

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, section 13(2) of the European Parliamentary Elections Act 2002 and section 18(4) of the European Parliament (Representation) Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 00

REPRESENTATION OF THE PEOPLE

The European Parliamentary Elections
(Amendment) Regulations 2009

Made - - - - 2009

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 13B of the Representation of the People Act 1983(1), sections 2(2), 5, 6(5) and 7 of the European Parliamentary Elections Act 2002(2) and sections 17, 18, 23 and 25(3) of the European Parliament (Representation) Act 2003(3).

The Secretary of State has consulted the Electoral Commission pursuant to section 7(1) and (2)(a) of the Political Parties, Elections and Referendums Act 2000(4) and section 17(4) of the European Parliament (Representation) Act 2003.

In accordance with section 201(2) of the Representation of the People Act 1983, section 13(2) of the European Parliamentary Elections Act 2002 and section 18(4) of the European Parliament (Representation) Act 2003 a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Amendment) Regulations 2009.

(2) These Regulations shall come into force on the day after the day on which they are made.

(3) These Regulations extend to England, Wales, Scotland and Gibraltar.

(1) 1983 c.2; section 13B was inserted by section 11 of the Electoral Administration Act 2006 (c.22).
(2) 2002 c.24; the 2002 Act was amended by sections 1, 8, 20, 21 and 22 and extended to Gibraltar by section 19 of the European Parliament (Representation) Act 2003 (c.7).
(3) 2003 c.7.
(4) 2000 c.41. Section 7(2)(a) was amended by section 15 of, and paragraph 8 of Schedule 3 to, the European Parliamentary Elections Act 2002 (c.24).

Interpretation

2. Unless the context otherwise requires, in these Regulations and in any provision applied by these Regulations—

“the 2004 Regulations” means the European Parliamentary Elections Regulations 2004⁽⁵⁾;

and

a reference to a numbered regulation or to a Schedule means the regulation or Schedule so numbered in the 2004 Regulations.

Amendments to the 2004 Regulations

3. For paragraph (1) of regulation 2 (interpretation) substitute the following paragraph—

“(1) Unless the context otherwise requires, in these Regulations—

“1983 Act” means the Representation of the People Act 1983⁽⁶⁾;

“1985 Act” means the Representation of the People Act 1985⁽⁷⁾;

“1986 (Scotland) Regulations” means the Representation of the People (Scotland) Regulations 1986⁽⁸⁾;

“2000 Act” means the Political Parties, Elections and Referendums Act 2000⁽⁹⁾;

“2001 Franchise Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001⁽¹⁰⁾;

“2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001⁽¹¹⁾;

“2001 (Scotland) Regulations” means the Representation of the People (Scotland) Regulations 2001⁽¹²⁾;

“2002 Act” means the European Parliamentary Elections Act 2002;

“2003 Act” means the European Parliament (Representation) Act 2003;

“2004 Act” means the European Parliamentary Elections Act 2004 passed by the Gibraltar Parliament⁽¹³⁾;

“2006 Act” means the Electoral Administration Act 2006⁽¹⁴⁾;

“anonymous entry” in relation to a register of electors, other than the Gibraltar register, is to be construed in accordance with section 9B of the 1983 Act⁽¹⁵⁾ and

“the record of anonymous entries” means the record prepared in pursuance of

(5) [S.I. 2004/293](#) as modified by [S.I.2004/294](#) and amended by [S.I.2004/1771](#) and [S.I.2005/2114](#).

(6) 1983 c.2.

(7) 1985 c.50.

(8) [S.I. 1986/1111 \(S.93\)](#), which was amended by [S.I.1990/629](#), [S.I.1991/1728](#) and [S.I.2001/497](#). Other amendments are not relevant to these Regulations.

(9) 2000 c.41.

(10) [S.I. 2001/1184](#), which was amended by [S.I. 2003/1557](#). Other amendments are not relevant to these Regulations.

(11) [S.I. 2001/341](#), which was amended by [S.I.2001/1700](#), [S.I. 2002/881](#), [S.I.2002/1871](#), [S.I. 2006/752](#), [S.I.2006/2910](#) and [S.I.2008/1901](#). Other amendments are not relevant to these Regulations.

(12) [S.I. 2001/497 \(S.2\)](#), which was amended by [S.I. 2001/1749](#), [S.I. 2002/1872](#), [S.I. 2003/3075](#), [S.I. 2004/1771](#), [S.I. 2004/1960](#), [S.I.2006/834](#), [S.I. 2007/925](#), [S.I.2008/305](#) and [S.I. 2008/1901](#). Other amendments are not relevant to these Regulations.

(13) Gibraltar Act No. 2004-05. The 2004 Act was originally called the European Parliamentary Elections Ordinance 2004. The Gibraltar Constitution Order 2006 means that Gibraltar Ordinances are now referred to as Acts.

(14) 2006 c.22.

(15) Section 9B was inserted into the 1983 Act by section 10(1) of the Electoral Administration Act 2006 (c.22).

regulations made under paragraph 8A of Schedule 2 to the 1983 Act(16); and in relation to the Gibraltar register “anonymous entry” and “the record of anonymous entries” are to be construed in accordance with the equivalent provisions forming part of the law of Gibraltar;

“bank or public holiday” in relation to Gibraltar means a day which is a bank or public holiday under the Banking and Financial Dealings Act(17) and the Interpretation and General Clauses Act(18);

“citizen of the Union” is to be construed in accordance with Article 8 of the Treaty establishing the European Community(19), and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

“the City” means the City of London;

“Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(20);

“Common Council” means the Common Council of the City;

“completed corresponding number list” means a list prepared under rule 23 of the European Parliamentary elections rules including the parts which are completed in accordance with rules 32(3)(d) and 41(1)(b) of those rules or paragraph 48(1) of Schedule 2;

“disability”, in relation to doing a thing, includes a short term inability to do it;

“dwelling” includes any part of a building where that part is occupied separately as a dwelling;

“election” means a European Parliamentary election;

“elector”, in relation to an election, means any person who has for the time being an entry in a register of electors, but does not include those shown in such a register (or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries) as below voting age on the day fixed for the poll;

“European Parliamentary elections rules” means the rules in Schedule 1 to these Regulations;

“European Parliamentary election petition” means a petition presented in pursuance of Part 4 of these Regulations;

“European Parliamentary overseas elector” means a person falling within section 8(4) of the 2002 Act;

“European Parliamentary overseas elector’s declaration” means a declaration made in pursuance of regulations made under section 3 of the 1985 Act(21);

(16) Paragraph 8A was inserted into Schedule 2 to the 1983 Act by section 10(2) of, and paragraph 15(6) of Schedule 1 to, the Electoral Administration Act 2006 (c.22). The powers in paragraph 8A of Schedule 2 were used to make S.I.2006/2910 which amended S.I.2001/341.

(17) Gibraltar Act No. 1973-20.

(18) Gibraltar Act No. 1962-08.

(19) O.J.L. 278, 08.10.1976, p.21 (Cmnd.3780). Article 8 was substituted by Article 12 of the Lisbon Treaty (Cmnd. 7294, European Communities Series No.13) which was signed by the United Kingdom on 13 December 2007 but which has yet to be ratified.

(20) S.I. 2004/294 as amended by S.I.2006/3278 and S.I.2007/1025.

(21) Section 3 was substituted by Schedule 2 to the Representation of the People Act 2000 (c.2). The Representation of the People (England and Wales) Regulations 2001 (S.I.2001/341) and the Representation of the People (Scotland) Regulations 2001 (S.I.2001/497) were made under this provision.

“Gibraltar elector”, in relation to an election, means any person who has for the time being an entry in the Gibraltar register, but does not include those shown in such a register as below voting age on the day fixed for the poll;

“legal incapacity” includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by these Regulations or by any Act;

“legal process” means a claim form, application, notice, writ, summons or other process;

“list” means a list of candidates submitted by a registered party to accompany its nomination for election;

“local counting area” means any of the following—

- (a) a parliamentary constituency wholly or partly comprised in an electoral region in England, or in Wales, or
- (b) a local government area in Scotland, or
- (c) Gibraltar;

“the list of proxies” has, in relation to any election, the meaning given by paragraph 5(3) of Schedule 2 to these Regulations;

“mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007⁽²²⁾;

“marked register” is the copy of a register of electors marked in accordance with rule 41(1)(c) of the European Parliamentary elections rules;

“marked copy of the postal voters list or the proxy postal voters list” is the copy of that list marked as mentioned in paragraph 60 of Schedule 2 to these Regulations for the purposes of rule 35 of the European Parliamentary elections rules;

“national election agent” means the person appointed under regulation 33;

“nominating officer” means the person registered under the 2000 Act as the officer with responsibility for the matters referred to in section 24(3) of that Act in respect of a registered party;

“overseas elector” means a person falling within section 8(2)(b) of the 2002 Act or in relation to Gibraltar, a person falling within section 16(2) of the 2003 Act;

“overseas elector’s declaration” has the meaning given by section 2 of the 1985 Act or, in relation to Gibraltar, paragraph 15 of Schedule 4 to these Regulations;

“postal voters list” means the list of persons kept in pursuance of paragraph 5(2) of Schedule 2 to these Regulations (persons whose applications to vote by post have been granted);

“the proxy postal voters list” means the list of persons kept in pursuance of paragraph 7(8) of Schedule 2 to these Regulations (persons whose applications to vote by post as proxy have been granted);

“proper officer” in England and Wales means a proper officer within the meaning of section 270(3) and (4) of the Local Government Act 1972⁽²³⁾, or in Scotland, section 235(3) of the Local Government etc. (Scotland) Act 1973⁽²⁴⁾;

⁽²²⁾ S.I. 2007/1024.

⁽²³⁾ 1972 c.70.

⁽²⁴⁾ 1973 c.65.

“referendum” means a referendum conducted under the Local Authorities (Conduct of Referendums) (England) Regulations 2007(25);

“register of electors” means any part of—

- (a) a register of parliamentary or, in the case of peers, local government electors,
- (b) a register under section 3 of the 1985 Act,
- (c) a register under regulation 5 of the 2001 Franchise Regulations, and
- (d) the Gibraltar register(26),

in force within an electoral region at the time of a European Parliamentary election in that region;

“registered party” means a party registered under Part 2 of the 2000 Act;

“registration officer” means an officer appointed under section 8 of the 1983 Act(27)or, in relation to Gibraltar, the European electoral registration officer for Gibraltar(28);

“relevant registration officer” (except where otherwise provided) means—

- (a) the registration officer of the local authority in whose area the election is held; or
- (b) if the local counting area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors are registered to vote at European Parliamentary elections; or
- (c) in relation to the City of London, the registration officer for the London borough of Westminster; or
- (d) in relation to the Scottish electoral region, the returning officer designated under section 6(3) of the 2002 Act; or
- (e) the European electoral registration officer for Gibraltar as regards documents issued for use in Gibraltar;

“service voter” means a person who has made a service declaration and is registered or entitled to be registered in pursuance of it;

“sub-agent” has the meaning given by regulation 35(1) in relation to registered parties under Part 2 of the 2000 Act or regulation 39(1) in relation to individual candidates;

“universal postal service provider” means a universal service provider within the meaning of the Postal Services Act 2000(29) and, in relation to Gibraltar, such person or persons with the right to exercise the functions of a universal service provider within the meaning of Council Directive No. 97/67/EC(30); and

“voter” means a person voting at an election and includes a person voting as proxy and, except in the European Parliamentary elections rules, a person voting by proxy; and

“vote” (whether noun or verb) is to be construed accordingly, except that in those rules any reference to an elector voting or an elector’s vote is to include a reference to an elector voting by proxy or an elector’s vote given by proxy.”

4. In regulation 4 (general application to Scotland) omit paragraph (6).

(25) S.I. 2007/2089.

(26) See section 14(1) of the European Parliament (Representation) Act 2003 (c.7).

(27) Section 8 was amended by Schedules 16 and 18 to the Local Government (Wales) Act 1994 (c.19) and Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).

(28) See section 14(2) of the European Parliament (Representation) Act 2003 (c.7).

(29) 2000 c.26.

(30) O.J.L. 15/14, 21.1.98.

5.—(1) In regulation 5 (general application to Gibraltar) for “Ordinance” (wherever it appears) substitute “Act”**(31)**.

(2) After paragraph (5) insert—

“(6) Any reference to a “civil partner” (wherever it appears) is omitted.

(7) Any reference to section 13B(3B), 13B(3C) or 13B(3D) of the 1983 Act is to be construed as a reference to the equivalent provision forming part of the law of Gibraltar.”

6.—(1) In regulation 6 (conduct of the poll and count in each local counting area), in paragraph (2) omit the words “or the returning officer in Scotland”.

(2) After paragraph (2) insert—

“(2A) The local returning officer for the local counting area listed in column 1 of the table in Schedule A1 shall be the person who is the returning officer for the parliamentary constituency listed in column 2 of that table.”

7. Before Schedule 1 to the 2004 Regulations insert Schedule A1 comprising Schedule 1 to these Regulations.

8. In regulation 8 (polling districts and places), in paragraph (4) for “House of Assembly elections” substitute “elections to the Gibraltar Parliament”**(32)**.

9. In regulation 9 (rules for European Parliamentary elections and general duty of returning officers and local returning officers), after paragraph 4 insert—

“(4A) A returning officer or a local returning officer for a European Parliamentary election may take such steps as he thinks appropriate to remedy any act or omission on his part, or on the part of a relevant person, which—

- (a) arises in connection with any function the returning officer or local returning officer or relevant person has in relation to the election, and
- (b) is not in accordance with the European Parliamentary elections rules or other requirements applicable to the election.

(4B) A returning officer or local returning officer may not under paragraph (4A) recount the votes given at an election after the result has been declared.

(4C) These are the relevant persons—

- (a) a registration officer;
- (b) a presiding officer;
- (c) a person providing goods or services to the returning officer or local returning officer;
- (d) a deputy of any person mentioned in sub-paragraphs (a) to (c) or a person appointed to assist, or in the course of his employment assisting, such a person in connection with any function he has in relation to the European Parliamentary election.

(4D) A returning officer or local returning officer for a European Parliamentary election must take such steps as he thinks appropriate to encourage the participation by electors in the electoral process in the area or region for which he acts.

(4E) A returning officer or local returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (4D) of this Regulation.”

(31) The Gibraltar Constitution Order 2006 means that Gibraltar Ordinances are now referred to as Acts.

(32) As a result of the Gibraltar Constitution Order 2006 the Gibraltar Assembly is now the Gibraltar Parliament.

10. Omit regulation 13 (modification of the 2003 Act and these Regulations for 2004 elections in relation to citizens of Accession States).

11. In regulation 15 (payments by and to returning officers and local returning officers)—

(a) for paragraphs (1) to (4) substitute—

“(1) A returning officer or a local returning officer may recover his charges in respect of services rendered, or expenses incurred, for or in connection with a European Parliamentary election if—

- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and
- (b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, an order made by the Secretary of State.

(2) An order under paragraph (1) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description and, subject to paragraph (3), the returning officer or local returning officer may not recover more than that amount in respect of any such services or expenses.

(3) The Secretary of State may, in a particular case, authorise the payment of—

- (a) more than the overall recoverable amount, or
- (b) more than the specified maximum recoverable amount for any specified services or expenses,

if he is satisfied that the conditions in paragraph (4) are met.

(4) The conditions referred to in paragraph (3) are—

- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses; and
- (b) that the charges in question are reasonable.”; and

(b) in paragraph (10) for “paragraphs (1) and (2)” substitute “paragraph (1)”.

12.—(1) Regulation 17 (effect of registers) is to be amended as follows.

(2) After paragraph (1) insert—

“(1A) Paragraph (1) applies to an entry in the record of anonymous entries as it applies to an entry in the register of electors.”

13. In regulation 19 (discharge of registration duties), in paragraph (4)(a) for “Clerk to the House of Assembly for Gibraltar” substitute “Clerk of the Gibraltar Parliament”.

14. In regulation 21 (registration appeals: England and Wales) for paragraph (1) substitute—

“(1) Subject to paragraph (2), an appeal lies to the county court from any decision under these Regulations of the registration officer—

- (a) disallowing a person’s application to vote by post or proxy as elector or to vote by post as proxy, or
- (b) to remove a person’s entry from the lists of postal voters or of proxy postal voters, in any case where the application or entry is not related to a particular election only.”

15. In regulation 24 (other voting offences), after paragraph (7) insert—

“(7A) A person is not guilty of an offence under paragraph (3)(b) or (4)(b) only by reason of his having marked a tendered ballot paper in pursuance of rule 44(4) or 44(6) of the European Parliamentary elections rules.”

16.—(1) Regulation 25 (breach of official duty) is to be amended as follows.

(2) In paragraph (3), after sub-paragraph (b) omit “and” and insert—

- “(ba) a CORE keeper (within the meaning of Part 1 of the 2006 Act),
- (bb) any other person whose duty it is to be responsible after a European Parliamentary election for the used ballot papers and other documents (including returns and declarations as to expenses), and”.

(3) In sub-paragraph (3)(c) for “(a) to (b)” substitute “(a), (b) and (bb)”.

(4) After paragraph (3) insert—

“(4) Where—

- (a) a local returning officer to whom regulation 9 applies is guilty of an act or omission in breach of his official duty, but
- (b) remedies that act or omission in full by taking steps under paragraph (4A) of that regulation,

he shall not be guilty of an offence under paragraph (1) of this regulation.

(5) Paragraph (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.”

17. In regulation 26(1)(b) (tampering with nomination papers, ballot papers, etc) for “declaration of identity” substitute “postal voting statement”.

18. In regulation 28 (offences in connection with candidature), after paragraph (2) insert—

“(3) An individual candidate or a candidate being nominated in a list submitted by a registered party at a European Parliamentary election is guilty of a corrupt practice if, in any document in which he gives his consent to his nomination in accordance with rule 8 of the European Parliamentary elections rules, he makes—

- (a) a statement of his date of birth, or
- (b) a statement as to his qualification for being elected at that election,

which he knows to be false in any particular.

(4) For the purposes of paragraph (3), a statement as to a candidate’s qualification is a statement—

- (a) that he is qualified for being elected,
- (b) that he will be qualified for being elected, or
- (c) that to the best of his knowledge and belief he is not disqualified for being elected

19.—(1) Regulation 29 (requirement of secrecy) is to be amended as follows.

(2) For sub-paragraph (c) of paragraph (1) substitute—

“(c) every person so attending by virtue of any of sections 6A to 6D of the 2000 Act⁽³³⁾,”

(3) After each occurrence of the word “number” in paragraphs (2)(a), (4)(c), (5)(b) and (c) and (6) of that regulation, insert “or other unique identifying mark”.

20. In paragraph (1) of regulation 31 (interpretation of Part 2), in the definition of “election expenses” for “regulations 60 to 62” substitute “regulations 60 and 62”.

21. In paragraph (2) of regulation 32 (computation of time for purposes of Part 2), omit the words “Maundy Thursday,”.

(33) Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

22.—(1) In regulation 36 (office of agents of registered parties)—

- (a) in paragraph (1), for “writs, summonses and” substitute “legal process and other”; and
- (b) in paragraph (4), for “writs, summons or” substitute “legal process or other”.

23. In regulation 43 (payment of expenses of individual candidates through election agent), in paragraph (5)(d) for “regulation 60(5)(b)” substitute “regulation 60(5)”.

24. In regulation 45 (expenses of individual candidate incurred otherwise than for elections purposes)—

- (a) in paragraph (2) omit the words in parenthesis “(determined in accordance with regulation 61)”;
- (b) in paragraph (3) for the words “regulations 60 to 62” substitute the words “regulations 60 and 62”.

25.—(1) Regulation 46 (prohibition of expenses of individual candidate not authorised by election agent) is to be amended as follows.

(2) For paragraphs (1) and (2) substitute—

“(1) No expenses shall, with a view to promoting or procuring the election of an individual candidate at an election, be incurred after he becomes a candidate by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise representing to the electors that candidate or his views or the extent or nature of his backing or disparaging a registered party or its candidates or an independent candidate.

(1A) Sub-paragraph (c) of paragraph (1) does not restrict the publication of any matter relating to the election in—

- (a) a newspaper or other periodical,
- (b) a broadcast made by the British Broadcasting Corporation, the Gibraltar Broadcasting Corporation, or by Sianel Pedwar Cymru, or
- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990⁽³⁴⁾ or Part 1 or 2 of the Broadcasting Act 1996⁽³⁵⁾.

(1B) Paragraph (1) does not apply to any expenses incurred by any person—

- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or
- (b) in travelling or living away from home or similar personal expenses.

(2) For the purposes of paragraph (1B), the “permitted sum” means £5,000; and expenses must be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding paragraph (1B)(a)) fall within paragraph (1).

(2A) For the purposes of paragraph (1), expenditure incurred before or on the date when a person becomes an individual candidate or a candidate included in the list of candidates

⁽³⁴⁾ 1990 c.42. Parts 1 and 3 have been amended by the Communications Act 2003 (c.21).

⁽³⁵⁾ 1996 c.55. Parts 1 and 2 have been amended by the Communications Act 2003 (c.21).

submitted by a registered party at the election, is to be treated as having been incurred after that date if it is incurred in connection with any thing which is used or takes place after that date.”

26. In regulation 51 (return as to election expenses: individual candidates) in sub-paragraph (3) (e) for “regulation 60(5)(b)” substitute “regulation 60(5)”.

27. For regulations 60 (meaning of “election expenses”) and 61 (incurring election expenses for the purposes of regulation 60) substitute the following—

“Meaning of “election expenses”

60.—(1) In this Part of these Regulations “election expenses” in relation to a candidate at an election means (subject to paragraph (2) and regulation 62) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 7A which is used for the purposes of the candidate’s election after the date when he becomes a candidate at the election.

(2) No election expenses are to be regarded as incurred by virtue of paragraph (1) or regulation 62 in respect of any matter specified in Part 2 of Schedule 7A.

(3) In this regulation and regulation 62 “for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election.

(4) For the purposes of this Part of these Regulations and in Schedule 7A, election expenses are incurred by or on behalf of a candidate at an election if they are incurred—

- (a) by the candidate or his election agent, or
- (b) by any person authorised in writing by the candidate or his election agent to incur expenses.

(5) In this Part of these Regulations and in Schedule 7A, any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses—

- (a) which are incurred as mentioned in paragraph (1) before the date when he becomes a candidate at the election, but
- (b) which by virtue of that paragraph fall to be regarded as election expenses.

(6) In this Part of these Regulations and in Part 4 and in Schedule 7A, any reference (in whatever terms) to promoting or procuring a candidate’s election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.

61. Schedule 7A, which makes provision for election expenses, has effect.”

28. In regulation 62 (property, goods, services etc provided free of charge or at a discount) paragraph (2) is to be amended by substituting for “regulation 60(3)” a reference to “Part 2 of Schedule 7A to these Regulations”.

29.—(1) Regulation 63 (candidate’s right to send election address post free) is to be amended as follows.

(2) After paragraph (2) insert—

“(2A) The individual candidate and the nominating officer of a registered party which are included in the statement of parties and individual candidates nominated for the election or a person authorised in writing by that officer may also require the local returning officer to make arrangements with the universal postal service provider for communications under paragraph (1)(b) to be sent to persons who have anonymous entries in the register.

(2B) Arrangements under paragraph (2A) must be such as to ensure that it is not disclosed to any other person that the addressee of such a communication has an anonymous entry.”

(3) In sub-paragraph (b) of paragraph (5) for the words beginning with “as below voting age” to the end of that sub-paragraph substitute “(or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries) as below voting age if (but only if) it appears from the register (or from the record) that he will be of voting age on the day fixed for the poll.”.

30. In regulation 65 (broadcasting of local items during election period), in paragraph (4) after “the British Broadcasting Corporation” insert “, the Gibraltar Broadcasting Corporation”.

31. For regulation 74 (details to appear on election publications) substitute the following—

“Details to appear on election publications

74.—(1) This regulation applies to any material which can reasonably be regarded as intended to promote or procure the election of a candidate at an election (whether or not it can be so regarded as intended to achieve any other purpose as well).

(2) No material to which this regulation applies is to be published unless in the case of material which is, or is contained in, such a printed document as is mentioned in paragraph (4), (5) or (6), the requirements of that paragraph are complied with.

(3) For the purposes of paragraphs (4) to (6), the following details are “the relevant details” in the case of any material falling within paragraph (2), namely—

- (a) the name and address of the printer of the document;
- (b) the name and address of the promoter of the material; and
- (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

(5) Where the material is a printed document other than one to which paragraph (4) applies, the relevant details must appear either on the first or the last page of the document.

(6) Where the material is an advertisement contained in a newspaper or periodical—

- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
- (b) the relevant details specified in paragraph (3)(b) and (c) must be included in the advertisement.

(7) Where any material falling within paragraph (1) is published in contravention of paragraph (2), then (subject to paragraphs (8) and (9))—

- (a) the promoter of the material,
- (b) any other person by whom the material is so published, and
- (c) the printer of the document,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(8) It shall be a defence for a person charged with an offence under this regulation to prove—

- (a) that the contravention of paragraph (2) arose from circumstances beyond his control; and
- (b) that he took all reasonable steps, and exercised all due diligence, to ensure that the contravention would not arise.

(9) Where a candidate or his election agent would (apart from this paragraph) be guilty of an offence under paragraph (7), he shall instead be guilty of an illegal practice.

(10) In this regulation—

“print” means print by whatever means, and “printer” is to be construed accordingly;
“the promoter”, in relation to any election material, means the person causing the material to be published; and

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.

(11) For the purpose of determining whether any material is material such as is mentioned in paragraph (1), it is immaterial that it does not expressly mention the name of any candidate.”

32. In regulation 79 (undue influence), for sub-paragraph (b) of paragraph (2) substitute—

“(b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents or intends to impede or prevent the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon or intends so to compel, induce or prevail upon an elector or proxy for an elector either to vote or to refrain from voting.”

33. In regulation 86 (interpretation of Part 4)—

(a) for the definition of “Licensing Acts” substitute—

“Licensing Acts” means the Licensing Act 2003⁽³⁶⁾ or, in relation to Scotland, the Licensing (Scotland) Act 2005⁽³⁷⁾, or in relation to Gibraltar, the Licensing and Fees Act⁽³⁸⁾, the Clubs Act⁽³⁹⁾, the Entertainment Act⁽⁴⁰⁾ and the Leisure Areas (Licensing) Act 2001⁽⁴¹⁾;

(b) in paragraph (c) of the definition of “public office” for “borough” substitute “burgh”.

