

Status: Point in time view as at 16/02/2011.

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SCHEDULES

SCHEDULE 6

Section 4

COMBINATION OF POLLS: WALES

PART 1

PROVISION ABOUT COMBINATION

GENERAL PROVISIONS

Interpretation

1 The polls to be taken together under section 4(2) are referred to in this Schedule as “combined polls”.

2 In this Schedule—

“Assembly election” means—

- (a) an Assembly constituency election, or
- (b) an Assembly regional election;

“Assembly constituency election” means an election for the return of an Assembly constituency member (within the meaning of section 1 of the Government of Wales Act 2006);

“Assembly Elections Rules” means the rules set out in Schedule 5 to the Welsh Assembly Order;

“Assembly regional election” means an election for the return of an Assembly regional member (within the meaning of section 1 of the Government of Wales Act 2006);

“constituency returning officer” is to be construed in accordance with Article 18 of the Welsh Assembly Order;

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

“regional returning officer” is to be construed in accordance with Article 18 of the Welsh Assembly Order;

“returning officer” means a person who is a constituency returning officer or a regional returning officer (unless one or the other is specified);

“the Welsh Assembly Order” means the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236).

Cost of combined polls

3 The cost of taking the combined polls (excluding any cost solely attributable to the referendum or an Assembly election), and any cost attributable to their combination, is to be apportioned equally between—

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- (a) the referendum, and
 - (b) the Assembly elections.
- 4 (1) Articles 23 and 24 of the Welsh Assembly Order (payments by and to returning officer etc) 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 services or expenses were to services rendered or expenses incurred in respect of transferred functions.
- (2) An order under article 23(1) of that Order (as it has effect as mentioned above) may include special provision for services rendered or expenses incurred by a counting officer in respect of transferred functions.

Publication of statement of persons nominated

- 5 (1) The statement of persons nominated at an Assembly election must be published not later than noon on the 15th day before the date of the poll.
- (2) The timetable set out in rule 1(1) of the Assembly Elections Rules is to be read with whatever modifications are necessary to give effect to this paragraph.

Forms

- 6 Forms 2, 3, 4, 6, 7 and 9 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

- 7 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.
- (2) The function of the constituency returning officer under rule 27 of the Assembly Elections Rules is to be carried out by the counting officer.
- (3) If the counting officer thinks fit, the lists 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 27 of the Assembly Elections Rules.
- (4) In that case, sub-paragraph (3) applies instead of—
- (a) rule 6(2) of the referendum rules;
 - (b) rule 27(2) of the Assembly Elections Rules.
- 8 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.

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- (2) The counting officer must prepare a list under sub-paragraph (3) or (4) as the officer thinks fit.
- (3) A list under this sub-paragraph is a list containing the numbers and other unique identifying marks of all of the ballot papers to be provided to presiding officers in pursuance of rule 37(1) of the Assembly Elections Rules.
- (4) A list under this sub-paragraph is a 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 37(1) of the Assembly Elections Rules.The list must be in the form set out in Form 1 in Part 3 of this Schedule.
- (5) A list prepared under rule 27 of the Assembly Elections Rules must not include details relating to ballot papers in relation to which a list is prepared under sub-paragraph (3) or (4).
- (6) A reference in an enactment to a list prepared under rule 27 of the Assembly Elections Rules has effect, in so far as it relates to ballot papers to be provided in pursuance of rule 37(1) of those rules, as a reference to the list prepared under sub-paragraph (3) or (4).
- (7) Where the counting officer prepares a list under sub-paragraph (4) in relation to ballot papers—
 - (a) the list prepared under rule 6 of the referendum rules must not include details relating to those ballot papers;
 - (b) a reference in an enactment to a list prepared under rule 6 of the referendum rules has effect, in so far as it relates to ballot papers to be provided in pursuance of rule 17(1) of the referendum rules, as a reference to the list prepared under sub-paragraph (4).

Notice of polling stations

- 9 (1) No later than the time of the publication of the notice of the polls, the counting officer must give public notice of—
 - (a) the situation of each polling station;
 - (b) the description of voters entitled to vote there.
- (2) The notice must—
 - (a) state that the polls for the referendum, the Assembly constituency election and the Assembly regional election are to be taken together, and
 - (b) specify the relevant voting area, constituency and region.
- (3) As soon as practicable after giving the notice the counting officer must give a copy of it to—
 - (a) each of the referendum agents appointed for the officer's area;
 - (b) each of the election agents for the Assembly elections;
 - (c) the regional returning officer.
- (4) This paragraph applies instead of—
 - (a) rule 11(3) and (4) of the referendum rules;

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- (b) rule 32(2) to (4) of the Assembly Elections rules.

Postal voting

- 10 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.
- (2) The functions of the constituency returning officer under rule 33 of the Assembly Elections Rules are to be carried out by the counting officer.
- (3) The form of postal voting statement to be issued to those entitled to vote by post in the referendum and in both the Assembly elections must be in the form set out in Form 2 in Part 3 of this Schedule.
- (4) 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.
- (5) The provisions are—
- (a) rule 12(1)(b) of the referendum rules;
- (b) rule 33(1) of the Assembly Elections Rules.
- 11 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.
- (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) Sub-paragraph (2) 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.
- (4) The form of postal voting statement to be issued to those entitled to vote in the Assembly elections must be in the form set out in Form 4 in Part 3 of this Schedule.
- (5) Sub-paragraph (4) applies instead of the requirement in rule 33(1) of the Assembly Elections Rules for a postal voting statement to be in a particular form.

Polling stations

- 12 The functions of the constituency returning officer under rule 34 of the Assembly Elections Rules are to be carried out by the counting officer.
- 13 The referendum polling stations are to be used for the combined polls.

Appointment of presiding officers and clerks

- 14 The functions of the constituency returning officer under the following paragraphs of rule 35 of the Assembly Elections Rules are to be carried out by the counting officer—
- (a) paragraph (1) so far as it relates to the appointment of presiding officers and clerks;
- (b) paragraph (3).

