) of Schedule 4 to, the 1983 Act (which relate to the return and declarations of election expenses) shall be £5.

(3) The price of a copy of any such return, declaration or document shall be at the rate of 20p for each side of each page.

### **Interference with notices etc.**

**11.** If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on a summary conviction to a fine not exceeding level 3 on the standard scale.

### **Device referred to in rule 29(3A) (b) of parliamentary elections rules**

**12.**—(1) The device referred to in rule 29(3A)(b) of the rules in Schedule 1 to the 1983 Act(7) shall be of the description set out in this regulation.

(2) The device must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(3) On the right-hand side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (4) to (7) below.

(4) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of the particulars of the candidates on which the vote is to be marked (“the relevant space”).

(5) Each tab shall be numbered so that, when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the left of the relevant space covered by the tab in question.

(6) Each number on a tab shall be in raised form so that it can be clearly identified by touch.

(7) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

### **Registration of European Parliamentary overseas electors**

**13.**—(1) A peer who, apart from the requirement of registration, is entitled by virtue of section 3 of the 1985 Act(8) to vote as an elector at a European Parliamentary election in a particular electoral region is entitled to be registered in a register under section 3 of that Act, prepared and published by a registration officer in accordance with this regulation and the provisions applied by it.

(2) It is the duty of the relevant registration officer appointed under section 8 of the 1983 Act(9) to prepare and publish a register under section 3 of the 1985 Act (which under subsection (7) of that section shall so far as practicable be combined with the register of parliamentary and local government electors) in respect of any year for which any peer to whom paragraph (1) above applies

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(7) Rule 29(3A) was inserted by section 13(2) of the 2000 Act.

(8) Sections 2 and 3 were substituted by Schedule 2 to the 2000 Act.

(9) Section 8 was amended by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19).

is entitled to be registered and to take reasonable steps to obtain information required by him for that purpose.

(3) For the purposes of paragraph (2) above, “the relevant registration officer” is the officer who acts for the area within which is situated the place specified in the declaration in accordance with section 2(4) of the 1985 Act, as applied by this regulation, as having been the address in respect of which the declarant was previously registered or, as the case may be, at which he was resident.

(4) The provisions of the 1983 Act and the 1985 Act which are set out in column 1 of Schedule 4 to these Regulations shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in column 2 of that Schedule, and
- (b) paragraph (5) below,

apply for the purposes of the registration of peers who (subject to the requirement of registration) are entitled to vote at a European Parliamentary election as they apply for the purpose of the registration of parliamentary electors.

(5) Unless the context otherwise requires, in the provisions applied by Schedule 4 to these Regulations—

- (a) any reference to an overseas elector’s declaration shall be construed as a reference to a European Parliamentary overseas elector’s declaration;
  - (b) any reference to a constituency shall be construed as a reference to an electoral region;
  - (c) any reference to a register of parliamentary electors shall be construed as a reference to a register kept under section 3 of the 1985 Act and any reference to the register of local government electors shall be disregarded; and
  - (d) any reference to a provision which is also applied by Schedule 4 to these Regulations shall be construed as a reference to such a provision as so applied.
- (6) The following provisions, namely—
- (a) regulations 3, 5 to 8 and 11 above, and
  - (b) regulations 18 to 25, 27 to 32, 36(2), 38 to 43 and 45 below,

shall apply to a European Parliamentary overseas elector’s declaration and registration in pursuance of it as they apply to an overseas elector’s declaration and registration in pursuance of it.

(7) For the purposes set out in paragraph (6) above, those regulations shall, unless the context otherwise requires, have effect as if—

- (a) any reference to a parliamentary elector is a reference to a peer entitled to vote at a European Parliamentary election under section 3 of the 1985 Act;
- (b) any reference to an overseas elector is a reference to a European Parliamentary overseas elector;
- (c) any reference to an overseas elector’s declaration is a reference to a European Parliamentary overseas elector’s declaration; and
- (d) any reference to a provision which is applied by Schedule 4 to these Regulations is a reference to that provision as so applied.

(8) A register under section 3 of the 1985 Act may be published by means of a notice making additions to the registers of parliamentary electors and of local government electors with which it must be combined.

## PART II

### SERVICE AND OVERSEAS ELECTORS' DECLARATIONS

#### *Service declarations*

#### **Qualification for Crown servant**

**14.** A person (not being a member of the forces within the meaning of section 59(1) of the 1983 Act) who is employed in the service of the Crown in a post outside the United Kingdom falls within the class or description referred to in section 14(1)(b) of the 1983 Act if he is required to devote his whole working time to the duties of that post and the remuneration of it is paid wholly out of money provided by Parliament.

#### **Contents of service declaration**

**15.—(1)** In addition to the matters specified in paragraphs (a) to (f) of section 16 of the 1983 Act<sup>(10)</sup>, a service declaration shall state—

- (a) the declarant's full name and present address,
- (b) the grounds on which the declarant claims a service declaration, and
- (c) such of the particulars specified in paragraph (2), (3) or (4) below as are relevant to the service qualification claimed by the declarant.

(2) Where the declarant claims a service qualification on the grounds that he is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse of such a member, the service declaration shall state—

- (a) the service (whether naval, military or air forces) in which that member serves,
- (b) the rank or rating of that member, and
- (c) the service number of that member;

and where that member serves in the military forces, the service declaration shall in addition state the regiment or corps in which he serves.

(3) Where the declarant claims a service qualification on the grounds that he is a Crown servant to whom regulation 14 above applies or the spouse of such a servant, the service declaration shall state—

- (a) the name of the Government department in which that servant works, and
- (b) a description of the post of that servant.

(4) Where the declarant claims a service qualification on the grounds that he is a British Council employee or the spouse of such an employee, the service declaration shall state a description of the post of that employee.

#### **Transmission of service declaration**

**16.—(1)** A service declaration made by a member of the forces or his spouse shall be transmitted to the appropriate registration officer.

(2) A service declaration made by a person who is or will be a Crown servant or by his spouse shall be transmitted by the declarant to the Government department under which that person or his

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(10) Section 16 was amended by Schedule 1 to the 2000 Act.

spouse is or will be employed or to an officer designated by that department and transmitted by that department or officer to the appropriate registration officer.

(3) A service declaration made by a person who is or will be a British Council employee or by his spouse shall be transmitted by the declarant to the British Council and transmitted by the British Council to the appropriate registration officer.

(4) In this regulation, the “appropriate registration officer” means the registration officer for the area within which is situated the address specified in the declaration in accordance with section 16(d) or the 1983 Act<sup>(11)</sup>.

### **Notification by registration officer in respect of service declarations**

**17.—**(1) Where the registration officer is satisfied that the service declaration is duly made he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of a service declaration because it—

- (a) does not contain the particulars required in paragraphs (a) to (f) of section 16 of the 1983 Act and regulation 15 above, or
- (b) does not comply with the requirements of sections 14 and 15 of the 1983 Act<sup>(12)</sup> or, where appropriate, regulation 14 or 16 above,

he shall return the declaration to the declarant setting out his reasons for so doing.

### *Overseas electors' declarations*

### **Contents of overseas elector's declaration**

**18.—**(1) In addition to the information required by paragraphs (a) to (d) of subsection (3) and subsection (4) of section 2 of the 1985 Act<sup>(13)</sup>, an overseas elector's declaration shall state the declarant's full name and present address and, where appropriate, the information required by paragraphs (2) to (7) below.

(2) If the declarant—

- (a) was last registered in pursuance of a service or other declaration, rather than actual residence at the address specified in pursuance of section 2(4)(b) of the 1985 Act, and
- (b) no longer had connection with that address at the time at which he was so registered,

the declaration shall include a statement that the declarant was so registered.

(3) If the declarant claims that his name has changed since he was last registered in respect of the address specified in the overseas elector's declaration in accordance with section 2(4)(b) of the 1985 Act, that declaration shall—

- (a) set out the name in respect of which the declarant was last previously registered, and
- (b) give the reason for the change of name.

