

SCHEDULE 3

Regulation 40

“SCHEDULE 2

Regulation 10

ABSENT VOTING

PART 1

ENTITLEMENT

Interpretation

1.—(1) In this Schedule—

“absent voter” means an elector who is entitled to vote by proxy or an elector or proxy who is entitled to vote by post, except in Part 3 of this Schedule (Absent Voting (Transitional Provision)) where it has the meaning set out in paragraph 35;

“allotted polling station” has the meaning set out in paragraph 23(8);

“valid postal voting statement” means a postal voting statement which, in accordance with paragraph 62 or 63, the local returning officer is satisfied has been duly completed.

(2) A reference in this Schedule to a form identified by means of a letter is to be construed as a reference to the form so identified in the Appendix to this Schedule.

(3) Unless otherwise stated, a reference in this Schedule to a numbered paragraph or Part is to a paragraph or Part bearing that number in this Schedule.

Manner of voting at European Parliamentary elections

2.—(1) This paragraph applies to determine the manner of voting of a person entitled to vote as an elector at a European Parliamentary election.

(2) He may vote in person at his allotted polling station, unless he is entitled as an elector to an absent vote at the election.

(3) He may vote by post if he is entitled as an elector to vote by post at the election.

(4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under European Parliamentary elections rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.

(5) If—

(a) he is not entitled as an elector to an absent vote at the election, but

(b) he cannot reasonably be expected to go in person to the allotted polling station by reason of the particular circumstances of his employment, either as a constable or by the local returning officer, on the date of the poll for a purpose connected with the election,

he may vote in person at any polling station in the local counting area.

(6) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act (residence: patients in mental hospitals who are not detained offenders or on remand) or, in Gibraltar, paragraph 10 of Schedule 4 to these Regulations applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not; and such a person may vote—

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- (a) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or
- (b) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(7) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7A of the 1983 Act (residence: persons remanded in custody etc.)(1) or in Gibraltar, paragraph 11 of Schedule 4 to these Regulations applies, whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(8) Sub-paragraph (2) does not prevent a person, at his allotted polling station, marking a tendered ballot paper in pursuance of rule 44(4) or (6) of the European Parliamentary elections rules.

(9) For the purposes of the provisions of—

- (a) these Regulations, and
- (b) the 1983 Act, the 2002 Act and the 2003 Act,

a person entitled to vote as an elector at a European Parliamentary election is entitled as an elector to vote by post or entitled to vote by proxy at the election if sub-paragraph (10) or (11) (as the case may be) applies to him in relation to that election; and references in those provisions to entitlement as an elector to an absent vote at a European Parliamentary election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

(10) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 5(2) as entitled to vote by post at an election.

(11) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 5(3) as entitled to vote by proxy at an election.

Absent vote at elections for definite or indefinite period

3.—(1) Where a person applies to the registration officer to vote by post at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application), the registration officer must grant the application if—

- (a) he is satisfied that the applicant is or will be registered in the register of electors; and
- (b) the application contains the applicant's signature and date of birth and meets the requirements of Part 2.

(2) Where a person applies to the registration officer to vote by proxy at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application), the registration officer must grant the application if—

- (a) he is satisfied that the applicant is eligible to vote by proxy at elections to which the application relates;
- (b) he is satisfied that the applicant is or will be registered in the register of electors; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements of Part 2.

(3) For the purposes of this paragraph a person is eligible to vote by proxy at European Parliamentary elections if—

- (a) he is or will be registered as a service voter;
- (b) he has an anonymous entry in the register of electors for the election;
- (c) he cannot reasonably be expected—

(1) Section 7A of the 1983 Act was inserted by section 5 of the Representation of the People Act 2000 (c.2).

(i) to go in person to the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules, or

(ii) to vote unaided there,

by reason of blindness or other disability;

(d) he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse or civil partner, or by reason of his attendance on a course provided by an educational institution or that of his spouse or civil partner; or

(e) he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,

and a person is also eligible to vote by proxy at European Parliamentary elections if he is or will be registered in pursuance of an overseas elector's declaration or a European Parliamentary overseas elector's declaration.

(4) The registration officer must keep a record of those whose applications under this paragraph have been granted showing—

(a) whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period);

(b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent; and

(c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.

(5) The registration officer must remove a person from the record—

(a) if he applies to the registration officer to be removed;

(b) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if he ceases to have an anonymous entry;

(c) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—

(i) a service declaration,

(ii) a declaration of local connection, or

(iii) an overseas elector's declaration,

(d) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances; or

(e) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.

(6) A person shown in the record as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and, if the registration officer would be required to grant that application if it were one made under sub-paragraph (2), the registration officer must amend the record accordingly.

(7) A person shown in the record as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and, if the application meets the requirements of Part 2, the registration officer must amend the record accordingly.

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- (8) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or sub-paragraph (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has;
 - (b) to provide a signature because the applicant is unable to read or write; or
 - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (9) The registration officer must also keep a record in relation to those whose applications under this paragraph have been granted showing—
- (a) their dates of birth;
 - (b) except in cases where the registration officer in pursuance of sub-paragraph (8) has dispensed with the requirement to provide a signature, their signatures.
- (10) The record kept under sub-paragraph (9) must be retained by the registration officer for the period calculated by reference to paragraph 18(1).

Absent vote at a particular election

- 4.—(1) Where a person applies to the registration officer to vote by post at a particular European Parliamentary election, the registration officer must grant the application if—
- (a) he is satisfied that the applicant is or will be registered in the register of electors; and
 - (b) the application contains the applicant's signature and date of birth and meets the requirements of Part 2.
- (2) Where a person applies to the registration officer to vote by proxy at a particular European Parliamentary election, the registration officer must grant the application if—
- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules;
 - (b) he is satisfied that the applicant is or will be registered in the register of electors; and
 - (c) the application contains the applicant's signature and date of birth and meets the requirements of Part 2.
- (3) Where a person who has an anonymous entry in the register of electors applies to the registration officer to vote by proxy at a particular election the registration officer must grant the application if it meets the requirements of Part 2.
- (4) Nothing in sub-paragraph (1) or (2) applies to a person who is included in the record by virtue of paragraph 3, but such a person may, in respect of a particular European Parliamentary election, apply to the registration officer—
- (a) for his ballot paper to be sent to a different address from that shown in the record; or
 - (b) to vote by proxy;
- if he is shown in the record as voting by post at elections of the kind in question.
- (5) The registration officer must grant an application under sub-paragraph (4) if—
- (a) (in the case of any application) it meets the requirements of Part 2; and
 - (b) (in the case of an application to vote by proxy) the registration officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules.
- (6) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has;
 - (b) to provide a signature because the applicant is unable to read or write; or
 - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (7) The registration officer must also keep a record in relation to those whose applications under this paragraph have been granted showing—
- (a) their dates of birth;
 - (b) except in cases where the registration officer in pursuance of sub-paragraph (6) has dispensed with the requirement to provide a signature, their signatures.
- (8) The record kept under sub-paragraph (7) must be retained by the registration officer for the period required by paragraph 18(1).

Absent voters list

5.—(1) The registration officer must, in respect of each European Parliamentary election, keep two special lists mentioned in sub-paragraphs (2) and (3) respectively.

- (2) The first of those lists is a list (“the postal voters list”) of—
- (a) those whose applications under paragraph 4(1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent; and
 - (b) those who are for the time being shown in the record kept under paragraph 3 as voting by post at European Parliamentary elections (excluding those so shown whose applications under paragraph 4(4)(b) to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under paragraph 3 or, as the case may be, paragraph 4(4)(a) as the addresses to which their ballot papers are to be sent.
- (3) The second of the lists mentioned in sub-paragraph (1) is a list (“the list of proxies”) of—
- (a) those whose applications under paragraph 4(2) or 4(4) to vote by proxy at the election have been granted; and
 - (b) those who are for the time being shown in the record kept under paragraph 3 as voting by proxy at elections of the kind in question,

together with (in each case) the names and addresses of those appointed as their proxies.

(4) In the case of a person who has an anonymous entry in a register the postal voters list or list of proxies (as the case may be) must show in relation to the person only—

- (a) his electoral number, and
- (b) the period for which the anonymous entry has effect.

(5) The registration officer must, forthwith on completion of the compilation of those special lists, supply to the local returning officer for any local counting area wholly or partly within the area for which he acts so much of those lists as relate to that counting area.

Proxies at elections

6.—(1) Subject to the provisions of this paragraph, any person is capable of being appointed proxy to vote for an elector at any European Parliamentary election and may vote in pursuance of the appointment.

(2) The elector cannot have more than one person at a time appointed as proxy to vote for him at European Parliamentary elections (whether in the same electoral region or elsewhere).

(3) A person is not capable of being appointed to vote, or voting, as proxy at a European Parliamentary election—

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- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector; or
 - (b) he is neither a Commonwealth citizen nor a citizen of the Union.
- (4) A person is not capable of voting as proxy at a European Parliamentary election unless on the date of the poll he has attained the age of 18.
- (5) A person is not entitled to vote as proxy at the same European Parliamentary election in any electoral region, on behalf of more than two electors of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- (6) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at European Parliamentary elections, the registration officer must make the appointment if the application meets the requirements of Part 2 and he is satisfied that the elector is or will be—
- (a) registered in the register of electors; and
 - (b) shown in the record kept under paragraph 3 as voting by proxy at such elections,
- and that the proxy is capable of being, and willing to be, appointed at such elections.
- (7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular European Parliamentary election, the registration officer must make the appointment if the application meets the requirements of Part 2 and he is satisfied that the elector is or will be registered in the register of electors and entitled to vote by proxy at that election by virtue of an application under paragraph 4(2) or 4(4) and that the proxy is capable of being, and willing to be, appointed.
- (8) The appointment of a proxy under this paragraph is to be made by means of a proxy paper in Form N in the Appendix issued by the registration officer.
- (9) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force—
- (a) where the appointment related to a particular European Parliamentary election or elections, on the issue of a proxy paper appointing a different person to vote for him at a European Parliamentary election or elections (whether in the same electoral region or elsewhere); or
 - (b) where the appointment was for a particular period, once that period expires.
- (10) Subject to sub-paragraph (9), the appointment remains in force—
- (a) in the case of an appointment for a particular election, for that election; and
 - (b) in any other case, while the elector is shown as voting by proxy in the record kept under paragraph 3 in pursuance of the same application under that paragraph.

