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## STATUTORY INSTRUMENTS

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**2012 No. 1917**

# **POLICE, ENGLAND AND WALES**

## **The Police and Crime Commissioner Elections Order 2012**

*Made - - - - 24th July 2012*

*Coming into force in accordance with article 1(2)*

This Order is made by the Secretary of State in exercise of the powers conferred by sections 58(1) and (5) and 154(5) of the Police Reform and Social Responsibility Act 2011 <sup>M1</sup>.

The Secretary of State has consulted the Electoral Commission about this Order in accordance with section 7(2)(hc) of the Political Parties, Elections and Referendums Act 2000 <sup>M2</sup>.

In accordance with section 154(2)(b) of the Police Reform and Social Responsibility Act 2011, a draft of this Order has been approved by a resolution of each House of Parliament.

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### **Modifications etc. (not altering text)**

**C1** Order modified (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), regs. 1, 13, Sch. 4 Pt. 2 paras. 8(1)(h), 38, 39

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### **Marginal Citations**

**M1** 2011 c.13 (“the 2011 Act”).

**M2** 2000 c.41. Section 7(2)(hc) was inserted by paragraph 11 of Schedule 10 to the 2011 Act.

## **PART 1**

### **General**

#### **Citation and commencement**

1.—(1) This Order may be cited as the Police and Crime Commissioner Elections Order 2012.

(2) This Order comes into force on the day after the day on which it is made.

#### **Interpretation**

2.—(1) In this Order—

“the 1983 Act” means the Representation of the People Act 1983 <sup>M3</sup>;

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- “the 2000 Act” means the Political Parties, Elections and Referendums Act 2000 <sup>M4</sup>;
- “the 2001 Regulations” means Representation of the People (England and Wales) Regulations 2001 <sup>M5</sup>;
- “the 2011 Act” means the Police Reform and Social Responsibility Act 2011;
- “absent voter” means—
- (a) an elector who is entitled to vote by proxy, or
  - (b) an elector or proxy who is entitled to vote by post;
- “anonymous entry” is to be read in accordance with section 9B of the Representation of the People Act 1983 <sup>M6</sup>;
- “authorised person” means a person (other than a barrister or solicitor) who, for the purposes of the Legal Services Act 2007 <sup>M7</sup>, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act);
- “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 <sup>M8</sup> in England and Wales;
- “candidate” is to be read in accordance with article 3;
- “the Commission” means the Electoral Commission established by section 1 of the 2000 Act;
- “counting agent” is to be read in accordance with rule 31(11) of the PCC elections rules;
- “disability”, in relation to doing a thing, includes a short term inability to do it;
- “election court” means the court constituted under Part 3 of the 1983 Act, as applied by paragraph 1 of Schedule 9, for the trial of a PCC election petition;
- “elector”, in relation to a PCC election, means a person who has for the time being an entry on the register of electors, but does not include—
- (a) those shown in the register as below voting age on the day of the election, or
  - (b) in the case of a person with an anonymous entry in the register, those shown in the record of anonymous entries as below voting age on the day of the election;
- “electoral area” means any electoral division or ward or, in the case of a parish or community in which there are no wards, the parish or community, for which the election of councillors is held under the Local Government Act 1972 <sup>M9</sup>;
- “electoral number” means a person's number in the register of electors or, pending publication of the register, the person's number (if any) in the electors lists for that register;
- “legal incapacity” includes (in addition, where applicable, to any incapacity arising by virtue of a subsisting provision of the common law) any disqualification imposed by this Order or any other enactment;
- “legal process” means a claim form, application notice, writ, summons or other process;
- “the list of proxies” means a list kept under paragraph 4(3) of Schedule 2;
- “local authority” means—
- (a) a district council,
  - (b) a county council in England for a county in which there are no district councils,
  - (c) the Council of the Isles of Scilly,
  - (d) a county council or county borough council in Wales;
- “local government election” means the election of councillors for any electoral area;
- “local referendum” means—

- (a) a referendum in England under Part 1A of the Local Government Act 2000 <sup>M10</sup> (local authority governance in England);
- (b) a referendum in Wales under Part 2 of the Local Government Act 2000 (local authorities in Wales: arrangements with respect to executives etc);
- (c) a referendum in England under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 <sup>M11</sup> (council tax increases);

“local returning officer” means a person who, by virtue of section 35 of the 1983 Act, is a returning officer for any elections of members of a local authority;

“nominating officer” means the person registered under the 2000 Act as the officer with responsibility for the matters referred to in section 24(3) of that Act in respect of a registered party;

“PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;

“PCC election petition” means a petition presented in pursuance of Part 3 of the 1983 Act as applied by paragraph 1 of Schedule 9;

“PCC elections rules” has the meaning given in article 12;

“person” includes (without prejudice to the provisions of the Interpretation Act 1978 <sup>M12</sup>) an association corporate or unincorporate;

“police area” means a police area listed in Schedule 1 to the Police Act 1996 <sup>M13</sup> (police areas outside London);

“police area returning officer”, in relation to any police area, means the person designated by an Order made by virtue of section 54(1)(b) of the 2011 Act as the returning officer for that police area;

“polling agent” is to be read in accordance with rule 31(11) of the PCC elections rules;

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal proxy” means a person who is entitled to vote by post as proxy at a PCC election;

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters list” means a list kept under paragraph 4(2) of Schedule 2;

“presiding officer” is to be read in accordance with rule 27 of the PCC elections rules;

“proxy postal voters list” means a list kept under paragraph 7(7) of Schedule 2;

“record of anonymous entries” means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to the 1983 Act <sup>M14</sup>;

“register of electors” means the register of local government electors <sup>M15</sup>;

“registered party” means a party registered under Part 2 of the 2000 Act;

“registration officer” means an electoral registration officer;

“relevant citizen of the Union” means a citizen of the Union who is not a qualifying Commonwealth citizen or a citizen of the Republic of Ireland and “citizen of the Union” is to be construed in accordance with article 9 of the Treaty on European Union <sup>M16</sup>;

“relevant registration officer”, in relation to voting area, means the registration officer of the local authority in whose area that voting area is situated;

“voter” means a voter voting in the PCC election and includes a person voting as proxy and “vote” (whether noun or verb) is to be construed accordingly; and a reference to an elector voting or an elector's vote includes a reference to an elector voting by proxy or an elector's vote given by proxy;

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“voting area” has the meaning given by paragraph (2).

(2) Each of the following, as it exists on the day of a PCC election, is a “voting area” for the purposes of this Order—

- (a) a district for which there is a district Council,
- (b) a county in England in which there are no districts with councils,
- (c) the Isles of Scilly,
- (d) a county or county borough in Wales.

(3) For the purposes of this Order a person is deemed not to have attained a given age until the commencement of the relevant anniversary of the day of the person's birth.

#### **Modifications etc. (not altering text)**

- C2** Art. 2(1) modified (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 13, **Sch. 4 Pt. 2 para. 38**

#### **Marginal Citations**

- M3** 1983 c.2.  
**M4** 2000 c.41.  
**M5** S.I. 2001/341.  
**M6** Section 9B was inserted by section 10(1) of the [Electoral Administration Act 2006 \(c.22\)](#).  
**M7** 2007 c.29.  
**M8** 1971 c.80.  
**M9** 1972 c.70.  
**M10** 2000 c.22. Part 1A of the Local Government Act 2000 was inserted by section 21 of, and Schedule 2 to, the [Localism Act 2011 \(c.20\)](#).  
**M11** 1992 (c.14). Chapter 4ZA of Part 1 of that Act was inserted by section 72 of, and Schedule 5 to, the Localism Act 2011.  
**M12** 1978 c.30.  
**M13** 1996 c.16.  
**M14** Paragraph 8A was inserted by section 10(2) of, and paragraphs 2 and 15 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#).  
**M15** There is a definition of “local government elector” in section 76 of the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#).  
**M16** Article 9 was substituted as Article 8 by Article 1.12, and renumbered as Article 9 by Article 5.1, of the Treaty of Lisbon amending the Treaty on European Union and the Treaty Establishing the European Community (2007/C 306/1).

#### **Meaning of “candidate”**

**3.—**(1) References to a candidate in this Order are to be construed in accordance with this article (except where the context otherwise requires).

(2) A person becomes a candidate at a PCC election—

- (a) on the last day for publication of notice of the election if on or before that day the person is declared by himself or herself or by others to be a candidate at the election, and
- (b) otherwise, on the day on which the person is so declared by himself or herself or by others or on which the person is nominated as a candidate at the election (whichever is the earlier).

## PART 2

### Exercise of franchise for PCC elections

#### *Registration*

##### **Effect of register of electors**

4.—(1) Any entry in the register of electors, if it gives a date as that on which the person named will attain voting age, is conclusive for any purpose of this Part relating to that person as elector that until the date given in the entry the person is not of voting age nor entitled to be treated as an elector except for the purposes of a PCC election at which the day fixed for the poll is that or a later date.

(2) Paragraph (1) applies to an entry in the record of anonymous entries as it applies to an entry in the register of electors.

(3) A person registered in the register of electors, or entered in the list of proxies, is not excluded from voting at a PCC election on any of the grounds specified in paragraph (4): but this does not prevent the rejection of the vote on a scrutiny, or affect the person's liability to any penalty for voting.

(4) The grounds are—

- (a) that the person is not of voting age;
- (b) that the person is not, or, on the relevant date or the date of the person's appointment as proxy (as the case may be), was not—
  - (i) a Commonwealth citizen,
  - (ii) a citizen of the Republic of Ireland,
  - (iii) a relevant citizen of the Union;
- (c) that the person is, or, on the relevant date or the date of the person's appointment as proxy (as the case may be), was, otherwise subject to any other legal incapacity to vote.

(5) In paragraph (4) “the relevant date” means—

- (a) in relation to a person registered in the register of electors as published in accordance with section 13(1) of the 1983 Act, the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register of electors, the relevant date for the purposes of section 4 of the 1983 Act.

##### **Effect of misdescription**

5.—(1) No misnomer or inaccurate description of any person or place named—

- (a) in the register of electors, or
- (b) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Order,

affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

##### **Discharge of registration duties**

6.—(1) A registration officer must comply with any general or special directions which may be given by the Secretary of State with respect to the arrangements to be made by the registration officer for carrying out the officer's functions under this Order.

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(2) The Secretary of State may give a direction under this article only if it is in accordance with a recommendation of the Commission.

(3) Any of the duties and powers of a registration officer under this Order may be performed and exercised by any deputy for the time being approved by the local authority which appointed the registration officer, and the provisions of this Order apply to any such deputy so far as respects any duties or powers to be performed or exercised by the deputy as they apply to the registration officer.

(4) Any acts authorised or required to be done by or with respect to the registration officer under this Order may, in the event of the officer's incapacity to act or of a vacancy, be done by or with respect to the proper officer of the local authority by which the registration officer was appointed.

(5) Each local authority must place the services of such of its officers as are required at the disposal of a registration officer on whom functions are conferred by this Order for the purpose of assisting the registration officer in the discharge of those functions.

(6) “Proper officer” means a proper officer within the meaning of section 270(3) of the Local Government Act 1972 <sup>M17</sup>.

#### Marginal Citations

M17 1972 c.70.

### Payment of expenses of registration

7.—(1) Any expenses properly incurred by a registration officer in the performance of the officer's functions under this Order are to be paid by the local authority by which the registration officer was appointed.

(2) Such expenses are referred to in paragraph (4) as “registration expenses”.

(3) Any fees paid to the registration officer under this Order must be accounted for by the officer and paid to the local authority by which the officer was appointed.

(4) On the request of a registration officer for an advance on account of registration expenses, the local authority by which the registration officer was appointed may, if they think fit, make such an advance to the officer of such an amount and subject to such conditions as they may approve.

### Effect of registration appeals

8.—(1) An appeal to the county court or Court of Appeal by virtue of a relevant provision which is pending when notice of a PCC election is given does not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision is as good as if no such appeal had been brought and is not affected by the decision of the appeal.

(2) Where, as a result of the decision on an appeal by virtue of section 56 of the 1983 Act, an alteration in the register of electors takes effect under section 13(5), 13A(2)<sup>F1</sup>, 13AB(2) or 13B(3) or (3B) of the 1983 Act <sup>M18</sup> (effective dates of register following conclusion of canvass and notices of alterations of register) on or before the date of the poll for a PCC election, paragraph (1) does not apply to that appeal as respects that election.

(3) “Relevant provision” means—

(a) section 56 of the 1983 Act;

(b) regulation 21 of the European Parliamentary Elections Regulations 2004 <sup>M19</sup>.

### Textual Amendments

- F1** Word in [art. 8\(2\)](#) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **5** (with art. 1(5))

### Marginal Citations

- M18** Section 13A of the Representation of the People Act 1983 was substituted by paragraph 6 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000. Section 13B was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#) and section 74 of, and paragraph 3 of Schedule 10 to, the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#). Subsections (3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006.
- M19** [S.I. 2004/293](#).

## *Conduct of elections*

### Supply of register of electors

- 9.** Schedule 1 (which makes provision about the supply of the register of electors) has effect.

### Polling districts and places at PCC elections

- 10.**—(1) For the purpose of PCC elections every police area is to be divided into polling districts.

(2) The power to constitute polling districts for the purpose of PCC elections is to be exercised in relation to each police area so that electors from any parliamentary polling district wholly or partly within a relevant voting area can, in the absence of special circumstances, be allotted to a polling station within the parliamentary polling place for that district unless the parliamentary polling place is outside the voting area.

(3) In paragraph (2), the reference to a relevant voting area is to a voting area wholly or partly comprised in the police area.

- (4) An election is not to be questioned by reason of—

- (a) any non-compliance with paragraph (1) or (2), or
- (b) any irregularity relating to polling districts or polling places.

### Manner of voting at PCC elections

**11.**—(1) Schedule 2 (which makes provision with respect to the manner of voting at PCC elections, and in particular absent voting) has effect as regards PCC elections.

(2) For the purposes of Schedule 2, where the day or last day of the time allowed by this Order for the doing of anything falls on a day which is—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

that time is to be extended until the next following day which is not one of those days.

(3) Subject to paragraph 16(5) and 59(6) of Schedule 2, in computing any period of not more than 7 days for the purposes of that Schedule any day referred to in paragraph (2)(a) or (b) is to be disregarded.

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## Conduct of PCC elections

**12.**—(1) Elections of police and crime commissioners for police areas must be conducted in accordance with the rules set out in Parts 1 to 7 of Schedule 3 (“PCC elections rules”).

(2) Part 8 of Schedule 3 (forms and directions) has effect for the purposes of those rules.

## Combination of polls

**13.**—(1) In this article, “relevant election or referendum” means one or more of the following elections or referendums—

- (a) a parliamentary election,
- (b) a European parliamentary election,
- (c) a local government election in England or Wales,
- (d) an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000 <sup>M20</sup>,
- (e) an election in Wales for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000,
- (f) a local referendum.

(2) Parts 1 and 2 of Schedule 4 contain provision for polls at a PCC election to be taken together with polls at one or more relevant elections or referendums.

(3) Where the poll at a PCC election is taken together with the poll at one or more relevant elections or referendums, the PCC elections rules have effect with the modifications set out in Part 3 of Schedule 4.

(4) Part 4 of Schedule 4 (forms and directions) has effect for the purposes of those modified PCC elections rules.

### Marginal Citations

**M20** [Section 9H](#) was inserted by section 21 of, and Schedule 2 to, the [Localism Act 2011 \(c.20\)](#).

## Further provision about persons involved in conduct of PCC elections

**14.**—(1) No person is subject to any incapacity to vote at a PCC election by reason of that person being or acting as police area returning officer or local returning officer.

(2) A PCC election is not to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

## Validity of PCC election

**15.** No PCC election may be declared invalid by reason of any act or omission by any police area returning officer, local returning officer or other person in breach of his or her official duty in connection with the election or otherwise of the PCC elections rules if it appears to the tribunal having cognizance of the question that—

- (a) the election was so conducted as to be substantially in accordance with the law as to PCC elections, and
- (b) the act or omission did not affect the result.



## Loan of equipment for PCC elections

16.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament, may, on request, be lent to a local returning officer at a PCC election on such terms and conditions as the Secretary of State may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority within the meaning of the Local Government Act 1972<sup>M21</sup> must, on request, and if not required for immediate use by that authority, be lent to a local returning officer at a PCC election on such terms and conditions as may be agreed.

### Marginal Citations

M21 1972 c.70.

## Offences

### Personation

17.—(1) A person is guilty of a corrupt practice if the person commits, or aids, abets, counsels or procures the commission of, the offence of personation.

(2) A person (“P”) is deemed guilty of personation at a PCC election if P—

- (a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person, or
- (b) votes in person or by post as proxy—
  - (i) for a person whom P knows or has reasonable grounds for supposing to be dead or to be a fictitious person, or
  - (ii) when P knows or has reasonable grounds for supposing that P's appointment as proxy is no longer in force.

(3) For the purposes of this article, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, is deemed to have voted.

(4) Section 24A of the Police and Criminal Evidence Act 1984<sup>M22</sup> (arrest without warrant: other persons) does not permit a person other than a constable to arrest, inside a polling station, a person who commits or is suspected of committing an offence under the preceding provisions of this article.

### Marginal Citations

M22 1984 c.60. Section 24A was inserted by section 110(1) of the [Serious Organised Crime and Police Act 2005 \(c.15\)](#) and amended by section 2 of the [Racial and Religious Hatred Act 2006 \(c.1\)](#).

### Other voting offences

18.—(1) A person (“P”) is guilty of an offence if—

- (a) P votes in person or by post, whether as an elector or as proxy, or applies to vote by proxy or by post as elector, at a PCC election or at PCC elections, knowing that P is subject to a legal incapacity to vote at the election or, as the case may be, the elections, or

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- (b) P applies for the appointment of a proxy to vote for P at a PCC election or at PCC elections knowing that P is or the person to be appointed is subject to a legal incapacity to vote at any such election or elections, or
- (c) P votes, whether in person or by post, as proxy for some other person at a PCC election, knowing that that person is subject to a legal incapacity to vote.

For the purposes of this paragraph, references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include the person being below voting age if the person will be of voting age on that day.

- (2) A person (“P”) is guilty of an offence if—
  - (a) P votes as elector otherwise than by proxy either—
    - (i) more than once in the same police area at any PCC election, or
    - (ii) in any police area at a PCC election when there is in force an appointment of a person to vote as P's proxy at the election in respect of an address in the same police area which is other than the address by virtue of which P votes as elector, or
  - (b) P votes as elector in person in any police area at a PCC election at which P is entitled to vote by post in the same police area, or
  - (c) P votes as elector in person in any police area at a PCC election, knowing that a person appointed to vote in the same police area as P's proxy at the election either has already voted in person at the election or is entitled to vote by post at the election.
- (3) A person (“P”) is guilty of an offence if—
  - (a) P votes as proxy for the same elector more than once in the same police area at any PCC election, or
  - (b) P votes in person as proxy for an elector at a PCC election at which P is entitled to vote by post as proxy for that elector, or
  - (c) P votes in person as proxy for an elector at a PCC election knowing that the elector has already voted in person at the election.
- (4) A person is also guilty of an offence if the person votes at a PCC election in any police area as proxy for more than two persons of whom P is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild <sup>M23</sup>.
- (5) A person is also guilty of an offence if the person knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under any of paragraphs (1) to (4).
- (6) For the purposes of this article, a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, is deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under paragraph (4), a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper is to be disregarded, if the person does not exercise that right.
- (7) A person is not guilty of an offence under paragraph (2)(b) or (3)(b) only by reason of the person having marked a tendered ballot paper in pursuance of case 3, 4, 5 or 6 of rule 42 of the PCC elections rules.
- (8) An offence under this article is an illegal practice, but—
  - (a) the court before which a person is convicted of any such offence may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 of the 1983 Act (read with article 77) (incapacities on conviction of corrupt or illegal practices), and

- (b) a candidate is not liable, nor shall the candidate's election be avoided, for an illegal practice under this article of any agent of the candidate other than an offence under paragraph (5).

**Marginal Citations**

**M23** See the restriction in paragraph 6(5) of Schedule 2.

**Breach of official duty**

**19.**—(1) If a person to whom this article applies is, without reasonable cause, guilty of any act or omission in breach of the person's official duty, the person is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) No person to whom this article applies is liable for breach of his or her official duty to any penalty at common law and no action for damages lies in respect of the breach by such a person of the person's official duty.

(3) The persons to whom this article applies are—

- (a) any registration officer, police area returning officer, local returning officer or presiding officer,
- (b) any other person whose duty it is to be responsible after a PCC election for the used ballot papers and other documents (including returns and declarations as to expenses),
- (c) any deputy of a person mentioned in sub-paragraph (a) or (b),
- (d) any person appointed to assist or in the course of employment assisting a person mentioned in any of sub-paragraphs (a) to (c) in connection with that person's official duties;

and for the purposes of this article “official duty” is to be construed accordingly, but does not include duties imposed otherwise than by the law relating to PCC elections or the registration of local government electors.

(4) Where a police area returning officer or a local returning officer for a PCC election—

- (a) is guilty of an act or omission in breach of the officer's official duty, but
- (b) remedies that act or omission in full by taking steps under regulation 6 of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012 <sup>M24</sup> (correction of procedural errors),

the officer is not guilty of an offence under paragraph (1).

(5) Paragraph (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.

**Marginal Citations**

**M24** S.I. 2012/1918.

**Tampering with nomination papers, ballot papers etc**

**20.**—(1) A person is guilty of an offence, if, at a PCC election, the person—

- (a) fraudulently defaces or fraudulently destroys any nomination paper, or
- (b) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any postal voting statement or official envelope used in connection with voting by post, or

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- (c) without due authority supplies any ballot paper to any person, or
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which the person is authorised by law to put in, or
- (e) fraudulently takes out of the polling station any ballot paper, or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the PCC election, or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) If a police area returning officer, a local returning officer, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers is guilty of an offence under this article, the officer or clerk is liable—

- (a) on conviction on indictment to a fine, or to imprisonment for a term not exceeding 2 years, or to both;
- (b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both.

(3) If any other person is guilty of an offence under this article, that person is liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.

#### **False statements in nomination papers etc**

**21.**—(1) A person is guilty of a corrupt practice if, at a PCC election, the person causes or permits to be included in a document delivered or otherwise furnished to a police area returning officer or a local returning officer for use in connection with the election—

- (a) a statement of the name or home address of a candidate at the PCC election which the person knows to be false in any particular, or
- (b) a statement under rule 5(7)(b) of the PCC elections rules which the person knows to be false in any particular, or
- (c) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of a candidate at the PCC election but which the person knows—
  - (i) was not written by the elector by whom it purports to have been written, or
  - (ii) if written by that elector, was not written for the purpose of signifying that the person was proposing, seconding, or (as the case may be) assenting to, that candidate's nomination, or
- (d) a certificate authorising for the purposes of rule 6 of the PCC elections rules (nomination papers: name of registered political party) the use by a candidate of a description if the person knows that the candidate has been nominated as a candidate for election as a police and crime commissioner for any other police area for which the poll is to be held on the same day as the poll at the PCC election to which the certificate relates.

(2) A person is guilty of a corrupt practice if, at a PCC election, the person makes in any document in which the person consents to his or her nomination as a candidate—

- (a) a statement of the person's date of birth,
- (b) a statement as to the person's qualification for being elected at that election, or
- (c) a statement that the person is not a candidate at an election for any other police area the poll for which is to be held on the same day as the poll at the election to which the consent relates,

which the person knows to be false in any particular.

- (3) For the purposes of paragraph (2), a statement as to a candidate's qualification is a statement—
- (a) that the candidate is qualified for being elected,
  - (b) that the candidate will be qualified for being elected, or
  - (c) that to the best of the candidate's knowledge and belief the candidate is not disqualified for being elected.

### **Requirement of secrecy**

**22.**—(1) The persons listed in paragraph (2) must maintain and aid in maintaining the secrecy of voting and must not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station,
- (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station, or
- (c) the official mark on any ballot paper.

(2) The listed persons are—

- (a) every police area returning officer or local returning officer attending at a polling station,
- (b) every deputy of such an officer so attending,
- (c) every presiding officer or clerk so attending,
- (d) every candidate or election agent or polling agent so attending, and
- (e) every person so attending by virtue of any of sections 6A to 6D of the 2000 Act<sup>M25</sup> (which makes provision about the attendance at certain elections of Commission representatives and accredited observers).

(3) Every person attending at the verification of the ballot paper accounts or the counting of the votes must maintain and aid in maintaining the secrecy of voting and must not—

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person attending at the verification of the ballot paper accounts may express to any person an opinion based on information obtained at that verification as to the likely result of the election.

(5) No person may—

- (a) interfere with or attempt to interfere with a voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
- (d) directly or indirectly induce a voter to display the ballot paper after the voter has marked it so as to make known to any person the name of the candidate for whom the voter has or has not voted.

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(6) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post must maintain and aid in maintaining the secrecy of the voting and must not—

- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark;
- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person;
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper;
- (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(7) No person having undertaken to assist a voter with disabilities (within the meaning of rule 41(10) of the PCC elections rules) to vote may communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(8) A person who acts in contravention of this article is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

#### Marginal Citations

**M25** [2000 c.41](#). Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 and section 6A(5) was amended by paragraphs 89 and 92 of [S.I. 2007/1388](#) and paragraph 10 of Schedule 10 to the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#).

#### Prohibition on publication of exit polls

**23.—**(1) No person may in the case of a PCC election publish before the poll is closed—

- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
- (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.

(2) A person who acts in contravention of paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.

(3) In this article—

“forecast” includes estimate;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means;

and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

## PART 3

### The election campaign

#### *Registration, funding and expenditure of political parties and others*

#### **Amendment of Political Parties, Elections and Referendums Act 2000**

- 24.**—(1) The 2000 Act is amended as follows.
- (2) In section 22 (parties to be registered in order to field candidates at elections)—
- (a) in subsection (2)(a), after “constituency,” insert “ police area, ”;
  - (b) in subsection (5), after paragraph (e), insert—  
“*(ea)* elections of police and crime commissioners.”
- (3) In section 67 (weekly donation reports in connection with elections other than general elections), in subsection (2)(b)—
- (a) omit “or” at the end of sub-paragraph (iii);
  - (b) after sub-paragraph (iv) insert—  
“or  
*(v)* an election of a police and crime commissioner.”
- (4) In Schedule 7 (control of donations to individuals and members associations)—
- (a) in paragraph 1(8) (definition of “relevant elective office”), after paragraph (e) insert—  
“*(ea)* police and crime commissioner.”;
  - (b) in paragraph 15A(1) (donations to holders of certain elective offices)<sup>M26</sup>, after “relevant elective office” insert “ , other than a police and crime commissioner ”.

#### **Marginal Citations**

**M26** Section 15A was inserted by section 59(1) and (3) of the [Electoral Administration Act 2006 \(c.22\)](#).

#### **Amendment of section 62 of the Electoral Administration Act 2006**

- 25.**—(1) Section 62 of the Electoral Administration Act 2006<sup>M27</sup> (regulation of loans: power to make provision for candidates, third parties and referendums) is amended as follows.
- (2) In subsection (2)(a), for “an election” substitute “ a relevant election ”.
- (3) In subsection (8)—
- (a) for the definition of “candidate” substitute—  
““candidate”—  
*(a)* in relation to a police and crime commissioner election, is to be construed in accordance with subsection (8A), and  
*(b)* in relation to any other relevant election, has the same meaning as in Part 2 of the 1983 Act.”;
  - (b) omit the definition of “election”;
  - (c) after the definition of “permitted participant” insert—

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““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 <sup>M28</sup>;

“relevant election” means—

- (a) an election within the meaning of the 1983 Act, or
- (b) a police and crime commissioner election.”

(4) After subsection (8) insert—

“(8A) For the purposes of this section, a person becomes a candidate at a police and crime commissioner election—

- (a) on the last day for publication of notice of the election if on or before that day the person is declared by himself or herself or by others to be a candidate at the election, and
- (b) otherwise, on the day on which the person is so declared by himself or herself or by others or on which the person is nominated as a candidate at the election (whichever is the earlier).”

#### **Marginal Citations**

**M27** 2006 c.22. Subsection (3A) was inserted by section 19(4) of the [Political Parties and Elections Act 2009 \(c.12\)](#).

**M28** 2011 c.13.

### *The election agent*

#### **Appointment of election agent**

**26.**—(1) Not later than the latest time for the delivery of notices of withdrawals of candidature for a PCC election—

- (a) a person must be named by or on behalf of each candidate as the candidate's election agent, and
- (b) the name and address of the candidate's election agent must be declared in writing by the candidate or some other person on the candidate's behalf to the police area returning officer.

(2) A candidate may name himself or herself as election agent.

(3) A candidate who names himself or herself as election agent is, so far as circumstances admit, subject to the provisions of this Order both as a candidate and as an election agent, and, except where the context otherwise requires, any reference in this Order to an election agent is to be construed as referring to the candidate acting in the capacity of election agent.

(4) One election agent only may be appointed for each candidate, but the appointment (whether the candidate appointed himself or herself as election agent or not) may be revoked.

(5) If whether before, during or after the PCC election the appointment (or deemed appointment) of an election agent is revoked or an election agent dies—

- (a) another election agent must be appointed forthwith, and
- (b) the name and address of the election agent appointed must be declared in writing to the police area returning officer.



(6) The declaration as a candidate's election agent of a person other than the candidate is of no effect under this article unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by that person.

(7) Upon the name and address of an election agent being declared to the police area returning officer, the officer must forthwith give public notice of the name and address and must forward it to the local returning officer for each voting area wholly or partly comprised in the police area.

### **Nomination of sub-agent**

**27.**—(1) An election agent for a candidate at a PCC election may appoint to act in any part of the police area one, but not more than one, deputy election agent (in this Order referred to as a “sub-agent”).

(2) As regards matters in a part of the police area for which there is a sub-agent the election agent may act by the sub-agent and—

- (a) anything done for the purposes of this Order by or to the sub-agent in the part of the police area for which the sub-agent acts is deemed by virtue of this sub-paragraph to be done by or to the election agent, and
- (b) any act or default of a sub-agent which, if the sub-agent were the election agent, would be an illegal practice or other offence against this Order is an illegal practice and offence against this Order committed by the sub-agent, and the sub-agent is liable to punishment accordingly, and
- (c) the candidate is to suffer the like incapacity as if that act or default had been the election agent's act or default.

(3) Not later than the fifth day before the day of the poll the election agent must declare in writing the name and address of every sub-agent to the police area returning officer.

(4) The appointment of a sub-agent—

- (a) is not vacated by the election agent who appointed the sub-agent ceasing to be election agent, but
- (b) may be revoked by whoever is for the time being the candidate's election agent,

and in the event of the revocation of the appointment or of the death of a sub-agent another sub-agent may be appointed, and that sub-agent's name and address must forthwith be declared in writing to the police area returning officer.

(5) Upon the name and address of a sub-agent being declared to the police area returning officer under paragraph (3) or (4), the officer must forthwith give public notice of the name and address and must forward it to the local returning officer for each voting area wholly or partly comprised in the police area.

(6) The declaration to be made to the police area returning officer under paragraph (3) or (4), and the public notice to be given by the officer under paragraph (5), must specify the part of the police area within which the sub-agent is appointed to act.

### **Office of election agent and sub-agent**

**28.**—(1) Every election agent and every sub-agent must have an office to which all claims, notices, legal process and other documents may be sent.

(2) The address of the office must be—

- (a) declared to the police area returning officer at the same time as the appointment of the agent is declared to the officer,
- (b) stated in the public notice of the name of the agent, and

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- (c) forwarded by the officer to the local returning officer for each voting area wholly or partly comprised in the police area.
- (3) The office of the election agent must be within the police area.
- (4) The office of a sub-agent must be in the area within which the sub-agent is appointed to act.
- (5) Any claim, notice, legal process or other document delivered at the office of a person who is the election agent or sub-agent and addressed to that person, is deemed to have been served on that person.
- (6) The person who is acting as agent or sub-agent in a PCC election may in respect of any matter connected with the election be sued in any court having jurisdiction at the place where the person's office is situated.

### **Effect of default of election agent's appointment**

**29.**—(1) If no person's name and address is given as required by article 26 as the election agent of a candidate who remains validly nominated at the latest time for delivery of notices of withdrawals, the candidate is deemed at that time to be appointed as election agent and any appointment of another person as the candidate's election agent is revoked by virtue of this paragraph.

- (2) If—
  - (a) the person (not being the candidate) whose name and address have been so given as those of the candidate's election agent dies, and
  - (b) a new appointment is not made on the day of the death or on the following day,
 the candidate is deemed to be appointed as election agent as from the time of death.
- (3) If the appointment of a candidate's election agent is revoked without a new appointment being made, the candidate is deemed to be appointed (or re-appointed) as election agent.
- (4) The deemed appointment of a candidate as the candidate's own election agent may be revoked as if it were an actual appointment.
- (5) Where a candidate is by virtue of this article to be treated as the candidate's own election agent, the office of the election agent is deemed to be—
  - (a) at the candidate's address as given in the statement of persons nominated (or where the address is not given on that statement, the address as given under rule 5(5) of the PCC elections rules), or
  - (b) if that address is outside the permitted area for the office, at the qualifying address of the person (or first person) named in that statement as proposer of the candidate.
- (6) The police area returning officer on being satisfied that a candidate is by virtue of this article to be treated as the candidate's own election agent, must forthwith—
  - (a) give public notice to the like effect as if the name and address of the candidate and the address of the candidate's office had been duly given to the officer under articles 26 and 28, and
  - (b) forward the information to the local returning officer for each voting area wholly or partly comprised in the police area.
- (7) Paragraph (6) applies whether or not a statement has been made under rule 5(6) of the PCC elections rules requiring the candidate's home address not to be made public.

## *Donations to candidates*

### **Control of donations to candidates**

**30.**—(1) In the case of any candidate at a PCC election, any money or other property provided (whether as a gift or loan)—

(a) by any person other than the candidate or the candidate's election agent, and

(b) for the purpose of meeting election expenses incurred by or on behalf of the candidate, must be provided to the candidate or the candidate's election agent.

(2) Paragraph (1) does not apply to any money or other property so provided for the purpose of meeting any such expenses which may be lawfully paid by a person other than the candidate, the candidate's election agent or any sub-agent.

(3) A person who provides any money or other property in contravention of paragraph (1) is guilty of an illegal practice.

(4) Schedule 5 has effect for the purpose of controlling donations to candidates.

(5) In this article and that Schedule “property” includes any description of property, and references to the provision of property accordingly include the supply of goods.

## *Candidate election expenses*

### **Payment of candidate election expenses through election agent**

**31.**—(1) Subject to paragraph (4), no payment (of whatever nature) may be made by—

(a) a candidate at a PCC election, or

(b) any other person,

in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate's election agent.

(2) Every payment made by an election agent in respect of any election expenses must, except where less than £20, be vouched for by a bill stating the particulars or by a receipt.

(3) The references in paragraphs (1) and (2) to an election agent are to be taken as references to the election agent acting by himself or herself or by a sub-agent.

(4) This article does not apply to—

(a) any expenses which are, in accordance with article 32(1) or (2), 37(6) or 38(2), paid by the candidate,

(b) any expenses which are paid in accordance with article 32(4) by a person authorised as mentioned in that provision,

(c) any expenses included in a declaration made by the election agent under article 33, or

(d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of article 50(5).

(5) A person who makes any payment (of whatever nature) in contravention of paragraph (1) is guilty of an illegal practice.

### **Candidate election expenses which may be paid otherwise than by election agent**

**32.**—(1) The candidate at a PCC election may pay any personal expenses incurred by the candidate on account of or in connection with or incidental to the election but—

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- (a) the amount which a candidate may pay must not exceed £5,000, and
- (b) any further personal expenses so incurred by the candidate must be paid by the candidate's election agent.

(2) The candidate at a PCC election may also pay any election expenses (other than expenses falling within paragraph (1)) which were incurred by or on behalf of the candidate and in respect of which payment falls to be made before the date on which the candidate appoints (or is deemed to have appointed) an election agent.

(3) The candidate must send to the candidate's election agent within the time limited by this Order for sending in claims a written statement of the amount of expenses paid as mentioned in paragraph (1) or (2) by the candidate.

(4) Any person may, if so authorised in writing by the candidate's election agent, pay any necessary expenses for stationery, postage, telegrams (or any similar means of communication) and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named must be paid by the election agent.

(5) A statement of the particulars of payments made by any person so authorised must be sent to the election agent within the time limited by this Order for sending in claims, and must be vouched for by a bill containing that person's receipt.

(6) Articles 37 and 38 do not apply to expenses which, in accordance with any provision of this article, are paid otherwise than by the candidate's election agent.

#### **Candidate election expenses incurred otherwise than for election purposes**

**33.**—(1) Articles 31, 37 and 38 do not apply to election expenses—

- (a) which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate's election, but
- (b) which by virtue of article 50(1) fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate's election.

(2) The candidate's election agent must make a declaration of the amount of any election expenses falling within paragraph (1).

(3) In this article “for the purposes of the candidate's election” has the same meaning as in articles 50 and 51.

#### **Prohibition of candidate election expenses not authorised by election agent**

**34.**—(1) No expenses may, with a view to promoting or procuring the election of a person who becomes a candidate at a PCC election, be incurred after the person becomes a candidate at the election by anyone other than the candidate, the candidate's election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display, or
- (b) of issuing advertisements, circulars or publications, or
- (c) of otherwise presenting to the electors the candidate or the views of the candidate or the extent or nature of the candidate's backing or disparaging another candidate.

(2) Paragraph (1)(c) does not restrict the publication of any matter relating to the election in—

- (a) a newspaper or other periodical,
- (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or

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- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990<sup>M29</sup> (independent television and radio services) or Part 1 or 2 of the Broadcasting Act 1996<sup>M30</sup> (digital terrestrial television and sound broadcasting).
- (3) Paragraph (1) does not apply to any expenses incurred by any person—
- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or
- (b) in travelling or in living away from home or similar personal expenses.
- (4) For the purposes of paragraph (3)(a), the permitted sum in respect of a candidate at a PCC election for a police area listed in an entry in the first column of table 1 is the amount shown for that entry in the second column.

**Table 1**

<i>Police area</i>	<i>Permitted sum</i>
Avon & Somerset	£ 6,278
Bedfordshire	£ 2,347
Cambridgeshire	£ 3,055
Cheshire	£ 4,015
Cleveland	£ 2,155
Cumbria	£ 2,024
Derbyshire	£ 3,993
Devon and Cornwall	£ 6,573
Dorset	£ 3,003
Durham	£ 2,499
Dyfed-Powys	£ 2,035
Essex	£ 6,605
Gloucestershire	£ 2,422
Greater Manchester	£ 10,046
Gwent	£ 2,199
Hampshire	£ 7,345
Hertfordshire	£ 4,260
Humberside	£ 3,557
Kent	£ 6,433
Lancashire	£ 5,682
Leicestershire	£ 3,952
Lincolnshire	£ 2,805
Merseyside	£ 5,139
Norfolk	£ 3,392
North Wales	£ 2,674

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North Yorkshire	£ 3,142
Northamptonshire	£ 2,686
Northumbria	£ 5,507
Nottinghamshire	£ 4,116
South Wales	£ 4,904
South Yorkshire	£ 5,030
Staffordshire	£ 4,314
Suffolk	£ 2,828
Surrey	£ 4,345
Sussex	£ 6,197
Thames Valley	£ 8,551
Warwickshire	£ 2,144
West Mercia	£ 4,750
West Midlands	£ 10,080
West Yorkshire	£ 8,098
Wiltshire	£ 2,630

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(5) For the purposes of paragraph (3)(a), expenses are to be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding paragraph (3)(a)) fall within paragraph (1).

(6) Where a person incurs any expenses required by this article to be authorised by the election agent—

- (a) that person must within 21 days after the day on which the result of the election is declared deliver to the police area returning officer a return of the amount of those expenses, stating the PCC election at which and the candidate in whose support they were incurred, and
- (b) the return must be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred,

but this paragraph does not apply to any person engaged or employed for payment or promise of payment by the candidate or the election agent of a candidate.

(7) The return and declaration under the preceding provisions of this article must be in Form 24 and Form 25 set out in Schedule 6 or a form to like effect, and the authority received from the election agent must be annexed to the return and is deemed to form part of it.

(8) The police area returning officer must forward to the registration officer for each local authority wholly or partly comprised in the police area every document sent to the officer in pursuance of paragraph (7), and rule 68 of the PCC elections rules shall apply to any such documents.

(9) If a person—

- (a) incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this article, or

(b) knowingly makes the declaration required by paragraph (6)(b) falsely, that person is guilty of a corrupt practice.

(10) If a person fails to deliver or send any declaration or return or a copy of it as required by this article the person is guilty of an illegal practice.

(11) The court before which a person is convicted under paragraph (9) or (10) may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 of the 1983 Act (read with article 77) (incapacities on conviction of corrupt or illegal practices).

(12) A candidate is not liable and the candidate's election is not to be avoided for a corrupt or illegal practice under paragraph (9) or (10) committed by an agent without the candidate's consent or connivance.

(13) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this article, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, is deemed guilty of that offence by virtue of this paragraph, unless that person proves—

- (a) that the act or omission took place without the person's consent or connivance, and
- (b) that the person exercised all such diligence to prevent the commission of the offence as the person ought to have exercised having regard to the nature of the person's functions in that capacity and to all the circumstances.

(14) For the purposes of paragraph (1), expenditure incurred before the date when a person becomes a candidate at the election is to be treated as having been incurred after that date if it is incurred in connection with anything which is used or takes place after that date.

(15) References in this article to an election agent include a sub-agent.

