

SCHEDULE 5

COMBINATION OF POLLS

PART V

COMBINED POLLS AT REFERENDUMS: MODIFICATIONS
OF THE RULES IN SCHEDULE 2 TO THE PRINCIPAL AREAS
RULES, AS MODIFIED BY SCHEDULE 4 TO THOSE RULES

<i>(1)</i> <i>Provision and, if of limited application,</i> <i>relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 1 (timetable)	Omit the words from “Delivery” in the first place where that word appears to “day of election” in the fourth place where those words appear. Omit the item “Polling”.
Rule 2	Omit
Rule 3 (notice of referendum)	For paragraph (1), substitute “(1) The counting officer shall publish notice of the referendum stating the date of the poll.” In paragraph (2), substitute “referendum” for “election”, in both places.
Rules 4 to 12	Omit.
Rule 13 (poll to be taken by ballot)	Omit the words from “the result” to the end.
Rule 14	Omit.
Rule 15 (the official mark)	For paragraph (2) substitute— “(2) The official mark shall be kept secret.” In paragraph (3) omit “at the same election”.
Rule 16 (prohibition of disclosure of vote)	For “election”, in both places, substitute “referendum”.
Rule 17 (use of schools and public rooms)	In paragraph (1), for sub-paragraphs (b) to (d), substitute— “and (b) the question to be asked in the referendum.” For paragraph (2) substitute—

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	<p>“(2) The notice of poll shall be published not later than the sixth day before the date of the referendum.”.</p> <p>In paragraph (3), omit the words from “and he shall” to the end.</p> <p>In paragraph (4)—</p> <p>(a) for sub-paragraph (a), substitute—</p> <p style="padding-left: 40px;">“(a) state that the poll at the referendum is to be taken together with the poll at another referendum or, as the case may be, an election or elections;”; and</p> <p>(b) omit sub-paragraph (b).</p>
Rule 19 (postal ballot papers)	For “returning officer” substitute “counting officer”.
Rule 20 (provision of polling stations)	<p>In paragraph (1)—</p> <p>(a) for “returning officer”, substitute “counting officer”; and</p> <p>(b) for “electors”, substitute “voters”.</p> <p>In paragraph (3)—</p> <p>(a) for “electors”, substitute “voters”;</p> <p>(b) for “electoral area”, in the first place where those words appear, substitute “voting area”; and</p> <p>(c) omit “, unless that place is outside the electoral area”.</p> <p>In paragraph (4), for “returning officer” substitute “counting officer”.</p>
Rule 21 (appointment of presiding officers and clerks)	<p>In paragraph (1)—</p> <p>(a) for “returning officer”, substitute “counting officer”; and</p> <p>(b) omit the words from “but he shall not appoint” to the end.</p>
Rule 22 (issue of official poll cards)	<p>In paragraph (2), for “returning officer”, substitute “counting officer”.</p> <p>In paragraph (1)—</p> <p>(a) for “returning officer”, substitute “counting officer”;</p> <p>(b) for “electors”, substitute “voters”;</p> <p>(c) for “an elector”, substitute “a voter”; and</p>

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	<p>(d) for “election”, in both places, substitute “referendum”.</p> <p>In paragraph (2), for “An elector's”, substitute “A voter's”.</p> <p>In paragraph (3)—</p> <p>(a) for “the electoral division or ward to which councillors are to be elected”, substitute “the voting area;”; and</p> <p>(b) for “the elector's”, in both places, substitute “the voter's”.</p> <p>For paragraph (5) substitute—</p> <p>“(5) An official poll card issued under this rule may be combined with the official poll card issued at an election or, as the case may be, another referendum.”.</p>
Rule 23 (equipment of polling stations)	<p>In paragraph (1), for “returning officer”, in both places, substitute “counting officer”.</p> <p>For paragraph (1A), substitute—</p> <p>“(1A) The ballot papers shall, as the counting officer may decide, be placed—</p> <p>(a) in a single ballot box; or</p> <p>(b) in separate ballot boxes according to the referendum in which the votes given on them are cast.”.</p> <p>In paragraph (3)—</p> <p>(a) for “returning officer”, substitute “counting officer”;</p> <p>(b) for “electoral area”, in both places, substitute “voting area”;</p> <p>(c) for “electors”, in the second place where that word appears, substitute “voters”; and</p> <p>(d) for “election”, substitute “referendum”.</p> <p>For paragraph (5) substitute—</p> <p>“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate form, which shall be printed on paper of the same colour as that of the ballot papers for use at the referendum or election to which the notice in question relates.”.</p>