Voting as proxy

- 7.—(1) A person entitled to vote as proxy at a European Parliamentary election may do so in person at his allotted polling station unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.
- (2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
- (3) For the purposes of these Regulations, the 1983 Act, the 2002 Act and the 2003 Act, a person entitled to vote as proxy for another at a European Parliamentary election is entitled so to vote by post if he is included in the list kept under sub-paragraph (8) in respect of the election.
- (4) Where a person applies to the registration officer to vote by post—
- (a) as proxy at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application); or
 - (b) as proxy at a particular European Parliamentary election,

the registration officer must grant the application if the conditions set out in sub-paragraph (5) are satisfied.

(5) Those conditions are—

- (a) that the registration officer is satisfied that the elector is or will be registered in the register of electors;
- (b) that there is in force an appointment of the applicant as the elector’s proxy to vote for him at European Parliamentary elections, or, as the case may be, the election concerned; and
- (c) that the application contains the applicant’s signature and date of birth and meets the requirements of Part 2.

(6) The registration officer must keep a record of those whose applications under sub-paragraph (4)(a) have been granted showing —

- (a) whether their applications were to vote by post or by proxy for an indefinite or particular period (specifying that period); and
- (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(7) Where, in the case of a particular European Parliamentary election, a person included in the record kept under sub-paragraph (6) applies to the registration officer for his ballot paper to be sent to a different address from that shown in the record, the registration officer must grant the application if it meets the requirements of Part 2.

(8) The registration officer must, in respect of each European Parliamentary election, keep a special list (“the proxy postal voters list”) of—

- (a) those who are for the time being included in the record kept under sub-paragraph (6), together with the addresses provided by them in their applications under sub-paragraph (4) (a) or, as the case may be, sub-paragraph (7) as the addresses to which their ballot papers are to be sent; and
- (b) those whose applications under sub-paragraph (4)(b) have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent,

and, forthwith on completion of the compilation of that list, supply to the local returning officer for any local counting area wholly or partly within the area for which he acts so much of that list as relates to any such area.

(9) In the case of a person who has an anonymous entry in a register, the list mentioned in sub-paragraph (8) must contain only—

- (a) the person’s electoral number, and
- (b) the period for which the anonymous entry has effect.

(10) The registration officer must remove a person from the record kept under sub-paragraph (6)

- (a) if he applies to the registration officer to be removed;
- (b) if the elector ceases to be registered in the register of electors;
- (c) if the appointment of the person concerned as the elector’s proxy ceases to be in force (whether or not he is re-appointed); or
- (d) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires.

(11) Sub-paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 44(4) or (6) of the European Parliamentary elections rules.

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(12) The registration officer may dispense with the requirement under sub-paragraph (5)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has;
- (b) to provide a signature because the applicant is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(13) The registration officer must also keep a record in relation to those whose applications under sub-paragraph (4)(a) or (b) have been granted showing—

- (a) their dates of birth;
- (b) except in cases where the registration officer in pursuance of sub-paragraph (12) has dispensed with the requirement to provide a signature, their signatures.

(14) The record kept under sub-paragraph (13) must be retained by the registration officer for the period calculated by reference to paragraph 18(1).

Provision of fresh signatures

8.—(1) A person who remains on the record kept under paragraph 3(4) or 7(6) may, at any time, provide the registration officer with a fresh signature.

(2) Anything required or authorised to be done for the purposes of any enactment in relation to a signature required to be provided in pursuance of this Schedule must be done in relation to a signature provided as mentioned in sub-paragraph (1) instead of in relation to a signature provided on any earlier occasion.

Use of personal identifier information

9.—(1) The registration officer must either—

- (a) provide the local returning officer for an election with a copy of the information contained in records kept by the registration officer in pursuance of paragraph 3(9), 4(7) and 7(13) in relation to electors at the election; or
- (b) give the local returning officer access to such information.

(2) Information contained in records kept by a registration officer in pursuance of paragraphs 3(9), 4(7) and 7(13) may be disclosed by him to—

- (a) any other registration officer if he thinks that to do so will assist the other registration officer in the performance of his duties; and
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under these Regulations.

Offences

10. A person who—

- (a) in any declaration or form used for any of the purposes of this Schedule, makes a statement which he knows to be false; or
- (b) attests an application under paragraph 3 or 4 when he knows that he is not authorised to do so or that it contains a statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences relating to applications for postal or proxy votes

- 11.**—(1) A person commits an offence if he—
- (a) engages in an act specified in sub-paragraph (2) at a European Parliamentary election; and
 - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (2) These are the acts—
- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
 - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
 - (c) inducing the registration officer or local returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
 - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (3) In sub-paragraph (1)(b) property includes any description of property.
- (4) In sub-paragraph (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (5) A person who commits an offence under sub-paragraph (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.

PART 2

APPLICATIONS

Forms

12.—(1) The registration officer must supply free of charge as many forms for use in connection with applications made under this Part, Part 3 and Part 4 as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with an election.

(2) The forms set out in the Appendix to this Schedule or forms substantially to the like effect may be used with such variations as the circumstances may require.

Communication of applications, notices etc

13. The requirement in this Part, Part 3 and Part 4 that any application, notice, representation or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means;
- (b) is received in legible form; and
- (c) is capable of being used for subsequent reference.

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Electronic signatures and related certificates

14.—(1) A requirement in this Part, Part 3 and Part 4 for an application, notice, representation or objection to be signed is satisfied (as an alternative to the signature given by hand) where there is—

- (a) an electronic signature incorporated into or otherwise logically associated with a particular electronic communication; and
- (b) the certification by any person of such a signature.

(2) For the purposes of this paragraph an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this paragraph an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature;
- (b) a means of producing, communicating or verifying the signature; or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

(4) This paragraph does not apply to the provision of signatures under paragraphs 17(4), 31(1) (a) and 36(2) which must be given by hand.

Time

15.—(1) Where the day or last day of the time allowed by this Part, Part 3 and Part 4 for the doing of any thing falls on any of the days mentioned in sub-paragraph (3), that time must be extended until the next following day which is not one of those days.

(2) Subject to paragraph 26(7), in computing any period of not more than 7 days for the purposes of this Part, Part 3 and Part 4 any of the days mentioned in sub-paragraph (3) must be disregarded.

(3) The days referred to in sub-paragraphs (1) and (2) are a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday.

(4) In sub-paragraph (3) “bank holiday” means—

- (a) as respects the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in England and Wales and a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (3);
- (b) as respects an electoral region other than Scotland or the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales; and
- (c) as respects Scotland, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Scotland.

(2) 1971 c. 80.

Interference with notices etc

16. Any person who without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

General requirements for applications for an absent vote

17.—(1) An application under this Part must comply with the requirements of this paragraph and such further requirements in this Part as are relevant to the application.

(2) The application must state—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is registered or has applied to be (or is treated as having applied to be) registered in the register except in the case of an application under paragraph 7(4) or (7);
- (c) in the case of such an application, the proxy's address, together with the name of the elector for whom he will act as proxy and the elector's address for the purposes of sub-paragraph (2)(b);
- (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent;
- (e) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote;
- (f) in the case of a person who is unable to provide a signature, the reasons for his request for waiver of any requirement under paragraph 3, 4 or 7 to provide a signature and the name and address of any person who has assisted him to complete his application; and
- (g) where the applicant has, or has applied for, an anonymous entry, that fact.

(3) The application must be made in writing and must be dated.

(4) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into his record by configuring the information as follows—

- (a) the signature must appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
- (b) the applicant's date of birth must be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

(5) Where the application contains a request that the registration officer waive the requirement for a signature, sub-paragraph (4)(a) does not apply.

(6) An application under this Schedule which is made for an indefinite period or the period specified in the application must state—

- (a) that it is so made; and
- (b) that it is made for European Parliamentary elections.

(7) An application under this Schedule which is made for a particular European Parliamentary election must—

- (a) state that it is so made; and
- (b) identify the election in question.

(8) Where an application is made to vote by proxy, it must include an application for the appointment of a proxy which meets the requirements of paragraph 22.

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(9) An application under this Part may be combined with an application for an absent vote made under the 2001 Regulations(3), including those Regulations as applied by regulations under sections 44 and 105 or 45 and 105 of the Local Government Act 2000(4), or the 2001 (Scotland) Regulations(5).

The personal identifiers record

18.—(1) The registration officer must maintain a record (“the personal identifiers record”), apart from the other records and lists which he is required to keep under this Schedule, of the signatures and dates of birth provided by persons whose applications under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4)(a) or (b) were granted, until the expiry of 12 months from—

- (a) the date on which a person is removed from the record kept pursuant to paragraph 3(4) or 7(6); or
- (b) the date of the poll for the purposes of which the person’s application for an absent vote was granted under paragraph 4(1) or (2) or 7(4)(b).

(2) The personal identifiers record must contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list—

- (a) his name;
- (b) his date of birth; and
- (c) his signature, or a record of the waiver by the registration officer of the requirement for a signature.

(3) The registration officer may allow the disclosure of information held in the personal identifiers record to—

- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes of paragraphs 62 and 63;
- (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the 2000 Act(6), but only to the extent required to permit them to observe the proceedings.

Additional provision concerning the requirement that an application for an absent vote must be signed by the applicant

19. The registration officer may satisfy himself—

- (a) that an application under this Schedule meets any requirements that it has been signed by the applicant and states his date of birth by referring to any signature and date of birth—
 - (i) previously provided by the applicant to the registration officer or the returning officer; or
 - (ii) previously provided by the applicant to the council that appointed the registration officer or to a registrar of births and deaths, which the registration officer is authorised to inspect by virtue of regulation 35 of the 2001 Regulations or regulation 35 of the 2001 (Scotland) Regulations or paragraph 8(4) of Schedule 1 to the 2004 Act for the purposes of his registration duties; and

(3) Part IV of the 2001 Regulations makes provision for absent voting and has been amended by [S.I. 2001/1700](#), [S.I. 2005/2114](#), [S.I. 2006/752](#), [S.I. 2006/2910](#) and [S.I. 2007/1025](#).