#### **Marginal Citations**

**M29** 1990 c.42.

**M30** 1996 c.55.

### **Limitation of candidate election expenses**

**35.**—(1) The election expenses incurred by or on behalf of a candidate at a PCC election must not in the aggregate exceed the maximum amount specified in the table in paragraph (2).

(2) For the purposes of paragraph (1), the maximum amount in respect of a candidate at a PCC election for a police area listed in an entry in the first column of table 2 is the amount shown for that entry in the second column.

**Table 2**

<i>Police area</i>	<i>Maximum amount</i>
Avon & Somerset	£ 222,851
Bedfordshire	£ 83,681
Cambridgeshire	£ 108,754
Cheshire	£ 142,720
Cleveland	£ 76,889

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Cumbria	£ 72,231
Derbyshire	£ 141,933
Devon and Cornwall	£ 233,281
Dorset	£ 106,888
Durham	£ 89,055
Dyfed-Powys	£ 72,622
Essex	£234,412
Gloucestershire	£ 86,344
Greater Manchester	£ 356,204
Gwent	£ 78,422
Hampshire	£ 260,591
Hertfordshire	£ 151,378
Humberside	£ 126,520
Kent	£ 228,338
Lancashire	£ 201,729
Leicestershire	£ 140,496
Lincolnshire	£ 99,900
Merseyside	£ 182,529
Norfolk	£ 120,662
North Wales	£ 95,241
North Yorkshire	£ 111,814
Northamptonshire	£ 95,663
Northumbria	£ 195,548
Nottinghamshire	£ 146,305
South Wales	£ 174,179
South Yorkshire	£ 178,637
Staffordshire	£ 153,313
Suffolk	£ 100,698
Surrey	£ 154,401
Sussex	£ 219,983
Thames Valley	£ 303,303
Warwickshire	£ 76,476
West Mercia	£ 168,735
West Midlands	£ 357,435
West Yorkshire	£ 287,255



Wiltshire

£ 93,682

(3) The maximum amount is not required to cover the candidate's personal expenses.

(4) The maximum amount is not affected for any candidate by the change in the timing of the PCC election or of any step in the proceedings at the election.

(5) Where a poll at a PCC election is countermanded or abandoned by reason of a candidate's death, the maximum amount for any of the other candidates who then remain validly nominated is to be twice or, if there has been a previous increase under this paragraph, three times what it would have been but for any increase under this paragraph.

(6) Where any election expenses are incurred in excess of a maximum amount specified in paragraph (2) or (5), any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

is guilty of an illegal practice.

#### **Power to vary provisions about candidate election expenses**

**36.**—(1) The Secretary of State may by order made by statutory instrument vary any of the sums to which this article applies—

- (a) where the Secretary of State considers that the variation is expedient in consequence of changes in the value of money, or
- (b) in order to give effect to a recommendation of the Commission.

(2) This article applies to any of the sums for the time being specified in—

- (a) article 31(2);
- (b) article 32(1)(a);
- (c) article 34(4);
- (d) article 35(2).

(3) An order under paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946 <sup>M31</sup> (definition of “Statutory Instrument”), the power to make an order which is conferred by paragraph (1) is to be taken to be conferred by an Act of Parliament.

#### **Marginal Citations**

**M31** 1946 9&10 Geo.6 (c.36).

#### **Time for sending in and paying claims**

**37.**—(1) Every claim against a candidate or the candidate's election agent in respect of election expenses which is not sent in to the election agent within 21 days after the day on which the result of the election is declared is barred and must not be paid.

(2) All election expenses must be paid not later than 28 days after that day.

(3) Any person who pays a claim in contravention of paragraph (1) or makes a payment in contravention of paragraph (2) is guilty of an illegal practice.

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(4) Where the election court reports that it has been proved to the court that any payment made as described in paragraph (3) was by an election agent without the sanction or connivance of the candidate—

- (a) the candidate's election is not void, nor
- (b) is the candidate subject to any incapacity under this Order by reason only of that payment having been made in contravention of this article.

(5) The claimant or the candidate or the candidate's election agent may apply to the High Court or to a county court for leave to pay a claim for any election expenses, although sent in after the period of 21 days or although sent in to the candidate and not to the election agent, and the court on cause shown to their satisfaction may by order grant the leave.

(6) Any sum specified in the order of leave may be paid by the candidate or the candidate's election agent and when paid in pursuance of the leave does not contravene paragraph (2).

### **Disputed claims**

**38.**—(1) If the election agent disputes any claim sent in to the agent within the period of 21 days mentioned in article 37 or refuses or fails to pay the claim within the period of 28 days mentioned in that article, the claim is deemed to be a disputed claim.

(2) The claimant may, if the claimant thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the candidate or the candidate's election agent in pursuance of the judgment or order of the court does not contravene article 31(1) or 37(2).

(3) Article 37(5) and (6) apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after that period of 21 days.

### **Election agent's claim**

**39.** So far as circumstances admit, this Order applies to an election agent's claim for remuneration and to its payment in like manner as if the agent were any other creditor, and if any difference arises about the amount of the claim, the claim is a disputed claim within the meaning of this Part of this Order and is to be dealt with accordingly.

### **Return as to candidate election expenses**

**40.**—(1) Within 70 days after the day on which the result of the PCC election is declared, the election agent of every candidate at the election must deliver to the police area returning officer a true return containing as respects that candidate—

- (a) a statement of all election expenses incurred by or on behalf of the candidate, and
  - (b) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.
- (2) A return under this article must—
- (a) specify the poll by virtue of which the return is required,
  - (b) specify the name of the candidate to whom the return relates and the name of the candidate's election agent, and
  - (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of article 34(6).
- (3) The return must also contain as respects that candidate—
- (a) a statement relating to such other expenses in connection with which provision is made by this Part as the Commission provide in regulations;

- (b) a statement relating to such claims (whether paid, unpaid or disputed) in connection with such election expenses or such other expenses mentioned in sub-paragraph (a) as the Commission so provide;
  - (c) a statement relating to such other matters as the Commission provide in regulations.
- (4) Where after the date at which the return as to election expenses is delivered, leave is given by the court under article 37(5) for any claim to be paid, the candidate or the candidate's election agent—
- (a) must, within 7 days after its payment, deliver to the police area returning officer a return of the sums paid in pursuance of the leave, accompanied by a copy of the order of the court giving the leave, and
  - (b) in default, is to be treated as having failed to comply with the requirements of this article without such authorised excuse as is mentioned in article 45.
- (5) The Commission may, by regulations, prescribe a form of return which may be used for the purposes of making any return (or any description of return) required by this article.

### **Declarations as to candidate election expenses**

- 41.**—(1) The return delivered under article 40(1) must be accompanied by a declaration made by the candidate's election agent in Form 26 set out in Schedule 6 or a form to like effect.
- (2) At the same time that the candidate's election agent delivers that return, or within seven days afterwards, the candidate must deliver to the police area returning officer a declaration made by the candidate in Form 27 set out in Schedule 6 or a form to like effect.
- (3) Where the candidate is out of the United Kingdom when the return is so delivered—
- (a) the declaration required by paragraph (2) may be made by the candidate within 14 days after the candidate's return to the United Kingdom, and
  - (b) in that case, the declaration must be forthwith delivered to the police area returning officer.
- (4) But the delay authorised by paragraph (3) in making the declaration does not exonerate the candidate's election agent from complying with the provisions of this Order relating to the return and declaration as to election expenses.
- (5) Where the candidate is his or her own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses is to be made in Form 28 in Schedule 6 or a form to like effect.
- (6) A candidate or an election agent who knowingly makes the declaration required by this article falsely is guilty of a corrupt practice.

### **Circumstances in which no return or declaration required**

- 42.** Notwithstanding anything in article 40 or 41, no return or declaration as to election expenses is required in the case of a person—
- (a) who is a candidate at a PCC election, but is so only because he or she has been declared by others to be a candidate, and
  - (b) who has not consented to the declaration or taken any part as a candidate at the election.

### **Penalty for failure as respects return or declarations**

- 43.** Subject to the provisions of article 45, a candidate or election agent who fails to comply with the requirements of articles 40 or 41 is guilty of an illegal practice.

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### **Disqualification where no return and declarations transmitted after PCC election**

**44.**—(1) If, in the case of any candidate, the return and declarations as to election expenses are not delivered before the expiry of the time limited for the purpose, the candidate is, as respects that election, disqualified from being elected as, or being, a police and crime commissioner.

(2) Any application under article 45 by such a candidate for relief in respect of a failure to deliver the return and declarations as to election expenses must be made within the period of 6 weeks following the day on which the time limited for their delivery expires.

(3) A disqualification under paragraph (1) does not take effect unless or until—

- (a) the period specified in paragraph (2) for making an application for relief under article 45 expires without such an application having been made, or
- (b) if such an application is made, the application—
  - (i) is finally disposed of without relief being granted, or
  - (ii) is abandoned or fails by reason of non-prosecution.

### **Authorised excuses for failures as to return and declarations**

**45.**—(1) A candidate or the candidate's election agent may apply for relief under this article to the High Court, an election court or a county court.

(2) Where a person makes an application under this article, the person must notify the Director of Public Prosecutions of the application and the Director or any assistant of the Director or any barrister, solicitor or authorised person duly appointed as the Director's representative may attend the hearing of the application and make representations at the hearing in respect of it.

(3) Relief under this article may be granted—

- (a) to a candidate, in respect of any failure to deliver the return and declarations as to election expenses, or any part of them, or in respect of any error or false statement in them, or
- (b) to an election agent, in respect of the failure to deliver the return and declarations which the agent was required to deliver, or any part of them, or in respect of any error or false statement in them.

(4) The application for relief may be made on the ground that the failure, error or false statement arose—

- (a) by reason of the applicant's illness, or
- (b) where the applicant is the candidate, by reason of the absence, death, illness or misconduct of the candidate's election agent or sub-agent or of any clerk or officer of such agent, or
- (c) where the applicant is the election agent—
  - (i) by reason of the death or illness of any prior election agent of the candidate, or
  - (ii) by reason of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate, or

(d) by reason of inadvertence or any reasonable cause of a like nature, and not by reason of any want of good faith on the applicant's part.

(5) The court may—

- (a) after such notice of the application in the police area as it considers fit, and
- (b) on production of such evidence of the grounds stated in the application and of the good faith of the applicant, and otherwise, as it considers fit,

make such order for allowing an authorised excuse for the failure, error or false statement as it considers just.

(6) Where it is proved to the court by the candidate—

- (a) that any act or omission of the election agent in relation to the return and declarations was without the sanction or connivance of the candidate, and
- (b) that the candidate took all reasonable means for preventing the act or omission,

the court must relieve the candidate from the consequences of the act or omission of the candidate's election agent.

(7) An order under paragraph (5) may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Part.

(8) An order under paragraph (5) has the effect of relieving the applicant for the order from any liability or consequences in respect of the matter excused by the order that would otherwise arise under this Order.

(9) The date of the order or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Order as the date of the allowance of the excuse.

#### **Court's power to require information from election agent or sub-agent**

**46.**—(1) Where on an application under article 45 it appears to the court that any person (“P”) who is or has been an election agent or sub-agent has refused or failed to make such return, or to supply such particulars, as will enable the candidate and the candidate's election agent respectively to comply with the provisions of this Order as to the return or declarations as to election expenses, the court, before making an order under that article, must order P to attend before the court.

(2) The court must on the attendance of P, unless P shows cause to the contrary, order P—

- (a) to make the return and declaration, or
- (b) to deliver a statement of the particulars required to be contained in the return,

as the court considers just, within such time, to such person and in such manner as the court may direct, or may order P to be examined with respect to the particulars.

(3) If P fails to comply with any order of the court under this article, the court may order P to pay a fine not exceeding the amount specified in paragraph (4).

(4) The specified amount is the amount of the maximum fine to which P would be liable if, at the time the court makes the order under paragraph (3), P were convicted of a summary offence on conviction of which P was liable to a fine of level 5 on the standard scale.

#### **Police area returning officer to forward returns and declarations to the Commission**

**47.** Where the police area returning officer receives any return or declaration under article 34, 40 or 41, the officer must —

- (a) as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Commission, and
- (b) if so requested by the Commission, also deliver to them a copy of any accompanying documents.

#### **Publication of time and place for inspection of returns and declarations**

**48.**—(1) The police area returning officer at a PCC election must within 10 days after the end of the time allowed for delivering to the officer returns as to election expenses—

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- (a) publish in not less than two newspapers circulating in the police area for which the election was held, and
- (b) send to each of the election agents,

a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected.

(2) If any return or declaration has not been received by the police area returning officer before the notice is despatched for publication under paragraph (1), the notice must so state, and a like notice about that return or declaration, if afterwards received, must within 10 days after the receipt be published in like manner and sent to each of the election agents other than the agent who is in default or is agent for the candidate in default.

### **Inspection of returns and declarations**

**49.**—(1) Where the police area returning officer receives any return or declaration under article 34, 40 or 41, the officer must—

- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at the office of the police area returning officer, or some other convenient place chosen by the officer, for a period of two years beginning with the date when the return is received by the officer;
- (b) if requested to do so by any person, and on payment of the fee determined in accordance with paragraph (3), supply that person with a copy of the return or declaration and any accompanying documents.

(2) If any such return contains a statement of donations in accordance with paragraph 10 of Schedule 5, the police area returning officer must secure that the copy of the statement made available for public inspection under paragraph (1)(a) or (as the case may be) supplied under paragraph (1)(b) does not include, in the case of any donation by an individual, the donor's address.

(3) The fee for a copy of a return, declaration or document referred to in paragraph (1)(b) is to be determined at the rate of 15p for each side of each page.

(4) After the expiry of the two year period referred to in paragraph (1)(a), the police area returning officer—

- (a) may cause those returns and declarations (including the accompanying documents) to be destroyed, or
- (b) if the candidate or the candidate's election agent so requires, must return them to the candidate.

(5) Any returns or declarations delivered under article 34 must be returned not to the candidate (if the candidate or the candidate's election agent so requires) but to the person delivering them, if that person so requires.

### **Meaning of “election expenses”**

**50.**—(1) In this Part “election expenses” in relation to a candidate at a PCC election means (subject to paragraph (2) and article 51) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 7 which is used for the purposes of the candidate's election after the date when the candidate becomes a candidate at the election.

(2) No election expenses are to be regarded as incurred by virtue of paragraph (1) or article 51 in respect of any matter specified in Part 2 of Schedule 7.

(3) In this article and in article 51, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.

(4) For the purposes of this Part, election expenses are incurred by or on behalf of a candidate at a PCC election if they are incurred—

- (a) by the candidate or the candidate's election agent, or
- (b) by any person authorised by the candidate or the candidate's election agent to incur expenses.

(5) A reference in this Part to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.

(6) In this Part and in Part 3 of the 1983 Act, as applied by paragraph 1 of Schedule 9, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.

(7) Schedule 7 has effect.

### **Property, goods, services etc provided free of charge or at a discount**

**51.**—(1) This article applies where, in the case of a candidate at a PCC election—

- (a) either—
  - (i) property or goods is or are transferred to the candidate or the candidate's election agent free of charge or at a discount of more than 10 per cent. of the market value of the property or goods, or
  - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
- (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.

(2) Where this article applies, and subject to Part 2 of Schedule 7—

- (a) an amount of election expenses determined in accordance with this article (“the appropriate amount”) is to be treated, for the purposes of this Part, as incurred by the candidate, and
- (b) the candidate's election agent must make a declaration of that amount,

unless that amount is not more than £50.

(3) Where paragraph (1)(a)(i) applies, the appropriate amount is such proportion of either—

- (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
- (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in paragraph (1)(b).

(4) Where paragraph (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or

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- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in paragraph (1)(b).

(5) Where the services of an employee are made available by the employer for the use or benefit of a candidate, then for the purposes of this article the commercial rate for the provision of those services is to be taken as being the amount of the remuneration and allowances payable to the employee by the employer in respect of the period for which the employee's services are so made available (but this does not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this article “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 5 applies with any necessary modifications for the purpose of determining, for the purposes of paragraph (1), whether property or goods is or are transferred to a candidate or the candidate's election agent.

### *Publicity*

#### **Publication of election addresses of candidates**

**52.**—(1) Each candidate at an ordinary PCC election is entitled to have an election address included on a website which is maintained by or on behalf of the Secretary of State for the purpose of publishing election addresses of candidates at such an election.

(2) No election address may be included on the website unless it has been prepared and submitted to, and approved by, the police area returning officer in accordance with Schedule 8.

(3) Any expenses incurred by or on behalf of a candidate in respect of the hosting and publication of the candidate's election address are not to be taken, for the purposes of this Part, as an amount of expenses incurred by the candidate for the purposes of the PCC election.

(4) The Secretary of State must take whatever steps the Secretary of State thinks appropriate to promote public awareness of—

- (a) the existence of the website, and
- (b) the availability of printed and other versions of election addresses of candidates.

(5) The Commission may include on the Commission's website information about—

- (a) how to access the website;
- (b) the availability of printed and other versions of election addresses of candidates,

and must include such information in any printed material which the Commission may publish in connection with PCC elections.

(6) Schedule 8 has effect.

#### **Broadcasting from outside United Kingdom**

**53.**—(1) No person may, with intent to influence persons to give or refrain from giving their votes at a PCC election, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the election in any programmes service (within the meaning of the Broadcasting Act 1990<sup>M32</sup>) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with—

- (a) the British Broadcasting Corporation,



(b) Sianel Pedwar Cymru, or

(c) the holder of any licence granted by the Office of Communications,

for the reception and re-transmission of that matter by that body or the holder of that licence.

(2) An offence under this article is an illegal practice, but the court before which a person is convicted of an offence under this article may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 of the 1983 Act read with article 77) (incapacities on conviction of corrupt or illegal practices).

(3) Where any act or omission of an association or body of persons, corporate or unincorporate, is an illegal practice under this article, any person (“P”) who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, is deemed to be guilty of the illegal practice, unless P proves—

(a) that the act or omission took place without P's consent or connivance, and

(b) that P exercised all such diligence to prevent the commission of the illegal practice as P ought to have exercised having regard to the nature of P's functions in that capacity and to all the circumstances.

#### **Marginal Citations**

**M32** 1990 c.42.

### **Broadcasting of local items during election**

**54.**—(1) Each broadcasting authority must adopt a code of practice with respect to the participation of candidates at a PCC election in items about the police area in question which are included in relevant services during the election period.

(2) The code for the time being adopted by a broadcasting authority under this article must be either—

(a) a code drawn up by that authority, whether on their own or jointly with one or more other broadcasting authorities, or

(b) a code drawn up by one or more other such authorities,

and a broadcasting authority must from time to time consider whether the code for the time being so adopted by them should be replaced by a further code falling within sub-paragraph (a) or (b).

(3) Before drawing up a code under this article a broadcasting authority must have regard to any views expressed by the Commission for the purposes of this paragraph; and any such code may make different provision for different cases.

(4) The Office of Communications must do all that they can to secure that the code for the time being adopted under this article is observed in the provision of relevant services; and the British Broadcasting Corporation and Sianel Pedwar Cymru must each observe in the provision of relevant services the code so adopted by them.

(5) For the purposes of paragraph (1), “the election period”, in relation to a PCC election, means the period beginning with the last date for publication of notice of the election and ending with the close of the poll.

(6) In this article—

“broadcasting authority” means the British Broadcasting Corporation, the Office of Communications or Sianel Pedwar Cymru;

“candidate”, in relation to a PCC election, means a candidate standing nominated at the election;

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“relevant services”—

- (a) in relation to the British Broadcasting Corporation or Sianel Pedwar Cymru, means services broadcast by that body;
- (b) in relation to the Office of Communications, means services licensed under Part 1 or 3 of the Broadcasting Act 1990<sup>M33</sup> or Part 1 or 2 of the Broadcasting Act 1996<sup>M34</sup>.

#### Marginal Citations

**M33** 1990 c.42.

**M34** 1996 c.55.

#### Imitation poll cards

**55.** No person may for the purpose of promoting or procuring the election of any candidate at a PCC election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive, and paragraphs (2) and (3) of article 53 apply as if an offence under this article were an offence under that article.

#### *Election meetings*

#### Schools and rooms for PCC election meetings

**56.—**(1) Subject to the following provisions of this article, a candidate for a police area at a PCC election is entitled for the purpose of holding public meetings in furtherance of the candidature to the use free of charge at reasonable times between the last date for publication of notice of the election and the day preceding the date of the poll of—

- (a) a suitable room in the premises of a school to which this article applies;
- (b) any meeting room to which this article applies.

(2) This article applies to community, foundation and voluntary schools of which the premises are situated in the police area.

(3) This article applies to meeting rooms situated in the police area, the expense of maintaining which is payable wholly or mainly out of public funds, or by a body whose expenses are so payable.

(4) Where a room is used for a meeting in pursuance of the rights conferred by this article, the person by whom or on whose behalf the meeting is convened—

- (a) must defray any expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting, and
- (b) must defray any damage done to the room or the premises in which it is situated, or to the furniture, fittings or apparatus in the room or premises.

(5) A candidate is not entitled to exercise the rights conferred by this article except on reasonable notice; and this article does not authorise any interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.

(6) For the purposes of this article (except those of paragraph (4)(b)), the premises of a school are not to be taken to include any private dwelling.

(7) In this article—

“dwelling” includes any part of a building where that part is occupied separately as a dwelling;

“meeting room” means any room which it is the practice to let for public meetings;

“room” includes a hall, gallery or gymnasium.

### **Making arrangements for the purposes of article 56**

**57.—**(1) Any arrangements under article 56 for the use of a room in school premises must be made with the local authority maintaining the school, or, in the case of a room in the premises of a foundation or voluntary aided school, with the governing body of the school.

(2) Any person claiming to be, or to be authorised, by a candidate is entitled at all reasonable times to inspect the list of rooms in school premises and of meeting rooms prepared under Schedule 5 to the 1983 Act or a copy of those lists.

### **Disturbances at election meetings**

**58.—**(1) A person who at a lawful public meeting to which this article applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together is guilty of an illegal practice.

(2) This article applies to a political meeting held in any police area between the last date on which a notice of the election may be published in accordance with the PCC elections rules and the date of the poll.

(3) If a constable reasonably suspects any person of committing an offence under paragraph (1), the constable may if requested so to do by the chairman of the meeting require that person to declare to the constable immediately the person's name and address and, if that person refuses or fails to do so or gives a false name or false address, the person is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

### *Agency by election officials and canvassing by police officers*

### **Officials not to act for candidates**

**59.—**(1) If any person who is—

- (a) a police area returning officer or local returning officer at a PCC election, or
- (b) a deputy of any such returning officer, or
- (c) an officer of a local authority whose services have been placed at the disposal of such a returning officer, or
- (d) an officer or clerk appointed under the PCC elections rules, or
- (e) a deputy or clerk appointed under regulation 5 of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012<sup>M35</sup>, or
- (f) a partner or clerk of a person mentioned in any of sub-paragraphs (a) to (e) in connection with that person's official duties,

acts as a candidate's agent in the conduct or management of the election, the person is guilty of an offence, but nothing in this paragraph prevents a candidate from acting as the candidate's own election agent.

(2) A person guilty of an offence under this article is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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#### **Marginal Citations**

**M35** [S.I. 2012/1918](#).

### **Illegal canvassing by police officers**

**60.**—(1) No member of a police force for any police area may by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his or her vote, whether as an elector or as proxy at a PCC election.

(2) A person acting in contravention of paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Nothing in this article applies to subject a person who is member of a police force to any penalty for anything done in the discharge of that person's duty as such.

#### *Other illegal practices, payments or employments*

### **False statements as to candidates**

**61.**—(1) A person who, or any director of any body or association corporate which—

(a) before or during a PCC election, and

(b) for the purpose of affecting the election of any candidate as police and crime commissioner, makes or publishes any false statement of fact in relation to the candidate's personal character or conduct is guilty of an illegal practice, unless the person can show that the person had reasonable grounds for believing, and did believe, the statement to be true.

(2) A candidate is not liable nor is the candidate's election to be avoided for an illegal practice under paragraph (1) which is committed by an agent, other than the election agent, of the candidate unless—

(a) it can be shown that the candidate or the candidate's election agent has authorised or consented to the committing of the illegal practice by that other agent or has paid for the circulation of the false statement constituting the illegal practice, or

(b) an election court find and report that the election of the candidate was procured or materially assisted in consequence of the making or publishing of such false statements.

(3) A person making or publishing any false statement of fact as mentioned above may be restrained by interim or perpetual injunction by the High Court or the county court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and, for the purpose of granting an interim injunction, prima facie proof of the falsity of the statement is sufficient.

(4) Any person who, before or during a PCC election, knowingly publishes a false statement of a candidate's withdrawal at the election for the purpose of promoting or procuring the election of another candidate is guilty of an illegal practice.

(5) A candidate is not liable, nor is the candidate's election to be avoided, for an illegal practice under paragraph (4) committed by an agent of the candidate other than the candidate's election agent.

### **Corrupt withdrawal from candidature**

**62.** Any person who corruptly induces or procures any other person to withdraw from being a candidate at a PCC election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, is guilty of an illegal payment.

### Payments for exhibition of election notices

**63.**—(1) No payment or contract for payment may, for the purpose of promoting or procuring the election of a candidate at a PCC election, be made to an elector or the elector's proxy on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless—

- (a) it is the ordinary business of the elector or proxy as an advertising agent to exhibit for payment bills and advertisements, and
- (b) the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this article either before, during or after a PCC election—

- (a) the person making the payment or contract, and
- (b) any person who receives the payment or is a party to the contract knowing it to be in contravention of this Order,

is guilty of an illegal practice.

### Details to appear on election publications

**64.**—(1) This article applies to any material which can reasonably be regarded as intended to promote or procure the election of a candidate at a PCC election (whether or not it can be so regarded as intended to achieve any other purpose as well).

(2) No material to which this article applies may be published unless—

- (a) in the case of material which is, or is contained in, such a document as is mentioned in paragraph (4), (5) or (6), the requirements of that paragraph are complied with, or
- (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under paragraph (7) are complied with.

(3) For the purposes of paragraphs (4) to (6), the following details are “the relevant details” in the case of any material falling within paragraph (2)(a), namely—

- (a) the name and address of the printer of the document,
- (b) the name and address of the promoter of the material, and
- (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

(5) Where the material is a printed document other than one to which paragraph (4) applies, the relevant details must appear either on the first or the last page of the document.

(6) Where the material is an advertisement contained in a newspaper or periodical—

- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page, and
- (b) the relevant details specified in paragraph (3)(b) and (c) must be included in the advertisement.

(7) The Secretary of State may, after consulting the Commission, by regulations made by statutory instrument make provision for and in connection with the imposition of requirements as to the inclusion in material falling within paragraph (2)(b) of the following details, namely—

- (a) the name and address of the promoter of the material, and

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- (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (8) Regulations under paragraph (7) may in particular specify—
- (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
- (b) circumstances in which—
- (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
- (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this article by that person or by a person of any other such description;
- (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of a description so specified.
- (9) Where any material falling within paragraph (2)(a) is published in contravention of paragraph (2), then (subject to paragraphs (11) and (12))—
- (a) the promoter of the material,
- (b) any other person by whom the material is so published, and
- (c) the printer of the document,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where any material falling within paragraph (2)(b) is published in contravention of paragraph (2), then (subject to regulations made by virtue of paragraph (8)(b) and to paragraphs (11) and (12))—
- (a) the promoter of the material, and
- (b) any other person by whom the material is so published,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) It is a defence for a person charged with an offence under this article to prove—
- (a) that the contravention of paragraph (2) arose from circumstances beyond the person's control, and
- (b) that the person took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.
- (12) Where a candidate or a candidate's election agent would (apart from this paragraph) be guilty of an offence under paragraph (9) or (10), that person is instead guilty of an illegal practice.
- (13) In this article—
- “print” means print by whatever means, and “printer” is to be construed accordingly;
- “the promoter”, in relation to any material to which this article applies, means the person causing the material to be published;
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.
- (14) For the purpose of determining whether any material is material such as is mentioned in paragraph (1), it is immaterial that it does not expressly mention the name of any candidate.
- (15) Regulations made under paragraph (7) are subject to annulment in pursuance of a resolution of either House of Parliament.

(16) For the purposes of section 1 of the Statutory Instruments Act 1946<sup>M36</sup> (definition of “Statutory Instrument”), the power to make regulations which is conferred by paragraph (7) is to be taken to be conferred by an Act of Parliament.

**Marginal Citations**

M36 1946 9&10 Geo.6 (c.36).

**Prohibition of paid canvassers**

65. If a person (“P”) is, either before, during or after a PCC election, engaged or employed for payment or promise of payment as a canvasser for the purpose of promoting or procuring a candidate's election—

- (a) P, and
- (b) the person engaging or employing P,

is guilty of illegal employment.

**Providing money for illegal purposes**

66.—(1) Where a person knowingly provides money—

- (a) for any payment which is contrary to the provisions of this Order, or
- (b) for any expenses incurred in excess of the maximum amount allowed by this Order, or
- (c) for replacing any money expended in any such payment or expenses,

except where the payment or the incurring of the expenses may have been previously allowed to be an exception in pursuance of the provision mentioned in paragraph (2), that person is guilty of an illegal payment.

(2) The provision referred to in paragraph (1) is section 167 of the 1983 Act (application for relief), as applied by paragraph 1 of Schedule 9.

*Bribery, treating and undue influence*

**Bribery**

67.—(1) A person (“P”) is guilty of a corrupt practice if P is guilty of bribery.

(2) P is guilty of bribery if P, directly or indirectly, by himself or herself or by any other person on P's behalf—

- (a) gives any money or procures any office to or for—
  - (i) any voter,
  - (ii) any other person on behalf of any voter, or
  - (iii) any other person in order to induce any voter to vote or refrain from voting, or
- (b) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or
- (c) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure, the election of any person as police and crime commissioner or the vote of any voter,

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or if upon or in consequence of any such gift or procurement as mentioned above P procures or engages, promises or endeavours to procure the election of any person as police and crime commissioner or the vote of any voter.

(3) For the purposes of paragraph (2)—

- (a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration, and
- (b) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

(4) A person is guilty of bribery if the person advances or pays or causes to be paid any money to or for the use of any other person with the intent that that money or any part of it be expended in bribery at a PCC election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at a PCC election.

(5) The preceding provisions of this article do not extend and are not to be construed as extending to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning a PCC election.

(6) A voter is guilty of bribery if before or during a PCC election the voter, directly or indirectly, by himself or herself or by any other person on the voter's behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for the voter or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(7) A person is guilty of bribery if after a PCC election the person directly or indirectly by himself or herself or by any other person on the person's behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(8) In this article the expression “voter” includes any person who has or claims to have a right to vote.

### **Treating**

**68.**—(1) A person (“P”) is guilty of a corrupt practice if P is guilty of treating.

(2) P is guilty of treating if P corruptly, by himself or herself or by any other person, either before, during or after a PCC election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting, or
- (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(3) Every elector or proxy for an elector who corruptly accepts or takes any such meat, drink, entertainment or provision is also guilty of treating.

### **Undue influence**

**69.**—(1) A person (“P”) is guilty of a corrupt practice if P is guilty of undue influence.

(2) P is guilty of undue influence—

- (a) if P, directly or indirectly, by himself or herself or by any other person on P's behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or herself or by any other person, any temporal or spiritual injury,



damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting, or

- (b) if, by abduction, duress or any fraudulent device or contrivance, P impedes or prevents, or intends to impede or prevent, the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon, or intends so to compel, induce or prevail upon, an elector or proxy for an elector either to vote or to refrain from voting.

### *Supplemental*

#### **Rights of creditors**

70. The provisions of this Part prohibiting—

- (a) payments and contracts for payments,
- (b) the payment or incurring of election expenses in excess of the maximum amount allowed by this Order, or
- (c) the incurring of expenses not authorised by the election agent,

do not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of that contract or expense being in contravention of this Order.

#### **Savings as to PCC elections**

71.—(1) Where a person has been declared by others to be a candidate at a PCC election without the person's consent, nothing in this Part is to be construed as imposing any liability on that person, unless the person has afterwards assented to the declaration or has been nominated.

(2) Nothing in this Part makes it illegal for an employer to permit electors or proxies for an elector to absent themselves from the employer's employment for a reasonable time for the purpose of voting at the poll at a PCC election without having any deduction from their salaries or wages on account of their absence, if the permission—

- (a) is (so far as practicable without injury to the employer's business) given equally to all persons alike who are at the time in the employment, and
- (b) is not given with a view to inducing any person to record the person's vote for any particular candidate at the election, and
- (c) is not refused to any person for the purpose of preventing the recording of the person's vote for any particular candidate at the election,

but this paragraph is not to be construed as making illegal any act which would not be illegal apart from this paragraph.

#### **Interpretation of Part 3**

72. In this Part—

“declaration as to election expenses” means a declaration made under article 41;

“disputed claim” has the meaning given by article 38(1) as extended by article 39.

“election expenses”, in relation to a PCC election, is to be construed in accordance with articles 50 and 51;

“money” and “pecuniary reward” is deemed (except in articles 30, 67 and 68 and Schedule 5) to include—

- (a) any office, place or employment, and

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(b) any valuable security or other equivalent of money, and

(c) any valuable consideration,

and expressions referring to money are to be construed accordingly;

“payment” includes any pecuniary or other reward;

“personal expenses” as used with respect to the expenditure of any candidate in a PCC election includes the reasonable travelling expenses of the candidate, and the reasonable expenses of the candidate in living at hotels or elsewhere for the purposes of and in relation to the election;

“return as to election expenses” means a return (including the bills and receipts to be delivered with it) to be made under article 40(1);

“sub-agent” has the meaning given in article 27.

### **Computation of time for purposes of Part 3**

**73.**—(1) For the purposes of this Part, where the day or last day allowed for the doing of anything falls on a day which is—

(a) a Saturday or Sunday,

(b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or

(c) a day appointed for public thanksgiving or mourning,

that time is to be extended until the next following day which is not one of those days.

(2) In computing any period of not more than 7 days any day referred to in paragraph (1)(a) to (c) is to be disregarded.

## **PART 4**

### **Legal Proceedings**

#### **Application to PCC elections of existing provisions about legal proceedings**

**74.** Schedule 9 (application to PCC elections of certain existing provisions about legal proceedings) has effect.

#### **Persons reported personally guilty of corrupt and illegal practices**

**75.**—(1) In section 160 of the 1983 Act<sup>M37</sup> (incapacities where a person has been reported by an election court personally guilty of a corrupt or illegal practice)—

(a) in subsections (1), (4), (5)(a), (5A) and (7), each reference to a person guilty of a corrupt practice includes a reference to a person guilty of such a practice under—

(i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or

(ii) a provision of this Order;

(b) in subsections (1), (4), (5)(b) and (7), each reference to a person guilty of an illegal practice includes a reference to a person guilty of such a practice under—

(i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or

(ii) a provision of this Order;

(c) in subsections (1)(b) and (4), each reference to elective office or office includes a reference to the office of police and crime commissioner.

- (2) In the application of section 160 of the 1983 Act by virtue of paragraph (1)(a)(ii) or (b)(ii)—
- (a) the reference in subsection (1) to section 145 of the 1983 Act includes a reference to that provision as applied by paragraph 1 of Schedule 9;
  - (b) in subsection (4A)—
    - (i) the reference to a person convicted of a corrupt practice under section 60, 62A or 62B of the 1983 Act <sup>M38</sup> includes a reference to a person convicted of a corrupt practice under article 17 of, or paragraph 10 of Schedule 2 to, this Order, and
    - (ii) the reference to a person convicted of an illegal practice under section 61 of the 1983 Act includes a reference to a person convicted of an illegal practice under article 18 of this Order;
  - (c) the reference in subsection (5A) to section 174 of the 1983 Act includes a reference to that provision as applied by paragraph 1 of Schedule 9;
  - (d) the reference in subsection (7) to the provisions of the 1983 Act includes a reference to the provisions of this Order.

#### Marginal Citations

- M37** Subsection (1) of section 160 was amended by paragraph 24 of, and paragraph 52 of Schedule 5 to, the [Representation of the People Act 1985 \(c.50\)](#). Subsections (4A) and (5A) were substituted by section 137(b) of, and paragraphs 1 and 8 of Schedule 17 to, the 2000 Act; subsection (4A) was amended by [S.I. 2007/931](#) and subsection (5A) was amended by section 74(1) of, and paragraphs 104 and 120(1) and (3) of Schedule 1 to, the Electoral Administration Act 2006.
- M38** [Section 62A](#) was inserted by section 40 of the Electoral Administration Act 2006; [section 62B](#) was inserted by section 15 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 ([2006 asp 14](#)).

#### Avoidance of election for employing corrupt agent

- 76.** In section 165 of the 1983 Act <sup>M39</sup> (avoidance of election for employing corrupt agent)—
- (a) in subsections (1) and (2), each reference to local government election includes a reference to an election in accordance with Chapter 6 of Part 1 of the 2011 Act;
  - (b) the reference in subsection (1)(a) to a person convicted or reported of a corrupt or illegal practice within the meaning of the 1983 Act includes a reference to a person convicted or reported of a corrupt or illegal practice under—
    - (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
    - (ii) a provision of this Order;
  - (c) the reference in subsection (4) to an election of the Mayor of London includes a reference to an election in accordance with Chapter 6 of Part 1 of the 2011 Act.

#### Marginal Citations

- M39** Subsection (1) of section 165 was amended by section 17(3) of, and Schedule 2 to, the [Bribery Act 2010 \(c.23\)](#). Subsection (4) was inserted by section 17 of, and paragraphs 1 and 36 of Schedule 3 to, the [Greater London Authority Act 1999 \(c.29\)](#).

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### **Incapacities on conviction of corrupt or illegal practice**

**77.**—(1) In section 173 of the 1983 Act <sup>M40</sup> (incapacities where a person has been convicted of a corrupt or illegal practice)—

- (a) in subsections (1), (3)(a) and (7), each reference to a person convicted of a corrupt practice includes a reference to a person convicted of a corrupt practice under—
  - (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
  - (ii) a provision of this Order;
- (b) in subsections (1), (3)(b), and (7), each reference to a person convicted of an illegal practice includes a reference to a person convicted of an illegal practice under—
  - (i) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
  - (ii) a provision of this Order;
- (c) in subsections (1), (4), (6), (7) and (8), each reference to elective office or office includes a reference to the office of police and crime commissioner.

(2) In the application of section 173 of the 1983 Act by virtue of paragraph (1)(a)(ii) or (b)(ii)—

- (a) in subsection (2)—
  - (i) the reference to a person convicted of a corrupt practice under section 60, 62A or 62B of the 1983 Act includes a reference to a person convicted of a corrupt practice under article 17 of, or paragraph 10 of Schedule 2 to, this Order, and
  - (ii) the reference to a person convicted of an illegal practice under section 61 of the 1983 Act includes a reference to a person convicted of an illegal practice under article 18 of this Order;
- (b) the references in subsection (9) to section 168 or 169 of the 1983 Act, and section 174 of that Act, include a reference to that section as applied by paragraph 1 of Schedule 9.

#### **Marginal Citations**

**M40** Section 173 was substituted by section 136 of the 2000 Act and subsection (2) was amended by S.I. 2007/931.

### **Incapacity to hold public or judicial office: Scotland**

**78.**—(1) In section 173A of the 1983 Act <sup>M41</sup> (incapacity where a person has been convicted of a corrupt practice), the reference in subsection (1) to a person convicted of a corrupt practice includes a reference to a person convicted of a corrupt practice under—

- (a) a provision of the 1983 Act applied by paragraph 1 of Schedule 9, or
- (b) a provision of this Order.

(2) In the application of section 173A of the 1983 Act by virtue of paragraph (1)(b)—

- (a) the reference in subsection (1) to section 174 of the 1983 Act includes a reference to that section as applied by paragraph 1 of Schedule 9;
- (b) the reference in subsection (2)(a) to section 173 of the 1983 Act is a reference to that section as it has effect by virtue of article 77;
- (c) the reference in subsection (2)(b) to section 168 of the 1983 Act includes a reference to that section as applied by paragraph 1 of Schedule 9.

### Marginal Citations

**M41** Section 173A was substituted by section 136 of the 2000 Act and amended by section 74(1) of, and paragraphs 104 and 123 of Schedule 1 to, the Electoral Administration Act 2006, by section 34(3) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 and by S.I. 2007/931.

## PART 5

### Miscellaneous and supplemental

#### Duty to notify appropriate officer of failure of PCC election

**79.** The police area returning officer must forthwith notify the appropriate officer for the police area where—

- (a) the poll at a PCC election is countermanded or abandoned for any reason, or
- (b) no person is or remains validly nominated as a candidate for election as police and crime commissioner, or
- (c) the election is for any other reason not held on the day required by section 50 (ordinary elections) of the 2011 Act or within the period prescribed by section 51 of that Act (election to fill vacancy in the office of police and crime commissioner).

#### Consequences where PCC election fails or is declared void

**80.**—(1) This article applies where—

- (a) a notice under article 79 is given to the appropriate officer for a police area, or
- (b) at the conclusion of a trial of a PCC election petition questioning the election of a police and crime commissioner for a police area, a specified notice is given to the appropriate officer for the police area certifying that the election court hearing the petition has determined that the election is void.

(2) For the purposes of section 59(1)(a) of the 2011 Act (date of vacancy in office of police and crime commissioner in consequence of failure of, or other irregularity in relation to, a PCC election), a vacancy in the office of police and crime commissioner in the police area is to be regarded as occurring on the day on which the notice referred to in paragraph (1) is received by the appropriate officer.

(3) The appropriate officer must give notice of the vacancy in accordance with section 59(3) to (5) of the 2011 Act and an election to fill the vacancy must be held under section 51 of that Act (election to fill a vacancy in office of police and crime commissioner).

(4) For the purposes of section 51(4) of the 2011 Act (which specifies the period within which the election must be held), the “relevant event” is the receipt of the notice referred to in paragraph (1) by the appropriate officer.

