

SCHEDULES

SCHEDULE 5

COMBINATION OF POLLS: ENGLAND

PART 1

PROVISION ABOUT COMBINATION

GENERAL PROVISIONS

Interpretation

- 1
- (1) An election or local referendum the poll for which is, under section 4(1), to be taken together with the poll for the referendum under section 1 is referred to in this Schedule as a “relevant election”.

(2) The polls to be taken together are referred to in this Schedule as “combined polls”.

(3) In relation to a local referendum, expressions used in this Part of this Schedule are to be construed in accordance with the following table.

Expression	Meaning
“Counting agent”	Counting observer as defined by regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089).
“Election agent”	Counting observer as defined by that regulation.
“Polling agent”	Polling observer as defined by that regulation.
“Returning officer”	Counting officer as defined by that regulation.
“Elector”	Voter as defined by rule 2(1) of the Local Referendums (Combination of Polls) Rules.

- 2
- In this Schedule—

“counting agent” means a counting agent for the referendum or a counting agent for a relevant election (except where one or other is specified);

“local authority” means—

(a) a county council in England;

(b) a district council;

(c) a London borough council;

(d) a parish council;

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“Local Elections (Combination of Polls) Rules” means the rules set out in Schedule 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006 ([S.I. 2006/3304](#));

“local referendum” means a referendum held in England under Part 2 of the Local Government Act 2000;

“Local Referendums (Combination of Polls) Rules” means the rules set out in Schedule 5 to the Local Authorities (Conduct of Referendums) (England) Regulations 2007 ([S.I. 2007/2089](#));

“Mayoral Elections (Combination of Polls) Rules” means the rules set out in Schedule 3 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 ([S.I. 2007/1024](#));

“Parish Elections (Combination of Polls) Rules” means the rules set out in Schedule 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 ([S.I. 2006/3305](#)).

Functions to be performed by counting officer

- 3 (1) The specified functions of a returning officer for a relevant election are to be carried out instead by the counting officer for the voting area in which the relevant election is to be held.
- (2) The specified functions are those specified in regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 ([S.I. 2004/294](#)) (so far as relating to relevant elections).
- (3) This paragraph applies instead of regulation 4 of those regulations so far as it relates to the functions of returning officers.

Attendance and conduct of observers

- 4 Section 6E of the 2000 Act has effect as if for subsection (4) there were substituted—

“(4) A relevant officer is—

- (a) in the case of proceedings at a polling station, the presiding officer;
- (b) in the case of any other proceedings at the issue or receipt of postal ballot papers, the relevant returning or counting officer within the meaning of regulation 64 of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#));
- (c) in the case of any proceedings at the counting of votes, the counting or returning officer responsible for counting the votes under paragraph 44(1) or (3) of Schedule 5 to the Parliamentary Voting System and Constituencies Act 2011;
- (d) in the case of any proceedings not mentioned in paragraph (a), (b) or (c), the counting officer for the referendum on the voting system for United Kingdom parliamentary elections;
- (e) such other person as a person mentioned in paragraph (a), (b), (c) or (d) authorises for the purposes of the proceedings mentioned in that paragraph.”

Cost of combined polls

- 5 The cost of taking the combined polls (excluding any cost solely attributable to the referendum or to a particular relevant election), and any cost attributable to their combination, is to be apportioned equally among them.
- 6 (1) In section 36 of the 1983 Act (local authority elections), subsections (4), (5) and (6) apply—
- (a) as if a reference to a returning officer included a reference to a counting officer carrying out functions that, but for this Schedule, would be exercisable by a returning officer (“transferred functions”), and
 - (b) as if, in relation to that counting officer, a reference to expenditure or expenses were to expenditure or expenses in respect of transferred functions.
- (2) In fixing a scale under subsection (4) or (5) of that section a local authority may include special provision in respect of expenditure incurred by a counting officer in carrying out transferred functions (including expenditure incurred in respect of the remuneration of presiding officers or clerks).