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Official poll cards

- 15 (1) If the counting officer thinks fit, the official poll cards used for the referendum and the Assembly elections may be combined.
- (2) In that case, the forms required to be used for official poll cards for the referendum and elections must be adapted in whatever manner seems necessary.

Equipment of polling stations

- 16 The functions of the constituency returning officer under rule 37 of the Assembly Elections Rules are to be carried out by the counting officer.
- 17 (1) If the counting officer thinks fit, the same ballot box may be used at the polls for the referendum and the Assembly elections.
- (2) Where separate ballot boxes are used, each must be clearly marked to show—
- (a) the referendum or Assembly election to which it relates, and
 - (b) the colour of ballot papers that should be placed in it.
- (3) This paragraph applies instead of rule 37(2) and (3) of the Assembly Elections Rules.

Colour of ballot papers

- 18 The ballot papers used for the referendum must be of a different colour from the ballot papers used for the Assembly elections.

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 5 in Part 3 of this Schedule—
- (a) rule 17(3)(d) of the referendum rules;
 - (b) rule 37(5)(d) of the Assembly Elections Rules.
- (2) In that case, this paragraph applies instead of—
- (a) the second sentence in rule 17(3) of the referendum rules;
 - (b) the requirement in rule 37(5)(d) of the Assembly Elections Rules to use a particular form.

Ballot paper displayed in polling stations

- 20 (1) 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.
- (2) The large version of the ballot paper displayed inside the polling station under rule 37(7)(a) of the Assembly Elections Rules in respect of each Assembly election must be of the same colour as the ballot papers to be used for that election.

Guidance to be exhibited inside and outside polling stations

- 21 (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 printed in conspicuous characters and exhibited inside and outside every polling station.

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- (2) This paragraph applies instead of—
- (a) rule 17(6) of the referendum rules;
 - (b) rule 37(14) of the Assembly Elections Rules.

Guidance to be exhibited in each polling station compartment

- 22 (1) A notice in the form set out in Form 7 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 37(15) and (16) of the Assembly Elections Rules.

Notice of appointment of polling and counting agents

- 23 A notice required to be given to a constituency returning officer under rule 38(5), (6) or (7) of the Assembly Elections Rules is to be given to the counting officer.

Notification of requirement of secrecy

- 24 The functions of the constituency returning officer under rule 39(a) of the Assembly Elections Rules are to be carried out by the counting officer.

Return of postal ballot papers

- 25 Where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, the functions of the constituency returning officer under rule 40 of the Assembly Elections Rules are to be carried out by the counting officer.

THE POLL

Admission to the polling station

- 26 (1) 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 an Assembly election if the poll for the election were held on its own.
- (2) Rule 41(1) of the Assembly Elections Rules has effect as if the persons listed there included persons who would be entitled to be admitted to the polling station for the referendum if the poll for the referendum were held on its own.

Voting by persons on duty on day of poll

- 27 (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 8 in Part 3 of this Schedule.
- (3) Sub-paragraph (2) applies instead of rule 21(4)(b) of the referendum rules.

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- 28 The returning officer's function of signing certificates as to employment under rule 41(5) of the Assembly Elections Rules is to be carried out by the counting officer.

Removal from polling station

- 29 The constituency returning officer's function under rule 42(2)(b) of the Assembly Elections Rules of authorising someone to remove a person from a polling station is to be carried out by the counting officer.

Voting procedure: copies of registers and lists of proxies

- 30 (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 Assembly elections—
- (a) rule 28(2) of the referendum rules;
 - (b) rule 46(1) of the Assembly Elections 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, the Assembly constituency election and the Assembly regional 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, and
 - (b) rule 46(1)(c) of the Assembly Elections 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) Where the same copy of the register is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 46(6) of the Assembly Elections Rules except so far as it relates to the list of proxies.
- 31 (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 Assembly 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 Assembly election to which the ballot paper relates.
- (4) Sub-paragraph (3) applies instead of—

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- (a) rule 28(2)(d) of the referendum rules;
 - (b) rule 46(1)(d) of the Assembly Elections Rules and rule 46(6) of those rules so far as it relates to the list of proxies.
- 32 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order.
- (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 Assembly elections.

List of votes marked by presiding officer

- 33 (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 Assembly elections.
- (2) Where a person's entry in that list does not relate to the referendum, the Assembly constituency election and the Assembly regional election, the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any 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, or
 - (b) rule 47(2) of the Assembly Elections Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 47(5) of the Assembly Elections Rules.

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

- 34 (1) A declaration made by the companion of a voter with disabilities must be in the form set out in Form 9 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, or
 - (b) rule 48 of the Assembly Elections Rules.
- (3) This paragraph applies instead of—
- (a) rule 31(5)(a) of the referendum rules;
 - (b) rule 48(7)(a) of the Assembly Elections Rules.

List of voters with disabilities assisted by companions

- 35 (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 Assembly elections.
- (2) Where a person's entry in that list does not relate to the referendum, the Assembly constituency election and the Assembly regional election, the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any election to which it relates.

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- (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, or
 - (b) rule 48(4) of the Assembly Elections Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 48(9) of the Assembly Elections Rules.

Tendered votes list

- 36 (1) If the counting officer thinks fit, a single tendered votes list may be used for the purposes of the referendum and the Assembly elections.
- (2) Where a person's entry in that list does not relate to the referendum, the Assembly constituency election and the Assembly regional election, the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any 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, or
 - (b) rule 49(8) of the Assembly Elections Rules
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 49(12) of the Assembly Elections Rules.

Lists relating to correction of errors on day of poll

- 37 (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 Assembly elections.
- (2) Where a person's entry in that list does not relate to the referendum, the Assembly constituency election and the Assembly regional election, the entry must—
- (a) indicate whether it relates to the referendum, and
 - (b) identify any 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—
- (a) rule 36 of the referendum rules, or
 - (b) rule 51 of the Assembly Elections Rules.

Notice of adjournment in case of riot

- 38 Rule 52(1) of the Assembly Elections Rules has effect as if references to the constituency returning officer were to the counting officer.