(4) [2000 c.22](#). The following regulations have been made under sections 44, 45 and 105 of the Local Government Act 2000: [S.I.2002/521](#), [S.I.2004/294](#), [S.I. 2006/752](#), [S.I. 2006/2910](#), [S.I. 2006/3278](#), [S.I. 2007/1024](#), [S.I. 2007/1025](#) and [S.I. 2007/2089](#).

(5) Part IV of the 2001 (Scotland) Regulations makes provision for absent voting and has been amended by [S.I.2001/1749](#), [S.I. 2005/2114](#), [S.I.2006/834](#), [S.I.2007/925](#) and [S.I.2008/305](#).

(6) [2000 c. 41](#); sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 ([c.41](#)) were inserted by section 29 of the Electoral Administration Act 2006 ([c. 22](#)).

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- (b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.

Additional requirement for applications for ballot papers to be sent to different address from that stated in application

20.—(1) Sub-paragraph (2) applies where—

- (a) in the case of an application to vote by post under paragraph 3(1) or (7) or 4(1), the addresses stated in accordance with paragraph 17(2)(b) and (d) are different;
- (b) in the case of an application by a proxy to vote by post under paragraph 7(4), the proxy’s address stated in accordance with paragraph 17(2)(c) and the address stated in accordance with paragraph 17(2)(d) are different.

(2) The application must set out why the applicant’s circumstances will be or are likely to be such that he requires the ballot paper to be sent to the address stated in accordance with paragraph 17(2)(d).

(3) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.

Additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6)

21.—(1) An application under—

- (a) paragraph 4(4)(a) by a person shown as voting by post in the record kept under paragraph 3(4); or
- (b) paragraph 7(7) by a person shown as voting by post in the record kept under paragraph 7(6),

for his ballot paper to be sent to a different address from that shown in the records must set out why the applicant’s circumstances will be or are likely to be such that he requires his ballot paper to be sent to that address.

(2) This paragraph does not apply where an applicant has, or has applied for, an anonymous entry.

Additional requirements for applications for the appointment of a proxy

22. An application for the appointment of a proxy under paragraph 3 or 4 must state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, must contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy; or
- (b) if it is also signed by the person to be appointed, must contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant’s proxy.

Additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or other disability

23.—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(c) must specify the disability by reason of which it is made.

(2) Subject to sub-paragraphs (3) and (6), such an application must be attested and signed by—

- (a) a registered medical practitioner;
- (b) a registered nurse;

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- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984(7);
- (d) a registered dispensing optician or a registered optometrist within the meaning of section 36(1) of the Opticians Act 1989(8);
- (e) a registered pharmacist within the meaning of article 3(1) of the Pharmacists and Pharmacy Technicians Order 2007(9);
- (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993(10);
- (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994(11);
- (h) a Christian Science practitioner;
- (i) a person for the time being listed in the British Psychological Society’s Register of Chartered Psychologists;
- (j) a person who is registered as a member of a relevant profession for the purposes of the Health Professions Order 2001(12);
- (k) the person registered —
 - (i) in England and Wales, as carrying on a care home registered under Part 2 of the Care Standards Act 2000(13), or
 - (ii) in Scotland, as managing a care home service registered under Part 1 of the Regulation of Care (Scotland) Act 2001(14);
 where the applicant states that he is resident in such a home;
- (l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;
- (m) a manager —
 - (i) in England and Wales, within the meaning of section 145(1) of the Mental Health Act 1983(15), or
 - (ii) in Scotland, within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003(16) responsible for the administration of a hospital within the meaning of that section,
 or a person authorised to act on behalf of such a manager for these purposes;
- (n) a person registered in the register of social workers maintained—
 - (i) in England and Wales, in accordance with section 56 of the Care Standards Act 2000,
 or

(7) 1984 c. 24.

(8) 1989 c. 44. The definitions of “registered dispensing optician” and “registered optometrist” were inserted by S.I. 2007/3101.

(9) S.I.2007/289.

(10) 1993 c. 21.

(11) 1994 c. 17.

(12) S.I. 2002/254, “relevant professions” is defined by paragraph 1 of Schedule 3 to the Order which was amended by S>I. 2004/2033.

(13) 2000 c. 14.

(14) 2001 asp. 8.

(15) 1983 c. 20. The interpretation of “the managers” in section 145(1) has been amended by the National Health Service and Community Care Act 1990 (c.19), the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 107(14); the Health Act 1999 (c. 8), sections 41(2), 65 and Schedule 5; National Health Service and Community Care Act 1990 (c.8), Schedule 9, paragraph 24; the Care Standards Act 2000 (c.14), Schedule 4, paragraphs 9 and 10; S.I.2000/90; National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 2 Part 2, paragraph 49; S.I. 2002/2469; the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4 paragraph 57; the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraph 70; S.I.2007/961 and the Mental Health Act 2007 (c.12), section 46.

(16) 2003 asp. 13.

- (ii) in Scotland, in accordance with section 44 of the Regulation of Care (Scotland) Act 2001,
 - (o) in Gibraltar, in the case of an applicant who is resident in a residential home for persons of pensionable age or for physically disabled persons, a senior nursing officer of the home; and
 - (p) in Gibraltar, any person registered under the provisions of the Medical and Health Act 1997⁽¹⁷⁾.
- (3) A person who qualifies—
- (a) by virtue of any of sub-paragraphs (2)(a) to (j) may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (b) by virtue of sub-paragraph (2)(n) may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the applicant in respect of that disability.
- (4) The person attesting the application must state—
- (a) his name and address and the qualification by virtue of which he attests the application;
 - (b) where the person who attests the application is a person referred to in sub-paragraph (3)(a), that—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability;
 - (c) where the person who attests the application is a person referred to in sub-paragraph (3)(b), that—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the applicant in respect of that disability;
 - (d) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
 - (e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (5) A manager (or person authorised to act on behalf of such a manager) attesting an application by virtue of sub-paragraph (2)(m) must, instead of the matters specified in sub-paragraph (4)(a), state in the attestation—
- (a) the name of the person attesting the application;
 - (b) that the person is authorised to attest the application;
 - (c) the position of the person in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;
 - (d) the statutory provision under which the applicant is detained, or liable to be detained, at the hospital, where applicable.

⁽¹⁷⁾ Gibraltar Act No. 1997-25.

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- (6) Sub-paragraphs (2), (4) and (5) do not apply where—
- (a) in England and Wales, the application is based on the applicant’s blindness and the applicant is registered as a blind person by the local authority which is specified in the application and which has made arrangements for the applicant under section 29(1) of the National Assistance Act 1948⁽¹⁸⁾;
 - (b) in Gibraltar, the application is based on the applicant’s blindness and the applicant is registered as a blind person by the Gibraltar Health Authority;
 - (c) in Scotland, the application is based on the applicant’s blindness and the applicant is registered as a blind person by a local authority which is specified in the application; or
 - (d) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992⁽¹⁹⁾) because of the disability specified in the application.
- (7) The fact that an applicant is registered with a local authority, or the Gibraltar Health Authority, as mentioned in sub-paragraph (6) shall be deemed sufficient evidence that he is eligible to vote by proxy on the grounds set out in paragraph 3(3)(c).
- (8) In this paragraph and in paragraphs 24 and 25 “allotted polling station”, in relation to an elector, means the polling station to which the elector is allotted or likely to be allotted under rule 29(1) of the European Parliamentary elections rules.

Additional requirements for applications for a proxy vote for a definite or indefinite period based on occupation, service, employment or attendance on a course

- 24.—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(d) must state—
- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or civil partner or, as the case may be, it is the applicant or his spouse or civil partner who is attending the course provided by an educational institution in respect of which the application is made;
 - (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
 - (c) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as “the employed person”) is self employed, that fact; and in any other case the name of that person’s employer;
 - (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.
- (2) Such an application must be attested and signed—
- (a) where the person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;

⁽¹⁸⁾ 1948 c.29.

⁽¹⁹⁾ 1992 c.4. Section 73(1) was amended by section 67 of the Welfare Reform and Pensions Act 1999 (c.30); subsection (4) was substituted by section 53 of, and paragraph 2 of Schedule 7 to, the Welfare Reform Act 2007 (c.5); subsection (13) was amended by section 2 of, and paragraph 145 of Schedule 1 to, the National Health Service (Consequential Provisions) Act 2006 (c.43); subsections (2)(c) and (5)(c) were partially repealed by section 3 of, and Schedule 2 to, the Child Benefit Act 2005 (c.6) and subsection (5) was partially repealed by sections 53 and 67 of, and Schedule 8 to, the Welfare Reform Act 2007.

- (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
 - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the principal or head.
- (3) The person attesting an application under sub-paragraph (2) must—
- (a) where the applicant is the employed person, self-employed person or the person attending the course, certify that the statements required by sub-paragraph (1)(a) to (d) to be included in the application are true; or
 - (b) where the applicant is the spouse or civil partner of the employed person, self-employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraph (1)(a) to (c) are true.
- (4) The person attesting an application under sub-paragraph (2) must also state—
- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him; and
 - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
 - (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.
- (5) For the purposes of this paragraph, one person is related to another if he is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the other.

Additional requirements for applications for a proxy vote in respect of a particular election

25.—(1) An application under paragraph 4(2) to vote by proxy at a particular election must set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

- (2) Where an application under paragraph 4(2)—
- (a) is made on the grounds of the applicant's disability; and
 - (b) is made after 5 p.m. on the sixth day before the date of the poll at the election for which it is made,

the requirements of paragraph 23 as to the matters to be specified and the attestation shall apply.

(3) Where an application mentioned in sub-paragraph (2) is made, the person who attests the application must state, in addition to those matters specified in paragraph 23, to the best of his knowledge and belief, the date upon which the applicant became disabled.