Application of other provisions about combination of polls

- 7 (1) The following regulations have effect as if a reference to “a relevant election or referendum” included a reference to the referendum under section 1.
- (2) The regulations are—
- (a) the Local Elections (Principal Areas) (England and Wales) Rules 2006;
 - (b) the Local Elections (Parishes and Communities) (England and Wales) Rules 2006;
 - (c) the Local Authorities (Conduct of Referendums) (England) Regulations 2007;
 - (d) the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007.
- (3) Regulation 11 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 has effect as if the reference to regulation 10(1) or (7) included a reference to section 4.
- (4) In relation to the referendum, expressions used in the regulations are to be construed in accordance with the following table.

<i>Expression</i>	<i>Meaning</i>
“Counting agent”	Counting agent appointed under rule 18 of the referendum rules.
“Election agent”	Counting agent appointed under rule 18 of the referendum rules.
“Polling agent”	Polling agent appointed under rule 18 of the referendum rules.
“Voting area”	Voting area as defined by section 7.

Status: This is the original version (as it was originally enacted).

Forms

- 8 Forms 2, 3, 5, 6 and 8 in Part 3 of this Schedule are “relevant forms” for the purposes of rule 10 of the referendum rules.

ACTION TO BE TAKEN BEFORE POLL

Corresponding number lists

- 9 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of regulation 65 of the Representation of the People (England and Wales) Regulations 2001.
- (2) If the counting officer thinks fit, the lists to be prepared under the following provisions may be combined in the form set out in Form 1 in Part 3 of this Schedule—
- (a) rule 6 of the referendum rules;
 - (b) rule 17 of the Local Elections (Combination of Polls) Rules;
 - (c) rule 17 of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 8 of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 19 of the Mayoral Elections (Combination of Polls) Rules.
- (3) In that case, this paragraph applies instead of—
- (a) rule 6(2) of the referendum rules;
 - (b) rule 17(2) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 17(2) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 8(3) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 19(2) of the Mayoral Elections (Combination of Polls) Rules.
- 10 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of regulation 65 of the Representation of the People (England and Wales) Regulations 2001.
- (2) If the counting officer thinks fit, the officer may prepare a single list containing the numbers and other unique identifying marks of all of the ballot papers to be provided to presiding officers in pursuance of the following provisions—
- (a) rule 17(1) of the referendum rules;
 - (b) rule 26(1) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 26(1) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 17(1) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 28 of the Mayoral Elections (Combination of Polls) Rules.
- (3) The list must be in the form set out in Form 1 in Part 3 of this Schedule.
- (4) If a list is prepared in relation to ballot papers under this paragraph, the list prepared under the following provisions must not include details relating to those ballot papers—
- (a) rule 6 of the referendum rules;
 - (b) rule 17 of the Local Elections (Combination of Polls) Rules;
 - (c) rule 17 of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 8 of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 19 of the Mayoral Elections (Combination of Polls) Rules.

- (5) A reference in an enactment to a list prepared under a provision mentioned in sub-paragraph (4) has effect, in so far as it relates to ballot papers to be provided in pursuance of the provisions mentioned in sub-paragraph (2), as a reference to the list prepared under this paragraph.

Notice of poll

- 11 (1) The notice of the poll for each relevant election must be published by not later than the 15th day before the date of the poll.
- (2) The timetables set out in the following provisions are to be read with whatever modifications are necessary to give effect to sub-paragraph (1)—
- (a) rule 1 of the Local Elections (Combination of Polls) Rules;
 - (b) rule 1 of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 3 of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 3 the Mayoral Elections (Combination of Polls) Rules.
- (3) Sub-paragraph (1) applies instead of rule 12(2) of the Local Referendums (Combination of Polls) Rules.

Notice of polling stations

- 12 The notice given under rule 11(3) of the referendum rules must—
- (a) state that the poll for the referendum is to be taken together with the poll for each relevant election,
 - (b) specify the local authority for which each relevant election is to be held, and
 - (c) where any of the polls are to be taken together in part only of a voting area for the referendum, specify that part.

Postal voting statements

- 13 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of regulation 65 of the Representation of the People (England and Wales) Regulations 2001.
- (2) The form of postal voting statement to be issued to those who are entitled to vote by post in the referendum and in each relevant election must be in the form set out in Form 2 in Part 3 of this Schedule.
- (3) Where that form is used, this paragraph applies instead of any requirement in the following provisions for a postal voting statement to be in a particular form.
- (4) The provisions are—
- (a) rule 12(1)(b) of the referendum rules;
 - (b) rule 22(1) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 22(1) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 13(1) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 24(1) of the Mayoral Elections (Combination of Polls) Rules.
- 14 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of regulation 65 of the Representation of the People (England and Wales) Regulations 2001.

