

SCHEDULE 3

THE NEIGHBOURHOOD PLANNING REFERENDUMS RULES

PART 4

Action to be Taken Before the Poll

Notice of poll

13.—(1) The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the question to be asked in the referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

(3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

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

Postal ballot papers

14.—(1) The counting officer must, in accordance with regulations made under the 1983 Act⁽¹⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement in the form set out in Form 6 in the Appendix, or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.

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

- (a) translations into languages other than English of any directions to or guidance for voters and proxies 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) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the voter or proxy.

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

Provision of polling stations

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

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

(1) See the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as amended by S.I. 2001/1700, 2002/1871, 2004/226, 2006/752 and 2006/2910.

(3) The polling station allotted to voters from any parliamentary polling district wholly or partly within the referendum area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

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

Appointment of presiding officers and polling clerks

16.—(1) The counting 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 referendum.

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

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer 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

17.—(1) The counting officer must as soon as practicable after the publication of the notice of the referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

- (a) in the case of a voter, to the voter’s qualifying address; and
- (b) in the case of a proxy, to the proxy’s address as shown in the list of proxies.

(3) The official poll card must be in the form set out in Form 7, 8, 9 or 10 in the Appendix (as the case may be), or a form to like effect, and must set out—

- (a) the name of the relevant council and of the neighbourhood area;
- (b) the name of the voter, the voter’s qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the voter’s polling station;
- (d) such other information as the counting officer thinks appropriate,

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

(4) In the case of a voter who has an anonymous entry in the register, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

- (a) are to a person who is registered in the register of local government electors on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll.

Equipment of polling stations

18.—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting 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 counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of such part of the register of electors as contains the names of the voters who have the station allotted to them;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors or the part of it provided under sub-paragraph (b);
- (d) a list, in the form set out in Form 5 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 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 register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽²⁾ in respect of alterations to the register.

(5) The counting 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 and proxies who are partially sighted; and
- (b) a device of such description as is set out in paragraph (9) for enabling voters and proxies 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 29(1)).

(6) A notice in the form set out in Form 11 in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as the counting officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(8) In every compartment of every polling station there must be exhibited the notice “REFERENDUM ON [specify: neighbourhood plan / neighbourhood development order or community right to build order] FOR [specify name of neighbourhood area]. Mark a cross (X) in the box next to the answer of your choice. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.”.

(9) 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) hold the ballot paper firmly in place during use; and
- (c) provide suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which they may mark their vote;
 - (ii) identify the answer to which each such space refers; and
 - (iii) mark their vote on the space they have chosen.

(2) Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and section 13B(3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

Appointment of polling observers and counting observers

19.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(3) In the following provisions of these Rules references to polling observers and counting observers are to be taken as references to polling observers and counting observers whose appointments have been duly made.

(4) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

20.—(1) The counting officer must make such arrangements as the counting officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act⁽³⁾, as applied by Schedule 4; and
- (b) every person attending at 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 subsections (2) and (6) of that section, as applied by Schedule 4.

Return of postal ballot papers

21.—(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 counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act⁽⁴⁾.

(2) Rule 37(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

(3) Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22); subsection (6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

(4) See regulation 84(7) of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as amended by S.I. 2006/2910.