(5) In paragraph (1)(b), “specified notice” means a notice under section 145(6) of the 1983 Act, as applied by paragraph 1 of Schedule 9.

*Status: Point in time view as at 06/04/2014.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### Validity of acts where PCC election declared void

**81.** The acts of a person elected as police and crime commissioner for a police area who acts in that office are, despite any determination of an election court that the person's election is void, as valid and effectual as if the person's election had not been declared void.

### Access to marked registers and other documents open to public inspection after an election

**82.** Schedule 10 (which makes provision about access to marked registers etc after a PCC election) has effect.

### Advertisements

**83.—**(1) The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 <sup>M42</sup> apply in relation to the display on any site in England of an advertisement relating specifically to a PCC election as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

(2) The Town and Country Planning (Control of Advertisements) Regulations 1992 <sup>M43</sup> apply in relation to the display on any site in Wales of an advertisement relating specifically to a PCC election as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

#### Marginal Citations

**M42** [S.I. 2007/783](#).

**M43** [S.I. 1992/666](#).

### Forms

**84.—**(1) The forms set out in this Order or forms substantially to the like effect may be used with such variations as the circumstances may require.

(2) But—

- (a) paragraph (1) does not apply to the ballot paper, and
- (b) any variations made by a local returning officer must, where appropriate, be in compliance with any directions issued by the police area returning officer under regulations made under section 54(2) of the 2011 Act (functions of returning officers).

(3) The registration officer must supply free of charge as many forms for use in connection with applications made under Schedule 2 (absent voting in PCC elections) as appear to that officer reasonable in the circumstances to any person who satisfies that officer of the person's intention to use the forms in connection with a PCC election.

### Translations etc of certain documents

**85.—**(1) Paragraphs (2) and (3) apply to any document which under or by virtue of this Order is required or authorised to be given to voters or displayed in any place for the purposes of a PCC election.

(2) The person who is required or authorised to give or display the document must, as the person thinks appropriate, give or display or otherwise make available in such form as the person thinks appropriate—

- (a) the document in Braille;

- (b) the document in languages other than English;
  - (c) graphical representations of the information contained in the document;
  - (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.
- (3) The person required or authorised to give or display the document must also, as the person thinks appropriate, make available the information contained in the document in such audible form as the person thinks appropriate.
- (4) Paragraphs (2) and (3) do not apply to—
- (a) the nomination paper;
  - (b) the ballot paper.
- (5) The local returning officer at a PCC election must cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper.
- (6) The sample copy mentioned in paragraph (5) must have printed the following words at the top of the list of candidates—
- (a) in the case of an election where there are three or more candidates—  
“Vote once (X) in column 1 for your first choice, and  
Vote once (X) in column 2 for your second choice”;
  - (b) in the case of an election where there are only two candidates—  
“Vote (X) for one candidate only”;
- and may include a translation of those words into such other languages as the local returning officer thinks appropriate.

### **Public notices and declarations**

- 86.**—(1) This article applies to any public notice which is required by this Order to be given by a police area returning officer or a local returning officer.
- (2) Public notice must be given by posting the notice in some conspicuous place or places in (as the case may be) the police area or voting area for which the officer acts, and may also be given in such other manner as the officer thinks desirable for publicising it.
- (3) Any person before whom a declaration is authorised to be made under this Order may take the declaration.

### **Sending of applications and notices; electronic signatures and related certificates**

- 87.**—(1) The requirement in this Order 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 future reference.
- (2) The requirement in this Order for an application, notice, representation or objection to be signed is satisfied (as an alternative to a signature given by hand) where there is—
- (a) an electronic signature incorporated into or logically associated with a particular electronic communication, and
  - (b) the certification by any person of such a signature.

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(3) For the purposes of this Order, 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.

(4) For the purposes of this Order, 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.

#### **Publication of documents**

**88.**—(1) Any failure to publish a document in accordance with this Order does not invalidate the document, but this provision does not relieve any person from any penalty for such a failure.

(2) Where a document is made available for inspection, any person may make a copy (whether in handwriting or by other means) of the whole or any part of such a document.

(3) Paragraph (2) is subject to any restriction as to the making of copies which is imposed by—

- (a) paragraph 21(5) of Schedule 2;
- (b) paragraph 3(8) of Schedule 10;
- (c) an order for the inspection of documents which is made under rule 67 of the PCC Elections Rules.

#### **Interference with notices**

**89.** Any person who without lawful authority destroys, mutilates, defaces or removes—

- (a) any notice published by the registration officer in connection with the officer's registration duties, or
- (b) 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.

Home Office

*Nick Herbert*  
Minister of State



## SCHEDULES

### SCHEDULE 1

Article 9

#### Supply of register

#### **Supply of free copy of register for electoral purposes and restrictions on use**

1.—(1) As soon as practicable after the relevant date, the registration officer must supply each relevant returning officer with as many printed copies of the following as the relevant returning officer may reasonably require for the purposes of the PCC election—

- (a) the latest revised version of the register published under section 13(1) or (3) of the 1983 Act [<sup>F2</sup>or under the Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013], and
- (b) any notice, published under section 13A(2)[<sup>F3</sup>, 13AB(2)], 13B(3), (3B) or (3D) or 13BB(4) or (5) of that Act <sup>M44</sup>, setting out an alteration to the latest version of the register.

(2) In this paragraph—

“relevant date” means—

- (a) in the case of an ordinary election of police and crime commissioners, the date which is 60 days before the day determined in accordance with section 50 of the 2011 Act as that on which the poll at the election is to be held;
- (b) in the case of an election for a police area held under section 51 of the 2011 Act (election to fill vacancy in office of police and crime commissioner), the date on which the vacancy occurs;

“relevant returning officer”, in relation to a registration officer, means—

- (a) a local returning officer for a voting area wholly or partly comprised in the area for which the registration officer acts,
- (b) a police area returning officer for a police area in which the whole or part of the area for which the registration officer acts is situated,

but does not include a returning officer who is the same individual as the registration officer.

(3) Where a registration officer is under a duty to supply a returning officer with printed copies of a register or notice under this paragraph, the registration officer must also supply a copy of the register or notice in data form.

(4) A copy of a register or notice supplied under this paragraph is to be supplied free of charge.

(5) No person to whom a copy of a register or notice has been supplied under this paragraph may—

- (a) supply a copy of that register or those notices to any person,
- (b) disclose any information contained in them that is not contained in the edited register (within the meaning of regulation 93 of the 2001 Regulations), or
- (c) make use of any such information,

other than for the purposes of an election.

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### Textual Amendments

- F2** Words in Sch. 1 para. 1(1)(a) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **6(1)** (with art. 1(5))
- F3** Word in Sch. 1 para. 1(1)(b) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **6(2)(a)** (with art. 1(5))

### Marginal Citations

- M44** Section 13A of the Representation of the People Act 1983 was substituted by paragraph 6 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000. Section 13B was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#) and section 74 of, and paragraph 3 of Schedule 10 to, the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#). Subsections (3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006. Section 13BB was inserted by section 23(1) of the [Political Parties and Elections Act 2009 \(c.12\)](#).

## Supply on request and specific restrictions

2.—(1) The persons or organisations within any of paragraphs 3 to 5 may request the registration officer to supply free of charge the relevant part (within the meaning of those paragraphs) of any of the following—

- (a) a revised version of the register published under section 13(1) or (3) of the 1983 Act;
  - (b) any notice, published under section 13A(2)<sup>F4</sup>, 13AB(2)], 13B(3), (3B) or (3D) or 13BB(4) or (5) of the 1983 Act, setting out an alteration to the register.
- (2) A request under sub-paragraph (1) must be made in writing and must—
- (a) specify the documents requested,
  - (b) subject to sub-paragraph (5), state whether the request is made only in respect of the current documents or whether it includes a request for the supply of any subsequent document on publication for so long as the person making the request falls within the category of persons entitled to receive the documents requested, and
  - (c) state whether a printed copy of any of the documents is requested instead of the version in data form.

(3) Unless a request has been made in advance of supply under sub-paragraph (2)(c), the copy of a document supplied under this paragraph is to be in data form.

(4) The registration officer must supply the relevant part of the documents referred to in sub-paragraph (1) in accordance with a request that has been duly made.

(5) A person within paragraph 5 may not make the request set out in sub-paragraph (2)(b).

(6) A person who obtains a copy of any document under sub-paragraph (4) may use it for any purpose for which that person would be entitled to obtain that document under this Schedule and any restrictions which apply under whichever of paragraphs 3 to 5 entitles that person to obtain that document for that purpose applies to such use.

### Textual Amendments

- F4** Word in Sch. 1 para. 2(1)(b) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **7(a)** (with art. 1(5))

### **Supply of register etc to police and crime commissioner and restrictions on use**

3.—(1) This paragraph applies to a person elected to the office of police and crime commissioner for a police area in which the whole or part of the area for which the registration officer acts is situated.

(2) For the purposes of paragraph 2(1), the relevant part of the documents listed in that provision is so much of them as relates to any part of the police area for which the police and crime commissioner is elected as falls within the area for which the registration officer acts.

(3) No person to whom this paragraph applies who has been supplied with a copy of a register or notices under paragraph 2 may—

- (a) supply a copy of that register or those notices to any person,
- (b) disclose any information contained in them that is not contained in the edited register (within the meaning of regulation 93 of the 2001 Regulations), or
- (c) make use of any such information,

other than for purposes in connection with the office of police and crime commissioner or for electoral purposes.

### **Supply of register etc to candidates and restrictions on use**

4.—(1) This paragraph applies to a candidate for election at a PCC election.

(2) For the purposes of paragraph 2(1), the relevant part of the documents listed in that provision is the whole of them.

(3) No candidate for election at a PCC election who has been supplied with a copy of a register or notices under paragraph 2 may—

- (a) supply a copy of that register or those notices to any person,
- (b) disclose any information contained in them that is not contained in the edited register (within the meaning of regulation 93 of the 2001 Regulations), or
- (c) make use of any such information,

other than for the purpose of complying with the controls on donations set out in Schedule 5.

### **Supply of register etc to certain candidates and restrictions on use**

5.—(1) This paragraph applies to a candidate for election as a police and crime commissioner for a police area in which the whole or part of the area for which the registration officer acts is situated.

(2) For the purposes of paragraph 2(1), the relevant part of the documents listed in that provision is so much of them as relates to any part of the police area for which the candidate is standing as falls within the area for which the registration officer acts.

(3) No candidate to whom this paragraph applies who has been supplied with a copy of a register or notices under paragraph 2 may—

- (a) supply a copy of that register or those notices to any person,
- (b) disclose any information contained in them that is not contained in the edited register (within the meaning of regulation 93 of the 2001 Regulations), or
- (c) make use of any such information,

other than for electoral purposes.

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## SCHEDULE 2

Article 11

### Absent voting in PCC elections

Form 1	Proxy paper (paragraph 5(5))
Form 2	Postal voting statement where PCC election taken alone (paragraph 30(2))
Form 3	Combination with mayoral election only: postal voting statement where proceedings on issue and receipt of postal ballot papers combined (paragraph 30(3))
Form 4	Other combinations: postal voting statement where proceedings on issue and receipt of postal ballot papers not combined (paragraph 30(5))
Form 5	Completed statement of the number of postal ballot papers issued (paragraph 59(1)(b))

## PART 1

### Manner of voting at PCC election and entitlement to absent vote

#### Manner of voting at PCC elections

1.—(1) This paragraph applies to determine the manner of voting of a person (“P”) entitled to vote as an elector at a PCC election.

(2) P may vote in person at the polling station to which he or she is allotted under the PCC elections rules, unless P is entitled as an elector to vote by post or by proxy at the PCC election.

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

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

(5) If—

(a) P is not entitled to vote by post or by proxy at a PCC election, but

(b) P cannot reasonably be expected to go in person to the polling station to which P is allotted under the PCC elections rules by reason of the particular circumstances of P's employment, either as a constable or by a local returning officer, on the date of the poll for a purpose connected with the PCC election,

P may vote in person at any polling station in the same voting area as the allotted polling station.

[<sup>F5</sup>(5A) In sub-paragraph (5), a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for civilian staff).]

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

(a) in person (where the person 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 the person is entitled to vote by post or, as the case may be, by proxy in the PCC election).

(7) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7A of the 1983 Act (persons remanded in custody) applies, whether the person is registered by virtue of that provision or not; and such a person may vote only by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the PCC election).

(8) Sub-paragraph (2) does not prevent a person, at the polling station to which he or she is allotted, marking a tendered ballot paper in pursuance of rule 40 of the PCC elections rules (votes marked by presiding officer).

#### Textual Amendments

**F5** Sch. 2 para. 1(5A) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 8 (with art. 1(5))

### Entitlement to absent vote at PCC elections

2.—(1) A person entitled to vote in a PCC election is entitled to vote by post or by proxy if sub-paragraph (2) or (3) (as the case may be) applies to the person.

(2) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 4(2) as entitled to vote by post in a PCC election.

(3) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 4(3) as entitled to vote by proxy in a PCC election.

### Application to vote by post or proxy at a particular PCC election

3.—(1) Where a person applies to the registration officer to vote by post at a particular PCC election, the officer must grant the application if—

- (a) the officer 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 set out in Part 2 of this Schedule.

(2) Where a person applies to the registration officer to vote by proxy at a particular PCC election, the officer must grant the application if—

- (a) the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station to which the applicant is, or is likely to be, allotted under the PCC elections rules,
- (b) the officer 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 set out in Part 2 of this Schedule.

(3) Where a person who has an anonymous entry in the register applies to the registration officer to vote by proxy at a particular PCC election, the registration officer must grant the application if it meets the requirements set out in Part 2 of this Schedule.

(4) Nothing in sub-paragraph (1), (2) or (3) applies to—

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- (a) a person who is included in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 (absent vote at parliamentary or local government elections for definite or indefinite period) <sup>M45</sup>, or
  - (b) a person who is included in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 (absent vote at European Parliamentary elections for definite or indefinite period) <sup>M46</sup>.
- (5) But if a person is included in a record mentioned in sub-paragraph (4) and is shown in the record as voting by post, the person may, in respect of a particular PCC election, apply to the registration officer—
- (a) for his or her ballot paper to be sent to a different address from that shown in the record, or
  - (b) to vote by proxy.
- (6) The registration officer must grant an application under sub-paragraph (5) if—
- (a) in the case of any application, it meets the requirements set out in Part 2 of this Schedule, and
  - (b) in the case of an application to vote by proxy, the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station to which the applicant is, or is likely to be allotted, under the PCC elections rules.
- (7) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)
- (c) for the applicant to provide a signature if the officer is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has, or
  - (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.
- (8) The registration officer must keep a record of those whose applications under this paragraph have been granted showing—
- (a) their dates of birth, and
  - (b) except in cases where the registration officer in pursuance of sub-paragraph (7) has dispensed with the requirement to provide a signature, their signatures.
- (9) The record kept under sub-paragraph (8) must be retained by the registration officer for the period specified in paragraph 26 of this Schedule (the personal identifiers record).

#### Marginal Citations

**M45** Schedule 4 to the [Representation of the People Act 2000 \(c.2\)](#) also has effect in relation to mayoral elections in England and Wales by virtue of Schedule 2 to the [Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#). It also has effect in relation to referendums in England by virtue of Schedule 4 to the [Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#) and Schedule 4 to the [Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#).

**M46** [S.I. 2004/293](#).

#### Absent voter lists

4.—(1) The registration officer must, in respect of each PCC election, keep the two special lists mentioned in sub-paragraphs (2) and (3).

(2) The first of those lists (“the postal voters list”) is a list of—

- (a) the persons who are for the time being shown as voting by post in the record referred to in paragraph 3(4)(a) or (b), together with (in each case) the addresses provided in their applications under, as the case may be—
    - (i) paragraph 3 of Schedule 4 to the Representation of the People Act 2000,
    - (ii) paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004, or
    - (iii) paragraph 3(5)(a) of this Schedule,as the address to which their ballot papers are to be sent;
  - (b) the persons whose application under paragraph 3(1) of this Schedule to vote by post at the PCC election have been granted, together with the addresses provided in their applications as the address to which their ballot papers are to be sent.
- (3) The second list (“the list of proxies”) is a list of—
- (a) the persons who are for the time being shown as voting by proxy in the record referred to in paragraph 3(4)(a) or (b), together with (in each case) the names and addresses of the proxies appointed under, as the case may be—
    - (i) paragraph 6 of Schedule 4 to the Representation of the People Act 2000,
    - (ii) paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations 2004;
  - (b) the persons whose application under paragraph 3(2), (3) or (5)(b) of this Schedule to vote by proxy at the PCC election have been granted, together with (in each case) the names and addresses of the proxy appointed under paragraph 5 of this Schedule.
- (4) In the case of a person who has an anonymous entry in the register of electors, the postal voters list or list of proxies (as the case may be) must contain only—
- (a) the person's 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 voting area wholly or partly comprised in the area for which the registration officer acts so much of those lists as relate to that voting area.

### **Proxies at PCC elections: appointment**

- 5.—(1) Subject to the following provisions of this paragraph, any person is capable of being appointed proxy to vote for another (“the elector”) at a PCC election.
- (2) The elector cannot have more than one person at a time appointed as proxy to vote for the elector at a PCC election in the same police area.
- (3) A person is capable of being appointed to vote as proxy at a PCC election only if—
- (a) the person is not subject to any legal incapacity (age apart) to vote at that election as an elector, and
  - (b) the person is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union.
- (4) The registration officer must make the appointment if the application meets the requirements set out in Part 2 of this Schedule and the registration officer is satisfied that—
- (a) the elector is or will be—
    - (i) registered in the register of electors, and
    - (ii) entitled to vote by proxy at that election by virtue of an application under paragraph 3(2), (3) or (5)(b) (proxy vote at particular PCC election), and

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(b) the proxy is capable of being, and willing to be, appointed.

(5) The appointment of a proxy under this paragraph must be made by means of a proxy paper issued by the registration officer in Form 1 set out in Part 4 of this Schedule or a proxy paper to the like effect.

(6) The appointment may be cancelled by the elector by giving notice to the registration officer.

(7) The appointment also ceases to be in force on the issue of a proxy paper appointing a different person to vote for the elector at a PCC election in the same police area.

(8) Subject to sub-paragraphs (6) and (7), the appointment remains in force for the particular election to which it relates.

### **Proxies at PCC elections: entitlement to vote**

6.—(1) Subject to the following provisions of this paragraph, where a relevant proxy appointment is in force, the person appointed is entitled to vote as proxy for the person for whom the appointment was made (“the elector”).

(2) In sub-paragraph (1) “relevant proxy appointment” means—

- (a) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(a)(i), an appointment under paragraph 6 of Schedule 4 to the Representation of the People Act 2000;
- (b) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(a)(ii), an appointment under paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations 2004;
- (c) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(b), an appointment under paragraph 5 of this Schedule.

(3) A person is capable of voting as proxy at a PCC election only if—

- (a) the person is not subject to any legal incapacity (age apart) to vote at that election as an elector, and
- (b) the person is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union.

(4) A person is not capable of voting as proxy at a PCC election unless on the date of the poll he or she has attained the age of eighteen.

(5) A person is not entitled to vote as proxy at the same ordinary PCC election in any police area on behalf of more than two others of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

### **Voting as proxy**

7.—(1) A person entitled to vote as proxy for another (“the elector”) at a PCC election may do so in person at the polling station to which the elector is allotted under the PCC elections rules unless the person is entitled to vote by post as proxy for the elector at the election, in which case the person may vote by post.

(2) Where a person is entitled to vote by post as proxy for an elector at a PCC election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.

(3) A person entitled to vote as proxy for an elector at a PCC election is entitled so to vote by post if the person is included in the list kept under sub-paragraph (7) in respect of the election.

(4) Where a person applies to the registration officer to vote by post as proxy at a particular PCC 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, and
  - (b) that the applicant is the subject of a relevant proxy appointment within the meaning of paragraph 6(2)(c), and
  - (c) that the application contains the applicant's signature and date of birth and meets the requirements set out in Part 2 of this Schedule.
- (6) In the case of a particular PCC election, a person who is the subject of a relevant proxy appointment within the meaning of paragraph 6(2)(a) or (b) and who—
- (a) is included in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 (record of proxies who have applied to vote by post), or
  - (b) is included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections 2004 (record of proxies who have applied to vote by post),
- may apply to the registration officer for his or her ballot paper for the PCC election to be sent to a different address from that shown in the record, and the officer must grant the application if it meets the requirements set out in Part 2 of this Schedule.
- (7) The registration officer must, in respect of each PCC election, keep a special list (“the proxy postal voters list”) of—
- (a) the proxies who—
    - (i) were appointed as mentioned in paragraph 4(3)(a)(i), and
    - (ii) are for the time being included in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 (record of proxies who have applied to vote by post),together with the addresses provided in their applications under paragraph 7(4)(a) or (7) of that Schedule or under sub-paragraph (6) (as the case may be) as the addresses to which their ballot papers are to be sent;
  - (b) the proxies who—
    - (i) were appointed as mentioned in paragraph 4(3)(a)(ii), and
    - (ii) are for the time being included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (record of proxies who have applied to vote by post),together with the addresses provided in their applications under paragraph 7(4)(a) or (7) of that Schedule or under sub-paragraph (6) (as the case may be) as the addresses to which their ballot papers are to be sent;
  - (c) the proxies—
    - (i) who were appointed as mentioned in paragraph 4(3)(b), and
    - (ii) whose applications under sub-paragraph (4) have been granted,together with the addresses provided in their application under sub-paragraph (4) as the addresses to which their ballot papers are to be sent.
- (8) In the case of a person who has an anonymous entry in the register of electors, the special list mentioned in sub-paragraph (7) must contain only—
- (a) the person's electoral number, and
  - (b) the period for which the anonymous entry has effect.

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(9) The registration officer must, forthwith on the completion of the compilation of that special list, supply to the local returning officer for any voting area wholly or partly comprised in the area for which the registration officer acts so much of that list as relates to that voting area.

(10) Sub-paragraph (2) does not prevent a person, at the polling station to which the person is allotted, marking a tendered ballot paper in the circumstances set out in case 3, 4, 5 or 6 of rule 42 of the PCC elections rules, if the person would otherwise be able to do so.

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

- (a) to provide a signature because of any disability the applicant has, or
- (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.

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

- (a) their dates of birth, and
- (b) except in cases where the registration officer in pursuance of sub-paragraph (11) has dispensed with the requirement to provide a signature, their signatures.

(13) The record kept under sub-paragraph (12) must be retained by the registration officer for the period specified in paragraph 26 of this Schedule (the personal identifiers record).

#### **Use of personal identifier information**

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

- (a) provide the local returning officer for a PCC election with a copy of the information in relation to electors entitled to vote at the election which is contained in records kept by the registration officer in pursuance of—
  - (i) paragraphs 3(9), 4(6) and 7(12) of Schedule 4 to the Representation of the People Act 2000 (dates of birth and signatures of certain electors and proxies),
  - (ii) paragraphs 3(9), 4(7) and 7(13) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (dates of birth and signatures of certain electors and proxies),
  - (iii) paragraphs 3(8) and 7(12) of this Schedule, or
- (b) give the local returning officer access to such information.

(2) Information contained in records kept by a registration officer in pursuance of paragraph 3(8) or 7(12) may be disclosed by the registration officer (subject to the conditions prescribed in Part 2 of this Schedule) to—

- (a) any other registration officer if the officer thinks that to do so will assist the other registration officer in the performance of his or her duties;
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under this Order or the Representation of the People Acts.

#### **Offences as to declarations or forms used for purposes of postal and proxy vote applications**

9. A person who—

- (a) in any declaration or form used for any of the purposes of this Part of this Schedule makes a statement knowing it to be false, or
- (b) attests an application under paragraph 3 knowing—

- (i) that he or she is not authorised to do so, or
- (ii) 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.

### **Other offences as to postal and proxy vote applications**

**10.**—(1) A person (“P”) commits an offence if P—

- (a) engages in an act specified in sub-paragraph (2) at a PCC election, and
- (b) intends, by doing so, to deprive another of an opportunity to vote or to make for P or another a gain of a vote to which P 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 for absent vote**

#### **General requirements for applications for absent vote**

**11.**—(1) An application under Part 1 of this Schedule must state—

- (a) the full name of the applicant,
- (b) except in a case within paragraph (c), 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,
- (c) in the case of an application under paragraph 7(4) or 7(6) (applications relating to postal proxy voting), the proxy's address, together with the name of the elector for whom the applicant will act as proxy and the elector's address for the purposes of paragraph (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,

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- (f) in the case of a person who is unable to provide a signature (or a consistent or distinctive signature), the reasons for requesting the waiver of any requirement under paragraph 3 or 7 to provide a signature and the name and address of any person who has assisted in the completion of the application, and
  - (g) where the applicant has, or has applied for, an anonymous entry, that fact.
- (2) The application must be made in writing and must be dated.
- (3) 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 the 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].
- (4) Sub-paragraph (3)(a) does not apply where the application contains a request that the registration officer waive the requirement for a signature.
- (5) An application under Part 1 of this Schedule must—
- (a) state that it is made for a particular PCC election, and
  - (b) identify the election in question.
- (6) An application to vote by proxy must also include an application for the appointment of a proxy which meets the requirements of paragraph 14.
- (7) An application under Part 1 of this Schedule may be combined with an application for an absent vote made under the 2001 Regulations, including those Regulations as applied by regulations made under sections 9HE and 105, 9MG and 105, 44 and 105 or 45 and 105 of the Local Government Act 2000<sup>M47</sup> or sections 52ZQ and 113 of the Local Government Finance Act 1992<sup>M48</sup>.

#### Marginal Citations

- M47** 2000 c.22. Sections 9HE and 9MG were inserted by section 21 of, and Schedule 2 to, the [Localism Act 2011 \(c.20\)](#). Section 45 was amended by section 22 of, and paragraph 66 of Schedule 3 to, that Act. Section 105 was amended by section 22 of, and paragraph 70 of Schedule 3 to, that Act.
- M48** 1992 c.14. Section 52ZQ was inserted by Schedule 5 to the [Localism Act 2011](#) and section 113 was amended by section 72 of, and paragraph 32 of Schedule 6 to, that Act.

#### *Additional requirements for certain applications*

#### **Additional requirements: applications where address for ballot papers differs from address in application**

- 12.—(1) Sub-paragraph (2) applies where—
- (a) in the case of an application to vote by post under paragraph 3(1), the addresses stated in accordance with paragraph 11(1)(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 11(1)(c) and the address stated in accordance with paragraph 11(1)(d) are different.
- (2) The application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to the address stated in accordance with paragraph 11(1)(d).

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

**Additional requirements: applications for ballot papers to be sent to different address from address in record**

13.—(1) Sub-paragraph (2) applies to an application—

- (a) under paragraph 3(5)(a) of this Schedule by a person shown as voting by post in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 or paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004, or
- (b) under paragraph 7(6) of this Schedule by a person shown as voting by post in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 or paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004,

for the ballot paper to be sent to a different address from that shown in the record.

(2) The application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to that address.

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

**Additional requirements: applications for the appointment of a proxy in respect of a particular PCC election**

14.—(1) Sub-paragraph (2) applies to an application for the appointment of a proxy under paragraph 3.

(2) The application must state the full name and address of the person whom the applicant (“P”) wishes to appoint as proxy, together with the person's family relationship (if any) with P and—

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

(3) The application must set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the applicant's allotted polling station.

(4) Where an application under [<sup>F6</sup>paragraph 3(2)]—

- (a) is made on the grounds of the applicant's disability, and
- (b) is made after 5 pm on the sixth day before the date of the poll at the PCC election for which it is made,

the requirements of paragraph 15 apply to the matters to be specified and as to the attestation.

(5) Where an application mentioned in sub-paragraph (4) is made, the person attesting the application must state, in addition to the matters specified in paragraph 15, to the best of the attester's knowledge and belief, the date upon which the applicant became disabled.

[<sup>F7</sup>(5A) Where an application under paragraph 3(2)—

- (a) is made on grounds relating to the applicant's occupation, service or employment; and
- (b) is made after 5 p.m. on the sixth day before the date of the poll at the PCC election for which it is made,

the requirements of paragraph 15A apply to the matters to be specified and as to attestation.]

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(6) Where an application under [<sup>F8</sup>paragraph 3(2)] is made by a person to whom paragraph 1(6) applies after 5pm on the sixth day before the date of the poll at the election for which it is made, the requirements of sub-paragraph (7) apply to the matters to be specified and as to attestation.

(7) Where an application mentioned in sub-paragraph (6) 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
- (b) the application must be attested by or on behalf of a manager, within the meaning of section 145(1) of the Mental Health Act 1983 <sup>M49</sup>, of the hospital at which the applicant is liable to be detained, and the attestation must state—
  - (i) the name of the person attesting the application,
  - (ii) that the person is authorised to make the attestation,
  - (iii) the person's position in the hospital at which the applicant is liable to be detained, and
  - (iv) the statutory provision under which the applicant is liable to be detained in the hospital.

(8) This paragraph does not apply where an applicant has an anonymous entry.

(9) In this paragraph and in paragraph 15, references to an “allotted polling station”, in relation to an elector, are to the polling station to which the elector is, or is likely to be, allotted under the PCC elections rules.

#### Textual Amendments

- F6** Words in Sch. 2 para. 14(4) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **11(2)** (with art. 1(5))
- F7** Sch. 2 para. 14(5A) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **11(3)** (with art. 1(5))
- F8** Words in Sch. 2 para. 14(6) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **11(4)** (with art. 1(5))

#### Marginal Citations

- M49** 1983. c.20. The definition of “managers” was amended by paragraph 24(9) of Schedule 9 to the [National Health Service and Community Care Act 1990 \(c.19\)](#), [section 1](#) of the [Mental Health \(Amendment\) Act 1994 \(c.6\)](#), [paragraph 107\(14\)](#) of Schedule 1 to the [Health Authorities Act 1995 \(c.17\)](#), [Schedule 5](#) to the [Health Act 1999 \(c.8\)](#), [paragraphs 42](#) and 49 of Schedule 2 to the [National Health Service Reform and Health Care Professions Act 2002 \(c.17\)](#), [paragraphs 50](#) and 57 of Schedule 4 to the [Health and Social Care \(Community Health and Standards\) Act 2003 \(c.43\)](#), [paragraphs 62](#) and 70(d) of Schedule 1 to the [National Health Service \(Consequential Provisions\) Act 2006](#) and section 46(1) and (3)(b) of the [Mental Health Act 2007 \(c.12\)](#); and by [S.I. 2000/90](#) 2002/2469, 2007/961 and 2010/813.

#### Additional requirements referred to in paragraph 14(4)

**15.—(1)** This paragraph applies to an application to vote by proxy which is made in the circumstances set out in paragraph 14(4).

(2) The application must specify the disability by reason of which it is made and must be attested and signed by—

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984 <sup>M50</sup>,

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- (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989 <sup>M51</sup>,
  - (e) a registered pharmacist as defined in article 3(1) of the Pharmacy Order 2010 <sup>M52</sup>,
  - (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993 <sup>M53</sup>,
  - (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994 <sup>M54</sup>,
  - (h) a Christian Science practitioner,
  - (i) a person registered as a member of a profession to which the Health Professions Order 2002 <sup>M55</sup> for the time being extends,
  - (j) the person carrying on a care home registered under Part 2 of the Care Standards Act 2000 <sup>M56</sup> where the applicant states that he or she is resident in that care home,
  - (k) 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 or she is resident in the premises where the warden works,
  - (l) a manager within the meaning of section 145(1) of the Mental Health Act 1983 (interpretation), or on behalf of such a manager, or
  - (m) a person registered in the register for social workers maintained in accordance with section 56 of the Care Standards Act 2000 <sup>M57</sup>.
- (3) A person who qualifies—
- (a) by virtue of any of paragraphs (a) to (i) of sub-paragraph (2), may not attest an application for these purposes unless—
    - (i) that person is treating the applicant for the disability specified in the application, or
    - (ii) the applicant is receiving care from that person in respect of that disability, or
  - (b) by virtue of paragraph (m) of sub-paragraph (2), may not attest an application for these purposes unless—
    - (i) that person is treating the applicant for the disability specified in the application,
    - (ii) the applicant is receiving care from that person in respect of that disability, or
    - (iii) that person has arranged care or assistance for the applicant in respect of that disability.
- (4) The person (“A”) attesting the application must state—
- (a) A's name and address and the qualification by virtue of which A attests the application;
  - (b) where A is a person referred to in sub-paragraph (3)(a), that—
    - (i) A is treating the applicant for the disability specified in the application, or
    - (ii) the applicant is receiving care from A in respect of that disability,
  - (c) where A is a person referred to in sub-paragraph (3)(b), that—
    - (i) A is treating the applicant for the disability specified in the application,
    - (ii) the applicant is receiving care from A in respect of that disability, or
    - (iii) A has arranged care or assistance for the applicant in respect of that disability,
  - (d) that, to the best of A's knowledge and belief, the applicant has the disability specified in the application and that the applicant cannot reasonably be expected to go in person to the allotted polling station or to vote unaided there by reason of that disability, and
  - (e) that, to the best of A's knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by A.

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- (5) Where A is a person referred to in sub-paragraph (2)(1), A must (instead of the matters specified in sub-paragraph (4)(a)) state in the attestation—
- (a) A's name,
  - (b) that A is authorised to attest the application,
  - (c) A's position in the hospital at which the applicant is liable to be detained or is receiving treatment, and
  - (d) if applicable, the statutory provision under which the applicant is detained, or liable to be detained, at the hospital.
- (6) Sub-paragraphs (2) to (5) do not apply where—
- (a) 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 under section 29(4)(g) of the National Assistance Act 1948 <sup>M58</sup>, <sup>F9</sup>...
  - (b) 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) because of the disability specified in the application<sup>F10</sup>, <sup>F11</sup>...
  - (c) the application states that the applicant is in receipt of the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012) because of the disability specified in the application<sup>F12</sup>, or
  - (d) the application states that the applicant is in receipt of armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 because of the disability specified in the application.]
- (7) The fact that an applicant is registered by a local authority under section 29(4)(g) of the National Assistance Act 1948 is sufficient evidence that the applicant is eligible to vote by proxy on the grounds set out in paragraph 3(3)(c).

#### Textual Amendments

- F9** Word in Sch. 2 para. 15(6)(a) omitted (6.5.2013) by virtue of [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 3, [Sch. para. 49\(a\)](#)
- F10** Sch. 2 para. 15(6)(c) and preceding word inserted (6.5.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 3, [Sch. para. 49\(b\)](#)
- F11** Word in Sch. 2 para. 15(6)(b) omitted (6.5.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(3)(e), [Sch. para. 46\(2\)\(a\)](#)
- F12** Sch. 2 para. 15(6)(d) and preceding word inserted (6.5.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(3)(e), [Sch. para. 46\(2\)\(b\)](#)

#### Marginal Citations

- M50** 1984 c.24.
- M51** 1989 c.44, as amended by S.I. 2005/848.
- M52** S.I. 2010/231.
- M53** 1993 c.21.
- M54** 1994 c.17.
- M55** S.I. 2002/254.
- M56** 2000 c.14.



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**M57** Section 56 has been amended by SI 2007/3101.

**M58** 1948 c.29 (R.11&12 Geo 6).

### [<sup>F13</sup>Additional requirements referred to in paragraph 14(5A)]

**15A.**—(1) This paragraph applies to an application to vote by proxy which is made in the circumstances set out in paragraph 14(5A).

(2) The application must (in addition to providing the information required by paragraph 14(2) and (3)) state—

- (a) where the applicant is self-employed, that fact;
- (b) where the applicant is employed, the name of the applicant’s employer;
- (c) that the reason provided in accordance with paragraph 14(3) relates to the applicant’s occupation, service or employment; and
- (d) the date on which the applicant became aware of that reason.

(3) Sub-paragraphs (4), (5) and (6) apply unless the applicant is or will be registered as a service voter.

(4) The application must be attested and signed—

- (a) where the applicant is self-employed, by a person who—
  - (i) is aged 18 years or over;
  - (ii) knows the applicant; and
  - (iii) is not related to the applicant,
- (b) where the applicant is not self-employed, by the applicant’s employer or by another employee to whom this function is delegated by the employer.

(5) The person attesting an application under sub-paragraph (4) (the “attestor”) must certify that the statements required by sub-paragraph (2) and the information required by paragraph 14(3) are true to the best of the attestor’s knowledge and belief.

(6) The attestor must also state—

- (a) the attestor’s name and address; and
- (b) if the attestor is attesting where the applicant is self-employed, that the attestor is aged 18 years or over, and that the attestor knows, but is not related to, the applicant; or
- (c) if the attestor is attesting as or on behalf of the employer of the applicant, that the attestor is the employer or the position the attestor holds in the employment of that employer.

(7) For the purposes of this paragraph—

- (a) one person (‘A’) is related to another (‘B’) if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B;
- (b) “service voter” means a person who has made a service declaration in accordance with section 15 of the 1983 Act and is registered or entitled to be registered in pursuance of it.]

#### Textual Amendments

**F13** Sch. 2 para. 15A inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 12 (with art. 1(5))

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## Closing date for applications

**16.**—(1) Subject to sub-paragraph (2), an application under paragraph 3(2)<sup>F14</sup>... or 5(4) is to be refused if it is received by the registration officer after 5 pm on the sixth day before the date of the poll at the PCC election for which it is made.

(2) Where an application made under paragraph 3(2)<sup>F15</sup>...is made—

(a) on the grounds of the applicant's disability and the applicant became disabled after 5pm on the sixth day before the date of the poll at the PCC election for which it is made, or

[<sup>F16</sup>(aa) on grounds relating to the applicant's occupation, service or employment and the applicant became aware of those grounds 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 1(6) applies,

the application, or an application under paragraph 5(4) made by virtue of that application, is to be refused if it is received after 5pm on the day of the poll at the PCC election for which it is made.

(3) An application under paragraph 3(1)[<sup>F17</sup>, 3(5)] or 7(6) is to be refused if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at the PCC election for which it is made.

(4) A notice under paragraph 5(6) by an elector cancelling a proxy's appointment is to be disregarded for the purposes of a particular PCC election if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at that election.

[<sup>F18</sup>(4A) Sub-paragraph (4B) applies to—

(a) any application or notice mentioned in sub-paragraphs (1) to (4);

(b) any application or notice mentioned in regulation 56 of the 2001 Regulations or paragraph 26 of Schedule 2 to the European Parliamentary Elections Regulations 2004, that would otherwise have effect in relation to a PCC election by virtue of paragraphs 2 and 4(2)(a) or 4(3)(a).

(4B) An application or notice to which this sub-paragraph applies must be disregarded for the purposes of the particular PCC election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the local returning officer (except where it has been returned in accordance with paragraph 41 or 42 (spoilt and lost postal ballot papers)).]

(5) In computing a period of days for the purposes of this paragraph—

(a) a Saturday or Sunday,

(b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or

(c) a day appointed for public thanksgiving or mourning,

is to be disregarded.

### Textual Amendments

**F14** Words in Sch. 2 para. 16(1) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **13(2)** (with art. 1(5))

**F15** Words in Sch. 2 para. 16(2) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **13(3)** (with art. 1(5))

**F16** Sch. 2 para. 16(2)(aa) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **13(4)** (with art. 1(5))

**F17** Word in Sch. 2 para. 16(3) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **13(5)** (with art. 1(5))

**F18** Sch. 2 para. 16(4A)(4B) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **13(6)** (with art. 1(5))

### **Grant or refusal of applications**

**17.**—(1) Where the registration officer grants an application to vote by post, the officer must notify the applicant.

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

(3) Where the registration officer refuses an application under Part 1 of this Schedule, the officer must notify the applicant, stating the reason for the refusal.

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

(a) paragraph 3(5)(a) by a person shown as voting by post in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 or paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004, or

(b) paragraph 7(6) by a person shown as voting by post in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 or paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004,

the officer must notify the applicant.

(5) The registration officer must, where practicable, notify the elector of the following, in each case stating the reason—

(a) where the appointment of a proxy is cancelled by the elector, that the appointment has been cancelled, or

(b) where the appointment otherwise ceases to be in force, that the appointment has ceased.

(6) Where, under paragraph 16, a registration officer refuses an application or disregards a notice for the purposes of any PCC election, the officer must notify the applicant of this.

### *Changes affecting proxy votes*

### **Cancellation of proxy appointment**

**18.**—(1) Sub-paragraph (2) applies where the appointment of a proxy—

(a) is cancelled by notice given to the registration officer under paragraph 5(6),

(b) otherwise ceases to be in force under paragraph 5(7).

(2) The registration officer must notify the person whose appointment as proxy has been cancelled, has expired or is no longer in force, unless the registration officer has previously been notified by that person that the person no longer wishes to act as proxy.

### *Evidence of entitlement to absent vote*

### **Marked register for polling stations**

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

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### Absent voting lists: supply of copies etc

**20.**—(1) Any person who, in accordance with any of the provisions listed in sub-paragraph (2), is entitled to be supplied with copies of the full register is also a person entitled to request that the registration officer supply the relevant part (within the meaning of the listed provisions) of a copy of any of the following information which the registration officer keeps—

- (a) the current version of the information which would, in the event of a particular PCC election, be included in the postal voters list, the list of proxies or the proxy postal voters list;
- (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists.

(2) The listed provisions are—

- (a) paragraph 3 of Schedule 1 (supply of full register etc to police and crime commissioner and restrictions on use);
- (b) paragraph 5 of Schedule 1 (supply of full register etc to certain candidates and restrictions on use);
- (c) regulation 105 of the 2001 Regulations (supply of full register etc to local constituency parties and restrictions on use);
- (d) regulation 106 of the 2001 Regulations (supply of full register etc to registered political parties and restrictions on use).