(4) Where an application under paragraph 4(2) is made by a person to whom paragraph 2(6) applies after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, the requirements of sub-paragraph (5) as to the matters to be specified and as to attestation shall apply.

- (5) Where an application mentioned in sub-paragraph (4) is made—
- (a) the application must additionally state the name and address of the hospital at which the applicant is liable to be detained; and

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- (b) the application must be attested by the manager, within the meaning of section 145(1) of the Mental Health Act 1983⁽²⁰⁾, or section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽²¹⁾, responsible for the administration of the hospital at which the applicant is liable to be detained, or a person authorised to act on behalf of such a manager for these purposes, or, in Gibraltar, by the Chief Executive of the Gibraltar Health Authority or a person authorised to act on his behalf, and the attestation must state—
- (i) the name of the person, attesting the application;
 - (ii) that the person, is authorised to attest the application;
 - (iii) the position of the person in the hospital at which the applicant is liable to be detained; and
 - (iv) the statutory provision under which the applicant is detained, or liable to be detained, at the hospital, where applicable.
- (6) This paragraph does not apply where the applicant has an anonymous entry.

Closing date for applications

26.—(1) An application under paragraph 3(1), (6) and (7) or 7(4) must be disregarded for the purposes of a particular European Parliamentary election and an application under paragraph 4(4) must be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at that election.

(2) An application under paragraph 3(2) or 6(6) must be disregarded for the purposes of a particular European Parliamentary election if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at that election.

(3) Subject to sub-paragraph (4), an application under paragraph 4(2) or 6(7) must be refused if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at the election for which it is made.

(4) Where an application made under paragraph 4(2) is made—

- (a) on the grounds of the applicant’s disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or
- (b) by a person to whom paragraph 2(6) applies,

the application, or an application under paragraph 6(7) made by virtue of that application, must be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.

(5) An application under paragraph 4(1) or 7(7) must be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at the election for which it is made.

(6) An application under—

- (a) paragraph 3(5)(a) by an elector to be removed from the record kept under paragraph 3(4); or
- (b) paragraph 7(10)(a) by a proxy to be removed from the record kept under paragraph 7(6),

(20) 1983 c.20. The interpretation of “the managers” in section 145(1) has been amended by the National Health Service and Community Care Act 1990 (c.19), the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 107(14); the Health Act 1999 (c. 8), sections 41(2), 65 and Schedule 5; National Health Service and Community Care Act 1990 (c.8), Schedule 9, paragraph 24; the Care Standards Act 2000 (c.14), Schedule 4, paragraphs 9 and 10; S.I.2000/90; National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 2 Part 2, paragraph 49; S.I. 2002/2469; the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4 paragraph 57; the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraph 70; S.I.2007/961 and the Mental Health Act 2007 (c.12), section 46.

(21) 2003 asp. 13.

and a notice under paragraph 6(9) by an elector cancelling a proxy's appointment must be disregarded for the purposes of a particular European Parliamentary election if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at that election.

(7) In computing a period of days for the purposes of this paragraph, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday must be disregarded.

(8) In sub-paragraph (7) "bank holiday" means—

- (a) in relation to a general election in the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(22) in any part of the United Kingdom or a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (7);
- (b) in relation to a by-election in the combined region a day, which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales or a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (7);
- (c) in relation to a general election in a region other than the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom; and
- (d) in relation to a by-election in a region other than the combined region, a day which is a bank holiday under that Act in that part of the United Kingdom in which the electoral region is situated.

Grant or refusal of applications

27.—(1) Where the registration officer grants an application to vote by post, he must notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he must confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) Where the registration officer refuses an application under this Part, he must notify the applicant of his decision and of the reason for it.

(4) Where the returning officer grants an application made under—

- (a) paragraph 4(4)(a) by a person shown as voting by post in the record kept under paragraph 3(4); or
- (b) paragraph 7(7) by a person shown as voting by post in the record kept under paragraph 7(6),

he must notify the applicant of this.

(5) Where a person is removed from the record kept pursuant to paragraph 3(4) or 7(6), the registration officer must where practicable notify him of this and the reason for it.

(6) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer must notify the elector that the appointment has been cancelled or, as the case may be, notify him that the appointment has ceased to be in force and the reason for it.

(7) Where, under paragraph 26, a registration officer disregards an application for the purposes of any particular European Parliamentary election, he must notify the applicant of this.

(8) At a European Parliamentary election where the registration officer is not the local returning officer for any local counting area or part of such area in the area for which he is the registration officer, he must send to that officer details of any application to vote by post which he has granted as soon as practicable after doing so.

(22) 1971 c.80.

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Notice of appeal

28.—(1) A person desiring to appeal under regulation 21(1) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under paragraph 27(3) specifying the grounds of appeal.

(2) The registration officer must forward any such notice to the appropriate county court or, in Gibraltar, the Gibraltar Court in the manner directed by rules of court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) In Scotland, the registration officer must forward any such notice to the sheriff with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal; and he must give to the sheriff any other information which the sheriff may require and which the registration officer is able to give.

(4) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he must inform the county court, sheriff or, in Gibraltar, the Gibraltar Court of this to enable the court or sheriff (if it or he thinks fit) to consolidate the appeals or select a case as a test case.

Cancellation of proxy appointment

29. Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 6(9) or ceases to be in force under that provision or is no longer in force under paragraph 6(10)(b), the registration officer must—

- (a) notify the person whose appointment as proxy has been cancelled, expired or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy; and
- (b) remove his name from the record kept under paragraph 3(4)(c).

Inquiries by registration officer

30.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown as voting by proxy in the record kept under paragraph 3(4) in pursuance of an application granted on the grounds set out in paragraph 3(3)(c) or (d) for the purpose of determining whether there has been a material change of circumstances.

(2) Where the grant of an application for a proxy vote for an indefinite or particular period was based on the grounds referred to in paragraph 3(3)(d), the registration officer must make the inquiries referred to not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Requirement to provide fresh signatures at five yearly intervals

31.—(1) The registration officer must every year by 31st January send every person who remains an absent voter at European Parliamentary elections and whose signature held on the personal identifiers record is more than five years old a notice in writing—

- (a) requiring him to provide a fresh signature; and

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- (b) informing him of the date (6 weeks from the date of sending the notice) on which he would cease to be entitled to vote by post or by proxy in the event of a failure or refusal to provide a fresh signature.
- (2) The notice must be sent by the registration officer to the current or last known address of the absent voter.
- (3) The registration officer must, if the absent voter has not responded to the notice within 3 weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.
- (4) Where a notice or copy of a notice is sent by post, the registration officer may use—
 - (a) a universal postal service provider; or
 - (b) a commercial delivery firm,and postage must be prepaid.
- (5) A notice or copy of a notice sent to an absent voter in accordance with sub-paragraph (1) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of any notice or copy of a notice sent to an address in the United Kingdom or Gibraltar, return postage must be prepaid.
- (6) The registration officer must determine, not later than the date specified in the notice sent to the absent voter, whether the absent voter has failed or refused to provide a fresh signature.
- (7) Where the registration officer determines that the absent voter has refused or failed to provide a fresh signature, he must from the date specified in the notice sent to the absent voter in accordance with sub-paragraph (1)(b) remove that person's entry from the records kept pursuant to paragraph 3(4) or 7(6) and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8).
- (8) Where a registration officer removes an absent voter's entry in the circumstances to which sub-paragraph (7) refers—
 - (a) the registration officer must inform the absent voter, where appropriate, of the location of his allotted polling station or the polling station to which he is likely to be allotted (as determined in accordance with the European Parliamentary elections rules);
 - (b) paragraph 27(3) and paragraph 28 shall apply as if the registration officer were refusing an application under this Schedule; and
 - (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.
- (9) The registration officer must include in the notice to be sent to an absent voter regarding his removal from the records kept pursuant to paragraph 3(4) or 7(6) and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8), information—
 - (a) explaining the effect of such removal; and
 - (b) reminding the absent voter that he may make a fresh application under Part 2 to vote by post or by proxy (as the case may be).
- (10) Where a person to whom sub-paragraph (1) applies has provided a registration officer with the required personal identifiers under paragraph 3, 4 or 7 of Schedule 4 to the Representation of the People Act 2000(23), the 2001 Regulations(24), the 2001 (Scotland) Regulations(25), the Scottish Parliament (Elections etc.) Order 2007(26) or the National Assembly for Wales (Representation

(23) 2000 c.2. Paragraphs 3, 4 and 7 of Schedule 4 to the 2000 Act were amended by section 14 of the Electoral Administration Act 2006 (c.22) to make provision for the personal identifiers to be provided in applications for absent votes.

(24) S.I.2001/341 as amended by S.I.2006/2910.

(25) S.I.2001/497 as amended by S.I.2008/305.

(26) S.I.2007/937 as amended by S.I.2008/307.

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of the People) Order 2007⁽²⁷⁾ before the date specified in the notice sent to the absent voter in accordance with sub-paragraph (1)(b), the registration officer may use them and enter them in his records in accordance with paragraphs 3(9), 4(7), 7(13) and 18.

Records and lists kept under this Schedule

32.—(1) Any person entitled to be supplied in accordance with regulation 103, 105, 106 or 108 of the 2001 Regulations, or in accordance with regulation 102, 104, 105 or 107 of the 2001 (Scotland) Regulations, or in accordance with paragraphs 52, 53, 54 or 56 of Schedule 1 to the 2004 Act⁽²⁸⁾, with copies of the full register is also a person entitled, subject to this paragraph and to paragraph 33, to request that the registration officer supply free of charge the relevant part (within the meaning of those regulations) of a copy of any of the following information which he keeps—

- (a) the current version of the information which would, in the event of a particular European Parliamentary election, be included in the postal voters lists, the list of proxies or the proxy postal voters lists, which he is required to keep under paragraph 5 or 7(8);
- (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists kept under paragraph 5 or 7(8).

(2) A request under paragraph (1) must be made in writing and must specify—

- (a) the information (or the relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
- (c) whether a printed copy of the records or lists is requested or a copy in data form.