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 24 (appointment of polling and counting Agents)	<p>In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.</p> <p>After paragraph (9), insert—</p> <p>“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.</p> <p>In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab,”.</p> <p>Omit paragraphs (1) to (3), (5), (7) and (11).</p> <p>In paragraph (4)—</p> <ul style="list-style-type: none"> (a) for “counting agents”, “counting agent” and “agent”, substitute “counting observers”, “counting observer” and “observer”, respectively; (b) for “candidate” and “candidates”, substitute “petition organiser” and “petition organisers”, respectively; (c) for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively; and (d) for “returning officer”, substitute “counting officer”. <p>In paragraph (6)—</p> <ul style="list-style-type: none"> (a) for “an agent” (in the first place where those words appear), and “candidate”, substitute “a counting observer” and “counting officer”, respectively; and (b) omit the words from “and shall” to the end. <p>After paragraph (6), insert—</p> <p>“(6A) Notice of the nomination of counting observers which is required by paragraph (6) to be given to the counting officer shall be given to the returning officer or counting officer who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986.”</p> <p>In paragraph (8)—</p> <ul style="list-style-type: none"> (a) omit “polling agents and”;

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	<p>(b) for “counting agents” and “agents”, substitute “counting observers”; and</p> <p>(c) in sub-paragraph (a), omit “and notified”.</p> <p>In paragraph (9)—</p> <p>(a) for “a counting agent by the returning officer”, substitute “a counting observer by the counting officer”; and</p> <p>(b) for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In paragraph (10)—</p> <p>(a) for “candidate” substitute “petition organiser”;</p> <p>(b) for “polling or counting agent” substitute “counting observer”; and</p> <p>(c) for “agent” substitute “counting observer”.</p> <p>In paragraph (12)—</p> <p>(a) for “these rules” substitute “the LGA Referendum Rules”;</p> <p>(b) for “polling or counting agents” substitute “counting observers”; and</p> <p>(c) for “agent or agents” substitute “such observer or observers”.</p>
Rule 25 (notification of requirement of secrecy)	For “returning officer” substitute “counting officer”.
Rule 26 (admission to polling station)	<p>In paragraph (1), after sub-paragraph (e), insert “(f) the polling observers and petition organisers, and the elected mayor (if any) of the council in respect of which the referendum is held.”</p> <p>In paragraph (3) after “Appendix” insert “with the following modifications—</p> <p>(a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND REFERENDUM”;</p> <p>(b) after “at the election” insert “and referendum”; and</p> <p>(c) after “with the election” insert “and referendum””.</p>

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 27 (keeping of order in station)	Omit paragraph (2).
Rule 28 (sealing of ballot boxes)	
Rule 29 (questions to be put to voters)	<p>For paragraphs (1) and (2) substitute—</p> <p>“(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions.</p> <p>(2) In the case of a person applying to vote on his own behalf, the relevant questions are—</p> <p>(a) “Are you the person registered in the register of local government electors for this electoral area as follows?” (<i>read the whole entry from the register.</i>)</p> <p>(b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?”</p> <p>(2A) In the case of a person applying as proxy, the relevant questions are—</p> <p>(a) “Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?”</p> <p>(b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of C.D.?”</p> <p>(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question—</p> <p>“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”and, if that question is not answered in the affirmative, the following question—</p> <p>“Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?””</p>
Rule 30 (challenge of voters)	In paragraph (1), for “a candidate or his election or polling agent”, substitute “any petition organiser or polling observer permitted