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- (2) The form of postal voting statement to be issued to those entitled to vote by post in the referendum must be in the form set out in Form 3 in Part 3 of this Schedule.
- (3) This paragraph applies instead of the requirement in rule 12(1)(b) of the referendum rules for a postal voting statement to be in a particular form.

Colour of ballot papers

- 15 The ballot papers used for the referendum must be of a different colour from the ballot papers used for any relevant election.

Polling stations

- 16 (1) The referendum polling stations are to be used for the combined polls.
- (2) This paragraph applies instead of—
- (a) regulation 4 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 so far as it relates to polling stations;
 - (b) rule 14(2) of the Local Referendums (Combination of Polls) Rules.

Official poll cards

- 17 (1) If the counting officer thinks fit, the official poll cards used for the referendum and for the relevant elections may be combined.
- (2) In that case, the forms required to be used for official poll cards for the referendum and relevant elections must be adapted in whatever manner seems necessary.
- (3) In sub-paragraph (1) “relevant election” does not include the election of a councillor of a parish council.
- (4) This paragraph applies instead of—
- (a) rule 25(6) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 16(6) of the Local Referendums (Combination of Polls) Rules;
 - (c) rule 27(6) of the Mayoral Elections (Combination of Polls) Rules.

Ballot boxes

- 18 (1) If the counting officer thinks fit, the same ballot box may be used at the polls for the referendum and the relevant elections.
- (2) Where separate ballot boxes are used, each must be clearly marked to show—
- (a) the poll to which it relates, and
 - (b) the colour of ballot papers that should be placed in it.
- (3) This paragraph applies instead of—
- (a) rule 26(2) and (7) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 26(2) and (7) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 17(2) and (7) of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 28(2) and (7) of the Mayoral Elections (Combination of Polls) Rules.

Form of corresponding number lists provided to polling stations

- 19 (1) If the counting officer thinks fit, the lists to be provided under the following provisions may be combined in the form set out in Form 4 in Part 3 of this Schedule—
- (a) rule 17(3)(d) of the referendum rules;
 - (b) rule 26(4)(d) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 26(4)(d) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 17(4)(d) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 28(4)(d) of the Mayoral Elections (Combination of Polls) Rules.
- (2) In that case, this paragraph applies instead of the second sentence in rule 17(3) of the referendum rules.

Ballot paper displayed in polling stations

- 20 The large version of the ballot paper displayed inside the polling station under rule 17(4)(a) of the referendum rules must be of the same colour as the ballot papers to be used for the referendum.

Guidance to be exhibited inside and outside polling stations

- 21 (1) A notice in the form set out in Form 5 in Part 3 of this Schedule, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (2) This paragraph applies instead of—
- (a) rule 17(6) of the referendum rules;
 - (b) rule 26(8) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 26(8) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 17(8) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 28(8) of the Mayoral Elections (Combination of Polls) Rules.

Guidance to be exhibited in each polling station compartment

- 22 (1) A notice in the form set out in Form 6 in Part 3 of this Schedule, giving directions for the guidance of voters in voting, must be exhibited in every compartment of every polling station.
- (2) This paragraph applies instead of—
- (a) rule 17(7) of the referendum rules;
 - (b) rule 26(10) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 26(10) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 17(10) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 28(10) of the Mayoral Elections (Combination of Polls) Rules.

Notice of appointment of polling and counting agents

- 23 (1) A notice required to be given to a returning officer for a relevant election under any of the following provisions is to be given instead to the counting officer for the voting area in which the relevant election is to be held—
- (a) rule 27(5), (7) or (8) of the Local Elections (Combination of Polls) Rules;

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- (b) rule 27(5) or (7) of the Parish Elections (Combination of Polls) Rules;
- (c) rule 29(7), (9) or (10) of the Mayoral Elections (Combination of Polls) Rules.

(2) This paragraph applies instead of—

- (a) rule 27(6) of the Local Elections (Combination of Polls) Rules;
- (b) rule 27(6) of the Parish Elections (Combination of Polls) Rules;
- (c) rule 29(8) of the Mayoral Elections (Combination of Polls) Rules.