(3) A person who obtains any information under this paragraph may use it only for the permitted purposes specified in paragraph 33, and any restrictions—

- (a) specified in that paragraph; or
- (b) which would apply to the use of the full register under whichever of regulation 103, 105, 106 or 108 of the 2001 Regulations, or regulation 102, 104, 105 or 107 of the 2001 (Scotland) Regulations or paragraphs 53 or 56 of Schedule 1 to the 2004 Act, entitled that person to obtain that information,

shall apply to such use.

(4) The registration officer must supply a current copy of the information requested under sub-paragraph (1), as soon as practicable after receipt of a request that is duly made.

(5) The registration officer must supply a final copy of the postal voters list kept under paragraph 5(2), as soon as practicable after 5p.m. on the eleventh day before the day of the poll, in response to a request under sub-paragraph (1) that has been duly made.

(6) As soon as practicable after 5p.m. on the sixth day before the day of the poll the registration officer must—

- (a) make a copy of the lists kept under paragraphs 5 and 7(8) available for inspection at his office in accordance with sub-paragraphs (10) to (15);
- (b) if he is not the local returning officer for the local counting area or part of a local counting area for which he is registration officer, send that officer a copy of those lists; and
- (c) supply a final copy of the postal voters lists or the list of proxies in response to every request under sub-paragraph (1) that has been duly made.

(7) The registration officer must supply a final copy of the list of proxies kept under paragraph 5(3), updated to include any additions to that list made in consequence of any applications granted in

⁽²⁷⁾ S.I.2007/236.

⁽²⁸⁾ Gibraltar Act No. 2004-05.

accordance with paragraph 26(4), as soon as practicable after 5p.m. on the day of the poll, to every person who received that list in accordance with sub-paragraph (6)(b).

(8) Any person who has obtained or is entitled to obtain a copy of information specified in sub-paragraph (1) may—

- (a) supply a copy of the information to a processor, within the meaning of rule 67 of the European Parliamentary elections rules, for the purpose of processing the information; or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this paragraph,

for use in respect of the purposes for which that person is entitled to obtain such information.

(9) Paragraphs (2) and (3) of regulation 92 of the 2001 regulations and the condition in paragraph (9) of that regulation, or paragraph (4) of regulation 114 of the 2001 (Scotland) Regulations, or, as appropriate, paragraph 44(9) of Schedule 1 to the 2004 Act, shall be taken to apply to the supply and processing of information supplied under this paragraph as they apply to the supply and processing of the full register under Part 6 of the 2001 Regulations, under Part 6 of the 2001 (Scotland) Regulations or under Part 3 of Schedule 1 to the 2004 Act.

(10) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in sub-paragraph (1).

(11) A request under sub-paragraph (10) must be made in writing and must specify—

- (a) the information (or relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in printed or data form.

(12) The registration officer must make a copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request that has been duly made.

(13) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer must ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(14) A person who inspects a copy of the information, whether a printed copy or in data form, may not—

- (a) make copies of any part of it; or
- (b) record any particulars in it;

otherwise than by means of hand-written notes.

(15) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act or paragraph 21 of Schedule 4 to these Regulations, any duty on a registration officer to supply a copy or make information available for inspection under this paragraph imposes only a duty to provide that information in the form in which he holds it.

(16) For the purposes of this paragraph—

- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9 a.m. on the date it is supplied; and
- (b) any period of days is to be calculated in accordance with paragraph 26(7).

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(17) The registration officer must ensure that where he supplies or discloses information specified in sub-paragraph (1)(a) in accordance with this paragraph, he does not supply or disclose any record relating to a person specified in sub-paragraph (18).

(18) The persons specified in this paragraph are—

- (a) a person who has an anonymous entry;
- (b) the proxy of a person who has an anonymous entry.

Conditions on the use, supply and inspection of absent voter records or lists

33. The restrictions on the supply, disclosure and use of the full register in regulations 94 and 96 of the 2001 Regulations or, as appropriate, regulations 94 and 95 of the 2001 (Scotland) Regulations or paragraphs 46 and 47 of Schedule 1 to the 2004 Act, apply to information specified in paragraph 32(1)(a) and (b) as they apply to the full register, except that the permitted purpose is to mean either—

- (a) research purposes, including statistical or historical purposes; or
- (b) electoral purposes.

Marked register for polling stations

34. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” must be placed against the entry of that elector in any copy of the register, or part of it, provided for a polling station.

PART 3

ABSENT VOTING (TRANSITIONAL PROVISION)

Interpretation and extent

35. In this Part of this Schedule only —

“absent voter” means a person whose application under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4) was granted prior to the commencement of these Regulations; and

“absent voting records” means any one or more of the records kept pursuant to paragraph 3(4) and 7(6) or the lists kept pursuant to paragraph 5(2) or (3) or paragraph 7(8).

Requiring personal identifiers from existing absent voters

36.—(1) A registration officer must by 28th February 2009 send a notice in writing to every person who, prior to the commencement of these Regulations had an entry as an absent voter in the absent voting records kept by the registration officer for the purposes of voting at European Parliamentary elections.

(2) The notice must require the absent voter to provide to the registration officer within six weeks a specimen of his signature and his date of birth (“the required personal identifiers”) in accordance with this Part.

(3) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(4) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

(5) Where a notice or copy of a notice is sent by post, the registration officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage must be prepaid.

(6) A notice or copy of a notice sent to an absent voter in accordance with this paragraph must be accompanied by a pre-addressed reply envelope and, in the case of any notice sent to an address within the United Kingdom or Gibraltar, return postage must be prepaid.

(7) Where a registration officer has been provided with the required personal identifiers by an applicant for an absent vote at an elections other than European Parliamentary elections under paragraph 3, 4 or 7 of Schedule 4 to the Representation of the People Act 2000⁽²⁹⁾, the 2001 Regulations⁽³⁰⁾, the 2001 (Scotland) Regulations⁽³¹⁾, the Absent Voting (Transitional Provisions) (England and Wales) Regulations 2006⁽³²⁾, the Absent Voting (Transitional Provisions)(Scotland) Regulations 2008⁽³³⁾, the Scottish Parliament (Elections etc.) Order 2007⁽³⁴⁾ or the National Assembly for Wales (Representation of the People) Order 2007⁽³⁵⁾ before the date specified in the notice in accordance with paragraph 37(2)(d), he may use them and enter them in his records kept in accordance with paragraphs 3(9), 4(7), 7(13) and 18.

Required information to be provided to existing absent voters

37.—(1) Where a registration officer sends a notice or a copy of a notice pursuant to paragraph 36, he must also provide information—

- (a) explaining how the required personal identifiers will be used and how the required personal identifiers will assist in deterring misuse of the entitlement to vote;
- (b) explaining that, in the event of a failure or refusal to provide the required personal identifiers, the absent voter will lose his entitlement to vote by post, by proxy or by post as a proxy (as the case may be);
- (c) explaining the circumstances in which a registration officer may dispense with the requirement to provide a signature; and
- (d) explaining that loss of the entitlement to vote by post, by proxy or by post as a proxy (as the case may be) under this Part does not prevent the absent voter from making a fresh application under Part 2 to be entitled to vote by post, by proxy or by post as a proxy at European Parliamentary elections.

(2) The notice must specify the following matters—

- (a) that the absent voter would cease to be entitled to vote by post or by proxy, or to act as a postal proxy at European Parliamentary elections if he does not provide the required personal identifiers;
- (b) whether the person has an entry in the absent voting records as voting by post, by proxy or by post as a proxy or in more than one capacity;
- (c) as regards an absent voter entitled to vote by post as a proxy, the name and address of each person for whom he is entitled to vote; and

⁽²⁹⁾ 2000 c.2. Paragraphs 3, 4 and 7 of Schedule 4 to the 2000 Act were amended by section 14 of the Electoral Administration Act 2006 (c.22) to make provision for the personal identifiers to be provided in applications for absent votes.

⁽³⁰⁾ S.I.2001/341 as amended by S.I.2006/2910. Other amendments made to the 2001 Regulations are not relevant.

⁽³¹⁾ S.I.2001/497 amended by S.I.2008/305. Other amendments made to the 2001 Regulations are not relevant.

⁽³²⁾ S.I. 2006/2973.

⁽³³⁾ S.I.2008/48.

⁽³⁴⁾ S.I.2007/937 as amended by S.I.2008/307.

⁽³⁵⁾ S.I.2007/236.

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- (d) the date (not less than 49 days from the sending of the initial notice) from which he will cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) in the event of his failure or refusal to provide the required personal identifiers.

Determination by registration officer

38.—(1) The registration officer must, no later than the date specified in the notice sent to the absent voter in accordance with paragraph 37(2)(d), determine whether the absent voter has failed or refused to provide the required personal identifiers.

(2) The registration officer shall not determine that an absent voter has failed or refused to provide the required personal identifiers due to a failure to provide a signature if the registration officer is satisfied that the absent voter is unable—

- (a) to provide a signature because of any disability the absent voter has;
- (b) to provide a signature because the absent voter is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability,

and where the registration officer is so satisfied entries relating to the absent voter in the absent voting records must not show the absent voter's signature.

Consequences of failure or refusal to provide personal identifiers

39.—(1) Where the registration officer determines that an absent voter has failed or refused to provide the required personal identifiers—

- (a) if the absent voter has an entry in his voting records, the registration officer must remove that entry, and the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) otherwise than in pursuance of a further application made under Part 2;
- (b) in the case of an absent voter whose application under paragraph 4(1) or (2) or paragraph 7(4)(b) has been granted, the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) at the particular election for which the application under paragraph 4(1) or (2) or paragraph 7(4)(b) was made, otherwise than in pursuance of a further application made under Part 2.

(2) Where an absent voter ceases to be entitled to vote by post, by proxy or by post as proxy in the circumstances to which sub-paragraph (1) refers—

- (a) the registration officer must inform the absent voter in writing of the location of the polling station to which the elector is allotted or likely to be allotted under the European Parliamentary elections rules, where appropriate;
- (b) paragraph 27(5) and paragraph 28 apply as if the registration officer were refusing an application under Part 2; and
- (c) in the case of an absent voter who ceases to be entitled to vote by post as proxy, the registration officer must also notify in writing the elector for whom the proxy was appointed.