34. In regulation 89 (presentation and service of European Parliamentary election petitions) after paragraph (1) insert—

“(1A) The reference in paragraph (1)(a) to a person who voted as an elector at an election or who had the right so to vote does not include a person who had an anonymous entry in a register of electors.”

35. Omit regulation 103 (abatement of petition).

36. In regulation 109 (prosecution for corrupt practice), in paragraph (1)(a)(i) after “regulation 23” insert “or paragraph 11 of Schedule 2”.

37. For regulation 114 (time limit for prosecution), substitute—

“Time limit for prosecution

114.—(1) A proceeding against a person in respect of any offence under any provision contained in these Regulations shall be commenced within one year after the offence was committed, and the time so limited by this regulation shall, in the case of any proceedings under the Magistrates’ Court Act 1980⁽⁴²⁾ or, in the case of Gibraltar, the Criminal

⁽³⁶⁾ 2003 c.17.

⁽³⁷⁾ 2005 asp. 16.

⁽³⁸⁾ Gibraltar Act No. 1961-29.

⁽³⁹⁾ Gibraltar Act No.1924-09.

⁽⁴⁰⁾ Gibraltar Act No.1934-38.

⁽⁴¹⁾ Gibraltar Act No. 2001-24.

⁽⁴²⁾ 1980 c.43.

Procedure Act(43), for any such offence be substituted for any limitation of time contained in those Acts.

(2) A magistrates' court in England, Wales or Gibraltar may act under paragraph (3) if it is satisfied on an application by a constable or Crown Prosecutor, or in Gibraltar, the Attorney General—

- (a) that there are exceptional circumstances which justify the granting of the application, and
- (b) that there has been no undue delay in the investigation of the offence to which the application relates.

(3) A magistrates' court may extend the time within which proceedings must be commenced in pursuance of paragraph (1) to not more than 24 months after the offence was committed.

(4) If a magistrates' court acts under paragraph (3), it may also make an order under paragraph (5) if it is satisfied, on an application by a constable or Crown Prosecutor, or in Gibraltar, the Attorney General, that documents retained by the relevant registration officer in pursuance of rule 66 of the European Parliamentary elections rules may provide evidence relating to the offence.

(5) An order under this paragraph is an order—

- (a) directing the relevant registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in rule 66 of the European Parliamentary elections rules, and
- (b) extending the period for which he is required to retain them under that rule by such further period not exceeding 12 months as is specified in the order.

(6) The making of an order under paragraph (5) does not affect any other power to require the retention of the documents.

(7) An application under this regulation must be made not more than one year after the offence was committed.

(8) Any party to—

- (a) an application under paragraph (2), or
- (b) an application under paragraph (4),

who is aggrieved by the refusal of the magistrates' court to act under paragraph (3) or to make an order under paragraph (5) (as the case may be) may appeal to the Crown Court or, in Gibraltar, the Supreme Court.

(9) For the purposes of this regulation—

- (a) in England and Wales, the laying of information;
- (b) in Gibraltar, the laying of information; and
- (c) in Scotland, the granting of a warrant to apprehend or cite the accused (if, in relation to an offence alleged to have been committed within the United Kingdom, such warrant is executed without delay),

shall be deemed to be the commencement of the proceeding.”

38. Before regulation 123 (public notices and declarations) insert—

“Translations etc. of certain documents

122A.—(1) Paragraphs (2) and (3) apply to any document which by virtue of these Regulations is required or authorised to be given to voters or displayed in any place for the purposes of a European Parliamentary election.

(2) The person who is required or authorised to give or display the document must, as he thinks appropriate, give or display or otherwise make available in such form as he thinks appropriate—

- (a) the document in Braille;
- (b) the document in languages other than English;
- (c) graphical representations of the information contained in the document;
- (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.

(3) The person required or authorised to give or display the document must also, as he thinks appropriate, make available the information contained in the document in such audible form as he thinks appropriate.

(4) Paragraphs (2) and (3) do not apply to—

- (a) the nomination paper; and
- (b) the ballot paper.

(5) The local returning officer at a European Parliamentary election must cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper in accordance with rule 32(5)(a) of the European Parliamentary elections rules.

(6) The sample copy mentioned in paragraph (5) —

- (a) must have printed the words “Vote once (X) in one blank box” at the top; and
- (b) may include a translation of those words into such other languages as the local returning officer thinks appropriate.

(7) The local returning officer at a European Parliamentary election must provide at every polling station in the election an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.

(8) The sample copy mentioned in paragraph (7) must be clearly marked as a specimen provided only for the guidance of voters. ”

European Parliamentary elections rules

39. For Schedule 1, substitute the Schedule comprising Schedule 2 to these Regulations.

Absent voting

40. For Schedule 2, substitute the Schedule comprising Schedule 3 to these Regulations.

Modification of European Parliamentary elections rules for combined polls

41. For Schedule 3, substitute the Schedule comprising Schedule 4 to these Regulations.

Entitlement to registration and legal incapacity to vote in Gibraltar

42.—(1) Schedule 4 is amended as follows.

- (2) Subject to paragraphs (3) and (6), for “Ordinance” (wherever it occurs) substitute “Act”(44).
- (3) For “European Parliamentary Elections Ordinance 2004” (wherever it occurs) substitute “2004 Act”.
- (4) In paragraph 2(3) (time), omit “Maundy Thursday,”.
- (5) In paragraph 4(2)(c) (legal incapacity to vote of offenders detained in mental hospitals) for “an admission order has been made under section 116B” substitute “a hospital order has been made under section 116A”(45).
- (6) In paragraph 4(3) (legal incapacity to vote of offenders detained in mental hospitals), omit “Ordinance or” (in both places).
- (7) Omit paragraph 7 (alteration of Gibraltar register: pending elections).
- (8) In paragraph 17(2)(a) (service declaration) for “12 months” substitute “3 years”.

Modifications for relevant citizens of the Accession States in 2004

43. Omit Schedule 5.

Control of donations to individual candidates

- 44.—(1) Schedule 6 is amended as follows.
 - (2) For sub-paragraph (7) of paragraph 1 substitute—

“(7) In relation to a donation received by a candidate at an election in Great Britain or Gibraltar, references to a permissible donor falling within section 54(2) of the 2000 Act are to be read as if section 54(2) did not include a party registered in the Northern Ireland register maintained by the Commission under Part 2 of that Act.”
 - (3) The existing text of paragraph 10 shall become sub-paragraph (1) of that paragraph and after sub-paragraph (1) insert—

“(2) If the statement states that the candidate’s election agent has seen a certificate of anonymous registration issued pursuant to regulation 45G of the 2001 Regulations(46), regulation 45F of the 2001 (Scotland) Regulations(47) or the equivalent provision forming part of the law of Gibraltar, which is evidence that an individual donor has an anonymous entry in an electoral register, the statement must be accompanied by a copy of that certificate of anonymous registration(48).”

Election expenses

45. After Schedule 7, insert the Schedule 7A comprising Schedule 5 to these Regulations.

(44) The Gibraltar Constitution Order 2006 renamed Gibraltar Ordinances as “Acts”.

(45) The Army Act 1955 (c.18) has been amended by the Domestic Violence, Crime and Victims Act 2004 (c.28) and this amendment is consequential on the provision made for hospital orders under the Army Act 1955 as amended.

(46) Regulation 45G was inserted by S.I.2006/2910.

(47) Regulation 45F was inserted by S.I.2007/925.

(48) Paragraph 11 of Schedule 6 to the 2004 Regulations provides that a statement of relevant donations must record information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Act. The effect of paragraphs 2(3B) and (3C) of Schedule 6 to the 2000 Act, as inserted by section 10 of, and paragraph 26 of Schedule 1 to, the 2006 Act, is that when registered parties are reporting donations from donors with anonymous entries the donation report does not need to contain their address but instead should state that the registered party has seen evidence of such description as is prescribed by the Secretary of State. The prescribed evidence under S.I.2008/2869 is a certificate of anonymous registration.

Signed by authority of the Secretary of State

Date

Name
Minister of State
Ministry of Justice

SCHEDULE 1

Regulation 7

“SCHEDULE A1

Regulation 6(2A)

Local counting area	Parliamentary Constituency
Aberdeen City	Aberdeen North
Aberdeenshire	Banff & Buchan
Angus	Angus
Argyll and Bute	Argyll & Bute
City of Edinburgh	Edinburgh East
Clackmannanshire	Ochil & South Perthshire
Comhairle nan Eilean Siar	Na h-Eileanan an Iar
Dumfries and Galloway	Dumfries & Galloway
Dundee City	Dundee East
East Ayrshire	Kilmarnock & Loudoun
East Dunbartonshire	East Dunbartonshire
East Lothian	East Lothian
East Renfrewshire	East Renfrewshire
Falkirk	Falkirk
Fife	Dunfermline & West Fife
Glasgow City	Glasgow Central
Highland	Caithness, Sutherland & Easter Ross
Inverclyde	Inverclyde
Midlothian	Midlothian
Moray	Moray
North Ayrshire	North Ayrshire & Arran
North Lanarkshire	Airdrie & Shotts
Orkney Islands	Orkney & Shetland
Perth and Kinross	Perth & North Perthshire
Renfrewshire	Paisley & Renfrewshire North
Scottish Borders	Berwickshire, Roxburgh & Selkirk
Shetland Islands	Orkney & Shetland
South Ayrshire	Ayr, Carrick & Cumnock
South Lanarkshire	East Kilbride, Strathaven & Lesmahagow
Stirling	Stirling
West Dunbartonshire	West Dunbartonshire

Local counting area	Parliamentary Constituency
West Lothian	Linlithgow & East Falkirk”

SCHEDULE 2

Regulation 39

“SCHEDULE 1

Regulation 9

EUROPEAN PARLIAMENTARY ELECTIONS RULES

PART 1

PROVISIONS AS TO TIME

Timetable

1. The proceedings at the election must be conducted in accordance with the following Timetable.

Timetable

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the date of poll.
Delivery of nomination papers and list of candidates of registered parties	Between the hours of 10 a.m. and 4 p.m. on any day after the date of the publication of the notice of election but not later than the nineteenth day before the date of the poll
Delivery of notices of withdrawals of candidature	Within the time for the delivery of nomination papers and lists of candidates at the election
The making of objections to nomination papers or list of candidates of registered parties	During the hours allowed for delivery of nomination papers and lists of candidates on the last day for their delivery and the hour following; but <ol style="list-style-type: none"> (a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery and, in the case of a nomination paper so delivered, no objection may be so made to the sufficiency or nature of the particulars of a registered party or candidate on the party’s list or individual candidate unless made at or immediately after the time of the delivery of the nomination paper; and (b) the foregoing provisions do not apply to objections made in pursuance of rule 18(2).

<i>Proceeding</i>	<i>Time</i>
Publication of statement of parties and individual candidates nominated	If no objections to nomination papers or lists of candidates of registered parties are made, at the close of the time for doing so, or if any such objections are made to nomination papers or lists of candidates of registered parties, not before they are disposed of, but not later than 24 hours after the last time for delivery of nomination papers or lists (as the case may be).
Polling	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.

Computation of time

2.—(1) In computing any period of time for the purposes of the Timetable in rule 1—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor must the returning officer or local returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means—

- (a) in relation to a general election in the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(49) in any part of the United Kingdom or a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (b) of paragraph (1);
- (b) in relation to a by-election in the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales or a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (b) of paragraph (1);
- (c) in relation to a general election in a region other than the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom; and
- (d) in relation to a by-election in a region other than the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in that part of the United Kingdom in which the region is situated,

but at a general election sub-paragraph (b) or (d) and not sub-paragraph (a) or (c) (as the case may be) of this paragraph applies in relation to any proceedings extending, by reason of riot or open violence, beyond the time laid down by the Timetable in rule 1.

(49) 1971 c. 80.

PART 2

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

- 3.—(1) The returning officer must publish notice of the election stating—
- (a) the place and times at which nomination papers are to be delivered; and
 - (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must also state the arrangements which apply for the payment of the deposit required by rule 10 to be made by means of the electronic transfer of funds.

- (3) The notice of election must state the date by which—
- (a) applications to vote by post or by proxy; and
 - (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

(4) The returning officer must send a copy of the notice to the local returning officer for each local counting area in the electoral region; and each local returning officer must publish the copy of the notice at a place within the area in which he acts.

Nomination of individual candidates

4.—(1) Each individual candidate must be nominated by a separate nomination paper, which is signed and delivered by the individual candidate himself or a person authorised in writing by him.

- (2) The nomination paper must state the individual candidate's—
- (a) full names;
 - (b) home address in full; and
 - (c) if desired, description,

and the surname must be placed first in the list of his names.

- (3) If an individual candidate commonly uses—
- (a) a surname which is different from any other surname he has; or
 - (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

- (4) The description (if any) can only be—
- (a) in the case of an individual candidate standing on behalf of a registered party at a by-election, the name of the party registered under section 28 of the 2000 Act and, if desired, a description which is authorised as mentioned in rule 5(2) or (4); or
 - (b) the word “Independent”.

(5) Where a nomination paper is delivered in respect of the same person after an earlier paper in respect of that person has been delivered, that later paper must be deemed to supersede the earlier one.

Nomination papers: name of registered party at a by-election

5.—(1) The nomination paper of an individual candidate standing on behalf of a registered party at a by-election must state the name of the party registered under section 28 of the 2000 Act.

(2) A nomination paper may not include a description of an individual candidate which is likely to lead electors to associate the candidate with a registered party unless —

- (a) the individual candidate is standing on behalf of a registered party at a by-election;
- (b) the party is a qualifying party in relation to the electoral region; and
- (c) the description is authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of the party; and
 - (ii) received by the returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 1.

(3) In paragraph (2) an authorised description must be a description of the party registered under section 28A(50) of the 2000 Act.

(4) A nomination paper may not include a description of an individual candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless—

- (a) the individual candidate is standing on behalf of two or more registered parties at a by-election;
- (b) each of the parties are qualifying parties in relation to the electoral region; and
- (c) the description is a registered description authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of each of the parties; and
 - (ii) received by the returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 1.

(5) For the purposes of paragraph (4), an authorised description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (2) or (4) on behalf of a registered party's nominating officer.

(7) For the purposes of the application of this rule in relation to an election—

- (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election; and
- (b) a registered party is a qualifying party in relation to an electoral region if the region is in England, Wales, Scotland or the combined region and the party was on the relevant day registered in respect of that part of Great Britain or the combined region in the Great Britain register mentioned under that Part of that Act.

(8) For the purposes of paragraph (7)(a) any day falling within rule 2(1) must be disregarded.

Nomination papers: name of registered party at a general election

6.—(1) A registered party which is to stand for election in the electoral region must be nominated by a nomination paper delivered to the returning officer at the place which he has fixed for the purpose, by the party's nominating officer or a person authorised in writing by him.

(2) The nomination paper must state the name of the party registered under section 28 of the 2000 Act.

(50) Sections 28A and 28B of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

(3) The nomination paper may state the description by which the registered party is to stand for election.

(4) In paragraph (3) a description must be a description of the party registered under section 28A of the 2000 Act.

(5) The nomination paper must be accompanied by a list of candidates which complies with rule 7.

(6) The nomination paper must include a statement that the party is nominated by or on behalf of the nominating officer of the registered party in question and must be signed by the person making it.

(7) Where a nomination paper and list of candidates are delivered in respect of the same registered party after an earlier paper and list have been delivered in respect of that party, that later paper and list must be deemed to supersede the earlier ones.

(8) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (6) on behalf of a registered party's nominating officer.

List of candidates

7.—(1) The number of candidates in the list of a registered party's candidates which must accompany its nomination paper must not exceed the number of MEPs to be elected in the electoral region at the election.

(2) The list must set out the full names and home addresses in full of each candidate.

(3) If a person on the list of a registered party's candidates commonly uses—

(a) a surname which is different from any other surname he has; or

(b) a forename which is different from any other forename he has,

the list may state the person's commonly used surname or forename in addition to the other name.

Consent to nomination

8.—(1) A person shall not be validly nominated as an individual candidate or a candidate on a registered party's list unless his consent to nomination—

(a) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers;

(b) is attested by one witness;

(c) in the case of a candidate on a registered party's list, identifies the party in question; and

(d) is delivered at the place and within the time for the delivery of nomination papers, subject to paragraph (2).

(2) If the returning officer is satisfied that, owing to the absence of a person from the United Kingdom or Gibraltar (as the case may be) it has not been reasonably practicable for his consent in writing to be given, a telegram (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent is not required.

(3) A candidate's consent given under this rule must state the day, month and year of his birth; and—

(a) that he is aware of the provisions of section 10 of the European Parliamentary Elections Act 2002(51); and

(51) 2002 c. 24. Subsections (4A) and (4B) of section 10 were inserted by section 21 of the European Parliament (Representation) Act 2003 (c.7) and subsection (3) was amended by that provision. Subsections (3A), (3B) and (7A) to (7C) were inserted by section 18 of, and paragraph 41 of Schedule 1 to, the Electoral Administration Act 2006 (c.22) and subsections (3) and

(b) that to the best of his knowledge and belief he is not disqualified for the office of MEP.

(4) For the purpose of paragraph (3)(b), a candidate is not disqualified for the office of MEP by virtue of his being a life peer at the time of his nomination⁽⁵²⁾.

Candidature by relevant citizen of the Union

9.—(1) — Where the candidate is a relevant citizen of the Union, he shall not be validly nominated as an individual candidate or as a candidate on a registered party’s list, unless a declaration under paragraph (2) and a certificate under paragraph (3) are delivered at the place and within the time for the delivery of nomination papers.

(2) The declaration referred to in paragraph (1) must be made by or on behalf of the candidate and state, in addition to his name—

- (a) his nationality;
- (b) his home address in the United Kingdom or Gibraltar in full;
- (c) that he is not standing as a candidate for election to the European Parliament in any other Member State at elections held in the same period; and
- (d) where his name has been entered in a register of electors in a locality or constituency in the Member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last entered.

(3) The certificate referred to in paragraph (1) must be made by the competent administrative authorities in the Member State of which the candidate is a national stating either that he has not been deprived of his right to stand as a candidate in that State or that no such disqualification is known to those authorities.

(4) As soon as practicable after publication of the statement of parties and individual candidates nominated, the returning officer must send to the Secretary of State a copy of the declaration made under paragraph (2) by any candidate who stands nominated either by virtue of the list of candidates which accompanied a registered party’s nomination or as an individual candidate.

(5) In this rule “locality or constituency” and “competent administrative authorities” have the same meaning as they have in the Council Directive [93/109/EC](#)⁽⁵³⁾.

Deposit

10.—(1) A person shall not be validly nominated as an individual candidate unless the sum of £5,000 is deposited by him or on his behalf with the returning officer at the place and during the time for delivery of nomination papers.

(2) A registered party shall not be validly nominated unless the sum of £5,000 is deposited on its behalf with the returning officer at the place and during the time for the delivery of nomination papers.

(3) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker’s draft, or
- (c) with the returning officer’s consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

(4A) were amended by those provisions. In subsection (8) the words “7(1) and (2)” were substituted by [S.I.2004/1374](#). The amendments made to subsection (1) by the Constitutional Reform Act [2005 \(c.4\)](#) are not yet in force.

(52) The European Parliament (House of Lords Disqualification) Regulations 2008 ([S.I.2008/1647](#)) provide that a life peer who is elected to the office of member of the European Parliament is disqualified for sitting and voting in the House of Lords during his membership of the European Parliament.

(53) O.J.L 329, 30.12.1993, page 34.

but the returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on a business as a banker in the United Kingdom or Gibraltar.

(4) Where the deposit is made on behalf of the registered party or individual candidate, the person making the deposit must at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under regulation 33, 34 or 38 of these Regulations).

Place for delivery of nomination papers

11. The returning officer must fix the place in the electoral region at which nomination papers are to be delivered to him, and must attend there during the time for their delivery and for the making of objections to them.

Right to attend nomination

12.—(1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as an individual candidate or included in a list under rule 7; or
- (b) the election agent of a registered party which has submitted a nomination paper or of an individual candidate; or
- (c) a person authorised in writing to deliver a nomination paper; or
- (d) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Act⁽⁵⁴⁾.

(2) The right to attend conferred by this rule includes the right—

- (a) to inspect; and
- (b) to object to the validity of,

any nomination paper or list of candidates.

(3) Paragraph (2) does not apply to a person mentioned in paragraph (1)(d).

(4) One other person chosen by each candidate is entitled to be present at the delivery of the candidate's nomination, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1) but without any such right as is conferred by paragraph (2).

Decisions as to validity of nomination papers

13.—(1) Where, in the case of an individual candidate, a nomination paper and the candidate's consent to it (and, where required, a declaration and certificate under rule 9(2) and (3)) are delivered and a deposit is made in accordance with these rules, the candidate must be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid; or
- (b) proof is given to the returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) Where, in the case of a registered party, a nomination paper and list under rule 7 are delivered and a deposit is made in accordance with these rules, the party and (subject to paragraph (5)) the candidates on its list must be deemed to stand nominated unless and until the returning officer determines that the nomination paper or list is invalid.

⁽⁵⁴⁾ Sections 6A and 6B were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

(3) The returning officer is entitled to hold a nomination paper of an individual candidate invalid only on one of the following grounds—

- (a) that the particulars of the candidate are not as required by law;
- (b) that the candidate is disqualified by the Representation of the People Act 1981⁽⁵⁵⁾ (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act) or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act⁽⁵⁶⁾.

(4) The returning officer is entitled to hold a nomination paper of a registered party, together with the list of candidates accompanying it, invalid only on one of the following grounds—

- (a) that the contents of the nomination paper are not as required by law; and
- (b) that the number of candidates in the list breaches rule 7(1).

(5) Where—

- (a) the particulars of any candidate in the list of candidates accompanying the nomination paper of a registered party are not as required by law;
- (b) the consent to nomination of any such candidate is not delivered in accordance with these rules; or
- (c) any such candidate is a relevant citizen of the Union and a declaration and certificate under paragraphs (2) and (3) of rule 9 have not been delivered in accordance with that rule,

the returning officer must delete the name and address of that candidate from the list.

(6) The returning officer must give his decision on any objection to a nomination paper—

- (a) as soon as practicable after it is made; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the

period for delivery of nomination papers set out in the Timetable in rule 1.

(7) If, in the returning officer's opinion a nomination paper breaches rule 5(2) or (4), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Timetable in rule 1.

(8) Where the returning officer decides that a nomination paper is invalid, he must endorse on the paper the fact and the reasons for his decision and sign the paper.

(9) Where the returning officer deletes any name from the list of candidates of a registered party, he must endorse on the nomination paper the fact and the reasons for his decision to do so and sign the paper.

(10) The returning officer's decision that a nomination paper and, where applicable, its accompanying list, is valid is final and may not be questioned in any proceedings whatsoever.

(11) Subject to paragraph (10), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Withdrawal of candidates

14.—(1) An individual candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, and

⁽⁵⁵⁾ 1981 c.34.

⁽⁵⁶⁾ Subsection (4A) was inserted by section 21(1)(b) of the European Parliament (Representation) Act 2003 (c. 7). The European Parliament (Disqualification)(United Kingdom and Gibraltar) Order 2004 (S.I.2004/1246) has been made under this provision.

(b) delivered to the returning officer at the place for delivery of nomination papers.

(2) The nominating officer of a registered party or a person authorised in writing by him may withdraw that party's nomination by notice of withdrawal signed by him and delivered to the returning officer at the place for delivery of nomination papers.

Publication of statement of persons nominated

15.—(1) The returning officer must prepare and publish a statement (“the statement of parties and individual candidates nominated”) showing—

- (a) the registered parties which have been and stand nominated, together with the list of persons who stand as candidates of those parties;
- (b) persons who have been and stand nominated as individual candidates; and
- (c) any other persons or parties who have been nominated (whether on a list of a registered party or as individual candidates) together with the reason why they no longer stand nominated.

(2) The statement must show the names followed by the descriptions, if any, of registered parties which have been and stand nominated in alphabetical order, with the names, home addresses of the candidates who appear on the list of each party as given in that list and arranged in the order in which their names appear on that list.

(3) The statement must show the names followed by descriptions, if any, and addresses of the persons nominated as individual candidates as given in their nomination papers.

(4) If a nomination paper or list gives a commonly used surname or forename of a candidate in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.

(5) Paragraph (4) does not apply if the returning officer thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(6) If paragraph (5) applies, the returning officer must give notice in writing to the candidate and party whose list contains the candidate's name of his reasons for refusing to allow the use of a commonly used name.

(7) The statement must show the persons standing nominated as individual candidates after the names of the registered parties standing nominated and the names of those candidates must be arranged alphabetically in order of their surnames, and, if there are two or more of them with the same surname, of their other names.

(8) The returning officer must send to the Electoral Commission a copy of the statement.

Correction of minor errors

16.—(1) A returning officer may, if he thinks fit, at any time before the publication under rule 15 of the statement of parties and individual candidates nominated, correct minor errors in a nomination paper or list.

(2) Errors which may be corrected include obvious errors of spelling in relation to the details of a candidate or the authorised description of a registered party.

(3) Anything done by a returning officer in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Local publication of statement under rule 15

17.—(1) Immediately following publication of the statement of parties and individual candidates nominated, the returning officer must forward a copy of it to the local returning officer for each local counting area in the electoral region.

(2) As soon as practicable after receipt of the copy of the statement, each local returning officer must publish it at a place within the area for which he acts.

Disqualification by Representation of the People Act 1981

18.—(1) If it appears to the returning officer that any of the persons nominated as an individual candidate might be disqualified by the Representation of the People Act 1981⁽⁵⁷⁾ (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act) or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act ⁽⁵⁸⁾ he must, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of that part of the statement of parties and individual candidates nominated as is required by rule 15(1)(b).

(2) The draft must be headed “draft statement of individual candidates nominated” and must contain a notice stating that any person who wishes to object to the nomination of any individual candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act may do so between the hours of 10 a.m. and 4 p.m. and at the place specified in the notice; and the day so specified must be the day after the last day for the delivery of nomination papers.

Adjournment of nomination proceedings in case of riot

19.—(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—

- (a) the proceedings must be abandoned for that day; and
- (b) if that day is the last day for the delivery of nomination papers, the proceedings must be continued on the next day as if that were the last day of such delivery,

and that day must be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).