(3) A request under sub-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 is requested or a copy in data form.

(4) In response to a request under sub-paragraph (1) that has been duly made, the registration officer must—

- (a) as soon as practicable after receipt of the request, supply the current version of information requested;
- (b) as soon as practicable after 5pm on the eleventh day before the day of the poll, supply a copy of any postal voters list or proxy postal voters list requested.

(5) As soon as practicable after 5pm on the sixth day before the day of the poll the registration officer must—

- (a) make a copy of the postal voters list, the list of proxies or the proxy postal voters list available for inspection at the registration officer's office in accordance with paragraph 21;
- (b) send a copy of those lists to each relevant returning officer (within the meaning of paragraph 1 of Schedule 1); and
- (c) supply a final copy of the postal voters list, the list of proxies or the proxy postal voters list in response to every request under sub-paragraph (1) that has been duly made.

[<sup>F19</sup>(5A) The registration officer must, on a request made at any time, supply a relevant returning officer (within the meaning of paragraph 1 of Schedule 1) with a copy of the postal voters list, the list of proxies or the proxy postal voters list.]

(6) As soon as practicable after 5pm on the day of the poll, the registration officer must supply to every person who received a copy of the list of proxies under sub-paragraph (5)(c) a further copy of that list which is updated to include any additions to the list that were made in consequence of any application within paragraph 16(2)<sup>F20</sup>... which was granted before 5pm on the day of the poll.

- (7) Any information or lists supplied under this paragraph are to be supplied free of charge.
- (8) A person who obtains any information under this paragraph may use it only for—
  - (a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998 <sup>M59</sup>; or
  - (b) electoral purposes,

and such use is also subject to the restrictions specified in paragraphs 23 and 24 or, where the request to the registration officer is made by reference to a provision listed in sub-paragraph (2), subject to any restrictions which would apply to the use of the full register under whichever of the listed provisions entitled the person to obtain the information.

- (9) Any person who has obtained or is entitled to obtain a copy of information covered by sub-paragraph (1) may—
  - (a) supply a copy of the information to a processor for the purpose of processing the information, or
  - (b) procure that a processor processes and supplies to that person 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.

(10) A processor may not disclose information covered by sub-paragraph (1) except to the person who supplied it to the processor or to any other person, or an employee of such a person, who is entitled to obtain a copy of that information under this paragraph.

#### Textual Amendments

- F19** Sch. 2 para. 20(5A) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **14(1)** (with art. 1(5))
- F20** Words in Sch. 2 para. 20(6) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **14(2)** (with art. 1(5))

#### Marginal Citations

- M59** 1998 c.29.

### Absent voting lists: inspection

**21.—**(1) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in paragraph 20(1).

- (2) A request under sub-paragraph (1) 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.

(3) 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 under sub-paragraph (1) that has been duly made.

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(4) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer shall 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.

(5) A person who inspects a copy of information provided under sub-paragraph (3), whether in printed 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.

(6) Subject to any direction by the Secretary of State under article 6, 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 the registration officer holds it.

### **Supply and inspection of absent voting lists: general provisions**

**22.**—(1) For the purposes of paragraphs 20 and 21—

- (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,
- (b) “processor” means a person who provides a service which consists of putting information into a data form and any reference to a processor includes a reference to a processor's employees, and
- (c) any period of days is to be calculated in accordance with paragraph 16(5).

(2) The registration officer must ensure that, in supplying or disclosing information covered by paragraph 20(1)(a) in accordance with paragraph 20 or 21, the registration officer does not supply or disclose any record relating to—

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

### **Restrictions on supply and disclosure of absent voter records or lists**

**23.**—(1) This paragraph applies to—

- (a) the registration officer,
- (b) any deputy registration officer, and
- (c) any person appointed to assist a registration officer or who in the course of that person's employment is assigned to assist any such officer in that officer's registration duties.

(2) Where the registration officer is also the local returning officer at a PCC election (and thereby has access to the information covered by paragraph 20(1) without being supplied with a copy of it), this paragraph also applies to—

- (a) the registration officer acting in the capacity of local returning officer, and
- (b) any person appointed to assist the local returning officer or who in the course of that person's employment is assigned to assist that officer in that officer's duties in respect of the PCC election.

(3) No person to whom this paragraph applies may—

- (a) supply to any person a copy of the information covered by paragraph 20(1), or
- (b) disclose any of that information,

otherwise than in accordance with an enactment, including this Order.

(4) Nothing in sub-paragraph (3) applies to the supply or disclosure by a person to whom this paragraph applies to another such person in connection with that other person's registration duties or for the purposes of an election or referendum.

#### **Restriction on use of absent voter records or lists or the information contained in them**

**24.**—(1) This paragraph applies to any person who has obtained access to the information covered by paragraph 20(1) by any means.

(2) No person to whom this paragraph applies may—

- (a) supply a copy of the information or any part of that information,
- (b) disclose any of that information, or
- (c) make use of any such information,

other than for a permitted purpose specified in sub-paragraph (3).

(3) The permitted purposes are—

- (a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998, or
- (b) electoral purposes.

#### **Supply and inspection of absent voting lists: offences**

**25.**—(1) A person is guilty of an offence—

- (a) if the person contravenes paragraph 20(8) or (10), 21(5), 23(3) or 24(2), or
- (b) if the person is an appropriate supervisor of a person (“P”) who contravenes any of those provisions and the supervisor failed to take appropriate steps.

(2) P is not guilty of an offence under sub-paragraph (1) if—

- (a) P had an appropriate supervisor, and
- (b) P has complied with all the requirements imposed on P by P's appropriate supervisor.

(3) A person who is not P or an appropriate supervisor is not guilty of an offence under sub-paragraph (1) if the person takes all reasonable steps to ensure that he or she complies with the provisions specified in sub-paragraph (1)(a).

(4) In sub-paragraphs (1)(b), (2) and (3)—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
- (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions specified in sub-paragraph (1)(a).

(5) A person guilty of an offence as mentioned in sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **The personal identifiers record**

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

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for the purposes of which the person's application for an absent vote was granted under paragraph 3(1) or (2) or paragraph 7(4).

(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) name,
  - (b) date of birth, and
  - (c) signature, or a record of the waiver by the registration officer of the requirement for a signature.
- (3) The registration officer may disclose information held in the personal identifiers records to—
- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to in [F21paragraph 51];
  - (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<sup>M60</sup>, but only to the extent required to permit them to observe the proceedings.

#### Textual Amendments

**F21** Words in Sch. 2 para. 26(3)(a) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 15 (with art. 1(5))

#### Marginal Citations

**M60** [2000 c.41](#). Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 and section 6A(5) was amended by paragraphs 89 and 92 of [S.I. 2007/1388](#) and by paragraph 10 of Schedule 10 to the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#).

### Applications requiring applicants' signature

27.—(1) In order to be satisfied that an application complies with any requirements of this Schedule for the application to contain the applicant's signature and a statement of the applicant's date of birth, the registration officer may refer to—

- (a) any signature and date of birth previously provided by the applicant to the registration officer or a returning officer, or
- (b) any signature and date of birth previously provided by the applicant to the council by which the registration officer was appointed which the officer is authorised to inspect under regulation 35 of the 2001 Regulations for the purposes of the officer's registration duties.

(2) The registration officer may take such steps as appear necessary in order to be satisfied as to whether the applicant is unable to provide a signature (or a consistent or distinctive signature) due to any disability or inability to read or write.

## PART 3

### Issue and receipt of ballot papers

#### Interpretation

28. In this Part of this Schedule—



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“agent” includes the election agent and a person appointed to attend in the election agent's place;

“ballot paper envelope” and “covering envelope” have the meaning given in paragraph 38;

“issue” includes the original or any subsequent issue;

“postal voters' ballot box” means the ballot box referred to in paragraph 45(1)(a);

“receptacle for ballot paper envelopes” and other references to specified receptacles means the receptacles listed in paragraph 45(5);

“spoilt postal ballot paper” means a ballot paper referred to in paragraph 41;

“valid postal voting statement” means a postal voting statement which, in accordance with paragraph <sup>F22</sup>...51, the local returning officer is satisfied is duly completed.

**Textual Amendments**

**F22** Words in Sch. 2 para. 28 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 16 (with art. 1(5))

*Issue of postal ballot papers etc*

**Combination of polls**

**29.**—(1) Where the poll at a PCC election is to be taken together under a relevant provision with the poll at one or more other elections or local referendums, the proceedings on the issue and receipt of postal ballot papers in respect of each election or local referendum may, if the returning officers and counting officers concerned agree, be taken together.

(2) “Relevant provision” means the provisions of section 15(1) or (2) of the Representation of the People Act 1985, as they have effect in relation to PCC elections by virtue of article 13 of this Order.

**Form of postal voting statement<sup>F23</sup> ...**

**30.**—(1) This paragraph specifies the form of the postal voting statement which is to be used for the purposes of rule 25 of the PCC elections rules.

(2) Form 2 or a form to like effect is to be used at a PCC election taken alone.

<sup>F24</sup>(3) .....

(4) [<sup>F25</sup>Where]—

- (a) the proceedings at a PCC election and another election or referendum are taken together, and
- (b) the proceedings on the issue and receipt of postal ballot papers at both elections are taken together,

the form of the postal voting statement which is to be used is the form of that statement which is required to be used at that other election or referendum<sup>F26</sup>, with the addition of the appropriate voting instructions for PCC elections.]

(5) Form 4 or a form to like effect is to be used where—

- (a) the proceedings at a PCC election and another election or referendum are taken together, but
- (b) the proceedings the proceedings on the issue and receipt of postal ballot papers are not taken together.

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(6) In this paragraph—

(a) references to a numbered form are to the form of that number which is set out in Part 4 of this Schedule;

[<sup>F27</sup>(b) the “appropriate voting instructions for PCC elections” are—

(i) where there are three or more candidates—

“Vote by putting a cross [X] in the box

In column 1 next to your first choice candidate

In column 2 next to your second choice candidate

Your first and second choices should be different.”

(ii) where there are two candidates—

“Vote for only one candidate by putting a cross [X] in the box next to your choice.”]

#### Textual Amendments

**F23** Words in Sch. 2 para. 30 heading omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **17(5)** (with art. 1(5))

**F24** Sch. 2 para. 30(3) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **17(2)** (with art. 1(5))

**F25** Word in Sch. 2 para. 30(4) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **17(3)(a)** (with art. 1(5))

**F26** Words in Sch. 2 para. 30(4) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **17(3)(b)** (with art. 1(5))

**F27** Sch. 2 para. 30(6)(b) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **17(4)** (with art. 1(5))

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

**31.** Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the 2000 Act, no person may be present at the proceedings on the issue of postal ballot papers other than—

- (a) the police area returning officer,
- (b) the local returning officer, and
- (c) the clerks of either officer.

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

**32.** Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the 2000 Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the police area returning officer,
- (b) the local returning officer,
- (c) the clerks of either officer,
- (d) a candidate,
- (e) an agent (including an agent appointed under paragraph 33),
- (f) a sub-agent, and
- (g) where the proceedings on the receipt of postal ballot papers are taken together with those proceedings at another election or a local referendum, persons entitled to be present at the proceedings for any such other election or local referendum.

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

**33.**—(1) Each candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number authorised by the local returning officer in respect of each candidate and so long as the number authorised is the same in the case of each candidate.

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

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

(4) Where postal ballot papers for more than one election or local referendum are issued together under paragraph 29, the officer to whom notice must be given under sub-paragraph (2), (3) or (5) is the returning or counting officer who issues the ballot papers.

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

(6) In this Part of this Schedule references to agents are to 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.

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

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

### **Notification of requirement of secrecy**

**34.** The local returning officer must make such arrangements as the officer 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 sub-paragraphs (5) and (7) of article 22 (requirement of secrecy).

### **[<sup>F28</sup>Time when postal ballot papers etc. are to be issued**

**35.** Postal ballot papers and postal voting statements must be issued by the local returning officer as soon as it is practicable to do so.]

#### **Textual Amendments**

**F28** Sch. 2 para. 35 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **18** (with art. 1(5))

### **Procedure on issue of postal ballot paper**

**36.**—(1) The number of the elector as stated in the register 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 the elector's proxy, but without showing the particular ballot paper issued.

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

(4) Where postal ballot papers for more than one election or local referendum are issued together under paragraph 29—

- (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 all those elections or local referendums except that, where postal ballot papers are not so issued, a different mark must be placed in the postal voters list or the proxy postal voters list to indicate the election or local 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) At a PCC election where the proceedings at that election and another election or a local referendum are taken together but the proceedings on the issue and receipt of postal ballot papers are not, the colour of the postal ballot paper must also be marked on the postal voting statement sent with the ballot 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 38 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 as mentioned paragraph 4(2) or 7(7).

### **Refusal to issue postal ballot paper**

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

### **Envelopes**

**38.—**(1) Sub-paragraphs (2) and (3) prescribe the envelopes which must be issued to a postal voter in addition to the ballot paper and postal voting statement (which are issued under rule 25 of the PCC 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 is to be marked with the letter “B”.

(3) There must also be issued a smaller envelope (referred to as a “ballot paper envelope”) which is to 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) Sub-paragraphs (5) and (6) apply where—

- (a) by virtue of provisions applied by article 13, the poll at a PCC election is taken together with the polls at an another election or local referendum, but

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- (b) the proceedings on the issue and receipt of ballot papers are not taken together under paragraph 29.
- (5) The envelopes referred to in sub-paragraph (2) must also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”.
- (6) On the envelopes referred to in in sub-paragraph (3), after the words “Ballot paper envelope”, the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

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

- 39.**—(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 the packet.
- (2) Until the time referred to in paragraph 48(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

- 40.**—(1) For the purposes of delivering postal ballot papers, the local returning officer may use—
- (a) a postal operator within the meaning of Part 3 of the Postal Services Act 2011 <sup>M61</sup>,
  - (b) a commercial delivery firm, or
  - (c) clerks appointed under rule 27 of the PCC elections rules.
- (2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters 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.

#### Marginal Citations

M61 2011 c.5.

### Spoilt postal ballot papers

- 41.**—(1) Where a postal voter (“PV”) has inadvertently dealt with PV's postal ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”), PV may return (either by hand or by post) to the local returning officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.
- (2) Where PV exercises the entitlement conferred by sub-paragraph (1), PV must also return—
- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not,
  - (b) where the postal ballot papers for more than one election or local referendum have been issued together under paragraph 29, all other ballot papers so issued, whether spoilt or not, and
  - (c) the envelopes supplied for the return of the documents mentioned in paragraph 38.

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(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 pm 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 pm on the day before the day of the poll, the local returning officer must only issue another postal ballot paper or, as the case may be, ballot papers if PV returned the documents by hand.

(5) The following provisions apply to the issue of a replacement postal ballot paper under sub-paragraph (3)—

- (a) paragraph 36 (except sub-paragraph (2)),
- (b) paragraphs 38 and 39, and
- (c) subject to sub-paragraph (8), paragraph 40.

(6) Any postal ballot paper or postal voting statement, whether spoiled 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 as mentioned above, the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.

(8) Where PV applies in person—

- (a) by 5 pm on the day before the day of the poll, the local returning officer may hand a replacement postal ballot paper to PV, or
- (b) after 5 pm on the day before the day of the poll, the local returning officer may only hand a replacement postal ballot paper to PV,

instead of delivering it in accordance with paragraph 40.

(9) The local returning officer must enter in a list kept for the purpose (“the list of spoiled postal ballot papers”)—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry),
- (b) the number of any postal ballot paper issued under this paragraph, and
- (c) where PV is a proxy, PV's name and address.

### **Lost postal ballot papers**

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

- (a) the 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, the postal voter 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 postal voter's identity.

(3) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), the postal voter 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 or local referendum have been issued together under paragraph 29, all other ballot papers so issued, which the postal voter 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 the additional cancelled documents included in it and the packet must be again made up and sealed.

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

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

the local returning officer must issue another postal ballot paper or, as the case may be, ballot papers.

(7) Where the application is received by the local returning officer after 5 pm on the day before the day of the poll, the officer must only issue another postal ballot paper or, as the case may be, 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 the electoral number alone in the case of an elector who has an anonymous entry),
- (b) the number of any postal ballot paper issued under this paragraph, and
- (c) where the postal voter is a proxy, the proxy's name and address.

(9) The following provisions apply to the issue of a replacement postal ballot paper under sub-paragraph (6)—

- (a) paragraph 36 (except sub-paragraph (2)),
- (b) paragraphs 38 and 39, and
- (c) subject to sub-paragraph (10), paragraph 40.

(10) Where a postal voter applies in person—

- (a) by 5 pm on the day before the day of the poll, the local returning officer may hand a replacement postal ballot paper to the postal voter, or
- (b) after 5 pm on the day before the day of the poll, the local returning officer may only hand a replacement postal ballot paper to the postal voter,

instead of delivering it in accordance with paragraph 40.

## [<sup>F29</sup>Cancellation of postal ballot papers

**42A.**—(1) Where, after the nineteenth day before the date of the poll at a PCC election the registration officer grants a relevant application or receives a relevant notice, and the application or notice is not to be disregarded for the purposes of that election under paragraph 16, the registration officer must notify the local returning officer who must immediately cancel any postal ballot paper issued to the elector or proxy and, in the case of an application under paragraph 3(5)(a) or 7(6) (postal ballot paper to be sent to different address), must issue a replacement postal ballot paper.

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(2) Where a person returns a postal ballot paper that has been or is to be cancelled in accordance with sub-paragraph (1) (whether to the registration officer or the local returning officer), it must be dealt with as follows—

- (a) the ballot paper, together with any other ballot papers, postal voting statements or covering envelopes which are returned to the registration officer, must be given by the registration officer to the local returning officer;
- (b) any document returned in accordance with this sub-paragraph but not cancelled in accordance with sub-paragraph (1) must be immediately cancelled;
- (c) the local returning officer, as soon as practicable after receiving and 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 returned in accordance with this sub-paragraph, the sealed packet must be opened, the additional cancelled documents included in it and the packet must be again made up and sealed.

(3) The local returning officer must enter in a list kept for the purpose of recording postal ballot papers cancelled under this paragraph (“the list of cancelled postal ballot papers”)—

- (a) the name and number of the elector as stated in the register of electors (or, in the case of an elector who has an anonymous entry, their electoral number alone);
- (b) the number of the cancelled postal ballot paper;
- (c) the number of any replacement postal ballot paper issued under sub-paragraph (1); and
- (d) where the postal voter is a proxy, their name and address.

(4) Paragraphs 36 (except sub-paragraph (2)), 38, 39 and 40 apply to a replacement postal ballot paper issued under sub-paragraph (1).

(5) For the purposes of this paragraph—

- (a) a relevant application is an application under—
  - (i) paragraph 3(5)(a) (postal ballot paper to be sent to different address),
  - (ii) paragraph 3(5)(b) (voting by proxy by person recorded as voting by post),
  - (iii) paragraph 5(4) (appointment of proxy),
  - (iv) paragraph 7(6) (application from postal proxy voter for postal ballot paper to be sent to different address),
  - (v) a provision mentioned in regulation 78A(1)(a) to (g) of the 2001 Regulations that would otherwise have effect in relation to the PCC election by virtue of paragraph 4, or
  - (vi) a provision mentioned in paragraph 54A(1)(a) to (g) of Schedule 2 to the European Parliamentary Elections Regulations 2004 that would otherwise have effect in relation to the PCC election by virtue of paragraph 4,
- (b) a relevant notice is a notice under—
  - (i) paragraph 5(6) (cancellation of proxy appointment), or
  - (ii) paragraph 6(10) of Schedule 4 to the Representation of the People Act 2000 or paragraph 6(9) of Schedule 2 to the European Parliamentary Elections Regulations 2004 that would otherwise have effect in relation to a PCC election by virtue of paragraph 4 of this Schedule.

(6) In computing the period of nineteen days for the purposes of sub-paragraph (1)—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a date appointed for public thanksgiving or mourning,



is to be disregarded.]

#### Textual Amendments

- F29** Sch. 2 para. 42A inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **19** (with art. 1(5))

*Receipt of postal ballot papers etc*

#### Alternative means of returning postal ballot paper or postal voting statement

**43.**—(1) For the purposes of rule 49(2) of the PCC elections rules, the manner in which a postal ballot paper or postal voting statement at a PCC election for any police area may be returned to a polling station is by hand.

(2) For those purposes, the manner in which such a paper or statement may be returned to the local returning officer, is by hand or by post.

(3) Subject to sub-paragraph (4), the presiding officer of the 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 the presiding officer delivers, or causes to be delivered, the packets referred to in rule 47(1) of the PCC elections rules.

(4) 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 (3) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to the local returning officer.

(5) Where the local returning officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with sub-paragraph (4) the presiding officer must first make it (or them) up into a packet (or packets) sealed with the presiding officer's 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

**44.**—(1) The local returning officer must give to each candidate 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
- (b) the number of agents a candidate may appoint under paragraph 33 to attend each opening.

#### Postal ballot boxes and receptacles

**45.**—(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 marked with—

- (a) the name of both the police area and the voting area in relation to which it is to be used at the PCC election, and
- (b) where the proceedings at that election and another election or a local referendum are taken together, the name of the parliamentary constituency, local counting area, voting area or,

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as the case may be, the relevant local authority for which the election or local referendum is held.

(3) The postal ballot box must be shown to those 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 the officer's 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,

<sup>F30</sup>(b) . . . . .

(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.

**Textual Amendments**  
**F30** Sch. 2 para. 45(5)(b) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 20 (with art. 1(5))

**Receipt of covering envelope**

**46.**—(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**

**47.**—(1) Each postal voters' ballot box must be opened by the local returning officer in the presence of the agents.

(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 the officer.

(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 49 of the PCC elections rules.

**Opening of covering envelopes**

**48.**—(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 46(2)).

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<sup>F31</sup>(2) .....

(3) The local returning officer must open separately each covering envelope (including an envelope described in paragraph 46(2)).

[<sup>F32</sup>(4) The procedure in paragraph 51 applies where a covering envelope (including an envelope to which paragraph 46(2) applies) contains a postal voting statement.]

(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.

[<sup>F33</sup>(6) Where a covering envelope does not contain a postal voting statement (whether separately or not) 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.]

<sup>F34</sup>(7) .....

(8) In carrying out the procedures in this paragraph and paragraphs 50 to 56, 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.

(10) A mark made under sub-paragraph (9) must be distinguishable from and not obscure the mark made under paragraph 36(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.

**Textual Amendments**

- F31** Sch. 2 para. 48(2) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **21(2)** (with art. 1(5))
- F32** Sch. 2 para. 48(4) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **21(3)** (with art. 1(5))
- F33** Sch. 2 para. 48(6) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **21(4)** (with art. 1(5))
- F34** Sch. 2 para. 48(7) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **21(2)** (with art. 1(5))

**Confirming receipt of postal voting statements**

**49.**—(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 ballot papers under paragraph 35 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

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- (b) whether the number of the ballot paper issued to the elector or the elector's proxy has been recorded on either of the lists kept by the local returning officer under sub-paragraphs (2) and (3) of paragraph 55.
- (2) A request under sub-paragraph (1) must—
  - (a) be made by any method specified by the local returning officer, and
  - (b) include any evidence of the voter's identity requested by that officer.
- (3) Where a request is received in accordance with sub-paragraph (2) the local returning officer must satisfy himself or herself that the request has been made by the elector or their proxy and, if satisfied that it was, provide confirmation of the matters under sub-paragraph (1).

**Procedure in relation to postal voting statements**

<sup>F35</sup>50. ....

**Textual Amendments**

**F35** Sch. 2 para. 50 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **22** (with art. 1(5))

**Procedure in relation to postal voting statements: personal identifier verification**

- 51.—<sup>F36</sup>(1) This paragraph applies in the circumstances described in paragraph 48(4).]
- (2) The local returning officer must satisfy himself or herself 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 satisfied that the postal voting statement is duly completed, the officer must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope <sup>F37</sup>[but there is a ballot paper], 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 the officer's decision, the officer must add the words “rejection objected to ”.
  - (5) The local returning officer must then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are the same, the officer 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,

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- (b) the ballot paper envelope has been opened under sub-paragraph (6), or
  - (c) the ballot paper envelope has been opened under paragraph 48(5).
- (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—
    - (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, the local returning officer 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).

**Textual Amendments**

- F36** Sch. 2 para. 51(1) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **23(1)** (with art. 1(5))
- F37** Words in Sch. 2 para. 51(3) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **23(2)** (with art. 1(5))

**Postal voting statements: additional personal identifier verification**

<sup>F38</sup>**52.** .....

**Textual Amendments**

- F38** Sch. 2 para. 52 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **24** (with art. 1(5))

**Opening of ballot paper envelopes**

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

- (2) The local returning officer must—
  - (a) place 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) place in the receptacle for rejected votes any other ballot paper which must be marked “provisionally rejected” and to which the ballot paper envelope is to be attached, and
  - (c) place 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 each case the missing ballot papers).

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## Retrieval of cancelled postal ballot papers

**54.**—(1) Where it appears to the local returning officer that a cancelled postal ballot paper 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,

the officer must proceed as follows.

(2) The local returning officer must, on at least one occasion on which a postal voters ballot box is opened in accordance with paragraph 47, 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 [<sup>F39</sup>(verification procedure)],
- (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 41(7) [<sup>F40</sup>or 42A(2)], and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 52 of the PCC elections rules, re-lock (if it has a 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 the officer's 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.

### Textual Amendments

**F39** Words in Sch. 2 para. 54(2)(c) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **25(a)** (with art. 1(5))

**F40** Words in Sch. 2 para. 54(2)(e) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **25(b)** (with art. 1(5))

## Lists of rejected postal ballot papers

**55.**—(1) In respect of any election, the local returning officer must keep [<sup>F41</sup>lists relating to rejected postal ballot papers as required by this paragraph].

(2) In the first list, the officer 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, the officer 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.

[<sup>F42</sup>(4) In the third list, the officer must record, for every postal voting statement in the receptacle for rejected votes (verification procedure) immediately prior to sealing—

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**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to *The Police and Crime Commissioner Elections Order 2012*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the elector’s name and address (and the name and address of the proxy if the elector has a proxy);
  - (b) the elector’s number on the register of electors (and that of the proxy if the elector has a proxy);
  - (c) the specified reason or reasons for the rejection of the postal voting statement; and
  - (d) any other information relating to the rejection that the officer considers appropriate, but not the ballot paper number.
- (5) The specified reasons that may be given under sub-paragraph (4)(c) for the rejection of a postal voting statement are as follows—
- (a) the signature does not match the example held on the personal identifiers record;
  - (b) the date of birth does not match the one held on the personal identifiers record;
  - (c) the signature field is blank; or
  - (d) the date of birth field is blank.]

**Textual Amendments**

**F41** Words in Sch. 2 para. 55(1) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **26(1)** (with art. 1(5))

**F42** Sch. 2 para. 55(4)(5) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **26(2)** (with art. 1(5))

**Checking of lists of rejected ballot papers**

**56.**—(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, the officer may, at any time prior to the close of the poll, check the list kept under paragraph 55(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, the officer may, at any time prior to the close of the poll, check the list kept under paragraph 55(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 the packets from every polling station in, as the case may be, the voting area, parliamentary constituency, local counting area, electoral area or local authority area.

(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 of this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

**Sealing of packets**

**57.**—(1) As soon as practicable after the completion of the procedure under paragraph 56(3) and (4), the local returning officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- <sup>F43</sup>(b) .....
- (c) the receptacle of rejected ballot paper envelopes,



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- (d) the lists of [<sup>F44</sup>spoilt, lost and cancelled] 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” is to be deemed to be marked “rejected”.

#### Textual Amendments

- F43** Sch. 2 para. 57(1)(b) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **27(a)** (with art. 1(5))
- F44** Words in Sch. 2 para. 57(1)(d) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **27(b)** (with art. 1(5))

#### Abandoned poll

**58.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the local returning officer—

- (a) must not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of this Schedule, and
- (b) must, notwithstanding paragraphs 48 to 53, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Paragraph (1) does not apply where ballot papers for more than one election have been issued together under paragraph 29.

#### Forwarding of documents

**59.**—(1) The local returning officer must forward to the relevant registration officer at the same time as the local returning officer forwards the documents mentioned in rule 66 of the PCC elections rules—

- (a) any packets referred to in paragraphs 39, 41(7), 42(5)[<sup>F45</sup>, 42A(2)], 48(11) and 57 (subject to paragraph 58), endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the police area for which the election was held and the name of the voting area for which the local returning officer acts, <sup>F46</sup>...
- (b) a completed statement of the number of postal ballot papers issued, which is to be in Form 5 set out in Part 4 of this Schedule or a form to like effect,

[<sup>F47</sup>(c) any list compiled under paragraph 55(4).]

(2) Where, under a relevant provision (within the meaning of paragraph 29(2)), the poll at a PCC election is taken together with the poll at one or more other elections or local referendums, a separate statement in the form described in sub-paragraph (1)(b) must be completed for each election or local referendum.

(3) Where—

- (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 43(3)),
- (b) any envelopes addressed to postal voters are returned as undelivered 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 forward it at a subsequent date in the manner described in sub-paragraph (1).

(4) Rules 67 and 68 of the PCC elections rules apply to any packet or document forwarded under this paragraph [<sup>F48</sup>except that in applying those rules the list compiled under paragraph 55(4) must be treated in the same manner as a counted ballot paper].

(5) A copy of the statement referred to in sub-paragraph (1)(b) must be provided by the local returning officer to the Secretary of State and the Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

- (6) For the purposes of computing the period referred to in sub-paragraph (5)—
  - (a) a Saturday or Sunday,
  - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
  - (c) a day appointed for public thanksgiving or mourning,

is to be disregarded.

- (7) In sub-paragraph (3)(c), “spoiled postal ballot paper” has the meaning given in paragraph 41.

#### Textual Amendments

- F45** Word in Sch. 2 para. 59(1)(a) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **28(2)(a)** (with art. 1(5))
- F46** Word in Sch. 2 para. 59(1)(a) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **28(2)(b)** (with art. 1(5))
- F47** Sch. 2 para. 59(1)(c) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **28(2)(c)** (with art. 1(5))
- F48** Words in Sch. 2 para. 59(4) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **28(3)** (with art. 1(5))

#### [<sup>F49</sup>N] Notification of a rejected postal voting statement

- 59A.**—(1) Where a relevant absent voter appears on the list compiled under paragraph 55(4)—
- (a) the registration officer responsible for the personal identifiers record that contains information in respect of the absent voter must notify the absent voter (and the elector if the absent voter is a proxy) that the ballot paper concerned was rejected because the local returning officer was not satisfied that the postal voting statement was duly completed;
  - (b) the registration officer must send the notification within the period of three months beginning with the date of the poll at which the ballot paper was rejected; and
  - (c) the notification must include information as to which of the specified reasons referred to in paragraph 55(5) applied to the postal voting statement.
- (2) The registration officer is not obliged to send a notification—
- (a) to any person who is no longer shown as voting by post in the relevant record at the time the registration officer proposes to send the notification; or
  - (b) where the registration officer suspects that an offence may have been committed in relation to the postal ballot paper, the postal voting statement or the absent voter’s registration as an elector.

**Status:** Point in time view as at 06/04/2014.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to *The Police and Crime Commissioner Elections Order 2012*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

(3) A notification issued under sub-paragraph (1) may also include any other information that the registration officer considers appropriate, but a notification must not include information held on the personal identifiers record.

(4) For the purposes of this paragraph and paragraph 59B, a “relevant absent voter” means an absent voter who—

- (a) appears on the postal voters list by virtue of paragraph 4(2)(a), or
- (b) appears as a proxy on the list of proxies by virtue of paragraph 4(3)(a).]

#### Textual Amendments

**F49** Sch. 2 paras. 59A, 59B inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **29** (with art. 1(5))

#### [<sup>F49</sup>Requirement to provide fresh signatures following rejection of a postal voting statement

**59B.**—(1) This paragraph applies where a relevant absent voter is notified under paragraph 59A that the signature does not match the example held on the personal identifiers record, and the absent voter continues to be shown on the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 or paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 as voting by post.

(2) Where this paragraph applies, the registration officer may require the absent voter to provide a fresh signature for the personal identifiers record in accordance with regulation 60B(2) to (11) of the 2001 Regulations or, as the case may be, paragraph 31B(2) to (11) of Schedule 2 to the European Parliamentary Elections Regulations 2004.]

#### Textual Amendments

**F49** Sch. 2 paras. 59A, 59B inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **29** (with art. 1(5))

## PART 4

### Forms referred to in Parts 1 to 3 of this Schedule

#### Forms

**60.** These are the forms referred to in Parts 1 to 3 of this Schedule <sup>M62</sup>.

Form 1	Proxy paper (paragraph 5(5))
Form 2	Postal voting statement where PCC election taken alone (paragraph 30(2))
Form 3	<sup>F50</sup> ...
Form 4	[ <sup>F51</sup> Postal voting statement where polls are combined but proceedings on issue and receipt of postal ballot papers are not combined]
Form 5	Completed statement of the number of postal ballot papers issued (paragraph 59(1)(b))

**Status:** Point in time view as at 06/04/2014.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

## Form 1

### Proxy paper at particular PCC election

Police area.....

Voting area.....

Name of Proxy.....

Address.....

Is appointed as proxy for.....

(Name of elector).....

who is qualified to be registered for

(Qualifying address).....

to vote for him/her at

The Police and Crime Commissioner election for the above [police area] on  
(date).

Signature

.....

Electoral Registration Officer.....

Address.....

Date.....

This proxy paper gives you the right to vote as proxy, at a Police and Crime Commissioner election only, on behalf of the elector whose name is given above.

Your appointment as proxy is for the Police and Crime Commissioner election on a particular day. You have the right to vote only at the election specified in the proxy paper.

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When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she has consulted you and that you were capable of being, and willing to be, appointed as proxy OR you signed a statement stating that you were capable of being, and willing to be, appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other Commonwealth citizen, a citizen of the republic of Ireland or citizen of any other Member State of the European Union, and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be, appointed as proxy, please write to the elector asking him or her to cancel the appointment.

You may vote as proxy at the polling station to which the elector on whose behalf you are appointed is allotted. However, you may not vote as proxy-

- at a Police and Crime Commissioner election in the same police area;

Or

- in any other case, 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.

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 it will be helpful to do so. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as proxy on his or her behalf.

If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post.

You may vote by post at a Police and Crime Commissioner election or for all elections on a particular day. But the electoral registration officer cannot allow an application to vote by post at a Police and Crime Commissioner election on a particular day if he or she receives it after 5pm on the eleventh working day before the poll.

[<sup>F52</sup>Form 2: Postal voting statement where PCC election taken alone

Status: Point in time view as at 06/04/2014.

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<b>Postal voting statement</b>	[Space for barcode]
--------------------------------	---------------------

**Election of the Police and Crime Commissioner for  
[insert name of police area] police area**

**Date of election [day] [date] [month] [year]**

**Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.**

**Please read the instructions carefully and use a black pen.**

\* Name \_\_\_\_\_ Ballot paper number \_\_\_\_\_

\* *Local Returning Officer to insert name but omit where sent to an anonymous elector*

(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us **immediately** on (insert helpline number).

**I am the person the ballot paper numbered above was sent to.**

**My Date of Birth is:**

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

Day

Month

Year

**\* My Signature is:  
(You must sign  
inside the box)**

\* *Local Returning Officer to omit box where the elector has been granted a waiver*

--

**We will check this information against our records for security.**

**It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.**



Status: Point in time view as at 06/04/2014.

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**📌 Instructions for voting by post**

**Please read through carefully. If you need help, please call us on [insert helpline number]**

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the **date of birth** \*[and signature] box[es] on this postal voting statement.  
\*Local Returning Officer to delete where elector is granted a waiver.
3. Vote for **only one candidate** by putting a cross  in the box next to your choice.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by **10pm on [day] [date of poll]**. If you miss the post, you can hand it in at our office or at any polling station in the voting area before **10pm on [day] [date of poll]**.
6. After receiving this postal vote, you cannot vote in person at a polling station in this election.

**📌 Getting help**

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on [insert helpline number]. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on [day] [date] [month]**.  
If you apply after **5pm on [day before poll]** we can only issue a replacement if you return this ballot pack by hand.

**Electoral fraud is a crime. It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person.**

The Local Returning Officer issued this statement.

Local Returning Officer to add pictorial guidance as appropriate.

1

Form 3 <sup>F53</sup> .....

[<sup>F54</sup>Form 4: Postal voting statement where polls are combined but proceedings on issue and receipt of postal ballot papers are not combined

**Status:** Point in time view as at 06/04/2014.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<b>Postal voting statement</b>	[Space for barcode]
<b>Election of the Police and Crime Commissioner for [insert name of police area] police area</b>	
Date of election [day] [date] [month] [year]	
<p><b>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper number _____</p> <p>* Local Returning Officer to insert name but omit where sent to an anonymous elector</p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us <b>immediately</b> on (insert helpline number).</p> <div style="border: 1px solid black; padding: 5px;"><p><b>I am the person the ballot paper numbered above was sent to.</b></p><p><b>My Date of Birth is:</b>    <input type="text"/> <input type="text"/>    <input type="text"/> <input type="text"/>    <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p><p style="text-align: center;">Day                      Month                      Year</p><p><b>* My Signature is:</b> <b>(You must sign inside the box)</b></p><p>* Local Returning Officer to omit box where the elector has been granted a waiver</p><div style="border: 1px solid black; height: 60px; width: 100%;"></div></div> <p><b>We will check this information against our records for security.</b></p> <p><b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.</b></p> <p><i>Local Returning Officer to add pictorial guidance as appropriate.</i></p>	

**Status:** Point in time view as at 06/04/2014.

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## Instructions for voting by post

**Please read through carefully. If you need help, please call us on *[insert helpline number]***

- For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper for the **election of the Police and Crime Commissioner for *[insert name of police area]***.
- Make sure you have filled in the **date of birth *\*[and signature]* box[es]** on this postal voting statement.  
*\*Local Returning Officer to delete where elector is granted a waiver.*

**Election of the Police and Crime Commissioner for *[insert name of police area]* police area (*[insert colour]* ballot paper)**

- **\*\*[Vote for only one candidate** by putting a cross  in the box next to your choice.]
- **\*\*[Vote by putting a cross  in the box**  
In column 1 next to your first choice candidate  
In column 2 next to your second choice candidate  
Your first and second choices should be different.]  
*\*\*Local Returning Officer to amend as appropriate*
- Do not mark the ballot paper in any other way or your vote may not count.
- We must get your postal vote by **10pm on *[day] [date of poll]***. If you miss the post, you can hand it in at our office or at any polling station in the \_\_\_\_\_ area before **10pm on *[day] [date of poll]***.
- After receiving this postal vote, you cannot vote in person at a polling station in this election.

## Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on *[day] [date] [month]***. If you apply after **5pm on *[day before poll]*** we can only issue a replacement if you return this ballot pack by hand.

**Electoral fraud is a crime. It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person.**

The Local Returning Officer issued this statement.

*Local Returning Officer to add pictorial guidance as appropriate.*

]

[<sup>F55</sup>Form 5: Statement of the number of postal ballot papers issued



**Status:** Point in time view as at 06/04/2014.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<b>Statement of the number of postal ballot papers issued</b>	
<b>Election of the Police and Crime Commissioner for [insert name of police area] police area</b>	
Voting area	
Date of poll	
<b>A Issue of postal ballot papers</b>	<b>Number</b>
1. Total number of postal ballot papers issued under paragraph 36 of Schedule 2	
2. Total number of postal ballot papers issued under paragraphs 41 (spoilt and returned for cancellation), paragraph 42 (lost or not received) and paragraph 42A (cancelled due to change of address) of Schedule 2	
3. Total number of postal ballot papers cancelled under paragraph 41 (where the first ballot paper was cancelled and retrieved) of Schedule 2	
4. Total number of postal ballot papers issued (items 1 to 3)	
5. Total number of postal ballot papers cancelled under paragraph 42A	
<b>B(1) Receipt of and replacement postal ballot papers</b>	<b>Number</b>
6. 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 41 or 42 of Schedule 2)	
7. Number of covering envelopes received by the local returning officer after the close of poll, excluding any returned as undelivered	
8. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued	
9. Number of postal ballot papers identified as lost or not received in time for another ballot paper to be issued	
10. Number of postal ballot papers cancelled and retrieved in time for another ballot paper to be issued	
11. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued	
12. Number of covering envelopes returned as undelivered (up to the 10 <sup>th</sup> day after the date of the poll)	
13. Number of covering envelopes not received by the local returning officer (by the 10 <sup>th</sup> day after the date of the poll)	
14. Total of numbers for items 6 to 13 (This should be the same as that in item 4)	
15. Number of postal ballot papers replaced as lost or not received but not received for cancellation	

**Status:** Point in time view as at 06/04/2014.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](http://legislation.gov.uk) editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<b>B(2) Receipt of postal ballot papers – Personal Identifiers</b>	<b>Number</b>
16. Number of covering envelopes set aside for the verification of personal identifiers on postal voting statements	
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 statements not matching those in the personal identifiers record (excluding prior cancellations)	
<b>C Count of postal ballot papers</b>	<b>Number</b>
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 paragraph 41, 42, 42A or 54 of Schedule 2 are not rejections and should be included in items 2, 3, 5, 8, 9 and 10)	

<b>Date</b>	<b>Signed</b>
<b>Local Returning Officer</b>	
<b>Address</b>	
<b>A completed statement must be provided by the Local Returning Officer to the Secretary of State and the Electoral Commission during the period of 6 days which starts 10 days after the poll.</b>	

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### Textual Amendments

- F50** Words in Sch. 2 para. 60 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **30(5)(a)** (with art. 1(5))
- F51** Words in Sch. 2 para. 60 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **30(5)(b)** (with art. 1(5))
- F52** Sch. 2 para. 60 Form 2 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 30(2), **Sch. 1** (with art. 1(5))
- F53** Sch. 2 para. 60 Form 3 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **30(3)** (with art. 1(5))
- F54** Sch. 2 para. 60 Form 4 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 30(4), **Sch. 1** (with art. 1(5))
- F55** Sch. 2 para. 60 Form 5 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 30(6), **Sch. 1** (with art. 1(5))

### Marginal Citations

- M62** Article 84 contains other provision about forms.