(4) Where a declarant—

- (a) has on a previous occasion been registered in a register of parliamentary electors in pursuance of an overseas elector's declaration, and

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<sup>(11)</sup> Section 16(d) was amended by Schedule 1 to the 2000 Act.

<sup>(12)</sup> Sections 14 and 15 were amended by Schedule 1 to the 2000 Act.

<sup>(13)</sup> Section 2 was substituted by Schedule 2 to the 2000 Act.

- (b) has not, since being so registered, been registered in such a register by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom,

his overseas elector's declaration shall state those facts and indicate when he was last registered in pursuance of an overseas elector's declaration.

For the purposes of the application of this paragraph by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "a register of local government electors" were substituted for the words "such a register".

(5) Where a declarant has not made an overseas elector's declaration in pursuance of which he was registered in a register of parliamentary electors since being included in such a register by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom, or has never made such a declaration, his overseas elector's declaration shall state—

- (a) in the case of a declarant who is the bearer of a British passport which describes his national status as "British citizen", the number of that passport together with its date and place of issue; or
- (b) in the case of a declarant who is not the bearer of such a passport, but who was born in the United Kingdom before 1st January 1983, those facts; or
- (c) in the case of a declarant who is not the bearer of such a passport and who was not born in the United Kingdom before 1st January 1983, when and how he acquired the status of British citizen, together with the date, place and country of his birth.

For the purposes of the application of this regulation by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "a register of local government electors" were substituted for the words "such a register".

(6) Where, in the case of a declarant to whom regulation 19 below applies (and who is accordingly required to transmit a copy of his birth certificate together with his declaration), his name on his birth certificate is not the same as his name as given in his overseas elector's declaration, that declaration shall state the reason for the change of name.

(7) Where, in the case of a declarant to whom regulation 19 below applies, he relies on the registration of either—

- (a) a parent whose name in the register referred to in section 1(4)(c) of the 1985 Act<sup>(14)</sup> is not the same as the name of that parent as given in either the declarant's birth certificate or overseas elector's declaration in accordance with section 2(4)(c)(iii) of the 1985 Act, or
- (b) a guardian whose name in the register referred to in section 1(4)(c) of the 1985 Act is not the same as the name of that guardian as given in the declarant's overseas elector's declaration in accordance with section 2(4)(c)(iii) of the 1985 Act,

that declaration shall state the name of the parent or, as the case may be, guardian as given in the register referred to in section 1(4)(c) and, where known, the reason for the change or, as the case may be, changes of name or, where such reason (or reasons) is not known, a statement to that effect.

For the purposes of the application of this regulation by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "section 3(4)(c)" were substituted for the words "section 1(4)(c)", in each place where those words occur.

### **Certain declarants to supply copy of birth certificates**

**19.—**(1) This regulation applies to a person who has made an overseas elector's declaration in which he claims to be qualified as an overseas elector by virtue of the conditions set out in

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<sup>(14)</sup> Sections 1 to 3 of the 1985 Act were substituted by Schedule 2 to the 2000 Act.



section 1(4) of the 1985 Act, and who has not on a previous occasion made an overseas elector's declaration in pursuance of which he was registered in a register of parliamentary electors.

For the purpose of the application of this regulation by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "section 3(4)" were substituted for the words "section 1(4)".

(2) Where this regulation applies, a declarant shall transmit together with his overseas elector's declaration a copy of his birth certificate which shows the names of either or both of his parents as well as his date of birth.

### **Attestation of certain overseas electors' declarations**

**20.**—(1) An overseas elector's declaration shall be attested in accordance with the following paragraphs of this regulation except where the declarant has on a previous occasion made such a declaration in pursuance of which he was registered in a register of parliamentary electors and, since being so registered, he has not been included in any register of parliamentary electors by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom.

For the purposes of the application of this regulation by regulation 13(6) above, this paragraph shall have effect as if, in addition to the modifications made by that regulation, the words "local government" were substituted for the word "parliamentary" in the second place where it occurs.

(2) An overseas elector's declaration shall be attested by the bearer of a British passport which described his national status as a "British citizen" who—

- (a) is not resident in the United Kingdom;
- (b) is aged 18 years or over, and
- (c) is not the husband, wife, parent, grandparent, brother, sister, child or grandchild of the declarant.

(3) A person shall not attest an overseas elector's declaration unless he is satisfied, to the best of his knowledge and belief, that the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration.

(4) A person attesting an overseas elector's declaration shall record on it—

- (a) his full name and address;
- (b) that he is the bearer of a British passport which describes his national status as "British citizen" and the number of that passport together with its date and place of issue;
- (c) that he is aged 18 years or over;
- (d) that he is not resident in the United Kingdom on the date of the declaration;
- (e) that he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild of the declarant; and
- (f) that, to the best of his knowledge and belief, the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration;

and he shall sign the declaration.

### **Transmission of overseas elector's declaration**

**21.** An overseas elector's declaration shall be transmitted to the registration officer for that part of a constituency within which is situated the address specified in the declaration in accordance with section 2(4) of the 1985 Act.

### Notification about registration as overseas elector

**22.—**(1) Where the registration officer is satisfied that the declarant qualifies as an overseas elector under the provisions of sections 1 and 2 of the 1985 Act, he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of an overseas elector's declaration because—

- (a) in his opinion the declarant does not qualify as an overseas elector under section 1 of the 1985 Act, or
- (b) the declaration does not satisfy the requirements of section 2 of the 1985 Act or regulation 18 or 20 above, or
- (c) in the case of a person to whom regulation 19 above applies, the requirement in that regulation has not been complied with,

he shall return the declaration to the declarant and set out his reasons for rejecting the application for registration.

(3) For the purposes of the application of this regulation by regulation 13(6) above, paragraphs (1) and (2) above shall have effect as if, in addition to the modifications made by that regulation—

- (a) in paragraph (1), for the words “sections 1 and 2” there were substituted the words “sections 2 and 3”, and
- (b) in paragraph (2), for the words “section 1” there were substituted the words “section 3”.

## PART III

### REGISTRATION

#### Power to require information

**23.—**(1) A registration officer may require any person to give information required for the purposes of that officer's duties in maintaining registers of parliamentary and local government electors.

(2) A registration officer is under a duty to require persons to give information required for the purposes of that officer's duty under section 3(1) of the Juries Act 1974<sup>(15)</sup>.

(3) If any person—

- (a) fails to comply with, or
- (b) gives false information in pursuance of,

any such requisition of the registration officer as is mentioned in this regulation, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Evidence as to age and nationality

**24.—**(1) Where a registration officer has doubts about a person's age or nationality, he may require that person to produce such evidence as is specified in paragraph (2) below for the purposes of registration.

(2) The evidence which the registration officer may require is as follows—

- (a) a birth certificate or a statutory declaration as to the person's date of birth;
- (b) a certificate of naturalisation;

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<sup>(15)</sup> 1974 c. 23; section 3(1) was amended by Schedule 15 to the Criminal Justice Act 1988 (c. 33).

- (c) where a person has made an overseas elector's declaration, further evidence of his status as a British citizen including a document showing that he has become a British citizen by virtue of registration;
  - (d) in any other case—
    - (i) a document showing that he has become a Commonwealth citizen by virtue of registration; or
    - (ii) a statutory declaration that he is a qualifying Commonwealth citizen or citizen of the Republic of Ireland or a relevant citizen of the Union.
- (3) If any fee is payable in connection with the making of a declaration for the purposes of this regulation, the registration officer shall pay that fee and it shall be treated as part of his registration expenses within the meaning of section 54(1) of the 1983 Act<sup>(16)</sup>.
- (4) Any such declaration shall be made available for inspection at the registration officer's office until the determination of the application for registration and of any objections duly made to it.
- (5) This regulation does not apply where an application for registration is made in pursuance of a service declaration.
- (6) In this regulation "qualifying Commonwealth citizen" has the same meaning as in section 4 of the 1983 Act<sup>(17)</sup>.