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Rule 31 (voting procedure)	<p>to be present in accordance with rule 26, as modified”.</p> <p>For paragraph (4), substitute—</p> <p>“(4) The same copy of the register of electors may be used under paragraph (1) for each referendum or, as the case may be, the referendum and the election.</p> <p>(5) One mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each referendum or, as the case may be, the referendum and the election; except that—</p> <p>(a) where the polls at two referendums are taken together, and a ballot paper has been issued in respect of one referendum only, different marks shall be placed in the register or, as the case may be, the list, so as to identify the referendum in respect of which the ballot paper was issued; and</p> <p>(b) where the polls at a referendum and an election are taken together, and ballot papers have been issued in respect of either the referendum only, or the election only, different marks shall be placed in the register or, as the case may be, the list, so as to indicate whether the ballot paper was issued in respect of the referendum or the election.”.</p>
Rule 32 (votes marked by presiding officer)	<p>For the words inserted by paragraph 10 of Schedule 4 to the Principal Areas Rules substitute—</p> <p>“The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list identifies the poll at which the ballot paper was so marked.”.</p>
Rule 33 (voting by persons with disabilities)(1)	<p>In paragraph (3), in sub-paragraph (a), for “an elector at the election”, substitute “a voter at the referendum”.</p>

(1) Rule 33 was substituted by S.I.2001/81, rule 10.

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	<p>After paragraph (4), insert—</p> <p>“(4A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”.</p>
Rule 34 (tendered ballot papers)	<p>For the words inserted by paragraph 12 of Schedule 4 to the Principal Areas Rules substitute—</p> <p>“The same list may be used for both polls, and where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the list identifies the poll at which a tendered ballot paper was marked.”.</p>
Rule 35 (spoilt ballot papers)	
Rule 36 (adjournment of poll in case of riot)	<p>In paragraph (1), after the words inserted by paragraph 13 of Schedule 4 to the Principal Areas Rules, insert—</p> <p>“or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 are to be discharged.”.</p>
Rule 37 (procedure on close of poll)	<p>For paragraph (1A), substitute the following—</p> <p>“(1A) As regards each referendum or, as the case may be, the referendum and the election, the contents of the packets referred to in subparagraphs (b), (c) and (e) of paragraph (1) shall be kept separate; and the statements prepared under paragraph (3) shall not be combined.”</p> <p>In paragraph (1B), (inserted by paragraph 14 of Schedule 4 to the Principal Areas Rules), at the end insert—</p> <p>“or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 are to be discharged.”.</p>
Rule 39 (the count), where the polls at two referendums are taken together.	<p>For paragraph (1), substitute—</p> <p>“(1) The counting officer who is discharging the functions specified in regulation 17(2) of</p>

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	<p>the Local Authorities (Conduct of Referendums) (England) Regulations 2001 shall, in the presence of the counting observers—</p> <ul style="list-style-type: none">(a) open each ballot box and record separately the number of ballot papers used in each referendum;(b) count such of the postal ballot papers as have been duly returned and record separately the number counted in each referendum;(c) separate the ballot papers relating to each referendum;(d) verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list), and shall draw up a statement as to the result of the verification, which any counting observer present at the verification may copy;(e) make up into packets the ballot papers for each referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;(f) deliver, or cause to be delivered, to the counting officer—<ul style="list-style-type: none">(i) the container of ballot papers relating to each referendum; and(ii) the ballot paper account relating to each referendum, and a copy of the statement as to its verification; and(g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—<ul style="list-style-type: none">(i) the unused and spoilt ballot papers;(ii) the tendered ballot papers; and

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(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.”.

For paragraph (2), substitute—

“(2) After completion of the proceedings under paragraph (1), the counting officer for each referendum shall, separately as regards each referendum, mix together all of the ballot papers used at that referendum and count the votes given on them, and thereafter the proceedings in relation to each referendum shall be conducted in accordance with the LGA Referendum Rules.”.

In paragraph (3)(2)—

- (a) in sub-paragraph (a)—
 - (i) for “returning officer”, substitute “counting officer”; and
 - (ii) for “electoral area”, substitute “voting area”.

In paragraph (3A), in sub-paragraph (a), for “returning officer”, substitute “counting officer”.

In paragraphs (4) and (5), for “returning officer”, substitute “counting officer”.

In paragraph (6)—

- (a) for “returning officer”, substitute “counting officer”; and
- (b) for “election agent”, substitute “counting observer present at the verification”.

In paragraph (7)—

- (a) for “returning officer”, substitute “counting officer”;
- (b) for “the agents”, substitute “the counting observers”; and
- (c) omit the words from “For the purposes” to “counting agents”.