## SCHEDULE 3

Article 12

Rules for the conduct of PCC elections where poll not taken together with poll at another election

Form 6	Nomination of candidates (rule 5)
Form 7	Consent to nomination (rule 8)
Form 8A	Ballot paper (three or more candidates) (rule 19(1)(a))
Form 8B	Ballot paper (two candidates only) (rule 19(1)(b))
Form 9	Corresponding number list for issue of postal ballot papers at a PCC election (rule 20(2))
Form 10	Corresponding number list for use in polling station at a PCC election (rule 20(3))
Form 11	Official poll card (rule 28)
Form 12	Official postal poll card (rule 28)
Form 13	Official proxy poll card (rule 28)
Form 14	Official postal proxy poll card (rule 28)
Form 15	Notice for guidance of voters for exhibition in voting compartment (rule 30(1)(a))
Form 16	Notice for guidance of voters for exhibition inside and outside polling station (rule 30(1)(b))
Form 17	Certificate as to employment on duty on the day of the poll (rule 34(4))
Form 18	Declaration to be made by companion of a voter with disabilities (rule 41)

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## PART 1

### Rules for all PCC elections

#### GENERAL PROVISIONS

#### Timetable

1. [<sup>F56</sup>The] proceedings at the PCC election are to be conducted in accordance with the following Table.

<i>[<sup>F57</sup>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the 25th day before the day of the election
Delivery of nomination papers	Not later than 4 p.m. on the 19th day before the day of the election
Delivery of notices of withdrawals of candidature	Not later than 4 p.m. on the 19th day before the day of the election
Publication of statement of persons nominated	Not later than 4 p.m. on the 18th day before the day of the election
Notice of poll	Not later than the 6th day before the day of the election
Polling	Between 7 a.m. and 10 p.m. on the day of the election]

#### Textual Amendments

- F56** Word in Sch. 3 rule 1 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **31(1)** (with art. 1(5))
- F57** Sch. 3 rule 1 table substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **31(2)** (with art. 1(5))

#### Modification of timetable for the ordinary election in 2012

<sup>F58</sup>2. ....

#### Textual Amendments

- F58** Sch. 3 rule 2 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **32** (with art. 1(5))

#### Computation of time

3. In computing any period of time for the purposes of rules 1 and 2—
  - (a) a Saturday or Sunday,
  - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
  - (c) a day appointed for public thanksgiving or mourning,

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is to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the police area returning officer or local returning officer obliged to proceed with the counting of the votes on such a day.

## PART 2

### Stages common to contested and uncontested elections

#### NOTICE OF ELECTION

##### Notice of PCC election

4.—(1) Each police area returning officer must give public notice of the PCC election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must also state the arrangements which apply for making the payment required by rule 9 by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

(4) The police area returning officer must send a copy of the notice of election to the local returning officer for each voting area wholly or partly comprised in the police area.

(5) As soon as practicable after receipt of the copy of the notice of the PCC election, the local returning officer must give public notice of it at a place within the voting area for which the officer acts.

#### NOMINATION OF CANDIDATES

##### Nomination of candidates

5.—(1) Each candidate must be nominated by a separate nomination paper, in Form 6 in Part 8 of this Schedule delivered to the police area returning officer at the place fixed for the purpose—

- (a) by the candidate in person, or
- (b) by the proposer or seconder of the candidate, or
- (c) by the candidate's election agent on the candidate's behalf if the agent's name and address have been previously given to the returning officer as required by article 26 or are so given at the time the nomination paper is delivered.

(2) The nomination paper must state the candidate's—

- (a) full names, and
- (b) if desired, description,

and the surname must be placed first in the list of names.

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname the candidate has, or

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(b) a forename which is different from any other forename the candidate has, the nomination paper may state the commonly used surname or forename in addition to the other name.

- (4) A candidate's description (if any) can only be—
- (a) one authorised as mentioned in rule 6(1) or (3), or
  - (b) the word “Independent”.

(5) The nomination paper must be accompanied by a form (in these rules referred to as “the home address form”) which states the candidate's—

- (a) full names, and
- (b) home address in full.

(6) Provision in paragraph (1) above about the delivery of the nomination paper applies also to the home address form.

- (7) The home address form—
- (a) may contain a statement made and signed by the candidate that he or she requires the home address not to be made public, and
  - (b) if it does so, must contain a statement confirming that the candidate is registered in the register of electors for an electoral area in respect of an address within the police area.

(8) Where a nomination paper in respect of a person is delivered after the delivery of an earlier nomination paper in respect of the same person, the later paper supersedes the earlier one.

### **Nomination papers: name of registered political party**

**6.—(1)** A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless—

- (a) the party is a qualifying party in relation to the police area, and
- (b) the use of the description is authorised by a certificate that is—
  - (i) issued by or on behalf of the registered nominating officer of the party, and
  - (ii) received by the police area returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1.

(2) In paragraph (1) an authorised description must be—

- (a) the name of the party registered under section 28 of the 2000 Act <sup>M63</sup>, or
- (b) a description of the party registered under section 28A of that Act <sup>M64</sup>.

(3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless—

- (a) the parties are each qualifying parties in relation to the police area,
- (b) the description is a registered description, and
- (c) the use of the description is authorised by a certificate that is—
  - (i) issued by or on behalf of the registered nominating officer of each of the parties, and
  - (ii) received by the police area returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1.

(4) For the purposes of paragraph (3), “registered description” means a joint description registered for use by the parties under section 28B of 2000 Act <sup>M65</sup>.

(5) A person is guilty of a corrupt practice if the person fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's nominating officer.

(6) For the purposes of the application of this rule in relation to a PCC election—

(a) “registered political party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that PCC election, and

(b) a registered political party is a qualifying party in relation to a police area in England or Wales if the party was on the relevant day registered in respect of England or Wales (as the case may be) in the Great Britain register maintained under that Part of that Act.

(7) For the purposes of paragraph (6)(a), any day specified in rule 3 is to be disregarded.

#### Marginal Citations

**M63** Section 28 was amended by [S.I. 2004/366](#) and by section 48 of the [Electoral Administration Act 2006 \(c.22\)](#). Section 22 of the Political Parties, Elections and Referendums Act 2000 is amended by article 24 of this Order so that the requirements as to registration of political parties in Part 2 of that Act apply to elections of police and crime commissioners.

**M64** Section 28A was inserted by section 49(1) of the Electoral Administration Act 2006.

**M65** Section 28B was inserted by section 49(1) of the Electoral Administration Act 2006.

#### Subscription of nomination paper

7.—(1) The nomination paper must be subscribed by 2 electors as proposer and seconder, and by 98 other electors as assenting to the nomination.

(2) Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) that appear first on the paper in each category are to be taken into account to the exclusion of any others in that category.

(3) The nomination paper must give the electoral number of each person subscribing it.

(4) The police area returning officer—

(a) must supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(b) must at any elector's request prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form that was supplied by the police area returning officer.

(5) In this rule “elector”—

(a) means a person who, on the last day for the publication of notice of the PCC election, is registered in the register of electors in respect of an address that is within the police area in question, and

(b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll.

(6) But in this rule, “elector” does not include a person who has an anonymous entry in the register.

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### Consent to nomination

8. A person is not validly nominated unless that person's consent to nomination—
- (a) is given in writing on or within the period of 31 days before the last day for the delivery of nomination papers,
  - (b) is in Form 7 set out in Part 8 of this Schedule or a form to like effect
  - (c) is attested by one witness, and
  - (d) is delivered at the place and within the time for the delivery of nomination papers.

### Deposit

9.—(1) A person is not validly nominated unless the sum of £5,000 is deposited by or on behalf of the person with the police area returning officer at the place and during the time for delivery of nomination papers.

- (2) The deposit may be made either—
- (a) by the deposit of any legal tender, or
  - (b) by means of a banker's draft, or
  - (c) with the police area returning officer's consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

but the police area returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if the officer does not know that the drawer carries on a business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of a candidate, the person making the deposit must at the time it is made give the person's name and address to the police area returning officer (unless those details have previously been supplied to the officer under article 26 (appointment of election agent)).

### Place for delivery of nomination papers and right to attend nomination

10.—(1) The police area returning officer must fix the place in the police area at which nomination papers are to be delivered to the officer, and must attend there during the time for their delivery and for the making of objections to them.

(2) Except for the purpose of delivering a nomination paper or of assisting the police area returning officer, no other person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless that person is—

- (a) a person standing nominated as a candidate, or
- (b) the election agent, proposer or seconder of such a person, or
- (c) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Act<sup>M66</sup>.

(3) Where a candidate is the candidate's own election agent, the candidate may name one other person and that person is entitled to attend in place of the election agent.

(4) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—

- (a) to such one of those papers as the candidate may select, or
- (b) in default of such a selection, to that one of those papers which is first delivered,

are entitled to attend as the person's proposer and seconder.

(5) The right to attend conferred by this rule includes the right—

- (a) to inspect, and



(b) to object to the validity of,  
any nomination paper and associated home address form.

(6) Paragraph (5) does not apply to a person mentioned in paragraph (2)(c).

(7) One other person chosen by each candidate is entitled to be present at the delivery of the candidate's nomination, and may afterwards (so long as the candidate stands nominated) attend the proceedings referred to in paragraph (2) but without the right referred to in paragraph (5).

(8) The police area returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.

#### Marginal Citations

**M66** Section 6A and 6B of the [Political Parties and Referendums Act 2000 \(c.41\)](#) were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#). Section 6A(5) was amended by paragraph 10 of Schedule 10 to the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#) and by [S.I. 2007/1388](#).

#### Decisions as to validity of nomination papers

**11.**—(1) Where a nomination paper and the candidate's consent to it and the home address form are delivered and a deposit is made in accordance with these rules, the candidate is deemed to stand nominated unless and until—

- (a) the police area returning officer decides that the nomination paper is invalid, or
- (b) the police area returning officer decides that the home address form does not comply with rule 5(5) or (7), or
- (c) proof is given to the police area returning officer's satisfaction of the candidate's death, or
- (d) the candidate withdraws.

(2) The police area returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law;
- (b) that the paper is not subscribed as so required.

(3) Subject to paragraph (4), the police area returning officer must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the police area returning officer's opinion a nomination paper breaks rule 6(1) or (3), the officer must give a decision to that effect.

(5) Any decision under paragraph (4) must be given—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.

(6) Where the police area returning officer decides that a nomination paper is invalid, the officer must—

- (a) endorse on the paper the fact that the nomination is invalid and the reasons for the decision, and
- (b) sign the paper.

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(7) The police area returning officer's decision that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on a PCC election petition.

### Correction of minor errors

**12.**—(1) At any time before the publication under rule 13 of the statement of persons nominated, a police area returning officer may correct minor errors in a nomination paper or a home address form.

(2) Errors that may be corrected include—

- (a) errors as to a person's electoral number;
- (b) obvious errors of spelling in relation to the details of a candidate;
- (c) in the home address form, errors as to the information mentioned in rule 5(7)(b).

(3) Anything done by a police area returning officer in pursuance of this rule may not be questioned in any proceeding other than proceedings on a PCC election petition.

(4) A police area returning officer must have regard to any guidance issued by the Commission for the purposes of this rule.

### Publication of statement of persons nominated

**13.**—(1) The police area returning officer must prepare a statement showing—

- (a) the persons who have been and stand nominated, and
- (b) any other persons who have been nominated together with the reason why they no longer stand nominated.

(2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers and the home address forms.

(3) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the police area returning officer thinks—

- (a) that the use of the person's commonly used name is likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the police area returning officer must give notice in writing to the candidate of the reasons for refusing to allow the use of a commonly used name.

(6) The statement of persons nominated must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(7) In relation to a nominated person in whose case the home address form (or, if the person is nominated by more than one nomination paper, any of the home address forms) contains—

- (a) the statement mentioned in rule 5(7)(a), and
- (b) the information mentioned in rule 5(7)(b),

the reference in paragraph (2) to the person's address shall be read as a reference to the information mentioned in rule 5(7)(b).

(8) Where—

- (a) two or more of the names shown on the statement are the same or so similar as to be likely to cause confusion,

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- (b) paragraph (7) applies in relation to each of the persons in question, and
- (c) the information mentioned in rule 5(7)(b) is the same for each of them,

the police area returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.

(9) Where it is practicable to do so before the publication of the statement, the police area returning officer must consult any person whose particulars are to be amended or added to under paragraph (8).

(10) The police area returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (8).

(11) Anything done by a police area returning officer in pursuance of paragraph (8) must not be questioned in any proceedings other than proceedings on a PCC election petition.

(12) A police area returning officer must have regard to any guidance issued by the Commission for the purposes of paragraph (8).

(13) The police area returning officer—

- (a) must give public notice of the statement prepared under this rule, and
- (b) must send a copy of it to the Commission.

### **Local publication of statement under rule 13**

**14.**—(1) Immediately following publication of the statement of persons nominated, the police area returning officer must forward a copy of it to the local returning officer for each voting area wholly or partly comprised in the police area.

(2) As soon as practicable after receipt of the copy of the statement, the local returning officer must give public notice of it at a place within the voting area for which the officer acts.

### **Withdrawal of candidates**

**15.**—(1) A candidate may withdraw from being a candidate by notice of withdrawal—

- (a) signed by the candidate and attested by one witness, and
- (b) delivered to the police area returning officer at the place for delivery of nomination papers.

(2) Where a candidate (“A”) is outside the United Kingdom, a notice of withdrawal which is accompanied by a written declaration of A's absence from the United Kingdom is of the same effect as a notice signed by A if both the notice and the declaration are signed by A's proposer.

### **Nomination in more than one police area**

**16.**—(1) A candidate who is validly nominated for more than one police area must withdraw from being a candidate in all those police areas except one.

(2) Any such candidate who does not withdraw is deemed to have withdrawn from being a candidate in all police areas.

## **METHOD OF ELECTION**

### **Method of election: contested and uncontested election**

**17.** If, after any withdrawals under rule 15 or 16—

- (a) three or more candidates remain validly nominated, a poll must be taken in accordance with Parts 3 and 4 of these rules;

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- (b) only two candidates remain validly nominated, a poll must be taken in accordance with Part 3;
- (c) only one candidate remains validly nominated, that person must be declared to be elected in accordance with Part 5.

## PART 3

### Contested PCC elections

#### GENERAL PROVISIONS

##### Poll to be taken by ballot

18. The votes at the poll must be given by ballot.

##### The ballot papers

19.—(1) The ballot of every voter must consist of a ballot paper which—

- (a) in the case of an election with three or more candidates, must be in Form 8A set out in Part 8 of this Schedule;
- (b) in the case of an election with two candidates only, must be in Form 8B set out in Part 8 of this Schedule,

and which is printed according to the directions specified in that Part.

(2) The persons remaining validly nominated for the police area after any withdrawals (and no other persons) are entitled to have their names shown on the ballot paper.

(3) Each ballot paper must—

- (a) contain the names and other particulars of the candidates as shown in the statement of persons nominated,
- (b) be capable of being folded up, and
- (c) have a number and other unique identifying mark printed on the back.

(4) If a request is made by or on behalf of a candidate whose description is authorised under rule 6(1) or (3) by a registered party, the ballot paper must contain the party's registered emblem (or one of its registered emblems) adjacent to the candidate's particulars.

(5) A request under paragraph (4) must—

- (a) be made in writing to the police area returning officer, and
- (b) be received by the officer before the last time for the delivery of nomination papers set out in the Table in rule 1.

(6) The order of the names in the ballot paper must be the same as in the statement of persons nominated (see rule 13).

##### Corresponding number list

20.—(1) The local returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers which are to be issued by the officer in pursuance of rule 25 or provided by the officer in pursuance of rule 29(1).

(2) The corresponding number list to be prepared for the purpose of rule 25(1) (postal ballot papers) and of paragraph 36(1) of Schedule 2 (procedure on issue of postal ballot paper) must be in Form 9 set out in Part 8 of this Schedule or a form to like effect.

(3) The corresponding number list to be prepared for the purpose of rule 29(3)(d) (equipment of polling stations) and of rule 39(2)(b) (voting procedure) must be in Form 10 set out in Part 8 of this Schedule or a form to like effect.

### **The official mark**

**21.**—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret.

(3) An interval of not less than five years must intervene between the use of the same official mark at PCC elections for the same police area.

(4) A police area returning officer or local returning officer may use a different official mark for different purposes at the same PCC election.

### **Prohibition of disclosure of vote**

**22.** In any legal proceeding to question a PCC election, no person who has voted at the election may be required to state for whom he or she has voted.

### **Use of schools and public rooms**

**23.**—(1) The local returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—

(a) a room in a school maintained or assisted by—

(i) in relation to England, a county council in England, a metropolitan district council, a non-metropolitan district council for an area for which there is no county council or the Council of the Isles of Scilly, or

(ii) in relation to Wales, a county council or a county borough council in Wales;

(b) a room in a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;

(c) a room the expense of maintaining which is met by—

(i) in relation to England, a county council in England, a district council, a parish council or the Council of the Isles of Scilly, or

(ii) in relation to Wales, a county council or a county borough council in Wales or a community council.

(2) The local returning officer must make good—

(a) any damage done to any such room, and

(b) defray any expense incurred by the persons having control over any such room,

by reason of its being used for that purpose.

### **ACTION TO BE TAKEN BEFORE THE POLL**

### **Notice of poll**

**24.**—(1) The police area returning officer must give public notice of the poll stating—

(a) the day and hours fixed for the poll, and

(b) the particulars of each candidate remaining validly nominated.

(2) The order of the names in the notice of the poll must be the same as in the statement of persons nominated <sup>M67</sup>.

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(3) No later than the time of publication of the notice of the poll, the local returning officer must give public notice of—

- (a) the situation of each polling station in the voting area for which the officer acts, and
- (b) the description of voters entitled to vote there.

(4) As soon as practicable after giving the notice required by paragraph (3), the local returning officer must send a copy of it to each of the election agents.

#### Marginal Citations

**M67** See rule 13.

### Postal ballot papers

**25.**—(1) The local returning officer must, in accordance with Part 3 of Schedule 2, issue to those entitled to vote by post—

- (a) a ballot paper, and
- (b) a postal voting statement in the appropriate form prescribed by paragraph 30 of Schedule 2, together with envelopes for their return that comply with the requirements of paragraph 38 of Schedule 2.

(2) The local returning officer must also issue to those entitled to vote by post whatever information the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) In the case of a ballot paper issued to a person at an address in the United Kingdom, the local returning officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

### Provision of polling stations

**26.**—(1) The local returning officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the electors to the polling stations in whatever manner the officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station to which electors from any parliamentary polling district wholly or partly within the voting area are allotted must, in the absence of special circumstances, be in the parliamentary polling place for that district unless that place is outside the voting area.

(4) The local returning officer must provide each polling station with however many compartments are necessary in which the voters can mark their votes screened from observation.

### Appointment of presiding officers and polling clerks

**27.**—(1) The local returning officer must appoint and pay—

- (a) a presiding officer to attend at each polling station, and
- (b) however many clerks are necessary for the purposes of the election.

(2) The local returning officer must not appoint any person who has been employed by or on behalf of a candidate in the PCC election.

(3) The local returning officer may, if the officer thinks fit, preside at a polling station.

(4) In a case within paragraph (3), the provisions of these rules relating to the presiding officer apply to the local returning officer so presiding, with the necessary modifications as to things to be done by the local returning officer to the presiding officer or by the presiding officer to the local returning officer.

(5) A presiding officer may do, by the clerks appointed to assist the presiding officer, any act (including the asking of questions) which the presiding officer is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**28.**—(1) The local returning officer must as soon as practicable after the publication of the notice of the PCC election send to electors and their proxies an official poll card as follows—

- (a) an official poll card sent to an elector must be in Form 11 set out in Part 8 of this Schedule or a form to like effect;
- (b) an official postal poll card sent to an elector must be in Form 12 set out in Part 8 of this Schedule or a form to like effect;
- (c) an official poll card sent to the proxy of an elector must be in Form 13 set out in Part 8 of this Schedule or a form to like effect;
- (d) an official postal poll card sent to the proxy of an elector must be in Form 14 set out in Part 8 of this Schedule or a form to like effect.

(2) An official poll card may be adapted in order to comply with any requirements as to delivery and may also contain such additional information as the local returning officer thinks appropriate.

(3) An elector's official poll card must be sent or delivered to his or her qualifying address, and a proxy's to his or her address as shown in the list of proxies.

(4) Rule 7(5) applies for the interpretation of this rule.

### **Equipment of polling stations**

**29.**—(1) The local returning officer must provide each presiding officer with however many ballot boxes and ballot papers the local returning officer thinks are necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The local returning officer must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register of electors used for the PCC election which contains the entries relating to the electors allotted to the station (or, in the case of a register only part of which contains those entries, that part);
- (c) the parts of any special lists prepared for the PCC election corresponding to each register or part of a register provided under sub-paragraph (b);
- (d) a list prepared under rule 20 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

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(4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act<sup>M68</sup> in respect of alterations to the register.

(5) The local returning officer must also provide each polling station with—

- (a) at least one large version of the ballot paper for the assistance of voters who are partially sighted which complies with article 85(6) and which must be displayed inside the polling station;
- (b) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted which must be clearly marked as a specimen provided only for the guidance of voters;
- (c) a device for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 41).

(6) The device mentioned in paragraph (5)(c) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from the device, easily and without damage to the paper,
- (b) hold the ballot paper firmly in place during use, and
- (c) provide suitable means for the voter—
  - (i) to identify the spaces on the ballot paper on which the voter may mark his or her vote,
  - (ii) to identify the candidate to which each such space refers, and
  - (iii) to mark his or her vote on the space the voter has chosen.

(7) The local returning officer must also provide each polling station with the notices for the guidance of voters that are provided to the local returning officer under rule 30(1) and—

- (a) the notices referred to in rule 30(1)(a) must be exhibited in every voting compartment, and
- (b) the notices referred to in rule 30(1)(b) must be exhibited outside the polling station and in the communal areas inside it.

(8) Where information about the supplementary vote system is provided to the local returning officer under rule 30(3), the local returning officer must also provide each polling station with that information.

(9) Any information provided to a polling station under paragraph (8) must be exhibited there.

(10) Where proof has been given to the police area returning officer's satisfaction of the death of a candidate, the police area returning officer must request each local returning officer for a voting area wholly or partly comprised in the police area to provide each presiding officer with a sufficient number of notices to this effect for display in every compartment of every polling station.

#### Marginal Citations

**M68** Section 13B of the Representation of the People Act 1983 was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#) and section 74 of, and paragraph 3 of Schedule 10 to, the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#). Subsections (3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006.

#### Notices for the guidance of voters

**30.**—(1) The police area returning officer must prepare and provide each local returning officer with—



[<sup>F59</sup>(a) notices for the guidance of voters for exhibition in voting compartments at polling stations—

(i) in the form—

“Vote by putting a cross [X] in the box

In column 1 next to your FIRST CHOICE candidate

In column 2 next to your SECOND CHOICE candidate

Your first and second choices should be different.”

in the case of an election with three or more candidates; or

(ii) in the form—

“Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.”

in the case of an election with two candidates only; and]

(b) notices for the guidance of voters in Form 16 set out in Part 8 of this Schedule which are for exhibition outside and in the communal areas inside polling stations.

(2) The police area returning officer may also provide versions of a notice in such other form described in article 85(2) or (3) as the police area returning officer thinks appropriate and, if the local returning officer agrees, these may also be exhibited inside and outside the polling station.

(3) Where the Commission publishes information about the supplementary vote system to be used at PCC elections, the police area returning officer may provide each local returning officer with a copy of that information for exhibition at a polling station.

#### Textual Amendments

**F59** Sch. 3 rule 30(1)(a) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **33** (with art. 1(5))

### Appointment of polling and counting agents

**31.**—(1) Before the commencement of the poll, each candidate may appoint—

(a) polling agents to attend at polling stations for the purpose of detecting personation, and

(b) counting agents to attend at the counting of the votes.

(2) For each count, one (but no more than one) counting agent may be designated as a person authorised to require a re-count under rule 54.

(3) A designation under paragraph (2) must be made at the same time as the person's appointment as a counting agent.

(4) Not more than—

(a) four polling agents, or

(b) such greater number as the local returning officer may by notice allow,

are permitted to attend at any particular polling station.

(5) If the number of polling agents appointed to attend at a particular polling station exceeds the permitted number—

(a) the local returning officer must determine by lot which agents are permitted to attend, and

(b) only the agents so determined are to be deemed as duly appointed.

(6) The local returning officer may limit the number of counting agents so long as—

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- (a) the number is the same in the case of each candidate, and
  - (b) the number allowed to a candidate is not (except in special circumstances) less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.
- (7) A candidate who appoints a polling agent or a counting agent must give the local returning officer notice of the appointment no later than the 5th day before the day of the poll.
- (8) If a polling or counting agent dies, or becomes incapable of acting, the candidate may appoint another agent and must forthwith give the local returning officer notice of the appointment.
- (9) A notice under paragraph (7) or (8) must—
- (a) be in writing, and
  - (b) give the name and address of the agent appointed.
- (10) Any appointment authorised by this rule may be made and the notice of appointment given by the candidate's election agent, instead of by the candidate.
- (11) In the following provisions of these rules references to polling agents and counting agents are to be read as references to agents—
- (a) whose appointments have been duly made and notified, and
  - (b) where the number of agents is restricted, who are within the permitted numbers.
- (12) Any notice required to be given to a counting agent by the local returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (13) A candidate may do anything, or assist a polling agent or counting agent in doing anything, which such an agent is authorised to do on appointment by the candidate.
- (14) A candidate's election agent may do or assist in doing anything which a polling or counting agent appointed by the candidate is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of the polling agent or counting agent.
- (15) Where by these rules anything is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not invalidate the thing (if the thing is otherwise duly done).

### Notification of requirement of secrecy

**32.**—<sup>[F60]</sup>(1) The local returning officer must make whatever arrangements the officer thinks are appropriate to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 22(1), (4) and (7), and
- (b) every person attending at the verification of ballot paper accounts or the counting of the votes (other than any constable on duty there) has been given a copy in writing of the provisions of article 22(2), (3) and (7).

<sup>[F61]</sup>(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).]

### Textual Amendments

**F60** Sch. 3 rule 32 renumbered as Sch. 3 rule 32(1) (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **34** (with art. 1(5))

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**F61** Sch. 3 rule 32(2) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 34 (with art. 1(5))

### Return of postal ballot papers

**33.**—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered in the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered in the proxy postal voters list,

the local returning officer must mark the list in the manner specified in paragraph 48 of Schedule 2.

(2) Rule 49(2) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

### THE POLL

### Admission to polling stations

**34.**—(1) The presiding officer must exclude from the polling station everyone except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the police area returning officer and the local returning officer,
- (d) the candidates and their election agents,
- (e) the polling agents appointed to attend at the polling station,
- (f) the clerks appointed to attend at the polling station,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act<sup>M69</sup>,
- (h) the constables on duty, and
- (i) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable or a person employed by a local returning officer may be admitted to vote in person elsewhere than at the polling station allotted under these rules only on production and surrender of a certificate (in these rules referred to as “a certificate as to employment on duty on the day of the poll”) that—

- (a) confirms that the person is a constable, or as the case be, is employed by a local returning officer,
- (b) is in Form 17 set out in Part 8 of this Schedule or a form to like effect, and
- (c) is signed by an officer of police of or above the rank of inspector or, as the case may be, by the local returning officer.

(5) A certificate surrendered under this rule must forthwith be cancelled.

[<sup>F62</sup>(6) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).]

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### Textual Amendments

**F62** Sch. 3 rule 34(6) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **35** (with art. 1(5))

### Marginal Citations

**M69** [2000 c.22](#). Sections 6A to 6F were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#) and amended by paragraph 10 of Schedule 10 to the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#).

## Keeping of order in polling station

**35.**—(1) It is the presiding officer's duty to keep order at the officer's polling station.

(2) If a person engages in misconduct in a polling station, or fails to obey the presiding officer's lawful orders, the person may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the local returning officer to discharge this function.

(3) A person so removed may not, without the presiding officer's permission, re-enter the polling station during the day.

(4) A person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(5) The powers conferred by this rule may not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity to vote at that station.

## Sealing of ballot boxes

**36.**—(1) Immediately before the commencement of the poll, the presiding officer must show anyone present in the polling station that the ballot box is empty.

(2) The presiding officer must then—

- (a) lock the box (if it has a lock) and place his or her seal on it in a manner that prevents it from being opened without breaking the seal, and
- (b) place the box in his or her view for the receipt of ballot papers, and keep it so locked (if it has a lock) and sealed.

## Questions to be put to voters

**37.**—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and the candidate or an election or polling agent requires the question to be put:

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*Person applying for ballot paper      Questions*

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- 1 A person applying as a elector (a) Are you the person registered in the register of electors as follows (*read out the whole entry from the register*)? [R]  
(b) Have you already voted in this election of a police and crime commissioner, here or elsewhere, otherwise than as a proxy for some other person? [R]
- 2 A person applying as proxy (a) Are you the person whose name appears as *A B* in the list of proxies for this election of a police and crime commissioner as the person entitled to vote as proxy on behalf of *C D*? [R]  
(b) Have you already voted in this election of a police and crime commissioner, here or elsewhere, as the person entitled to vote as proxy on behalf of *C D*? [R]  
(c) Are you the spouse, civil partner, parent, grandparent, brother/ sister child or grandchild of *C D*? [R]
- 3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2) (a) Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (*read out the number from the register*)? [R]  
(b) Have you already voted in this election of a police and crime commissioner, here or elsewhere, as proxy on behalf of the elector whose number on the register of electors is (*read out the number from the register*)? [R]  
(c) Are you the spouse, civil partner, parent, grandparent, brother/ sister child or grandchild of the elector whose number on the register of electors is (*read out the number from the register*)? [R]
- 4 A person applying as proxy if the question at entry 2(c) or 3(c) (if applicable) is not answered in the affirmative Have you already voted in this election of a police and crime commissioner, here or elsewhere, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/ sister child or grandchild? [R]
- 5 A person applying as an elector in relation to whom there is an entry in the postal voters list (a) Did you apply to vote by post?  
(b) Why have you not voted by post?
- 6 A person applying as proxy who is named in the proxy postal voters list (a) Did you apply to vote by post as proxy?  
(b) Why have you not voted by post as proxy?

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(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, references in the table to reading from the register are to be read as references to reading from that notice.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless the person has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

### Challenge of voter

**38.** A person must not be prevented from voting by reason only that—

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- (a) a candidate or the candidate's election or polling agent declares that there is reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on suspicion of committing or of being about to commit an offence of personation.

### Voting procedure

**39.**—(1) A ballot paper must be delivered to a voter who applies for one subject to any provision of these rules to the contrary.

(2) Immediately before delivery—

- (a) the number and (unless paragraph (3) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 29(3)(d) beside the number of the ballot paper to be issued to the elector,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received, and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.

(3) An elector who has an anonymous entry must show the presiding officer his or her official poll card and only the number is to be called out in pursuance of paragraph (2)(a).

(4) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) is modified as follows—

- (a) the reference in sub-paragraph (a) to the copy of the register of electors is to be read as a copy of the notice;
- (b) the reference in sub-paragraph (c) to a mark being placed in the register of electors is to be read as a mark being made on the copy of the notice.

(5) Immediately after receiving the ballot paper, the voter must—

- (a) proceed into one of the compartments in the polling station and there secretly mark the paper and fold it up so as to conceal the vote, and
- (b) then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(6) The voter must vote without undue delay, and must leave the polling station as soon as he or she has put the ballot paper into the ballot box.

[<sup>F63</sup>(7) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.]

#### Textual Amendments

**F63** Sch. 3 rule 39(7) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **36** (with art. 1(5))

### **Votes marked by the presiding officer**

**40.**—(1) This rule applies where a voter applies to the presiding officer to mark the voter's ballot paper and the voter—

- (a) is incapacitated by blindness or other disability from voting in the manner directed by these rules, or
- (b) declares orally that he or she is unable to read.

(2) The presiding officer must, in the presence of the polling agents—

- (a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and
- (b) cause the ballot paper to be placed in the ballot box.

(3) The name of every voter whose vote is marked in pursuance of this rule must be entered on a list (in these rules called “the list of votes marked by the presiding officer”), together with—

- (a) the voter's number on the register of electors, and
- (b) the reason for the vote being marked in pursuance of this rule.

(4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name is the elector's number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (3)(a) to the voter's number on the register of electors is to be read as a reference to the number relating to the voter on the notice.

### **Voting by persons with disabilities**

**41.**—(1) Paragraph (2) applies where a voter applies to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of an accompanying person (in these rules referred to as the “companion”).

(2) The presiding officer must grant the application if—

- (a) the voter makes an oral or written declaration that he or she is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance,
- (b) the presiding officer is satisfied that the voter is so incapacitated, and
- (c) the presiding officer is satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
  - (i) is a person qualified to assist the voter, and
  - (ii) has not previously assisted more than one voter with disabilities to vote in the PCC election.

(3) For the purposes of paragraph (2)(c), a person is qualified to assist a voter with disabilities to vote if the person—

- (a) is entitled to vote as an elector at the PCC election, or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The declaration made by the companion—

- (a) must be in Form 18 set out in Part 8 of this Schedule,
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of the companion, and
- (c) must forthwith be given to the presiding officer,

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and the presiding officer must attest and retain the declaration.

(5) No fee or other payment may be charged in respect of the declaration.

(6) If the presiding officer grants an application under this rule, anything which is by these rules required to be done to or by the voter in connection with the giving of his or her vote may be done to, or with the assistance of, the companion.

(7) The name of every voter whose vote is given in accordance with this rule must be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”) together with—

- (a) the voter's number on the register of electors, and
- (b) the name and address of the companion.

(8) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name is the elector's number.

(9) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (7)(a) to the voter's number on the register of electors is to be read as a reference to the number relating to the voter on the notice.

(10) For the purposes of these rules, a person is a voter with disabilities if the person has made a declaration under paragraph (2)(a).

#### **Tendered ballot papers: circumstances where available**

**42.—**(1) In the following cases a person is entitled to mark a ballot paper (a “tendered ballot paper”) in the same manner as any other voter if, in cases 1 to 6, the person satisfactorily answers the questions permitted by law to be asked at the poll. Rule 43 makes further provision about tendered ballot papers.

(2) Case 1 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims—
  - (i) to be a particular elector named on the register, and
  - (ii) not to be named in the postal voters list or the list of proxies, and
- (c) another person has already voted in person either as that elector or as proxy for that elector.

(3) Case 2 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims to be—
  - (i) a particular person named in the list of proxies as proxy for an elector, and
  - (ii) not entitled to vote by post as proxy, and
- (c) another person has already voted in person either as that elector or as proxy for that elector.

(4) Case 3 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims to be a particular elector named on the register,
- (c) the person is also named in the postal voters list, and
- (d) the person claims not to have made an application to vote by post.

(5) Case 4 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims to be a particular person named as a proxy in the list of proxies,



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- (c) the person is also named in the proxy postal voters list, and
  - (d) the person claims not to have made an application to vote by post as proxy.
- (6) Case 5 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
- (a) a person claims to be a particular elector named on the register and also named in the postal voters list, and
  - (b) the person claims to have lost or not received the postal ballot paper.
- (7) Case 6 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
- (a) a person claims to be a particular person named as a proxy in the list of proxies and also named in the proxy postal voters list, and
  - (b) the person claims to have lost or not received the postal ballot paper.
- (8) In the case of an elector who has an anonymous entry, the references in this rule to a person named on a register or list are to be read as references to a person whose number appears on the register or list (as the case may be).
- (9) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in this rule to a person named on the register are to be read as references to a person in respect of whom such a notice has been issued.

### **Tendered ballot papers: general provisions**

- 43.**—(1) Tendered ballot papers must be a different colour from the other ballot papers.
- (2) Tendered ballot papers must be given to the presiding officer instead of being put into the ballot box.
- (3) On receiving a tendered ballot paper from a voter the presiding officer must endorse it with the voter's name and number on the register of electors.
- (4) The presiding officer must set tendered ballot papers aside in a separate packet.
- (5) The name and number on the register of electors of every voter whose vote is marked in pursuance of rule 42 must be entered on a list (in these rules referred to as the “tendered votes list”).
- (6) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name is the elector's number.
- (7) In the case of an elector who has an anonymous entry, the references in paragraphs (3) and (5) to the name of the voter are to be ignored.
- (8) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in paragraphs (3) and (5) to the voter's number on the register of electors are to be read as references to the number relating to the voter on the notice.

### **Spoilt ballot papers**

- 44.**—(1) This rule applies if a voter has inadvertently dealt with his or her ballot paper in a manner which means that it cannot conveniently be used as a ballot paper and—
- (a) the voter delivers the ballot paper (in these rules referred to as “a spoilt ballot paper”) to the presiding officer, and
  - (b) proves the fact of the inadvertence to the satisfaction of the officer.
- (2) The voter may obtain a replacement ballot paper and the spoilt ballot paper must be cancelled immediately.

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### **Correction of errors on the day of the poll**

**45.** The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act that takes effect on the day of the poll.

### **Adjournment of poll in case of riot**

**46.—(1)** Where the proceedings at a polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must give notice to the local returning officer as soon as practicable.

(2) Where the poll is adjourned at a polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in these rules to the close of the poll are to be read accordingly.

(3) As soon as practicable after receiving notice of the adjournment of a poll, the local returning officer must inform the police area returning officer of that fact and of the cause of its adjournment.

### **Procedure on close of poll**

**47.—(1)** As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key (if any) attached;
- (b) the unused and spoiled ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the lists prepared under rule 20, including the parts that were completed in accordance with rule 39(2)(b) (together referred to in these rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 45, and the declarations made by the companions of voters with disabilities.

(2) The marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies must be in one packet and must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be sealed with—

- (a) the presiding officer's seal, and
- (b) the seals of any polling agents who want to affix their seals.

(4) The presiding officer must deliver the packets, or cause them to be delivered, to the local returning officer to be taken charge of by that officer.

(5) If the packets are not delivered by the presiding officer personally to the local returning officer, their delivery must be in accordance with arrangements approved by the local returning officer.

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(6) The packets must be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him or her, and accounting for them under the following heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

## COUNTING OF VOTES

### *Verification of ballot paper accounts*

#### **Attendance at verification**

**48.**—(1) The local returning officer must make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll.

(2) The local returning officer must give the counting agents notice in writing of the time and place at which the verification of the ballot paper accounts will begin.

(3) A person may be present at the verification of the ballot paper accounts only if—

- (a) the person is within paragraph (4), or
- (b) the person is permitted by the local returning officer to attend.

(4) The persons within this paragraph are—

- (a) the police area returning officer and the local returning officer;
- (b) the clerks of either officer;
- (c) the candidates and one other person chosen by each of them;
- (d) the election agents;
- (e) the counting agents;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act.

(5) The local returning officer may give a person permission under paragraph (3)(b) only if the local returning officer is satisfied that the person's attendance will not impede the efficient verification of the ballot paper accounts.

(6) The local returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the local returning officer can give them consistently with the orderly conduct of the proceedings and the discharge of the local returning officer's duties.

#### **Procedure at verification of ballot paper accounts**

**49.**—(1) The local returning officer must, in the presence of the counting agents—

- (a) open the ballot boxes from each polling station and count and record the number of ballot papers in each box;
- (b) verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) A postal ballot paper is not to be taken to be duly returned unless—

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- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the voting area for which the officer acts,
- (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the voting area for which the officer acts,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) <sup>F64</sup>... the local returning officer verifies the date of birth and signature of the elector or proxy (as the case may be).

[<sup>F65</sup>(2A) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (2) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.]

(3) The local returning officer, while counting and recording the number of ballot papers, must keep the ballot papers with their faces upwards and take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.

(4) Unless otherwise directed by the police area returning officer, the local returning officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.

(5) The local returning officer must—

- (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the local returning officer, and the unused and spoilt ballot papers in the local returning officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list);
- (b) draw up a statement as to the result of the verification.

(6) Once the statement is drawn up the local returning officer must inform the police area returning officer of the contents of the statement.

(7) Any counting agent present at the verification may copy the statement.

#### Textual Amendments

**F64** Words in Sch. 3 rule 49(2)(d) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **37(1)** (with art. 1(5))

**F65** Sch. 3 rule 49(2A) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **37(2)** (with art. 1(5))

#### Additional steps: verification and count carried out at different places

**50.**—(1) This rule applies where the votes at a PCC election are to be counted at a place other than that at which the procedures for the verification of the ballot paper accounts are carried out.

(2) The local returning officer must on completing the procedure under rule 49—

- (a) make up into packets the ballot papers and the postal ballot papers for the PCC election and seal them up into containers endorsing on each the description of the voting area and the police area to which those ballot papers relate; and

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- (b) deliver or cause to be delivered to the place at which the counting of the votes is to be carried out—
  - (i) those containers together with a list of them and of the contents of each, and
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification.
- (3) If the packets are not delivered by the local returning officer personally, their delivery must be in accordance with arrangements approved by the police area returning officer.
- (4) The police area returning officer may give a local returning officer for any voting area wholly or partly comprised in the police area directions which, once the packets have been delivered to the place where the votes at the PCC election are to be counted, require the local returning officer to take specified steps for the carrying out of further specified verification procedures in relation to the ballot papers and other documents relating to the PCC election.
- (5) In paragraph (4), “specified” means specified by the police area returning officer in directions given under that paragraph.