### **Reminders to electors registered pursuant to a declaration**

- 25.**—(1) This regulation applies in respect of a person registered in pursuance of—
- (a) a service declaration;
  - (b) a declaration of local connection; and
  - (c) an overseas elector's declaration.
- (2) Subject to paragraph (4) below, the registration officer shall, during the relevant period, send to a person to whom this regulation applies a reminder of the need to make a fresh declaration if he wishes to remain registered as an elector in pursuance of such a declaration.
- (3) In paragraph (2) above "the relevant period" means the period beginning nine months after the date when the existing entry in a register of the person in question first takes effect and ending ten months after that date.
- (4) Paragraph (2) above does not apply in respect of a person to whom this regulation applies where—
- (a) the registration officer has already received from that person a fresh declaration, or
  - (b) information which the registration officer has received indicates that that person is no longer entitled to make the relevant declaration.

### **Applications for registration**

- 26.**—(1) An application for registration as a parliamentary or local government elector (or both) under section 10A(1)(a) or 13A(1)(a) of the 1983 Act<sup>(18)</sup> shall state—
- (a) the applicant's full name;
  - (b) the address in respect of which the applicant applies to be registered and at which he is resident on the date of the application;

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<sup>(16)</sup> Section 54 was amended by Schedule 4 to the 1985 Act.

<sup>(17)</sup> Section 4 was substituted by section 1(2) of the 2000 Act.

<sup>(18)</sup> Sections 10A and 13A were substituted by Schedule 1 to the 2000 Act.

- (c) any address in respect of which the applicant is currently registered as an elector, if he has ceased to reside at that address;
  - (d) in the case of an applicant who has not attained the age of 18 years, his date of birth;
  - (e) in the case of an applicant who is 70 years of age or older, that fact;
  - (f) in the case of an applicant who will attain the age of 70 years in the period of twelve months beginning with the date of his application, the date on which he will attain that age;
  - (g) in the case of an applicant who is a merchant seaman within the meaning of section 6 of the 1983 Act, that fact.
- (2) In the case of a person applying to be registered as a parliamentary or local government elector (or both) in pursuance of a service declaration, a declaration of local connection or an overseas elector's application, the declaration in question shall accompany the application.
- (3) An application under this regulation shall include a declaration made by the applicant that—
- (a) the particulars given in accordance with paragraph (1) above are true;
  - (b) subject to paragraph (5) below, in the case of an application by a relevant citizen of the Union for registration as a local government elector, he is such a citizen; and
  - (c) in any other case, but subject to paragraph (5) below, he is a Commonwealth citizen or citizen of the Republic of Ireland.
- (4) An application for registration shall be made in writing to the registration officer and be signed and dated by the applicant.
- (5) Paragraph (3)(b) and (c) above does not apply to a person applying to be registered in pursuance of a service declaration or an overseas elector's declaration.

### **Objections to registration**

- 27.**—(1) Any objection to a person's registration shall state—
- (a) the name of the person against whom the objection is made;
  - (b) the address of that person as given in the application for registration;
  - (c) the grounds of the objection;
  - (d) the name of the objector and his address as shown in the register (if so shown) together with the address to which correspondence should be sent if that address is different or if no address is shown in the register; and
  - (e) the electoral number of the objector.
- (2) An objection shall be made in writing and be signed and dated by the person objecting.
- (3) In this Part of these Regulations "objection" includes representations made against an application for registration under section 13A(1)(a) of the 1983 Act.

### **Inspection of applications and objections**

- 28.** An application for registration and any objection to a person's registration shall be made available for inspection at the registration officer's office until the application or objection has been determined by the registration officer.

### *Determination of applications and objections*

#### **Procedure for determining applications for registration and objections without a hearing**

**29.**—(1) A registration officer shall discharge his functions of determining an application for registration under section 10A(1) or 13A(1)(a) of the 1983 Act and an objection under section 10A(3) of that Act in accordance with this regulation and regulations 30 and 31 below.

(2) The registration officer shall keep separate lists of applications for registration and objections and shall—

- (a) on receipt of an application, forthwith enter in the list of applications the name of the applicant and the address claimed as his qualifying address,
- (b) on receipt of an objection, forthwith enter in the list of objections the name and qualifying address of the objector together with the particulars referred to in sub-paragraph (a) above, and
- (c) also forthwith enter particulars of the objection in the list of applications.

In this paragraph “qualifying address” includes the address specified in an overseas elector’s declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act<sup>(19)</sup>.

(3) The registration officer may ask for further information and take no further action until such information is supplied, if he is of opinion that the particulars given in the application or objection are insufficient.

(4) The registration officer may allow an application without a hearing provided that no objection is made within five days of the entry of the application in the list of applications.

(5) The registration officer may disallow an objection if he is of opinion that the objector is not entitled to object or the objection was made after the period referred to in paragraph (4) above has expired; and he shall so inform the objector.

(6) The registration officer may send to the applicant or objector a notice stating his opinion that an application or objection cannot be allowed because—

- (a) the matter has been concluded by the decision of a court, or
- (b) the particulars given in the application or objection do not entitle the applicant or objector to succeed.

(7) In cases to which paragraph (6) applies, the registration officer shall state the grounds for his opinion and that he intends to disallow the application or objection unless that person gives the registration officer notice within three days from the date of the registration officer’s notice that he requires the application or objection to be heard; and if he receives no such notice within that time, he may disallow the application or objection.

#### **Notice of hearing**

**30.**—(1) The registration officer shall, unless he allows or disallows the application or objection under regulation 29 above, send a notice—

- (a) in the case of an application, to the person making the application, and
- (b) in the case of an objection, to the objector and the person objected to, stating—
  - (i) the time and place at which he proposes to hear the application or objection;
  - (ii) the name and address of the objector and the grounds of the objection (in the case of a notice sent to a person objected to).

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<sup>(19)</sup> Section 2 was substituted by Schedule 2 to the 2000 Act.

(2) The time fixed for the hearing of an application or objection shall not be earlier than the third day or later than the seventh day after the date of the notice referred to in paragraph (1) above.

### Hearing of applications and objections

**31.**—(1) The persons entitled to appear and be heard are as follows—

- (a) on an application, the applicant;
- (b) on an objection, the objector and the person objected to;
- (c) on an application or an objection, any other person who appears to the registration officer to be interested.

(2) The right to appear and be heard includes the right to make written representations.

(3) Any person entitled to appear and be heard may do so either in person or by any other person on his behalf.

(4) The registration officer may, at the request of any person entitled to appear and be heard or, if he thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath and may administer the oath for the purpose.

### Registration appeals

**32.**—(1) This regulation makes provision in connection with the right to appeal from the decision of a registration officer regarding an application for registration under section 56(1)(a) of the 1983 Act<sup>(20)</sup>.

(2) A person desiring to appeal must—

- (a) give notice of appeal to the registration officer and to the opposite party (if any) when the decision is given, or within 14 days thereafter, and
- (b) specify the grounds of appeal.

(3) The registration officer shall forward any such notice to the appropriate county court in accordance with rules of court together, in each case, with—

- (a) a statement of the material facts which in his opinion have been established in the case, and
- (b) his decision upon the whole case and on any point which may be specified as a ground of appeal.

(4) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the appropriate county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

### Circumstances when the power in section 10A(5)(b) of the 1983 Act applies

**33.**—(1) Paragraphs (2) and (3) below prescribe the circumstances when section 10A(5)(b) of the 1983 Act<sup>(21)</sup> applies.

(2) Where the registration officer—

- (a) has received an application under regulation 26 above which includes a statement to which paragraph (1)(c) of that regulation refers;
- (b) has received a notice under regulation 37 below;

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<sup>(20)</sup> Section 56(1)(a) was amended by Schedule 1 to the 2000 Act.

<sup>(21)</sup> Section 10A was substituted by Schedule 1 to the 2000 Act.