THE POLL

Admission to the polling station

- 24 Rule 21(1) of the referendum rules has effect as if the persons listed there included persons who would be entitled to be admitted to the polling station for any relevant election if the poll for that relevant election were held on its own.

Voting by persons on duty on day of poll

- 25 (1) Paragraph 2(5) of Schedule 3 has effect as if in the words after paragraph (b) the reference to any polling station were to any polling station in the same voting area as the allotted polling station.
- (2) A certificate as to employment on duty on the day of the poll for the referendum must be in the form set out in Form 7 in Part 3 of this Schedule.
- (3) Sub-paragraph (2) applies instead of rule 21(4)(b) of the referendum rules.

Questions put to voters: local referendums

- 26 The Table in rule 26 of the Local Referendums (Combination of Polls) Rules has effect as if for “this referendum”, in each place, there were substituted “this (*specify local authority*) referendum”.

Voting procedure: copies of registers and absent voters lists

- 27 (1) If the counting officer thinks fit, the same copy of the register of electors may be used under the following provisions for the purposes of the referendum and the relevant elections—
- (a) rule 28(2) of the referendum rules;
 - (b) rule 35(1) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 35(1) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 28(1) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 37(1) of the Mayoral Elections (Combination of Polls) Rules.
- (2) Sub-paragraphs (3) and (4) apply where the same copy of the register is used as mentioned in sub-paragraph (1).
- (3) In a case where a ballot paper is delivered at the same time in respect of the referendum and each relevant election, a single mark must be placed in the register against the number of the elector under—
- (a) rule 28(2)(c) of the referendum rules,
 - (b) rule 35(1)(c) of the Local Elections (Combination of Polls) Rules,

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- (c) rule 35(1)(c) of the Parish Elections (Combination of Polls) Rules,
 - (d) rule 28(1)(c) of the Local Referendums (Combination of Polls) Rules, and
 - (e) rule 37(1)(c) of the Mayoral Elections (Combination of Polls) Rules.
- (4) In any other case, a mark must be placed in the register against the number of the elector identifying the poll to which each ballot paper delivered relates.
- (5) 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—
 - (a) references in this paragraph to the copy of the register of electors are to be read as references to the copy of the notice;
 - (b) references to a mark being placed in the register of electors are to be read as references to a mark being made on the copy of the notice.
- (6) This paragraph applies instead of—
 - (a) rule 35(6) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 35(6) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 28(6) of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 37(6) of the Mayoral Elections (Combination of Polls) Rules.
- 28 (1) If the counting officer thinks fit, the counting officer may require the relevant registration officer to produce a combined list of proxies for the referendum and the relevant elections.
- (2) The following provisions apply where the lists are combined and a person applies for a ballot paper as proxy.
- (3) Immediately before delivery of the ballot paper the list of proxies must be marked in a way that identifies—
 - (a) the proxy,
 - (b) the elector for whom the proxy is applying for the ballot paper, and
 - (c) the referendum or relevant election to which the ballot paper relates.
- (4) Sub-paragraph (3) applies instead of—
 - (a) rule 28(2)(d) of the referendum rules;
 - (b) rule 35(1)(d) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 35(1)(d) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 28(1)(d) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 37(1)(d) of the Mayoral Elections (Combination of Polls) Rules.
- 29 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of regulation 65 of the Representation of the People (England and Wales) Regulations 2001.
- (2) If the counting officer thinks fit, the counting officer may require the relevant registration officer to produce a combined postal voters list and a combined proxy postal voters list for the referendum and the relevant elections.

List of votes marked by presiding officer

- 30 (1) If the counting officer thinks fit, a single list of votes marked by the presiding officer may be used for the purposes of the referendum and the relevant elections.

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- (2) Where a person's entry in that list does not relate to the referendum and each relevant election the entry must—
 - (a) indicate whether it relates to the referendum, and
 - (b) identify any relevant election to which it relates.
- (3) In this paragraph "list of votes marked by the presiding officer" means a list compiled under—
 - (a) rule 30(4) of the referendum rules,
 - (b) rule 36(2) of the Local Elections (Combination of Polls) Rules,
 - (c) rule 36(2) of the Parish Elections (Combination of Polls) Rules,
 - (d) rule 29(2) of the Local Referendums (Combination of Polls) Rules, or
 - (e) rule 38(2) of the Mayoral Elections (Combination of Polls) Rules.
- (4) This paragraph applies instead of—
 - (a) rule 36(4) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 36(4) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 29(4) of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 38(5) of the Mayoral Elections (Combination of Polls) Rules.

