

This Statutory Instrument has been printed to correct errors in S.I. 2023/1147 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983, section 333(3A) of the Town and Country Planning Act 1990, section 52ZQ(7) of the Local Government Finance Act 1992, section 105(6) of the Local Government Act 2000, section 117(2) of the Local Democracy, Economic Development and Construction Act 2009 and sections 18(8) and 21(6)(a) of the Recall of MPs Act 2015, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No. 000

COUNCIL TAX, ENGLAND

LOCAL GOVERNMENT, ENGLAND

REPRESENTATION OF THE PEOPLE

TOWN AND COUNTRY PLANNING, ENGLAND

**The Representation of the People (Postal and Proxy Voting etc.)
(Amendment) Regulations 2024**

Made - - - - *******

Coming into force *******

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 201(3) of, and rule 28(3) and (3A) of Schedule 1 to the Representation of the People Act 1983(a), paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990(b), sections 52ZQ(1) and 113(1) and (2) of the Local Government Finance Act 1992(c), sections 9HE(1), 9MG(2) to (5) and 105(2) of the Local Government Act 2000(d), section 114(1) of, and

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- (a) 1983 c. 2. Section 201(3) was inserted by paragraph 21 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41). See section 202(1) for the meaning of “prescribed” in rule 28(3) of Schedule 1. Rule 28(3) was amended by paragraph 70(3) of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and rule 28(3A) was inserted by paragraph 14(3) of Schedule 1 to the Electoral Administration Act 2006.
- (b) 1990 c. 8. Schedule 4B was inserted by Schedule 10 to the Localism Act 2011 (c. 20) and paragraph 16 was amended by S.I. 2013/2597, 2021/1265.
- (c) 1992 c. 14. Section 52ZQ was inserted by Schedule 5 to the Localism Act 2011 and amended by S.I. 2021/1265. Section 113(1) and (2) was amended by paragraph 9 of Schedule 1 to the Local Government Act 1999 (c. 27), by paragraph 52 of Schedule 7 to the Local Government Act 2003 (c. 26), by section 80 of the Localism Act 2011 and by S.I. 2013/2597, 2015/1376, 2016/997, 2021/1265.
- (d) 2000 c. 22. Sections 9HE and 9MG were inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 and were amended by S.I. 2013/2597, 2015/1376, 2021/1265. Section 105 was amended by paragraph 14 of Schedule 3 to the Local Government Act 2003, by paragraph 70 of Schedule 3, and paragraph 52 of Schedule 4, to the Localism Act 2011 and by S.I. 2018/644, 2021/1265.

paragraphs 12(1) and (3) of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(a) and sections 18(1) and 21(3) of the Recall of MPs Act 2015(b).

The Secretary of State has consulted the Electoral Commission in accordance with paragraph 16(5) of Schedule 4B to the Town and Country Planning Act 1990, section 52ZQ(6) of the Local Government Finance Act 1992, section 9HE(4) of the Local Government Act 2000, section 7(1) and (2)(e) and (k) of the Political Parties, Elections and Referendums Act 2000(c), and paragraph 12(4) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009.

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 201(2) of the Representation of the People Act 1983(d), section 333(3A) of the Town and Country Planning Act 1990(e), section 52ZQ(7) of the Local Government Finance Act 1992, section 105(6) of the Local Government Act 2000, section 117(2) of the Local Democracy, Economic Development and Construction Act 2009(f) and sections 18(8) and 21(6)(a) of the Recall of MPs Act 2015.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2024 and come into force on the day after the day on which they are made.

(2) This regulation and regulation 2(1) and (7) extend to England and Wales, Scotland and Northern Ireland.

(3) Regulation 2(2) extends to England and Wales and Scotland.

(4) The remainder of these Regulations extends to England and Wales.

Amendment of the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023

2.—(1) Schedule 2 to the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (transitional provisions and savings)(g) is amended as follows.

(2) In Part 2 (provisions related to the 2001 Regulations and related to Parliamentary elections), in paragraph 4 (poll card forms for certain parliamentary elections), after sub-paragraph (2) insert—

“(3) Sub-paragraph (4) applies in respect of a parliamentary election for which—

(a) the notice of election is published in accordance with rule 5 of Schedule 1 to the Representation of the People Act 1983(h) on or after 31st January 2024, and

(b) the date of poll stated in that notice is on or before 1st May 2024.

(4) Form A1 (official postal poll card (to be sent to an elector voting by post)) and Form B1 (official proxy postal poll card (to be sent to an appointed proxy voting by post)) in

(a) 2009 c. 20. Section 114 was amended by paragraph 26 of Schedule 5 to, and Schedule 5B was inserted by Schedule 1 to, the Cities and Local Government Devolution Act 2016 (c. 1). Paragraph 12 of Schedule 5B was amended by S.I. 2021/1265.