- (c) has been given information by the elector that he has ceased to reside at the address in question or to satisfy the conditions for registration in section 4 of the 1983 Act<sup>(22)</sup>;
  - (d) has obtained evidence in pursuance of regulation 35 below which shows that the elector has ceased to reside at the address in question or to satisfy the conditions for registration in section 4 of the 1983 Act; or
  - (e) has been notified by a relative or executor of the elector or by the registrar of births and deaths that the elector has died.
- (3) Where—
- (a) the registration officer has required any person duly entered in a register in respect of an address to give him information, or to make a declaration under regulation 24 above, for the purpose of enabling the officer to determine whether—
    - (i) that person remains resident at that address, or
    - (ii) otherwise satisfies the conditions for registration set out in section 4 of the 1983 Act, and
  - (b) the person has not within the period of one month from the date of the requisition complied with it in a manner which the officer considers satisfactory (or at all).
- (4) Nothing in this regulation applies to a person registered in pursuance of—
- (a) an application made by virtue of section 7(2) or 7A(2) of the 1983 Act<sup>(23)</sup>; or
  - (b) a declaration of local connection, a service declaration or an overseas elector's declaration.
- (5) In this regulation—
- “elector” means a person who is duly entered in a register in respect of an address; and
- “relative” means a husband, wife, parent, grandparent, brother, sister, child or grandchild.

### **Retaining entries in register**

**34.**—(1) This regulation sets out the circumstances when a registration officer's duty to remove a person's entry from the register of parliamentary or local government electors under section 10A(6) of the 1983 Act<sup>(24)</sup> does not apply.

- (2) Those circumstances are that—
- (a) on the conclusion of a canvass under section 10 of the 1983 Act<sup>(25)</sup> the registration officer is unable to satisfy himself that a person duly entered in a register in respect of any address was, on the 15th October in question, resident at that address because—
    - (i) the form mentioned in section 10(4) of that Act was not returned in respect of that address, or
    - (ii) for any other reason, insufficient information was obtained as to whether that person was resident at that address on that date;
  - (b) the registration officer has no information which suggests that that person is no longer so resident; and
  - (c) that person was registered at that address otherwise than in the circumstances set out in regulation 33(4) above.
- (3) Where the circumstances set out in this regulation apply, the registration officer is authorised to retain the entry of the person concerned in such a register for the period expiring with the

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<sup>(22)</sup> Section 4 was substituted by section 1(2) of the 2000 Act.

<sup>(23)</sup> Sections 7 and 7A were substituted and inserted by sections 4 and 5 of the 2000 Act.

<sup>(24)</sup> Section 10A was inserted by Schedule 1 to the 2000 Act.

<sup>(25)</sup> Section 10 was substituted by Schedule 1 to the 2000 Act.

publication of a revised version of the register under section 13(1) of the 1983 Act<sup>(26)</sup> in the year next following that in which the canvass referred to in paragraph (2)(a) above was conducted.

### **Registration officer's right to inspect certain records**

**35.—**(1) A registration officer is authorised to inspect, for the purpose of his registration duties, records kept (in whatever form) by—

- (a) an authority listed in paragraph (2) below, or
  - (b) any person providing services to, or authorised to exercise any function of, any such authority.
- (2) Those authorities are—
- (a) the council by which he was appointed; and
  - (b) any registrar of births and deaths.
- (3) A registration officer is authorised to make copies of information contained in such records.

### **Notices in connection with registration**

**36.—**(1) A notice under section 13(3) of the 1983 Act<sup>(27)</sup> must be published—

- (a) not less than 14 days before the publication of the revised version of the register to which it relates;
  - (b) in a newspaper circulating in the area for which the registration officer acts, and
  - (c) by posting a copy of it at his office and in some conspicuous place or places in that area.
- (2) A notice under section 13A(2) or 13B(3) of that Act must be issued by—
- (a) posting a copy of it at the registration officer's office or in some conspicuous place or places in the area for which he acts, and
  - (b) except in a case falling within regulation 33(2)(e) above, sending a copy of it to any person affected by its contents.

### **Notice by registration officer of a change of address**

**37.—**(1) This regulation applies where a registration officer receives an application for registration which includes a statement given in accordance with regulation 26(1)(c) above.

(2) Where the address given in the statement received by the registration officer ("the new registration officer") is in an area for which another registration officer ("the former registration officer") acts, the new registration officer shall as soon as practicable notify the former registration officer that the applicant no longer resides in his area.

### *The register*

### **Separate part of a register for each parliamentary polling district**

**38.—**(1) The register shall be framed in separate parts for each parliamentary polling district.

(2) Where a parliamentary polling district is contained in more than one electoral area, there shall be a separate part of the register for each part of the polling district contained in each electoral area.

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<sup>(26)</sup> Section 13 was substituted by Schedule 1 to the 2000 Act.

<sup>(27)</sup> Sections 13, 13A and 13B were substituted by Schedule 1 to the 2000 Act.



### **Different letter for each parliamentary polling district**

**39.** There shall be a different letter or letters in the register for each parliamentary polling district and such letter or letters shall be deemed to form part of an elector's number in the register.

### **Qualifying addresses which are not included in the register**

**40.**—(1) Section 9(2)(b) of the 1983 Act(**28**) (which requires each register of parliamentary or local government electors to contain the qualifying addresses of the persons registered in it) does not apply—

- (a) to an address to which paragraph (2) or (3) below applies, or
- (b) which is specified in an overseas elector's declaration in accordance with section 2(4)(b) or (c)(ii) of the 1985 Act(**29**).

(2) This paragraph applies to an address where it appears to the registration officer that—

- (a) a service voter in his service declaration, or
- (b) a person who has made a declaration of local connection,

has given that address in such a declaration as an address—

- (i) at which he has resided, but
- (ii) which is not an address at which he is or would be residing but for the circumstances entitling him to make such a declaration.

(3) This paragraph applies to an address given in a declaration of local connection in accordance with section 7B(4)(b) of the 1983 Act(**30**).

### **Order of names**

**41.**—(1) Subject to paragraphs (2) and (3) below, the names and addresses of each separate part of the register shall be arranged in street order.

(2) If the registration officer determines for any part of the register that street order is not reasonably practicable, the names and addresses shall be arranged in alphabetical order or partly in street order and partly in alphabetical order.

(3) The name of any person whose qualifying address is not contained in a register by virtue of regulation 40 above shall be grouped together in alphabetical order—

- (a) at the end of that part of the register to which the address relates;
- (b) beneath the heading "Other electors", and
- (c) without giving that address.

### **Marking of names**

**42.**—(1) Paragraphs (3) to (7) below specify the marks to appear against a person's name in the register to indicate that he is registered in one or more of the four registers (those of: parliamentary electors; local government electors; relevant citizens of the Union registered as European Parliamentary electors, and peers overseas registered as European Parliamentary overseas electors) which are required to be combined.

(2) Where no mark appears against a person's name in the register of electors, this indicates that he is registered in the registers of parliamentary and local government electors.

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(28) Section 9 was substituted by Schedule 1 to the 2000 Act.

(29) Section 2 was substituted by Schedule 2 to the 2000 Act.

(30) Section 7B was inserted by section 6 of the 2000 Act.

(3) To indicate that a relevant citizen of the Union is registered only in the register of local government electors, the letter “G” shall be placed against his name.

(4) To indicate that such a citizen is registered in both that register and the register of such citizens registered as European Parliamentary electors, the letter “K” shall be placed against his name.

(5) To indicate that any other person is registered only in the register of local government electors, the letter “L” shall be placed against his name.

(6) To indicate that an overseas elector is registered only in the register of parliamentary electors, the letter “F” shall be placed against his name.

(7) To indicate that a European Parliamentary overseas elector is registered only in the register of such electors, the letter “E” shall be placed against his name.

### **Publication of register**

**43.**—(1) The manner in which each revised version of the register is published under section 13(1) or (3) of the 1983 Act<sup>(31)</sup> shall be by the registration officer making—

- (a) a copy of it available at his office, and
- (b) copies of the part of the register relating to each electoral area available for inspection at a place to which the public have access, in or near that area.