(2) Where proceedings are abandoned by virtue of this rule, nothing—

- (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment;
- (b) done before the abandonment is invalidated by reason of the abandonment.

Method of election

20.—(1) If the statement of parties and individual candidates nominated shows more candidates than there are seats to be filled, a poll must be taken in accordance with Part 3 of these rules.

(2) If the statement of parties and individual candidates nominated shows a number of candidates (whether on a registered party’s list or individual candidates) which is the same as or less than the number of seats to be filled, those candidates must be declared to be elected in accordance with Part 4 of these rules.

⁽⁵⁷⁾ 1981 c.34.

⁽⁵⁸⁾ Subsection (4A) was inserted by section 21(1)(b) of the European Parliament (Representation) Act 2003 (c. 7). The European Parliament (Disqualification)(United Kingdom and Gibraltar) Order 2004 (S.I.2004/1246) has been made under this provision.

PART 3
CONTESTED ELECTIONS
CHAPTER 1
General Provisions

Poll to be taken by ballot

21. The votes at the poll must be given by ballot in accordance with subsection (4) of section 2 of the 2002 Act and the seats must be allocated in accordance with subsections (5) to (9) of that section.

The ballot papers

22.—(1) The ballot of every voter must consist of a ballot paper, and the registered parties, together with their candidates shown in the statement of parties and individual candidates nominated and the individual candidates shown as standing nominated, and no others, are entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in Form A in the Appendix, and must be printed in accordance with the directions in that Appendix, and—

- (a) must contain the names followed by the descriptions, if any, of the registered parties shown in the statement of parties and individual candidates nominated, together with the names of the candidates of those parties and the names, followed by the descriptions if any, of any individual candidate so shown;
- (b) must be capable of being folded up; and
- (c) must have a number and other unique identifying mark printed on the back.

(3) If a request is made by or on behalf of a nominating officer of a registered party, the ballot paper must contain adjacent to the party's name the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The request must—

- (a) be made in writing to the returning officer; and
- (b) be received by him before the last time for the delivery of nomination papers set out in the Timetable in rule 1.

(5) The order of the names of the registered parties, together with their candidates, and of the individual candidates in the ballot paper must be the same as in the statement of parties and individual candidates nominated.

The corresponding number list

23.—(1) The local returning officer must prepare a list ("the corresponding number list") containing the numbers and other unique identifying marks of all the ballot papers to be issued by him in pursuance of rule 28(1) or provided by him in pursuance of rule 32(1).

(2) The form of corresponding number list to be prepared by a local returning officer for the purpose of rule 28(1) and paragraph 48(1) of Schedule 2 must be in Form B in the Appendix.

(3) The form of corresponding number list to be prepared by the local returning officer for the purposes of rule 32(3)(d) and 41(1)(b) must be in Form C in the Appendix.

(4) The form of corresponding number list to be prepared by the local returning officer for the purpose of rule 28(1) and paragraph 48(1) of Schedule 2 when the poll at a European Parliamentary election is to be taken with—

- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act⁽⁵⁹⁾ (combination of polls at parliamentary, European Parliamentary and local government elections), or
- (b) the poll at a mayoral election or a referendum in accordance with regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000⁽⁶⁰⁾,

must be in Form D in the Appendix.

(5) The form of corresponding number list to be prepared by the local returning officer for the purposes of rules 32(3)(d) and 41(1)(b) when the poll at a European Parliamentary election is to be taken with—

- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), or
- (b) the poll at a mayoral election or referendum in accordance with regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000,

must be in Form E in the Appendix.

The official mark

24.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at elections for the same local counting area.

(3) The local returning officer may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

25. No person who has voted at the election must, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

26.—(1) The local returning officer may use, free of charge, for the purpose of taking the poll—

- (a) a room in a school to which this rule applies;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) This rule applies—

- (a) in England and Wales, to a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) in Scotland, to a school other than an independent school within the meaning of the Education (Scotland) Act 1980⁽⁶¹⁾;
- (c) in Gibraltar, to a school, club or sports house or other premises, the expense of maintaining which is payable wholly or partly out of public funds or out of any rate, or by a body whose expenses are so payable.

⁽⁵⁹⁾ 1985 c.50. Section 15(1) was amended by section 3 of the European Communities (Amendment) Act 1986 (c.58).

⁽⁶⁰⁾ 2000 (c.22). The following regulations have been made under sections 44, 45 and 105 of the Local Government Act 2000: S.I.2004/294, 2004/870, 2006/752, 2006/2910, 2006/3278, 2007/1024, 2007/1025 and 2007/2089.

⁽⁶¹⁾ 1980 c.44.

(3) The local returning officer must make good any damage done to, and defray any expense incurred by the persons having control over, any room which has been used in accordance with this rule by reason of its being used for the purpose of taking the poll.

CHAPTER 2

Action to be Taken Before the Poll

Notice of poll

27.—(1) The returning officer must in the statement of parties and individual candidates nominated include a notice of the poll stating the day on which and hours during which the poll will be taken.

(2) In respect of each local counting area or part of an area contained in the electoral region, the local returning officer must also give public notice of—

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

and he must as soon as practicable after giving such notice give a copy of it to each of the election agents.

Postal ballot papers and postal voting statements

28.—(1) The local returning officer must, in accordance with Schedule 2, issue to those entitled to vote by post a ballot paper and postal voting statement in the appropriate form prescribed by paragraph 42 of that Schedule, together with such envelopes for their return as are required for the purposes of paragraph 50 of that Schedule.

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

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

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

Provision of polling stations

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

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

(3) The polling station allotted to electors from any polling district must be in the polling place for that district.

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

Appointment of presiding officers and clerks

30.—(1) The local returning officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a registered party or individual candidate in or about the election.

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

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

Issue of official poll cards

31.—(1) The local returning officer must as soon as practicable after the publication of the notice of election send to electors and their proxies the appropriate official poll card, but a card must not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration.

(2) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card issued to an elector must be in Form F in the Appendix.

(4) The official postal poll card issued to an elector must be in Form G in the Appendix.

(5) The official poll card issued to the proxy of an elector must be in Form H in the Appendix.

(6) The official postal poll card issued to the proxy of an elector must be in Form J in the Appendix.

(7) The official poll card must set out—

- (a) the name of the electoral region and electoral area;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station;
- (d) such other information as the local returning officer thinks appropriate,

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

(8) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (7)(b), the polling card must contain such matter as is specified in Forms F to J in the Appendix.

Equipment of polling stations

32.—(1) The local returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the local returning officer's opinion may be necessary.

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

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

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register of electors or such part of it as contains the entries relating to the electors allotted to the polling station;

- (c) the parts of any special lists prepared for the election corresponding to the register of electors or such part of it as provided under sub-paragraph (b);
 - (d) Form C prepared under rule 23(3) (or where applicable, Form E prepared under rule 23(5)) which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.
- (4) The reference in paragraph (3)(b) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽⁶²⁾ in respect of alterations to the register.
- (5) The local returning officer must also provide each polling station with —
- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters who are partially sighted; and
 - (b) a device of such description as is set out in paragraph (8) for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 43).
- (6) A notice in Form K in the Appendix, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (7) In every compartment of every polling station there must be exhibited the notice “Put only one cross on the ballot paper. Put no other mark on the ballot paper, or your vote may not count.”.
- (8) The device referred to in paragraph (5)(b) must—
- (a) allow a ballot paper to be inserted into and removed from or attached to and detached from the device, easily and without damage to the paper;
 - (b) keep the ballot paper firmly in place during use;
 - (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the registered party or individual candidate to which each such space refers; and
 - (iii) mark his vote on the space he has chosen.
- (9) Where proof has been given to the returning officer’s satisfaction of the death of a candidate on a registered party’s list or an individual candidate, he must request each local returning officer to provide each presiding officer with a sufficient number of notices to this effect for display in every compartment of every polling station.

Appointment of polling and counting agents

- 33.**—(1) The election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate or any person authorised in writing by such an agent or candidate may, before commencement of the poll, appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
 - (b) counting agents to attend at the verification of the ballot paper accounts and the counting of the votes.
- (2) For each count one (but no more than one) counting agent of each registered party or individual candidate may be authorised by the terms of his appointment to require a re-count at that count.
- (3) The local returning officer may limit the number of counting agents, so that—

⁽⁶²⁾ Sections 13B(3B) and 13B(3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

- (a) the number must be the same in the case of each registered party standing nominated or individual candidate; and
 - (b) the number allowed to a registered party standing nominated or individual candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the verification of the ballot paper accounts or the counting of the votes by the number obtained by adding together the number of registered parties standing nominated and the number of individual candidates.
- (4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the person by whom the appointment was made to the local returning officer and must be so given not later than the fifth day (computed like any period of time in the Timetable in rule 1) before the day of the poll.
- (5) If an agent dies, or becomes incapable of acting, the person by whom the appointment was made may appoint another agent in his place, and must forthwith give to the local returning officer notice in writing of the name and address of the agent appointed.
- (6) In the following provisions of these rules references to polling agents and counting agents must be taken as references to agents—
- (a) whose appointments have been duly made and notified; and
 - (b) where the number of agents is restricted, who are within the permitted numbers.
- (7) Any notice required to be given to a counting agent by the local returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (8) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (9) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his or of his registered party, if appointed, would have been authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of the candidate's election agent instead of the polling agent or counting agent.
- (10) An election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate may do or assist in doing anything which a polling or counting agent of that party or candidate is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of an election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate instead of that party's or candidate's polling agent or counting agents.
- (11) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents 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

- 34.** The local returning officer must make such arrangements as he thinks fit to ensure that—
- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there or as a person under the age of 18 accompanying a voter) has been given a copy in writing of the provisions of paragraphs (1), (4) and (7) of regulation 29 of these Regulations; and
 - (b) every person attending at the verification of the ballot paper accounts or the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of paragraphs (2), (3) and (7) of regulation 29 of these Regulations.

Return of postal ballot papers

35.—(1) Where—

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

the local returning officer must mark the list as provided for in paragraph 60 of Schedule 2.

(2) Rule 51(2) does not apply for the purpose of determining whether, for the purpose of this rule, a postal vote or a proxy postal vote is returned.

CHAPTER 3

The Poll

Admission to polling station

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

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and the election agents of any registered party standing nominated and any individual candidate and their election agents;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act **(63)**;
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.

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

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same registered party standing nominated and any individual candidate.

(4) A constable or person employed by a local returning officer must not be admitted to vote in person elsewhere than at his own polling station under rule 29(1), except on production and surrender of a certificate as to his employment which must be in Form L in the Appendix and signed by an officer of police of or above the rank of inspector or by the local returning officer, as the case may be.

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

Keeping of order in station

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

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

- (a) by a constable in or near that station; or

(63) Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

(b) by any other person authorised in writing by the local returning officer to remove him, and the person so removed must not, without the presiding officer’s permission, again enter the polling station during the day.

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

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

Sealing of ballot boxes

38. Immediately before the commencement of the poll, the presiding officer must—

- (a) show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty;
- (b) then lock it up, if it has a lock;
- (c) place his seal on it in such a manner so as to prevent it being opened without breaking the seal;
- (d) place it in his view for the receipt of ballot papers; and
- (e) keep it so sealed or, if it has a lock, both sealed and locked.

Questions to be put to voters

39.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column; and
- (b) must be put if the letter “R” appears after the question and if the candidate or the election or polling agent of a registered party standing nominated, an individual candidate or the election agent or polling agent of an individual candidate requires the question to be put:

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	<p>(a)—Are you the person registered in the register of electors for this election as follows <i>read the whole entry from the register</i> [R]?</p> <p>(b)—Have you already voted, (here in the UK or in another Member State at this general election of MEPs) (here or elsewhere at this by-election) otherwise than as proxy for some other person? [R]</p>
2	A person applying as proxy	<p>(a)—Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R]</p> <p>(b)—Have you already voted here or elsewhere at this (general election of MEPs) (by-election), as proxy on behalf of C.D.? [R]</p>

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
		(c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]
3	A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (b)—Have you already voted here or elsewhere at this (general election of MEPs) (by-election), as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R]
4	Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you at this (general election of MEPs) (by-election) already voted in this electoral region on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	Person applying as an elector in relation to whom there is an entry in the postal voters list	(a)—Did you apply to vote by post? (b)—Why have you not voted by post?
6	A person applying as proxy who is named in the proxy postal voters list	(a)—Did you apply to vote by post as proxy? (b)—Why have you not voted by post as proxy?

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act(64), the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

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

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

Challenge of voter

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

- (a) a candidate or the election or polling agent of a registered party standing nominated or of an individual candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or

(64) Section 13B(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

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

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 32(3)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark must be placed in the copy of the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number must be called out in pursuance of paragraph (1)(a).

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

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

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

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

Votes marked by presiding officer

42.—(1) The presiding officer, on the application of a voter—

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

must, in the presence of the polling agents, cause the voter’s vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

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

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

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

voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

Voting by persons with disabilities

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

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

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

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of these rules; and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

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

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

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

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

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

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

(7) The declaration made by the companion—

- (a) must be in Form M in the Appendix; and
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion,

and must forthwith be given to the presiding officer who must attest and retain it.

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

Tendered ballot papers: circumstances where available

44.—(1) If a person, representing himself to be—

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

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 45, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

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

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies;
- (b) he is also named in proxy postal voters list; and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 45, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

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

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

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the provisions of rule 45, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

45.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the copy of the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these rules referred to as the “tendered votes list”).

(3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 44 apply subject to the following modifications—

- (a) in paragraphs (1)(b), (2) and (3) of this rule, the references to the name of the voter must be ignored;
 - (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears on the register or list (as the case may be).
- (5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act(65), this rule and rule 44 apply as if—
- (a) in rule 44(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
 - (b) in paragraph (1)(b) of this rule for “his number in the copy of the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”; and
 - (c) in paragraph (2) of this rule, for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

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

Alteration of registers

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

(2) For the purposes of section 13B(3C) of the 1983 Act(66), a representation may be made orally or in writing.

(3) Where a representation under section 13B(3C) is made in a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the appropriate registration officer.

(4) Where a notice is issued under section 13B(3B) or (3D) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the appropriate presiding officer.

(5) Such steps may include communication to the presiding officer by telephone.

(6) Where a notice issued under section 13(3B) or (3D) of the 1983 Act is communicated to a presiding officer by telephone, the presiding officer must make a written record of that notice.

(7) For the purposes of section 13B(3A) and (3C) of the 1983 Act the prescribed time on the day of the poll is 9pm.

Adjournment of poll in case of riot

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

(65) Section 13B(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

(66) Section 13B(3C) was inserted by section 11 of the Electoral Administration Act 2006 (c.22).

- (2) Where the poll is adjourned at any polling station—
- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
 - (b) references in these rules to the close of the poll must be construed accordingly.

Procedure on close of poll

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

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoiled ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the lists prepared under rule 23 including the parts which were marked with the numbers of electors in accordance with rule 41(1)(b) (together referred to in these rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 47, and the declarations made by the companions of voters with disabilities;

and must deliver the packets or cause them to be delivered to the local returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the local returning officer, the arrangements for their delivery must be approved by the local returning officer.

(2) The marked copies of the register of electors and of the list of proxies mentioned in paragraph (1)(d) must be in one packet but must not be in the same packet as the completed corresponding number lists mentioned in paragraph (1)(e) or the certificates as to employment on duty on the day of the poll mentioned in paragraph (1)(f).

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

CHAPTER 4

Counting of Votes

Attendance at verification of ballot paper accounts

50.—(1) The local returning officer must make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll, and must give to the returning officer and the counting agents notice in writing of the time and place at which he will begin such verification.

- (2) No person other than—
- (a) the returning officer, the local returning officer and his clerks;

(b) the candidates and one other person chosen by each of them;
(c) the election agents;
(d) the counting agents; and
(e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act⁽⁶⁷⁾;
may attend the verification of the ballot paper accounts, unless permitted by the local returning officer to attend.

(3) A person not entitled to attend the verification of ballot paper accounts must not be permitted to do so by the local returning officer unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.

(4) The local returning officer must give the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Procedure at verification of ballot paper accounts

51.—(1) The local returning officer must in the presence of the counting agents—

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

(2) A postal ballot paper must not be deemed to be duly returned unless—

- (a) it is returned in the manner prescribed in paragraph 55 of Schedule 2 so as to reach the local returning officer or any polling station in the local counting area in question before the close of the poll;
- (b) the postal voting statement duly signed is also returned in that manner before that time;
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be); and
- (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been taken under paragraphs 63 or 64 of Schedule 2, the local returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(3) The local returning officer must not count any tendered ballot paper.

(4) The local returning officer, while counting and recording the number of ballot papers, must keep the ballot papers with their faces downwards.

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

(6) The local returning officer must determine the hours during which the procedure under this rule is proceeded with.

(7) The local returning officer must take proper precautions for the security of the ballot papers and documents.

⁽⁶⁷⁾ Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

- (8) On completion of the procedure under this rule, the local returning officer must—
- (a) place the ballot papers and other documents relating to the election in packets under his own seal and the seals of such counting agents as desire to affix their seals, unless he proceeds immediately to the counting of the votes under rule 53;
 - (b) otherwise take proper precautions for the security of the papers and documents; and
 - (c) inform the returning officer of the total number of ballot papers counted.

Attendance at counting of votes

52.—(1) The local returning officer must make arrangements for counting the votes in the presence of the counting agents—

- (a) in the case of a general election of MEPs, before or after the material time and in either case so that the requirements of rule 57(1) are satisfied as soon as practicable after the material time; and
- (b) in the case of a by-election, as soon as practicable after the close of the poll,

and must give to the counting agents and the returning officer notice in writing of the time and place at which he will begin to count the votes.

(2) For the purposes of paragraph (1), the “material time” means, in relation to a general election of MEPs, the close of the polling in the Member State whose electors are the last to vote in the election.

(3) No person other than—

- (a) the returning officer, the local returning officer and his clerks;
- (b) the candidates and one other person chosen by each of them;
- (c) the election agents;
- (d) the counting agents; and
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

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

(4) A person not entitled to attend at the counting of the votes must not be permitted to do so by the local returning officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(5) The local returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(6) In particular, where the votes are counted by sorting the ballot papers according to the registered party or individual candidate for whom the vote is given and then counting the number of ballot papers for each registered party or individual candidate, the counting agents must be allowed to satisfy themselves that the ballot papers are correctly sorted.

The count

53.—(1) The local returning officer must—

- (a) where the ballot papers and other documents have been placed in packets under rule 51(8), open the packets of ballot papers other than unused, spoilt and tendered ballot papers;

- (b) mix together the ballot papers with the exception of the unused, spoilt and tendered ballot papers.
- (2) The local returning officer must not count any tendered ballot paper.
- (3) The local returning officer, while counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing them.
- (4) The local returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 p.m. and 9 a.m.
- (5) For the purposes of paragraph (4), the agreement of an individual candidate or the election agent of a registered party shall be as effective as the agreement of the counting agents of that individual candidate or party.
- (6) During the time so excluded the local returning officer must—
 - (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
 - (b) otherwise take proper precautions for the security of the papers and documents.
- (7) In the case of a general election of MEPs, if the counting of the votes has commenced before the material time (within the meaning of rule 52(1)), the local returning officer or his clerks must not disclose the number of votes given for each registered party and individual candidate to anyone other than the returning officer or his clerks until after that time and the counting of the votes must be deemed not to have been completed until after that time.

Re-count

54.—(1) If any of the persons in paragraph (2) are present when the counting of the votes is completed (or, if later, deemed to be completed under rule 53(7)) or any re-count of the votes is completed, they may require the local returning officer to have the votes re-counted or again re-counted but the local returning officer may refuse to do so if in his opinion the request is unreasonable.

- (2) The persons mentioned in paragraph (1) are—
 - (a) a candidate;
 - (b) the election agent of a registered party;
 - (c) the election agent of an individual candidate; and
 - (d) a counting agent authorised under rule 33(2).
- (3) No step may be taken on the completion of the counting (or, if later, its deemed completion) or any re-count of the votes until any persons referred to in paragraph (2) who are present at its completion (or, if later, its deemed completion) have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

- 55.**—(1) Any ballot paper—
- (a) which does not bear the official mark; or
 - (b) on which votes are given for more than one registered party or individual candidate or for both a registered party and an individual candidate; or
 - (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back; or
 - (d) which is unmarked or void for uncertainty,

shall, subject to the provisions of paragraphs (2) and (3), be void and not counted.

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

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

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

(3) A ballot paper on which a vote is marked for a particular candidate on a party's list of candidates must, if otherwise valid, be treated as a vote for that party, whether or not there is also a vote for that party.

(4) The local returning officer must endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words "rejection objected to" if any objection is made by a counting agent to his decision.

(5) The local returning officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one registered party or individual candidate;
- (c) writing or mark by which voter could be identified; and
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

56. The decision of the local returning officer on any question arising in respect of a ballot paper is final, but may be subject to review on an election petition.

Notification of local result

57.—(1) As soon as practicable after the completion of the count (or, if later, its deemed completion under rule 53(7)) the local returning officer must draw up a statement showing the number of votes given for each registered party and individual candidate, excluding any votes given on ballot papers rejected under rule 55.

(2) The local returning officer must forthwith inform the returning officer of the contents of that statement.

(3) The local returning officer must give public notice of the statements prepared under this rule and under rule 55 as soon as practicable after the returning officer has agreed that he should do so.

Attendance at allocation of seats

58.—(1) The returning officer must make arrangements for making the calculation and allocation required by rule 59.

(2) No person other than—

- (a) the returning officer and his clerks;
- (b) the election agent of each registered party standing at the election or a person acting on his behalf;
- (c) each candidate on the list of such a party and one other person chosen by each of them;
- (d) each individual candidate and one person chosen by each of them;

- (e) the election agent of each individual candidate or a person acting on his behalf;
- (f) the nominating officer of each registered party which is contesting the election to the European Parliament in the electoral region;
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act **(68)**,

may be present at that calculation and allocation unless permitted by the returning officer to attend.

(3) The returning officer must give to—

- (a) the election agent of each registered party standing at the election; and
- (b) each individual candidate,

notice in writing of the place at which he will conduct the proceedings under rule 59 and of the time at which he will begin those proceedings.

Allocation of seats

59.—(1) The returning officer, as soon as practicable after he has been informed of the contents of the statements prepared under rule 57(1) by local returning officers in his region must calculate the total number of votes given to each registered party and individual candidate in all of the local counting areas within the electoral region, as shown in those statements.

(2) Subject to paragraph (4) and rule 60, the returning officer must then allocate the seats in accordance with subsections (5) to (9) of section 2 of the 2002 Act.

(3) The returning officer must give the persons entitled to be present reasonable facilities for satisfying themselves that the results of the calculation and allocation which he is required to make are accurate; and in particular, a person entitled to be present may require the returning officer to make a calculation or allocation again but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(4) At a by-election at which there is only one vacancy, subsections (5) to (9) of section 2 of the 2002 Act are to have effect as though they provided that the party or individual candidate to whom the majority of the votes have been given must be declared to be elected.

Equality of seats

60.—(1) Where in the case of the last seat to be allocated, two or more registered parties or individual candidates have an equal number of votes and that number is greater than the number of votes of any other party or candidate, one vote must be added to the votes of each party or individual candidate having such an equal number and the rules in subsections (5) to (9) of section 2 of the 2002 Act must be applied again.

(2) Where, after the application of the procedure set out in paragraph (1), two or more parties or individual candidates still have an equal number of votes and that number is greater than the number of votes of any other party or candidate, the returning officer must forthwith decide between the parties and individual candidates having such an equal number by lot, and allocate the seat to the party or candidate on whom the lot falls.

(3) Where the lot falls on a party, the returning officer must comply with section 2(8) of the 2002 Act.

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

PART 4

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

61.—(1) In a contested election, when the result of the allocation and filling of seats has been ascertained, the returning officer must—

- (a) forthwith declare to be elected those candidates on a registered party's list by whom seats are filled and those individual candidates to whom seats are allocated under rules 59 and 60;
- (b) prepare a statement setting out—
 - (i) the total number of valid votes (as notified to him) given to each registered party and individual candidate;
 - (ii) the number of votes which such a party or candidate had, after the application of subsections (5) to (9) of section 2 of the 2002 Act, at any stage when a seat was allocated to that party or candidate;
 - (iii) the names in full and home address in full of each candidate who fills a seat or to whom a seat has been allocated; and
 - (iv) whether, in the case of a party, there are remaining candidates on that party's list who have not been declared to be elected; and
 - (v) give public notice of that statement and send a copy to the Secretary of State.

(2) In the case of an uncontested election, the statement of parties and individual candidates nominated, in addition to showing the registered parties, the candidates on the list of those parties and individual candidates standing nominated, must also declare to be elected any candidate so shown; and the returning officer must send a copy of that statement and declaration to the Secretary of State.

(3) The returning officer for the combined region must also send a copy of the statement in paragraphs (1)(b) and (2) to the Chief Secretary of the Government of Gibraltar.

Return or forfeiture of candidate's deposit

62.—(1) The deposit made under rule 10 of these rules must either be returned to the person making it or his personal representatives or be forfeited to Her Majesty.

(2) Except in the cases mentioned in paragraphs (4) and (5), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day must be disregarded if it would be disregarded under rule 2(1) in computing any period of time for the purposes of the Timetable in rule 1 for an election of the kind in question; and
- (b) the deposit must be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) Where—

- (a) a registered party or an individual candidate is not shown as standing nominated in the statement of parties and individual candidates nominated, or
- (b) in the case of an individual candidate, the candidate has died,

the deposit must be returned as soon as practicable after the publication of that statement or the time when the returning officer is satisfied of the candidate's death, as the case may be.

(5) Subject to paragraph (4), the deposit must be forfeited if a poll is taken and, after the total number of valid votes for each registered party and individual candidate has been ascertained under rule 59(1), the party or candidate is found not to have polled more than one-fortieth of the total number of votes polled by all the parties and candidates.

PART 5

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

63.—(1) On the completion of the counting at a contested election (or, if later, its deemed completion under rule 53(7)) the local returning officer must seal up in separate packets the counted and rejected ballot papers.

(2) The local returning officer must not open the sealed packets of—

- (a) tendered ballot papers;
- (b) the completed corresponding number lists;
- (c) certificates as to employment on duty on the day of the poll; or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act⁽⁶⁹⁾) and lists of proxies.