(b) 2015 c. 25. See section 22 (as amended by S.I. 2016/997) for the definition of “the Minister”.

(c) 2000 c. 41. Section 7(2)(k) was inserted by paragraph 3(6) of Schedule 6 to the Recall of MPs Act 2015.

(d) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and was amended by paragraph 6(1) and (7)(b) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41), by section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), by paragraph 1(9)(a) of Schedule 8 to the Elections Act 2022 (c. 37) and by S.I. 1991/1728.

(e) Section 333(3A) was inserted by paragraph 22(3) of Schedule 12 to the Localism Act 2011 (c. 20).

(f) Section 117(2) was substituted by section 13(2) of the Localism Act 2011.

(g) S.I. 2023/1147.

(h) Rule 5 was amended by paragraph 4 of Schedule 2 and paragraph 74 of Schedule 4 to the Representation of the People Act 1985, by paragraph 10 of Schedule 6 to the Representation of the People Act 2000 (c. 2) and by section 19(3) of the Electoral Administration Act 2006 (c. 22).

Schedule 3 to the 2001 Regulations apply as if, on the back of the form, for the text that begins “vote as a proxy at this election” and ends with “grandchild” there were substituted—

“(in the case of a proxy appointed on or after 31st October 2023) vote as a proxy on behalf of more than four electors, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”.”.

(3) In Part 3 (local authority mayoral elections), in paragraph 9 (poll card forms for certain local authority mayoral elections), after sub-paragraph (3) insert—

“(4) Sub-paragraph (5) applies in respect of an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000(a) for which—

- (a) the notice of election is published in accordance with rule 5 of the mayoral election rules on or after 31st January 2024, and
- (b) the date of poll stated in that notice is on or before 1st May 2024.

(5) Form 9 (official postal poll card) and Form 11 (official proxy postal poll card) in the mayoral election rules apply as if, on the back of the form, for the text that begins “vote as a proxy at this election” and ends with “grandchild” there were substituted—

“(in the case of a proxy appointed on or after 31st October 2023) vote as a proxy on behalf of more than four electors, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”.”.

(4) In Part 4 (referendums under Part 1A of the Local Government Act 2000), in paragraph 13 (poll card forms for certain referendums), after sub-paragraph (3) insert—

“(4) Sub-paragraph (5) applies in respect of a referendum for which—

- (a) the notice of referendum is published in accordance with rule 5 of the referendum rules on or after 31st January 2024, and
- (b) the date of poll stated in that notice is on or before 1st May 2024.

(5) The form of the Official Postal Poll Card (to be sent to a voter voting by post) and the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) in the referendum rules apply as if, on the back of the form, for the text that begins “vote as a proxy at the same referendum” and ends with “grandchild” there were substituted—

“(in the case of a proxy appointed on or after 31st October 2023) vote as a proxy on behalf of more than four voters, of which no more than two may be on behalf of other domestic voters (a domestic voter is one who is not an overseas or service voter)”.”.

(5) In Part 5 (referendums under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992), in paragraph 17 (poll card forms for certain referendums), after sub-paragraph (3) insert—

“(4) Sub-paragraph (5) applies in respect of a referendum for which—

- (a) the notice of referendum is published in accordance with rule 5 of the referendum rules on or after 31st January 2024, and
- (b) the date of poll stated in that notice is on or before 1st May 2024.

(5) The form of the Official Postal Poll Card (to be sent to a voter voting by post) and the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) in the referendum rules apply as if, on the back of the form, for the text that begins “vote as a proxy at the same referendum” and ends with “grandchild” there were substituted—

(a) Section 9H was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20).

“(in the case of a proxy appointed on or after 31st October 2023) vote as a proxy on behalf of more than four voters, of which no more than two may be on behalf of other domestic voters (a domestic voter is one who is not an overseas or service voter)”.

(6) In Part 8 (referendums under Schedule 4B to the Town and Country Planning Act 1990), in paragraph 30 (poll card forms for certain referendums), after sub-paragraph (5) insert—

“(6) The following apply subject to the modification in sub-paragraph (7) in respect of a referendum for which the notice of referendum is published in accordance with rule 5 of the referendum rules on or after 31st January 2024 and the date of poll stated in that notice is on or before 1st May 2024—

- (a) form 8 (official postal poll card (to be sent to a voter voting by post)) and form 10 (official proxy postal poll card (to be sent to an appointed proxy voting by post)) in Schedule 3 to the 2012 Regulations;
- (b) form 9 (official postal poll card (to be sent to a voter voting by post)) and form 11 (official proxy postal poll card (to be sent to an appointed proxy voting by post)) in Schedule 5 to the 2012 Regulations.