(2) The revised version of the register shall be kept published until the coming into force of the next revised version of it.

### **Information about register**

**44.**—(1) As soon as practicable after the publication of a revised version of the register under section 13(1) of the 1983 Act, the registration officer shall supply to the Secretary of State a document setting out the information about electors which is required by paragraphs (2) to (4) below.

(2) The document referred to in paragraph (1) above shall state the name of the constituency (and, if only part of the constituency is situated in the area for which the registration officer acts, that fact) and shall list the following total numbers of electors in that constituency or part thereof, namely—

- (a) parliamentary electors (including those referred to in sub-paragraph (d) below);
- (b) local government electors (including those referred to in sub-paragraph (d) below);
- (c) those local government electors who are ineligible to vote at parliamentary elections; and
- (d) those registered in pursuance of section 4(5) of the 1983 Act<sup>(32)</sup>.

(3) The document referred to in paragraph (1) above shall set out separately as respects those electors referred to in sub-paragraphs (a) and (d) of paragraph (2) above the following totals, namely—

- (a) those registered by virtue of residence at a qualifying address;
- (b) those registered in pursuance of a service declaration;
- (c) those registered in pursuance of an overseas elector’s declaration; and
- (d) those registered in pursuance of a declaration of local connection.

(4) The document referred to in paragraph (1) above shall in respect of each relevant area in the constituency state—

- (a) its name or number;

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<sup>(31)</sup> Section 13 was substituted by Schedule 1 to the 2000 Act.

<sup>(32)</sup> Section 4 was substituted by section 1(2) of the 2000 Act.

- (b) the letters referred to in regulation 39 above for each parliamentary polling district in each relevant area (or part thereof); and
  - (c) if only part of the relevant area is situated in the constituency, that fact;
- and shall list the following total numbers of electors in that area (or part thereof) namely—
- (i) parliamentary electors (including those referred to in sub-paragraph (ii)) below;
  - (ii) those registered by virtue of section 4(5) of the 1983 Act; and
  - (iii) those local government electors who are ineligible to vote at parliamentary elections.
- (5) In paragraph (4) above “relevant area” means—
- (a) in England, a ward of a district, of a London borough or of the City of London, and
  - (b) in Wales, an electoral division of a county or county borough.

#### **Preparation and publication of list of overseas electors**

**45.**—(1) The registration officer shall prepare a list of the names of each person who appears to him to be entitled to be registered in pursuance of an overseas elector’s declaration (“the list of overseas electors”); and shall include in that list the address specified in that declaration in accordance with section 2(4) of the 1985 Act and regulation 18(1) above.

(2) In respect of each constituency which is wholly or partly comprised in the area for which the registration officer acts there shall be a separate part of the list of overseas electors; and the names of the persons included in each part shall be listed in alphabetical order.

(3) At the time when the registration officer publishes a revised version of the register under section 13(1) of the 1983 Act, he shall publish the list of overseas electors by making a copy of it available for inspection at his office; and the list shall be kept so published until the next revised version of the register is published under section 13(1) of the 1983 Act.

(4) The name of a person appearing to the registration officer to be entitled to be registered in pursuance of a European Parliamentary overseas elector’s declaration (and included in the list of overseas electors by virtue of regulation 13(6) above) shall be marked with the letter “E”.

#### **Supply of free copies of register and list of overseas electors otherwise than on request**

**46.**—(1) The registration officer shall supply, free of charge and on publication, one copy of—

- (a) the revised version of the register under section 13(1) and (3) of the 1983 Act<sup>(33)</sup>;
- (b) any notice under sections 13A(2) and 13B(3) of that Act; and
- (c) the list of overseas electors under regulation 45 above,

to the British Library, the Secretary of State and the Electoral Commission.

(2) The registration officer shall supply, free of charge and on publication, one copy of—

- (a) every revised version of the register under section 13(1) and (3) of the 1983 Act; and
- (b) every notice under sections 13A(2) and 13B(3) of that Act,

to the persons listed in paragraph (3) below.

- (3) Those persons are—
- (a) the returning officer for a non-metropolitan county;

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<sup>(33)</sup> Sections 13 to 13B were substituted by Schedule 1 to the 2000 Act.

- (b) the persons or officers who, under subsections (2B) and (2C) of section 35 of the 1983 Act<sup>(34)</sup> are the returning officers at an election of members of the London Assembly and of the Mayor of London.
- (4) As soon as practicable after the relevant event, the registration officer who is not the acting returning officer for a constituency wholly or partly in his registration area shall supply free of charge to that officer as many printed copies of—
  - (a) the latest revised version of the register under section 13(1) or section 13(3) of the 1983 Act, as the case may be;
  - (b) any notice under sections 13A(2) and 13B(3) of that Act relating to that version of the register, and
  - (c) the most recently published list of overseas electors under regulation 45 above,
 as the returning officer may reasonably require for the purposes of the forthcoming parliamentary election in his constituency.
- (5) In paragraph (4) above—
  - (a) “relevant event” means—
    - (i) the announcement of Her Majesty’s intention to dissolve Parliament, or
    - (ii) the occurrence of a vacancy in the relevant constituency; and
  - (b) the duty to supply as many printed copies of the register and the list of overseas electors as the returning officer may reasonably require includes a duty to supply one copy of each in data form.
- (6) In paragraphs (1) and (2) above the duty to supply one copy of the register and, where relevant, of the list of overseas electors, means—
  - (a) in the case of the British Library, a duty to supply a printed copy of each; and
  - (b) in any other case, a duty to supply a copy of each in data form unless, prior to publication, the recipient has requested in writing a copy in printed form.

### **Supply of free copies of register and list of overseas electors on request**

- 47.**—(1) Any supply of a register or a list of overseas electors under this regulation shall be—
- (a) free of charge, and
  - (b) on request.
- (2) Unless the request is for the supply of a printed version of the register or list of overseas electors, the copy shall be supplied in data form.
- (3) The registration officer shall supply to the Member of Parliament for a constituency one copy of so much of the register as relates to that constituency and one copy of so much of the list of overseas electors as so relates.
- (4) The registration officer shall supply to each Member of the European Parliament for an electoral region in which that officer’s registration area is situated one copy of the register and one copy of the list of overseas electors.
- (5) The registration officer shall supply one copy of so much of the register as relates to an electoral area to—
- (a) every councillor for that area, and
  - (b) every candidate at a local government election for that area or his election agent.

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<sup>(34)</sup> Subsections (2B) and (2C) of section 35 were inserted by Schedule 3 to the Greater London Authority Act 1999 (c. 29).

(6) The registration officer shall supply to a parish or community council so much of the register as relates to the area of that parish or community.

(7) The registration officer shall supply to a registered political party one copy of the register.

(8) The registration officer shall supply one copy of so much of the register as relates to a particular constituency and one copy of so much of the list of overseas electors as so relates to—

(a) any person who satisfies the registration officer that he requires them for use in connection with his own or some other person's prospective candidature at a parliamentary election for that constituency; and

(b) each candidate at a parliamentary election for that constituency or his election agent.

(9) Not more than one person for the same candidature may be supplied under paragraph (8) (a) above.

### **Sale of register and list of overseas electors**

**48.**—(1) Subject to paragraph (4) below, the registration officer shall supply a copy or copies of the register or of the list of overseas electors to any person on payment of a fee calculated in accordance with paragraph (2) or (3) below.

(2) In the case of the register—

(a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries) in it; and

(b) in printed form, the fee shall be at the rate of £10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries) in it.

(3) In the case of the list of overseas electors—

(a) in data form, the fee shall be at the rate of £20 plus £1.50 for each 100 entries (or remaining part of 100 entries) in it; and

(b) in printed form, the fee shall be at the rate of £10 plus £5 for each 100 entries (or remaining part of 100 entries) in it.

(4) The registration officer shall not supply a printed copy of the register under this regulation if to do so would result in his having insufficient copies of it for the purposes of any requirement made by or under any enactment.