Declaration to be made by the companion of a voter with disabilities

- 31 (1) A declaration made by the companion of a voter with disabilities must be in the form set out in Form 8 in Part 3 of this Schedule.
- (2) In this paragraph "declaration made by the companion of a voter with disabilities" means a declaration made by a companion under—
 - (a) rule 31 of the referendum rules,
 - (b) rule 37 of the Local Elections (Combination of Polls) Rules,
 - (c) rule 37 of the Parish Elections (Combination of Polls) Rules,
 - (d) rule 30 of the Local Referendums (Combination of Polls) Rules, or
 - (e) rule 39 of the Mayoral Elections (Combination of Polls) Rules.
- (3) This paragraph applies instead of—
 - (a) rule 31(5)(a) of the referendum rules;
 - (b) rule 37(7)(a) of the Local Elections (Combination of Polls) Rules;
 - (c) rule 37(7)(a) of the Parish Elections (Combination of Polls) Rules;
 - (d) rule 30(7)(a) of the Local Referendums (Combination of Polls) Rules;
 - (e) rule 39(8)(a) of the Mayoral Elections (Combination of Polls) Rules.

List of voters with disabilities assisted by companions

- 32 (1) If the counting officer thinks fit, a single list of voters with disabilities assisted by companions may be used for the purposes of the referendum and the relevant elections.
- (2) Where a person's entry in that list does not relate to the referendum and each relevant election the entry must—
 - (a) indicate whether it relates to the referendum, and
 - (b) identify any relevant election to which it relates.

- (3) In this paragraph “list of voters with disabilities assisted by companions” means a list compiled under—
- (a) rule 31(8) of the referendum rules,
 - (b) rule 37(4) of the Local Elections (Combination of Polls) Rules,
 - (c) rule 37(4) of the Parish Elections (Combination of Polls) Rules,
 - (d) rule 30(4) of the Local Referendums (Combination of Polls) Rules, or
 - (e) rule 39(4) of the Mayoral Elections (Combination of Polls) Rules.
- (4) This paragraph applies instead of—
- (a) rule 37(6) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 37(6) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 30(6) of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 39(7) of the Mayoral Elections (Combination of Polls) Rules.

Tendered votes list

- 33 (1) If the counting officer thinks fit, a single tendered votes list may be used for the purposes of the referendum and the relevant elections.
- (2) Where a person’s entry in that list does not relate to the referendum and each relevant election the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any relevant election to which it relates.
- (3) In this paragraph “tendered votes list” means a list compiled under—
- (a) rule 33(7) of the referendum rules,
 - (b) rule 39(2) of the Local Elections (Combination of Polls) Rules,
 - (c) rule 39(2) of the Parish Elections (Combination of Polls) Rules,
 - (d) rule 32(2) of the Local Referendums (Combination of Polls) Rules, or
 - (e) rule 41(2) of the Mayoral Elections (Combination of Polls) Rules.
- (4) This paragraph applies instead of—
- (a) rule 39(3) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 39(3) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 32(3) of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 41(3) of the Mayoral Elections (Combination of Polls) Rules.

Lists relating to correction of errors on day of poll

- 34 (1) If the counting officer thinks fit, a single list of persons to whom ballot papers are delivered in consequence of late alterations to the register may be used for the purposes of the referendum and the relevant elections.
- (2) Where a person’s entry in that list does not relate to the referendum and each relevant election the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any relevant election to which it relates.
- (3) In this paragraph “list of persons to whom ballot papers are delivered in consequence of late alterations to the register” means a list compiled under—

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- (a) rule 36 of the referendum rules,
 - (b) rule 41(1) of the Local Elections (Combination of Polls) Rules,
 - (c) rule 41(1) of the Parish Elections (Combination of Polls) Rules,
 - (d) rule 34(1) of the Local Referendums (Combination of Polls) Rules, or
 - (e) rule 43(1) of the Mayoral Elections (Combination of Polls) Rules.
- (4) This paragraph applies instead of—
- (a) rule 41(2) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 41(2) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 34(2) of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 43(2) of the Mayoral Elections (Combination of Polls) Rules.