Procedure on close of poll

- 39 (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 an Assembly election.
- (2) In rule 53(1) of the Assembly Elections Rules the reference to polling agents includes a reference to polling agents appointed for the purposes of the referendum.

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- 40 (1) A packet made up under one of the following provisions may not be combined with a packet made up under another of those provisions.
- (2) The provisions are—
- (a) rule 38(1)(b), (c) or (f) of the referendum rules;
- (b) rule 53(1)(b), (c), (d), (e) or (h) of the Assembly Elections Rules.
- 41 The ballot paper accounts prepared under rule 38(6) of the referendum rules and rule 53(4) of the Assembly Elections Rules may not be combined.
- 42 In rule 53(3) of the Assembly Elections Rules references to a constituency returning officer are to be read as references to the counting officer.

COUNTING OF VOTES

Attendance and arrangements for counting

- 43 (1) The counting officer must make arrangements for counting the ballot papers and carrying out the other functions conferred by paragraph 47 in the presence of the counting agents.
- (2) The counting officer must give the counting agents and the regional returning officer notice in writing of the time and place at which the proceedings under paragraph 47 will begin.
- (3) A person may be present at the proceedings under paragraph 47 only if—
- (a) the person is entitled to be present at the counting of the votes for the referendum or an Assembly 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.
- 44 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”.
- 45 (1) The constituency returning officer must make arrangements for counting the votes for the Assembly elections in the presence of the counting agents for the election as soon as practicable after receiving the ballot papers from the counting officer under paragraph 48.
- (2) The constituency returning officer must give the counting agents for the Assembly elections and the regional returning officer notice in writing of the time and place at which the counting of the votes for the elections will begin.

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- (3) A person may be present at the counting of the votes for an Assembly 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 Assembly election if it were taken on its own.
- (4) The constituency returning officer may give a person permission under subparagraph (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 constituency returning officer must give the counting agents for the Assembly elections—
- (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 an Assembly election are entitled to satisfy themselves that the ballot papers are correctly sorted.
- 46 Paragraphs 43 and 45 apply instead of rule 54 of the Assembly Elections Rules.

Counting and separation of ballot papers by counting officer

- 47 (1) As soon as practicable after the close of the poll the counting officer must—
- (a) in the presence of the counting agents, open each ballot box and count and record separately the number of ballot papers relating to the referendum, the Assembly constituency election and the Assembly regional election;
 - (b) where proceedings on the issue and receipt of postal ballot papers for the referendum and the Assembly elections are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, count the postal ballot papers that have been duly returned for the referendum, the Assembly constituency election and the Assembly regional election 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 Assembly elections are not taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, count the postal ballot papers that have been duly returned for the referendum and record the number;
 - (d) separate the ballot papers relating to the referendum, the Assembly constituency election and the Assembly regional election.
- (2) The counting officer must not count any tendered ballot papers.
- (3) The counting officer, while counting and recording the number of ballot papers, must—
- (a) keep the ballot papers with their faces upwards, and

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- (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (4) The counting officer must, in the presence of the referendum agents and the election agents for the Assembly 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.
- (5) An election agent for an Assembly election may copy the statement relating to that Assembly election.
- (6) A counting agent for the referendum present at the verification may copy the statement relating to the referendum.
- (7) 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.
- (8) Rule 40 of the referendum rules does not apply.

Delivery of ballot papers etc to returning officers

- 48
- (1) The counting officer must deliver or cause to be delivered to the constituency returning officer the ballot papers for the Assembly elections.
 - (2) The counting officer must also deliver or cause to be delivered to the constituency returning officer—
 - (a) the ballot paper accounts and the statement as to the result of the verification of the ballot paper accounts for the Assembly elections;
 - (b) the packets of unused and spoilt ballot papers for the Assembly elections;
 - (c) the packets of tendered ballot papers for the Assembly elections;
 - (d) the packets of certificates as to employment on duty on the day of the poll for the Assembly elections.
 - (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 49(1).
 - (4) If, in respect of an Assembly constituency election or an Assembly regional election, none of the ballot papers have been delivered under sub-paragraph (1) by the time the

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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 constituency returning officer begins dealing with the ballot papers in those packets under paragraph 49(3).

Counting of votes

- 49 (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.
- (2) Where proceedings on the issue and receipt of postal ballot papers for the Assembly elections are not taken together with those for the referendum, the constituency returning officer must count the postal ballot papers that have been duly returned for the Assembly constituency election and the Assembly regional election and record separately the number relating to each.
- (3) The constituency returning officer must count the votes given on the ballot papers for each Assembly 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 constituency 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 constituency 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 constituency returning officer must—
- (a) place the ballot papers and other documents relating to the referendum or Assembly 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 50 apply instead of rule 55 of the Assembly Elections Rules.

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

Ballot papers placed in wrong ballot box

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

DECLARATION OF RESULT

Declaration

- 51 The result of the referendum or an Assembly 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

- 52 (1) The counting officer may not open the sealed packets of—
- (a) the completed corresponding number lists for an Assembly 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 an Assembly election.
- (2) Rule 66(3) of the Assembly Elections Rules has effect as if sub-paragraphs (b) and (d) were omitted.

Delivery and retention of documents

- 53 (1) Rules 50(1)(a) and 52 of the referendum rules apply to the specified documents.
- (2) The specified documents are those specified in rule 67(1)(e), (f) and (h) of the Assembly Elections Rules.
- (3) Rule 68 of the Assembly Elections Rules applies to the specified documents as if references to the relevant registration officer were to the registration officer to whom the documents were forwarded under rule 50(1)(a) of the referendum rules.
- (4) Except for the purposes of this paragraph, rule 67 of the Assembly Elections Rules has effect as if it did not include a reference to the specified documents (and as if paragraph (2) were omitted).
- (5) Regulation 121 of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) has effect in relation to an Assembly election—
- (a) as if, in the definition of “relevant Assembly election documents”, the reference to rule 69(1) of Schedule 5 to the 2007 Order included a reference to rule 52 of the referendum rules as applied by this paragraph;
 - (b) as if, in paragraph (2), the reference to documents forwarded under rule 67(1)(h) of Schedule 5 to the 2007 Order were to documents forwarded under rule 50(1)(a) of the referendum rules as so applied.
- (6) Rule 68(8) of the Assembly Elections Rules has effect as if after “rule” there were inserted “(or a court order)”.