### **Supply of register and list of overseas electors in data form**

**49.**—(1) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act<sup>(35)</sup>, any duty on the registration officer to supply data under regulations 46 to 48 above imposes only a duty to supply such data recorded in the form in which he holds it.

(2) The registration officer shall not supply data which includes information not included in the printed version of the register otherwise than under regulation 46(4).

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<sup>(35)</sup> The exercise of the powers in section 52(1) is made subject to section 7(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 52(1A), as inserted by Schedule 21 to that Act, is relevant to those powers.

## PART IV

### ABSENT VOTERS

#### Interpretation of Part IV

**50.** In this Part of these Regulations—

“Schedule 4” means Schedule 4 to the 2000 Act; and

“allotted polling station” has the meaning set out in regulation 53(7) below.

#### General requirements for applications for an absent vote

**51.**—(1) An application under Schedule 4 must comply with the requirements of this regulation and such further requirements in this Part of these Regulations as are relevant to the application.

(2) The application must state—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under paragraph 7(4) or (7) of Schedule 4;
- (c) in the case of such an application, the proxy’s address, together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of sub-paragraph (b) above;
- (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent, and
- (e) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote.

(3) The application shall be made in writing and be signed and dated by the applicant.

(4) An application under Schedule 4 which is made for an indefinite period or the period specified in the application must state—

- (a) that it is so made, and
- (b) whether it is made for parliamentary elections, local government elections or both.

(5) An application under Schedule 4 which is made for a particular parliamentary or local government election must—

- (a) state that it is so made, and
- (b) identify the election in question,

but, where the poll at one election falls on the same day as the poll at another election, the same application may be used for both elections.

(6) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of regulation 52 below.

#### Additional requirements for applications for the appointment of a proxy

**52.** An application for the appointment of a proxy under paragraphs 3 and 4 of Schedule 4 shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, or

- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

**Additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of physical incapacity or blindness**

**53.**—(1) An application to vote by proxy for a definite or indefinite period under paragraph 3(3) (b) of Schedule 4 shall specify the physical incapacity by reason of which it is made.

(2) Subject to paragraph (3) below, such an application shall be attested and signed by-

- (a) a registered medical practitioner;
- (b) a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997<sup>(36)</sup>;
- (c) a Christian Science practitioner;
- (d) the person registered under the Registered Homes Act 1984<sup>(37)</sup> as carrying on a residential care home within the meaning of section 1 of that Act, where the applicant states that he is resident in such a home;
- (e) the matron or other person in charge of residential accommodation provided by a local authority under section 21(1) of the National Assistance Act 1948<sup>(38)</sup>, where the applicant states that he is resident in such accommodation; or
- (f) the warden of premises forming one of a group of premises provided for persons of pensionable age or physically disabled persons for which there is a resident warden, where the applicant states that he resides in such premises.

(3) A person who qualifies by virtue of sub-paragraph (a), (b) or (c) of paragraph (2) above may not attest an application for this purpose unless he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity.

(4) The person attesting the application shall state—

- (a) his name and address and the qualification by virtue of which he attests the application, and where the person who attests the application is a person referred to in paragraph (3) above, that he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity;
- (b) that, to the best of his knowledge and belief, the applicant is suffering from the physical incapacity specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that incapacity; and
- (c) that, to the best of his knowledge and belief, the physical incapacity specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.

(5) Paragraphs (2) to (4) above shall not apply where—

- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by the local authority which is specified in the application under section 29(4) (g) of the National Assistance Act 1948; or
- (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security

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<sup>(36)</sup> 1997 c. 24.

<sup>(37)</sup> 1984 c. 23.

<sup>(38)</sup> 11 & 12 Geo.6 c. 29.

Contributions and Benefits Act 1992(39)) because of the physical incapacity specified in the application.

(6) The fact that an applicant is registered with a local authority under section 29(4)(g) of the National Assistance Act 1948 shall be deemed sufficient evidence that he is eligible to vote by proxy on the grounds set out in paragraph 3(3)(b) of Schedule 4.

(7) In this regulation and in regulations 54 and 55 below, “his allotted polling station”, in relation to an elector means the polling station allotted or likely to be allotted to him under the appropriate rules (as defined in paragraph 1 of Schedule 4).

**Additional requirements for applications for a proxy vote for a definite or indefinite period based on occupation, service, employment or attendance on a course**

**54.—**(1) An application to vote by proxy for a definite or indefinite period under paragraph 3(3) (c) of Schedule 4 shall state—

- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or, as the case may be, it is the applicant or his spouse who is attending the course provided by an educational institution in respect of which the application is made;
- (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
- (c) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as “the employed person”) is self employed, that fact; and in any other case the name of that person’s employer;
- (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.

(2) Such an application shall be attested and signed—

- (a) where the person is self-employed, by a person who—
  - (i) is aged 18 years or over;
  - (ii) knows the self-employed person; and
  - (iii) is not related to him;
- (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
- (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.

(3) The person attesting an application made under paragraph (2) above shall—

- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by sub-paragraphs (a) to (d) of paragraph (1) above to be included in the application are true; or
- (b) where the applicant is the spouse of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (c) of paragraph (1) above are true.

(4) The person attesting an application under paragraph (2) above shall also state—



- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him; and
  - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
  - (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.
- (5) For the purposes of this regulation, one person is related to another if he is the husband, wife, parent, grandparent, brother, sister, child or grandchild of the other.

#### **Additional requirements for applications for a proxy vote in respect of a particular election**

**55.** An application under paragraph 4(2) of Schedule 4 to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

#### **Closing date for applications**

**56.**—(1) An application under paragraph 3(6) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at that election.

(2) An application under paragraph 3(1) or (2), or 6(7) or 7(4) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at that election.

(3) An application under paragraph 4(1) or (2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at the election for which it is made.

(4) An application under paragraph 7(7) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at the election for which it is made.

(5) An application under—

- (a) paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or
- (b) paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after—

- (i) 5 p.m. on the eleventh day before the date of the poll at that election in the case of an application by an elector who is entitled to vote by post to be removed from the record kept under paragraph 3(4) of Schedule 4, and
- (ii) 5 p.m. on the sixth day before the date of the poll at that election in any other case.

(6) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday shall be disregarded.

(7) In paragraph (6) above "bank holiday" means—

- (a) in relation to a parliamentary general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(40)</sup> in any part of the United Kingdom, and
- (b) in relation to a parliamentary by-election or a local government election, a day which is a bank holiday under that Act in England and Wales;

except that where, at a parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, sub-paragraph (b), not (a), shall apply.

### **Grant or refusal of applications**

**57.**—(1) Where the registration officer grants an application to vote by post, he shall, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The form of proxy paper (as amended for use also in respect of European Parliamentary elections) in Form E is hereby prescribed for the purposes of paragraph 6(9) of Schedule 4.

(4) Where the registration officer refuses an application under Schedule 4, he shall notify the applicant of his decision and of the reason for it.

(5) Where, under regulation 56 above, a registration officer disregards an application for the purposes of any particular parliamentary or local government election, he shall, where practicable, notify the applicant of this.

(6) At a parliamentary election where the registration officer is not the acting returning officer for any constituency or part of a constituency in the area for which he is the registration officer, he shall send to that officer details of any application to vote by post which he has granted as soon as practicable after doing so.

### **Notice of appeal**

**58.**—(1) A person desiring to appeal under section 56(1)(b) of the 1983 Act<sup>(41)</sup> against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under regulation 57(4) above specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the appropriate county court in the manner directed by rules of court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

### **Cancellation of proxy appointment**

**59.** Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 6(10) of Schedule 4 or ceases to be in force under that provision or is no longer in force under paragraph 6(11)(b) of that Schedule, the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, expired, ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy, and

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<sup>(40)</sup> 1971 c. 80.

<sup>(41)</sup> Section 56(1)(b) was amended by Schedule 2 to the 1985 Act.

- (b) remove his name from the record kept under paragraph 3(4)(c) of Schedule 4.