Delivery and retention of documents

64.—(1) The local returning officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in his possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 47, and the declarations made by the companions of voters with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll;
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents.

(2) In the case of the electoral region of Scotland, paragraph (1) is to apply as if for the words “forward to the relevant registration officer” there were substituted “retain on behalf of the returning officer”, and references to documents in the custody or possession of the relevant registration officer shall include documents held by the local returning officer on his behalf.

(3) In the case of an election held in Gibraltar, paragraph (1) is to apply as if for the words “forward to the relevant registration officer” there were substituted “retain on behalf of the local returning officer in his capacity as registration officer for the purposes of European Parliamentary

⁽⁶⁹⁾ Section 13B(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

elections”, and references to documents in the custody or possession of the relevant registration officer shall include documents held by the local returning officer on his behalf.

Orders for production of documents

65.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of completed corresponding number lists and certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

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

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

(3) Subject to paragraph (4), an order under this rule may be made subject to such conditions as to—

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

as the court making the order thinks expedient.

(4) In making and carrying into effect an order under paragraph (3) for the opening of a packet of completed corresponding number lists or of certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

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

(5) An appeal lies to the High Court from any order of a county court under this rule, or in Gibraltar, an appeal lies to the Court of Appeal from any order of the Supreme Court under this rule.

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

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

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

(8) The production from proper custody of—

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

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

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

Retention of documents by relevant registration officer

66.—(1) The relevant registration officer must retain or cause to be retained for one year all documents relating to an election forwarded to him in pursuance of these rules by a local returning officer, and then, unless otherwise directed by an order of the High Court, the Crown Court, a magistrates’ court, an election court or, in Gibraltar, the Supreme Court or Court of Appeal, must cause them to be destroyed.

(2) The documents mentioned in paragraph (1) except—

- (a) ballot papers;
- (b) the completed corresponding number lists;
- (c) certificates as to the employment on duty on the day of the poll,

shall be open to public inspection.

(3) In the application of this rule to Scotland, paragraph (1) shall have effect as if for “the High Court, the Crown Court, a magistrates’ court, an election court” there were substituted “the Court of Session, an election court”.

PART 6

ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

Interpretation and general

67.—(1) In this Part —

“enactment” includes—

- (a) any provision of an Act, including any provision of an Act of the Gibraltar Parliament;
- (b) any provision of, or of any instrument made under, an Act of the Scottish Parliament,
- (c) any provision of, or of any instrument made under, Northern Ireland legislation, and
- (d) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978⁽⁷⁰⁾);

“the full register” means the version of the register published under section 13(1) or (3) of the 1983 Act or, as the case may be, paragraph 11(1) or (3) of Schedule 1 to the 2004 Act;

“marked register or lists” means any part of the marked copies of the full register, list of proxies, postal voters list and proxy postal voters list forwarded to the relevant registration officer under rule 64;

(70) 1978 c.30.

“processor” means any person who provides a service which consists of putting information into data form or processing information in data form and any reference to a processor includes a reference to his employees; and

“research purposes” includes statistical or historical purposes.

(2) The processor of the register may not disclose the full register or the information contained in it except to the person who supplied the information to the processor or an employee of that person or a person who is entitled to obtain a copy of the full register under the 2001 Regulations, under the 2001 (Scotland) Regulations, or, in Gibraltar, under the 2004 Act, or any employee of such a person.

(3) In paragraph (2), any reference to an employee of any person who has access to a copy of the full register shall be deemed to include a person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(4) For the purposes of this Part any period of days shall be calculated in accordance with rule 2(1).

(5) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act or paragraph 21 of Schedule 4, any duty on a relevant registration officer to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

Supply of marked registers and lists after a European Parliamentary election

68.—(1) Any person entitled to be supplied in accordance with—

- (a) regulation 100, 103, 105, 106, 108, 109 or 113 of the 2001 Regulations⁽⁷¹⁾; or
- (b) regulation 99,102,104,105, 107, 108 or 112 of the 2001 (Scotland) Regulations⁽⁷²⁾; or
- (c) paragraph 50, 52, 53, 54, 55, 56 or 57 of Schedule 1 to the 2004 Act,

with copies of the full register at a particular European Parliamentary election is also a person entitled, subject to this rule and rule 70, to request that a relevant registration officer supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person whose entitlement to request copies of the marked register or lists under paragraph (1) arises from being in a category of persons to whom—

- (a) regulation 103, 105, 106, or 108 of the 2001 Regulations; or
- (b) regulation 102, 104, 105 or 107 of the 2001 (Scotland) Regulations; or
- (c) paragraph 52, 53, 54 or 56 of Schedule 1 to the 2004 Act,

applies before a particular European Parliamentary election, shall be entitled to request those documents regardless of whether, after that election, he remains in a category of persons which is entitled under those provisions.

(3) A request under paragraph (1) must be made in writing and must—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
- (b) state whether a printed copy of the records or lists or a copy in data form is requested; and
- (c) state the purposes for which the marked register or lists shall be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve those purposes.

(71) These regulations were inserted by [S.I.2002/1871](#).

(72) These regulations were inserted by [S.I.2002/1872](#).

(4) The relevant registration officer must supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested; and
- (b) he has received payment of a fee calculated in accordance with rule 71.

(5) If the relevant registration officer is not satisfied in accordance with paragraph (4)(a) he may treat the request for a marked register or list as a request for —

- (a) information in unmarked lists under paragraph 32 of Schedule 2; or
- (b) the published copy of the full register in accordance with regulation 102 of the 2001 Regulations, or
- (c) the published copy of the full register in accordance with regulation 101 of the 2001 (Scotland) Regulations,

or both (a) and (b) or, as the case may be, (a) and (c), and must provide the requestor with information concerning the availability of the unmarked lists, full register or both as the case may be.

(6) A person who obtains a copy of any part of a marked register or list under this rule and whose entitlement arose under paragraph (1)(a) may use it only for the permitted purposes specified in rule 70(2), and any conditions—

- (a) specified in that rule, or
- (b) which would apply to the use of the full register under whichever of regulations 100, 103, 105, 106, 108, 109 and 113 of the 2001 Regulations entitled that person to obtain that document,

shall apply to such use.

(7) A person who obtains a copy of any part of a marked register or list under this rule and whose entitlement arose under paragraph (1)(b) may only use it for the permitted purposes specified in rule 70(2), and any conditions—

- (a) specified in that rule; or
- (b) which would apply to the use of the full register under whichever of regulations 99, 102, 104, 105, 107, 108 and 112 of the 2001 (Scotland) Regulations entitled that person to obtain that document,

shall apply to such use.

(8) A person who obtains a copy of any part of a marked register or list under this rule and whose entitlement arose under paragraph (1)(c) may use it only for the permitted purposes specified in rule 70(2), and any conditions—

- (a) specified in that rule; or
- (b) which would apply to the use of the full register under whichever of paragraphs 50, 52, 53, 54, 55, 56 or 57 of Schedule 1 to the 2004 Act entitled that person to obtain that document,

shall apply to such use.

(9) The conditions referred to in paragraph (6), or as the case may be paragraphs (7) or (8), apply to a person to whom a copy of marked register or list, or any information contained in them (that is not contained in the edited register) has been supplied or disclosed under these rules as they apply to a person to whom those regulations apply.

(10) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this rule may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein,

(b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this rule, for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

Inspection of documents open to public inspection

69.—(1) Any person is entitled to request that the relevant registration officer make available for inspection a copy of any of the following documents (referred to in this rule and rule 70 as the “documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to an election as the relevant registration officer is required by or under any enactment to retain for any period except—
 - (i) ballot papers;
 - (ii) completed corresponding number lists; and
 - (iii) certificates as to employment on duty on the day of the election.
- (2) A request under paragraph (1) must be made in writing and must specify—
 - (a) which documents are requested;
 - (b) the purposes for which the information in any document will be used;
 - (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose;
 - (d) who will inspect the documents;
 - (e) the date on which they wish to inspect the documents; and
 - (f) whether they would prefer to inspect the documents in printed or data form.

(3) Subject to paragraph (4), the relevant registration officer must make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under paragraph (1) and the relevant registration officer is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he must inform the requestor –

- (a) of his decision under this paragraph; and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43 of the 2001 Regulations, or in Scotland, regulation 43 of the 2001 (Scotland) Regulations or, in Gibraltar, paragraph 41 of Schedule 1 to the 2004 Act.

(5) A person who obtains a copy of or information in any document open to public inspection under this rule may use it only for the permitted purposes specified in rule 70, and any conditions—

- (a) specified in that rule;
- (b) specified in paragraph (7); or
- (c) which would apply to the use of the full register under regulation 109 of the 2001 Regulations, or as the case may be, regulation 108 of the 2001 (Scotland) Regulations, or paragraph 57 of Schedule 1 to the 2004 Act, where such a person has obtained a copy of that document under paragraph (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the relevant registration officer must ensure the manner in, and the equipment on which, that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic or any other means.

(7) Subject to paragraph (8), a person who inspects a copy of a document open to public inspection, whether in printed copy or in data form, may not—

- (a) make copies of any part of it; or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(8) The relevant registration officer must, on request, supply free of charge copies of any documents open to public inspection to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 109 of the 2001 Regulations, or, in Scotland, regulation 108 of the 2001 (Scotland) Regulations, or, in Gibraltar, paragraph 57 of Schedule 1 to the 2004 Act, applies.

Conditions on the use, supply and disclosure of documents open to public inspection

70.—(1) Subject to paragraphs (2) and (3) the restrictions on the supply, disclosure and use of information in regulations 94 and 96 of the 2001 Regulations, or, in Scotland, regulations 94 and 95 of the 2001 (Scotland) Regulations, or, in Gibraltar, paragraphs 46 and 47 of Schedule 1 to the 2004 Act, shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person—

- (a) obtains copies of information in the marked register or lists in accordance with rule 68(1); or
- (b) a person inspects information in accordance with rule 69(1),

the permitted purposes means either research purposes or electoral purposes.

(3) Where a copy of any information was supplied in the circumstances to which rule 69(8) applies, the permitted purposes means the purposes set out in regulation 109(4) of the 2001 Regulations, or, in Scotland, regulation 108(4) of the 2001 (Scotland) Regulations, or, in Gibraltar, paragraph 57(2) of Schedule 1 to the 2004 Act.

Fees relating to the marked registers and lists

71.—(1) The fee to be paid in accordance with rule 68(4)(b) by a person making a request for a copy of the whole or of any part of the marked register or lists is set out in paragraph (2).

(2) The fee shall be the sum of £10, plus for a copy—

- (a) in printed form, £2 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request; and
- (b) in data form, £1 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request.

(3) For the purposes of this rule, a request for a copy of the whole or the same part of the marked register or lists in both a printed and data form may be treated as two separate requests.

Access to marked registers and other election documents: contravention of conditions

72.—(1) A person is guilty of an offence—

- (a) if he fails to comply with any of the conditions imposed under rule 70; or

- (b) he is an appropriate supervisor of a person (P) who fails to comply with any such condition and he failed to take appropriate steps.
- (2) P is not guilty of an offence under paragraph (1) if—
 - (a) he has an appropriate supervisor, and
 - (b) he has complied with the requirements imposed on him by his appropriate supervisor.
- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if he takes all reasonable steps to ensure that he complies with the conditions.
- (4) In paragraphs (1)(b) and (2)—
 - (a) an appropriate supervisor is a person who is a director of a company concerned in the management of an organisation in which P is employed or under whose direction or control P is;
 - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of failure to comply with the conditions.
- (5) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART 7

APPENDIX OF FORMS

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

Form A: Form of Front of Ballot Paper and Form of Back of Ballot Paper together with the Directions for printing the ballot paper

Form B: Corresponding Number List for issue of postal ballot papers at a European Parliamentary election

Form C: Corresponding Number List for use in polling station at a European Parliamentary election

Form D: Corresponding Number List for issue of postal ballot papers to be used when a European Parliamentary election is combined with another election or referendum

Form E: Corresponding Number List for use in polling station when a European Parliamentary election is combined with another election or referendum

Form F: Official Poll Card issued to an elector voting at a polling station

Form G: Official Poll Card issued to a postal elector

Form H: Official Poll Card issued to a proxy voting at a polling station

Form J: Official Poll Card issued to a postal proxy

Form K: Form of directions for the guidance of voters in voting






Form L: Certificate of Employment

Form M: Form of declaration to be made by the companion of a voter with disabilities”

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Amendment) Regulations 2009 No. 186

Form A: Form of Ballot Paper

Rule 22

Election for the European Parliament												
NORTH WEST REGION												
Vote once (X) in one blank box												
1	<p style="text-align: center;">Conservative Party</p> <table border="0"> <tr> <td>1. Arthur John Briggs</td> <td>6. Christopher Paul Harrington</td> </tr> <tr> <td>2. Edith Pickering</td> <td>7. Derek Holloway-Jones</td> </tr> <tr> <td>3. David Hamish Scott</td> <td>8. Russell Montgomery Johnstone</td> </tr> <tr> <td>4. Douglas Mallik</td> <td>9. Anita Patel</td> </tr> <tr> <td>5. Douglas Alasdair Chapman</td> <td>10. Sheila Hammond-Armstrong</td> </tr> </table>	1. Arthur John Briggs	6. Christopher Paul Harrington	2. Edith Pickering	7. Derek Holloway-Jones	3. David Hamish Scott	8. Russell Montgomery Johnstone	4. Douglas Mallik	9. Anita Patel	5. Douglas Alasdair Chapman	10. Sheila Hammond-Armstrong	 Conservatives
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2. Edith Pickering	7. Derek Holloway-Jones											
3. David Hamish Scott	8. Russell Montgomery Johnstone											
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2	<p style="text-align: center;">Green Party</p> <table border="0"> <tr> <td>1. James Edward Wellingsborough</td> <td>6. William Anderson</td> </tr> <tr> <td>2. Kathleen Mary Ferrar</td> <td>7. Paul Alfred Mackenzie</td> </tr> <tr> <td>3. Mary Jean Chandler</td> <td>8. Kathleen Nicholas Murphy</td> </tr> <tr> <td>4. Frank Probst</td> <td>9. Maximus Paul Alexander</td> </tr> <tr> <td>5. Samuel James Winstanley</td> <td>10. Phillip Paul Holland</td> </tr> </table>	1. James Edward Wellingsborough	6. William Anderson	2. Kathleen Mary Ferrar	7. Paul Alfred Mackenzie	3. Mary Jean Chandler	8. Kathleen Nicholas Murphy	4. Frank Probst	9. Maximus Paul Alexander	5. Samuel James Winstanley	10. Phillip Paul Holland	 Green Party
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3	<p style="text-align: center;">Labour Party</p> <table border="0"> <tr> <td>1. Eilbenn Iris Alsop</td> <td>6. Andrew Wilson</td> </tr> <tr> <td>2. Indira Anita Gupta</td> <td>7. Harry Townsend</td> </tr> <tr> <td>3. Robory Henry Anderson</td> <td>8. Eric Harvey Williamson</td> </tr> <tr> <td>4. Victor Daniel Amos</td> <td>9. Monica Christine Merckson</td> </tr> <tr> <td>5. Annabelle Susannah Riley-Bossles</td> <td>10. Gareth Arthur Jones</td> </tr> </table>	1. Eilbenn Iris Alsop	6. Andrew Wilson	2. Indira Anita Gupta	7. Harry Townsend	3. Robory Henry Anderson	8. Eric Harvey Williamson	4. Victor Daniel Amos	9. Monica Christine Merckson	5. Annabelle Susannah Riley-Bossles	10. Gareth Arthur Jones	 Labour
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4	<p style="text-align: center;">Liberal Democrat Party</p> <table border="0"> <tr> <td>1. Peggy Veronica Greenburgh</td> <td>6. Ayokola Ajoku</td> </tr> <tr> <td>2. David Lloyd-Perry</td> <td>7. Geraldine Mary Jennings</td> </tr> <tr> <td>3. Simon Daniel Gabrielson</td> <td>8. Bamaby James Sorenson</td> </tr> <tr> <td>4. Julia Henrietta Deane-Henderson</td> <td>9. Patricia Jane Hendriks</td> </tr> <tr> <td>5. Francesca Mildred Pearson</td> <td>10. Gustav Arthur Jones</td> </tr> </table>	1. Peggy Veronica Greenburgh	6. Ayokola Ajoku	2. David Lloyd-Perry	7. Geraldine Mary Jennings	3. Simon Daniel Gabrielson	8. Bamaby James Sorenson	4. Julia Henrietta Deane-Henderson	9. Patricia Jane Hendriks	5. Francesca Mildred Pearson	10. Gustav Arthur Jones	 LIBERAL DEMOCRATS
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5	<p style="text-align: center;">United Kingdom Independence Party</p> <table border="0"> <tr> <td>1. Peter Hamilton Rice</td> <td>6. Joan Davidson</td> </tr> <tr> <td>2. Gordon Harold Bradley</td> <td>7. Camilla Jocelyn Stuart</td> </tr> <tr> <td>3. Carole Stephanie Brewster</td> <td>8. Richard Archibald Butler</td> </tr> <tr> <td>4. Leonard David Abbotts</td> <td>9. Carlos Philippe Jamesos</td> </tr> <tr> <td>5. Charles Henry Robinson-Browne</td> <td>10. Brian Adkinson</td> </tr> </table>	1. Peter Hamilton Rice	6. Joan Davidson	2. Gordon Harold Bradley	7. Camilla Jocelyn Stuart	3. Carole Stephanie Brewster	8. Richard Archibald Butler	4. Leonard David Abbotts	9. Carlos Philippe Jamesos	5. Charles Henry Robinson-Browne	10. Brian Adkinson	 UKIP
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5. Charles Henry Robinson-Browne	10. Brian Adkinson											
6	<p style="text-align: center;">Elizabeth Penelope Nightingale</p> <p style="text-align: center;">Independent</p>											

7	Manmeet Singh Independent	
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Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The European Parliamentary Elections (Amendment) Regulations 2009 No. 186

Form of Back of Ballot Paper

Number

Other Unique Identifying Mark

Election for the (..... local counting area) of the European

Electoral Region of

on 20()

Rule 22

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 16 shall be observed in the printing of the ballot paper.
3. No word shall be printed on the face of the ballot paper except:
 - the words "Election for the European Parliament",
 - the name of the electoral region,
 - the statement "Vote once (X) in one blank box",
 - the names followed by the descriptions, if any, of registered political parties, and the names of candidates on a party list as shown in the nomination papers,
 - the names followed by the descriptions, if any, of individual candidates,
 - the number of each registered party or individual candidate and a number for each candidate on a party list, and
 - the words forming parts of emblems.
4. The words "Election for the European Parliament", the name of the region and the statement referred to in paragraph 3 shall appear above the higher horizontal rule.
5. No horizontal rule shall be printed on the face except-
 - (a) the higher horizontal rule immediately below the statement mentioned in paragraph 3,
 - (b) a horizontal rule between the entry for each registered party or individual candidate, and
 - (c) the lower horizontal rule at the foot of the ballot paper
6. No vertical rule shall be printed on the face except-
 - (a) the vertical rule separating the number of the registered parties or individual candidates from their names, and
 - (b) the vertical rule separating the names of the parties or individual candidates from the space where a vote may be marked.
7. The space on the ballot paper between the horizontal rule referred to in paragraph 5(a) and each horizontal rule below it shall be 3.5 centimetres.
8. Where a registered emblem of a registered political party is to be included with that party's name –
 - (a) it shall be printed adjacent and to the right of the registered party's name, and
 - (b) its size as printed shall not exceed two centimetres square.
9. Subject to paragraphs 10 to 15, all of the words on the ballot paper shall appear in the same large type.
10. The words "Election for the European Parliament" shall appear in very large type.

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11. The name of the electoral region shall appear in bold capitals.
12. No other capitals shall be used except initial capitals for names of parties and candidates and the first word in the statement and in the direction referred to in paragraph 3.
13. The names of the candidates on a party's list of candidates shall appear in the same order as on the party's list of candidates and they shall be numbered in that order.
14. The authorised names of registered parties and individual candidates shall appear in ordinary type. If used, the authorised descriptions of registered parties and individual candidates should follow in a smaller font on the same line.
15. The number on the back of the ballot paper shall be printed in small characters.
16. The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.

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Form C

Rule 23(3)

Form C	
Corresponding Number List (to be used in polling stations at a European parliamentary election taken alone)	
Local Counting Area: _____	
Date of Poll: _____	
Polling Station: _____	
Sheet No.: _____	
Ballot Paper Number	Elector Number

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Form E

Rule 23(5)

Form E	
Corresponding Number List (to be used in polling stations when a European parliamentary election is combined with another election/referendum)	
Local Counting Area:	
Date of Poll:	
Polling Station:	
Sheet No.:	
Ballot Paper Number <i>Identify the number issued for each election/referendum</i>	Elector Number

Form F

Rule 31(3)

<p>Form F OFFICIAL POLL CARD (to be sent to an elector voting in person) <i>Front of card</i></p>	
<p>OFFICIAL POLL CARD</p>	
<p>Electoral Region:</p> <p>Polling Day:</p> <p>Polling hours: 7 a.m. to 10 p.m.</p> <p>Your polling station will be:</p>	<p>Number on register:</p> <p>*Name</p> <p>.....</p> <p>*Address</p> <p>.....</p> <p><i>*(Local Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope.)</i></p>
<p>*This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there.</p>	
<p><i>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</i></p> <p><i>Back of card</i></p>	
<p>EUROPEAN PARLIAMENTARY ELECTION</p>	
<p>*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk.</p>	
<p>*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.</p>	
<p>*The clerk will confirm your details on the register.</p>	
<p>When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for.</p>	
<p>Vote for ONE party or individual candidate only. Do not put any other mark on the ballot paper, or your vote may not count.</p>	
<p>If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p>	
<p>Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.</p>	
<p>If you will be away on the date of the poll –</p>	
<ul style="list-style-type: none"> • You can apply to vote by post. Your application must be received by the Local Returning Officer before 5 p.m. on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this election. • You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 p.m. on [-6 day/date deadline]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you. 	

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In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date
deadline].

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

Issued by the Local Returning Officer

[Where poll card sent to an anonymous elector substitute for the paragraphs marked with
* above:-

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

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

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

Form G

Rule 31(4)

<p>Form G OFFICIAL POSTAL POLL CARD (to be sent to an elector voting by post) <i>Front of card</i></p>	
<p>OFFICIAL POSTAL POLL CARD</p>	
<p>Electoral Region: Local Counting Area: For the election on: [day/date] Number on Register: Name and Address:</p>	<p>This notice is to tell you that you have asked to vote by post for this election, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call: [helpline number] before 5p.m. on [-11 day/date deadline]. We will send your postal voting papers around [day/date]. Addressed to: (Name and Address) If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil your postal ballot paper, please call: [helpline number] as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. SEE INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i></p>	
<p>EUROPEAN PARLIAMENTARY ELECTION</p>	
<p>When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.</p> <p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Local Returning Officer: please call our helpline on [helpline number].</p> <p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Electoral Registration Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Local Returning Officer can cross check your signature against other records that they hold.</p> <p>If you lose or accidentally spoil your ballot paper, please call the helpline number below for advice on obtaining a replacement as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p> <p>Complete and return your postal vote as soon as possible. The Local Returning Officer must receive your postal vote by 10p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in the local counting area.</p> <p>If you want to vote in person at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].</p> <p>If you need any assistance, please call our helpline on: [helpline number].</p>	
<p>It is an offence to vote using a ballot paper that was not addressed to you. Issued by the Local Returning Officer</p>	

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Form H

Rule 31(5)

<p>Form H OFFICIAL PROXY POLL CARD (to be sent to an appointed proxy voting in person) <i>Front of card</i></p>	
<p>OFFICIAL PROXY POLL CARD</p>	
<p>Electoral Region: Polling Day: Polling hours: 7 a.m. to 10 p.m. Elector's polling station will be:</p>	<p>*This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy. *Proxy's name *Proxy's address *(Local Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of anonymous elector must be delivered in a sealed envelope.)</p>
<p>*This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i></p>	
<p>EUROPEAN PARLIAMENTARY ELECTION</p>	
<p>*This poll card is to tell you that for this election you are appointed as proxy for: *(Elector's name) *(Elector's address) *(Elector's number on register)</p> <p>*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the voter shown above. *The clerk will confirm the entry on the register.</p> <p>When you are given the ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate the elector is voting for.</p> <p>Vote for ONE party or individual candidate only. Do not put any other mark on the ballot paper, or the vote may not count.</p> <p>If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>Fold the ballot paper in two. Show the presiding officer the number and other unique</p>	

identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll, you can apply to vote by post before 5 p.m. on [11 day/date deadline]. If you are given a postal vote, you or the elector will *not* be entitled to vote in person at this election.

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

It is illegal to do any of the following:

- Vote as a proxy at the same election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for some other person if you know that that person is subject to a legal incapacity to vote.
- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.

Issued by the Local Returning Officer

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with * above:-

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

You are entitled to vote as proxy for the elector whose electoral number is shown below:

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

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

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Form J

Rule 31(6)

<p>Form J OFFICIAL PROXY POSTAL POLL CARD (to be sent to an appointed proxy voting by post) <i>Front of card</i></p>	
<p>OFFICIAL PROXY POSTAL POLL CARD</p>	
<p>Electoral Region: Local Counting Area: For the election on: [day/date] Name and Address (Proxy):</p>	<p>This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. You will not be able to vote on behalf of the elector in a polling station. If you want to cancel this postal vote and vote in person on polling day, please call: [helpline number] before 5p.m. on [-11 day/date deadline]. We will send the proxy postal voting papers around [day/date].</p> <p>If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil the elector's postal ballot paper, please call: [helpline number] as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. SEE INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i></p>	
<p>EUROPEAN PARLIAMENTARY ELECTION</p>	
<p>This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post.</p>	
<p>..... *(Elector's name)</p>	
<p>..... *(Elector's address)</p>	
<p>When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.</p>	
<p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.</p>	
<p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Electoral Registration Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Local Returning Officer can cross check your signature against other records they hold.</p>	
<p>If you lose or accidentally spoil the postal ballot paper, please call the helpline number below for advice on obtaining a replacement as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p>	

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

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

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote by post as a proxy at the same election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as postal proxy for some other person if you know that the person is subject to a legal incapacity to vote.

Issued by the Local Returning Officer

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with * above:-

This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....