#### *The first count*

#### **Attendance at the first count**

- 51.—**(1) The local returning officer must make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll.
- (2) The local returning officer must give the counting agents notice in writing of the time and place at which the counting of votes will begin.
  - (3) A person may be present at the counting of the votes given in a voting area only if—
    - (a) the person is within paragraph (4), or
    - (b) the person is permitted by the local returning officer to attend,but, where the votes given in two or more voting areas are to be counted at the same place, the persons who may be present at that place are those who would be entitled to be present at the count for each voting area.
  - (4) The persons within this paragraph are—
    - (a) the police area returning officer and the local returning officer;
    - (b) the clerks of either officer;
    - (c) the candidates and one other person chosen by each of them;
    - (d) the election agents;
    - (e) the counting agents;
    - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act.
  - (5) The local returning officer may give a person permission under paragraph (3)(b) only if the local returning officer—
    - (a) is satisfied that the person's attendance will not impede the efficient counting of the votes, and
    - (b) has consulted the election agents or thought it impracticable to do so.
  - (6) The local returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the local returning officer can give them consistently with the orderly conduct of the proceedings and the discharge of the local returning officer's duties.

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(7) In particular where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents must be allowed to satisfy themselves that the ballot papers are correctly sorted.

### **The first count**

**52.**—(1) Where the containers referred to in rule 50 are delivered to the place where the counting of votes is to be carried out, the local returning officer must open in the presence of the counting agents all the packets of ballot papers other than those containing unused, spoilt or tendered ballot papers.

(2) The local returning officer must not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(3) The local returning officer must then—

- (a) where the election is contested by three or more candidates, count the number of first preference votes given for each candidate;
- (b) where the election is contested by only two candidates, count the votes given for each candidate.

(4) The local returning officer must not count any tendered ballot paper.

(5) The local returning officer, while counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.

(6) The local returning officer must so far as practicable proceed continuously with the counting of votes, allowing only time for refreshment, except that the local returning officer may exclude the whole or any part of the period between 7 pm and 9 am on the next day.

(7) During the time so excluded the local returning officer must—

- (a) place the ballot papers and other documents relating to the PCC election under the local returning officer's seal and the seals of any of the counting agents who want to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

### **Rejected ballot papers**

**53.**—(1) Any ballot paper—

- (a) which does not bear the official mark;
- (b) on which more than one first preference vote is given;
- (c) on which anything is written or marked by which the voter can be identified (except the printed number and other unique identifying mark on the back);
- (d) which is unmarked;
- (e) which is void for uncertainty as to the first preference vote,

is, subject to paragraph (2), void and not to be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or

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- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

is not for that reason void if condition A or condition B is met.

(3) Condition A is that—

- (a) three or more candidates remain validly nominated,
- (b) an intention that a first preference vote be given for not more than one of the candidates clearly appears, and
- (c) the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified from it.

(4) Condition B is that—

- (a) paragraph (3)(a) does not apply,
- (b) an intention that a vote is for one only of the candidates clearly appears, and
- (c) the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified from it.

(5) A ballot paper—

- (a) which is not otherwise void, and
- (b) on which not more than one first preference vote is marked (whether or not a second preference vote is marked),

is valid as respects that first preference vote and must be counted accordingly.

(6) The local returning officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted and must add to the endorsement the words “rejection objected to” if any objection is made to the officer's decision by a counting agent.

(7) The local returning officer must draw up a statement showing the number of rejected ballot papers under the several heads of—

- (a) want of an official mark;
- (b) voting for more than one candidate as to the first preference vote;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked as to the first preference vote;
- (e) void for uncertainty.

(8) In the case of an election where only two candidates remain validly nominated, this rule is to have effect as if—

- (a) in paragraph (1)(b), for “first preference vote” there were substituted “ vote ”;
- (b) in paragraphs (1)(e) and (7)(b) and (d), the words “as to the first preference vote” were omitted;
- (c) paragraph (5) were omitted.

## Re-count

**54.**—(1) A person within paragraph (3) who is present on completion of the counting (or any re-count) of the votes in a voting area may require that the votes be re-counted or again re-counted.

(2) The local returning officer may refuse to have the votes re-counted if in the local returning officer's opinion the requirement is unreasonable.

(3) The persons within this paragraph are—

- (a) the candidates;

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- (b) the election agents;
- (c) the counting agents who, in relation to the count or re-count, are authorised under rule 31(2).

(4) No step is to be taken on the completion of the counting (or any re-count) of votes until the persons within paragraph (3) who are present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

#### **Direction to conduct a re-count**

**55.**—(1) The police area returning officer may direct a local returning officer to have the votes re-counted.

(2) The police area returning officer may give a direction under paragraph (1) only if the police area returning officer has reason to doubt the accuracy of the counting of the votes in the voting area for which the local returning officer acts.

- (3) A local returning officer who is given a direction under paragraph (1) must—
  - (a) begin the re-count as soon as practicable, and
  - (b) if the officer does not begin the re-count immediately, notify the counting agents of the time and place at which it will take place.

#### **Decisions on ballot papers**

**56.** The decision on any question arising in respect of a ballot paper which is made by the local returning officer is final, but may be subject to review on a PCC election petition.

#### **Procedure at conclusion of the first count**

**57.**—(1) As soon as practicable after the conclusion of the count (including any re-count), the local returning officer must draw up a statement showing—

- (a) the total number of ballot papers used,
- (b) the total number of rejected ballot papers,
- (c) at an election contested by three or more candidates—
  - (i) the total number of first preference votes given, and
  - (ii) the number of first preference votes given for each candidate;
- (d) at an election contested by only two candidates, the number of votes given for each candidate.

(2) As soon as practicable after the statement is drawn up under paragraph (1), the local returning officer must inform the police area returning officer of its contents.

(3) As soon as practicable after being authorised to do so by the police area returning officer, the local returning officer must—

- (a) inform such of the candidates and their election agents as are then present of the contents of—
  - (i) the statement prepared in accordance with paragraph (1), and
  - (ii) the statement prepared in accordance with rule 53(7), and
- (b) give public notice of the contents of those statements.



### *The central calculation*

#### **Attendance at the central calculation**

**58.**—(1) The police area returning officer—

- (a) must make arrangements for the making of the calculation under rule 59 in the presence of the election agents, and
- (b) must give to those agents notice in writing of the time and place at which the calculation will begin.

(2) No person other than—

- (a) the police area returning officer and the officer's clerks;
- (b) the local returning officers and a clerk chosen by each of them;
- (c) the candidates and one person chosen by each of them;
- (d) the election agents;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at a calculation, unless permitted by the police area returning officer to attend.

(3) A person not entitled to attend a calculation must not be permitted to do so by the police area returning officer unless the officer—

- (a) is satisfied that the efficiency of the calculation will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

#### **The first calculation and resolution of equality**

**59.**—(1) As soon as the police area returning officer has received the information required by rule 57 from every local returning officer, the police area returning officer must—

- (a) in relation to an election contested by three or more candidates, ascertain the total of the first preference votes given in the police area to each candidate;
- (b) in relation to an election contested by only two candidates, ascertain the total number of votes given in the police area to each candidate.

(2) As soon as the police area returning officer has ascertained the result of the calculation, the officer must inform such of the election agents as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) A person informed of the relevant figures under paragraph (2) may require the police area returning officer to make a calculation again but the officer may refuse to do so if in the officer's opinion the request is unreasonable.

(4) In paragraphs (2) and (3), “the relevant figures” means—

- (a) in the case of an election contested by three or more candidates—
  - (i) the number of first preference votes given in the police area for each candidate, and
  - (ii) the calculation undertaken by the police area returning officer for the purpose of ascertaining whether a candidate is to be returned in accordance with paragraph 3 of Schedule 9 to the 2011 Act (candidate with overall majority of first preference votes);
- (b) in the case of an election contested by only two candidates, the total number of votes given in the police area for each candidate.

(5) Where an election is contested by three or more candidates—

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- (a) if paragraph 3 of Schedule 9 to the 2011 Act applies (candidate with overall majority of first preference votes), the declaration of the person to be returned to the office of police and crime commissioner for the police area must be made in accordance with rule 62;
  - (b) if paragraph 4(1) of Schedule 9 to the 2011 Act applies (no candidate with overall majority of first preference votes), the police area returning officer must proceed with the second calculation in accordance with Part 4 of these Rules.
- (6) Where an election is contested by only two candidates and the total number of votes given for each of them is unequal, the person to be returned to the office of police and crime commissioner for the police area is the candidate to whom the majority of the votes is given.
- (7) Where an election is contested by only two candidates and the total number of votes given for each of them is equal, the person to be returned to the office of police and crime commissioner for the police area is the person whom the police area returning officer decides, in accordance with paragraph 4(8) of Schedule 9 to the 2011 Act, is to be returned to that office.
- (8) In a case to which paragraph (6) or (7) applies, the declaration of the person to be returned to the office of police and crime commissioner for the police area must be made in accordance with rule 62.

## PART 4

### Further provision: three or more candidates

#### Counting of second preference votes

**60.**—(1) As soon as the police area returning officer has determined that paragraph 4(1) of Schedule 9 to the 2011 Act applies, the police area returning officer must direct every local returning officer to count the second preference votes for the candidates who are not eliminated from the contest.

- (2) A local returning officer who is given a direction under paragraph (1) must—
  - (a) notify the counting agents for candidates not eliminated from the contest of the time and place at which the count of second preference votes will take place,
  - (b) count the number of second preference votes given in the voting area for each of the candidates remaining in the contest<sup>M70</sup> by votes which did not give a first preference vote to any of those candidates,
  - (c) draw up a statement of the number of second preference votes given to each remaining candidate,
  - (d) as soon as practicable after the statement is drawn up under sub-paragraph (c), inform the police area returning officer of its contents, and
  - (e) as soon as practicable after being authorised to do so by the police area returning officer—
    - (i) inform such of the candidates and their election agents as are then present of the contents of the statement prepared in accordance with sub-paragraph (c) and the statement prepared in accordance with rule 53(5) (as applied by paragraph (4) of this rule), and
    - (ii) give public notice of the contents of those statements.
- (3) A ballot paper—
  - (a) which is not otherwise void, and
  - (b) on which not more than one second preference vote is marked,

is valid as respects that second preference vote and must be counted accordingly if (and only if) a valid first preference vote has been marked.

(4) The following provisions have effect in relation to the counting of the second preference votes as they have effect in relation to the counting of votes under rule 52—

- (a) rule 51(3) to (7),
- (b) rule 52(4) to (6),
- (c) rule 53(1), (2), (4) and (5),
- (d) rule 54,
- (e) rule 55, and
- (f) rule 56.

(5) In their application by virtue of paragraph (4), those provisions have effect as if—

- (a) references to candidates were to candidates not eliminated from the contest,
- (b) references to election agents or counting agents were to election agents or counting agents appointed by such candidates, and
- (c) references to first preference votes were to second preference votes.

(6) A local returning officer may not be required to re-examine any decision taken under rule 56.

#### **Marginal Citations**

**M70** Paragraph 4(2) to (4) of Schedule 9 to the 2011 Act contain provision about which candidates remain in the contest.

### **The second calculation and resolution of equality**

**61.**—(1) Once the police area returning officer has received from each local returning officer the statement required by rule 60(2)(c), the police area returning officer must comply with paragraph 4(5) and (6) of Schedule 9 to the 2011 Act.

(2) As soon as the police area returning officer has ascertained the result of the second calculation, the officer must provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) A person informed of the relevant figures under paragraph (2) may require the police area returning officer to make a calculation again but the officer may refuse to do so if in the officer's opinion the request is unreasonable.

(4) In paragraphs (2) and (3), “the relevant figures” means—

- (a) the number of second preference votes given in the police area for each of the candidates remaining in the contest, and
- (b) the calculation undertaken by the police area returning officer for the purpose of ascertaining the total number of first and second preference votes given to each of those candidates.

(5) If, after the second calculation, the total number of votes given for two or more candidates is equal, the person to be returned the office of police and crime commissioner for the police area is the person whom the police area returning officer decides, in accordance with paragraph 4(8) of Schedule 9 to the 2011 Act, is to be returned to that office.

(6) Rule 58(2) and (3) has effect in relation to the calculation to be made under this rule as it has effect in relation to the calculation made under rule 59 but as if the reference to candidates was to

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candidates not eliminated from the contest and the reference to election agents or counting agents was to election agents or counting agents appointed by such candidates.

## PART 5

### Final proceedings in contested and uncontested elections

#### Declaration of result

**62.**—(1) In a contested election, the police area returning officer must declare to be elected as police and crime commissioner for the police area the candidate who—

- (a) in accordance with section 57(2) of the 2011 Act (elections with only two candidates) is to be returned as the commissioner;
- (b) in accordance with Schedule 9 to the 2011 Act (elections with three or more candidates) is to be returned as the commissioner.

(2) The police area returning officer must give public notice of—

- (a) the name of the person declared to be elected and the person's authorised description, if any, under rule 6(1) or (3),
- (b) the total number of first preference votes given for each candidate,
- (c) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers (rule 53(5)), and
- (d) if second preference votes were counted—
  - (i) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and
  - (ii) the number of ballot papers rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) In an uncontested election, the police area returning officer must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the candidate remaining validly nominated, and
- (b) give public notice of the name of the person declared to be elected and the person's authorised description, if any, under rule 6(1) or (3).

(4) The police area returning officer must send a copy of the notice given under paragraph (2) or (3) to—

- (a) the Secretary of State, and
- (b) the local returning officer.

(5) As soon as practicable after receipt of the copy of the notice under paragraph (4)(b), the local returning officer must give public notice of it at a place within the voting area for which the officer acts.

#### Return or forfeiture of candidate's deposit

**63.**—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 must either be returned to the person making it or to his or her personal representative.

(2) Subject to paragraph (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day is to be disregarded if it would be disregarded under rule 3 in computing any period of time for the purpose of a PCC election, and
- (b) the deposit is to be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If—

- (a) the candidate is not shown as standing nominated in the statement of persons nominated, or
- (b) proof of the candidate's death has been given to the police area returning officer,

the deposit must be returned as soon as practicable after the publication of that statement or after the candidate's death (as the case may be).

(5) Where a poll is taken and, after the first calculation under rule 59, the candidate is found not to have polled more than 5 per cent. of the total number of first preference votes polled by all the candidates, the candidate's deposit is forfeited to Her Majesty.

#### **Destruction of home address forms**

**64.** The police area returning officer must destroy each candidate's home address form—

- (a) on the next working day following the 21st day after the police area returning officer has declared the name of the person elected to the office of police and crime commissioner, or
- (b) if a PCC election petition questioning the election is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.

## **PART 6**

### **Disposal of documents**

#### **Sealing up of ballot papers**

**65.—(1)** On the completion of the counting at a contested election the local returning officer must seal up in separate packets—

- (a) the counted ballot papers, and
- (b) the rejected ballot papers.

(2) The local returning officer may not open the sealed packets of—

- (a) tendered ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, or
- (d) marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

#### **Delivery of documents**

**66.—(1)** The local returning officer must—

- (a) endorse on each of the sealed packets a description of its contents, the date of the PCC election to which they relate and the name of the police area for which the election was held, and

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- (b) forward the documents specified in paragraph (2) to the relevant registration officer.
- (2) The documents referred to in paragraph (1) are—
  - (a) the packets of ballot papers in the local returning officer's possession;
  - (b) the ballot paper accounts and the statements of—
    - (i) rejected ballot papers, and
    - (ii) the result of the verification of the ballot paper accounts;
  - (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 45 and the declarations made by the companions of voters with disabilities;
  - (d) the packets of the completed corresponding number lists;
  - (e) the packets of certificates as to employment on duty on the day of the poll;
  - (f) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and marked copies of the postal voters list, of the lists of proxies and of the proxy postal voters list;
  - (g) the documents to be forwarded under paragraph 59 of Schedule 2.

### Orders for production of documents

**67.**—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer,
- (b) for the opening of a sealed packet of completed corresponding number lists or of certificates as to employment on duty on the day of the poll, or
- (c) for the inspection of any counted ballot papers in the custody of the relevant registration officer,

may be made by a county court if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a PCC election petition.

(2) An election court may make an order—

- (a) for the opening of a sealed packet of completed corresponding number lists or of certificates as to employment on duty on the day of the poll, or
- (b) for the inspection of any counted ballot papers in the custody of the relevant registration officer.

(3) An order under this rule may be made subject to whatever conditions the court thinks expedient as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection, or
- (d) production or opening.

(4) In making and carrying into effect an order for the opening of a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken to avoid disclosing the way in which the vote of any particular voter has been given until it has been proved—

- (a) that the vote was given, and
- (b) that the vote has been declared by a competent court to be invalid.

- (5) An appeal lies to the High Court from any order of a county court under this rule.
- (6) A power given under this rule to a court may be exercised by any judge of the court otherwise than in open court.
- (7) Where an order is made for the production by the relevant registration officer of any document in the registration officer's possession relating to any specified PCC election—
- (a) the production by the registration officer or the registration officer's agent of the document ordered in the manner directed by the order is conclusive evidence that the document relates to the specified election;
  - (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.
- (8) The production from proper custody of—
- (a) a ballot paper purporting to have been used at any election, and
  - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,
- is prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry on the register of electors (or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the election) contained the same number as the number written as mentioned in sub-paragraph (b).
- (9) Unless authorised by this rule, nobody may—
- (a) inspect any rejected or counted ballot papers in the possession of the relevant registration officer, or
  - (b) open any sealed packets of completed corresponding number lists or certificates as to employment on duty on the day of the poll.

#### **Retention of documents by relevant registration officer**

- 68.**—(1) A registration officer must retain for one year all documents relating to a PCC election which are—
- (a) specified in rule 66(2), and
  - (b) forwarded to the registration officer in pursuance of these rules,
- and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrates' court or an election court, must have them destroyed.
- (2) While the documents are retained under paragraph (1) they must be open to public inspection.
- (3) Paragraph (2) does not apply to—
- (a) ballot papers;
  - (b) the completed corresponding number lists;
  - (c) certificates as to employment on duty on the day of the poll.
- (4) The relevant registration officer must, on request, supply copies of or extracts from the marked copies of—
- (a) the register of electors (including notices issued under section 13B(3B) or (3D) of the 1983 Act),
  - (b) the postal voters list,
  - (c) the list of proxies and
  - (d) the proxy postal voters list,
- to any person who, in accordance with Schedule 10, is entitled to be supplied with them.

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(5) Schedule 10 contains other provision about the inspection of, and access to, documents retained under this rule.

## PART 7

### Death of candidate

#### Countermand or abandonment of poll on death of a candidate

**69.**—(1) If at a contested election proof is given to the police area returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot papers has died, then the police area returning officer must—

- (a) countermand notice of the poll, or
- (b) if polling has begun, direct that the poll be abandoned,

and notify the appropriate officer for the police area in accordance with article 79.

(2) Subject to paragraph (4), where the poll is abandoned by reason of a candidate's death—

- (a) no further ballot papers are to be issued, and
- (b) the presiding officer at any polling station must take the like steps (so far as not already taken) for the delivery to the local returning officer of ballot boxes and ballot papers and other documents as the presiding officer is required to take on the close of the poll in due course.

(3) The local returning officer must dispose of ballot papers and other documents in the officer's possession as the officer is required to do on the completion in due course of the counting of the votes, subject to paragraphs (4) and (5).

(4) It is not necessary for any ballot paper account to be prepared or verified.

(5) The local returning officer must seal up all the ballot papers (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(6) The provisions of this Order as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at a PCC election apply to any documents relating to a poll abandoned by reason of a candidate's death subject to the modifications in paragraphs (7) and (8).

(7) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(8) No order may be made for—

- (a) the inspection or production of any ballot papers, or
- (b) the opening of a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.



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## PART 8

### Forms referred to in Parts 1 to 7 of this Schedule

#### Forms

70. These are the forms referred to in Parts 1 to 7 of this Schedule <sup>M71</sup>.

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Form 6	Nomination of candidates (rule 5)
Form 7	Consent to nomination (rule 8)
Form 8A	Ballot paper (three or more candidates) (rule 19(1)(a))
Form 8B	Ballot paper (two candidates only) (rule 19(1)(b))
Form 9	Corresponding number list for issue of postal ballot papers at a PCC election (rule 20(2))
Form 10	Corresponding number list for use in polling station at a PCC election (rule 20(3))
Form 11	Official poll card (rule 28)
Form 12	Official postal poll card (rule 28)
Form 13	Official proxy poll card (rule 28)
Form 14	Official postal proxy poll card (rule 28)
Form 15	<sup>F66</sup> . . .
Form 16	Notice for guidance of voters for exhibition inside and outside polling station (rule 30(1)(b))
Form 17	Certificate as to employment on duty on the day of the poll (rule 34(4))
Form 18	Declaration to be made by companion of a voter with disabilities (rule 41)

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## Form 6

### Nomination of candidates

Election of the Police and Crime Commissioner for *(insert name of police area)* police area.

Date of poll ..... 20 .....

We, the undersigned, being persons entitled to vote at local government elections and ordinarily resident in this police area, nominate the person whose name appears below as a candidate to be the Police and Crime Commissioner for *(insert name of police area)* police area.

Title	Candidate Surname	Other names (in full)	Commonly used Surname (if any)	Commonly used Forename (if any)	Description (if any) (for ballot paper – not to exceed six words)
Mr/Mrs/ Miss/ Ms/Dr/ Other					

Signature	Print Name	Voting Area (local authority)	Electoral Number	
			Polling District	Number
Proposer				
Secunder				
We the undersigned being local government electors in <i>(insert name of police area)</i> police area, do hereby assent to the foregoing nomination.				
1.				
2.				
...				
98.				

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1. Candidates and election agents should read the rules for filling up nomination papers and other provisions relating to nomination and deposits contained in the PCC Elections Rules.
2. Where a candidate is commonly known by some title they may be described by their title as if it were part of their surname.
3. Where a candidate commonly uses a name that is different from any other name they have, the commonly used name will appear on the nomination paper instead of any other name.
4. The ballot paper will show the other name if the Police Area Returning Officer thinks that the use of the commonly used name a) may be likely to mislead or confuse electors or b) is obscene or offensive.
5. A person's electoral number is his/her number in the electoral register to be used at the election, including the distinctive letter of the parliamentary polling district in which he/she is registered.
6. An elector may not subscribe more than one nomination paper for the same Police and Crime Commissioner election.
7. In this form "elector"-
  - a) means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of elections; and
  - b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he/she will be of voting age on the day fixed for the poll.
8. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

A candidate supported by a certificate of authorisation signed by the Nominating Officer of a political party (or someone on their behalf) may use the party name or a description allowed by that certificate and registered with the Electoral Commission. A candidate may stand on behalf of two or more different parties and use a registered joint description if supported by certificate of authorisation from each of the parties. Any candidate may alternatively use the description of 'Independent' (and/or 'Annibynnol' in Wales), or leave the description box blank.

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Form 7

Consent to nomination

Election of the Police and Crime Commissioner for (insert name of police area) police area			
Date of poll ..... 20 .....			
I (candidate name in full)			
Of (police area)			
Hereby consent to my nomination as a candidate for election at the Police and Crime Commissioner for (insert name of police area) police area. I declare that:			
<ul style="list-style-type: none"> <li>• on the day of my nomination I have attained the age of 18 years.</li> </ul>			
<ul style="list-style-type: none"> <li>• on the day of my nomination and the day of the election I will be registered in the register of local government electors for an electoral area in respect of an address in the police area named above.</li> </ul>			
<ul style="list-style-type: none"> <li>• I am not nominated as a candidate for election as a police and crime commissioner for any other police area where the date of poll is the same as for this election.</li> </ul>			
<ul style="list-style-type: none"> <li>• I am aware of the provisions of the Police Reform and Social Responsibility Act 2011 and to the best of my knowledge and belief I am not disqualified from election as police and crime commissioner.</li> </ul>			
Date of birth			
Signature		Date	
Witness declaration			
I confirm the candidate named above signed this declaration in my presence.			
Name (in full)			
Address (in full)			
Signature		Date	

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Form 8A

Ballot paper (three or more candidates) - Form of front of ballot paper

**Election of Police and Crime Commissioner for  
(insert name of police area) police area**

Vote once  in column 1 for your first choice, and  
Vote once  in column 2 for your second choice

	Column 1 first choice	Column 2 second choice
<b>BROWN, Edwin</b> The Labour Party Candidate 	<input type="checkbox"/>	<input type="checkbox"/>
<b>BROWN, Leena</b> Green Party 	<input type="checkbox"/>	<input type="checkbox"/>
<b>HAHN, Robert Stephen</b> The Conservative Party Candidate 	<input type="checkbox"/>	<input type="checkbox"/>
<b>JIANG, Mike</b> The Crime and Justice Candidate 	<input type="checkbox"/>	<input type="checkbox"/>
<b>SIMPSON, Claire</b> Independent	<input type="checkbox"/>	<input type="checkbox"/>
<b>WILLIAMS, Rhys</b> Liberal Democrat 	<input type="checkbox"/>	<input type="checkbox"/>

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## Form of back of ballot paper

Number:

Other unique identifying mark

Election of Police and Crime Commissioner for [insert name of police area]  
police area

on.....20...

### Directions for printing the ballot paper (3 plus candidates)

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3-8 shall be observed in the printing of the ballot paper
3. No word shall be printed on the face except:
  - a. the heading "Election of Police and Crime Commissioner for..... police area"
  - b. the name of the police area
  - c. the direction "Vote once [X] in column 1 for your first choice," "Vote once [X] in column 2 for your second choice."
  - d. the indicators "Column 1 first choice and "Column 2 second choice."
  - e. the particulars of the candidates and words forming part of emblems mentioned at paragraph 8 a-b below
4. No rule should be printed on the face except:
  - a. As part of a box around the directions mentioned in paragraph 3a above
  - b. A horizontal rule separating the direction mentioned in paragraph 3a above from the particulars of the candidates
  - c. the horizontal rules separating the candidates from one another
  - d. A final horizontal rule at the foot of the ballot paper
  - e. As part of the boxes in column 1 and column 2 on the right-hand side of the ballot paper
5. The whole space between the top and bottom of the paper shall be equally divided between the horizontal rule mentioned in paragraph 4b above and at the foot of the ballot paper as mentioned in paragraph 4d above and each of the candidates by the horizontal rules mentioned in paragraph 4b above.
6. The boxes in columns 1 and 2 mentioned in paragraph 4a above will each be bordered by a shaded area no more than 0.4 cm thick at the outside edge. Each shaded area will include an embedded arrow pointing downwards from the top of the column and underneath the words set out at paragraph 3d above and above the top box referred to in paragraph 4a above.
7. The surname of each candidate to be printed in large bold capitals, with their forename(s) and other particulars set out in ordinary type except that small capitals shall be used:
  - a. if the surname is the same as another candidate's, for their other names; and
  - b. if the other names are also the same as the other candidate's, either for their home address or for his description unless each of them is the same as that of another candidate with the same surname and other names
8. Where an emblem is to be printed against a candidate's particulars:
  - a. It shall be printed along the horizontal rule to the right of the candidate's particulars, to the left of column 1
  - b. Its size as printed shall not exceed two centimetres square
9. The number and other unique identifying mark shall be printed on the back of the ballot paper.\*



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F67 Form 8B

Form 8B

Ballot paper (two candidates only) - Form of front of ballot paper

**Election of Police and Crime Commissioner for  
(insert name of police area) police area**

Vote  for **one** candidate only

**JIANG, Mike**  
Cream Party

Cream  
Party  
emblem

**SIMPSON, Claire**  
Purple Party

Purple  
Party  
emblem

Form of back of ballot paper

Number:  
Other unique identifying mark

Election of Police and Crime Commissioner for [insert name of police area]  
police area

on.....20...

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### Directions for printing the ballot paper (2 candidates)

1. "Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3-9 shall be observed in the printing of the ballot paper
3. No word shall be printed on the face except:
  - a) the heading "Election of Police and Crime Commissioner for \_\_\_\_\_ police area"
  - b) the name of the police area
  - c) the direction "Vote [X] for one candidate only"
  - d) the particulars of the candidates and words forming part of emblems mentioned at paragraph 7a-b below
4. No rule should be printed on the face except:
  - a. As part of a box around the directions mentioned in paragraph 3c above
  - b. A horizontal rule separating the direction mentioned in paragraph 3c above from the particulars of the candidates
  - c. the horizontal rules separating the candidates from one another
  - d. A final horizontal rule at the foot of the ballot paper
  - e. As part of the boxes on the right-hand side of the ballot paper
5. The whole space between the top and bottom of the paper shall be equally divided between the horizontal rule mentioned in paragraph 4b above and at the foot of the ballot paper as mentioned in paragraph 4d and each of the candidates by the horizontal rules mentioned in paragraph 4b above.
6. The boxes mentioned in 4d above will be bordered by a shaded area no more than 0.4 cm thick at the outside edge. This shaded area will include an embedded arrow pointing downwards from the top of the column and underneath the words set out at 3d above and above the top box referred to in paragraph 4e above.
7. The surname of each candidate to be printed in large bold capitals, with their forename(s) and other particulars set out in ordinary type except that small capitals shall be used:
  - a) If the surname is the same as another candidate's, for their other names; and
  - b) If the other names are also the same as the other candidate's, either for their home address or for his description unless each of them is the same as that of another candidate with the same surname and other names
8. Where an emblem is to be printed against a candidate's particulars:
  - a) It shall be printed along the horizontal rule to the right of the candidate's particulars, to the left of column 1
  - b) Its size as printed shall not exceed two centimetres square
9. The number and other unique identifying mark shall be printed on the back of the ballot paper."







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<b>Poll card</b>
<b>Election of the Police and Crime Commissioner for [insert name of police area] police area</b>
Date of election [day] [date] [month] [year]

<b>Voting information</b>	
Polling day	
Voting hours	
Your polling station will be	

<p><b>Your details:</b></p> <p>* [Elector's name and qualifying address details here]</p> <p>* Local Returning Officer to omit where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope</p> <p><b>Number on register:</b></p>
---

\*\* [You do not need to take this card with you in order to vote.]

\*\* [You must have this card with you. You cannot vote without it.]

\*\* If anonymous elector omit the words in the first set of brackets, if not omit the words in the second set of brackets.

[insert helpline and other details including website].

**Please turn over**

Back of card

<p>This space for map or other information such as helpline and website details</p>
---

It is an offence to:

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

**📞 If you need any help or to find out if your polling station is accessible, please contact us.**  
 [Local Returning Officer to add contact details including website if appropriate]

**If undelivered return to:**  
 [insert return address]

<p><b>If you are away or cannot go to the polling station on [day] [date of poll] you can do one of the following:</b></p> <ul style="list-style-type: none"> <li>• Apply to vote by post. Completed applications must reach us <b>before 5pm on [day] [date of deadline]</b>. If you are given a postal vote, you will not be able to vote in person at this election.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us <b>before 5pm on [day] [date of deadline]</b>. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.</li> </ul>
---

<p><b>If after 5pm on [the sixth day before the date of the poll] you are unable to vote in person because you:</b></p> <ul style="list-style-type: none"> <li>• Have a medical emergency</li> <li>• Learn you cannot go to the polling station because of work reasons</li> </ul> <p>You can apply to vote by proxy. Completed applications must reach us <b>before 5pm on [day] [date of deadline]</b>. To find out how to apply, call the helpline immediately.</p>
--

The Local Returning Officer issued this card.

Form 12: Official postal poll card (to be sent to a voter voting by post)

Front of card

**Status:** Point in time view as at 06/04/2014.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<b>Postal poll card</b>
<b>Election of the Police and Crime Commissioner for [insert name of police area] police area</b>
Date of election [day] [date] [month] [year]

<b>Voting information</b>
We will send your postal vote around [day] [date] [ month] [year] *[addressed to:]
*[Elector's name and address]

<b>Your details:</b>
* [Elector's name and qualifying address details here]
* Local Returning Officer to omit in both places where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope
<b>Number on register:</b>

**Your postal vote**

- You will receive a postal vote for this election because you asked to vote by post.
- You will not be able to vote in a polling station.
- If you have not received your postal vote by [day] [date] [month] call [insert helpline number].

**Please turn over**

Back of card

<b>How to vote</b>
<ol style="list-style-type: none"> <li>1. When you receive your postal vote, read the instructions carefully.</li> <li>2. Your postal vote includes your ballot paper and a postal voting statement.</li> <li>3. Complete both of these and return them immediately.</li> <li>4. We need to receive your postal vote by <b>10pm on [day/date of poll]</b></li> </ol>

- 📞 If you need information in another format, please call our helpline below.**
- 📞 If you need help to vote, you can ask someone you know or get independent help by calling our helpline:**

[Insert helpline and other details including website]

<b>If you lose your postal vote or make a mistake</b>
<ul style="list-style-type: none"> <li>• Please phone the helpline immediately.</li> <li>• We can only issue a replacement postal vote <b>before 5pm on [day/date of deadline]</b>.</li> </ul> <p>If you would rather vote in person, or ask someone else to vote on your behalf, you must cancel your postal vote <b>before 5pm on [day/date of deadline]</b>. For more information, please call the helpline.</p>

<b>It is an offence to:</b>
<ul style="list-style-type: none"> <li>• vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper</li> <li>• vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person</li> <li>• vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild</li> <li>• vote as a proxy for someone if you know that by law they are not allowed to vote</li> </ul>

The Local Returning Officer issued this card.

**If undelivered return to**  
[insert return address]

Form 13: Official proxy poll card

Front of card

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<b>Proxy poll card</b>	
<b>Election of the Police and Crime Commissioner for [insert name of police area] police area</b>	
Date of election [day] [date] [ month] [year]	
<b>Voting information</b>	
Polling day	
Voting hours	
Your polling station will be	

Please turn over

**Your details:**

\* [Proxy's name and qualifying address details here]

\* Local Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope.

**You will receive a proxy vote**

\*\* [The person named on the back of this card] [Another person] has appointed you as a proxy to vote on their behalf at this election.

\*\* [You do not need to take this card with you to vote.] [You must have this card with you when you vote. You cannot vote as a proxy without it.]

\*\* If sent to the proxy of an anonymous elector omit the words in each of the first sets of brackets, if not omit the words in each of the second sets of brackets.

[insert helpline and other details including website].

Back of card

For this election you are proxy for:

\* [(Elector's name)  
(Elector's address)  
(Elector's number on register)]  
[the person with this elector number: (insert elector's number on register)]

\* if anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets

The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.

This space for map or other information such as helpline and website details

**📞** If you need any help or to find out if your polling station is accessible, please contact us.  
[Local Returning Officer to add contact details including website if appropriate]

**How to vote as a proxy**

- \* [At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.] [At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]  
\* if anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets
- Go to one of the voting booths.
- Follow the instructions on how to mark the ballot paper.
- Fold the ballot paper and put in the ballot box  
if you need any help, just ask the staff.

**If you are away or cannot go to the polling station on [day] [date of poll]**

- You can apply to vote by post. The deadline for completed applications is 5pm on [day] [date of deadline].
- If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this election.
- To find out how to apply, please call us on [insert helpline number or other contact details].

**It is an offence to:**

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Local Returning Officer issued this card.

**If undelivered return to**  
[insert return address]

Form 14: Official postal proxy poll card

Front of card

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<b>Proxy postal poll card</b>
<b>Election of the Police and Crime Commissioner for [insert name of police area] police area</b>
Date of election [day] [date] [month] [year]

<b>Voting information</b>
<b>We will send your postal vote around [day] [date] [month] [year] *[addressed to:]</b>
<p>* [Proxy's name and qualifying address details here]</p> <p>* Local Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope.</p>

**Voting as a proxy**

\*\* [The person named on the back of this card] [Another person] has appointed you as a proxy to vote on their behalf at this election.

\*\* If sent to the proxy of an anonymous elector omit the words in the first set of brackets, if not omit the words in the second set of brackets.

**Your postal vote**

- You will receive a postal vote for this election because you asked to vote by post.
- You will not be able to vote as a proxy in a polling station.
- **If you have not received your postal vote by [day] [date] [month] call [insert helpline number].**

**Please turn over**

Back of card

For this election you are proxy for:

\* [(Elector's name)  
(Elector's address)  
(Elector's number on register)]

[the person with this elector number: (insert elector's number on register)]

\* If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets

<b>How to vote</b>
<ol style="list-style-type: none"> <li>1. When you receive your postal vote, read the instructions carefully.</li> <li>2. Your postal vote includes your ballot paper and a postal voting statement.</li> <li>3. Complete both of these and return them immediately.</li> <li>4. We need to receive your postal vote by <b>10pm on [day/date of poll]</b></li> </ol>

**📞 If you need information in another format, please call our helpline below.**

**📞 If you need help to vote, you can ask someone you know or get independent help by calling our helpline:**

[insert helpline or other details including website]

**If you lose your postal vote or make a mistake**

- Please phone the helpline immediately.
- We can only issue a replacement postal vote before **5pm on [day/date of deadline]**.

If you would rather vote in person, you must cancel your postal vote before **5pm on [day/date of deadline]**. For more information, please call the helpline.

**It is an offence to:**

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Local Returning Officer issued this card.

**If undelivered return to**  
[insert return address]

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F69

[<sup>F70</sup>Form 16: Notice for guidance of voters for exhibition inside and outside polling station

## How to vote at this election

1

Go to the desk and tell the staff your name and address.  
They will give you your ballot paper.



2

Take your ballot paper to a voting booth.



3

Read the instructions in the booth and mark your ballot paper.



4

When you have marked your ballot paper, fold it so that nobody can see how you have voted.



5

Put your folded ballot paper into the ballot box.



**(!) Voting is secret. Do not let anyone see how you have voted.**  
**🗣️ If you make a mistake or need some help, just ask the staff.**

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]

[<sup>F71</sup>Form 17: Certificate as to employment on duty on the day of the poll

<b>Certificate of Employment</b>
<b>Election of the Police and Crime Commissioner for <i>[insert name of police area]</i> police area</b>
Election in the voting area of <i>[insert name of voting area]</i>
Date of election <i>[day] [date] [month] [year]</i>
The person named below is entitled to vote at any polling station in the above voting area on production and surrender of this certificate to the Presiding Officer.
<p>I certify that _____ (name of elector)</p> <p>who is numbered* _____ in the register of electors for the voting area named above, cannot reasonably be expected to go in person to the polling station allotted to them at this election by reason of his/her employment on the above date for a purpose connected with this election:</p> <ul style="list-style-type: none"> <li>- as a constable**</li> <li>- as a Police Community Support Officer**</li> <li>- by me (Only applies to Local Returning Officer's staff)**</li> </ul> <p>Signature _____ Local Returning Officer/Police Officer (<i>Inspector or above</i>)**</p> <p>Date _____</p> <p>* The elector's number can be found on the poll card which was sent to them shortly after the election was announced, or can be checked by contacting the Electoral Registration Officer.</p> <p>** Person completing the form to delete whichever does not apply.</p>

Form 18: Declaration to be made by companion of a voter with disabilities



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<b>Declaration for the companion of a voter with disabilities</b>	
<b>Election of the Police and Crime Commissioner for <i>[insert name of police area]</i> police area</b>	
Date of election <i>[day] [date] [month] [year]</i>	
A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote at this election without assistance. In this form, "voter" means the person casting the vote at the election and includes a person voting as a proxy.	
<b>Part 1 To be completed by the voter's companion</b>	
Companion's name	
Companion's address	
Voter's name	
<i>[Only for use if the disabled voter is acting as a proxy]</i> Voter is acting as proxy for:	
Elector's number <i>[If the disabled voter is acting as a proxy, this is the number of the person for whom the voter is acting]</i>	
<b>I have been requested to assist the voter named above to record their vote at this election. I declare that:</b>	
<p><b>(1)</b></p> <ul style="list-style-type: none"> <li>• I am entitled to vote as an elector at this election</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• I am the *spouse/*civil partner/*parent/*brother/*sister/*child of the voter with disabilities and am 18 years of age or over</li> </ul> <p style="text-align: center;"><i>*Please delete whichever does not apply</i></p>	
<b>AND</b>	
<p><b>(2)</b></p> <ul style="list-style-type: none"> <li>• I have not previously assisted more than one voter with disabilities at this election.</li> </ul> <p>If I have assisted one other voter their name and address is:</p>	
<i>[Complete if appropriate]</i> Name and address of other person assisted	

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<b>NOTE – It is a criminal offence to knowingly make a false statement in this form.</b>			
Companion's signature		Date	
<b>Part 2 To be completed by the Presiding Officer</b>			
I, the undersigned, being the Presiding Officer for:			
Polling station		Voting area of	
Hereby certify that the above declaration was signed in my presence.		Presiding Officer signature	
Date		Time (exact)	

### Textual Amendments

- F66** Words in Sch. 3 rule 70 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **38(3)** (with art. 1(5))
- F67** Sch. 3 rule 70: in Form 8B, direction 6 from the directions for printing omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **38(2)** (with art. 1(5))
- F68** Sch. 3 rule 70 Forms 11-14 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 38(1), **Sch. 2** (with art. 1(5))
- F69** Sch. 3 rule 70 Form 15 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **38(3)** (with art. 1(5))
- F70** Sch. 3 rule 70 Form 16 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 38(1), **Sch. 2** (with art. 1(5))
- F71** Sch. 3 rule 70 Forms 17, 18 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 38(1), **Sch. 2** (with art. 1(5))

### Marginal Citations

- M71** Article 84 contains other provision about forms.

## SCHEDULE 4

Article 13

### Combination of polls

## PART 1

### Application to PCC elections of existing provisions in Acts

#### *Representation of the People Act 1985*

1.—(1) Section 15 of the Representation of the People Act 1985 (combination of polls at parliamentary, European Parliamentary and local elections) <sup>M72</sup> applies for the purposes of PCC elections.