(3) The registration officer must include in the notice to be sent to an absent voter pursuant to sub-paragraph (2), information—

- (a) explaining the effect of removal from the absent voting records (where applicable); and
- (b) reminding the absent voter that he may make a fresh application under Part 2 to vote by post, by proxy or by post as a proxy (as the case may be).

PART 4

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Interpretation of Part 4

- 40.**—(1) For the purposes of this Part, unless the context otherwise requires—
- “agent” includes the election agent and a person appointed to attend in the election agent’s place;
 - “ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 50;
 - “postal ballot paper” means a ballot paper issued to a postal voter;
 - “postal voter” means an elector or proxy who is entitled to vote by post;
 - “postal voters’ ballot box” means the ballot box referred to in paragraph 57(1)(a);
 - “receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 57(5);
 - “relevant election or referendum” means one or more of the following—
 - (a) a parliamentary election,
 - (b) a local government election,
 - (c) a mayoral election,
 - (d) referendum conducted under the Local Authorities (Conduct of Referendums)(England) Regulations 2007(36),
the poll at which is taken together with the poll at the European Parliamentary election;
and
 - “spoilt postal ballot paper” means a ballot paper referred to in paragraph 53(1).
- (2) In the case of a referendum, a reference to—
- (a) a candidate must be construed as a reference to a petition organiser, within the meaning of regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2007;
 - (b) an election agent or counting agent must be construed as a reference to a counting observer, within the meaning of that regulation;
 - (c) a polling agent must be construed as a reference to a polling observer, within the meaning of that regulation; and
 - (d) a returning officer or local returning officer must be construed as a reference to a counting officer, within the meaning of that regulation.

Issue of Postal Ballot Papers

Combination of poll

- 41.** Where the poll at the European Parliamentary election is to be taken together with—

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- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act⁽³⁷⁾ (combination of polls at parliamentary, European Parliamentary and local government elections); or
- (b) the poll at a mayoral election or a referendum in accordance with regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000⁽³⁸⁾,

or two or more such polls, the proceedings on the issue and receipt of postal ballot papers in respect of each election or referendum may, if all the returning officers concerned agree, be taken together.

Form of postal voting statement

42. The form of the postal voting statement for the purposes of rule 28 of the European Parliamentary elections rules in Schedule 1 to these Regulations must be—

- (a) in Form O in the Appendix at a European Parliamentary election taken alone;
- (b) in Form P in the Appendix at a European Parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at a relevant election or referendum; and
- (c) in Form Q in the Appendix at a European Parliamentary election where the poll is taken together with the poll at a relevant election or referendum, 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

43. Without prejudice to the provisions of sections 6A to 6E of the 2000 Act⁽³⁹⁾, no person may be present at the proceedings on the issue of postal ballot papers other than the local returning officer and his clerks.

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

44. Without prejudice to the provisions of sections 6A to 6E of the 2000 Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the local returning officer and his clerks;
- (b) a candidate;
- (c) an election agent or a person appointed by him to attend in his place;
- (d) a sub-agent;
- (e) any agents appointed under paragraph 45; and
- (f) where the proceedings on the receipt of postal ballot papers are taken together with the proceedings for a relevant election or referendum, persons entitled to be present at the proceedings for the relevant election or referendum.

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

45.—(1) The election agent or sub-agent of each registered party standing nominated or the election agent or sub-agent of each individual candidate may appoint one or more agents to attend

⁽³⁷⁾ 1985 c.50. Section 15 (1) and (3) have been amended by section 3 of the European Communities (Amendment) Act 1986 (c.58); subsection (5A) was inserted by the Local Government Act 2003 (c.26) and subsection (6) was inserted by the Elections Act 2001 (c.7).

⁽³⁸⁾ 2000 c.22. The following regulations have been made under sections 44, 45 and 105 of the Local Government Act 2000: S.I.2002/521, S.I.2004/294, S.I. 2006/752, S.I. 2006/2910, S.I. 2006/3278, S.I. 2007/1024, S.I. 2007/1025 and S.I. 2007/2089.

⁽³⁹⁾ Sections 6A to 6E of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

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the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the local returning officer to appoint so that the number authorised must be the same in the case of each registered party standing nominated or each individual candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed must be given by the election agent or sub-agent to the local 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 or referendum are issued together under paragraph 41, the returning officer to whom notice must be given under sub-paragraph (2) and sub-paragraph (4) is the returning officer who issues the postal ballot papers.

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

(5) In this Part references to agents must be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (1), who are within the number authorised by the local returning officer.

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

(7) Where in this Part 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 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

46. The local returning officer must make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of regulation 29(5) and (7).

Time when postal ballot papers are to be issued

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

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

no postal ballot paper (and postal voting statement) must be issued until after 5 p.m. on the eleventh day before the date of the poll (computed in accordance with paragraph 26(7)).

(2) In the case of any other person, the postal ballot paper (and postal voting statement) must be issued by the local returning officer as soon as practicable after the application to vote by post has been granted.

Procedure on issue of postal ballot paper

48.—(1) The number of the elector as stated in the copy of the register of electors must be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector.

(2) A mark must be placed in the postal voters list or the proxy postal voters list 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.

(3) The number of a postal ballot paper must be marked on the postal voting statement sent with that paper.

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(4) Where postal ballot papers for the European Parliamentary election and a relevant election or referendum are issued together under paragraph 41—

- (a) one mark must be placed in the postal voters list or the proxy postal voters list under sub-paragraph (2) to denote that ballot papers have been issued in respect of each election or referendum; except that, where ballot papers are not so issued, a different mark must be placed in the postal voters list or proxy postal voters list to identify the election or referendum in respect of which the ballot paper was issued; and
- (b) the number of each ballot paper must be marked on the postal voting statement under sub-paragraph (3).

(5) Where the poll at a European Parliamentary election is taken with the poll at a relevant election or referendum (under the provisions referred to in paragraph 41) but not the proceedings on the issue and receipt of postal ballot papers, the colour of the postal ballot paper must also be marked on the postal voting statement sent with that paper.

(6) Subject to sub-paragraph (7), the address to which the postal ballot paper, postal voting statement and the envelopes referred to in paragraph 50 are to be sent is—

- (a) in the case of an elector, the address shown in the postal voters list;
- (b) in the case of a proxy, the address shown in the proxy postal voters list.

(7) Where a person has an anonymous entry in the register, the items specified in sub-paragraph (6) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

- (a) as shown in the record kept under paragraph 3(4) or 7(6); or
- (b) as given in pursuance of an application made under paragraph 4(1) or 7(4)(b).

Refusal to issue postal ballot paper

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

Envelopes

50.—(1) Sub-paragraphs (2) and (3) prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and postal voting statement (which are issued under rule 28 of the European Parliamentary elections rules).

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

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

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed, the number of the ballot paper or, as the case may be, ballot papers.

(4) Where polls are taken together (under the provisions referred to in paragraph 41) but not the proceedings on the issue and receipt of postal ballot papers—

- (a) the envelope referred to in sub-paragraph (2) must also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”; and

- (b) on the envelope referred to in sub-paragraph (3), after the words “Ballot paper envelope” there must be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

Sealing up of completed corresponding number lists and security of special lists

51.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the local returning officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

(2) Until the time referred to in paragraph 60(11), the local returning officer must take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.

Delivery of postal ballot papers

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

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) clerks appointed under rule 30(1) of the European Parliamentary elections rules.

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

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

(4) Return postage must 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 or Gibraltar.

Spoilt postal ballot papers

53.—(1) Where a postal voter has inadvertently dealt with his postal ballot paper or postal voting statement in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt postal ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”) he may return (either by hand or by post) to the local returning officer the spoilt postal ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), he must also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not;
- (b) where postal ballot papers for more than one election have been issued together under paragraph 41, all other ballot papers so issued, whether spoilt or not; and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph 50.

(3) Subject to sub-paragraph (4), on receipt of the documents referred to in sub-paragraph (1) and, where applicable, sub-paragraph (2), the local returning officer must 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 of the poll.

(4) Where the local returning officer receives the documents referred to in sub-paragraph (1) and, where applicable, sub-paragraph (2), after 5 p.m. on the day before the day of the poll, he must only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returned the documents in person.

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(5) Paragraphs 48 (except sub-paragraph (2)), 50, 51 and, subject to sub-paragraph (8), 52 apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(6) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with sub-paragraph (1) or (2) must be immediately cancelled.

(7) The local returning officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled under sub-paragraph (6), the sealed packet must be opened and the additional cancelled documents included in it and the packet must be sealed again.

(8) Where a postal voter applies in person for a replacement ballot paper—

- (a) by 5 p.m. on the day before the day of the poll, the local returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the local returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with paragraph 52.

(9) The local returning officer must 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 (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the postal ballot paper (or papers) issued under this paragraph; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Lost postal ballot papers

54.—(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper; or
- (b) the postal voting statement; or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, he may apply (whether or not in person) to the local returning officer for a replacement ballot paper.

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

(3) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), he must return—

- (a) the documents referred to in sub-paragraph (1)(a) to (c); and
- (b) where the postal ballot papers for more than one election have been issued together under paragraph 41, all other ballot papers so issued,

which he has received and which have not been lost.

(4) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (3) must be immediately cancelled.

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

(6) Subject to sub-paragraph (7), where the application is received by the local returning officer before 5 p.m. on the day of the poll and the local returning officer—

- (a) is satisfied as to the voter’s identity; and

- (b) has no reason to doubt that the postal voter has either lost or has not received the original ballot paper or postal voting statement or one or more of the envelopes provided for their return,

he must issue another postal ballot paper or, as the case may be, postal ballot papers.

(7) Where the application is received by the local returning officer after 5p.m. on the day before the day of the poll, he must only issue another postal ballot paper or, as the case may be, other ballot papers if the postal voter applies in person.

(8) The local returning officer must 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 (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the replacement postal ballot paper issued under this paragraph; and
- (c) where the postal voter is a proxy, his name and address.