(7) The form applies as if, on the back of the form, for the text that begins “vote as a proxy at the same referendum” and ends with “grandchild” there were substituted—

“(in the case of a proxy appointed on or after 31st October 2023) vote as a proxy on behalf of more than four voters, of which no more than two may be on behalf of other domestic voters (a domestic voter is one who is not an overseas or service voter)”.

(7) In Part 9 (recall petitions), in paragraph 37 (official petition notice forms for certain recall petitions)—

- (a) in sub-paragraph (3) for “apply” substitute “applies”;
- (b) after sub-paragraph (3) insert—

“(3A) Form E (official petition notice for an elector who may sign the petition by post) in Part 1 of Schedule 2 to the 2016 Regulations applies in respect of a recall petition to which sub-paragraph (8) applies as if, on the second page of the notice, for the text that begins with “Sign the petition as a proxy for more than two people” and ends with “grandchild” there were substituted—

“In the case of a proxy appointed on or after 31st October 2023, sign the petition as a proxy on behalf of more than four people, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”.

(3B) Form G (official petition notice for a proxy who may sign the petition by post) in Part 1 of Schedule 2 to the 2016 Regulations applies in respect of a recall petition to which sub-paragraph (8) applies as if, on the third page of the form, for the text that begins with “Sign the petition as a proxy for more than two people” and ends with “grandchild” there were substituted—

“In the case of a proxy appointed on or after 31st October 2023, sign the petition as a proxy on behalf of more than four people, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”.

- (c) in sub-paragraph (5), for “apply” substitute “applies”;
- (d) after sub-paragraph (5) insert—

“(6) Form E (official petition notice for an elector who may sign the petition by post) in Part 3 of Schedule 2 to the 2016 Regulations applies in respect of a recall petition to which sub-paragraph (8) applies as if, on the second page of the notice, for the text that begins with “Sign the petition as a proxy for more than two people” and ends with “grandchild” there were substituted—

“In the case of a proxy appointed on or after 31st October 2023, sign the petition as a proxy on behalf of more than four people, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”.

(7) Form G (official petition notice for a proxy who may sign the petition by post) in Part 3 of Schedule 2 to the 2016 Regulations applies in respect of a recall petition to which sub-paragraph (8) applies as if, on the final page of the form, for the text that begins with “Sign the petition as a proxy for more than two people” and ends with “grandchild” there were substituted—

“In the case of a proxy appointed on or after 31st October 2023, sign the petition as a proxy on behalf of more than four people, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”.

(8) This sub-paragraph applies to a recall petition for which—

- (a) the Speaker’s notice is given in accordance with section 5(1) of the Recall of MPs Act 2015 on or after 31st January 2024, and
- (b) the date for the beginning of the signing period^(a) for that petition is on or before 1st May 2024.”.

(8) In Part 10 (combined authority mayoral elections), in paragraph 42 (poll card forms for certain combined authority mayoral elections), after sub-paragraph (3) insert—

“(4) Sub-paragraph (5) applies in respect of an election for the return of a mayor as provided for in an order made under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for which—

- (a) the notice of election is published in accordance with rule 5 of the mayoral election rules on or after 31st January 2024, and
- (b) the date of poll stated in that notice is on or before 1st May 2024.

(5) Form 9 (official postal poll card) and Form 11 (official proxy postal poll card) in the mayoral election rules apply as if, on the back of the form, for the text that begins “vote as a proxy at this election” and ends with “grandchild” there were substituted—

“(in the case of a proxy appointed on or after 31st October 2023) vote as a proxy on behalf of more than four electors, of which no more than two may be on behalf of other domestic electors (a domestic elector is one who is not an overseas or service elector)”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Name
Parliamentary Under Secretary of State

Date Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct errors in Schedule 2 to the Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 (S.I. 2023/1147). These Regulations amend the transitional provisions in that Schedule to provide for additional modifications of the postal poll card and proxy postal poll card to be used for certain elections and referendums for which the notice of election or referendum is published on or after 31st January 2024 and for which the date of poll is on or before 1st May 2024. Additional modifications are also added for the equivalent petition notices to be used for certain recall petitions under the Recall of MPs Act 2015 (c. 25)

(a) See section 9(2) of the Recall of MPs Act 2015 (c. 25) for the meaning of the “signing period”.

within the same period. The modifications provide for the correct description of criminal offences under section 61(4) of the Representation of the People Act 1983 (c. 2) (and equivalent legislation) to be included on those poll cards and notices.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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