
STATUTORY INSTRUMENTS

2001 No. 341

**The Representation of the People
(England and Wales) Regulations 2001**

Issue of Postal Ballot Papers

Combination of polls

65. Where the polls at elections are taken together under—

- (a) subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), or
- (b) subsection (3) or (3AB) of section 36 of the 1983 Act (combination of polls at local elections)(1),

the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers concerned agree, be taken together.

Form of declaration of identity

66. The form of the declaration of identity for the purposes of rule 24 of the rules in Schedule 1 to the 1983 Act(2) shall be—

- (a) in Form G at a parliamentary election taken alone;
- (b) in Form H at a parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election;
- (c) in Form J at a parliamentary election where the poll is taken together with the poll at another election, but where the proceedings on the issue and receipt of postal ballot papers are not.

Persons entitled to be present at proceedings on issue of postal ballot papers

67. No person may be present at the proceedings on the issue of postal ballot papers other than the returning officer and his clerks.

Persons entitled to be present at proceedings on receipt of postal ballot papers

68. No person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the returning officer and his clerks,
- (b) a candidate,

(1) Section 36(3) was substituted by section 17 of the 1985 Act and section 36(3B) was inserted by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19).
(2) Rule 24 was substituted by Schedule 6 to the 2000 Act.

- (c) an election agent or any person appointed by a candidate to attend in his election agent's place or, at an election of parish or community councillors, any person appointed by the candidate to attend at those proceedings, and
- (d) any agents appointed under regulation 69 below.

Agents of candidates who may attend proceedings on receipt of postal ballot papers

69.—(1) Each candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint so, however, that the number authorised shall be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the opening of the postal voters' ballot box.

(3) Where postal ballot papers for more than one election are issued together under regulation 65 above, the returning officer to whom notice shall be given under paragraph (2) above and paragraphs (4) and (5) below is the returning officer who issues the postal ballot papers.

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part of these Regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (1) above, who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

70. The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue of receipt or postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act⁽³⁾.

Time when postal ballot papers are to be issued

71.—(1) In the case of a person shown in the record kept under—

- (a) paragraph 3(4), or
- (b) paragraph 7(6),

of Schedule 4 to the 2000 Act (electors and proxies entitled to vote by post for an indefinite or definite period), no postal ballot paper (and declaration of identity) shall be issued until after 5 p.m. on the eleventh day before the date of the poll (computed in accordance with regulation 56(6) above).

(3) Section 66(6) was amended by Schedule 3 to the 1985 Act.

(2) In the case of any other person, the postal ballot paper (and declaration of identity) shall be issued by the returning officer as soon as practicable after the registration officer has granted the application to vote by post.

Procedure on issue of postal ballot paper

72.—(1) Each postal ballot paper issued shall be stamped with the official mark.

(2) The number of the elector as stated in the register shall be marked on the counterfoil attached to the ballot paper.

(3) A mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(5) Where postal ballot papers for more than one election are issued together under regulation 65 above—

(a) one mark shall be placed in the absent voters list or the list of postal proxies under paragraph (3) above to denote that ballot papers have been issued in respect of all those elections; except that, where ballot papers are not so issued, a different mark shall be placed in the absent voters list or list of postal proxies to identify the election in respect of which the ballot paper was issued; and

(b) the number of each ballot paper shall be marked on the declaration of identity under paragraph (4) above.

(6) Where the poll at one election is taken with the poll at another election (under the provisions referred to in regulation 65 above) but not the proceedings on the issue and receipt of postal ballot papers, the colour of the postal ballot paper shall also be marked on the declaration of identity sent with that paper.

Refusal to issue postal ballot paper

73. Where a returning officer is satisfied that two or more entries in the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector at any one election.

Envelopes

74.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 24 of the elections rules(4)).

(2) There shall be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with-

(a) the letter “A”;

(b) the words “ballot paper envelope”, and

(c) the number of the ballot paper or, as the case may be, ballot papers.

(4) Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act.

(4) Where polls are taken together (under the provisions referred to in regulation 65 above) but not the proceedings on the issue and receipt of postal ballot papers—

- (a) the envelope referred to in paragraph (2) above shall also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”, and
- (b) on the envelope referred to in paragraph (3) above, after the words “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

Sealing up of counterfoils and security of special lists

75.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the counterfoils of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in paragraph (2) above, the returning officer shall take proper precautions for the security of the lists referred to in that paragraph.

Delivery of postal ballot papers

76.—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed under rule 26(1) of the elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) above applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

Spoilt postal ballot papers

77.—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper, the declaration of identity, the ballot paper envelope and the covering envelope.

(2) Where postal ballot papers for more than one election have been issued together under regulation 65 above, the postal voter shall, if he exercises the entitlement conferred by paragraph (1) above, return all of the ballot papers so issued, whether spoilt or not.

(3) On receipt of the documents referred to in paragraph (1) and, where applicable paragraph (2) above, the returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 p.m. on the day before the day of the poll.

(4) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (7) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

(5) The spoilt postal ballot paper, and any other postal ballot paper issued with it, the declaration of identity and the ballot paper envelope shall be immediately cancelled.

(6) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(7) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with regulation 76 above.

(8) The returning officer shall enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register;
- (b) the number of the postal ballot paper (or papers) issued under this regulation; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Lost postal ballot papers

78.—(1) Where a postal voter has not received his postal ballot paper by the fourth day before the day of the poll, he may apply (whether or not in person) to the returning officer for a replacement ballot paper.

(2) Such an application shall include evidence of the voter’s identity.

(3) Where the application is received by the returning officer before 5 p.m. on the day before the day of the poll and the returning officer—

- (a) is satisfied as to the voter’s identity, and
- (b) has no reason to doubt that the postal voter did not receive the original postal ballot paper, he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

(4) The returning officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

- (a) the name and number of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this regulation; and
- (c) where the postal voter whose ballot paper is lost is a proxy, his name and address.

(5) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (6) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

(6) Where a postal ballot voter applies in person, the returning officer may hand a replacement ballot paper to him instead of delivering it in accordance with regulation 76 above.