(9) Paragraphs 48 (except sub-paragraph (2)), 50, 51 and, subject to sub-paragraph (10), 52 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (6).

(10) Where a postal ballot voter applies in person—

- (a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 52.

Receipt of Postal Ballot Papers

Means of returning postal ballot paper or postal voting statement

55.—(1) The manner in which a postal ballot paper or postal voting statement may be returned to the local returning officer is by post or by hand, unless it is returned to the polling station in which case it must be returned by hand.

(2) Subject to sub-paragraph (3), the presiding officer of a polling station must deliver, or cause to be delivered, any postal ballot paper or postal voting statement returned to that station to the local returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 49(1) of the European Parliamentary elections rules.

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

Notice of opening of postal ballot paper envelopes

56.—(1) The local returning officer must give to each election agent or sub-agent, where appointments of sub-agents have been made, not less than 48 hours’ notice in writing of each occasion on which a postal voters’ ballot box and the envelopes contained in it is to be opened.

(2) Such a notice must specify—

- (a) the time and place at which such an opening is to take place; and

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- (b) the number of agents the election agent or sub-agent may appoint under paragraph 45(1) to attend each opening.

Postal ballot boxes and receptacles

57.—(1) The local returning officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters’ ballot box”); and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box must be marked “postal voters’ ballot box” or “postal ballot box”, as the case may be, and with the name of the local counting area or parliamentary constituency or electoral area (or areas) or voting area for which the election (or elections) or referendum is (or are) held.

(3) The postal ballot box must be shown to the agents present on the occasion of opening the first postal voters’ ballot box as being empty.

(4) The local returning officer must then lock the ballot box, if it has a lock, and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The local returning officer must provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for postal voting statements;
- (c) the receptacle for ballot paper envelopes;
- (d) the receptacle for rejected ballot paper envelopes;
- (e) the receptacle for rejected votes (verification procedure); and
- (f) the receptacle for postal voting statements (verification procedure).

(6) The local returning officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

Receipt of covering envelope

58.—(1) The local returning officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters’ ballot box.

(2) Where an envelope, other than a covering envelope issued by the local returning officer—

- (a) has been opened; and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope, together with its contents, must be placed in a postal voters’ ballot box.

Opening of postal voters’ ballot box

59.—(1) Each postal voters’ ballot box must be opened by the local returning officer in the presence of the agents, if in attendance.

(2) So long as the local returning officer ensures that there is at least one sealed postal voters’ ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters’ ballot boxes may previously be opened by him.

(3) The last postal voters’ ballot box and the postal ballot box must be opened at the verification of the ballot paper accounts under rule 51 of the European Parliamentary elections rules.

Opening of covering envelopes

60.—(1) When a postal voters' ballot box is opened, the local returning officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 58(2)).

(2) The local returning officer must set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) The local returning officer must open separately each covering envelope (including an envelope described in paragraph 58(2)).

(4) The procedure in paragraph 62 or, as the case may be, paragraph 63 applies where a covering envelope (including an envelope to which paragraph 58(2) applies) contains both—

- (a) a postal voting statement; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(5) Where the covering envelope does not contain the postal voting statement separately, the local returning officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

(6) Where a covering envelope does not contain both—

- (a) a postal voting statement (whether separately or not); and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper (or ballot papers),

the local returning officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

(7) Where—

- (a) an envelope contains the postal voting statement of an elector with an anonymous entry; and
- (b) sub-paragraph (6) does not apply,

the local returning officer must set aside that envelope and its contents for personal identifier verification in accordance with paragraph 63.

(8) In carrying out the procedures in this paragraph and paragraphs 61 to 68, the local returning officer—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the local returning officer must place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned as provided for in rule 35 of the European Parliamentary election rules.

(10) A mark made under sub-paragraph (9) must be distinguishable from and must not obscure the mark made under paragraph 48(2).

(11) As soon as practicable after the last covering envelope has been opened, the local returning officer must make up into a packet the copy of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and must seal such a packet.

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Confirming receipt of postal voting statements

61.—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballots under paragraph 47 and the close of the poll, that the local returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of provisionally rejected votes kept by the returning officer under sub-paragraphs (2) and (3) of paragraph 67.

(2) A request under sub-paragraph (1) must—

- (a) be made by any method specified; and
- (b) include any evidence of the voter's identity requested,

by the local returning officer.

(3) Where a request is received in accordance with sub-paragraph (2) the local returning officer must satisfy himself that the request has been made by the elector or their proxy and where he is so satisfied provide confirmation of the matters under sub-paragraph (1).

Procedure in relation to postal voting statements

62.—(1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 60(2) or (7).

(2) The local returning officer must satisfy himself that the postal voting statement is duly completed.

(3) Where the local returning officer is not so satisfied, he must mark the statement "rejected", attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.

(4) Before placing the statement in the receptacle for rejected votes, the local returning officer must show it to the agents and, if any of them object to his decision, he must add the words "rejection objected to".

(5) The local returning officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the local returning officer must open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 60(5) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the local returning officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the valid postal voting statement;

- (b) in the receptacle for rejected votes, any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes, any valid postal voting statement marked “provisionally rejected” where—
 - (i) there is no ballot paper; or
 - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, must mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements, any valid statement not disposed of under paragraph (b) or (c).

Procedure in relation to postal voting statements: personal identifier verification

63.—(1) This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 60(2) or (7).

(2) The local returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the local returning officer is not so satisfied, he must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the local returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed and, if any of them object to his decision, he must add the words “rejection objected to”.

(5) The local returning officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the local returning officer must open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 60(5) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the local returning officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—

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- (i) there is no ballot paper; or
- (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, must mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under paragraph (b) or (c).

Postal Voting Statements: additional personal identifier verification

64.—(1) A local returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with paragraph 59 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where a local returning officer undertakes additional verification of personal identifiers, he must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as he wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the local returning officer is no longer satisfied that the postal voting statement has been duly completed he must mark the statement “rejected” and before placing the postal voting statement in the receptacle for rejected votes (verification procedure), he must—

- (a) show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed and, if any of them object to his decision, he must add the words “rejection objected to”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the local returning officer must lock and reseal the postal ballot box in the presence of the agents.

(5) Whilst retrieving a ballot paper in accordance with sub-paragraph (3), the local returning officer and his staff—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers; and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

Opening of ballot paper envelopes

65.—(1) The local returning officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;

- (b) in the receptacle for rejected votes, any other ballot paper which must be marked “provisionally rejected” and to which must be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

Retrieval of cancelled postal ballot papers

66.—(1) Where it appears to the local returning officer that a postal ballot paper which has been cancelled in accordance with paragraph 53(6) or 54(4) has been placed—

- (a) in a postal voters’ ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) in a postal ballot box,

he must proceed as follows.

(2) He must, on at least one occasion on which a postal voters’ ballot box is opened in accordance with paragraph 59, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 53(7); and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 53 of the European Parliamentary elections rules, re-lock or re-seal (or both re-lock and re-seal), the postal ballot box in the presence of the agents.

(3) Whilst retrieving a cancelled ballot paper in accordance with sub-paragraph (2), the local returning officer and his staff—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers; and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

Lists of rejected postal ballot papers

67.—(1) In respect of any election, the local returning officer must keep two separate lists of rejected postal ballot papers.

(2) In the first list, he must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, he must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

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Checking of lists kept under paragraph 67

68.—(1) Where the local returning officer receives a valid postal voting statement without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list kept under paragraph 67(2) to see whether the number (or numbers) of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the local returning officer receives a postal ballot paper without the postal voting statement to which it relates, he may, at any time prior to the close of the poll, check the list kept under paragraph 67(3) to see whether the number of that ballot paper is entered in that list.

(3) The local returning officer must conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the local counting area, parliamentary constituency, electoral area or, as the case may be, voting area under rule 49(1) of the European Parliamentary elections rules.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the local returning officer must retrieve that statement or paper.

(5) The local returning officer must then take the appropriate steps under this Part as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

Sealing of receptacles

69.—(1) As soon as practicable after the completion of the procedure under paragraph 68(3) and (4), the local returning officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes;
- (b) the receptacle of postal voting statements;
- (c) the receptacle of rejected ballot paper envelopes;
- (d) the lists of spoilt and lost postal ballot papers;
- (e) the receptacle of rejected votes (verification procedure); and
- (f) the receptacle of postal voting statements (verification procedure),

and must seal up such packets.

(2) Any document in those packets marked “provisionally rejected” must be deemed to be marked “rejected”.

Forwarding of documents

70.—(1) Subject to sub-paragraphs (2) and (7), the local returning officer must forward to the relevant registration officer, at the same time as he forwards the documents mentioned in rule 64 of those rules, the packets referred to in paragraphs 51(1), 53(7), 54(5), 60(11) and 69 endorsing on each a description of its contents.

(2) Where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 41, the returning officer or local returning officer discharging those functions must forward the packets containing—

- (a) the marked copies of the postal voters list and proxy postal voters list; and
- (b) the postal voting statements,

to the same person, and at the same time and in the same manner, as he is required to forward those documents as respects the election or referendum for which he is the returning officer.

(3) Where—

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- (a) any covering envelopes are received by the local returning officer after the close of the poll (apart from those delivered in accordance with the provisions of paragraph 55(2));
- (b) any envelopes addressed to postal voters are returned as undelivered and are too late to be readdressed; or
- (c) any spoiled postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the local returning officer must put them unopened in a separate packet, seal up such packet and endorse and retain it and subsequently deal with it in the manner described in sub-paragraph (1).

(4) Rules 65 and 66 of the European Parliamentary elections rules apply to any packet or document retained under this paragraph.

(5) A completed statement in Form R in the Appendix must be provided by the local returning officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

(6) The statement referred to in sub-paragraph (5) must identify the local counting areas within the electoral region for which it is prepared.

(7) In the case of the Scottish electoral region, sub-paragraph (1) does not apply and the local returning officer must retain on behalf of the returning officer the packets to which it refers.