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Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

Countermand or abandonment of poll on death of candidate

- 54 Where an Assembly election is countermanded, or polling is abandoned, because of the death of a candidate, this does not affect the poll for the referendum.
- 55 (1) Rule 76 of the Assembly Elections Rules has effect as if it were modified in accordance with sub-paragraphs (2) to (4).
- (2) In paragraph (2) after “constituency returning officer” insert “ or counting officer ”.
- (3) For paragraph (3) substitute—
- “(3) After the close of any polls that are being taken together with the poll that has been abandoned, the counting officer must—
- (a) separate the ballot papers for the abandoned poll, and
- (b) deliver or cause to be delivered to the constituency returning officer the ballot papers and other documents relating to the abandoned poll.
- (3A) Paragraphs (4) to (9) apply in relation to the election for which the poll has been abandoned.”
- (4) Sub-paragraph (3) applies instead of rule 76(10) of the Assembly Elections Rules.

PROVISION OF REGISTERS ETC TO COUNTING OFFICER

Registers

- 56 Regulation 98(8) of the Representation of the People (England and Wales) Regulations 2001 has effect as if a reference to a returning officer included a reference to the counting officer.

Absent voters lists

- 57 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 the Assembly elections;
- (b) the postal voters list for the Assembly elections;
- (c) the proxy postal voters list for the Assembly elections.

Personal identifier information

- 58 Where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, Article 13(5) of that Order has effect as if a reference to a constituency returning officer were a reference to the counting officer.

PART 2

APPLICATION OF PROVISIONS ABOUT ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

- 59 (1) For the purposes of the combined polls, Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) applies—
- (a) with the modifications shown in the table, and

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- (b) with any other necessary modifications, including in particular those set out in sub-paragraph (2).
- (2) Except where the context otherwise requires—
- (a) in relation to the referendum or an Assembly election, a reference to a provision has effect as a reference to that provision as it applies for the purposes of the referendum or election;
 - (b) expressions used in relation to the referendum under section 1 are to be construed in accordance with the definitions in section 7 and rule 53 of the referendum rules.
- (3) In the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as they apply in relation to the referendum by virtue of Schedule 4—
- (a) regulation 61B(3)(a) has effect as if for the words after “postal ballot papers” there were substituted “ in accordance with paragraph 23(4) or 24(3)(a) of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007 ”;
 - (b) regulation 116(1) has effect as if for “regulation 91 above” there were substituted “ paragraph 31 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007 ”.

<i>Provision</i>	<i>Modification</i>
Paragraph 1 (interpretation)	<p>For the definition of “agent” substitute—</p> <p>““agent”, except in paragraph 6(2) to (8)</p> <p>—</p> <ul style="list-style-type: none"> (a) in relation to an Assembly election, includes an election agent and a person appointed to attend in the election agent's place; (b) in relation to the referendum, means a referendum agent or an agent appointed under paragraph 6(2).” <p>In the appropriate places insert—</p> <p>““postal voters list” includes the list kept under paragraph 5(2) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011;”;</p> <p>“ “proxy postal voters list” includes the list kept under or paragraph 8(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011;”;</p> <p>““relevant returning or counting officer” means—</p> <ul style="list-style-type: none"> (a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2, the counting officer;

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- (b) in any other case, the constituency returning officer, in relation to an Assembly election, or the counting officer, in relation to the referendum;”.

Paragraph 2 (combination of For paragraph 2 substitute—
polls)

Combination of polls

- “2 Proceedings on the issue and receipt of postal ballot papers in respect of the Assembly elections and the referendum may, if the constituency returning officer and the counting officer think fit, be taken together.”

Paragraph 3 (form of postal Omit the whole paragraph.
voting statement)

Paragraph 4 (regional Omit the whole paragraph.
elections)

Paragraph 5 (persons entitled For “constituency returning officer” substitute “
to be present at proceedings relevant returning or counting officer ”.
on issue of postal ballot
papers)

Paragraph 6 (persons entitled For sub-paragraph (1) substitute—
to be present at proceedings
on receipt of postal ballot
papers)

- “(1) In a case where proceedings on the receipt of postal ballot papers are taken together by virtue of paragraph 2, the only persons who may be present at those proceedings are the appropriate persons in relation to the Assembly elections and the referendum.
- (1A) In any other case, the only persons who may be present at the proceedings on the receipt of postal ballot papers—
- (a) in respect of the Assembly elections, are the appropriate persons in relation to those elections;
 - (b) in respect of the referendum, are the appropriate persons in relation to the referendum.
- (1B) The following are appropriate persons in relation to the Assembly elections—
- (a) the constituency returning officer and his clerks;
 - (b) the regional returning officer;
 - (c) the candidates;

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Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

- (d) the election agents;
- (e) any person appointed by a constituency candidate to attend in his election agent's place;
- (f) any person appointed by an individual candidate at the regional election to attend in his election agent's place;
- (g) any person appointed by the election agent of a registered political party standing nominated or by the registered nominating officer of that party to attend in the place of that party's election agent at the regional election;
- (h) any agents appointed under sub-paragraph (2).

(1C) The following are appropriate persons in relation to the referendum—

- (a) the counting officer;
- (b) the counting officer's clerks;
- (c) the referendum agents and any agents appointed under sub-paragraph (2).

(1D) This paragraph is without prejudice to section 6A, 6B, 6C, 6D or 6E of the 2000 Political Parties Act.”

In sub-paragraphs (2) to (7), for “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.

Omit sub-paragraph (4).

After sub-paragraph (7) insert—

“(7A) In relation to the referendum, in sub-paragraph (2), (3), (5) or (8) a reference to a candidate in a constituency election is to be read as a reference to a referendum agent.”

