



Elections Act 2022

2022 CHAPTER 37

PART 1

ADMINISTRATION AND CONDUCT OF ELECTIONS

Postal and proxy voting

5 Handing in postal voting documents

- (1) RPA 1983 is amended as follows.
- (2) Schedule 1 (Parliamentary elections rules) is amended in accordance with subsections (3) and (4).
- (3) In rule 32 (admission to polling station), in paragraph (1), after sub-paragraph (b) insert—
 - “(ba) where regulations under rule 45(1B)(a) or (b) provide that a postal ballot paper or postal voting statement may be returned by hand to a polling station, persons aged 18 or over returning such a document by hand;”.
- (4) In rule 45 (the count)—
 - (a) in paragraph (1B)—
 - (i) omit “and” at the end of sub-paragraph (c);
 - (ii) insert “and” at the end of sub-paragraph (d);
 - (iii) after sub-paragraph (d) insert—
 - “(e) where regulations contain provision made by virtue of paragraph 12ZA of Schedule 2 (handing in postal voting documents), the postal ballot paper is not one that falls to be rejected in accordance with that provision.”;
 - (b) in paragraph (2)—
 - (i) for sub-paragraph (a) substitute—

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- “(a) it is returned in the prescribed manner, accompanied by the declaration of identity duly signed and authenticated, and reaches the returning officer before the close of the poll,”;
 - (ii) insert “and” at the end of sub-paragraph (b);
 - (iii) after sub-paragraph (b) insert—
 - “(c) where regulations contain provision made by virtue of paragraph 12ZB of Schedule 2 (handing in postal voting documents: Northern Ireland), the postal ballot paper is not one that falls to be rejected in accordance with that provision.”
- (5) In Schedule 2 (provisions which may be contained in regulations as to registration etc), after paragraph 12 insert—
 - “12ZA (1) Where regulations under rule 45(1B)(a) or (b) in Schedule 1 provide that a postal voting document may be returned by hand to a polling station or to the returning officer, provision within this paragraph.
 - (2) Provision—
 - (a) requiring a person who seeks to hand in a postal voting document to complete a form containing prescribed information,
 - (b) requiring a relevant officer to reject a postal voting document handed in by a person who fails to provide all the prescribed information on such a form, and
 - (c) about the arrangements to be made in respect of such forms.
 - (3) Provision requiring a relevant officer—
 - (a) to reject all postal voting documents handed in together by a person where the relevant officer has reasonable cause to suspect that the documents are handed in on behalf of more than the prescribed number of electors;
 - (b) to reject a postal voting document handed in by a person, or all postal voting documents handed in together by a person, on a particular occasion, where the relevant officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by the person on any previous occasion (disregarding any that were rejected), the person has handed in postal voting documents on behalf of more than the prescribed number of electors.
 - (4) In [sub-paragraph \(3\)](#)—
 - (a) references to postal voting documents handed in by a person are to postal voting documents—
 - (i) all relating to the same election, or
 - (ii) where more than one poll is to be taken on a day, each of which relates to an election the poll at which is to be taken on that day,
 but do not include references to a postal voting document issued to that person;

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- (b) “electors” means persons who are electors in relation to an election to which any of the postal voting documents handed in by the person relates.
- (5) Provision authorising a relevant officer to reject a postal voting document handed in by a person where the relevant officer knows or has reasonable cause to suspect that, in handing in the document, the person commits an offence under section 112A (offences relating to handling of postal voting documents).
- (6) Provision as to the arrangements to be made in respect of the documents mentioned in [sub-paragraph \(7\)](#), including provision about—
 - (a) the procedure to be followed in respect of those documents;
 - (b) storage of those documents;
 - (c) disposal of those documents;
 - (d) transfer of those documents to—
 - (i) the returning officer;
 - (ii) the registration officer.
- (7) The documents are—
 - (a) a postal voting document that is rejected;
 - (b) a postal voting document that—
 - (i) is brought into a polling station or into the offices of the returning officer so that it may be handed in to a person, but
 - (ii) is left behind there (without being handed in).
- (8) Provision requiring prescribed information about postal voting documents that are handed in, or about the documents mentioned in [sub-paragraph \(7\)](#), to be supplied to—
 - (a) the returning officer;
 - (b) the registration officer.
- (9) Provision about the notification of the persons mentioned in [sub-paragraph \(10\)](#) where a postal ballot paper is—
 - (a) rejected, or
 - (b) left behind as mentioned in [sub-paragraph \(7\)\(b\)](#).
- (10) The persons are—
 - (a) the person whose ballot paper it is;
 - (b) where that person is a proxy—
 - (i) that person, and
 - (ii) the elector for whom the person voted as proxy on that paper.
- (11) Provision as to the meaning of any reference in the regulations to—
 - (a) a person seeking to hand in a postal voting document;
 - (b) a postal voting document being handed in.
- (12) In this paragraph—