PART 5

APPENDIX OF FORMS

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

Form N: Form of proxy paper

Form O: Form of postal voting statement to be used at a European Parliamentary election taken alone

Form P: Form of postal voting statement to be used at a European Parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at a relevant election or referendum

Form Q: Form of postal voting statement to be used at a European Parliamentary election where the poll is taken together with the poll at a relevant election or referendum, but where the proceedings on the issue and receipt of postal ballot papers are not

Form R: Statement as to postal ballot papers.

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Form N
Proxy Paper

Paragraph 6(8), Schedule 2

Constituency.....

Polling District.....

Local Government electoral area(s).....

European Parliamentary electoral region.....

Name of Proxy.....

Address.....

Is appointed as proxy for
(Name of elector).....

*[who is qualified to be registered for
(Qualifying address).....]

*[who qualifies as an overseas elector in respect of the above constituency] to vote for him/her at

*[the *[parliamentary] *[local government] *[European Parliamentary] election for the above &[constituency] *[electoral area] * [European Parliamentary electoral region] on (date).....]

*[any *[parliamentary] *[local government] * [European Parliamentary] election for the above * [constituency] *[electoral area] *[European Parliamentary electoral region]]

*[This proxy appointment is not valid until.....]

* [This proxy appointment remains valid until.....]

Signature.....

Electoral Registration Officer

Address.....

.....

.....

Date.....

* Delete whichever is inappropriate

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YOUR RIGHT TO VOTE AS PROXY

(1) This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

(2) Your appointment as proxy may be for a particular election only, or it may be for a definite or indefinite period.

If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.

If it is for an indefinite period, you will have in general the right to vote as proxy at any parliamentary, European Parliamentary or local government election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.

If it is for a definite period, your right to vote as proxy expires on the date stated on the form.

(3) You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so. **However, if the elector on whose behalf you are appointed has registered to vote anonymously you must take the polling card with you.**

(4) If you cannot vote in person at the polling station, you should consult the electoral registration officer about your right to vote by post.

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Form O:

Paragraph 42(a), Schedule 2

Form of postal voting statement
(for use at European parliamentary elections)

Postal Voting Statement

*Voter's name: Ballot paper No.
Local Counting Area.....

**(Local 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 be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Voter's Date of birth

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

Voter's Signature

Signature Here

IMPORTANT – Keep signature within the border

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

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.

PLEASE READ INSTRUCTIONS TO THE VOTER ON THE BACK OF THIS FORM

Issued by the Local Returning Officer

INSTRUCTIONS TO THE VOTER (back of form)

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

[contact details for assistance
include address as appropriate]

1. 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.
2. Vote for ONE party or individual candidate only. Do not mark the ballot paper in any other way or your vote may not count.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for.
4. If you need help 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. Make sure you have completed 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

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larger envelope marked **B**. Return it straightaway.

8. After receiving this postal vote, you cannot vote in person at a polling station at this election.

9. If you accidentally spoil or lose your ballot paper, you can apply to the Local Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Local Returning Officer as soon as possible.

! The ballot paper and postal voting statement must be received by the Local Returning Officer by 10 p.m. on [day/date of poll]. You can deliver your completed postal vote to any polling station in your local counting area on polling day.

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.

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

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Form P: Paragraph 42(b), Schedule 2

Form of postal voting statement
(for use where there is a joint issue and receipt of postal ballot papers)

Postal Voting Statement

*Voter's name: Ballot paper Nos.
Local Counting Area.....

*(Local Returning Officer to insert name but omit where ballot papers sent to an anonymous elector) [other identifying marks]

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

Voter's Date of Birth

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

Voter's Signature

Signature Here

 IMPORTANT – Keep signature within border

*(Local Returning Officer to omit where a person has been granted a waiver)

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.

PLEASE READ INSTRUCTIONS TO THE VOTER ON THE BACK OF THIS FORM

Issued by the Local Returning Officer

INSTRUCTIONS TO THE VOTER (back of form)

Complete the ballot paper yourself and in private. If you need help contact the Local Returning 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 another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not count.
2. [When you are voting in a parliamentary election (*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 name of the candidate you are voting for. Vote for ONE candidate only.]*
3. [(a) (for use in England and Wales) When you are voting in a local government election(s) (*insert colour of ballot paper*) ballot paper), mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. Vote for no more than [...] candidates.
(b) (for use in Scotland) When you are voting in a local government election (s) (*insert colour of ballot paper*), number the candidates in the order of your choice instead of using a cross. Put the number 1 in the box next to the name of the candidate who is your first

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choice, then put 2 in the box next to the name of the candidate who is your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish.]*

4. When you are voting in a European Parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.
5. [When you are voting in a Greater London Authority election—
 - (a) [* in the constituency members' election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE candidate only.]
 - (b) [* in the London members' election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.]
 - (c) [* in the London Mayoral election ([insert colour of ballot paper] ballot paper), vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]]*
6. [* When you are voting in a [* specify] election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the candidate of your choice.
Vote for ONE candidate only/Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.*]
7. [* When you are voting in a referendum, mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.]*
8. Do not mark the ballot papers in any other way or your votes may not count.
9. If you need help voting, the person helping you must not tell anyone how you voted.
10. Put all the ballot papers in the small envelope marked A and seal it.
11. Make sure you have completed the postal voting statement by [# signing it, and] providing your date of birth.
12. Then put the envelope marked A together with the postal voting statement in the larger envelope marked B. Return it straight away.

* Local Returning Officer to delete as appropriate

After receiving this postal vote, you cannot vote in person at a polling station at this election.

If you accidentally spoil any of your ballot papers, you can apply to the Local Returning Officer for a replacement before 5 p.m. 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 Local Returning Officer as soon as possible.

! The ballot paper and the postal voting statement must be received by the Local Returning Officer by 10p.m.on [day/date of poll]. You can deliver your completed postal vote to any polling station in your local counting area on polling day.

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.

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

#[Local Returning Officer to omit where a person has been granted a waiver]

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Form Q:

Paragraph 42(c), Schedule 2

Form of postal voting statement
(for use when a European parliamentary poll is combined with another poll but the postal ballot papers are not combined)

Postal Voting Statement

*Voter's name: Ballot paper No. (Colour)
Local Counting Area.....

*(Local 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 THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Voter's date of birth

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

Voter's Signature

Signature Here

Important – Keep signature within border

*(Local Returning Officer to omit where a person has been granted a waiver)

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.

PLEASE READ INSTRUCTIONS TO THE VOTER ON THE BACK OF THIS FORM

Issued by the Local Returning Officer

INSTRUCTIONS TO THE VOTER (back of form)

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

[contact details for assistance
include address as appropriate]

1. This statement relates to the ballot paper for the European elections only. You will receive your [election] papers and instructions separately. If you do not receive them soon, please contact me.
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 another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not count.
3. Vote for ONE party or individual candidate only. Do not mark the ballot paper in any other way or your votes may not count.
4. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for.
5. If you need help voting, the person helping you must not tell anyone how you

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voted.

6. Different colours are used for the ballot papers for each election [and referendum*]. Each ballot paper has its own ballot paper envelope (marked A), postal voting statement and return envelope (marked B). The return envelope and postal voting statement for each ballot paper refer to the colour of that ballot paper. It is important that you use the correct envelopes and postal voting statement or your vote may not count. You may find it helpful to sort the documents into separate sets.
7. Put the ballot paper in the small envelope marked A and seal it.
8. Make sure you have completed the postal voting statement by [# signing it, and] providing your date of birth.
9. Then put the envelope marked A together with the postal voting statement in the larger envelope marked B. Return it straightaway.

After receiving this postal vote, you cannot vote in person at a polling station at this election.

If you accidentally spoil or lose your ballot paper, you can apply to the Local Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked A and B. Make sure you contact the Local Returning Officer as soon as possible.

! The ballot paper and the postal voting statement must be received by the Local Returning Officer by 10p.m. on [day/date of poll]. You can deliver your completed postal vote to any polling station in your local counting area on polling day.

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.

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

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

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Form R:

Paragraph 70(5), Schedule 2

Form R: STATEMENT AS TO POSTAL BALLOT PAPERS REPRESENTATION OF THE PEOPLE ACTS EUROPEAN PARLIAMENTARY ELECTION	
Electoral Region: Date of Poll:.....	
Local Counting Area.....	
A. Issue of postal ballot papers	<i>Number</i>
1. Total number of postal ballot papers issued under paragraph 48	
2. Total number of replacement postal ballot papers issued under paragraph 53 (spoilt and returned for cancellation) and paragraph 54 (lost or not received)	
3. Total number of postal ballot papers cancelled under paragraph 53 (where the first ballot paper was cancelled and retrieved)	
4. Total number of postal ballot papers issued (1 to 3)	
B (1). Receipt of and replacement postal ballot papers	<i>Number</i>
5. Number of covering envelopes received by the local returning officer or at a polling station before the close of poll (excluding any dealt with in the manner provided for by paragraph 53 and paragraph 54)	
6. Number of covering envelopes received by the local returning 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 paper(s) 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 10 th day after the date of poll)	
12. Number of covering envelopes not received by the local returning officer (by the 10 th day after the date of poll)	
13. Total numbers 5 to 12 (this should be the same as that in 4 above)	
14. Number of postal ballot papers replaced as lost or not received but not returned for cancellation.	
B (2). Receipt of postal ballot papers – Personal Identifiers	<i>Number</i>
15. Number of covering envelopes set aside for the verification of personal identifiers on postal vote statements	
16. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations)	
17. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations)	
18. Number of postal voting statements rejected following verification procedures due to the personal identifiers on the postal voting statement not matching those in the personal identifiers record (excluding prior cancellations)	

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C. Count of postal ballot papers	Number
19. Number of ballot papers returned by postal voters which were included in the count of ballot papers	
20. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraphs 53, 54 and 66 are not rejections and should be included in items 2,3,7,8 and 9 above)	
Date Signed	
Local Returning Officer	
Authority	

A COMPLETED STATEMENT MUST BE PROVIDED BY THE LOCAL RETURNING OFFICER TO THE SECRETARY OF STATE AND THE ELECTORAL COMMISSION IN THE PERIOD WHICH STARTS 10 DAYS AFTER THE DAY OF THE POLL