Notice of adjournment in case of riot

- 35 In the following provisions, references to a returning officer are to be read as references to the counting officer—
- (a) rule 42(1) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 42(1) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 44(1) of the Mayoral Elections (Combination of Polls) Rules.

Procedure on close of poll

- 36 (1) In rule 38(1) of the referendum rules the reference to polling agents includes a reference to polling agents appointed for the purposes of any relevant election.
- (2) A packet made up under rule 38(1)(b), (c) or (f) of the referendum rules may not be combined with a packet made up under a corresponding provision of the rules governing any relevant election.
- (3) The ballot paper account prepared under rule 38(6) of the referendum rules may not be combined with the ballot paper account for any relevant election.
- 37 (1) In the following provisions, references to a returning officer are to be read as references to the counting officer—
- (a) rule 43(1) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 43(1) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 45(1) of the Mayoral Elections (Combination of Polls) Rules.
- (2) This paragraph applies instead of—
- (a) rule 43(3) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 43(3) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 45(3) of the Mayoral Elections (Combination of Polls) Rules.

COUNTING OF VOTES

Attendance and arrangements for counting

- 38 (1) The counting officer must make arrangements for counting the ballot papers and carrying out the other functions conferred by paragraph 42 in the presence of the counting agents.

- (2) The counting officer must give the counting agents notice in writing of the time and place at which the proceedings under paragraph 42 will begin.
 - (3) A person may be present at the proceedings under paragraph 42 only if—
 - (a) the person is entitled to be present at the counting of the votes for the referendum or a relevant election, or
 - (b) the person is permitted by the counting officer to attend.
 - (4) The counting officer may give a person permission under sub-paragraph (3)(b) only if—
 - (a) the officer is satisfied that the person's attendance will not impede the efficient conduct of the proceedings, and
 - (b) the officer has consulted the referendum agents and election agents or thought it impracticable to do so.
 - (5) The counting officer must give the counting agents—
 - (a) whatever reasonable facilities for overseeing the proceedings, and
 - (b) whatever information with respect to the proceedings,the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.
- 39 Rule 39(1) of the referendum rules (arrangements for the counting of votes in the referendum) has effect with the omission of the words "after the close of the poll".
- 40 (1) The returning officer for a relevant election must make arrangements for counting the votes in the presence of the counting agents for the relevant election as soon as practicable after receiving the ballot papers from the counting officer under paragraph 43.
- (2) The returning officer must give the counting agents for the relevant election notice in writing of the time and place at which the counting of the votes for the relevant election will begin.
 - (3) A person may be present at the counting of the votes for a relevant election only if—
 - (a) the person is permitted by the returning officer to attend, or
 - (b) the person would be entitled to be present at the counting of votes for the relevant election if it were taken on its own.
 - (4) The returning officer may give a person permission under sub-paragraph (3)(a) only if—
 - (a) the officer is satisfied that the person's attendance will not impede the efficient counting of the votes, and
 - (b) the officer has consulted the election agents or thought it impracticable to do so.
 - (5) The returning officer must give the counting agents for the relevant election—
 - (a) whatever reasonable facilities for overseeing the proceedings, and
 - (b) whatever information with respect to the proceedings,the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.
 - (6) In particular, where the votes are counted by sorting the ballot papers into lots according to the votes marked on them and then counting the number of ballot

papers in each lot, the counting agents for the relevant election are entitled to satisfy themselves that the ballot papers are correctly sorted.

- 41 Paragraphs 38 and 40 apply instead of—
- (a) rule 44 of the Local Elections (Combination of Polls) Rules;
 - (b) rule 44 of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 37 of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 46 of the Mayoral Elections (Combination of Polls) Rules.