In sub-paragraph (9), for “the candidates or their agents” substitute “any persons mentioned in sub-paragraphs (1B)(c) to (h) or (1C)(c)”.

Paragraph 7 (notification of requirement of secrecy) For paragraph 7 substitute—

Notification of requirements of secrecy

“7 (1) In a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2, the counting officer shall make such arrangements as he thinks fit to ensure that

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Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of—

- (a) the provisions of article 35(4) and (6); and
- (b) the provisions of subsections (4) and (6) of section 66 of the 1983 Act as they apply in relation to the referendum.

(2) In any other case—

- (a) the constituency returning officer shall make such arrangements as he thinks fit to ensure that every person attending proceedings in connection with the issue or receipt of postal ballot papers for the Assembly elections has been given a copy in writing of the provisions of article 35(4) and (6);
- (b) the counting officer shall make such arrangements as he thinks fit to ensure that every person attending proceedings in connection with the issue or receipt of postal ballot papers for the referendum has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act as they apply to the referendum.”

Paragraph 8 (time when postal ballot papers are to be issued) In sub-paragraph (1), after “voting statement” insert “for an Assembly election ”.
After sub-paragraph (1) insert—

“(1A) In the case of a person within entry 2, 3, 4 or 5 of the table in paragraph 5(2) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 or entry 2, 3, 4 or 5 of the table in paragraph 8(6) of that Schedule (electors and proxies entitled to vote by post for an indefinite or definite period), no postal ballot paper and postal voting statement for the referendum shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 7(6) of Schedule 1 to this Order).”

In sub-paragraph (2), omit “by the constituency returning officer”.

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Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

- Paragraph 9 (procedure on issue of postal ballot papers) In sub-paragraph (2), omit “Where an elector is entitled to give two votes”.
 For sub-paragraph (5) substitute—
- “(5) Sub-paragraphs (5A) and (5B) apply where—
- (a) proceedings on the issue of postal ballot papers are taken together by virtue of paragraph 2; and
- (b) a combined postal voters list or proxy postal voters list is produced by virtue of paragraph 32 of Schedule 6 to the Parliamentary Voting System and Constituencies Act 2011.
- (5A) In a case where a postal ballot paper is issued at the same time in respect of the Assembly elections and the referendum, a single mark must be placed in the list under sub-paragraph (3).
- (5B) In any other case, a mark must be placed in the list under sub-paragraph (3) identifying the poll to which each postal ballot paper issued relates.
- (5C) Where proceedings on the issue of postal ballot papers are taken together by virtue of paragraph 2, the number of each postal ballot paper issued shall be marked on the postal voting statement under paragraph (4).”
- In sub-paragraph (6), for the words from the beginning to “but” substitute “ Where ”.
- In sub-paragraph (8)—
- (a) after “sub-paragraph (7)” insert “ in relation to an Assembly election ”;
- (b) at the end insert— “ and, in relation to the referendum, the items specified in sub-paragraph (7) must be sent to the address to which postal ballot papers should be sent as mentioned in column 3 of the table in paragraph 5(2) or 8(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011. ”
- Paragraph 10 (refusal to issue postal ballot papers) For “constituency returning officer” substitute “ relevant returning or counting officer ”.
 After “election” insert “ or the referendum ”.
- Paragraph 11 (envelopes) In sub-paragraph (1)—
- (a) for “constituency returning officer” substitute “ relevant returning or counting officer ”;

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- (b) after “Schedule 5” insert “ or rule 12 of the referendum rules ”.
- In sub-paragraph (2)—
- (a) for “constituency returning officer” substitute “ relevant returning or counting officer ”;
- (b) in paragraph (c), at the beginning insert “ unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed, ”.
- In sub-paragraph (3), for the words from the beginning to “but” substitute “ Where ”.
- Paragraph 12 (sealing up of completed corresponding number lists) In sub-paragraph (1), for “constituency returning officer” substitute “ relevant returning or counting officer ”.
- In sub-paragraph (2), for “returning officer” substitute “ relevant returning or counting officer ”.
- Paragraph 13 (delivery of postal ballot papers) In sub-paragraph (1)—
- (a) for “constituency returning officer” substitute “ relevant returning or counting officer ”;
- (b) in paragraph (c), after “Schedule 5” insert “ or rule 14 of the referendum rules ”.
- In sub-paragraph (2), for “constituency returning officer” substitute “ relevant returning or counting officer ”.
- Paragraph 14 (spoilt postal ballot papers) For “constituency returning officer” (in each place) substitute “ relevant returning or counting officer ”.
- In sub-paragraph (2)(b), for “election” substitute “ poll ”.
- Paragraph 15 (lost postal ballot papers) For “constituency returning officer” (in each place) substitute “ relevant returning or counting officer ”.
- In sub-paragraph (3)(b), for “election” substitute “ poll ”.
- Paragraph 16 (notice of opening of postal ballot paper envelopes) In sub-paragraph (1)—
- (a) for “constituency returning officer” substitute “ relevant returning or counting officer ”;
- (b) for paragraphs (a) and (b) substitute “ each of the persons mentioned in sub-paragraph (1A) ”.
- After sub-paragraph (1) insert—
- “(1A) The persons are—
- (a) in relation to the constituency election, the candidates;
- (b) in relation to the regional election, the individual candidates and the election agent for each registered party standing nominated;

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- (c) in relation to the referendum, the referendum agents.”

In sub-paragraph (2)(b), after “party” insert “ or referendum agent (as the case may be) ”.