#### **Inquiries by registration officer**

**60.**—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person—

- (a) who is shown as voting by proxy in the record kept under paragraph 3(4) of Schedule 4 in pursuance of an application granted on the grounds set out in paragraph 3(3)(b) and (c) of that Schedule; or
- (b) who immediately before the date of the commencement of Schedule 4 was entitled to vote by proxy for an indefinite period at parliamentary elections, local government elections or both in pursuance of an application granted on grounds corresponding to those set out in paragraph 3(3)(b) and (c) of Schedule 4 (physical incapacity, blindness, occupation, service or employment),

for the purpose of determining whether there has been a material change of circumstances.

(2) Where the grant of an application for a proxy vote for an indefinite or defined period was based on the grounds referred to in paragraph 3(3)(c) of Schedule 4 (or grounds corresponding to those grounds), the registration officer shall make the inquiries referred to not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

#### **Records and lists kept under Schedule 4**

**61.**—(1) The registration officer shall, on request, supply free of charge a copy of the list kept under paragraphs 5 and 7(8) of Schedule 4 to each candidate or his election agent.

(2) The registration officer shall make available for inspection at his office a copy of the records kept under paragraph 3(4) or 7(6) of Schedule 4.

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with regulation 56 above) the registration officer shall—

- (a) publish the lists kept under paragraphs 5 and 7(8) of Schedule 4 by making a copy of them available for inspection at his office; and
- (b) at a parliamentary election if he is not the acting returning officer for any constituency or part of a constituency in the area for which he is the registration officer, send to that officer a copy of those lists.

#### **Marked register for polling stations**

**62.** To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

#### **Certificate of employment at a parliamentary election**

**63.**—(1) The form of certificate in Form F is hereby prescribed for the purposes of rule 32(3) of the elections rules in Schedule 1 to the 1983 Act.

- (2) The prescribed officer of police for those purposes is one of or above the rank of inspector.

## PART V

### ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

#### Interpretation of Part V

- 64.** For the purposes of this Part of these Regulations, unless the context otherwise requires—
- “absent voters list” means the list kept under paragraph 5 of Schedule 4 to the 2000 Act;
  - “agent” includes the election agent and a person appointed to attend in the election agent’s place;
  - “ballot paper envelope” and “covering envelope” mean the envelopes referred to in regulation 74 below;
  - “list of postal proxies” means the list kept under paragraph 7(8) of Schedule 4 to the 2000 Act;
  - “postal ballot paper” means a ballot paper issued to a postal voter;
  - “postal voter” means an elector or proxy who is entitled to vote by post;
  - “postal voters’ ballot box” means the ballot box referred to in regulation 81(1)(a);
  - “receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in regulation 81(5) below;
  - “spoilt postal ballot paper” means a ballot paper referred to in regulation 77(1) below;
  - “universal postal service provider” has the meaning given in the Postal Services Act 2000<sup>(42)</sup> to a “universal service provider”; and
  - “valid declaration of identity” means one falling within regulation 85(1) below.

#### *Issue of Postal Ballot Papers*

#### Combination of polls

- 65.** Where the polls at elections are taken together under—
- (a) subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), or
  - (b) subsection (3) or (3AB) of section 36 of the 1983 Act (combination of polls at local elections)<sup>(43)</sup>,

the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers concerned agree, be taken together.

#### Form of declaration of identity

**66.** The form of the declaration of identity for the purposes of rule 24 of the rules in Schedule 1 to the 1983 Act<sup>(44)</sup> shall be—

- (a) in Form G at a parliamentary election taken alone;
- (b) in Form H at a parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election;

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<sup>(42)</sup> 2000 c. 26.

<sup>(43)</sup> Section 36(3) was substituted by section 17 of the 1985 Act and section 36(3B) was inserted by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19).

<sup>(44)</sup> Rule 24 was substituted by Schedule 6 to the 2000 Act.

- (c) in Form J at a parliamentary election where the poll is taken together with the poll at another election, but where the proceedings on the issue and receipt of postal ballot papers are not.

#### **Persons entitled to be present at proceedings on issue of postal ballot papers**

**67.** No person may be present at the proceedings on the issue of postal ballot papers other than the returning officer and his clerks.

#### **Persons entitled to be present at proceedings on receipt of postal ballot papers**

**68.** No person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the returning officer and his clerks,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place or, at an election of parish or community councillors, any person appointed by the candidate to attend at those proceedings, and
- (d) any agents appointed under regulation 69 below.

#### **Agents of candidates who may attend proceedings on receipt of postal ballot papers**

**69.**—(1) Each candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint so, however, that the number authorised shall be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the opening of the postal voters' ballot box.

(3) Where postal ballot papers for more than one election are issued together under regulation 65 above, the returning officer to whom notice shall be given under paragraph (2) above and paragraphs (4) and (5) below is the returning officer who issues the postal ballot papers.

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part of these Regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (1) above, who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

### **Notification of requirement of secrecy**

**70.** The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue of receipt or postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the Act 1983<sup>(45)</sup>.

### **Time when postal ballot papers are to be issued**

**71.—**(1) In the case of a person shown in the record kept under—

- (a) paragraph 3(4), or
- (b) paragraph 7(6),

of Schedule 4 to the 2000 Act (electors and proxies entitled to vote by post for an indefinite or definite period), no postal ballot paper (and declaration of identity) shall be issued until after 5 p.m. on the eleventh day before the date of the poll (computed in accordance with regulation 56(6) above).

(2) In the case of any other person, the postal ballot paper (and declaration of identity) shall be issued by the returning officer as soon as practicable after the registration officer has granted the application to vote by post.

### **Procedure on issue of postal ballot paper**

**72.—**(1) Each postal ballot paper issued shall be stamped with the official mark.

(2) The number of the elector as stated in the register shall be marked on the counterfoil attached to the ballot paper.

(3) A mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(5) Where postal ballot papers for more than one election are issued together under regulation 65 above—

- (a) one mark shall be placed in the absent voters list or the list of postal proxies under paragraph (3) above to denote that ballot papers have been issued in respect of all those elections; 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 election in respect of which the ballot paper was issued; and
- (b) the number of each ballot paper shall be marked on the declaration of identity under paragraph (4) above.

(6) Where the poll at one election is taken with the poll at another election (under the provisions referred to in regulation 65 above) but not the proceedings on the issue and receipt of postal ballot papers, the colour of the postal ballot paper shall also be marked on the declaration of identity sent with that paper.

### **Refusal to issue postal ballot paper**

**73.** Where a returning officer is satisfied that two or more entries in the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector at any one election.

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<sup>(45)</sup> Section 66(6) was amended by Schedule 3 to the 1985 Act.

## Envelopes

74.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 24 of the elections rules<sup>(46)</sup>).

(2) There shall be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”, and
- (c) the number of the ballot paper or, as the case may be, ballot papers.

(4) Where polls are taken together (under the provisions referred to in regulation 65 above) but not the proceedings on the issue and receipt of postal ballot papers—

- (a) the envelope referred to in paragraph (2) above shall also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”, and
- (b) on the envelope referred to in paragraph (3) above, after the words “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

## Sealing up of counterfoils and security of special lists

75.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the counterfoils of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in paragraph (2) above, the returning officer shall take proper precautions for the security of the lists referred to in that paragraph.

## Delivery of postal ballot papers

76.—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed under rule 26(1) of the elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) above applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

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<sup>(46)</sup> Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act.

### **Spoilt postal ballot papers**

77.—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper, the declaration of identity, the ballot paper envelope and the covering envelope.

(2) Where postal ballot papers for more than one election have been issued together under regulation 65 above, the postal voter shall, if he exercises the entitlement conferred by paragraph (1) above, return all of the ballot papers so issued, whether spoilt or not.

(3) On receipt of the documents referred to in paragraph (1) and, where applicable paragraph (2) above, the returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 p.m. on the day before the day of the poll.