Counting and separation of ballot papers by counting officer

- 42 (1) As soon as practicable after the close of the poll the counting officer must—
- (a) in the presence of the counting agents, open the ballot boxes and count and record separately the number of ballot papers relating to the referendum and each relevant election;
 - (b) where proceedings on the issue and receipt of postal ballot papers for the referendum and the relevant elections are taken together, count the postal ballot papers that have been duly returned for the referendum and the relevant elections and record separately the number relating to each;
 - (c) where proceedings on the issue and receipt of postal ballot papers for the referendum and the relevant elections are not taken together, count the postal ballot papers that have been duly returned for the referendum and record the number;
 - (d) separate ballot papers relating to the referendum and those relating to each relevant election.
- (2) Rule 40(3) of the referendum rules applies for the purposes of any combined polls; but where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of regulation 65 of the Representation of the People (England and Wales) Regulations 2001, a reference in rule 40(3) to a counting officer is to be read in relation to the return of ballot papers for a relevant election as a reference to the returning officer for that relevant election.
- (3) The counting officer must not count any tendered ballot papers.
- (4) The counting officer, while counting and recording the number of ballot papers, must—
- (a) keep the ballot papers with their faces upwards, and
 - (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (5) The counting officer must, in the presence of the referendum agents and the election agents for the relevant elections—
- (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list);
 - (b) draw up a separate statement as to the result of the verification in relation to each poll.
- (6) An election agent for a relevant election may copy the statement relating to that relevant election.

- (7) A counting agent for the referendum present at the verification may copy the statement relating to the referendum.
- (8) Once the statement relating to the referendum is drawn up, the counting officer must—
 - (a) in the case of a voting area in a region for which a Regional Counting Officer is appointed, inform the Regional Counting Officer of the contents of the statement;
 - (b) in the case of any other voting area, inform the Chief Counting Officer of the contents of the statement.
- (9) Rule 40 of the referendum rules does not apply (except for the purposes of sub-paragraph (2) above).

Delivery of ballot papers etc to returning officers

- 43
- (1) The counting officer must deliver or cause to be delivered to the returning officer for a relevant election the ballot papers for the relevant election.
 - (2) The counting officer must also deliver or cause to be delivered to the returning officer—
 - (a) the ballot paper accounts and the statement as to the result of the verification of the ballot paper accounts for the relevant election;
 - (b) the packets of unused and spoilt ballot papers for the relevant election;
 - (c) the packets of tendered ballot papers for the relevant election;
 - (d) the packets of certificates as to employment on duty on the day of the poll for the relevant election.
 - (3) If the counting officer has not begun to count the votes given on the referendum ballot papers by the time the statements as to the result of the verification of the ballot paper accounts in relation to all the polls are prepared—
 - (a) those ballot papers must be sealed into packets, each of which must be endorsed with a description of its contents, and
 - (b) the packets may not be opened until the counting officer begins dealing with the ballot papers in those packets under paragraph 44(1).
 - (4) If, in respect of a relevant election, none of the ballot papers have been delivered under sub-paragraph (1) by the time the statements as to the result of the verification of the ballot paper accounts in relation to all the polls are prepared—
 - (a) the ballot papers for that election must be sealed into packets, each of which must be endorsed with a description of its contents, and
 - (b) the packets may not be opened until the returning officer begins dealing with the ballot papers in those packets under paragraph 44(3).

Counting of votes

- 44
- (1) The counting officer must count the votes given on the ballot papers for the referendum, but must not do so until—
 - (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

Status: This is the original version (as it was originally enacted).

- (2) Where proceedings on the issue and receipt of postal ballot papers for a relevant election are not taken together with those for the referendum and any other relevant elections, the returning officer for the relevant election must count the postal ballot papers that have been duly returned and record the number counted.
- (3) The returning officer for a relevant election must count the votes given on the ballot papers for the relevant election, but must not do so until—
 - (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (4) The counting or returning officer, while counting the votes, must—
 - (a) keep the ballot papers with their faces upwards, and
 - (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (5) The counting or returning officer must so far as practicable proceed continuously with the counting of votes, allowing only time for refreshment, except that—
 - (a) the officer may exclude the whole or any part of the period between 7 pm and 9 am on the next day;
 - (b) the officer may exclude a day mentioned in rule 2(1) of the referendum rules.
- (6) During the time so excluded the counting or returning officer must—
 - (a) place the ballot papers and other documents relating to the referendum or relevant election under the officer's own seal and the seals of any of the counting agents who want to affix their seals, and
 - (b) otherwise take proper precautions for the security of the papers and documents.
- (7) This paragraph and paragraph 45 apply instead of—
 - (a) rule 45 of the Local Elections (Combination of Polls) Rules;
 - (b) rule 45 of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 38 of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 47 of the Mayoral Elections (Combination of Polls) Rules.