(2) In its application by virtue of this paragraph, that section has effect as if it provided—

**“Combination of polls at parliamentary, European Parliamentary, local elections, mayoral elections, referendums and elections of police and crime commissioners**

15.—(1) Where the polls at—

- (a) a parliamentary general election and a European Parliamentary general election;
- (b) an ordinary local government election and a parliamentary general election;
- (c) an ordinary local government election and a European Parliamentary general election;
- (d) an ordinary election in England or Wales of police and crime commissioners and one or more of the following—
  - (i) a parliamentary general election,
  - (ii) a European Parliamentary general election,

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- (iii) an ordinary local government election in England or Wales,
- (iv) an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000 <sup>M73</sup>,
- (v) an election in Wales for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000,

are to be taken on the same date, they shall be taken together.

(2) Where the polls at elections for related areas are to be taken on the same date but are not required by subsection (1) above or section 36 of the principal Act to be taken together, they may nevertheless be so taken if the returning officer for each election thinks fit.

(3) In subsection (2) above and subsection (4) below, a reference to elections—

(a) includes—

- (i) European Parliament elections,
- (ii) ordinary elections in England or Wales of police and crime commissioners,
- (iii) elections for police areas in England or Wales held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner),
- (iv) a referendum in England under Part 1A of the Local Government Act 2000 <sup>M74</sup>,
- (v) a referendum in Wales under Part 2 of the Local Government Act 2000,
- (vi) a referendum in England or Wales under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 <sup>M75</sup>, but

(b) does not include elections under the local government Act which are not local government elections.

(3A) For the purposes of subsection (2) above—

- (a) two areas are related if one is coterminous with or situated wholly or partly within the other, and
- (b) the reference to the returning officer for an election includes the counting officer for a referendum listed in subsection (3)(a)(iv), (v) or (vi) above.

(4) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.”

### Marginal Citations

**M72** Section 15 has effect in relation to mayoral elections in England and Wales by virtue of regulation 3 of the [Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#). It also has effect in relation to referendums in England by virtue of Schedule 4 to the [Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#) and Schedule 4 to the [Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#).

**M73** 2000 c.22. Section 9H was inserted by section 21 of, and Schedule 2 to, the [Localism Act 2011 \(c.20\)](#).

**M74** 2000 (c.22). Part 1A of the Local Government Act 2000 was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011. Police and crime commissioner elections are already listed in the definition of “relevant election or referendum” in regulation 2(1) of the [Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#).

**M75** 1992 (c.14). Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 was inserted by section 72 of, and Schedule 5 to, the Localism Act 2011. Police and crime commissioner elections are already listed

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in the definition of “relevant election or referendum” in regulation 2(1) of the [Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#).

## PART 2

### Amendment of existing provisions in secondary legislation

#### *The European Parliamentary Elections Regulations 2004*

2.—(1) The European Parliamentary Elections Regulations 2004 <sup>M76</sup> are amended as follows.

(2) In paragraph 40(1) of Schedule 2 (interpretation of Part 4 of that Schedule), in the definition of “relevant election or referendum”, after paragraph (c) insert—

“(ca) an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011;”.

(3) In paragraph 2(1) of Schedule 3 (definitions for the purposes of modifications of the European Parliamentary elections rules set out in Schedule 1 to the European Parliamentary Elections Regulations 2004) <sup>M77</sup>—

(a) after “any provision of the European Parliamentary Elections rules modified by this Schedule—” insert—

““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011;”;

(b) in the definition of “relevant election or referendum”, after paragraph (d) insert—

“(e) a police and crime commissioner election.”.

#### Marginal Citations

**M76** [S.I. 2004/293](#).

**M77** Schedule 3 to the European Parliamentary Elections Regulations 2004 modifies the European Parliamentary elections rules in their application to combined polls by virtue of regulation 11 of those Regulations (combination of polls).

#### *The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004*

3. The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 <sup>M78</sup> are amended in accordance with paragraphs 4 to 9.

#### Marginal Citations

**M78** [S.I. 2004/294](#). The regulations are modified in relation to certain referendums by regulations made under sections 52ZQ and 113 of the Local Government Finance Act 1992 (see [Schedule 4 to S.I. 2012/444](#)).

4. In regulation 2 (interpretation)—

(a) after the definition of “2002 Act” insert—

““2011 Act” means the Police Reform and Social Responsibility Act 2011;”;

(b) after the definition of “mayoral election” insert—

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““PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”.

5.—(1) Regulation 4 (returning officers and polling stations) is amended as follows.

(2) In paragraphs (1)(a), (2)(a), (3)(a) and (4)(a), for “local government area or voting area” substitute “ local government area, voting area or police area ”.

(3) In paragraphs (5)(a) and (6)(a) for “the electoral region or local government area” substitute “ the electoral region, local government area or police area ”.

(4) For paragraph (7), substitute —

“(7) Where none of the above paragraphs applies and the poll at an ordinary parish or community council election is taken together with the poll at another election under a relevant enactment—

(a) those functions of the returning officer at the other election which are specified in regulation 5 shall be discharged by the returning officer at the parish or community council election for such part of the electoral region or police area as is situated in the area of the parish or community council; and

(b) only polling stations used for the parish or community council election shall be used for the poll at the other election.”

(5) After paragraph (7) insert—

“(7A) Where none of the above paragraphs applies and the poll at a PCC election is taken together with the poll at a European Parliamentary election under a relevant enactment—

(a) those functions of the returning officer at the European Parliamentary election which are specified in regulation 5 shall be discharged by the returning officer at the PCC election for such part of the electoral region as is situated in the police area; and

(b) only polling stations used for the PCC election shall be used for the European Parliamentary election.”

(6) In paragraph (8), for “(including by virtue of section 15(2) and (3) as applied by regulations made under sections 44 and 105 or 45 and 105 of the 2000 Act)” substitute “ (including by virtue of section 15(2) and (3) as applied by orders or regulations made under any of the listed provisions) ”.

(7) In paragraph (9), for “paragraphs (1) to (7) above” substitute “ paragraphs (1) to (7A) above ”.

(8) In paragraph (10)—

(a) after the definition of “county council election” insert—

““the listed provisions” means—

(a) sections 52ZQ and 113 of the Local Government Finance Act 1992,

(b) sections 9HE and 105, 9MG and 105, 44 and 105 or 45 and 105 of the 2000 Act,

(c) sections 58 and 154 of the 2011 Act;

“police area” means a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London);”;

(b) in the definition of “relevant enactment”, for the words from “and includes” to the end substitute “ and includes a reference to each section as applied in orders or regulations made under any of the listed provisions; ”.

(9) In paragraph (11), after sub-paragraph (b) insert—

“(c) the returning officer at a PCC election, shall be construed as including a reference to the police area returning officer.”

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- 6.—(1) Regulation 5 (functions at combined polls) is amended as follows.
- (2) In paragraph (1), after sub-paragraph (e) insert—
- “(f) at a PCC election, by those rules in an Order made under sections 58 and 154 of the 2011 Act which correspond to the rules specified in paragraph (2);”.
- (3) In paragraph (3)—
- (a) omit “and” at the end of sub-paragraph (a);
- (b) after sub-paragraph (b) insert—
- “; and
- (c) the provisions in an Order made under sections 58 and 154 of the 2011 Act which correspond to that regulation and that Part.”
7. In regulation 6(5) (modification of provisions about expenses in the 1983 Act)—
- (a) omit “and” at the end of sub-paragraph (a);
- (b) after sub-paragraph (a) insert—
- “(ab) any provision in Chapter 6 of Part 1 of the 2011 Act which corresponds to that provision; and”;
- (c) in sub-paragraph (b), for the words from “regulations made under” to the end substitute “orders or regulations made under any of the listed provisions.”
8. In regulation 8 (modification of parliamentary elections rules)—
- (a) omit “or” at the end of sub-paragraph (a);
- (b) after sub-paragraph (b) insert—
- “or
- (c) the poll at a mayoral election, referendum or PCC election in accordance with orders or regulations made under any of the listed provisions.”
9. In paragraph 2 of Schedule 2 (definitions for the purposes of modifications of the parliamentary elections rules set out in Schedule 1 to the 1983 Act) <sup>M79</sup>—
- (a) after the definition of “mayoral election” insert—
- ““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”.
- (b) in the definition of “relevant election or referendum”, after paragraph (d) insert—
- “(e) a police and crime commissioner election.”.

#### Marginal Citations

**M79** Schedule 2 to the Representation of the People (Combination of Polls) (England Wales) Regulations 2004 modifies the parliamentary elections rules in their application to combined polls by virtue of regulation 8 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (combination of polls).

#### *The Local Elections (Principal Areas) (England and Wales) Rules 2006*

10.—(1) The Local Elections (Principal Areas) (England and Wales) Rules 2006 <sup>M80</sup> are amended as follows.

- (2) In rule 2 (interpretation)—

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- (a) in paragraph (1), after the definition of “petition organiser” insert—  
 ““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”;
- (b) in paragraph (2), after paragraph (e) of the definition of “relevant election or referendum” insert—  
 “(f) a police and crime commissioner election.”.

**Marginal Citations**  
**M80** [S.I. 2006/3304](#).

*The Local Elections (Parishes and Communities) (England and Wales) Rules 2006*

**11.**—(1) The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 <sup>M81</sup> are amended as follows.

- (2) In rule 2 (interpretation)—
  - (a) in paragraph (1), after the definition of “petition organiser” insert—  
 ““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”;
  - (b) in paragraph (2), in the definition of “relevant election or referendum”, after paragraph (e) insert—  
 “(f) a police and crime commissioner election.”.

**Marginal Citations**  
**M81** [S.I. 2006/3305](#).

*The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007*

**12.**—(1) The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 <sup>M82</sup> are amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) after the definition of “local government election” insert—  
 ““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”;
  - (b) in the definition of “relevant election or referendum”, after paragraph (e) insert—  
 “(f) a police and crime commissioner election.”.

<sup>F72</sup>(3) .....

**Textual Amendments**  
**F72** Sch. 4 para. 12(3) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **39** (with art. 1(5))



#### Marginal Citations

**M82** [S.I. 2007/1024](#).

## PART 3

### Modifications to PCC elections rules

**13.**—(1) The PCC election rules are modified in accordance with paragraphs 14 to 45.

(2) In this Part of this Schedule and in any provision of the PCC elections rules modified by this Part—

“combined polls” means the polls to be taken together by virtue of provisions applied by article 13;

“relevant election or referendum” means an election or local referendum the poll for which is, by virtue of provisions applied by article 13, to be taken together with the poll for a PCC election;

“the relevant returning or counting officer” means the returning or counting officer discharging functions under regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004, as that regulation has effect in relation to PCC elections by virtue of provisions applied by article 13.

(3) In relation to a referendum under Part 1A of the Local Government Act 2000<sup>M83</sup>, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012;

“counting officer” means a person referred to in regulation 9 of those Regulations;

“polling agent” means a polling observer as defined by regulation 2(1) of those Regulations;

“elector” means voter as defined by rule 2(1) of the Local Government Act Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.

(4) In relation to a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992<sup>M84</sup>, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2(1) of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012;

“counting officer” means a person referred to in regulation 15 of those Regulations;

“polling agent” means a polling observer as defined by regulation 2(1) of those Regulations;

“elector” means voter as defined by rule 2(1) of the Local Government Finance Act Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.

#### Modifications etc. (not altering text)

**C3** Sch. 4 para. 13 modified (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 13, **Sch. 4 Pt. 2 para. 39**

#### Marginal Citations

**M83** 2000 (c.22). Part 1A of the Local Government Act 2000 was inserted by section 21 of, and Schedule 2 to, the [Localism Act 2011 \(c.20\)](#).

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**M84** 1992 (c.14). Chapter 4ZA of Part 1 of that Act was inserted by section 72 of, and Schedule 5 to, the Localism Act 2011.

## GENERAL PROVISIONS

### Computation of time

14. In rule 3, after “nor is” insert “ the relevant returning or counting officer or ”.

### CONTESTED PCC ELECTIONS: GENERAL PROVISIONS

### The ballot papers

15. In rule 19(3)—

- (a) omit “ and” at the end of sub-paragraph (b); and
- (b) at the end of sub-paragraph (c) insert—
  - “and
  - (d) be of a different colour from the ballot papers used for any relevant election or referendum.”

### Corresponding number lists: proceedings on issue and receipt of ballot papers combined

16. After rule 19 insert—

#### “Corresponding number lists: proceedings on issue and receipt of ballot papers combined

**19A.**—(1) This rule applies where proceedings on the issue and receipt of ballot papers at combined polls are taken together by virtue of paragraph 29 of Schedule 2 to this Order and regulation 65 of the 2001 Regulations.

(2) The relevant returning or counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers which are to be issued by the officer in pursuance of rule 25 or provided by the officer in pursuance of rule 29(1).

(3) The corresponding number list to be prepared for the purpose of rule 24(1) (postal ballot papers) and of paragraph 37(1) of Schedule 2 (procedure on issue of postal ballot paper) must be in Form 19 set out in Part 4 of Schedule 4 to this Order or a form to like effect.

(4) The corresponding number list to be prepared for the purpose of rule 29(3)(d) (equipment of polling stations) and of rule 39(2)(b) (voting procedure) must be in Form 20 set out in Part 4 of Schedule 4 to this Order or a form to like effect.”

### Corresponding number lists: proceedings on issue and receipt of ballot papers not combined

17.—(1) Rule 20 is modified as follows.

(2) For the title substitute “ Corresponding number lists: proceedings on issue and receipt of ballot papers not combined ”.

(3) Before paragraph (1) insert—

“(A1) This rule applies where proceedings on the issue and receipt of ballot papers are not taken together by virtue of paragraph 29 of Schedule 2 to this Order and regulation 65 of the 2001 Regulations.”

## Use of schools and public rooms

### 18. For rule 23 substitute—

“23.—(1) The local returning officer and the relevant returning or counting officer may use, free of charge, for relevant purposes—

- (a) a room in a school maintained or assisted by—
  - (i) in relation to England, a county council in England, a metropolitan district council, a non-metropolitan district council for an area for which there is no county council or the Council of the Isles of Scilly, or
  - (ii) in relation to Wales, a county council or a county borough council in Wales;
- (b) a room in a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (c) a room the expense of maintaining which is met by—
  - (i) in relation to England, a county council in England, a district council, a parish council or the Council of the Isles of Scilly, or
  - (ii) in relation to Wales, a county council or a county borough council in Wales or a community council.

(2) That officer must make good—

- (a) any damage done to any such room, and
- (b) defray any expense incurred by the persons having control over any such room, by reason of its being used for the relevant purpose.

(3) In paragraphs (1) and (2) “relevant purposes” means—

- (a) in the case of the local returning officer, the counting of votes, and
- (b) in the case of the relevant returning or counting officer, the taking of the poll and the discharging of the functions under rule 49.”

### ACTION TO BE TAKEN BEFORE THE POLL

## Notice of poll

### 19. In rule 24, for paragraph (3) substitute—

“(3) No later than the time of publication of the notice of poll, the relevant returning or counting officer must give public notice of—

- (a) the situation of each polling station;
- (b) the description of voters entitled to vote there.

(3A) A notice published under paragraph (3) must, in addition—

- (a) state that the poll for the PCC election is to be taken together with the poll for each relevant election or referendum;
- (b) specify—
  - (i) the parliamentary constituency, local counting area, voting area or, as the case may be, the relevant local authority for which the election is held, and
  - (ii) in the case of an election to fill a casual vacancy, the electoral area for which the election is held;

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- (c) where polls for two or more elections are to be taken together in part only of the voting area, specify that part.”

### **Postal ballot papers**

- 20.** In rule 25, after paragraph (3) insert—

“(4) Where proceedings on the issue and receipt of postal ballot papers are taken together in respect of combined polls, references in this rule to “local returning officer” are to be read as references to “relevant returning or counting officer”.”

### **Provision of polling stations**

- 21.** In rule 26, in paragraphs (1) and (4), for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

### **Appointment of presiding officers and polling clerks**

- 22.** In rule 27, in paragraphs (1) to (4), for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

### **Issue of official poll cards**

- 23.** In rule 28, after paragraph (4) insert—

“(5) If the local returning officer and the returning officer or counting officer for each relevant election or referendum thinks fit, an official poll card issued under this rule may be combined with an official poll card issued at each relevant election or referendum.

(6) Where official poll cards are combined under paragraph (5), the form to be used is the form of the official poll card which is required to be used at the relevant election or referendum with such adaptations as are necessary to enable it to be used in relation to the PCC election.”

### **Equipment of polling stations**

- 24.**—(1) Rule 29 is modified as follows.

(2) In paragraphs (1), (3), (5), (8) and (9), for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

- (3) After paragraph (1) insert—

“(1A) The ballot box used for the poll for the PCC election may, if the relevant returning or counting officer thinks fit, be the same as that used for each other relevant election or referendum.

(1B) Where separate ballot boxes are used, each must be clearly marked to show—

- (a) the poll to which it relates, and  
(b) the colour of ballot papers that should be placed in it.”

- (4) After paragraph (5) insert—

“(5A) The versions of the ballot paper referred to in paragraph (5)(a) and (b) must be printed on paper of the same colour as that of the ballot papers for use at the PCC election.”

- (5) For paragraph (7) substitute—

“(7) The relevant returning or counting officer must also provide each polling station with notices for the guidance of voters which are in the appropriate form and—

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- (a) notices which are for exhibition in voting compartments at polling stations must be so exhibited, and
- (b) notices for exhibition outside and in the communal areas inside polling stations must be so exhibited.”

## Notices for the guidance of voters

25. For rule 30 substitute—

### “Appropriate form for notice for the guidance of voters

30.—(1) The appropriate form for the notices for the guidance of voters to be provided under rule 29 is the form specified in paragraph [F73(3)].

F74(2) .....

(3) Where the poll at the PCC election and the poll at another election or referendum are taken together F75...—

- (a) the appropriate form for notices for exhibition in voting compartments at polling stations is the form which is required for notices that are exhibited in the compartments of polling stations at that other election or referendum[F76, with the addition of the appropriate voting instructions for PCC elections], and
- (b) the appropriate form for notices for exhibition outside and in the communal areas inside polling stations is the form known as “directions for the guidance of the voters in voting” which is required to be exhibited inside and outside polling stations at that other election or referendum.

[F77(3A) For the purposes of this rule, the “appropriate voting instructions for PCC elections” are—

- (a) where there are three or more candidates—

“Vote by putting a cross [X] in the box

In column 1 next to your FIRST CHOICE candidate

In column 2 next to your SECOND CHOICE candidate

Your first and second choices should be different.”;

- (b) where there are two candidates—

“Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.”]

(4) The relevant returning or counting officer may also provide versions of the notice in such other form described in article 85(2) or (3) as the officer thinks appropriate.

(5) Where the Commission publishes information about the supplementary vote system to be used at PCC elections, the police area returning officer may provide each relevant returning or counting officer with a copy of that information for exhibition at a polling station.”

### Textual Amendments

**F73** Word in Sch. 4 para. 25 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(2)** (with art. 1(5))

**F74** Words in Sch. 4 para. 25 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(3)** (with art. 1(5))

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- F75** Words in Sch. 4 para. 25 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(4)(a)** (with art. 1(5))
- F76** Words in Sch. 4 para. 25 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(4)(b)** (with art. 1(5))
- F77** Words in Sch. 4 para. 25 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(5)** (with art. 1(5))

### Appointment of polling and counting agents

**26.** In rule 31, after paragraph (7), insert—

“(7A) Notices of the appointment of polling agents and counting agents which are required by paragraphs (7) and (8) to be given to the local returning officer must be given to the relevant returning or counting officer.”

### Notification of requirement of secrecy

**27.** For rule 32 substitute—

“**32.**—(1) The relevant returning or counting officer must make such arrangements as the officer thinks appropriate to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 22(1), (4) and (7);
- (b) every person attending at the verification of ballot paper accounts (other than any constable on duty there) has been given a copy in writing of the provisions of article 22(2), (3) and (7).

(2) The local returning officer must make such arrangements as the officer thinks appropriate to ensure that every person attending at the counting of the votes (other than any constable on duty there) has been given a copy in writing of the provisions of article 22(2) and (7).

[<sup>F78</sup>(3) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).”]

#### Textual Amendments

- F78** Words in Sch. 4 para. 27 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **41** (with art. 1(5))

### Return of postal ballot papers

**28.**—(1) Rule 33 is modified as follows.

(2) For paragraph (1) substitute—

“(1) Where proceedings on the issue and receipt of postal ballot papers are taken together in respect of combined polls and—

- (a) a postal vote has been returned in respect of a person who is entered in the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered in the proxy postal voters list,

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the relevant returning or counting officer must mark the list in the manner specified in paragraph 48 of Schedule 2.”

(3) After that paragraph insert—

“(1A) Where proceedings on the issue and receipt of postal ballot papers are not taken together in respect of combined polls, the reference in paragraph (1) to “the relevant returning or counting officer” is to be read as a reference to “the local returning officer”.”

#### CONTESTED PCC ELECTIONS: THE POLL

#### Admission to polling station

**29.**—(1) Rule 34 is modified as follows.

(2) In paragraph (1)—

(a) omit “and” at the end of paragraph (h);

(b) after sub-paragraph (i) insert—

“and

(j) persons who would be entitled to be admitted to the polling station at a relevant election or referendum if the poll for that election or referendum were held on its own.”

(3) In paragraph (4), after “local returning officer” (in each place) insert “ or relevant returning or counting officer ”.

#### Keeping of order in polling station

**30.** In rule 35, in paragraph (2)(b) for “local returning officer” substitute “ relevant returning or counting officer ”.

#### Voting procedure

**31.** In rule 39, [<sup>F79</sup> after paragraph (7)] insert—

[<sup>F80</sup>“(8)] The same copy of the register of electors or, where paragraph (4) applies, the same copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act, may be used for each relevant election or referendum, and—

(a) one mark may be placed in that copy of the register or on that notice under paragraph (2)(c) or in the list of proxies under paragraph (2)(d) to denote that a ballot paper has been issued in respect of each relevant election or referendum; but

(b) where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark must be placed in the copy of that register or, as the case may be, on that notice or in that list so as to identify each relevant election or referendum in respect of which a ballot paper was issued.”

#### Textual Amendments

**F79** Words in [Sch. 4 para. 31](#) substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), [42\(a\)](#) (with art. 1(5))

**F80** Words in [Sch. 4 para. 31](#) renumbered (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), [42\(b\)](#) (with art. 1(5))

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**Votes marked by the presiding officer**

32. In rule 40, after paragraph (5) insert—

“(6) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that the ballot papers were marked by the presiding officer in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which the ballot paper was so marked.”

**Voting by persons with disabilities**

33.—(1) Rule 41 is modified as follows.

(2) In paragraph (4), for sub-paragraph (a) substitute—

“(a) must be in the appropriate form, as specified in paragraph<sup>F81</sup>... (4B) (as the case may be).”

(3) After paragraph (4) insert—

<sup>F82</sup>“(4A) .....

(4B) Where the poll at the PCC election and another election or referendum are taken together<sup>F83</sup>..., the appropriate form for the declaration is the form which is required for declarations made by the companion of a voter with disabilities at that other election or referendum.”

(4) After paragraph (9) insert—

“(9A) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that the votes were given in accordance with this rule in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which the vote was so given.”

Textual Amendments	
<b>F81</b>	Words in Sch. 4 para. 33(2) omitted (6.4.2014) by virtue of <a href="#">The Police and Crime Commissioner Elections (Amendment) Order 2014 (S.I. 2014/921)</a> , arts. 1(5), <b>43(1)</b> (with art. 1(5))
<b>F82</b>	Words in Sch. 4 para. 33(3) omitted (6.4.2014) by virtue of <a href="#">The Police and Crime Commissioner Elections (Amendment) Order 2014 (S.I. 2014/921)</a> , arts. 1(5), <b>43(2)(a)</b> (with art. 1(5))
<b>F83</b>	Words in Sch. 4 para. 33(3) omitted (6.4.2014) by virtue of <a href="#">The Police and Crime Commissioner Elections (Amendment) Order 2014 (S.I. 2014/921)</a> , arts. 1(5), <b>43(2)(b)</b> (with art. 1(5))

**Tendered ballot papers: general provisions**

34. In rule 43, after paragraph (5) insert—

“(5A) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that tendered ballot papers were marked in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which a tendered ballot paper was marked.”

**Correction of errors on the day of the poll**

35. In rule 45—



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- (a) renumber the existing provision as paragraph (1); and
- (b) after that paragraph insert—

“(2) The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that ballot papers were issued in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum for which a ballot paper was issued.”

### **Adjournment of poll in case of riot**

**36.**—(1) Rule 46 is modified as follows.

(2) In paragraph (1), for “local returning officer” substitute “ relevant returning or counting officer ”.

(3) In paragraph (3), for “local returning officer” substitute “ relevant returning or counting officer ”.

### **Procedure on close of the poll**

**37.**—(1) Rule 47 is modified as follows.

(2) In paragraph (1), for “in the presence of the polling agents” substitute “ in the presence of the polling agents appointed for the purposes of the PCC election and for the purposes of each relevant election or referendum ”.

(3) After paragraph (1) insert—

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) must not be combined with the contents of the packets made up under the corresponding rule that applies at any relevant election or referendum.”

(4) In paragraph (4), for “the local returning officer” substitute “ the relevant returning or counting officer ”.

(5) In paragraph (5), for “the local returning officer” (in both places) substitute “ the relevant returning or counting officer ”.

(6) After paragraph (6) insert—

“(7) The ballot paper account prepared under paragraph (6) in respect of the PCC election must not be combined with the ballot paper account for any relevant election or referendum.”

## **COUNTING OF VOTES**

### **Attendance at verification**

**38.** For rule 48 substitute—

#### **“Attendance at verification**

**48.**—(1) This rule and rules 49 and 50 do not apply where the local returning officer is not the relevant returning or counting officer.

(2) But where the local returning officer is the relevant returning or counting officer, the officer must—

- (a) make arrangements for the verification of the ballot paper accounts to be carried out as soon as practicable after the close of the poll and in the presence of the counting agents appointed for the purposes of the PCC election and those appointed for the purposes of each relevant election or referendum, and

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- (b) give the counting agents appointed for the purposes of the PCC election and those appointed for the purposes of each relevant election or referendum notice in writing of the time and place at which the verification of the ballot paper accounts will begin.
- (3) A person may be present at the verification of the ballot paper accounts only if—
  - (a) the person is entitled to be present at the first count of the votes for the PCC election or at the counting of the votes for a relevant election or referendum, or
  - (b) the person is permitted by the relevant returning or counting officer to attend.
- (4) Permission under paragraph (3)(b) may be given only if the relevant returning or counting officer is satisfied that the person's attendance will not impede the efficient verification of the ballot paper accounts.
- (5) The relevant returning or counting officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.”

### **Procedure at verification of ballot paper accounts**

**39.** For rule 49 substitute—

#### **“Procedure at verification of ballot paper accounts**

- 49.—**(1) Where the local returning officer is the relevant returning or counting officer, the officer must—
- (a) in the presence of the counting agents appointed for the purposes of the PCC election and the counting agents appointed for the purposes of each relevant election or referendum—
    - (i) open the ballot boxes from each polling station,
    - (ii) in relation to the PCC election and to each of the relevant elections or referendums, count and record separately the number of ballot papers relating to that election or referendum, and
    - (iii) verify each ballot paper account;
  - (b) where proceedings on the issue and receipt of postal ballot papers for the PCC election and each relevant election or referendum are taken together, count the postal ballot papers that have been duly returned and record separately the number counted at the PCC election and each relevant election or referendum;
  - (c) separate the ballot papers relating to the PCC election from the ballot papers relating to each relevant election or referendum;
  - (d) make up into packets the ballot papers for each relevant election or referendum and seal them up into separate containers endorsing on each a description of the area to which the ballot papers relate;
  - (e) deliver or cause to be delivered to the returning or counting officer for each relevant election or referendum to which the ballot papers relate—
    - (i) those containers together with a list of them and of the contents of each, and
    - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of the election or referendum;
  - (f) at the same time deliver or cause to be delivered to that officer packets that relate to the relevant election or referendum containing—

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- (i) the unused and spoilt ballot papers;
  - (ii) the tendered ballot papers;
  - (iii) the certificates as to employment on duty on the day of the poll.
- (2) A postal ballot paper is not to be taken to be duly returned unless—
  - (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the relevant returning or counting officer or a polling station in the appropriate area (as defined in paragraph (3)),
  - (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the relevant returning or counting officer or a polling station in the appropriate area,
  - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
  - (d) <sup>F84</sup>... the relevant returning or counting officer verifies the date of birth and signature of the elector or proxy (as the case may be).
- <sup>F85</sup>(2A) A postal ballot paper or postal voting statement that reaches the relevant returning or counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (2) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.]
- (3) The “appropriate area” in respect of any voter is—
  - (a) the area which is common to the areas in which the polls at the PCC election and the relevant election or referendum are being taken together, and
  - (b) in respect of which polls the voter has been issued with a ballot paper.
- (4) Where separate ballot boxes are used, no vote for any candidate is rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.
- (5) The relevant returning or counting officer, while counting and recording the number of postal ballot papers, must keep the ballot papers with their faces upwards and take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (6) Unless otherwise directed by the police area returning officer, the relevant returning or counting officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.
- (7) The relevant returning or counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the relevant returning or counting officer, and the unused and spoilt ballot papers in the relevant returning or counting officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification.
- (8) Any counting agent for a PCC election present at the verification may copy the statement drawn up under paragraph (7).
- (9) Any counting agent for a relevant election or referendum present at the verification may copy the statement drawn up under paragraph (7).

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(10) Once the statement relating to the PCC election is drawn up, the relevant returning or counting officer must inform the police area returning officer of the contents of the statement.”

#### Textual Amendments

**F84** Words in Sch. 4 para. 39 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **44(1)** (with art. 1(5))

**F85** Words in Sch. 4 para. 39 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **44(2)** (with art. 1(5))

#### Additional steps: verification and count carried out at different places

**40.**—(1) Rule 50 is modified as follows.

(2) For paragraph (1) substitute—

“(1) This rule applies where—

- (a) the local returning officer is the relevant returning or counting officer, and
- (b) the votes at the PCC election are to be counted at a place other than that at which the procedures for the verification of the ballot paper accounts are carried out.”

(3) In paragraphs (2), (3) and (4) (in each place), for “local returning officer” substitute “relevant returning or counting officer”.

#### Attendance at the first count

**41.**—(1) Rule 51 is modified as follows.

(2) For paragraph (1) substitute—

“(1) Where the local returning officer is the relevant returning or counting officer, the local returning officer must—

- (a) make arrangements for the votes at the PCC election to be counted as soon as practicable after the close of the poll in the presence of the counting agents appointed for the purposes of that election, and
- (b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.”

(3) For paragraph (2) substitute—

“(2) Where the local returning officer is not the relevant returning or counting officer, the local returning officer must—

- (a) make arrangements for counting the votes at the PCC election in the presence of the counting agents appointed for the purposes of that election as soon as practicable after delivery to the local returning officer of the ballot papers for that election, and
- (b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.”

#### The first count

**42.**—(1) Rule 52 is modified as follows.

(2) Before paragraph (1) substitute—

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“(A1) Where the local returning officer is the relevant returning or counting officer, the officer must—

- (a) on completion of the proceedings under rule 49, and
- (b) if applicable, on receipt of the containers referred to in rule 50,

proceed to count the votes in accordance with paragraphs (1) and (2) to (7).”

(3) After paragraph (1) insert—

“(1A) Where the local returning officer is not the relevant returning or counting officer, the officer must, on receipt of the containers containing the ballot papers from the relevant returning or counting officer—

- (a) open in the presence of the counting agents all the packets of ballot papers other than those containing unused, spoilt or tendered ballot papers,
- (b) where the proceedings on the issue and receipt of postal ballot papers for the PCC election and each relevant election or referendum are not taken together, count the postal ballot papers that have been duly returned for the PCC election and record the number counted, and
- (c) proceed to count the votes in accordance with paragraphs (1B), (1C) and (2) to (7).

(1B) For the purposes of paragraph (1A)(b), a postal ballot paper is not to be taken to be duly returned unless—

- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the appropriate area (as defined in paragraph (1C)),
- (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the appropriate area,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) <sup>F86</sup>... the local returning officer verifies the date of birth and signature of the elector or proxy (as the case may be).

[<sup>F87</sup>(1BA) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (2) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.]

(1C) The “appropriate area” in respect of any voter is the area—

- (a) which is common to the parliamentary constituency, electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the PCC election and any relevant election or referendum are being taken together, and
- (b) in respect of which polls the voter has been issued with a ballot paper.”

(4) In paragraph (5), after “while” insert “ counting and recording the number of postal ballot papers and ”.

#### Textual Amendments

**F86** Words in [Sch. 4 para. 42](#) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **45(1)** (with art. 1(5))

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**F87** Words in Sch. 4 para. 42 inserted (6.4.2014) by The Police and Crime Commissioner Elections (Amendment) Order 2014 (S.I. 2014/921), arts. 1(5), **45(2)** (with art. 1(5))

### Sealing up of ballot papers

**43.**—(1) Rule 65 is amended as follows.

(2) For paragraph (2) substitute—

“(2) The local returning officer may not open the sealed packets of—

- (a) tendered ballot papers, or
- (b) certificates as to employment on duty on the day of the poll.”.

(3) After that paragraph insert—

“(3) The relevant returning or counting officer may not open the sealed packets of —

- (a) the completed corresponding number lists, or
- (b) marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies”.

### Delivery of documents

**44.** For rule 66 substitute—

“**66.**—(1) Where the local returning officer is the relevant returning or counting officer, the officer must—

- (a) endorse on each of the sealed packets a description of its contents, the date of the poll to which they relate and, in the case of a PCC election, the name of the police area for which that election was held, and
- (b) then forward the documents specified in paragraph (2) to the relevant registration officer.

(2) The documents referred to in paragraph (1) are—

- (a) the packets of ballot papers in the officer's possession;
- (b) the ballot paper accounts and the statements of—
  - (i) rejected ballot papers, and
  - (ii) the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 45 and the declarations made by the companions of voters with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll;
- (f) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and marked copies of the postal voters list, of the lists of proxies and of the proxy postal voters list;
- (g) any documents in the officer's possession which are to be forwarded under paragraph 59 of Schedule 2.

(3) Where the local returning officer is not the relevant returning or counting officer, the local returning officer must take the steps set out in paragraph (1) in relation to all the documents listed in paragraph (2) apart from those listed in sub-paragraphs (c), (d) and (f).”

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## PART 4

### Forms referred to in Part 3 of this Schedule

#### Forms

45. These are the forms referred to in Part 3 of this Schedule <sup>M85</sup>.

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Form 19	Corresponding number list for issue of postal ballot papers where proceedings on issue and receipt of ballot papers combined
Form 20	Corresponding number list for use in polling station when a PCC election is combined with another relevant election or referendum
Form 21	F88 ...
Form 22	F88 ...
Form 23	F88 ...

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F89 .....

Form 22

F89 .....

Form 23

F89 .....

**Textual Amendments**

**F88** Words in Sch. 4 para. 45 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **46** (with art. 1(5))

**F89** Sch. 4 para. 45 Forms 21-23 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **46** (with art. 1(5))

**Marginal Citations**

**M85** Article 84 contains other provision about forms.

SCHEDULE 5

Article 30(4)

Control of donations to candidates

**PART 1**

Introductory

*Operation and interpretation of Schedule*

1.—(1) This Schedule has effect for controlling donations to candidates at a PCC election.

(2) The following provisions have effect for the purposes of this Schedule.

(3) “Relevant donation”, in relation to a candidate at a PCC election, means a donation to the candidate or the candidate's election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate.

(4) In sub-paragraph (3) the reference to a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and a donation is to be taken as being a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.

(5) “Donation” is to be construed in accordance with paragraphs 2 to 4.

(6) In relation to a donation received by a candidate at a PCC election, references to a permissible donor falling within section 54(2) of the 2000 Act are to be read as if section 54(2) did not include a party registered in the Northern Ireland register maintained by the Commission under Part 2 of that Act.

*Donations: general rules*

- 2.—(1) “Donation”, in relation to a candidate at a PCC election, means (subject to paragraph 4)—
- (a) any gift to the candidate or the candidate's election agent of money or other property;
  - (b) any sponsorship provided in relation to the candidate (as defined by paragraph 3);
  - (c) any money spent (otherwise than by the candidate, the candidate's election agent or any sub-agent) in paying any election expenses incurred by or on behalf of the candidate;
  - (d) any money lent to the candidate or the candidate's election agent otherwise than on commercial terms;
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).

(2) Where—

- (a) any money or other property is transferred to a candidate or the candidate's election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value, and
- (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property (subject to sub-paragraph (4)) constitutes a gift to the candidate or (as the case may be) the candidate's election agent for the purposes of sub-paragraph (1)(a).

(3) In determining—

- (a) for the purposes of sub-paragraph (1)(d), whether any money lent to a candidate or the candidate's election agent is so lent otherwise than on commercial terms, or
- (b) for the purposes of sub-paragraph (1)(e), whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,

regard is to be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) applies in relation to it to the exclusion of the other provision of this paragraph.

(5) The reference in sub-paragraph (1)(c) to money spent as mentioned in that provision is a reference to money so spent by a person (other than the candidate, the candidate's election agent or any sub-agent) out of the person's own resources (with no right to reimbursement out of the resources of the candidate, the candidate's election agent or any sub-agent); and where, by virtue of sub-paragraph (1)(c), money so spent constitutes a donation to the candidate, the candidate is treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.

(6) In this paragraph—

- (a) any reference to anything being given or transferred to a candidate or the candidate's election agent includes a reference to its being given or transferred either directly or indirectly through any third person;
- (b) “gift” includes a bequest or any other form of testamentary disposition.

### *Sponsorship*

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- 3.—(1) For the purposes of this Schedule, sponsorship is provided in relation to a candidate if—
- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate, or
    - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with—
- (a) any conference, meeting or other event organised by or on behalf of the candidate,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the candidate, or
  - (c) any study or research organised by or on behalf of the candidate.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) —
- (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication,
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may, on the recommendation of the Commission, by order made by statutory instrument amend sub-paragraph (2) or (3).
- (5) Any order under sub-paragraph (4) may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (6) For the purposes of section 1 of the Statutory Instruments Act 1946 <sup>M86</sup> (definition of “Statutory Instrument”), the power to make an order which is conferred by sub-paragraph (4) is to be taken to be conferred by an Act of Parliament.
- (7) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

**Marginal Citations**

**M86** 1946 9&10 Geo.6 (c.36).

*Payments etc not to be regarded as donations*

- 4.—(1) None of the following is to be regarded as a donation—
- (a) the provision of any facilities provided in pursuance of any right conferred on a candidate at a PCC election by this Order;
  - (b) the provision by an individual of the individual's own services which are provided voluntarily in the individual's own time and free of charge;
  - (c) any interest accruing to a candidate or the candidate's election agent in respect of any donation which is dealt with by the candidate or (as the case may be) the candidate's election agent in accordance with section 56(2)(a) or (b) of the 2000 Act (as applied by paragraph 7).

(2) There is also to be disregarded any donation whose value (determined in accordance with paragraph 5) is not more than £50.

#### *Value of donations*

**5.—(1)** The value of any donation falling within paragraph 2(1)(a) (other than money) is to be taken as being the market value of the property in question.

(2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2), the value of the donation is to be taken as being the difference between—

- (a) the value of the money, or the market value of the property, in question, and
- (b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or the candidate's election agent.

(3) The value of any donation falling within paragraph 2(1)(b) is to be taken as being the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question is to be disregarded.

(4) The value of any donation falling within paragraph 2(1)(d) or (e) is to be taken as being the amount representing the difference between—

- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or the candidate's election agent in respect of the loan or the provision of the property, services or facilities if—
  - (i) the loan had been made, or
  - (ii) the property, services or facilities had been provided, on commercial terms, and
- (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or the candidate's election agent.

(5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—

- (a) is to be determined at the time when it is made, but
- (b) is to be so determined by reference to the total benefit accruing to the donee over that period.

(6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

## **PART 2**

### **Controls on donations**

#### *Prohibition on accepting donations from impermissible donors*

**6.—(1)** A relevant donation received by a candidate or the candidate's election agent must not be accepted if—

- (a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) the candidate's election agent, a permissible donor falling within section 54(2) of the 2000 Act, or

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- (b) the candidate or (as the case may be) the candidate's election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.

(2) For the purposes of this Schedule, any relevant donation received by a candidate or the candidate's election agent which is an exempt trust donation is to be regarded as a relevant donation received by the candidate or the candidate's election agent from a permissible donor; and section 162 of the 2000 Act (interpretation: exempt trust donations) applies for the purposes of this Schedule as it applies for the purposes of that Act.

(3) But, for the purposes of this Schedule, any relevant donation received by a candidate or the candidate's election agent from a trustee of any property (in the trustee's capacity as such) which is not—

- (a) an exempt trust donation, or
- (b) a relevant donation transmitted by the trustee to the candidate or the candidate's election agent on behalf of beneficiaries under the trust who are—
  - (i) persons who at the time of its receipt by the candidate or the candidate's election agent are permissible donors falling within section 54(2) of the 2000 Act, or
  - (ii) the members of an unincorporated association which at that time is such a permissible donor,

is to be regarded as a relevant donation received by the candidate or the candidate's election agent from a person who is not such a permissible donor.

(4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a candidate or the candidate's election agent by way of a relevant donation—

- (a) on behalf of the principal donor and one or more other persons, or
- (b) on behalf of two or more other persons,

then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £50 is treated as if it were a separate donation received from that person.

(5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or the candidate's election agent, the candidate or (as the case may be) the candidate's election agent is given—

- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c), and
- (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a).