(Elector's number on the register)]

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Form K

Rule 32(6)

Guidance for Voters

1. When you are given a ballot paper go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for.
2. Vote for one party or individual candidate only. Put no other mark on the ballot paper, or your vote may not count. Do not let anyone see your vote.
3. Fold the ballot paper in two. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark. Put the ballot paper in the ballot box and leave the polling station.
4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

Form L

Rule 36(4)

Certificate of Employment

EUROPEAN PARLIAMENTARY ELECTION

ELECTION IN THE.....ELECTORAL REGION

I certify that (name).....

who is numbered.....in the register of electors for the

.....[parliamentary constituency] cannot be expected to go in person to the

polling station allotted to him or her at the election on (date of poll).....

by reason of the particular circumstances of his or her employment on that date for a
purpose connected with the election-

* Delete whichever
is inappropriate

* (a) as a constable
* (b) by me.

Date.....

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

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Form M

Rule 43 (7)

Form of declaration to be made by the companion of a voter with disabilities

I, AB, of.....having been requested to assist CD, (in the case of a voter with disabilities voting as proxy add voting as proxy for MN) whose number on the register is.....to record his vote at the election now being held in this electoral region, declare that (I am entitled to vote as an elector at the said election) (I am..... (state the relationship of the companion to the voter)..... of the said voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except EF, of.....) to vote at the said election.

(Signed) AB,

day of.....20....

I, the undersigned, being the presiding officer for the.....polling station for the.....local counting area, certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) GH.

Day of.....20.....

Minutes past.....o'clock (am) (pm)

Note-

1. If the person making the above declaration knowingly and wilfully makes a statement false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under the European Parliamentary elections rules that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

SCHEDULE 3

Regulation 40

“SCHEDULE 2

Regulation 10

ABSENT VOTING

PART 1

ENTITLEMENT

Interpretation

1.—(1) In this Schedule—

“absent voter” means an elector who is entitled to vote by proxy or an elector or proxy who is entitled to vote by post, except in Part 3 of this Schedule (Absent Voting (Transitional Provision)) where it has the meaning set out in paragraph 35;

“allotted polling station” has the meaning set out in paragraph 23(8);

“valid postal voting statement” means a postal voting statement which, in accordance with paragraph 62 or 63, the local returning officer is satisfied has been duly completed.

(2) A reference in this Schedule to a form identified by means of a letter is to be construed as a reference to the form so identified in the Appendix to this Schedule.

(3) Unless otherwise stated, a reference in this Schedule to a numbered paragraph or Part is to a paragraph or Part bearing that number in this Schedule.

Manner of voting at European Parliamentary elections

2.—(1) This paragraph applies to determine the manner of voting of a person entitled to vote as an elector at a European Parliamentary election.

(2) He may vote in person at his allotted polling station, unless he is entitled as an elector to an absent vote at the election.

(3) He may vote by post if he is entitled as an elector to vote by post at the election.

(4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under European Parliamentary elections rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.

(5) If—

(a) he is not entitled as an elector to an absent vote at the election, but

(b) he cannot reasonably be expected to go in person to the allotted polling station by reason of the particular circumstances of his employment, either as a constable or by the local returning officer, on the date of the poll for a purpose connected with the election,

he may vote in person at any polling station in the local counting area.

(6) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act (residence: patients in mental hospitals who are not detained offenders or on remand) or, in Gibraltar, paragraph 10 of Schedule 4 to these Regulations applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not; and such a person may vote—

- (a) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or
- (b) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(7) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7A of the 1983 Act (residence: persons remanded in custody etc.)⁽⁷³⁾ or in Gibraltar, paragraph 11 of Schedule 4 to these Regulations applies, whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(8) Sub-paragraph (2) does not prevent a person, at his allotted polling station, marking a tendered ballot paper in pursuance of rule 44(4) or (6) of the European Parliamentary elections rules.

(9) For the purposes of the provisions of—

- (a) these Regulations, and
- (b) the 1983 Act, the 2002 Act and the 2003 Act,

a person entitled to vote as an elector at a European Parliamentary election is entitled as an elector to vote by post or entitled to vote by proxy at the election if sub-paragraph (10) or (11) (as the case may be) applies to him in relation to that election; and references in those provisions to entitlement as an elector to an absent vote at a European Parliamentary election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

(10) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 5(2) as entitled to vote by post at an election.

(11) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 5(3) as entitled to vote by proxy at an election.

Absent vote at elections for definite or indefinite period

3.—(1) Where a person applies to the registration officer to vote by post at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application), the registration officer must grant the application if—

- (a) he is satisfied that the applicant is or will be registered in the register of electors; and
- (b) the application contains the applicant's signature and date of birth and meets the requirements of Part 2.

(2) Where a person applies to the registration officer to vote by proxy at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application), the registration officer must grant the application if—

- (a) he is satisfied that the applicant is eligible to vote by proxy at elections to which the application relates;
- (b) he is satisfied that the applicant is or will be registered in the register of electors; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements of Part 2.

(3) For the purposes of this paragraph a person is eligible to vote by proxy at European Parliamentary elections if—

- (a) he is or will be registered as a service voter;
- (b) he has an anonymous entry in the register of electors for the election;
- (c) he cannot reasonably be expected—

⁽⁷³⁾ Section 7A of the 1983 Act was inserted by section 5 of the Representation of the People Act 2000 (c.2).

- (i) to go in person to the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules, or
 - (ii) to vote unaided there,
- by reason of blindness or other disability;
- (d) he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse or civil partner, or by reason of his attendance on a course provided by an educational institution or that of his spouse or civil partner; or
 - (e) he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,

and a person is also eligible to vote by proxy at European Parliamentary elections if he is or will be registered in pursuance of an overseas elector's declaration or a European Parliamentary overseas elector's declaration.

(4) The registration officer must keep a record of those whose applications under this paragraph have been granted showing—

- (a) whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period);
- (b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent; and
- (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.

(5) The registration officer must remove a person from the record—

- (a) if he applies to the registration officer to be removed;
- (b) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if he ceases to have an anonymous entry;
- (c) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—
 - (i) a service declaration,
 - (ii) a declaration of local connection, or
 - (iii) an overseas elector's declaration,
- (d) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances; or
- (e) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.

(6) A person shown in the record as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and, if the registration officer would be required to grant that application if it were one made under sub-paragraph (2), the registration officer must amend the record accordingly.

(7) A person shown in the record as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and, if the application meets the requirements of Part 2, the registration officer must amend the record accordingly.

(8) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or sub-paragraph (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has;
- (b) to provide a signature because the applicant is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(9) The registration officer must also keep a record in relation to those whose applications under this paragraph have been granted showing—

- (a) their dates of birth;
- (b) except in cases where the registration officer in pursuance of sub-paragraph (8) has dispensed with the requirement to provide a signature, their signatures.

(10) The record kept under sub-paragraph (9) must be retained by the registration officer for the period calculated by reference to paragraph 18(1).

Absent vote at a particular election

4.—(1) Where a person applies to the registration officer to vote by post at a particular European Parliamentary election, the registration officer must grant the application if—

- (a) he is satisfied that the applicant is or will be registered in the register of electors; and
- (b) the application contains the applicant's signature and date of birth and meets the requirements of Part 2.

(2) Where a person applies to the registration officer to vote by proxy at a particular European Parliamentary election, the registration officer must grant the application if—

- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules;
- (b) he is satisfied that the applicant is or will be registered in the register of electors; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements of Part 2.

(3) Where a person who has an anonymous entry in the register of electors applies to the registration officer to vote by proxy at a particular election the registration officer must grant the application if it meets the requirements of Part 2.

(4) Nothing in sub-paragraph (1) or (2) applies to a person who is included in the record by virtue of paragraph 3, but such a person may, in respect of a particular European Parliamentary election, apply to the registration officer—

- (a) for his ballot paper to be sent to a different address from that shown in the record; or
- (b) to vote by proxy;

if he is shown in the record as voting by post at elections of the kind in question.

(5) The registration officer must grant an application under sub-paragraph (4) if—

- (a) (in the case of any application) it meets the requirements of Part 2; and
- (b) (in the case of an application to vote by proxy) the registration officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules.

(6) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has;
 - (b) to provide a signature because the applicant is unable to read or write; or
 - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (7) The registration officer must also keep a record in relation to those whose applications under this paragraph have been granted showing—
- (a) their dates of birth;
 - (b) except in cases where the registration officer in pursuance of sub-paragraph (6) has dispensed with the requirement to provide a signature, their signatures.
- (8) The record kept under sub-paragraph (7) must be retained by the registration officer for the period required by paragraph 18(1).

Absent voters list

5.—(1) The registration officer must, in respect of each European Parliamentary election, keep two special lists mentioned in sub-paragraphs (2) and (3) respectively.

- (2) The first of those lists is a list (“the postal voters list”) of—
- (a) those whose applications under paragraph 4(1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent; and
 - (b) those who are for the time being shown in the record kept under paragraph 3 as voting by post at European Parliamentary elections (excluding those so shown whose applications under paragraph 4(4)(b) to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under paragraph 3 or, as the case may be, paragraph 4(4)(a) as the addresses to which their ballot papers are to be sent.
- (3) The second of the lists mentioned in sub-paragraph (1) is a list (“the list of proxies”) of—
- (a) those whose applications under paragraph 4(2) or 4(4) to vote by proxy at the election have been granted; and
 - (b) those who are for the time being shown in the record kept under paragraph 3 as voting by proxy at elections of the kind in question,

together with (in each case) the names and addresses of those appointed as their proxies.

(4) In the case of a person who has an anonymous entry in a register the postal voters list or list of proxies (as the case may be) must show in relation to the person only—

- (a) his electoral number, and
- (b) the period for which the anonymous entry has effect.

(5) The registration officer must, forthwith on completion of the compilation of those special lists, supply to the local returning officer for any local counting area wholly or partly within the area for which he acts so much of those lists as relate to that counting area.

Proxies at elections

6.—(1) Subject to the provisions of this paragraph, any person is capable of being appointed proxy to vote for an elector at any European Parliamentary election and may vote in pursuance of the appointment.

(2) The elector cannot have more than one person at a time appointed as proxy to vote for him at European Parliamentary elections (whether in the same electoral region or elsewhere).

(3) A person is not capable of being appointed to vote, or voting, as proxy at a European Parliamentary election—

- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector; or
 - (b) he is neither a Commonwealth citizen nor a citizen of the Union.
- (4) A person is not capable of voting as proxy at a European Parliamentary election unless on the date of the poll he has attained the age of 18.
- (5) A person is not entitled to vote as proxy at the same European Parliamentary election in any electoral region, on behalf of more than two electors of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- (6) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at European Parliamentary elections, the registration officer must make the appointment if the application meets the requirements of Part 2 and he is satisfied that the elector is or will be—
- (a) registered in the register of electors; and
 - (b) shown in the record kept under paragraph 3 as voting by proxy at such elections,
- and that the proxy is capable of being, and willing to be, appointed at such elections.
- (7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular European Parliamentary election, the registration officer must make the appointment if the application meets the requirements of Part 2 and he is satisfied that the elector is or will be registered in the register of electors and entitled to vote by proxy at that election by virtue of an application under paragraph 4(2) or 4(4) and that the proxy is capable of being, and willing to be, appointed.
- (8) The appointment of a proxy under this paragraph is to be made by means of a proxy paper in Form N in the Appendix issued by the registration officer.
- (9) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force—
- (a) where the appointment related to a particular European Parliamentary election or elections, on the issue of a proxy paper appointing a different person to vote for him at a European Parliamentary election or elections (whether in the same electoral region or elsewhere); or
 - (b) where the appointment was for a particular period, once that period expires.
- (10) Subject to sub-paragraph (9), the appointment remains in force—
- (a) in the case of an appointment for a particular election, for that election; and
 - (b) in any other case, while the elector is shown as voting by proxy in the record kept under paragraph 3 in pursuance of the same application under that paragraph.

Voting as proxy

- 7.—(1) A person entitled to vote as proxy at a European Parliamentary election may do so in person at his allotted polling station unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.
- (2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
- (3) For the purposes of these Regulations, the 1983 Act, the 2002 Act and the 2003 Act, a person entitled to vote as proxy for another at a European Parliamentary election is entitled so to vote by post if he is included in the list kept under sub-paragraph (8) in respect of the election.
- (4) Where a person applies to the registration officer to vote by post—
- (a) as proxy at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application); or
 - (b) as proxy at a particular European Parliamentary election,

the registration officer must grant the application if the conditions set out in sub-paragraph (5) are satisfied.

(5) Those conditions are—

- (a) that the registration officer is satisfied that the elector is or will be registered in the register of electors;
- (b) that there is in force an appointment of the applicant as the elector's proxy to vote for him at European Parliamentary elections, or, as the case may be, the election concerned; and
- (c) that the application contains the applicant's signature and date of birth and meets the requirements of Part 2.

(6) The registration officer must keep a record of those whose applications under sub-paragraph (4)(a) have been granted showing —

- (a) whether their applications were to vote by post or by proxy for an indefinite or particular period (specifying that period); and
- (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(7) Where, in the case of a particular European Parliamentary election, a person included in the record kept under sub-paragraph (6) applies to the registration officer for his ballot paper to be sent to a different address from that shown in the record, the registration officer must grant the application if it meets the requirements of Part 2.

(8) The registration officer must, in respect of each European Parliamentary election, keep a special list ("the proxy postal voters list") of—

- (a) those who are for the time being included in the record kept under sub-paragraph (6), together with the addresses provided by them in their applications under sub-paragraph (4) (a) or, as the case may be, sub-paragraph (7) as the addresses to which their ballot papers are to be sent; and
- (b) those whose applications under sub-paragraph (4)(b) have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent,

and, forthwith on completion of the compilation of that list, supply to the local returning officer for any local counting area wholly or partly within the area for which he acts so much of that list as relates to any such area.

(9) In the case of a person who has an anonymous entry in a register, the list mentioned in sub-paragraph (8) must contain only—

- (a) the person's electoral number, and
- (b) the period for which the anonymous entry has effect.

(10) The registration officer must remove a person from the record kept under sub-paragraph (6)

- (a) if he applies to the registration officer to be removed;
- (b) if the elector ceases to be registered in the register of electors;
- (c) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed); or
- (d) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires.

(11) Sub-paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 44(4) or (6) of the European Parliamentary elections rules.

(12) The registration officer may dispense with the requirement under sub-paragraph (5)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has;
- (b) to provide a signature because the applicant is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(13) The registration officer must also keep a record in relation to those whose applications under sub-paragraph (4)(a) or (b) have been granted showing—

- (a) their dates of birth;
- (b) except in cases where the registration officer in pursuance of sub-paragraph (12) has dispensed with the requirement to provide a signature, their signatures.

(14) The record kept under sub-paragraph (13) must be retained by the registration officer for the period calculated by reference to paragraph 18(1).

Provision of fresh signatures

8.—(1) A person who remains on the record kept under paragraph 3(4) or 7(6) may, at any time, provide the registration officer with a fresh signature.

(2) Anything required or authorised to be done for the purposes of any enactment in relation to a signature required to be provided in pursuance of this Schedule must be done in relation to a signature provided as mentioned in sub-paragraph (1) instead of in relation to a signature provided on any earlier occasion.

Use of personal identifier information

9.—(1) The registration officer must either—

- (a) provide the local returning officer for an election with a copy of the information contained in records kept by the registration officer in pursuance of paragraph 3(9), 4(7) and 7(13) in relation to electors at the election; or
- (b) give the local returning officer access to such information.

(2) Information contained in records kept by a registration officer in pursuance of paragraphs 3(9), 4(7) and 7(13) may be disclosed by him to—

- (a) any other registration officer if he thinks that to do so will assist the other registration officer in the performance of his duties; and
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under these Regulations.

Offences

10. A person who—

- (a) in any declaration or form used for any of the purposes of this Schedule, makes a statement which he knows to be false; or
- (b) attests an application under paragraph 3 or 4 when he knows that he is not authorised to do so or that it contains a statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences relating to applications for postal or proxy votes

- 11.**—(1) A person commits an offence if he—
- (a) engages in an act specified in sub-paragraph (2) at a European Parliamentary election; and
 - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (2) These are the acts—
- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
 - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
 - (c) inducing the registration officer or local returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
 - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (3) In sub-paragraph (1)(b) property includes any description of property.
- (4) In sub-paragraph (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (5) A person who commits an offence under sub-paragraph (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.

PART 2

APPLICATIONS

Forms

12.—(1) The registration officer must supply free of charge as many forms for use in connection with applications made under this Part, Part 3 and Part 4 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 the Appendix to this Schedule or forms substantially to the like effect may be used with such variations as the circumstances may require.

Communication of applications, notices etc

13. The requirement in this Part, Part 3 and Part 4 that any application, notice, representation 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.

Electronic signatures and related certificates

14.—(1) A requirement in this Part, Part 3 and Part 4 for an application, notice, representation 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 otherwise logically associated with a particular electronic communication; and
- (b) the certification by any person of such a signature.

(2) For the purposes of this paragraph 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 paragraph 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.

(4) This paragraph does not apply to the provision of signatures under paragraphs 17(4), 31(1)(a) and 36(2) which must be given by hand.

Time

15.—(1) Where the day or last day of the time allowed by this Part, Part 3 and Part 4 for the doing of any thing falls on any of the days mentioned in sub-paragraph (3), that time must be extended until the next following day which is not one of those days.

(2) Subject to paragraph 26(7), in computing any period of not more than 7 days for the purposes of this Part, Part 3 and Part 4 any of the days mentioned in sub-paragraph (3) must be disregarded.

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

(4) In sub-paragraph (3) “bank holiday” means—

- (a) as respects the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(74) in England and Wales and a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (3);
- (b) as respects an electoral region other than Scotland or the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales; and
- (c) as respects Scotland, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Scotland.

(74) 1971 c. 80.

Interference with notices etc

16. Any person who 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, is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

General requirements for applications for an absent vote

17.—(1) An application under this Part must comply with the requirements of this paragraph and such further requirements in this Part 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 registered or has applied to be (or is treated as having applied to be) registered in the register except in the case of an application under paragraph 7(4) or (7);
- (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 (2)(b);
- (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent;
- (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;
- (f) in the case of a person who is unable to provide a signature, the reasons for his request for waiver of any requirement under paragraph 3, 4 or 7 to provide a signature and the name and address of any person who has assisted him to complete his application; and
- (g) where the applicant has, or has applied for, an anonymous entry, that fact.

(3) The application must be made in writing and must be dated.

(4) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into his record by configuring the information as follows—

- (a) the signature must appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
- (b) the applicant's date of birth must be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

(5) Where the application contains a request that the registration officer waive the requirement for a signature, sub-paragraph (4)(a) does not apply.

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

- (a) that it is so made; and
- (b) that it is made for European Parliamentary elections.

(7) An application under this Schedule which is made for a particular European Parliamentary election must—

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

(8) Where an application is made to vote by proxy, it must include an application for the appointment of a proxy which meets the requirements of paragraph 22.

(9) An application under this Part may be combined with an application for an absent vote made under the 2001 Regulations(75), including those Regulations as applied by regulations under sections 44 and 105 or 45 and 105 of the Local Government Act 2000(76), or the 2001 (Scotland) Regulations(77).

The personal identifiers record

18.—(1) The registration officer must maintain a record (“the personal identifiers record”), apart from the other records and lists which he is required to keep under this Schedule, of the signatures and dates of birth provided by persons whose applications under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4)(a) or (b) were granted, until the expiry of 12 months from—

- (a) the date on which a person is removed from the record kept pursuant to paragraph 3(4) or 7(6); or
- (b) the date of the poll for the purposes of which the person’s application for an absent vote was granted under paragraph 4(1) or (2) or 7(4)(b).

(2) The personal identifiers record must contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list—

- (a) his name;
- (b) his date of birth; and
- (c) his signature, or a record of the waiver by the registration officer of the requirement for a signature.

(3) The registration officer may allow the disclosure of information held in the personal identifiers record to—

- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes of paragraphs 62 and 63;
- (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the 2000 Act(78), but only to the extent required to permit them to observe the proceedings.

Additional provision concerning the requirement that an application for an absent vote must be signed by the applicant

19. The registration officer may satisfy himself—

- (a) that an application under this Schedule meets any requirements that it has been signed by the applicant and states his date of birth by referring to any signature and date of birth—
 - (i) previously provided by the applicant to the registration officer or the returning officer; or
 - (ii) previously provided by the applicant to the council that appointed the registration officer or to a registrar of births and deaths, which the registration officer is authorised to inspect by virtue of regulation 35 of the 2001 Regulations or regulation 35 of the 2001 (Scotland) Regulations or paragraph 8(4) of Schedule 1 to the 2004 Act for the purposes of his registration duties; and

(75) Part IV of the 2001 Regulations makes provision for absent voting and has been amended by [S.I. 2001/1700](#), [S.I. 2005/2114](#), [S.I. 2006/752](#), [S.I. 2006/2910](#) and [S.I. 2007/1025](#).

(76) [2000 c.22](#). The following regulations have been made under sections 44, 45 and 105 of the Local Government Act 2000: [S.I.2002/521](#), [S.I.2004/294](#), [S.I. 2006/752](#), [S.I. 2006/2910](#), [S.I. 2006/3278](#), [S.I. 2007/1024](#), [S.I. 2007/1025](#) and [S.I. 2007/2089](#).

(77) Part IV of the 2001 (Scotland) Regulations makes provision for absent voting and has been amended by [S.I.2001/1749](#), [S.I. 2005/2114](#), [S.I.2006/834](#), [S.I.2007/925](#) and [S.I.2008/305](#).

(78) [2000 c. 41](#); sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 ([c.41](#)) were inserted by section 29 of the Electoral Administration Act 2006 ([c. 22](#)).

- (b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.

Additional requirement for applications for ballot papers to be sent to different address from that stated in application

20.—(1) Sub-paragraph (2) applies where—

- (a) in the case of an application to vote by post under paragraph 3(1) or (7) or 4(1), the addresses stated in accordance with paragraph 17(2)(b) and (d) are different;
- (b) in the case of an application by a proxy to vote by post under paragraph 7(4), the proxy's address stated in accordance with paragraph 17(2)(c) and the address stated in accordance with paragraph 17(2)(d) are different.

(2) The application must set out why the applicant's circumstances will be or are likely to be such that he requires the ballot paper to be sent to the address stated in accordance with paragraph 17(2)(d).

(3) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.

Additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6)

21.—(1) An application under—

- (a) paragraph 4(4)(a) by a person shown as voting by post in the record kept under paragraph 3(4); or
- (b) paragraph 7(7) by a person shown as voting by post in the record kept under paragraph 7(6),

for his ballot paper to be sent to a different address from that shown in the records must set out why the applicant's circumstances will be or are likely to be such that he requires his ballot paper to be sent to that address.

(2) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.

Additional requirements for applications for the appointment of a proxy

22. An application for the appointment of a proxy under paragraph 3 or 4 must 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, must 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, must 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 blindness or other disability

23.—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(c) must specify the disability by reason of which it is made.

(2) Subject to sub-paragraphs (3) and (6), such an application must be attested and signed by—

- (a) a registered medical practitioner;
- (b) a registered nurse;

- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984⁽⁷⁹⁾;
- (d) a registered dispensing optician or a registered optometrist within the meaning of section 36(1) of the Opticians Act 1989⁽⁸⁰⁾;
- (e) a registered pharmacist within the meaning of article 3(1) of the Pharmacists and Pharmacy Technicians Order 2007⁽⁸¹⁾;
- (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993⁽⁸²⁾;
- (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994⁽⁸³⁾;
- (h) a Christian Science practitioner;
- (i) a person for the time being listed in the British Psychological Society’s Register of Chartered Psychologists;
- (j) a person who is registered as a member of a relevant profession for the purposes of the Health Professions Order 2001⁽⁸⁴⁾;
- (k) the person registered —
 - (i) in England and Wales, as carrying on a care home registered under Part 2 of the Care Standards Act 2000⁽⁸⁵⁾, or
 - (ii) in Scotland, as managing a care home service registered under Part 1 of the Regulation of Care (Scotland) Act 2001⁽⁸⁶⁾;
 where the applicant states that he is resident in such a home;
- (l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;
- (m) a manager —
 - (i) in England and Wales, within the meaning of section 145(1) of the Mental Health Act 1983⁽⁸⁷⁾, or
 - (ii) in Scotland, within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽⁸⁸⁾ responsible for the administration of a hospital within the meaning of that section,
 or a person authorised to act on behalf of such a manager for these purposes;
- (n) a person registered in the register of social workers maintained—
 - (i) in England and Wales, in accordance with section 56 of the Care Standards Act 2000, or

⁽⁷⁹⁾ 1984 c. 24.

⁽⁸⁰⁾ 1989 c. 44. The definitions of “registered dispensing optician” and “registered optometrist” were inserted by S.I. 2007/3101.

⁽⁸¹⁾ S.I.2007/289.

⁽⁸²⁾ 1993 c. 21.

⁽⁸³⁾ 1994 c. 17.

⁽⁸⁴⁾ S.I. 2002/254, “relevant professions” is defined by paragraph 1 of Schedule 3 to the Order which was amended by S>I. 2004/2033.

⁽⁸⁵⁾ 2000 c. 14.

⁽⁸⁶⁾ 2001 asp. 8.

⁽⁸⁷⁾ 1983 c. 20. The interpretation of “the managers” in section 145(1) has been amended by the National Health Service and Community Care Act 1990 (c.19), the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 107(14); the Health Act 1999 (c. 8), sections 41(2), 65 and Schedule 5; National Health Service and Community Care Act 1990 (c.8), Schedule 9, paragraph 24; the Care Standards Act 2000 (c.14), Schedule 4, paragraphs 9 and 10; S.I.2000/90; National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 2 Part 2, paragraph 49; S.I. 2002/2469; the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4 paragraph 57; the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraph 70; S.I.2007/961 and the Mental Health Act 2007 (c.12), section 46.

⁽⁸⁸⁾ 2003 asp. 13.