In paragraph (8), for “returning officer”, substitute “counting officer”.

(2) Paragraphs (3) and (3A) were substituted for paragraph (3) by S.I. [2001/81](#), rule 12.

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Rule 39, where the polls at a referendum and an election are taken together.	For paragraphs (1) and (2), substitute— “(1) The returning officer shall— (a) in the presence of the counting agents appointed for the purposes of the election and the counting observers, open each ballot box and record separately the number of ballot papers used in the election and the referendum; (b) in the presence of the election agents appointed for the purposes of the election and the counting observers, verify each ballot paper account; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and the referendum; (d) separate the ballot papers relating to the election from the ballot papers relating to the referendum; (e) make up into packets the ballot papers for the election and the referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate; (f) deliver, or cause to be delivered, to the counting officer— (i) the container of ballot papers relating to the referendum; and (ii) the ballot paper account relating to the referendum, and a copy of the statement as to its verification; and (g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing— (i) the unused and spoilt ballot papers; (ii) the tendered ballot papers; and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

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(2) After completion of the proceedings under paragraph (1), the counting officer shall mix together all of the ballot papers used at the referendum and count the votes given on them; and thereafter the proceedings in relation to the referendum shall be conducted in accordance with the LGA Referendum Rules.”.

In paragraph (6), after “election agent”, insert “or counting observer present at the verification”.

Rule 49 (countermand or abandonment of poll)

Add at the end of paragraph (1)—
“Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.”

Substitute for paragraph (2)—

“(2) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and
- (c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”

The Appendix of Forms:

On the front of the form, after

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Form of declaration of identity for use where postal ballots are taken together	<p>“REPRESENTATION OF THE PEOPLE ACTS”, insert—</p> <p>“<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>On the back of the form—</p> <p>(a) in paragraph 2—</p> <p>(i) after “candidates.],” insert “In the referendum, vote once only.”;</p> <p>(ii) after “elections”, insert “or referendums”; and</p> <p>(iii) for “regulation 78” substitute “regulation 66”; and</p> <p>(b) in paragraph 3, after “candidates”, insert “and answers”.</p>
The Appendix of Forms:	On the front of the form, for
Form of declaration of identity for use unless postal ballots are taken together	<p>“REPRESENTATION OF THE PEOPLE ACTS” substitute—</p> <p>“<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>On the back of the form—</p> <p>(a) in paragraph 1, for “another election”, substitute “an election”;</p> <p>(b) in paragraph 2, for the first sentence, substitute “Vote either “YES” or “NO”.”</p> <p>(c) in paragraph 3—</p> <p>(i) for “Mark”, substitute “On the (<i>specify colour</i>) ballot paper, mark”; and</p> <p>(ii) for “candidate” substitute “answer”;</p> <p>(d) in paragraph 4, for “each election”, substitute “[the][each] referendum and election”;</p> <p>(e) in paragraph 5, for “same election”, substitute “same referendum”; and</p> <p>(f) in paragraph 6, for “At this election” substitute “At this referendum”.</p>
The Appendix of Forms:	Substitute—
Form of directions for the guidance of the voters in voting	<p>“GUIDANCE FOR VOTERS</p> <p>1. When you are given ballot papers, make sure they are stamped with the official mark.</p> <p>2. Go to one of the voting compartments. Mark a cross (X) in the box</p>

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<p>The Appendix of Forms:</p> <p>Form of declaration to be made by the companion of a voter with disabilities</p>	<p>on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. Vote only for the number of candidates specified on the ballot paper for the election.</p> <p>3. Put no other mark on the ballot paper or your vote may not be counted.</p> <p>4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.</p> <p>5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.</p> <p><i>Where the polls at two referendums are combined</i></p> <p>For “election now being held in this electoral area” substitute “referendums now being held in the county and the (<i>specify the relevant district or, as the case may be, the relevant districts</i>)”.</p> <p>For “said election”, in both places, substitute “the referendums”.</p> <p><i>Where the polls at two referendums are combined with the poll at an election</i></p> <p>After “election now being held in this electoral area” insert “and referendums now being held in (<i>specify the relevant county and district or, as the case may be, the relevant districts</i>)”.</p> <p>After “said election”, in both places, insert “and the referendums”.</p>