“postal voting document” means a postal ballot paper, postal voting statement or other document that has been issued to a

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person for the purpose of enabling the person to vote by post at a relevant election;

“rejected” means rejected in accordance with regulations made by virtue of this paragraph;

“relevant election” means—

- (a) a parliamentary election in England and Wales or Scotland, or
- (b) a local government election in England;

“relevant officer” means—

- (a) where a postal voting document is handed in at a polling station—
 - (i) the person presiding at the polling station, or
 - (ii) a clerk at the polling station;
- (b) where a postal voting document is handed in to the returning officer—
 - (i) that officer, or
 - (ii) a person acting under the authority of that officer.

12ZB (1) Where regulations under rule 45(2)(a) in Schedule 1 provide that a postal voting document may be returned by hand to the returning officer, provision within this paragraph.

(2) Provision—

- (a) requiring a person who seeks to hand in a postal voting document to complete a form containing prescribed information,
- (b) requiring the returning officer to reject a postal voting document handed in by a person who fails to provide all the prescribed information on such a form, and
- (c) about the arrangements to be made in respect of such forms.

(3) Provision requiring the returning officer—

- (a) to reject all postal voting documents handed in together by a person where the returning officer has reasonable cause to suspect that the documents are handed in on behalf of more than the prescribed number of electors;
- (b) to reject a postal voting document handed in by a person, or all postal voting documents handed in together by a person, on a particular occasion, where the returning officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by the person on any previous occasion (disregarding any that were rejected), the person has handed in postal voting documents on behalf of more than the prescribed number of electors.

(4) In [sub-paragraph \(3\)](#)—

- (a) references to postal voting documents handed in by a person are to postal voting documents all relating to the same election, but do not include references to a postal voting document issued to that person;

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- (b) “electors” means persons who are electors in relation to the election to which the postal voting documents handed in by the person relate.
- (5) Provision authorising the returning officer to reject a postal voting document handed in by a person where the returning officer knows or has reasonable cause to suspect that, in handing in the document, the person commits an offence under section 112A (offences relating to handling of postal voting documents).
- (6) Provision as to the arrangements to be made in respect of the documents mentioned in [sub-paragraph \(7\)](#), including provision about—
 - (a) the procedure to be followed in respect of those documents;
 - (b) storage of those documents;
 - (c) disposal of those documents.
- (7) The documents are—
 - (a) a postal voting document that is rejected;
 - (b) a postal voting document that—
 - (i) is brought into the offices of the returning officer so that it may be handed in to a person, but
 - (ii) is left behind there (without being handed in).
- (8) Provision about the notification of the persons mentioned in [sub-paragraph \(9\)](#) where a postal ballot paper is—
 - (a) rejected, or
 - (b) left behind as mentioned in [sub-paragraph \(7\)\(b\)](#).
- (9) The persons are—
 - (a) the person whose ballot paper it is;
 - (b) where that person is a proxy—
 - (i) that person, and
 - (ii) the elector for whom the person voted as proxy on that paper.
- (10) Provision as to the meaning of any reference in the regulations to—
 - (a) a person seeking to hand in a postal voting document;
 - (b) a postal voting document being handed in.
- (11) In this paragraph—
 - “postal voting document” means a postal ballot paper, declaration of identity, or other document that has been issued to a person for the purpose of enabling the person to vote by post at a parliamentary election in Northern Ireland;
 - “rejected” means rejected in accordance with regulations made by virtue of this paragraph.”

Commencement Information

- I1** S. 5 not in force at Royal Assent, see [s. 67\(1\)](#)
- I2** [S. 5\(1\)](#) in force at 6.2.2023 for specified purposes by [S.I. 2023/115](#), [reg. 2\(a\)](#)

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for the Elections Act 2022, Section 5. (See end of Document for details)*

I3 [S. 5\(5\)](#) in force at 6.2.2023 by [S.I. 2023/115](#), **reg. 2(a)**

Changes to legislation:

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