Ballot papers placed in wrong ballot box

- 45 Where separate ballot boxes are used for the referendum and a relevant election, the placing of a ballot paper in the wrong ballot box does not render it void.

DECLARATION OF RESULT

Declaration

- 46 The result of the referendum or a relevant election may not be declared until the statement as to the result of the verification of the ballot paper accounts in relation to each poll has been prepared.

DISPOSAL OF DOCUMENTS ETC

Packets of documents

- 47 (1) The counting officer may not open the sealed packets of—
- (a) the completed corresponding number lists for a relevant election, or
 - (b) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act), and lists of proxies, for a relevant election.
- (2) The following provisions have effect as if paragraph (3) were omitted—
- (a) rule 51 of the Local Elections (Combination of Polls) Rules;
 - (b) rule 51 of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 44 of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 56 of the Mayoral Elections (Combination of Polls) Rules.

Delivery and retention of documents

- 48 (1) Rules 50(1)(a) and 52 of the referendum rules apply to the specified documents.
- (2) The specified documents are those specified in sub-paragraphs (c), (d) and (f) of paragraph (1) of—
- (a) rule 52 of the Local Elections (Combination of Polls) Rules;
 - (b) rule 52 of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 45 of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 57 of the Mayoral Elections (Combination of Polls) Rules.
- (3) Except for the purposes of this paragraph, those rules have effect as if they did not include a reference to the specified documents (and as if paragraph (2) were omitted).
- (4) Regulation 116(1) of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)) has effect in relation to a relevant election as if the reference to documents forwarded under rule 55(1)(e) of the elections rules were to documents forwarded under rule [50\(1\)\(a\)](#) of the referendum rules as applied by this paragraph.
- (5) Nothing in this paragraph prevents the following provisions from applying to the specified documents—
- (a) rule 53 of the Local Elections (Combination of Polls) Rules;
 - (b) rule 53 of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 46 of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 58 of the Mayoral Elections (Combination of Polls) Rules.
- (6) Each of the following provisions has effect as if for “by this rule provided” there were substituted “provided by this rule (or a court order)”—
- (a) rule 53(8) of the Local Elections (Combination of Polls) Rules;
 - (b) rule 53(8) of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 46(9) of the Local Referendums (Combination of Polls) Rules;
 - (d) rule 58(9) of the Mayoral Elections (Combination of Polls) Rules.
- (7) Rule 45(1) of the Local Referendums (Combination of Polls) Rules has effect as if the words “Where” and “is the relevant returning or counting officer, he” were omitted.

Countermand or abandonment of poll on death of candidate

- 49 (1) The following provisions have effect as if they were modified in accordance with sub-paragraphs (2) and (3)—
- (a) rule 55 of the Local Elections (Combination of Polls) Rules;
 - (b) rule 55 of the Parish Elections (Combination of Polls) Rules;
 - (c) rule 60 of the Mayoral Elections (Combination of Polls) Rules.
- (2) In paragraph (4), for “returning officer” substitute “relevant counting officer”.
- (3) In paragraph (7), for the words from the beginning to “further step” substitute “Once the ballot papers relating to each relevant election or referendum have been separated, no step or further step may be taken”.

*PROVISION OF REGISTERS ETC TO COUNTING OFFICER**Registers*

- 50 Regulation 98 of the Representation of the People (England and Wales) Regulations 2001 as modified by Part 3 of Schedule 4 above applies for the purposes of a relevant election as it applies for the purposes of the referendum.

Absent voters lists

- 51 As soon as practicable after 5 pm on the 6th day before the date of the poll, the registration officer must provide the counting officer with the following lists, and any subsequent revised lists or revisions to the lists—
- (a) the list of proxies for each relevant election;
 - (b) the postal voters list for each relevant election;
 - (c) the proxy postal voters list for each relevant election.

Personal identifier information

- 52 Where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of regulation 65 of the Representation of the People (England and Wales) Regulations 2001, paragraph 7C of Schedule 4 to the Representation of the People Act 2000 has effect as if a reference to a returning officer were a reference to the counting officer.