(4) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (7) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

(5) The spoilt postal ballot paper, and any other postal ballot paper issued with it, the declaration of identity and the ballot paper envelope shall be immediately cancelled.

(6) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(7) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with regulation 76 above.

(8) The returning officer shall enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register;
- (b) the number of the postal ballot paper (or papers) issued under this regulation; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

### **Lost postal ballot papers**

78.—(1) Where a postal voter has not received his postal ballot paper by the fourth day before the day of the poll, he may apply (whether or not in person) to the returning officer for a replacement ballot paper.

(2) Such an application shall include evidence of the voter’s identity.

(3) Where the application is received by the returning officer before 5 p.m. on the day before the day of the poll and the returning officer—

- (a) is satisfied as to the voter’s identity, and
- (b) has no reason to doubt that the postal voter did not receive the original postal ballot paper,

he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

(4) The returning officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

- (a) the name and number of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this regulation; and
- (c) where the postal voter whose ballot paper is lost is a proxy, his name and address.

(5) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (6) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.



(6) Where a postal ballot voter applies in person, the returning officer may hand a replacement ballot paper to him instead of delivering it in accordance with regulation 76 above.

### *Receipt of Postal Ballot Papers*

#### **Alternative means of returning postal ballot paper or declaration of identity**

**79.**—(1) For the purposes of rule 45(1B) of the rules in Schedule 1 to the 1983 Act<sup>(47)</sup> the manner in which a postal ballot paper or declaration of identity may be returned to a polling station is by hand.

(2) For these purposes, the manner in which such a paper or declaration may be returned to the returning officer is by post or by hand.

(3) The presiding officer of the polling station shall deliver, or cause to be delivered, any postal ballot paper or declaration of identity returned to that station to the returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 43(1) of the elections rules.

#### **Notice of opening of postal ballot paper envelopes**

**80.**—(1) The returning officer shall give to each candidate 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.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under regulation 69(1) above to attend each opening.

#### **Postal ballot boxes and receptacles**

**81.**—(1) The returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters ("postal voters' ballot box"), and
- (b) postal ballot papers ("postal ballot box").

(2) Each such ballot box shall be marked "postal voters' ballot box" or "postal ballot box", as the case may be, and with the name of the constituency or electoral area (or areas) for which the election (or elections) is held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity;
- (c) the receptacle for ballot paper envelopes; and
- (d) the receptacle for rejected ballot paper envelopes.

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

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<sup>(47)</sup> Rule 45(1B) was inserted by paragraph 10(4)(a) of Schedule 6 to the 2000 Act.

### **Receipt of covering envelope**

**82.**—(1) The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the returning officer—

(a) has been opened, and

(b) contains a ballot paper envelope, declaration of identity or ballot paper,

the first-mentioned envelope, together with its contents, shall be placed in a postal voters' ballot box.

### **Opening of postal voters' ballot box**

**83.**—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 45 of the elections rules.

### **Opening of covering envelopes**

**84.**—(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope (including any envelope described in regulation 82(2) above) separately.

(2) The procedure in regulation 85 below applies where a covering envelope (including an envelope to which regulation 82(2) above applies) contains both—

(a) a declaration of identity; and

(b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(3) Where the covering envelope does not contain the declaration of identity separately, the returning officer shall open the ballot paper envelope to ascertain whether the declaration of identity is inside.

(4) Where a covering envelope does not contain both—

(a) a declaration of identity (whether separately or not), and

(b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper (or ballot papers),

the returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

### **Procedure in relation to declarations of identity**

**85.**—(1) The returning officer shall satisfy himself that the declaration of identity has been duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address (referred to as a “valid declaration of identity”).

(2) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to paragraph (3) below, place it in the receptacle for rejected votes.

(3) Before placing the declaration in the receptacle for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(4) The returning officer shall then examine the number (or numbers) on the declaration of identity against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(5) Where there is a valid declaration of identity but no ballot paper envelope, or where the envelope has been opened under regulation 84(3) above, he shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity;
- (b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked “provisionally rejected”; and
- (c) in the receptacle for declarations of identity, any declaration of identity not disposed of under sub-paragraph (b) above.

(6) Where the number (or numbers) on a valid declaration of identity is not the same as the number (or numbers) on the ballot paper envelope or where that envelope has no number on it (or only one number where the declaration of identity has more than one), the returning officer shall open the envelope.

(7) Where an envelope has been opened under regulation 84(3) above or paragraph (6) above, the returning officer shall—

- (a) place in the postal ballot box any ballot paper the number on which is the same as the number (or one of the numbers) on the valid declaration of identity;
- (b) place in the receptacle for rejected votes any other ballot paper, to which shall be attached the declaration of identity marked “provisionally rejected”;
- (c) place in the receptacle for rejected votes any declaration of identity marked “provisionally rejected” in respect of a ballot paper envelope—
  - (i) which does not contain a ballot paper; or
  - (ii) which does not contain a sufficient number of ballot papers if more than one number appears on the declaration,and shall indicate the missing ballot paper, where that is the case; and
- (d) place in the receptacle for declarations of identity, any such declaration not disposed of under sub-paragraph (b) or (c) above.

### **Opening of ballot paper envelopes**

**86.**—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

### **Lists of rejected postal ballot papers**

**87.**—(1) In respect of any election, the returning officer shall keep two separate lists of rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid declaration of identity was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid declaration of identity where that ballot paper is not received with the declaration of identity.

### **Checking of lists kept under regulation 87**

**88.**—(1) Where the returning officer receives a valid declaration of identity without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list kept under regulation 87(2) above to see whether the number (or numbers) of a postal ballot paper to which the declaration relates is entered in that list.

(2) Where the returning officer receives a postal ballot paper without the declaration of identity to which it relates, he may, at any time prior to the close of the poll, check the list kept under regulation 87(3) above to see whether the number of that ballot paper is entered in that list.

(3) The returning officer shall conduct the checks required by paragraphs (1) and (2) above as soon as practicable after the receipt of packets from every polling station in the constituency or, as the case may be, electoral area under rule 43(1) of the elections rules.

(4) Where the ballot paper number in the list matches that number on a valid declaration of identity or, as the case may be, the postal ballot paper, the returning officer shall retrieve that declaration or paper.

(5) The returning officer shall then take the appropriate steps under this Part of these Regulations as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

### **Sealing of receptacles**

**89.**—(1) As soon as practicable after the completion of the procedure under regulation 88(3) and (4) above, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- (b) the receptacle of declarations of identity,
- (c) the receptacle of rejected ballot paper envelopes, and
- (d) the lists of spoilt and lost postal ballot papers,

and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

### **Abandoned poll**

**90.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of these Regulations; and
- (b) shall, notwithstanding regulations 84 to 86 above, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Paragraph (1) above shall not apply where postal ballot papers for more than one election have been issued together under regulation 65 above.

### **Forwarding of documents**

**91.**—(1) The returning officer shall forward, in the case of a parliamentary election to the Clerk of the Crown in Chancery and, in the case of a local government election, to the officer determined in accordance with paragraph (2) below, at the same time as he forwards the documents mentioned in rule 55 of the elections rules—

- (a) any packets referred to in regulations 75, 77(6) and 89 above, subject to regulation 90 above, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral area (or areas) for which the election (or elections) was held, and
- (b) at a parliamentary election, a completed statement in Form K of the number of postal ballot papers issued.

(2) In the case of a local government election, the documents to be forwarded under paragraph (1) above shall be forwarded to the proper officer of the local authority for which the election was held except that, in the case of a parish or community council election, the documents shall be forwarded to the proper office of the council of the district in England or county or county borough in Wales, in which the parish or community is situated.

(3) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll (apart from those delivered in accordance with the provisions of regulation 79(3) above);
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in paragraph (1) above.

(4) Rules 56 and 57 of the elections rules shall apply to any packet or document forwarded under this regulation.

(5) A copy of the statement referred to in paragraph (1)(b) above shall be provided by the returning officer to the Secretary of State.

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Parliamentary Under-Secretary of State