Return of postal ballot papers etc After paragraph 16 insert—

Return of postal ballot papers etc

“16A(1) A postal ballot paper shall not be taken to be duly returned for the purposes of Part 1 of Schedule 6 to the Parliamentary Voting System and Constituencies Act 2011 unless—

- (a) before the close of the poll—
- (i) it is returned by hand or post and reaches the relevant returning or counting officer; or
 - (ii) it is returned by hand to a polling station in the constituency or voting area for which the officer acts;
- (b) the postal voting statement duly signed is, before that time, also returned either—
- (i) by hand or post and reaches the relevant returning or counting officer; or
 - (ii) by hand and reaches such a polling station;
- (c) the postal voting statement also states the date of birth of the elector or, as the case may be, proxy; and
- (d) in a case where the relevant returning or counting officer takes steps to verify the date of birth and signature of the elector or, as the case may be, proxy in accordance with paragraph 23 or, as the case may be, paragraph 24, he so verifies the date of birth and signature of that elector or, as the case may be, proxy.

- (2) The presiding officer of the polling station shall deliver or cause to be delivered any postal ballot paper or postal voting statement returned to that polling station

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Changes to legislation: *There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)*

to the relevant returning or counting officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 53 of Schedule 5 or rule 38 of the referendum rules.

(3) The relevant returning or counting 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 relevant returning or counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with sub-paragraph (3) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.”

Paragraph 17 (postal ballot boxes and receptacles)	of	For “constituency returning officer” (in each place) substitute “ relevant returning or counting officer ”. For sub-paragraph (2) substitute— “(2) Each of those ballot boxes— (a) shall be marked “postal voter's ballot box” or “postal ballot box” as appropriate; (b) shall be marked with the name of each constituency, electoral region or voting area in relation to which it is to be used.” In sub-paragraph (4), after “shall then” insert “ lock the ballot box (if it has a lock) and ”.
Paragraph 18 (receipt covering envelope)	of	In sub-paragraphs (1) and (2), for “constituency returning officer” substitute “ relevant returning or counting officer ”.
Paragraph 19 (opening postal voters' ballot box)	of	In sub-paragraphs (1) and (2), for “constituency returning officer” substitute “ relevant returning or counting officer ”. In sub-paragraph (3), for “votes under rule 55 of the Schedule 5” substitute “ ballot papers ”.
Paragraph 20 (opening covering envelopes)	of	For “constituency returning officer” (in each place) substitute “ relevant returning or counting officer ”.

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Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

- Paragraph 21 (confirming receipt of postal voting statements) For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.
- In sub-paragraph (2)(a), for “returning officer” substitute “relevant returning or counting officer”.
- Paragraph 22 (procedure in relation to postal voting statements) For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.
- After sub-paragraph (3) insert—
- “(3A) Before placing the statement in the receptacle for rejected votes, the relevant returning or counting officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.”
- Paragraph 23 (procedure in relation to postal voting statements: personal identifier verification) For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.
- Paragraph 24 (postal voting statements: additional personal identifier verification) For “constituency returning officer” or “returning officer” (in each place) substitute “relevant returning or counting officer”.
- In sub-paragraph (4), for “reseal the postal ballot box” substitute “lock the postal ballot box (if it has a lock) and reseal it”.
- Paragraph 25 (opening of ballot paper envelopes) In sub-paragraph (1), for “constituency returning officer” substitute “relevant returning or counting officer”.
- Paragraph 26 (retrieval of cancelled postal ballot papers) In sub-paragraph (1), for “constituency returning officer” substitute “relevant returning or counting officer”.
- In sub-paragraph (2)(f)—
- (a) for “votes under rule 55 of Schedule 5” substitute “ballot papers”;
- (b) for “reseal the postal ballot box” substitute “lock the postal ballot box (if it has a lock) and reseal it”.
- Paragraph 27 (list of rejected postal ballot papers) In sub-paragraph (1), for “, the constituency returning officer” substitute “and in respect of the referendum, the relevant returning or counting officer”.
- Paragraph 28 (checking of lists of rejected postal ballot papers) For “constituency returning officer” (in each place) substitute “the relevant returning or counting officer”.
- In sub-paragraph (3), at the end insert “or voting area under rule 38 of the referendum rules”.

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Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

- Paragraph 29 (sealing of receptacles) In sub-paragraph (1), for “constituency returning officer” substitute “ the relevant returning or counting officer ”.
- Paragraph 30 (abandoned poll) In sub-paragraph (2), for “election” substitute “ poll ”.
- Paragraph 31 (forwarding or retention of documents) In sub-paragraph (1)—
- (a) for the words before sub-paragraph (a) substitute “ The relevant returning or counting officer shall forward to the registration officer to whom he forwards the documents mentioned in rule 67 of Schedule 5 or rule 50 of the referendum rules, at the same time as he forwards those documents ”;
 - (b) in paragraph (a), for the words from “the election to which” to the end substitute “ each election or referendum and the area to which the packet relates ”;
 - (c) in paragraph (b), at the end insert “ in respect of each Assembly election, and a completed statement in the form set out in Form 10 in Part 3 of Schedule 6 to the Parliamentary Voting System and Constituencies Act 2011 in respect of the referendum ”.
- In sub-paragraph (2)—
- (a) for “constituency returning officer” (in both places) substitute “ relevant returning or counting officer ”;
 - (b) for “rule 55(7) of Schedule 5” substitute “ paragraph 16A(2) ”.
- In sub-paragraph (3), for “Rules 68 and 69 of Schedule 5” substitute “ The rules specified in paragraph (3A) ”.
- After sub-paragraph (3) insert—
- “(3A) The rules are—
- (a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2—
 - (i) rule 51 of the referendum rules and rule 68 of Schedule 5, and
 - (ii) rule 52 of the referendum rules;
 - (b) in any other case—
 - (i) rule 51 of the referendum rules or (as the case may be) rule 68 of Schedule 5, and

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Changes to legislation: *There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)*

(ii) rule 52 of the referendum rules or (as the case may be) rule 69 of Schedule 5.”

In sub-paragraph (4), for “constituency returning officer” substitute “ relevant returning or counting officer ”.

In Schedule 10, Form CD

In a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, for “returning officer” in each place substitute “ counting officer ”.