- (ii) in Scotland, in accordance with section 44 of the Regulation of Care (Scotland) Act 2001,
 - (o) in Gibraltar, in the case of an applicant who is resident in a residential home for persons of pensionable age or for physically disabled persons, a senior nursing officer of the home; and
 - (p) in Gibraltar, any person registered under the provisions of the Medical and Health Act 1997⁽⁸⁹⁾.
- (3) A person who qualifies—
- (a) by virtue of any of sub-paragraphs (2)(a) to (j) may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (b) by virtue of sub-paragraph (2)(n) may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the applicant in respect of that disability.
- (4) The person attesting the application must state—
- (a) his name and address and the qualification by virtue of which he attests the application;
 - (b) where the person who attests the application is a person referred to in sub-paragraph (3)(a), that—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability;
 - (c) where the person who attests the application is a person referred to in sub-paragraph (3)(b), that—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the applicant in respect of that disability;
 - (d) that, to the best of his knowledge and belief, the applicant has the disability 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 disability; and
 - (e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (5) A manager (or person authorised to act on behalf of such a manager) attesting an application by virtue of sub-paragraph (2)(m) must, instead of the matters specified in sub-paragraph (4)(a), state in the attestation—
- (a) the name of the person attesting the application;
 - (b) that the person is authorised to attest the application;
 - (c) the position of the person in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;
 - (d) the statutory provision under which the applicant is detained, or liable to be detained, at the hospital, where applicable.

⁽⁸⁹⁾ Gibraltar Act No. 1997-25.

- (6) Sub-paragraphs (2), (4) and (5) do not apply where—
- (a) in England and Wales, 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 and which has made arrangements for the applicant under section 29(1) of the National Assistance Act 1948⁽⁹⁰⁾;
 - (b) in Gibraltar, the application is based on the applicant’s blindness and the applicant is registered as a blind person by the Gibraltar Health Authority;
 - (c) in Scotland, the application is based on the applicant’s blindness and the applicant is registered as a blind person by a local authority which is specified in the application; or
 - (d) 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 Contributions and Benefits Act 1992⁽⁹¹⁾) because of the disability specified in the application.
- (7) The fact that an applicant is registered with a local authority, or the Gibraltar Health Authority, as mentioned in sub-paragraph (6) shall be deemed sufficient evidence that he is eligible to vote by proxy on the grounds set out in paragraph 3(3)(c).
- (8) In this paragraph and in paragraphs 24 and 25 “allotted polling station”, in relation to an elector, means the polling station to which the elector is allotted or likely to be allotted under rule 29(1) of the European Parliamentary elections rules.

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

- 24.**—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(d) must state—
- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or civil partner or, as the case may be, it is the applicant or his spouse or civil partner 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 must 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;

⁽⁹⁰⁾ 1948 c.29.

⁽⁹¹⁾ 1992 c.4. Section 73(1) was amended by section 67 of the Welfare Reform and Pensions Act 1999 (c.30); subsection (4) was substituted by section 53 of, and paragraph 2 of Schedule 7 to, the Welfare Reform Act 2007 (c.5); subsection (13) was amended by section 2 of, and paragraph 145 of Schedule 1 to, the National Health Service (Consequential Provisions) Act 2006 (c.43); subsections (2)(c) and (5)(c) were partially repealed by section 3 of, and Schedule 2 to, the Child Benefit Act 2005 (c.6) and subsection (5) was partially repealed by sections 53 and 67 of, and Schedule 8 to, the Welfare Reform Act 2007.

- (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 principal or head.
- (3) The person attesting an application under sub-paragraph (2) must—
- (a) where the applicant is the employed person, self-employed person or the person attending the course, certify that the statements required by sub-paragraph (1)(a) to (d) to be included in the application are true; or
 - (b) where the applicant is the spouse or civil partner of the employed person, self-employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraph (1)(a) to (c) are true.
- (4) The person attesting an application under sub-paragraph (2) must 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 paragraph, one person is related to another if he is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the other.

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

25.—(1) An application under paragraph 4(2) to vote by proxy at a particular election must 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.

- (2) Where an application under paragraph 4(2)—
- (a) is made on the grounds of the applicant's disability; and
 - (b) is made after 5 p.m. on the sixth day before the date of the poll at the election for which it is made,

the requirements of paragraph 23 as to the matters to be specified and the attestation shall apply.

(3) Where an application mentioned in sub-paragraph (2) is made, the person who attests the application must state, in addition to those matters specified in paragraph 23, to the best of his knowledge and belief, the date upon which the applicant became disabled.

(4) Where an application under paragraph 4(2) is made by a person to whom paragraph 2(6) applies after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, the requirements of sub-paragraph (5) as to the matters to be specified and as to attestation shall apply.

- (5) Where an application mentioned in sub-paragraph (4) is made—
- (a) the application must additionally state the name and address of the hospital at which the applicant is liable to be detained; and

- (b) the application must be attested by the manager, within the meaning of section 145(1) of the Mental Health Act 1983(92), or section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003(93), responsible for the administration of the hospital at which the applicant is liable to be detained, or a person authorised to act on behalf of such a manager for these purposes, or, in Gibraltar, by the Chief Executive of the Gibraltar Health Authority or a person authorised to act on his behalf, and the attestation must state—
- (i) the name of the person, attesting the application;
 - (ii) that the person, is authorised to attest the application;
 - (iii) the position of the person in the hospital at which the applicant is liable to be detained; and
 - (iv) the statutory provision under which the applicant is detained, or liable to be detained, at the hospital, where applicable.
- (6) This paragraph does not apply where the applicant has an anonymous entry.

Closing date for applications

26.—(1) An application under paragraph 3(1), (6) and (7) or 7(4) must be disregarded for the purposes of a particular European Parliamentary election and an application under paragraph 4(4) must 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(2) or 6(6) must be disregarded for the purposes of a particular European Parliamentary 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) Subject to sub-paragraph (4), an application under paragraph 4(2) or 6(7) must 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) Where an application made under paragraph 4(2) is made—

- (a) on the grounds of the applicant’s disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or
- (b) by a person to whom paragraph 2(6) applies,

the application, or an application under paragraph 6(7) made by virtue of that application, must be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.

(5) An application under paragraph 4(1) or 7(7) must 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.

(6) An application under—

- (a) paragraph 3(5)(a) by an elector to be removed from the record kept under paragraph 3(4); or
- (b) paragraph 7(10)(a) by a proxy to be removed from the record kept under paragraph 7(6),

(92) 1983 c.20. The interpretation of “the managers” in section 145(1) has been amended by the National Health Service and Community Care Act 1990 (c.19), the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 107(14); the Health Act 1999 (c. 8), sections 41(2), 65 and Schedule 5; National Health Service and Community Care Act 1990 (c.8), Schedule 9, paragraph 24; the Care Standards Act 2000 (c.14), Schedule 4, paragraphs 9 and 10; S.I.2000/90; National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 2 Part 2, paragraph 49; S.I. 2002/2469; the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4 paragraph 57; the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraph 70; S.I.2007/961 and the Mental Health Act 2007 (c.12), section 46.

(93) 2003 asp. 13.

and a notice under paragraph 6(9) by an elector cancelling a proxy's appointment must be disregarded for the purposes of a particular European Parliamentary election 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.

(7) In computing a period of days for the purposes of this paragraph, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday must be disregarded.

(8) In sub-paragraph (7) "bank holiday" means—

- (a) in relation to a general election in the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽⁹⁴⁾ in any part of the United Kingdom or a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (7);
- (b) in relation to a by-election in the combined region a day, which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales or a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (7);
- (c) in relation to a general election in a region other than the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom; and
- (d) in relation to a by-election in a region other than the combined region, a day which is a bank holiday under that Act in that part of the United Kingdom in which the electoral region is situated.

Grant or refusal of applications

27.—(1) Where the registration officer grants an application to vote by post, he must notify the applicant of his decision.

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

(3) Where the registration officer refuses an application under this Part, he must notify the applicant of his decision and of the reason for it.

(4) Where the returning officer grants an application made under—

- (a) paragraph 4(4)(a) by a person shown as voting by post in the record kept under paragraph 3(4); or
- (b) paragraph 7(7) by a person shown as voting by post in the record kept under paragraph 7(6),

he must notify the applicant of this.

(5) Where a person is removed from the record kept pursuant to paragraph 3(4) or 7(6), the registration officer must where practicable notify him of this and the reason for it.

(6) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer must notify the elector that the appointment has been cancelled or, as the case may be, notify him that the appointment has ceased to be in force and the reason for it.

(7) Where, under paragraph 26, a registration officer disregards an application for the purposes of any particular European Parliamentary election, he must notify the applicant of this.

(8) At a European Parliamentary election where the registration officer is not the local returning officer for any local counting area or part of such area in the area for which he is the registration officer, he must send to that officer details of any application to vote by post which he has granted as soon as practicable after doing so.

(94) 1971 c.80.

Notice of appeal

28.—(1) A person desiring to appeal under regulation 21(1) 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 paragraph 27(3) specifying the grounds of appeal.

(2) The registration officer must forward any such notice to the appropriate county court or, in Gibraltar, the Gibraltar 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) In Scotland, the registration officer must forward any such notice to the sheriff 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; and he must give to the sheriff any other information which the sheriff may require and which the registration officer is able to give.

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

Cancellation of proxy appointment

29. Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 6(9) or ceases to be in force under that provision or is no longer in force under paragraph 6(10)(b), the registration officer must—

- (a) notify the person whose appointment as proxy has been cancelled, expired 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
- (b) remove his name from the record kept under paragraph 3(4)(c).

Inquiries by registration officer

30.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown as voting by proxy in the record kept under paragraph 3(4) in pursuance of an application granted on the grounds set out in paragraph 3(3)(c) or (d) 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 particular period was based on the grounds referred to in paragraph 3(3)(d), the registration officer must 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.

Requirement to provide fresh signatures at five yearly intervals

31.—(1) The registration officer must every year by 31st January send every person who remains an absent voter at European Parliamentary elections and whose signature held on the personal identifiers record is more than five years old a notice in writing—

- (a) requiring him to provide a fresh signature; and

- (b) informing him of the date (6 weeks from the date of sending the notice) on which he would cease to be entitled to vote by post or by proxy in the event of a failure or refusal to provide a fresh signature.
- (2) The notice must be sent by the registration officer to the current or last known address of the absent voter.
- (3) The registration officer must, if the absent voter has not responded to the notice within 3 weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.
- (4) Where a notice or copy of a notice is sent by post, the registration officer may use—
- (a) a universal postal service provider; or
 - (b) a commercial delivery firm,
- and postage must be prepaid.
- (5) A notice or copy of a notice sent to an absent voter in accordance with sub-paragraph (1) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of any notice or copy of a notice sent to an address in the United Kingdom or Gibraltar, return postage must be prepaid.
- (6) The registration officer must determine, not later than the date specified in the notice sent to the absent voter, whether the absent voter has failed or refused to provide a fresh signature.
- (7) Where the registration officer determines that the absent voter has refused or failed to provide a fresh signature, he must from the date specified in the notice sent to the absent voter in accordance with sub-paragraph (1)(b) remove that person's entry from the records kept pursuant to paragraph 3(4) or 7(6) and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8).
- (8) Where a registration officer removes an absent voter's entry in the circumstances to which sub-paragraph (7) refers—
- (a) the registration officer must inform the absent voter, where appropriate, of the location of his allotted polling station or the polling station to which he is likely to be allotted (as determined in accordance with the European Parliamentary elections rules);
 - (b) paragraph 27(3) and paragraph 28 shall apply as if the registration officer were refusing an application under this Schedule; and
 - (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.
- (9) The registration officer must include in the notice to be sent to an absent voter regarding his removal from the records kept pursuant to paragraph 3(4) or 7(6) and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8), information—
- (a) explaining the effect of such removal; and
 - (b) reminding the absent voter that he may make a fresh application under Part 2 to vote by post or by proxy (as the case may be).
- (10) Where a person to whom sub-paragraph (1) applies has provided a registration officer with the required personal identifiers under paragraph 3, 4 or 7 of Schedule 4 to the Representation of the People Act 2000⁽⁹⁵⁾, the 2001 Regulations⁽⁹⁶⁾, the 2001 (Scotland) Regulations⁽⁹⁷⁾, the Scottish Parliament (Elections etc.) Order 2007⁽⁹⁸⁾ or the National Assembly for Wales (Representation

⁽⁹⁵⁾ 2000 c.2. Paragraphs 3, 4 and 7 of Schedule 4 to the 2000 Act were amended by section 14 of the Electoral Administration Act 2006 (c.22) to make provision for the personal identifiers to be provided in applications for absent votes.

⁽⁹⁶⁾ S.I.2001/341 as amended by S.I.2006/2910.

⁽⁹⁷⁾ S.I.2001/497 as amended by S.I.2008/305.

⁽⁹⁸⁾ S.I.2007/937 as amended by S.I.2008/307.

of the People) Order 2007⁽⁹⁹⁾ before the date specified in the notice sent to the absent voter in accordance with sub-paragraph (1)(b), the registration officer may use them and enter them in his records in accordance with paragraphs 3(9), 4(7), 7(13) and 18.

Records and lists kept under this Schedule

32.—(1) Any person entitled to be supplied in accordance with regulation 103, 105, 106 or 108 of the 2001 Regulations, or in accordance with regulation 102, 104, 105 or 107 of the 2001 (Scotland) Regulations, or in accordance with paragraphs 52, 53, 54 or 56 of Schedule 1 to the 2004 Act⁽¹⁰⁰⁾, with copies of the full register is also a person entitled, subject to this paragraph and to paragraph 33, to request that the registration officer supply free of charge the relevant part (within the meaning of those regulations) of a copy of any of the following information which he keeps—

(a) the current version of the information which would, in the event of a particular European Parliamentary election, be included in the postal voters lists, the list of proxies or the proxy postal voters lists, which he is required to keep under paragraph 5 or 7(8);

(b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists kept under paragraph 5 or 7(8).

(2) A request under paragraph (1) must be made in writing and must specify—

(a) the information (or the relevant parts of the information) requested;

(b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and

(c) whether a printed copy of the records or lists is requested or a copy in data form.

(3) A person who obtains any information under this paragraph may use it only for the permitted purposes specified in paragraph 33, and any restrictions—

(a) specified in that paragraph; or

(b) which would apply to the use of the full register under whichever of regulation 103, 105, 106 or 108 of the 2001 Regulations, or regulation 102, 104, 105 or 107 of the 2001 (Scotland) Regulations or paragraphs 53 or 56 of Schedule 1 to the 2004 Act, entitled that person to obtain that information,

shall apply to such use.

(4) The registration officer must supply a current copy of the information requested under sub-paragraph (1), as soon as practicable after receipt of a request that is duly made.

(5) The registration officer must supply a final copy of the postal voters list kept under paragraph 5(2), as soon as practicable after 5p.m. on the eleventh day before the day of the poll, in response to a request under sub-paragraph (1) that has been duly made.

(6) As soon as practicable after 5p.m. on the sixth day before the day of the poll the registration officer must—

(a) make a copy of the lists kept under paragraphs 5 and 7(8) available for inspection at his office in accordance with sub-paragraphs (10) to (15);

(b) if he is not the local returning officer for the local counting area or part of a local counting area for which he is registration officer, send that officer a copy of those lists; and

(c) supply a final copy of the postal voters lists or the list of proxies in response to every request under sub-paragraph (1) that has been duly made.

(7) The registration officer must supply a final copy of the list of proxies kept under paragraph 5(3), updated to include any additions to that list made in consequence of any applications granted in

⁽⁹⁹⁾ S.I.2007/236.

⁽¹⁰⁰⁾ Gibraltar Act No. 2004-05.

accordance with paragraph 26(4), as soon as practicable after 5p.m. on the day of the poll, to every person who received that list in accordance with sub-paragraph (6)(b).

(8) Any person who has obtained or is entitled to obtain a copy of information specified in sub-paragraph (1) may—

- (a) supply a copy of the information to a processor, within the meaning of rule 67 of the European Parliamentary elections rules, for the purpose of processing the information; or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this paragraph,

for use in respect of the purposes for which that person is entitled to obtain such information.

(9) Paragraphs (2) and (3) of regulation 92 of the 2001 regulations and the condition in paragraph (9) of that regulation, or paragraph (4) of regulation 114 of the 2001 (Scotland) Regulations, or, as appropriate, paragraph 44(9) of Schedule 1 to the 2004 Act, shall be taken to apply to the supply and processing of information supplied under this paragraph as they apply to the supply and processing of the full register under Part 6 of the 2001 Regulations, under Part 6 of the 2001 (Scotland) Regulations or under Part 3 of Schedule 1 to the 2004 Act.

(10) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in sub-paragraph (1).

(11) A request under sub-paragraph (10) must be made in writing and must specify—

- (a) the information (or relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in printed or data form.

(12) The registration officer must make a copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request that has been duly made.

(13) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer must ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(14) A person who inspects a copy of the information, whether a printed copy or in data form, may not—

- (a) make copies of any part of it; or
- (b) record any particulars in it;

otherwise than by means of hand-written notes.

(15) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act or paragraph 21 of Schedule 4 to these Regulations, any duty on a registration officer to supply a copy or make information available for inspection under this paragraph imposes only a duty to provide that information in the form in which he holds it.

(16) For the purposes of this paragraph—

- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9 a.m. on the date it is supplied; and
- (b) any period of days is to be calculated in accordance with paragraph 26(7).

(17) The registration officer must ensure that where he supplies or discloses information specified in sub-paragraph (1)(a) in accordance with this paragraph, he does not supply or disclose any record relating to a person specified in sub-paragraph (18).

(18) The persons specified in this paragraph are—

- (a) a person who has an anonymous entry;
- (b) the proxy of a person who has an anonymous entry.

Conditions on the use, supply and inspection of absent voter records or lists

33. The restrictions on the supply, disclosure and use of the full register in regulations 94 and 96 of the 2001 Regulations or, as appropriate, regulations 94 and 95 of the 2001 (Scotland) Regulations or paragraphs 46 and 47 of Schedule 1 to the 2004 Act, apply to information specified in paragraph 32(1)(a) and (b) as they apply to the full register, except that the permitted purpose is to mean either—

- (a) research purposes, including statistical or historical purposes; or
- (b) electoral purposes.

Marked register for polling stations

34. 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” must be placed against the entry of that elector in any copy of the register, or part of it, provided for a polling station.

PART 3

ABSENT VOTING (TRANSITIONAL PROVISION)

Interpretation and extent

35. In this Part of this Schedule only —

“absent voter” means a person whose application under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4) was granted prior to the commencement of these Regulations; and

“absent voting records” means any one or more of the records kept pursuant to paragraph 3(4) and 7(6) or the lists kept pursuant to paragraph 5(2) or (3) or paragraph 7(8).

Requiring personal identifiers from existing absent voters

36.—(1) A registration officer must by 28th February 2009 send a notice in writing to every person who, prior to the commencement of these Regulations had an entry as an absent voter in the absent voting records kept by the registration officer for the purposes of voting at European Parliamentary elections.

(2) The notice must require the absent voter to provide to the registration officer within six weeks a specimen of his signature and his date of birth (“the required personal identifiers”) in accordance with this Part.

(3) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(4) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

(5) Where a notice or copy of a notice is sent by post, the registration officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage must be prepaid.

(6) A notice or copy of a notice sent to an absent voter in accordance with this paragraph must be accompanied by a pre-addressed reply envelope and, in the case of any notice sent to an address within the United Kingdom or Gibraltar, return postage must be prepaid.

(7) Where a registration officer has been provided with the required personal identifiers by an applicant for an absent vote at an elections other than European Parliamentary elections under paragraph 3, 4 or 7 of Schedule 4 to the Representation of the People Act 2000(**101**), the 2001 Regulations(**102**), the 2001 (Scotland) Regulations(**103**), the Absent Voting (Transitional Provisions)(England and Wales) Regulations 2006(**104**), the Absent Voting (Transitional Provisions) (Scotland) Regulations 2008(**105**), the Scottish Parliament (Elections etc.) Order 2007(**106**) or the National Assembly for Wales (Representation of the People) Order 2007(**107**) before the date specified in the notice in accordance with paragraph 37(2)(d), he may use them and enter them in his records kept in accordance with paragraphs 3(9), 4(7), 7(13) and 18.

Required information to be provided to existing absent voters

37.—(1) Where a registration officer sends a notice or a copy of a notice pursuant to paragraph 36, he must also provide information—

- (a) explaining how the required personal identifiers will be used and how the required personal identifiers will assist in deterring misuse of the entitlement to vote;
- (b) explaining that, in the event of a failure or refusal to provide the required personal identifiers, the absent voter will lose his entitlement to vote by post, by proxy or by post as a proxy (as the case may be);
- (c) explaining the circumstances in which a registration officer may dispense with the requirement to provide a signature; and
- (d) explaining that loss of the entitlement to vote by post, by proxy or by post as a proxy (as the case may be) under this Part does not prevent the absent voter from making a fresh application under Part 2 to be entitled to vote by post, by proxy or by post as a proxy at European Parliamentary elections.

(2) The notice must specify the following matters—

- (a) that the absent voter would cease to be entitled to vote by post or by proxy, or to act as a postal proxy at European Parliamentary elections if he does not provide the required personal identifiers;
- (b) whether the person has an entry in the absent voting records as voting by post, by proxy or by post as a proxy or in more than one capacity;
- (c) as regards an absent voter entitled to vote by post as a proxy, the name and address of each person for whom he is entitled to vote; and

(101) 2000 c.2. Paragraphs 3, 4 and 7 of Schedule 4 to the 2000 Act were amended by section 14 of the Electoral Administration Act 2006 (c.22) to make provision for the personal identifiers to be provided in applications for absent votes.

(102) S.I.2001/341 as amended by S.I.2006/2910. Other amendments made to the 2001 Regulations are not relevant.

(103) S.I.2001/497 amended by S.I.2008/305. Other amendments made to the 2001 Regulations are not relevant.

(104) S.I. 2006/2973.

(105) S.I.2008/48.

(106) S.I.2007/937 as amended by S.I.2008/307.

(107) S.I.2007/236.

- (d) the date (not less than 49 days from the sending of the initial notice) from which he will cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) in the event of his failure or refusal to provide the required personal identifiers.

Determination by registration officer

38.—(1) The registration officer must, no later than the date specified in the notice sent to the absent voter in accordance with paragraph 37(2)(d), determine whether the absent voter has failed or refused to provide the required personal identifiers.

(2) The registration officer shall not determine that an absent voter has failed or refused to provide the required personal identifiers due to a failure to provide a signature if the registration officer is satisfied that the absent voter is unable—

- (a) to provide a signature because of any disability the absent voter has;
- (b) to provide a signature because the absent voter is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability,

and where the registration officer is so satisfied entries relating to the absent voter in the absent voting records must not show the absent voter's signature.

Consequences of failure or refusal to provide personal identifiers

39.—(1) Where the registration officer determines that an absent voter has failed or refused to provide the required personal identifiers—

- (a) if the absent voter has an entry in his voting records, the registration officer must remove that entry, and the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) otherwise than in pursuance of a further application made under Part 2;
- (b) in the case of an absent voter whose application under paragraph 4(1) or (2) or paragraph 7(4)(b) has been granted, the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) at the particular election for which the application under paragraph 4(1) or (2) or paragraph 7(4)(b) was made, otherwise than in pursuance of a further application made under Part 2.

(2) Where an absent voter ceases to be entitled to vote by post, by proxy or by post as proxy in the circumstances to which sub-paragraph (1) refers—

- (a) the registration officer must inform the absent voter in writing of the location of the polling station to which the elector is allotted or likely to be allotted under the European Parliamentary elections rules, where appropriate;
- (b) paragraph 27(5) and paragraph 28 apply as if the registration officer were refusing an application under Part 2; and
- (c) in the case of an absent voter who ceases to be entitled to vote by post as proxy, the registration officer must also notify in writing the elector for whom the proxy was appointed.

(3) The registration officer must include in the notice to be sent to an absent voter pursuant to sub-paragraph (2), information—

- (a) explaining the effect of removal from the absent voting records (where applicable); and
- (b) reminding the absent voter that he may make a fresh application under Part 2 to vote by post, by proxy or by post as a proxy (as the case may be).

PART 4

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Interpretation of Part 4

- 40.**—(1) For the purposes of this Part, unless the context otherwise requires—
- “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 paragraph 50;
 - “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 paragraph 57(1)(a);
 - “receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 57(5);
 - “relevant election or referendum” means one or more of the following—
 - (a) a parliamentary election,
 - (b) a local government election,
 - (c) a mayoral election,
 - (d) referendum conducted under the Local Authorities (Conduct of Referendums)(England) Regulations 2007(**108**),
the poll at which is taken together with the poll at the European Parliamentary election;
and
 - “spoilt postal ballot paper” means a ballot paper referred to in paragraph 53(1).
- (2) In the case of a referendum, a reference to—
- (a) a candidate must be construed as a reference to a petition organiser, within the meaning of regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2007;
 - (b) an election agent or counting agent must be construed as a reference to a counting observer, within the meaning of that regulation;
 - (c) a polling agent must be construed as a reference to a polling observer, within the meaning of that regulation; and
 - (d) a returning officer or local returning officer must be construed as a reference to a counting officer, within the meaning of that regulation.

Issue of Postal Ballot Papers

Combination of poll

- 41.** Where the poll at the European Parliamentary election is to be taken together with—

- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act⁽¹⁰⁹⁾ (combination of polls at parliamentary, European Parliamentary and local government elections); or
- (b) the poll at a mayoral election or a referendum in accordance with regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000⁽¹¹⁰⁾,

or two or more such polls, the proceedings on the issue and receipt of postal ballot papers in respect of each election or referendum may, if all the returning officers concerned agree, be taken together.

Form of postal voting statement

42. The form of the postal voting statement for the purposes of rule 28 of the European Parliamentary elections rules in Schedule 1 to these Regulations must be—

- (a) in Form O in the Appendix at a European Parliamentary election taken alone;
- (b) in Form P in the Appendix at a European Parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at a relevant election or referendum; and
- (c) in Form Q in the Appendix at a European Parliamentary election where the poll is taken together with the poll at a relevant election or referendum, 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

43. Without prejudice to the provisions of sections 6A to 6E of the 2000 Act⁽¹¹¹⁾, no person may be present at the proceedings on the issue of postal ballot papers other than the local returning officer and his clerks.

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

44. Without prejudice to the provisions of sections 6A to 6E of the 2000 Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the local returning officer and his clerks;
- (b) a candidate;
- (c) an election agent or a person appointed by him to attend in his place;
- (d) a sub-agent;
- (e) any agents appointed under paragraph 45; and
- (f) where the proceedings on the receipt of postal ballot papers are taken together with the proceedings for a relevant election or referendum, persons entitled to be present at the proceedings for the relevant election or referendum.