PART 3

FORMS REFERRED TO IN PARTS 1 AND 2

Note - The forms contained in this Part may be adapted so far as circumstances require. Paragraphs 7(3) and 8(4)

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

**FORM 2 - FORM OF POSTAL VOTING STATEMENT
(TO BE USED WHERE PROCEEDINGS ON ISSUE AND
RECEIPT OF POSTAL BALLOT PAPERS COMBINED)**

Postal Voting Statement

*Voter’s name: Ballot paper nos.

*Counting 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 PAPERS NUMBERED ABOVE WERE SENT TO

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (voter’s date of birth)

#Signature

--

 (voter’s signature)
IMPORTANT - Keep signature within border

#(Counting officer to omit where a person has been granted a waiver)

It is an offence to vote using a ballot paper that is not addressed to you.

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the counting officer

INSTRUCTIONS TO THE VOTER

Complete the ballot papers yourself and in private. If you need help, contact the counting officer's staff as shown below.

[contact details for assistance; include address as appropriate]

1. You have ballot papers for the referendum on the voting system for United Kingdom parliamentary elections and for the constituency and regional elections for the National Assembly for Wales.
 2. You must provide your [#signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted.
 3. When you are voting in the referendum on the voting system for United Kingdom parliamentary elections ([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 answer you are voting for. Vote once only. Do not mark the ballot paper in any other way or your vote may not be counted.
 4. When you are voting in the elections to the National Assembly for Wales ([insert colour or colours of ballot papers] ballot papers), mark a cross (X) opposite the party or candidate you are voting for. You may only vote once on each ballot paper. Put no other mark on the ballot papers or your votes may not count.
 5. If you need help voting, the person helping you must not tell anyone how you voted.
 6. Put all the ballot papers in the small envelope marked **A** and seal it.
 7. Complete the postal voting statement by [#signing it, and] providing your date of birth.
 8. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
 9. **After receiving this postal vote, you cannot vote in person at a polling station in the referendum or election.**
 10. If you accidentally spoil any of your ballot papers, you can apply to the counting officer for replacements before 5 pm on [day/date of poll]. You must return all the ballot papers, the postal voting statement and the envelopes marked **A** and **B**. Make sure you contact the counting officer as soon as possible.
- !** Your ballot papers and the postal voting statement must be received by the counting officer by 10 pm on [day/date of poll]. You can deliver your completed postal votes to any polling station in your voting area on polling day.

It is an offence to vote using a ballot paper that is not addressed to you.

It is illegal to vote more than once in the referendum (unless you are appointed as a proxy for another person).

It is illegal to vote more than once at the same election (unless you are appointed as a proxy for another person).

#(Counting officer to omit where a person has been granted a waiver)

**Delete as appropriate*

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

Paragraph 11(2)

**FORM 3 - FORM OF POSTAL VOTING STATEMENT (TO BE
USED FOR REFERENDUM WHERE PROCEEDINGS ON ISSUE
AND RECEIPT OF POSTAL BALLOT PAPERS NOT COMBINED)**

Postal Voting Statement

*Voter’s name:

Ballot paper no.
(insert colour)

**(Counting 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

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (voter’s date of birth)

#Signature

(voter’s signature)
IMPORTANT - Keep signature within border

#(Counting officer to omit where a person has been granted a waiver)

It is an offence to vote using a ballot paper that is not addressed to you.

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the counting officer

INSTRUCTIONS TO THE VOTER

Complete the ballot paper yourself and in private. If you need help, contact the counting 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 the elections to the National Assembly for Wales to be held on the same day. If you do not, the postal voting statement will be invalid and your vote will not be counted.
 2. Vote once only. Do not mark the ballot paper in any other way or your vote may not be counted.
 3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the answer you are voting for.
 4. If you need help in 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. Complete 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 in this referendum.**
 9. If you accidentally spoil your ballot paper, you can apply to the counting officer for a replacement before 5 pm 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 counting officer as soon as possible.
- !** Your ballot paper and the postal voting statement must be received by the counting officer by 10 pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in your voting area on polling day.

It is an offence to vote using a ballot paper that is not addressed to you.

It is illegal to vote more than once (unless you are appointed as a proxy for another person) in this referendum.

#(Counting officer to omit where a person has been granted a waiver)

**Delete as appropriate*

Paragraph 11(4)

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

FORM 4 - FORM OF POSTAL VOTING STATEMENT (TO BE USED FOR NATIONAL ASSEMBLY FOR WALES ELECTION WHERE PROCEEDINGS ON ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS NOT COMBINED)

(Front of Form)

*Voter's name: Ballot paper No.
(insert colour)

*(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 TO WHOM THE BALLOT PAPERS NUMBERED ABOVE WERE SENT

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (voter's date of birth)

#Signature

--

 (voter's signature)
IMPORTANT - Keep signature within border

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you. You must not interfere with another voter's ballot paper.

Issued by the Returning Officer

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

(Back of form)

INSTRUCTIONS TO THE VOTER

Complete the ballot paper yourself and in private. If you need help you can contact the Returning Officer's staff as shown below.

(Contact details for assistance include address as appropriate)

1. You have ballot papers for the constituency election and the regional election.
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 the referendum on the voting system for United Kingdom parliamentary elections which is to be held on the same day. If you do not, the postal voting statement will be invalid and your vote will not be counted.
3. The ballot paper and the postal voting statement must be received by the Returning Officer by 10pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in the constituency on polling day.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. You may only vote once on each ballot paper. Mark a cross (X) opposite the candidate or party you wish to vote for. Put no other mark on the ballot paper, or your vote may not be counted.
6. Put the ballot papers for the Assembly elections in the small envelope marked **A** and seal it.
7. Complete the postal voting statement by signing it, and providing your date of birth.
8. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
9. **After receiving this postal vote, you cannot vote in person at a polling station at this election.**
10. If you accidentally spoil a ballot paper, you can ask the Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return both ballot papers, this postal voting statement, and the envelopes marked A and B. Make sure you contact the Returning Officer

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. You may vote once at the constituency election and once at the regional election. To vote more than once at either election is illegal (unless you are appointed as a proxy for another elector).

#(Returning officer to omit where a person has been granted a waiver)

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

FORM 6 - GUIDANCE FOR VOTERS TO BE EXHIBITED INSIDE AND OUTSIDE EVERY POLLING STATION

1. When you are given your ballot papers go to one of the compartments.
2. On the [*insert colour*] referendum ballot paper, mark a cross (X) in the box on the right hand side of the ballot paper opposite the answer you are voting for.
3. On the ballot papers for the election to the National Assembly for Wales, coloured [*insert colour or colours*], mark your choices with a cross (X) in the box on the right hand side of each ballot paper opposite the name of the candidate or party you are voting for. Put only one X on each ballot paper.
4. Vote once only in referendum and on each ballot paper for the election to the National Assembly for Wales. Put no other mark on the ballot paper, or your vote may not be counted.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
6. Fold each 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 each ballot paper in the [*appropriate*]* ballot box and leave the polling station.

* Complete or omit as necessary.

Paragraph 22(1)

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

FORM 7 - GUIDANCE FOR VOTERS TO BE EXHIBITED IN EVERY POLLING STATION COMPARTMENT

REFERENDUM ON THE VOTING SYSTEM FOR UNITED KINGDOM PARLIAMENTARY ELECTIONS

Referendum ballot paper ([insert colour] ballot paper)

Votes cast in this poll will decide on the voting system for United Kingdom parliamentary elections.

- You have one vote on this paper.
- You should place a cross (X) in one box only.

ELECTION TO THE NATIONAL ASSEMBLY FOR WALES

Constituency ballot paper ([insert colour] ballot paper)

Votes cast in this poll will decide the election of a member to represent your constituency in the National Assembly for Wales.

- You have one vote on this paper.
- You should place a cross (X) in one box only.

Regional ballot paper ([insert colour] ballot paper)

Votes cast in this poll will decide the allocation of the 4 additional seats in the National Assembly for Wales for this region. You may use this vote [either]* for a political party putting forward a list of candidates [or for an individual candidate not standing on a party list]*.

- You have one vote on this paper.
- You should place a cross (X) in one box only.

**PUT NO OTHER MARKS ON THE BALLOT PAPERS OR YOUR VOTES MAY
NOT BE COUNTED**

** Omit as necessary.*

Paragraph 27(2)

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

FORM 8 - FORM OF CERTIFICATE OF EMPLOYMENT
Referendum on the voting system for United Kingdom parliamentary elections

[insert name of voting area]

I certify that (name) who is numbered in the register of electors cannot reasonably be expected to go in person to the polling station allotted to him or her in the referendum on *(date of poll)* by reason of the particular circumstances of his or her employment on that date for a purpose connected with the referendum *as a constable / *by me.

*Delete whichever is inappropriate.

Signature

*Counting officer / police officer (inspector or above)

Date

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

Paragraph 34(1)

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

FORM 9 - FORM OF DECLARATION TO BE MADE BY THE COMPANION OF A VOTER WITH DISABILITIES

I, (name of companion)
of (address of companion)
having been requested to assist (name of voter)
[in the case of a person with disabilities voting as proxy, add
voting as proxy for (name of elector)]
whose number on the register is to record their vote
at the [referendum]* [and]* [National Assembly for Wales elections]* being held in
this [voting area]*/ [constituency]*

hereby declare that

- (a) [I am entitled to vote as an elector at the said [referendum]* [and]* [election]*,]*
- (b) [I am the #..... of the said voter and have attained the age of 18 years,]* and
- (c) I have not previously assisted any voter with disabilities [except (name of other elector), of (address of other elector)], to vote at the said [referendum]* [or]* [election]*]*.

#State the relationship of the companion to the voter.

*Delete as appropriate.

(Signed) (companion)

Date

I, the undersigned, being the presiding officer for the polling station for the [insert name of voting area] hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed).....

Date

Time (am/pm)

NOTES: (1) If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he or she will be guilty of an offence.

(2) A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance.

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

FORM 10 - STATEMENT AS TO POSTAL BALLOT PAPERS FOR THE REFERENDUM

Referendum on the voting system for United Kingdom parliamentary elections

Voting area

Date of poll

A. Issue of postal ballot papers	Number for voting area
1. Total number of postal ballot papers issued under paragraph 8 of Schedule 3.	
2. Total number of postal ballot papers issued under paragraphs 14 (spoilt and returned for cancellation) and 15 (lost and not received) of Schedule 3.	
3. Total number of postal ballot papers cancelled under paragraph 26 of Schedule 3 (where the first ballot paper was cancelled and retrieved).	
4. Total number of postal ballot papers issued (1+2+3).	

B.(1) Receipt of ballot papers and replacements	Number for voting area
5. Number of covering envelopes received by the counting officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraphs 14 (spoilt), 15 (lost) and 26 (cancelled ballot papers) of Schedule 3).	
6. Number of covering envelopes received by the counting 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 papers 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 date of this statement).	
12. Number of covering envelopes not received by the counting officer by the date of this statement.	
13. Total numbers 5 to 12 (This number should be the same as that in 4 above).	

Status: Point in time view as at 16/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6. (See end of Document for details)

B.(2) Receipt of postal ballot papers - postal voting statements	Number for voting area
14. Number of covering envelopes set aside for the verification of personal identifiers on postal voting statements.	
15. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations).	
16. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations).	
17. Number of postal voting statements rejected following verification procedures due to personal identifiers on the postal voting statement not matching those in the personal identifiers record (excluding prior cancellations).	

C. Count of postal ballot papers	Number for voting area
18. Number of ballot papers returned by postal voters which were included in the count of ballot papers.	
19. Number of cases in which a covering envelope or its contents were marked “rejected” (cancellations under paragraphs 14, 15 and 26 of Schedule 3 are not rejections and should be included in items 2, 3, 7, 8 and 9 above).	

Date

Signed.....
 Counting Officer

Address

.....

.....

NOTE

The references to Schedule 3 are references to Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007 as applied by the Parliamentary Voting System and Constituencies Act 2011.

Status:

Point in time view as at 16/02/2011.

Changes to legislation:

There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 6.