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

45.—(1) The election agent or sub-agent of each registered party standing nominated or the election agent or sub-agent of each individual candidate may appoint one or more agents to attend

⁽¹⁰⁹⁾ 1985 c.50. Section 15 (1) and (3) have been amended by section 3 of the European Communities (Amendment) Act 1986 (c.58); subsection (5A) was inserted by the Local Government Act 2003 (c.26) and subsection (6) was inserted by the Elections Act 2001 (c.7).

⁽¹¹⁰⁾ 2000 c.22. The following regulations have been made under sections 44, 45 and 105 of the Local Government Act 2000: S.I.2002/521, S.I.2004/294, S.I. 2006/752, S.I. 2006/2910, S.I. 2006/3278, S.I. 2007/1024, S.I. 2007/1025 and S.I. 2007/2089.

⁽¹¹¹⁾ Sections 6A to 6E of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the local returning officer to appoint so that the number authorised must be the same in the case of each registered party standing nominated or each individual candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed must be given by the election agent or sub-agent to the local 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 or referendum are issued together under paragraph 41, the returning officer to whom notice must be given under sub-paragraph (2) and sub-paragraph (4) is the returning officer who issues the postal ballot papers.

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

(5) In this Part references to agents must be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (1), who are within the number authorised by the local returning officer.

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

(7) Where in this Part 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 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

46. The local returning officer must make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of regulation 29(5) and (7).

Time when postal ballot papers are to be issued

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

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

no postal ballot paper (and postal voting statement) must be issued until after 5 p.m. on the eleventh day before the date of the poll (computed in accordance with paragraph 26(7)).

(2) In the case of any other person, the postal ballot paper (and postal voting statement) must be issued by the local returning officer as soon as practicable after the application to vote by post has been granted.

Procedure on issue of postal ballot paper

48.—(1) The number of the elector as stated in the copy of the register of electors must be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector.

(2) A mark must be placed in the postal voters list or the proxy postal voters list 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.

(3) The number of a postal ballot paper must be marked on the postal voting statement sent with that paper.

(4) Where postal ballot papers for the European Parliamentary election and a relevant election or referendum are issued together under paragraph 41—

- (a) one mark must be placed in the postal voters list or the proxy postal voters list under sub-paragraph (2) to denote that ballot papers have been issued in respect of each election or referendum; except that, where ballot papers are not so issued, a different mark must be placed in the postal voters list or proxy postal voters list to identify the election or referendum in respect of which the ballot paper was issued; and
- (b) the number of each ballot paper must be marked on the postal voting statement under sub-paragraph (3).

(5) Where the poll at a European Parliamentary election is taken with the poll at a relevant election or referendum (under the provisions referred to in paragraph 41) but not the proceedings on the issue and receipt of postal ballot papers, the colour of the postal ballot paper must also be marked on the postal voting statement sent with that paper.

(6) Subject to sub-paragraph (7), the address to which the postal ballot paper, postal voting statement and the envelopes referred to in paragraph 50 are to be sent is—

- (a) in the case of an elector, the address shown in the postal voters list;
- (b) in the case of a proxy, the address shown in the proxy postal voters list.

(7) Where a person has an anonymous entry in the register, the items specified in sub-paragraph (6) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

- (a) as shown in the record kept under paragraph 3(4) or 7(6); or
- (b) as given in pursuance of an application made under paragraph 4(1) or 7(4)(b).

Refusal to issue postal ballot paper

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

Envelopes

50.—(1) Sub-paragraphs (2) and (3) prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and postal voting statement (which are issued under rule 28 of the European Parliamentary elections rules).

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

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

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed, 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 paragraph 41) but not the proceedings on the issue and receipt of postal ballot papers—

- (a) the envelope referred to in sub-paragraph (2) must also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”; and

- (b) on the envelope referred to in sub-paragraph (3), after the words “Ballot paper envelope” there must be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

Sealing up of completed corresponding number lists and security of special lists

51.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the local returning officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

(2) Until the time referred to in paragraph 60(11), the local returning officer must take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.

Delivery of postal ballot papers

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

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) clerks appointed under rule 30(1) of the European Parliamentary elections rules.

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

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

(4) Return postage must 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 or Gibraltar.

Spoilt postal ballot papers

53.—(1) Where a postal voter has inadvertently dealt with his postal ballot paper or postal voting statement in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt postal ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”) he may return (either by hand or by post) to the local returning officer the spoilt postal ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), he must also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not;
- (b) where postal ballot papers for more than one election have been issued together under paragraph 41, all other ballot papers so issued, whether spoilt or not; and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph 50.

(3) Subject to sub-paragraph (4), on receipt of the documents referred to in sub-paragraph (1) and, where applicable, sub-paragraph (2), the local returning officer must 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 of the poll.

(4) Where the local returning officer receives the documents referred to in sub-paragraph (1) and, where applicable, sub-paragraph (2), after 5 p.m. on the day before the day of the poll, he must only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returned the documents in person.

(5) Paragraphs 48 (except sub-paragraph (2)), 50, 51 and, subject to sub-paragraph (8), 52 apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(6) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with sub-paragraph (1) or (2) must be immediately cancelled.

(7) The local returning officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled under sub-paragraph (6), the sealed packet must be opened and the additional cancelled documents included in it and the packet must be sealed again.

(8) Where a postal voter applies in person for a replacement ballot paper—

- (a) by 5 p.m. on the day before the day of the poll, the local returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the local returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with paragraph 52.

(9) The local returning officer must 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 (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the postal ballot paper (or papers) issued under this paragraph; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Lost postal ballot papers

54.—(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper; or
- (b) the postal voting statement; or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, he may apply (whether or not in person) to the local returning officer for a replacement ballot paper.

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

(3) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), he must return—

- (a) the documents referred to in sub-paragraph (1)(a) to (c); and
- (b) where the postal ballot papers for more than one election have been issued together under paragraph 41, all other ballot papers so issued,

which he has received and which have not been lost.

(4) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (3) must be immediately cancelled.

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

(6) Subject to sub-paragraph (7), where the application is received by the local returning officer before 5 p.m. on the day of the poll and the local returning officer—

- (a) is satisfied as to the voter’s identity; and

- (b) has no reason to doubt that the postal voter has either lost or has not received the original ballot paper or postal voting statement or one or more of the envelopes provided for their return,

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

(7) Where the application is received by the local returning officer after 5p.m. on the day before the day of the poll, he must only issue another postal ballot paper or, as the case may be, other ballot papers if the postal voter applies in person.

(8) The local returning officer must 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 (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the replacement postal ballot paper issued under this paragraph; and
- (c) where the postal voter is a proxy, his name and address.

(9) Paragraphs 48 (except sub-paragraph (2)), 50, 51 and, subject to sub-paragraph (10), 52 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (6).

(10) Where a postal ballot voter applies in person—

- (a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 52.

Receipt of Postal Ballot Papers

Means of returning postal ballot paper or postal voting statement

55.—(1) The manner in which a postal ballot paper or postal voting statement may be returned to the local returning officer is by post or by hand, unless it is returned to the polling station in which case it must be returned by hand.

(2) Subject to sub-paragraph (3), the presiding officer of a polling station must deliver, or cause to be delivered, any postal ballot paper or postal voting statement returned to that station to the local 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 49(1) of the European Parliamentary elections rules.

(3) The local returning officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of sub-paragraph (2) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.

(4) Where the local returning officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with sub-paragraph (3) the presiding officer must first make it (or them) into a packet sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.

Notice of opening of postal ballot paper envelopes

56.—(1) The local returning officer must give to each election agent or sub-agent, where appointments of sub-agents have been made, 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 must specify—

- (a) the time and place at which such an opening is to take place; and

- (b) the number of agents the election agent or sub-agent may appoint under paragraph 45(1) to attend each opening.

Postal ballot boxes and receptacles

57.—(1) The local returning officer must 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 must be marked “postal voters’ ballot box” or “postal ballot box”, as the case may be, and with the name of the local counting area or parliamentary constituency or electoral area (or areas) or voting area for which the election (or elections) or referendum is (or are) held.

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

(4) The local returning officer must then lock the ballot box, if it has a lock, 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 local returning officer must provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for postal voting statements;
- (c) the receptacle for ballot paper envelopes;
- (d) the receptacle for rejected ballot paper envelopes;
- (e) the receptacle for rejected votes (verification procedure); and
- (f) the receptacle for postal voting statements (verification procedure).

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

Receipt of covering envelope

58.—(1) The local returning officer must, 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 local returning officer—

- (a) has been opened; and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

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

Opening of postal voters’ ballot box

59.—(1) Each postal voters’ ballot box must be opened by the local returning officer in the presence of the agents, if in attendance.

(2) So long as the local 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 must be opened at the verification of the ballot paper accounts under rule 51 of the European Parliamentary elections rules.

Opening of covering envelopes

60.—(1) When a postal voters' ballot box is opened, the local returning officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 58(2)).

(2) The local returning officer must set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) The local returning officer must open separately each covering envelope (including an envelope described in paragraph 58(2)).

(4) The procedure in paragraph 62 or, as the case may be, paragraph 63 applies where a covering envelope (including an envelope to which paragraph 58(2) applies) contains both—

- (a) a postal voting statement; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(5) Where the covering envelope does not contain the postal voting statement separately, the local returning officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

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

- (a) a postal voting statement (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 local returning officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

(7) Where—

- (a) an envelope contains the postal voting statement of an elector with an anonymous entry; and
- (b) sub-paragraph (6) does not apply,

the local returning officer must set aside that envelope and its contents for personal identifier verification in accordance with paragraph 63.

(8) In carrying out the procedures in this paragraph and paragraphs 61 to 68, the local returning officer—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the local returning officer must place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned as provided for in rule 35 of the European Parliamentary election rules.

(10) A mark made under sub-paragraph (9) must be distinguishable from and must not obscure the mark made under paragraph 48(2).

(11) As soon as practicable after the last covering envelope has been opened, the local returning officer must make up into a packet the copy of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and must seal such a packet.

Confirming receipt of postal voting statements

61.—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballots under paragraph 47 and the close of the poll, that the local returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of provisionally rejected votes kept by the returning officer under sub-paragraphs (2) and (3) of paragraph 67.

(2) A request under sub-paragraph (1) must—

- (a) be made by any method specified; and
- (b) include any evidence of the voter's identity requested,

by the local returning officer.

(3) Where a request is received in accordance with sub-paragraph (2) the local returning officer must satisfy himself that the request has been made by the elector or their proxy and where he is so satisfied provide confirmation of the matters under sub-paragraph (1).

Procedure in relation to postal voting statements

62.—(1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 60(2) or (7).

(2) The local returning officer must satisfy himself that the postal voting statement is duly completed.

(3) Where the local returning officer is not so satisfied, he must mark the statement "rejected", attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.

(4) Before placing the statement in the receptacle for rejected votes, the local returning officer must show it to the agents and, if any of them object to his decision, he must add the words "rejection objected to".

(5) The local returning officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the local returning officer must open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 60(5) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the local returning officer must 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 valid postal voting statement;

- (b) in the receptacle for rejected votes, any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes, any valid postal voting statement marked “provisionally rejected” where—
 - (i) there is no ballot paper; or
 - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, must mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements, any valid statement not disposed of under paragraph (b) or (c).

Procedure in relation to postal voting statements: personal identifier verification

63.—(1) This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 60(2) or (7).

(2) The local returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the local returning officer is not so satisfied, he must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the local returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed and, if any of them object to his decision, he must add the words “rejection objected to”.

(5) The local returning officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the local returning officer must open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 60(5) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the local returning officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—

- (i) there is no ballot paper; or
- (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, must mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under paragraph (b) or (c).

Postal Voting Statements: additional personal identifier verification

64.—(1) A local returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with paragraph 59 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where a local returning officer undertakes additional verification of personal identifiers, he must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as he wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the local returning officer is no longer satisfied that the postal voting statement has been duly completed he must mark the statement "rejected" and before placing the postal voting statement in the receptacle for rejected votes (verification procedure), he must—

- (a) show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed and, if any of them object to his decision, he must add the words "rejection objected to";
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the local returning officer must lock and reseal the postal ballot box in the presence of the agents.

(5) Whilst retrieving a ballot paper in accordance with sub-paragraph (3), the local returning officer and his staff—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers; and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

Opening of ballot paper envelopes

65.—(1) The local returning officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He must 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 must be marked “provisionally rejected” and to which must be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must 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).

Retrieval of cancelled postal ballot papers

66.—(1) Where it appears to the local returning officer that a postal ballot paper which has been cancelled in accordance with paragraph 53(6) or 54(4) has been placed—

- (a) in a postal voters’ ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) in a postal ballot box,

he must proceed as follows.

(2) He must, on at least one occasion on which a postal voters’ ballot box is opened in accordance with paragraph 59, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 53(7); and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 53 of the European Parliamentary elections rules, re-lock or re-seal (or both re-lock and re-seal), the postal ballot box in the presence of the agents.

(3) Whilst retrieving a cancelled ballot paper in accordance with sub-paragraph (2), the local returning officer and his staff—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers; and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

Lists of rejected postal ballot papers

67.—(1) In respect of any election, the local returning officer must keep two separate lists of rejected postal ballot papers.

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

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

Checking of lists kept under paragraph 67

68.—(1) Where the local returning officer receives a valid postal voting statement 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 paragraph 67(2) to see whether the number (or numbers) of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the local returning officer receives a postal ballot paper without the postal voting statement to which it relates, he may, at any time prior to the close of the poll, check the list kept under paragraph 67(3) to see whether the number of that ballot paper is entered in that list.

(3) The local returning officer must conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the local counting area, parliamentary constituency, electoral area or, as the case may be, voting area under rule 49(1) of the European Parliamentary elections rules.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the local returning officer must retrieve that statement or paper.

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

Sealing of receptacles

69.—(1) As soon as practicable after the completion of the procedure under paragraph 68(3) and (4), the local returning officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes;
- (b) the receptacle of postal voting statements;
- (c) the receptacle of rejected ballot paper envelopes;
- (d) the lists of spoilt and lost postal ballot papers;
- (e) the receptacle of rejected votes (verification procedure); and
- (f) the receptacle of postal voting statements (verification procedure),

and must seal up such packets.

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

Forwarding of documents

70.—(1) Subject to sub-paragraphs (2) and (7), the local returning officer must forward to the relevant registration officer, at the same time as he forwards the documents mentioned in rule 64 of those rules, the packets referred to in paragraphs 51(1), 53(7), 54(5), 60(11) and 69 endorsing on each a description of its contents.

(2) Where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 41, the returning officer or local returning officer discharging those functions must forward the packets containing—

- (a) the marked copies of the postal voters list and proxy postal voters list; and
- (b) the postal voting statements,

to the same person, and at the same time and in the same manner, as he is required to forward those documents as respects the election or referendum for which he is the returning officer.

(3) Where—

- (a) any covering envelopes are received by the local returning officer after the close of the poll (apart from those delivered in accordance with the provisions of paragraph 55(2));
- (b) any envelopes addressed to postal voters are returned as undelivered and are 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 local returning officer must put them unopened in a separate packet, seal up such packet and endorse and retain it and subsequently deal with it in the manner described in sub-paragraph (1).

(4) Rules 65 and 66 of the European Parliamentary elections rules apply to any packet or document retained under this paragraph.

(5) A completed statement in Form R in the Appendix must be provided by the local returning officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

(6) The statement referred to in sub-paragraph (5) must identify the local counting areas within the electoral region for which it is prepared.

(7) In the case of the Scottish electoral region, sub-paragraph (1) does not apply and the local returning officer must retain on behalf of the returning officer the packets to which it refers.

PART 5

APPENDIX OF FORMS

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

Form N: Form of proxy paper

Form O: Form of postal voting statement to be used at a European Parliamentary election taken alone

Form P: Form of postal voting statement to be used at a European Parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at a relevant election or referendum

Form Q: Form of postal voting statement to be used at a European Parliamentary election where the poll is taken together with the poll at a relevant election or referendum, but where the proceedings on the issue and receipt of postal ballot papers are not

Form R: Statement as to postal ballot papers ”

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Amendment) Regulations 2009 No. 186

Form N
Proxy Paper

Paragraph 6(8), Schedule 2

Constituency.....

Polling District.....

Local Government electoral area(s).....

European Parliamentary electoral region.....

Name of Proxy.....

Address.....

Is appointed as proxy for
(Name of elector).....

*[who is qualified to be registered for
(Qualifying address).....]

*[who qualifies as an overseas elector in respect of the above constituency] to vote for him/her at

*[the *[parliamentary] *[local government] *[European Parliamentary] election for the above &[constituency] *[electoral area] * [European Parliamentary electoral region] on (date).....]

*[any *[parliamentary] *[local government] * [European Parliamentary] election for the above * [constituency] *[electoral area] *[European Parliamentary electoral region]]

*[This proxy appointment is not valid until.....]

* [This proxy appointment remains valid until.....]

Signature.....

Electoral Registration Officer

Address.....

.....

.....

Date.....

* Delete whichever is inappropriate

YOUR RIGHT TO VOTE AS PROXY

(1) This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

(2) Your appointment as proxy may be for a particular election only, or it may be for a definite or indefinite period.

If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.

If it is for an indefinite period, you will have in general the right to vote as proxy at any parliamentary, European Parliamentary or local government election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.

If it is for a definite period, your right to vote as proxy expires on the date stated on the form.

(3) You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so. **However, if the elector on whose behalf you are appointed has registered to vote anonymously you must take the polling card with you.**

(4) If you cannot vote in person at the polling station, you should consult the electoral registration officer about your right to vote by post.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Amendment) Regulations 2009 No. 186

Form O:

Paragraph 42(a), Schedule 2

Form of postal voting statement
(for use at European parliamentary elections)

Postal Voting Statement

*Voter's name: Ballot paper No.
Local Counting Area.....

**(Local Returning officer to insert name but omit where ballot papers sent to an anonymous elector)* [other identifying mark]

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

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

Voter's Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Voter's Signature

Signature Here

IMPORTANT – Keep signature within the border

**(Local Returning Officer to omit where a person has been granted a waiver)*

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ INSTRUCTIONS TO THE VOTER ON THE BACK OF THIS FORM

Issued by the Local Returning Officer

INSTRUCTIONS TO THE VOTER (back of form)

Complete the ballot paper yourself and in private. If you need help contact the Local Returning Officer's staff as shown below

[contact details for assistance
include address as appropriate]

1. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not count.
2. Vote for ONE party or individual candidate only. Do not mark the ballot paper in any other way or your vote may not count.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. Put the ballot paper in the small envelope marked **A** and seal it.
6. Make sure you have completed the postal voting statement by [# signing it, and] providing your date of birth.
7. Then put the envelope marked **A** together with the postal voting statement in the

larger envelope marked **B**. Return it straightaway.

8. After receiving this postal vote, you cannot vote in person at a polling station at this election.

9. If you accidentally spoil or lose your ballot paper, you can apply to the Local Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Local Returning Officer as soon as possible.

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

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

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

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Amendment) Regulations 2009 No. 186

Form P:

Paragraph 42(b), Schedule 2

Form of postal voting statement
(for use where there is a joint issue and receipt of postal ballot papers)

Postal Voting Statement

*Voter's name: Ballot paper Nos.
Local Counting Area.....

*(Local Returning Officer to insert name but omit where ballot papers sent to an anonymous elector) [other identifying marks]

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

I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT TO

Voter's Date of Birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Voter's Signature

Signature Here	
----------------	--

IMPORTANT – Keep signature within border

*(Local Returning Officer to omit where a person has been granted a waiver)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ INSTRUCTIONS TO THE VOTER ON THE BACK OF THIS FORM

Issued by the Local Returning Officer

INSTRUCTIONS TO THE VOTER (back of form)

Complete the ballot paper yourself and in private. If you need help contact the Local Returning Officer's staff as shown below

[contact details for assistance
include address as appropriate]

1. You must provide your [# signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not count.
2. [When you are voting in a parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.]*
3. [(a) (for use in England and Wales) When you are voting in a local government election(s) ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. Vote for no more than [...] candidates.
(b) (for use in Scotland) When you are voting in a local government election (s) (insert colour of ballot paper), number the candidates in the order of your choice instead of using a cross. Put the number 1 in the box next to the name of the candidate who is your first

choice, then put 2 in the box next to the name of the candidate who is your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish.]*

4. When you are voting in a European Parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.
5. [When you are voting in a Greater London Authority election—
 - (a) [* in the constituency members' election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE candidate only.]
 - (b) [* in the London members' election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.]
 - (c) [* in the London Mayoral election ([insert colour of ballot paper] ballot paper), vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]]*
6. [* When you are voting in a [* specify] election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the candidate of your choice.
Vote for ONE candidate only/Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.*]
7. [* When you are voting in a referendum, mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.]*
8. Do not mark the ballot papers in any other way or your votes may not count.
9. If you need help voting, the person helping you must not tell anyone how you voted.
10. Put all the ballot papers in the small envelope marked A and seal it.
11. Make sure you have completed the postal voting statement by [# signing it, and] providing your date of birth.
12. Then put the envelope marked A together with the postal voting statement in the larger envelope marked B. Return it straight away.

* Local Returning Officer to delete as appropriate

After receiving this postal vote, you cannot vote in person at a polling station at this election.

If you accidentally spoil any of your ballot papers, you can apply to the Local Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked A and B. Make sure you contact the Local Returning Officer as soon as possible.

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

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

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

#[Local Returning Officer to omit where a person has been granted a waiver]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Amendment) Regulations 2009 No. 186

Form Q:

Paragraph 42(c), Schedule 2

Form of postal voting statement
(for use when a European parliamentary poll is combined with another poll but the postal ballot papers are not combined)

Postal Voting Statement

*Voter's name: Ballot paper No. (Colour)
Local Counting Area.....

*(Local Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)

[other identifying mark]

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

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

Voter's date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Voter's Signature

Signature Here

Important – Keep signature within border

*(Local Returning Officer to omit where a person has been granted a waiver)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ INSTRUCTIONS TO THE VOTER ON THE BACK OF THIS FORM

Issued by the Local Returning Officer

INSTRUCTIONS TO THE VOTER (back of form)

Complete the ballot paper yourself and in private. If you need help contact the Local Returning Officer's staff as shown below

[contact details for assistance
include address as appropriate]

1. This statement relates to the ballot paper for the European elections only. You will receive your [election] papers and instructions separately. If you do not receive them soon, please contact me.
2. You must provide your [# signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not count.
3. Vote for ONE party or individual candidate only. Do not mark the ballot paper in any other way or your votes may not count.
4. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for.
5. If you need help voting, the person helping you must not tell anyone how you

voted.

6. Different colours are used for the ballot papers for each election [and referendum*]. Each ballot paper has its own ballot paper envelope (marked A), postal voting statement and return envelope (marked B). The return envelope and postal voting statement for each ballot paper refer to the colour of that ballot paper. It is important that you use the correct envelopes and postal voting statement or your vote may not count. You may find it helpful to sort the documents into separate sets.
7. Put the ballot paper in the small envelope marked A and seal it.
8. Make sure you have completed the postal voting statement by [# signing it, and] providing your date of birth.
9. Then put the envelope marked A together with the postal voting statement in the larger envelope marked B. Return it straightaway.

After receiving this postal vote, you cannot vote in person at a polling station at this election.

If you accidentally spoil or lose your ballot paper, you can apply to the Local Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked A and B. Make sure you contact the Local Returning Officer as soon as possible.

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

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

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

#(Local Returning Officer to omit where a person has been granted a waiver)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Amendment) Regulations 2009 No. 186

Form R:

Paragraph 70(5), Schedule 2

Form R: STATEMENT AS TO POSTAL BALLOT PAPERS REPRESENTATION OF THE PEOPLE ACTS EUROPEAN PARLIAMENTARY ELECTION	
Electoral Region: Date of Poll:.....	
Local Counting Area.....	
A. Issue of postal ballot papers	<i>Number</i>
1. Total number of postal ballot papers issued under paragraph 48	
2. Total number of replacement postal ballot papers issued under paragraph 53 (spoilt and returned for cancellation) and paragraph 54 (lost or not received)	
3. Total number of postal ballot papers cancelled under paragraph 53 (where the first ballot paper was cancelled and retrieved)	
4. Total number of postal ballot papers issued (1 to 3)	
B (1). Receipt of and replacement postal ballot papers	<i>Number</i>
5. Number of covering envelopes received by the local returning officer or at a polling station before the close of poll (excluding any dealt with in the manner provided for by paragraph 53 and paragraph 54)	
6. Number of covering envelopes received by the local returning officer after the close of poll, excluding any returned as undelivered	
7. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued	
8. Number of postal ballot paper(s) identified as lost or not received in time for another ballot paper to be issued	
9. Number of ballot papers cancelled and retrieved in time for another ballot paper to be issued	
10. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued	
11. Number of covering envelopes returned as undelivered (up to the 10 th day after the date of poll)	
12. Number of covering envelopes not received by the local returning officer (by the 10 th day after the date of poll)	
13. Total numbers 5 to 12 (this should be the same as that in 4 above)	
14. Number of postal ballot papers replaced as lost or not received but not returned for cancellation.	
B (2). Receipt of postal ballot papers – Personal Identifiers	<i>Number</i>
15. Number of covering envelopes set aside for the verification of personal identifiers on postal vote statements	
16. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations)	
17. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations)	
18. Number of postal voting statements rejected following verification procedures due to the personal identifiers on the postal voting statement not matching those in the personal identifiers record (excluding prior cancellations)	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The European Parliamentary Elections (Amendment) Regulations 2009 No. 186*

C. Count of postal ballot papers	Number
19. Number of ballot papers returned by postal voters which were included in the count of ballot papers	
20. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraphs 53, 54 and 66 are not rejections and should be included in items 2,3,7,8 and 9 above)	
Date Signed	
Local Returning Officer	
Authority	

A COMPLETED STATEMENT MUST BE PROVIDED BY THE LOCAL RETURNING OFFICER TO THE SECRETARY OF STATE AND THE ELECTORAL COMMISSION IN THE PERIOD WHICH STARTS 10 DAYS AFTER THE DAY OF THE POLL

SCHEDULE 4

Regulation 41

“SCHEDULE 3

Regulation 11

MODIFICATION OF EUROPEAN PARLIAMENTARY
ELECTIONS RULES FOR COMBINED POLLS

PART 1

ENGLAND AND WALES

1. This Part of this Schedule applies in the circumstances set out in regulation 11(i) of these Regulations.

2.—(1) In this Part of this Schedule, and in any provision of the European Parliamentary elections rules modified by this Schedule—

“relevant election or referendum” means one or more of the following—

- (a) parliamentary election,
- (b) local government election,
- (c) mayoral election,
- (d) referendum,

the poll at which is taken together with a poll at the European Parliamentary election; and

“GLRO” means the Greater London Returning Officer, being the person who is for the time being a proper officer of the Greater London Authority for the purposes of section 35(2C) of the 1983 Act⁽¹¹²⁾.

(2) In the case of a referendum, a reference to—

- (a) an election agent or counting agent shall be construed as a reference to a counting officer within the meaning of regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2007⁽¹¹³⁾;
- (b) a polling agent shall be construed as a reference to a polling observer, within the meaning of that regulation; and
- (c) the returning officer or local returning officer shall be construed as a reference to a counting officer, within the meaning of that regulation.

3.—(1) In rule 22 (the ballot papers) at the end of paragraph (2)(b) omit “and”.

(2) At the end of paragraph (2) insert—

“; and

- (d) must be of a different colour from that of any ballot papers used at any relevant election or referendum.”.

4. At the end of rule 27 (notice of poll) insert—

“(3) A notice published under paragraph (2) must, in addition—

- (a) state that the poll at the European Parliamentary election is to be taken together with the poll at a relevant election or referendum;

⁽¹¹²⁾ 1983 c.2. Section 35(2C) was inserted by section 17 of, and paragraphs 1 and 3 of Schedule 3 to, the Greater London Authority Act 1999 (c.29).

⁽¹¹³⁾ S.I. 2007/2089.

- (b) specify the relevant parliamentary constituency, local authority or, as the case may be, voting area and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
 - (c) where the polls are to be taken together in part of the local counting area only, specify that part.”
5. At the end of rule 31 (issue of official poll cards) insert—
- “(9) If the returning officer for each relevant election or referendum agrees, an official poll card issued under this rule may be combined with an official poll card issued at each relevant election or referendum, with necessary adaptations.”
6. After paragraph (1) of rule 32 (equipment of polling stations) insert—
- “(1A) The same ballot box may be used for the poll at the European Parliamentary election and the poll at each relevant election or referendum, if the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations(114) thinks fit.
- (1B) Where the same ballot box is not used under paragraph (1A), each ballot box must be clearly marked with—
- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum; and
 - (b) the words “Please insert the [*specify colour of ballot papers in question*] coloured ballot papers in here.””.
7. After paragraph (5) of rule 32 (equipment of polling stations) insert—
- “(5A) The large version of the ballot paper referred to in paragraph (5)(a) must be printed on paper of the same colour as that of the ballot papers for use at the European Parliamentary election.”.
8. For paragraph (7) of rule 32 (equipment of polling stations) substitute the following—
- “(7) In every compartment of every polling station there must be exhibited the notice:
- *PARLIAMENTARY ELECTION
([*Specify colour*] ballot paper)
Vote for ONE candidate only
- EUROPEAN PARLIAMENTARY ELECTION
([*Specify colour*] ballot paper)
Vote for ONE party or individual candidate only
- *[*Specify name of council*]COUNCIL ELECTION
([*Specify colour*] ballot paper)
*[Vote for no more than
candidates]
*[Vote for ONE candidate only]
- *ELECTION OF THE MAYOR OF LONDON
([*Specify colour*] ballot paper)
#On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.
- *ELECTION OF THE LONDON ASSEMBLY

#On the constituency members ballot paper [(specify colour)]vote for ONE candidate only.
 #On the London members ballot paper [(specify colour)]vote for ONE party or individual candidate only.
 *[Specify other] ELECTION/REFERENDUM
 ([Specify colour] ballot paper)
 *[Vote for ONE candidate only]
 *[Vote ONCE for your first choice and ONCE for your second choice]
 *[Mark ONE answer to the referendum question]
 PUT NO OTHER MARK ON THE BALLOT PAPER
 OR YOUR VOTE MAY NOT COUNT
 *[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR [specify the election(s) at which the votes are to be counted electronically] *Post them, face downwards, in the [*appropriate] ballot box.]
 [Include the words in the brackets if the votes at some of the polls are to be counted electronically.]
 *Complete or omit as necessary
 #Alternatively, insert such information as the GLRO may decide”.”

9. In paragraph (1)(b) of rule 33 (appointment of polling and counting agents) omit the words “the verification of the ballot paper accounts and” and in paragraph (3)(b) of that rule omit the words “the verification of the ballot paper accounts or”.

10. At the end of paragraph (4) of rule 33 (appointment of polling and counting agents) insert—
 “Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraph (5) to be given to the local returning officer must be given to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations”.

11. In rule 34(b) (notification of requirement of secrecy) omit the words “the verification of the ballot paper accounts or” and “(3)”.

12.—(1) In rule 36(1) (admission to polling station), after sub-paragraph (g) omit “and”.

(2) After sub-paragraph (h), insert—

“; and

(i) persons entitled to be admitted to the polling station at a relevant election or referendum.”.

13. In rule 39 (questions to be put to voters) in questions 1(b), 2(b), 3(b) and 4 specified in the second column of the table set out in paragraph (1) after the words “at this” (wherever they occur) insert “European Parliamentary”.

14. At the end of rule 41 (voting procedure) insert—

“(6) The same copy of a register of electors or, where paragraph (3) applies, the same copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act(**115**), may be used under paragraph (1) for each relevant election or referendum, and

(a) one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(d), to denote that a ballot paper has been issued in respect of each election or referendum; and

(115) Section 13(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

- (b) where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark must be placed in the register, or on the notice or list so as to identify each election or referendum in respect of which the ballot paper was issued.”.
15. At the end of paragraph (2) of rule 42 (votes marked by presiding officer) insert—
“The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so marked.”.
16. At the end of paragraph (4) of rule 43 (voting by persons with disabilities) insert—
“The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was given.”.
17. At the end of paragraph (2) of rule 45 (tendered ballot papers: general provisions) insert—
“The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked”.
18. At the end of paragraph (1) of rule 47 (alteration of registers) insert—
“The same list may be used for each relevant election or referendums and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.”.
19. In paragraph (1) of rule 48 (adjournment of poll in case of riot) omit “local” and after “returning officer” insert “who discharges the functions specified in regulation 5 of the Combination of Polls Regulations”.
20. In paragraph (1) of rule 49 (procedure on close of poll) after the words “polling agents”, in the first place where they occur, insert “appointed for the purpose of the European Parliamentary election and those appointed for the purposes of each relevant election or referendum”.
21. After paragraph (1) of rule 49 (procedure on close of poll) insert—
“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) must not be combined with the contents of packets made up under the corresponding rule that applies at each relevant election or referendum; nor shall the statement prepared under paragraph (3) be so combined.
(1B) References to the local returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations”.
22. Omit rules 50 (attendance at verification of ballot paper accounts) and 51 (procedure at verification of ballot paper accounts).
23. For paragraph (1) of rule 52 (attendance at counting of votes) substitute—
“(1) The local returning officer must make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations —
(a) in the case of a general election of MEPs, before or after the material time and in either case so that the requirements of rule 57(1) are satisfied as soon as practicable after the material time;

(b) in the case of a by-election, as soon as practicable after that delivery, and must give to the counting agents and the returning officer notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which the count will take place.”

24. For paragraph (1) of rule 53 (the count) substitute—

“(1) The local returning officer must –

- (a) on receipt of the containers of ballot papers from the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations and after the time specified in the notice given under rule 52(1) in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another relevant election or referendum under paragraph 41 of Schedule 2, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from the containers and count the votes given on them.

(1A) Where separate ballot boxes have been used, no vote for any individual candidate or registered party shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.

(1B) A postal ballot paper must not be deemed to be duly returned unless—

- (a) it is returned in the manner prescribed in paragraph 55 of Schedule 2 so as to reach the local returning officer or any polling station in the appropriate area before the close of the poll;
- (b) the postal voting statement duly signed (unless the requirement for a signature has been waived) is also returned in that manner before that time;
- (c) the postal voting statement states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been taken in accordance with paragraph 63 or 64 of Schedule 2, the local returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(1C) In paragraph (1B) the “appropriate area” means—

- (a) the area in the local counting area common to the parliamentary constituency, electoral area or voting area (as the case may be) in which the polls at the European Parliamentary election and a relevant election or referendum are being taken together; and
- (b) in respect of which polls the voter has been issued with a postal ballot paper.”

25. In paragraph (3) of rule 53 (the count) after the word “while” insert “counting and recording the number of postal ballot papers and”.

26. For paragraph (2) of rule 63 (sealing up of ballot papers) substitute—

“(2) The local returning officer must not open the sealed packets of—

- (a) tendered ballot papers, or
- (b) certificates as to employment on duty on the day of the poll.

(3) Where he is the returning officer who discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, the local returning officer must not open the sealed packets of—

- (a) the completed corresponding number lists, or
- (b) marked copies of a register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act(116)) and lists of proxies”.

27. In paragraph (1) of rule 64 (delivery and retention of documents), omit sub-paragraphs (c) and (f).

28. In the Appendix of forms for Form K (the form of directions for the guidance of voters in voting) substitute—

“Form of directions for the guidance of voters in voting

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. When you are given your ballot papers go to one of the compartments.

2A. [At the Parliamentary election, mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate who you are voting for. Vote for ONE candidate only.] *

B. [At the local government election(s), mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate who you are voting for. [Vote for ONE candidate only]*[Vote for no more than ... candidates.]*]*

C. At the European Parliamentary election, mark a cross (X) to the right of the name of the party or individual candidate who you are voting for. Vote for ONE party or candidate only.

#D. [At the Greater London Authority election—*

[(i) in the constituency members’ election, vote for ONE candidate only]*

[(ii) in the London members’ election, vote for ONE party or candidate only]*

[(iii) in the London Mayoral election, vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE.]*

+E. [At the [specify other election] mark a cross (X) to the right of the candidate who you are voting for. [Vote once only*][VOTE ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE*].]*

F. [At the referendum mark a cross (X) on the right hand side of the answer of your choice. Vote ONCE only.]*

3. [Please do not fold the ballot papers for the [specify the election(s) at which the votes are to be counted electronically]. Fold any other ballot paper(s) in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate] * ballot box and leave the polling station.]*

4. [Fold each ballot paper in two and show the back of the ballot paper so as to disclose the number and unique identifying mark to the presiding officer. Do not let anyone see your vote. Put each ballot paper in the [appropriate*] ballot box and leave the polling station.]*

5. Vote only for the number of candidates specified on each ballot paper [and only one of the answers available in the referendum*]. Put no other mark on the ballot papers, or your votes may not count.

6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

* Complete or omit as necessary

#Alternatively, insert such information as to the manner of voting as the GLRO may decide.

(116) Section 13(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

+Alternatively, in the case of a mayoral election, insert such information as to the manner of voting as the returning officer may decide.”

29. In the Appendix of forms, for Form M (the form of declaration to be made by the companion of a voter with disabilities) substitute—

Form of declaration to be made by the companion of a voter with disabilities

Rule 43(7)

I, A. B., of
having been requested to assist C.D. (in the case of a voter with disabilities voting as proxy add voting as proxy for M.N.) whose number on the register is

to record his vote at the election[s]* and [*referendum[s]]* now being held in this parliamentary constituency*/European Parliamentary electoral region*/Greater London Authority constituency*/district*/London borough*/parish or community*/local government area* (*delete those which are inappropriate) declare that (I am entitled to vote as an elector at the said election[s]* [and referendum[s]]*) (I am the #;

of the said voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except E.F., of

) to vote at the said elections.

(Signed) A.B.,
day of 20
State the relationship of the companion to the voter.
I, the undersigned, being the presiding officer for the

polling station for the

local counting area, certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H.,
day of

20

minutes past

o'clock (am) (pm)

NOTE –

1. Any person who person makes the above declaration knowingly and who wilfully makes a statement false in a material particular, is guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under the European Parliamentary elections rule that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance

”

PART 2

SCOTLAND

1. This Part of this Schedule applies in the circumstances set out in regulation 11(ii) of these Regulations.

2.—(1) In rule 22 (the ballot papers) at the end of paragraph (2)(b) omit “and”.

(2) At the end of paragraph (2) insert—

“; and

(d) must be of a different colour from that of any ballot papers used at an election the poll for which is taken together with the poll for the European Parliamentary election.”

3. At the end of rule 27 (notice of poll) insert—

“(3) The notice published under paragraph (2) must, in addition:

(a) state that the poll at the European Parliamentary election is to be taken together with the poll at a parliamentary or, as the case may be, local government election;

(b) specify the relevant parliamentary constituency or, as the case may be, local authority and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and

(c) where the polls are to be taken together in part of the European Parliamentary electoral region only, specify that part.”

4. At the end of rule 31 (issue of official poll cards) insert —

“(9) An official poll card issued under this rule may be combined with an official poll card issued at a parliamentary election or, as the case may be, local government election.”

5. After paragraph (1) of rule 32 (equipment of polling stations) insert —

“(1A) The same ballot box may be used for the poll at the European Parliamentary election and the poll at the parliamentary election or, as the case may be, local government election, if the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations thinks fit.

(1B) Where the same ballot box is not used under paragraph (1A), each ballot box must be clearly marked with—

(a) the election to which it relates, as shown on the ballot papers for that election; and

(b) the words “Please insert the [*specify colour of ballot papers in question*] coloured ballot papers in here.””

6. After paragraph (5) of rule 32 (equipment of polling stations) insert—

“(5A) The large version of the ballot paper referred to in paragraph (5)(a) must be printed on paper of the same colour as that of the ballot papers for use at the European Parliamentary election.”

7. For paragraph (7) of rule 32 (equipment of polling stations) substitute —

“(7) In every compartment of every polling station there must be exhibited the notice:

EUROPEAN PARLIAMENTARY ELECTION

(*[Specify colour]* ballot paper)

Vote for ONE party or individual candidate only

PARLIAMENTARY ELECTION*

(*[Specify colour]* ballot paper)

Vote for ONE candidate only

LOCAL GOVERNMENT ELECTION*

On the Local Government ballot paper (coloured *[specify colour]*) you vote using numbers. Put the number 1 in the box next to the name of the candidate who is your first choice, then put the number 2 in the box next to the name of the candidate who is your second choice, the number 3 in the box next to your third choice, the number 4 in the box next to your fourth choice, and so on. You can mark as many choices as you wish.

PUT NO OTHER MARK [S]* ON THE BALLOT PAPER
OR YOUR VOTE [S] * MAY NOT COUNT

*Delete as necessary”.

8. In paragraph (1)(b) of rule 33 (appointment of polling and counting agents) omit the words “the verification of the ballot paper accounts and” and in paragraph (3)(b) of that rule omit the words “verification of the ballot papers accounts or”.

9. At the end of paragraph (4) of rule 33 (appointment of polling and counting agents) insert —
“Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraph (5) to be given to the local returning officer must be given to the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations.”.

10. In rule 34(b) (notification of requirement of secrecy) omit the words “the verification of the ballot paper accounts or” and “(3)”.

- 11.**—(1) In rule 36(1)(admission to polling station), after sub-paragraph (g) omit “and”.
(2) After sub-paragraph (h) insert the following—
“; and
(i) persons entitled to be admitted to the polling station at an election the poll for which is taken together with the poll for the European Parliamentary election.”
- 12.** In rule 39 (questions to be put to voters) in questions 1(b), 2(b), 3(b) and 4 specified in the second column of the table set out in paragraph (1) after the words “at this” (wherever they occur) insert “European Parliamentary”.
- 13.** At the end of rule 41 (voting procedure) insert—
“(6) The same copy of a register of electors or, where paragraph (3) applies, the same copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act(117), may be used under paragraph (1) for each election, and
(a) one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each election; and
(b) where a ballot paper has not been issued in respect of one election only, a different mark must be placed in the register, on the notice or list so as to identify the election in respect of which the ballot paper was issued.”
- 14.** At the end of paragraph (2) of rule 42 (votes marked by presiding officer) insert—
“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”
- 15.** At the end of paragraph (4) of rule 43 (voting by person with disabilities) insert—
“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that votes were so given in respect of each election, unless the list identifies the election at which the vote was given.”
- 16.** At the end of paragraph (2) of rule 45 (tendered ballot papers: general provisions) insert—
“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which the ballot papers were so marked.”
- 17.** At the end of paragraph (1) of rule 47 (alteration of registers) insert—
“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election, unless the list identifies the election for which a ballot paper was issued.”
- 18.** At the end of paragraph (1) of rule 48 (adjournment of poll in case of riot) insert “who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations”.
- 19.** In rule 49 (1) (procedure on close of poll), after the words “polling agents”, in the first place where they occur, insert “for the European Parliamentary election and for the parliamentary, or as the case may be, local government election”.
- 20.** After paragraph (1) of rule 49 (procedure on close of poll) insert —
“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) must not be combined with the contents of packets made up under the

(117) Section 13(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

corresponding rule that applies at a parliamentary election or, as the case may be, local government election; nor shall the statement prepared under paragraph (3) be so combined.

(1B) References to the local returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations.”

21. Omit rules 50 (attendance at verification of ballot paper accounts) and 51 (procedure at verification of ballot paper accounts).

22. For paragraph (1) of rule 52 (attendance at counting of votes) substitute—

“(1) The local returning officer must make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations —

(a) in the case of a general election of MEPs, before or after the material time and in either case so that the requirements of rule 57(1) are satisfied as soon as practicable after the material time;

(b) in the case of a by-election, as soon as practicable after that delivery,

and must give to the counting agents and the returning officer notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which the count will take place.”

23. For paragraph (1) of rule 53 (the count) substitute—

“(1) The local returning officer must—

(a) on receipt of the containers of ballot papers from the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations and after the time specified in the notice given under rule 52(1), in the presence of the counting agents open each container;

(b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 41 of Schedule 2, count such of the postal ballot papers as have been duly returned and record the number counted; and

(c) mix together the postal ballot papers and the ballot papers from the containers and count the votes given on them.

(1A) Where separate ballot boxes have been used, no vote for any individual candidate or registered party shall be rendered invalid by the ballot paper being placed in the ballot box used for another election.

(1B) A postal ballot paper must not be deemed to be duly returned unless—

(a) it is returned in the manner prescribed in paragraph 55 of Schedule 2 so as to reach the local returning officer or any polling station in the local counting area before the close of the poll;

(b) the duly completed postal voting statement is also returned in that manner before that time;

(c) in a case where steps for verifying the date of birth and signature of an elector or proxy have been taken in accordance with paragraph 63 or 64 of Schedule 2 the local returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).”

24. In paragraph (3) of rule 53 (the count) after the word “while” insert “counting and recording the number of postal ballot papers and”.

25. For paragraph (2) of rule 63 (sealing up of ballot papers) substitute—

“(2) The local returning officer must not open the sealed packets of—

- (a) tendered ballot papers, or
- (b) certificates as to employment on duty on the day of the poll.

(3) Where he is the returning officer who discharges the functions referred to in regulation 96 of the 1986 (Scotland) Regulations, the local returning officer must not open the sealed packets of—

- (a) the completed corresponding number lists, or
- (b) marked copies of a register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.”

26. In paragraph (1) of rule 64 (delivery and retention of documents) omit sub-paragraphs (c) and (f).

27. In the Appendix of forms for Form K (the form of directions for the guidance of voters in voting) substitute—

“Form of directions for the guidance of voters in voting
GUIDANCE FOR VOTERS AT COMBINED POLLS”

28. In the Appendix of forms, in Form M (the form of declaration to be made by the companion of a voter with disabilities)—

- (a) after the words “election now being held in this European Parliamentary electoral region” insert “and the election now being held in this *parliamentary constituency/*electoral area (* delete whichever is inappropriate)”; and
- (b) for the words “said election” in both places where they occur substitute “said elections”.

SCHEDULE 5

Regulation 45

“SCHEDULE 7A

Regulation 61

Election expenses

PART 1

List of matters

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

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

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

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

3. Transport (by any means) of persons to any place.

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

4. Public meetings (of any kind).

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

5. The services of an election agent or any other person whose services are engaged in connection with the candidate's election.

6. Accommodation and administrative costs.

PART 2

General exclusions

7. The payment of any deposit required by rule 10 of the European Parliamentary elections rules.

8. The publication of any matter, other than an advertisement, relating to the election in—

(a) a newspaper or periodical;

(b) a broadcast made by the British Broadcasting Corporation, the Gibraltar Broadcasting Corporation, or by Sianel Pedwar Cymru;

(c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990**(118)** or Part 1 or 2 of the Broadcasting Act 1996**(119)**.

9. The provision of any facilities provided in pursuance of any right conferred on candidates at an election by these Regulations other than facilities in respect of which expenses fall to be defrayed by virtue of regulation 67(4).

10. The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.

11.—(1) Accommodation which is the candidate's sole or main residence.

(2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.

12.—(1) Transport by a means of transport which was acquired by the candidate principally for his own personal use.

(2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.

13.—(1) Computing or printing equipment which was acquired by the candidate principally for his own personal use.

(2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge."

(118) 1990 c.42. Parts 1 and 3 have been amended by the Communications Act 2003 (c.21).

(119) 1996 c.55. Parts 1 and 2 have been amended by the Communications Act 2003 (c.21).

EXPLANATORY NOTE

(This note is not part of the Regulations)

The European Parliamentary Elections (Amendment) Regulations 2009 (“the 2009 Regulations”) amend the European Parliamentary Elections Regulations 2004 (S.I. 2004/293) (“the 2004 Regulations”), which set out in full how European Parliamentary elections are to be conducted. The 2004 Regulations correspond to the provisions of the Representation of the People Acts of 1983 and 1985 and regulations made under them, which they apply subject to modifications.

The 2009 Regulations apply for the purposes of European Parliamentary elections the changes to electoral procedures made by the Electoral Administration Act 2006 (c.22) (“the 2006 Act”). They also apply the amendments made for the purposes of implementing the 2006 Act’s provisions by the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2910), the Representation of the People (Scotland)(Amendment) Regulations 2007 (S.I. 2007/925), the Representation of the People (Scotland)(Amendment) Regulations 2008 (S.I. 2008/305), the Representation of the People (England and Wales) (Combination of Polls) Regulations 2006 (S.I. 2006/3278) and the Service Voters’ Registration Period Order 2006 (S.I. 2006/3406). They also reflect other amendments to subordinate legislation made since the 2004 Regulations were made.

The amendments made to the 2004 Regulations reflect the changes made by the 2006 Act to the Representation of the People Act 1983 (c.2) (“the 1983 Act”). Regulation 11 of these Regulations amends regulation 15 of the 2004 Regulations to bring the provisions relating to payments to and by returning officers at European Parliamentary elections into line with the provision made at parliamentary elections by section 29 of the 1983 Act. Regulation 27 of the 2009 Regulations amends the 2004 Regulations so that the definition of “election expenses” made in the 2004 Regulations mirrors that made in section 90ZA of, and Schedule 4A to, the 1983 Act (as inserted by section 27 of the 2006 Act). The provisions relating to time limits for prosecutions in regulation 114 of the 2004 Regulations, as substituted by regulation 37 of the 2009 Regulations, reflect the amendments made to section 176 of the 1983 Act by section 70 of the 2006 Act. New regulation 122A of the 2004 Regulations, as inserted by regulation 38, makes provision which is equivalent to section 199B of the 1983 Act (translations etc. of certain documents) as inserted by section 36 of the 2006 Act.

Schedule 2 to the Regulations replaces the European Parliamentary elections rules in Schedule 1 to the 2004 Regulations. The European Parliamentary elections rules in Schedule 1 to these Regulations apply, with modifications and exceptions, the Parliamentary elections rules set out in Schedule 1 to the 1983 Act.

The rules differ from the 2004 rules by including, with relevant modifications, the amendments to the Parliamentary elections rules made by the 2006 Act. Particular changes resulting from the 2006 Act are mentioned below.

The rules reflect new security measures introduced by the 2006 Act. Security markings on ballot papers are provided for; so too are unique identifying marks. Counterfoils on ballot papers are replaced by corresponding number lists.

The rules reflect the changes made as to the persons who may be admitted to polling stations and to count to observe elections.

Amendments are made in consequence of the provisions in section 13B of the 1983 Act, as amended by section 11 of the 2006 Act, which moved the deadline for applying for registration closer to polling day. Amendments are made to provide for the transmission of information to a presiding

officer about alterations to the electoral register taking place on the day of the poll. Amendments consequential to the introduction of a scheme for the anonymous registration of certain electors are made.

The rules reflect the changes made regarding the retention and inspection of election documents after the poll.

Consequential amendments are made to the forms prescribed for use at European Parliamentary elections.

Schedule 3 to the 2009 Regulations replaces Schedule 2 to the 2004 Regulations and provides for absent voting at European Parliamentary elections. The amended Schedule 2 reflects the changes made to Schedule 4 of the Representation of the People Act 2000 (c. 2) and the regulations made under it, which make provision for absent voting in Great Britain at parliamentary and local elections, by the 2006 Act. In particular, provision is made in the amended Schedule 2 for the collection of personal identifiers from persons applying to vote by post or by proxy at a European Parliamentary election. Postal voters at European Parliamentary elections will be required to provide their signature and date of birth on postal voting statements which they must complete and return with their postal ballot papers. A postal ballot paper will not be deemed to be valid if the postal voting statement does not contain either a signature or date of birth. Local returning officers are required to take steps to verify the signature and date of birth on postal voting statements which involve checking that the identifiers provided on the postal voting statement correspond with those previously provided with the postal vote application.

Schedule 4 to these Regulations replaces Schedule 3 to the 2004 Regulations which sets out the modifications needed to the European Parliamentary elections rules when the poll at a European Parliamentary election is taken together with the poll at a relevant election or referendum, meaning a Parliamentary election, a local government election (which includes Greater London Authority elections in London) or referendum, or an election for an elected mayor held under the Local Government Act 2000 (c.22).

These Regulations extend to Gibraltar and the changes in electoral law since 2004 are applied to Gibraltar by these Regulations. Changes are also made as a result of the Gibraltar Constitution Order 2006. A copy of the Gibraltar Constitution Order 2006 and the Gibraltar Acts referred to in these Regulations can be obtained from www.gibraltarlaws.gov.gi.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.