(6) Where—

- (a) any person (“the agent”) causes an amount to be received by a candidate or the candidate's election agent by way of a donation on behalf of another person (“the donor”), and
- (b) the amount of the donation is more than £50,

the agent must ensure that, at the time when the donation is received by the candidate or the candidate's election agent, the candidate or (as the case may be) the candidate's election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c).

(7) A person commits an offence if, without reasonable excuse, the person fails to comply with sub-paragraph (5) or (6).

(8) A person guilty of an offence under sub-paragraph (7) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);

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- (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

#### *Acceptance or return of donations*

- 7.—(1) Sections 56 to 60 of the 2000 Act apply for the purposes of this Schedule in relation to—
- (a) a relevant donation received by a candidate or the candidate's election agent, and
  - (b) the candidate or (as the case may be) the election agent,
- as they apply in relation to a donation received by a registered party and the registered party.
- (2) In the application of sections 56 to 60 of that Act in accordance with sub-paragraph (1)—
- (a) section 56(1) has effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 to that Act (if the donation were a recordable donation within the meaning of that Schedule) were a reference to the particulars which are required to be included in a return by virtue of paragraph 11(c) of this Schedule,
  - (b) section 56(3) has effect as if the reference to the party were omitted and the reference to the treasurer of the party were a reference to the candidate or (as the case may be) the candidate's election agent, and
  - (c) section 56(4) has effect as if the reference to the treasurer of the party were a reference to the candidate or (as the case may be) the candidate's election agent.

#### *Transfer of donations received by candidate to election agent*

- 8.—(1) Sub-paragraph (2) applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, also acting as the election agent at the time of receipt of the donation).
- (2) The candidate must, on receipt of any such donation as is mentioned in sub-paragraph (1), forthwith deliver to the candidate's election agent—
- (a) the donation,
  - (b) where paragraph 6(5) or (6) applies in relation to the donation, the information provided to the candidate in pursuance of that provision, and
  - (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on the agent, in relation to the donation, under this Part or Part 3 of this Schedule.
- (3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2), the donation is treated for the purposes of paragraph 6(1) to (4) and the provisions applied by paragraph 7 as if it had been—
- (a) originally received by the election agent, and
  - (b) so received by the agent on the date on which it was received by the candidate.
- (4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate) as election agent is in force the candidate must either—
- (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) to the election agent, or
  - (b) (if the candidate fails to make such delivery) deal with the donation in accordance with section 56 of the 2000 Act.

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(5) Sub-paragraph (3) has effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4)(a) as it has effect in relation to a donation delivered to the election agent in accordance with sub-paragraph (2).

(6) Sub-paragraph (7) applies where—

- (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Act either because—
  - (i) it was received by the candidate at a time when no appointment of another person as the candidate's election agent was in force, or
  - (ii) although such an appointment was in force, the candidate was by virtue of sub-paragraph (4)(b) required to deal with the donation, and
- (b) an appointment of a person (other than the candidate) as election agent is in force at, or at any time after—
  - (i) the deadline for appointing an election agent, or
  - (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Act.

(7) Subject to sub-paragraph (9), the candidate must, as soon as reasonably practicable after the relevant time, deliver to the election agent—

- (a) the donation (if it has been accepted by the candidate), and
- (b) any information which the candidate has about the donation and the donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on the agent, in relation to the donation, under Part 3 of this Schedule.

(8) The relevant time for the purposes of sub-paragraph (7) is—

- (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time, or
- (b) otherwise, the time when any such appointment subsequently comes into force.

(9) The duty imposed on a candidate by sub-paragraph (7)(a) does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying election expenses.

(10) In this paragraph—

- (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with article 26(1) be named as election agent by the candidate, and
- (b) any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7.

#### *Evasion of restrictions on donations*

9. Section 61 of the 2000 Act applies for the purposes of this Schedule as if—

- (a) any reference to donations were to relevant donations,
- (b) any reference to a registered party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) the candidate's election agent, and
- (c) any reference in subsection (2) to the treasurer of a registered party were, in relation to a relevant donation, a reference to either the candidate or the candidate's election agent (or both).



## PART 3

### Reporting of Donations

#### *Statement of relevant donations*

**10.**—(1) The candidate's election agent must include in any return required to be delivered under article 40 a statement of relevant donations which complies with paragraphs 11 and 12.

(2) If the statement states that the candidate's election agent has seen, in relation to an individual donor, a certificate of anonymous registration, the statement must be accompanied by a copy of that certificate.

(3) “Certificate of anonymous registration” means a certificate issued in pursuance of regulation 45G of the 2001 Regulations<sup>M87</sup>.

#### **Marginal Citations**

**M87** [Regulation 45G](#) was inserted by [S.I. 2006/2910](#).

#### *Donations from permissible donors*

**11.** The statement must record, in relation to each relevant donation accepted by the candidate or the candidate's election agent—

- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5,
- (b) the date when the donation was accepted by the candidate or the candidate's election agent,
- (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Act, and
- (d) such other information as may be required by regulations made by the Commission.

#### *Donations from impermissible donors*

**12.**—(1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b).

(2) Where paragraph 6(1)(a) applies, the statement must record—

- (a) the name and address of the donor,
- (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5,
- (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Act, and
- (d) such other information as is required by regulations made by the Commission.

(3) Where paragraph 6(1)(b) applies, the statement must record—

- (a) details of the manner in which the donation was made,
- (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5,
- (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Act, and

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(d) such other information as is required by regulations made by the Commission.

(4) In this paragraph any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7.

SCHEDULE 6

Articles 34(7) and 41(1), (2), (5)

Return and declarations as to candidate election expenses

1. These are the forms referred to in articles 34(7) and 41(1), (2) and (5)<sup>M88</sup>. Form 24: Return of expenses incurred in support of a candidate (article 34(7)) Form 25: Declaration of expenses incurred in support of a candidate (article 34(7)) Form 26: Election agent's declaration as to election expenses (article 41(1)) Form 27: Candidate's declaration as to election expenses (article 41(2)) Form 28: Declaration as to election expenses by candidate who is his or her own election agent (article 41(5))

Form 24

**Return of expenses**

Election of the Police and Crime Commissioner for *(insert name of police area)* police area

Date of publication of notice of election (insert date).....

Name of candidate.....

1. The expenses incurred at the election named above in support of the candidate named above by ..... *(insert name of person or association or body of persons incurring the expenses)*, being expenses which are required by article 34 of the Police and Crime Commissioner Elections Order 2012 to be authorised in writing by the election agent amounted to £.....

2. That written authority is annexed to this return.

Signature:.....

Date.....

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## Form 25

### Declaration of expenses

Election of the Police and Crime Commissioner for *(insert name of police area)* police area

Date of publication of notice of election (insert date).....

I declare that—

1. I am

\* the person

\* *(or in the case of an association or a body of persons)* [the director]  
[general manager] [secretary] [or similar officer] of the association or  
body of persons

named as incurring expenses in the accompanying return,  
marked....., of expenses which are required by article 34 of the  
Police and Crime Commissioner Elections Order 2012 to be authorised in  
writing by an election agent.

\*Delete whichever is inapplicable

2. To the best of my knowledge and belief that return is complete and  
accurate.

3. The matters for which the expenses referred to in that return were incurred  
are as follows .....

Signature:.....

Office held: .....

(In the case of an association or body of persons)

Date.....

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## Form 26

### Election agent's declaration as to election expenses

Election of the Police and Crime Commissioner for (insert name of police area) police area

Date of publication of notice of election (insert date).....

Name of candidate.....

I solemnly and sincerely declare that—

1. I was the election agent of the person named above as candidate at this election.
2. I have examined the return of election expenses <sup>\*about to be/</sup> delivered by me to the police area returning officer, of which a copy is now shown to me marked ....., and to the best of my knowledge and belief it is a complete and correct return as required by law.

<sup>\*Delete as appropriate</sup>

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by me, except as otherwise stated.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature:.....

Date.....

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## Form 27

### Candidate's declaration as to election expenses

Election of the Police and Crime Commissioner for (insert name of police area) police area.

Date of publication of notice of election (insert date).....

Name of candidate.....

I solemnly and sincerely declare that—

1. I am the person named above as candidate at this election.
2. I have examined the return of election expenses \*about to be/ delivered by my election agent to the police area returning officer, of which a copy is now shown to me marked ..... and to the best of my knowledge and belief it is a complete and correct return as required by law.

\*Delete as appropriate

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent, except as otherwise stated.
4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature.....

Date.....

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### Form 28

#### Declaration as to election expenses by candidate who was his or her own election agent

Election of the Police and Crime Commissioner for (insert name of police area) police area

Date of publication of notice of election (insert date).....

Name of candidate.....

I solemnly and sincerely declare that—

1. I am the person named above as candidate at this election.
  2. I was my own election agent.
  3. I have examined the return of election expenses \*about to be/ delivered by me to the police area returning officer, of which a copy is now shown to me marked ....., and to the best of my knowledge and belief it is a complete and correct return as required by law.
- \*Delete as appropriate
4. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by me, except as otherwise stated.
  5. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature:.....

Date.....

#### Marginal Citations

M88 [Article 84](#) contains other provision about forms.

### SCHEDULE 7

Article 50

#### Candidate election expenses

### PART 1

#### List of Matters

1. Advertising of any nature (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing,



distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

2. Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area). Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

3. Transport (by any means) of persons to any place. Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.

4. Public meetings (of any kind). Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.

5. The services of an election agent or any other person whose services are engaged in connection with the candidate's election.

6. Accommodation and administrative costs.

## PART 2

### General Exclusions

7. The payment of any deposit required by rule 9 of the PCC elections rules.

8. The publication of any matter, other than an advertisement, relating to the election in—

(a) a newspaper or periodical;

(b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru;

(c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990<sup>M89</sup> or Part 1 or 2 of the Broadcasting Act 1996<sup>M90</sup>.

#### Marginal Citations

**M89** 1990 c.42.

**M90** 1996 c.55.

9. The preparation and submission of a candidate's election address in accordance with article 52.

10. The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Order other than facilities in respect of which expenses fall to be defrayed by virtue of article 56(4).

11. The provision by an individual of his or her own services which the individual provides voluntarily in his or her own time and free of charge.

12.—(1) Accommodation which is the candidate's sole or main residence.

(2) The provision by any other individual of accommodation which is the individual's sole or main residence if the provision is made free of charge.

13.—(1) Transport by a means of transport which was acquired by the candidate principally for the candidate's own personal use.

(2) Transport provided free of charge by any other individual if the means of transport was acquired by the individual principally for the individual's own personal use.

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14.—(1) Computing or printing equipment which was acquired by the candidate principally for the candidate's own personal use.

(2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for the individual's own personal use if the provision is made free of charge.

## PART 3

### Supplemental

15.—(1) The Commission may prepare, and from time to time revise, a code of practice giving—

- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
- (b) guidance (supplementing the definition in article 50) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.

(2) Once the Commission have prepared a draft code under this paragraph, they must submit it for approval to the Secretary of State.

(3) The Secretary of State may approve a draft code either without modification or with such modifications as the Secretary of State may determine.

(4) Once the Secretary of State has approved a draft code, the Secretary of State must lay a copy of the draft, whether—

- (a) in its original form, or
- (b) in a form which incorporates any modifications determined under sub-paragraph (3),

before each House of Parliament.

(5) If the draft incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of the reasons for making them.

(6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.

(7) If no such resolution is made within the 40-day period—

- (a) the Secretary of State must issue the code in the form of the draft laid before Parliament, and
- (b) the code is to come into force on such date as the Secretary of State may by order appoint,

and the Commission must arrange for it to be published in such manner as they think appropriate.

(8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.

(9) In this paragraph, “the 40-day period”, in relation to a draft code, means—

- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
- (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House.

(10) For the purposes of calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(11) In this paragraph references to a draft code include a revised draft code.



### Power to amend Parts 1 and 2

**16.—(1)** The Secretary of State may by order made by statutory instrument make such amendments of Part 1 or 2 of this Schedule as the Secretary of State considers appropriate.

(2) Any order under sub-paragraph (1) may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(3) The Secretary of State may make an order under sub-paragraph (1) either—

(a) where the order gives effect to a recommendation of the Commission, or

(b) after consultation with the Commission.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946<sup>M91</sup> (definition of “Statutory Instrument”), the power to make an order which is conferred by sub-paragraph (1) is to be taken to be conferred by an Act of Parliament.

#### Marginal Citations

**M91** 1946 9&10 Geo.6 (c.36).

## SCHEDULE 8

Article 52

### Election addresses of candidates

## PART 1

### Requirements as to election addresses and website

#### Interpretation

**1.** In this Schedule—

“election address”, in relation to a candidate at an ordinary PCC election, means a statement that is prepared on behalf of the candidate for inclusion on the website;

“the website” means the website of election addresses referred to in article 52(1).

#### Deadline for submission of election addresses to police area returning officer

**2.** As soon as reasonably practicable after the publication of notice of an ordinary PCC election, the police area returning officer must give public notice of the latest time for the submission of election addresses of candidates to the officer.

#### Content of election address to be determined by candidate

**3.** Subject to the requirements imposed by paragraphs 4, 5 and 6, the candidate may determine the content of the election address.

#### Preparation and submission of election address

**4.—(1)** A candidate's election address—

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- (a) must be prepared by the candidate's election agent using Form 29 set out in Part 2 of this Schedule, and
  - (b) must be submitted to the police area returning officer before the time specified by the officer under paragraph 2.
- (2) An election address must—
- (a) contain a statement to the effect that it has been prepared by the candidate's election agent, and
  - (b) give the name and address of the election agent.
- (3) The election address must be completed in English or Welsh.
- (4) The election address must be submitted in electronic form unless the police area returning officer is satisfied that there is good reason for it being submitted in hard copy form.
- (5) When submitting an election address under sub-paragraph (4), the candidate's election agent may also submit a translation into Welsh or English (as the case may be) which is a complete and accurate translation.

#### **Content of election address**

- 5.—(1) An election address must specify the candidate's name and must contain matter relating to the ordinary PCC election only.
- (2) In particular, an election address must not contain—
- (a) any advertising material (other than material promoting the candidate as a candidate at the PCC election), or
  - (b) any material referring to any other candidate for election at the ordinary PCC election, or
  - (c) any material appearing to the police area returning officer—
    - (i) to be included with a view to commercial gain, or
    - (ii) to be indecent, obscene or offensive, or
    - (iii) to be such that its publication or distribution would be likely to amount to the commission of an offence.
- (3) Any photograph showing the candidate which is included in an election address—
- (a) must show no other person, and
  - (b) must comply with sub-paragraph (2).
- (4) An election address may include a representation of the registered emblem, or (as the case may be) one of the registered emblems, of a registered political party, if the address is prepared on behalf of an authorised party candidate.
- (5) Where an election address is prepared on behalf of an authorised party candidate, the address may contain a description registered under section 28A of the 2000 Act or, if the description is registered for use by candidates of two or more parties, under section 28B of that Act.
- (6) For the purposes of sub-paragraphs (4) and (5)—
- “authorised party candidate”, in relation to a registered political party, means a candidate who has been authorised to use the emblem or description in question by a certificate which—
- (a) is issued by or on behalf of the registered nominating officer of the party where the description is registered under section 28A of the 2000 Act<sup>M92</sup>, or of each of the parties where the description is registered under section 28B of that Act, and
  - (b) is received by the police area returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1 of the PCC elections rules;

“registered political party” has the meaning given in rule 6(6)(a) of the PCC elections rules.

#### **Marginal Citations**

**M92** [Section 28A](#) and 28B were inserted by section 49(1) of the [Electoral Administration Act 2006 \(c.22\)](#).

#### **Formatting and length of election address**

- 6.—(1) An election address must—
- (a) in relation to any part of the form in Part 2 in which a maximum number of words is specified, not exceed the number of words there specified,
  - (b) comply with the requirements as to formatting which are specified in the form, and
  - (c) comply with such other requirements as the Secretary of State may specify with a view to facilitating its inclusion on the website.
- (2) An election address must also be capable of being produced in hard copy form.

#### **Duty of police area returning officer in relation to election address**

7.—(1) In this paragraph “relevant requirements” means the requirements imposed by paragraphs 4, 5 and 6.

(2) Where an election address is delivered to the police area returning officer on or before the time specified by the officer under paragraph 2, the officer must consider whether it complies with the relevant requirements.

(3) If the police area returning officer considers that it does not comply with one or more relevant requirements, the officer—

- (a) must return it to the candidate's election agent, specifying each respect in which the officer considers that it does not comply, and
- (b) may make any minor corrections which the officer reasonably considers necessary to secure that the election address does comply with those requirements.

(4) A candidate's election agent may re-submit an election address at any time before the time specified by the police area returning officer under paragraph 2.

(5) Once the police area returning officer is satisfied that an election address complies with the relevant requirements, the officer must send the address to the Secretary of State together with a statement that the officer is so satisfied.

(6) The police area returning officer must notify the candidate of the date on which the candidate's election address is sent to the Secretary of State and of any minor corrections which the officer has made.

#### **Deadline for submission of election addresses to Secretary of State**

8.—(1) No election address may be included on the website unless it is received by the Secretary of State before midnight on the 18th day before the day of the election.

(2) But the Secretary of State may include on the website an election address which is delivered on or after the time specified in sub-paragraph (1) if the Secretary of State is satisfied there is good reason for its late delivery.

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### Candidate's right to comment in advance on the election address in template form

9.—(1) As soon as reasonably practicable after the receipt of an election address submitted in accordance with paragraphs 7 and 8, the Secretary of State must provide the police area returning officer with a copy of the election address as it will appear on the website.

(2) The police area returning officer must forward each copy of the election address provided under sub-paragraph (1) to the election agent of the candidate whose election address it is, together with a notice which—

- (a) invites the election agent to check the content of the copy against the content submitted by the election agent, and
- (b) specifies the latest time for submission to the officer of any comments or corrections which the election agent may have.

(3) Where any comments on or corrections to an election address are received by the police area returning officer at or before the time specified under sub-paragraph (2)(b), the officer—

- (a) must make such changes to the copy of the address provided under sub-paragraph (1) as the officer considers to be consistent with the requirements imposed by paragraphs 4, 5 and 6, and
- (b) may make any typographical corrections which the officer considers necessary.

(4) As soon as reasonably practicable after the time specified under sub-paragraph (2)(b), the police area returning officer must return the copy of the election address to the Secretary of State with such changes (if any) as have been made to the address under this paragraph.

### Election addresses included in the website

10.—(1) This paragraph applies where—

- (a) a copy of the election address of a candidate for any police area is returned to the Secretary of State under paragraph 9(4), and
- (b) the candidate's name is shown in the statement of persons nominated for that area <sup>M93</sup>.

(2) The election address is to be included on the website.

(3) The step described in sub-paragraph (2) is to be taken as soon as reasonably practicable after the latest time set out in the Table in rule 1 of the PCC elections rules for the delivery of notices of withdrawals of candidature.

#### Marginal Citations

**M93** See rule 13 of the PCC elections rules in Schedule 3.

### Liability for election addresses

11. No person other than—

- (a) the candidate in respect of whom an election address is included on the website, and
- (b) the candidate's election agent,

is to incur any civil or criminal liability in respect of the publication of the content of that election address on the website or its distribution in accordance with paragraph 13.

## **The website**

**12.—**(1) The Secretary of State must take all reasonable steps to ensure that the website is generally accessible and properly protected.

(2) The website must be capable of being searched according to—

- (a) candidate name;
- (b) police area;
- (c) postcode;
- (d) such other criteria as the Secretary of State considers appropriate.

(3) Any list of the names of candidates for a police area which results from a search carried out on the website must appear in alphabetical order.

(4) Any list of the names of candidates for a police area which appears on the website must be accompanied by a statement prepared by the police area returning officer.

(5) The statement referred to in sub-paragraph (4) must specify—

- (a) the date of the PCC election,
- (b) the nature and purpose of the website,
- (c) all the candidates for the police area in the order in which are to appear on the ballot paper, and
- (d) any description of a candidate referred to in paragraph 5(5).

(6) The statement referred to in sub-paragraph (4) must also include—

- (a) the name and contact details of the police area returning officer,
- (b) the name and contact details of the website provider, and
- (c) any other information for voters which the Commission may supply to the Secretary of State which is appropriate for inclusion on the website.

(7) The information referred to in sub-paragraph (6)(c) may include information about the office of police and crime commissioner, the system of voting to be used at PCC elections and how to vote in a manner to ensure that the vote is validly given.

## **Request for printed version of election addresses**

**13.—**(1) The Secretary of State must, on a request made by any person, send to that person a printed version of the election addresses of candidates for any police area in which the person is entitled to vote as an elector.

(2) The police area returning officer must forward to the Secretary of State any request for a printed version which is received by the officer.

(3) As soon as reasonably practicable after receipt of a request made by any person, the Secretary of State must send to that person—

- (a) a printed copy of the election addresses of those candidates for the police area whose election addresses appear on the website,
- (b) a list of all the candidates who then remain validly nominated for that police area, and
- (c) a copy of the statement referred to in paragraph 12(4).

(4) The Secretary of State may arrange for the taking of steps to ensure that the election addresses of candidates for a police area are, so far as practicable, available—

- (a) on request in large print, braille and on audio tape;
- (b) in the offices of each local authority wholly or partly comprised in the police area;

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(c) in public libraries in the police area.

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## PART 2

Form in which election address to be submitted

Form 29

### Election address

Candidate Name:	
Police Area:	
Candidate Description (where appropriate):	
Registered Emblem: (where appropriate)	
Photograph: (if desired)	
Free text (maximum 300 words, unformatted except for bullet points (•) and bold where desired)	
Contact details (if desired):	

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## SCHEDULE 9

Article 74

Application to PCC elections of existing provisions about legal proceedings

### PART 1

#### Representation of the People Act 1983

1.—(1) The provisions of Part 3 of the 1983 Act listed in the first column of the table apply for the purposes of PCC elections.

(2) In their application by virtue of this paragraph, those provisions have effect—

- (a) with the modifications (if any) shown in the second column of the table, and
- (b) with any other necessary modifications, including in particular those set out in subparagraph (3).

(3) Except where the context otherwise requires—

- (a) a reference to a provision that is applied by this Schedule has effect as a reference to that provision as so applied;
- (b) expressions are to be construed in accordance with the definitions listed in article 2 of this Order.

(4) The provisions of the 1983 Act that apply for the purpose of PCC elections by virtue of this paragraph are in addition to the provisions of that Act that would apply for those purposes in any event.

(5) Articles 75 to 78 contain further provision as to the application of provisions in Part 3 of the 1983 Act.

<i>Provision</i>	<i>Modification</i>
Section 127 (method of questioning local election)	<p>In the title, for “<b>local election</b>” substitute “ <b>police and crime commissioner election</b> ”.</p> <p>For “An election under the local government Act” substitute “ An election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.</p>
Section 128 (presentation of petition questioning local election)	<p>In the title, for “<b>local election</b>” substitute “ <b>police and crime commissioner election</b> ”.</p> <p>In subsection (1), for “an election under the local government Act” substitute “ an election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.</p> <p>In subsection (2), for “any returning officer” substitute “ any police area returning officer or local returning officer ”.</p> <p>In subsection (3), omit paragraph (b).</p>



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For subsection (4) substitute—

“(4) In England and Wales the prescribed officer shall send a copy of the petition to the appropriate officer for the police area for which the election was held, who shall publish it in the police area.”

Section 129(1) to (8) (time for presentation or amendment of petition questioning local election)

In the title, for “**local election**” substitute “ **police and crime commissioner election** ”.

In subsection (1), for “an election under the local government Act” substitute “ an election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.

In subsection (5)(a), for “the appropriate officer” substitute “ the police area returning officer ”.

After subsection (5), insert—

“(5A) For the purposes of subsection (5)—

“the date of the allowance of an authorised excuse” has the meaning assigned to it by article 45(9) of the Police and Crime Commissioner Elections Order 2012;

“declaration as to election expenses” means a declaration made under article 41 of the Police and Crime Commissioner Elections Order 2012;

“return as to election expenses” means a return made under article 40 of the Police and Crime Commissioner Elections Order 2012”.

In subsection (6), omit the second paragraph.

In subsection (7), for paragraph (b) substitute—

“(b) to a corrupt practice under article 34 of the Police and Crime Commissioner Elections Order 2012 as if it were an illegal practice.”

Section 130 (election court for local election in England and Wales, and place of trial)

In the title, for “**local election in England and Wales**” substitute “ **police and crime commissioner election** ”.

In subsection (1), for “an election in England and Wales under the local government Act” substitute “ an election under Chapter

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6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.

In subsection (2) for “any local government area in which he resides” substitute “ any police area in which he resides ”

In subsection (3)(a), for “elections in England and Wales under the local government Act” substitute “ elections under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.

In subsection (6), for “the area of the authority for which the election was held” substitute “ the police area for which the election was held ”.

In subsection (7), for “the local government area” substitute “ the police area ”.

Section 131 (accommodation of and attendance on court) In subsection (1)—

(a) for “The proper officer of the authority for which the election was held” substitute “ The appropriate officer for the police area in which the election was held ”;

(b) for “shall be paid by that authority” substitute “ shall be paid by the Secretary of State out of money provided by Parliament ”.

Section 132 (remuneration and allowances) In subsection (2), for the words from “in the first instance” to the end substitute “ by the Secretary of State out of money provided by Parliament ”.

Section 133 (repayments under sections 131 and 132) In subsection (1)—

(a) for “the proper officer of the authority” (in both places) substitute “ the appropriate officer ”;

(b) for “or to the Treasury” substitute “ or to the Secretary of State ”.

Section 136 (security for costs) For subsection (2) substitute—

“(2) The security shall be such amount not exceeding £5,000 as the High Court, or a judge of the High Court, directs on an application made by the petitioner and shall be given in the prescribed manner by recognisance entered by any number of

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sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.”

#### Section 137 (petition at issue)

Section 138(1) to (4) (list of petitions) In subsection (1), omit the words from “and the petitions” to the end.

In subsection (3), omit “In the case of a petition questioning an election under the local government Act”.

In subsection (4) omit “or to elections under the local government Act held at the same time for more than one electoral area in the same local government area”.

Section 139(1) to (6) (trial of petition) In subsection (1), for the words from “not less than” to the end substitute “ not less than seven days before the day of trial ”.

For subsection (3) substitute—

“(3) The trial of an election petition shall be proceeded with notwithstanding that the respondent has ceased to hold the office of police and crime commissioner to which his election is questioned by the petition.”

For subsection (4) substitute—

“(4) On the trial of a petition, unless the court otherwise directs, any charge of a corrupt practice or illegal practice may be gone into, and evidence in relation to it received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt or illegal practice.”

For subsection (6) substitute—

“(6) If it appears that there is an equality of votes between any candidates at an election conducted under the PCC elections rules, and that the addition of a vote would entitle any of those candidates to be declared elected then—

(a) any decision under the provisions as to equality of votes in the PCC elections rules shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition, and

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(b) in so far as that question is not determined by such a decision, the court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.”

Section 140(1) to (6) In subsection (1), omit the words from “but this subsection” to (witnesses) the end.

Section 141 (duty to answer relevant questions) In subsection (1), omit paragraph (a)(ii).

In subsection (2), omit paragraph (b).

Section 143 (expenses of witnesses) In subsection (2), omit the second paragraph.

Section 145(1) and (2) to (6) In the title, for “**local election petition**” substitute “ **police and crime commissioner election petition** ”. (conclusion of trial of local election petition)

In subsection (1), for “an election under the local government Act” substitute “ an election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.

In subsection (3), for “in the area of the authority for which the election was held or in any electoral area of that authority’s area” substitute “ in the police area in which the election was held. ”

In subsection (6), for “the proper officer of the authority for which the election was held” substitute “ the appropriate officer for the police area in which the election was held ”.

Section 146(1), (3) and (4) In subsection (3)— (special case for determination of High Court) (a) omit the words from the beginning to “local government Act”;

(b) for “the proper officer of the authority for which the election was held” substitute “ the appropriate officer for the police area for which the election was held ”.

In subsection (4), omit the second paragraph.

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Section 147 (withdrawal of petition)  
of In subsection (1), omit the second paragraph.

In subsection (2), for “the constituency or local government area” substitute “ the police area ”.

Section 154(1) and (2) (costs of petition)

Section 155 (neglect or refusal to pay)  
For subsection (1) substitute—

“(1) Subsection (2) below applies if a petitioner neglects or refuses for three months after demand to pay to any person summoned as a witness on his behalf or to the respondent any sum certified to be due to that person or the respondent for his costs, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court.”

For subsection (2) substitute—

“(2) Where subsection (1) applies, every person who under this Act entered into a recognisance relating to that petition shall be held in default of the recognisance, and—

(a) the prescribed officer shall thereupon certify the recognisance to be forfeited, and

(b) it shall be dealt with as if forfeited by the Crown Court.”

Section 156 (further provision as to costs)

Section 157(1), (2), (3) and (6) (appeals and jurisdiction)  
In subsection (2)—

(a) for “Subject to the provisions of this Act and of the rules made under it,” substitute “ Subject to the provisions of this Part of this Act, the Police and Crime Commissioner Elections Order 2012 and the rules contained in that Order, ”;

(b) for “an election under the local government Act” substitute “ an election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.

In subsection (3), after “subject to the provisions of” insert “ this Part of ”.

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In subsection (6), “elections under the local government Act” substitute “elections under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011”.

Section 158 (report as to candidate guilty of corrupt or illegal practice) In subsection (1) omit “section 144 or”.

In subsection (2), for “at a parliamentary election” substitute “ at an election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.

In subsection (3), omit the second paragraph.

Section 159(1) and (4) (candidate reported guilty of corrupt or illegal practice) In subsection (4) after “this Act” insert “ or the Police and Crime Commissioner Elections Order 2012 ”.

Section 161 (justice of the peace)

Section 162 (member of legal and certain other professions)

Section 163 (holder of licence or certificate under the Licensing Acts)

Section 164 (avoidance for general corruption etc) In subsection (3), for “An election under the local government Act” substitute “ An election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.

After subsection (3) insert—

“(4) The reference to promoting or procuring a person's election includes doing so by prejudicing the electoral prospects of another candidate at the election.”

Section 166(2) and (3) (votes to be struck off for corrupt or illegal practices) In subsection (3), for the words from “an incapacity to vote” to the end substitute “ an incapacity to vote at an election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 votes at that election, his vote shall be void ”.

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Section 167(1), (1A) and (2) (application for relief) In subsection (1), for the words from “if in respect of” to the end substitute “ if in respect of a payment made in contravention of article 37(1) or (2) of the Police and Crime Commissioner Elections Order 2012, to a county court ”.

In subsection (2)—

(a) for “this Act” (in each place) substitute “ this Part of this Act or any provision of the Police and Crime Commissioner Elections Order 2012 ”;

(b) in paragraph (c), for “in the constituency or, as the case may be, the area of the authority” substitute “ in the police area ”.

Section 168 (prosecutions for corrupt practices) In subsection (1)(a), in sub-paragraph (i), for “corrupt practice under section 60 or 62A above” substitute “ corrupt practice under article 17 of, or paragraph 10 of Schedule 2 to, the Police and Crime Commissioner Elections Order 2012 ”.

Section 169 (prosecutions for illegal practices)

Section 170 (conviction of illegal practice on charge of corrupt practice etc)

Section 174 (mitigation and remission etc)

Section 175 (illegal payments or employments) In subsection (2), omit the words from “and if an offence” to the end.

Section 176 (time limit for prosecutions) In subsection (1)—

(a) for “this Act” substitute “ this Part of this Act or contained in the Police and Crime Commissioner Elections Order 2012 ”;

(b) omit “(or, in Northern Ireland, the Magistrates' Courts (Northern Ireland) Order 1981)”;

(c) omit “or Order”.

For subsection (2), substitute—

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“(2) For the purposes of this section, the laying of an information shall be deemed to be the commencement of a proceeding.”

In subsection (2C)—

(a) omit “or Crown Prosecutor”;

(b) for “rule 57 of the parliamentary elections rules” substitute “rule 68 of the PCC elections rules”.

In subsection (2D), for paragraph (a) substitute—

“(a) directing the registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in rule 68 of the PCC elections rules,”.

Section 177 (local election punishable summarily) In the title, for “**local election**” substitute “**police and crime commissioner election**”.

For subsection (1) substitute—

“(1) A prosecution for any offence punishable summarily in reference to an election under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011—

(a) may be instituted before any magistrates' court in the county in which the whole or part of the police area for which the election is held is situated or which it adjoins; and

(b) the offence shall be deemed for all purposes to have been committed within the jurisdiction of that court.”

Section 178 (prosecution of offences committed outside the United Kingdom) For “an offence under this Act” substitute “an offence under this Part of this Act or under the Police and Crime Commissioner Elections Order 2012”.

Section 179 (offences by associations) For paragraph (b) substitute—

“(b) any offence under article 64 of the Police and Crime Commissioner Elections Order 2012 (details to appear on election publications),”.

After “by this Act” insert “or by the Police and Crime Commissioner Elections Order 2012”.

Section 180 (evidence by certificate of holding of elections) In this section—



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- (a) omit “and” at the end of paragraph (a);
- (b) omit paragraph (b);
- (c) for “the certificate of the returning officer” substitute “ the certificate of the police area returning officer ”.

Section 180A (evidence by certificate of electoral registration)

Section 181(1) to (3A), (5) and (6) (Director of Public Prosecutions) In subsection (1), for “any offence under this Act” substitute “ any offence under this Part of this Act, or under the Police and Crime Commissioner Elections Order 2012, ”.

In subsection (5), for “the Treasury” substitute “ the Secretary of State ”.

In subsection (6), for “the Treasury” (in both places) substitute “ the Secretary of State ”.

Section 183(1) and (2) (costs) In subsection (1), for “under Part 2 or this Part of this Act” substitute “ under this Part of this Act or under Part 3 of the Police and Crime Commissioner Elections Order 2012, ”.

Section 184 (service of notices) In subsection (1)(a), for the words from “in the constituency” to the end substitute “ in the police area for which the election was held ”.

In section 185 (interpretation), the definition of “candidate”, “costs”, “Licensing Acts”, “money” and “pecuniary award”, “payment”, “prescribed”. In the definition of candidate, for the words from “has the same meaning” to the end substitute “ has the same meaning as in the Police and Crime Commissioner Elections Order 2012 ”.

In the definition of “Licensing Acts”, for the words from “means” to the end substitute “ means the Licensing Act 2003 <sup>M94</sup> and the Acts amending that Act, or the corresponding enactments forming part of the law of Scotland or Northern Ireland. ”

In the definition of “prescribed” for the words from “means” to the end substitute “ means prescribed by the Election Petition

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Rules 1960, as applied by paragraph 2 of Schedule 9 to the Police and Crime Commissioner Elections Order 2012 ”.

Section 186 (computation of time) In this section—

(a) for “Section 119 above” substitute “ Article 73 of the Police and Crime Commissioner Elections Order 2012 ”;

(b) for “as for Part 2 of this Act” substitute “ as for Part 3 that Order ”.

**Marginal Citations**

M94 2003 c.17.

**PART 2**

**Election Petition Rules 1960**

2.—(1) The Election Petition Rules 1960 <sup>M95</sup> apply for the purposes of PCC elections.

(2) In the application by virtue of this paragraph of any provision of those Rules which is listed in the first column of the table, that provision has effect—

- (a) with the modifications (if any) shown in the second column of the table, and
- (b) with any other necessary modifications, including in particular those set out in sub-paragraph (3).

(3) Except where the context otherwise requires—

- (a) a reference to a provision that is applied by this Schedule has effect as a reference to that provision as so applied;
- (b) expressions are to be construed in accordance with the definitions listed in article 2 of this Order.

<b>Provision</b>	<b>Modification</b>
Rule 2 (definitions)	<p>In paragraph (2)—</p> <ul style="list-style-type: none"> <li>(a) omit the definition of “local election petition”;</li> <li>(b) in the definition of “petition” for the words from “means” to the end substitute “ means a PCC election petition ”;</li> <li>(c) for the definition of “constituency” substitute “ “police area” means a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London) ”;</li> <li>(d) in the definition of “returning officer”, for the words from “means” to the end substitute “ means the police area returning officer for the police area to which the PCC election petition relates ”.</li> </ul>

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In paragraph (3), for “the prescribed officer in relation to elections under the local government Act” substitute “ the prescribed officer in relation to elections under Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ”.

In paragraph (4), for “Subject to the provisions of the Act and these Rules,” substitute “ Subject to the provisions of the Act, these Rules and the Police and Crime Commissioner Elections Order 2012, ”.

Rule 4 (form of petition) In paragraph (1)—  
(a) in sub-paragraph (a), omit “section 121(1) or”;  
(b) in sub-paragraph (b), omit the words from “showing” to the end;  
(c) in sub-paragraph (c), omit “subsection (2) or (3) of section 122 of”.

Rule 6 (notice to be given to respondent and DPP) In paragraph (1), omit “section 121(2) or”.

Rule 9 (display etc of notice of time and place of trial) In paragraph (3), omit the words from the beginning to “and in any other case”.

In paragraph (4), for “in his constituency” substitute “ in the police area for which the returning officer acts ”.

Rule 12 (application for leave to withdraw a petition) In paragraph (2)(b), for “in the constituency” substitute “ in the police area ”.

In paragraph (4), for “in his constituency” substitute “ in the police area for which the returning officer acts ”.

Rule 14 (petition abated in the event of a petitioner's death) In paragraph (1)—

(a) in sub-paragraph (b), for “in his constituency” substitute “ in the police area for which the returning officer acts ”;

(b) in sub-paragraph (c), for “in the constituency” substitute “ in the police area ”.

Rule 16 Omit rule 16

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Rule 19 (computation of time) In paragraph (1), for “section 119 of the Act” substitute “article 73 of the Police and Crime Commissioner Elections Order 2012”.

In paragraph (2), for “section 119(2) of the Act” substitute “article 73(1)(a) to (c) of the Police and Crime Commissioner Elections Order 2012”.

Schedule (form of election petition) In the preamble, for “And in the matter of a Parliamentary (or Local Government) Election for (*state place*)” substitute “ And in the matter of a police and crime commissioner election for (*state police area*) ”.

In paragraph 1, omit “(or in the case of a parliamentary election claims to have had a right to be elected or returned at the above election)”.

For paragraph 2, substitute—

“2 That the election was held on the ...day of ..., 20 ..., when E.F., G.H. and J.K. were candidates, and on the ...day of ...20 ..., and E.F. was declared to be duly elected as police and crime commissioner”.

In paragraph 4, omit “in section 122(2) or (3) or”

For the prayer, substitute—

“The Petitioner(s) therefore pray(s)—

(1) That it may be determined that the said E.F. was not duly elected and that the election was void (*or* that the said J.K. was duly elected and ought to have been returned) (*or as the case may be*).

(2) That the Petitioner(s) may have such further or other relief as may be just.”

**Marginal Citations**  
M95 [S.I. 1960/543](#).

## SCHEDULE 10

Article 82

Access to marked registers and other documents open to public inspection after an election

**Interpretation of this Schedule**

1.—(1) In this Schedule references to the “marked register or lists” means any part of the marked copies of—

- (a) the full register,
- (b) notices amending that register under sections 13A(2)<sup>F90</sup>, 13AB(2)], 13B(3), (3B) or (3D) or 13BB(4) or (5) of the 1983 Act<sup>M96</sup> (alteration of registers),
- (c) the postal voters list,
- (d) the list of proxies, and
- (e) the proxy postal voters list,

which were forwarded to the relevant registration officer under paragraph 59 of Schedule 2 (retention of postal ballot papers, etc) or rule 66 of the PCC elections rules (retention of documents).

(2) In this Schedule—

- (a) “full register” and “edited register” have the same meaning as in the 2001 Regulations;
- (b) “processor” means a person who provides a service which consists of putting information into data form and any reference to a processor includes a reference to the processor’s employees;
- (c) “relevant conditions” has the same meaning as in section 33(1) of the Data Protection Act 1998<sup>M97</sup>;
- (d) “research purposes” has the same meaning as in section 33(1) of the Data Protection Act 1998; and
- (e) any reference to an employee of any person who has access to a copy of the full register includes a reference to any person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(3) Subject to any direction given by the Secretary of State under article 6, any duty of a relevant registration officer to supply records or lists or make them available for inspection under this Schedule imposes only a duty to provide that information in the form in which the relevant registration officer holds it.

**Textual Amendments**

**F90** Words in [Sch. 10 para. 1\(1\)\(b\)](#) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **47(a)** (with art. 1(5))

**Marginal Citations**

**M96** Section 13A of the Representation of the People Act 1983 was substituted by paragraph 6 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000. Section 13B was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#) and section 74 of, and paragraph 3 of Schedule 10 to, the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#). Subsections (3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006. Section 13BB was inserted by section 23(1) of the [Political Parties and Elections Act 2009 \(c.12\)](#).

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**M97** 1998 c.29.

## Supply of marked registers and lists after an election

2.—(1) Any person who, in accordance with any of the provisions listed in sub-paragraph (2), is entitled to be supplied with copies of the full register at the time of a particular PCC election is also a person entitled to request that a relevant registration officer supply copies of the relevant part (within the meaning of the listed provisions) of the marked register or lists the relevant registration officer is required to keep.

(2) The listed provisions are—

- (a) paragraph 3 of Schedule 1 (supply of full register etc to police and crime commissioner and restrictions on use);
- (b) paragraph 5 of Schedule 1 (supply of full register etc to candidates and restrictions on use);
- (c) regulation 100 of the 2001 Regulations (supply of free copy of full register etc to Commission and restrictions on use);
- (d) regulation 105 of the 2001 Regulations (supply of full register etc to local constituency parties and restrictions on use);
- (e) regulation 106 of the 2001 Regulations (supply of full register etc to registered political parties and restrictions on use);
- (f) regulation 109 of the 2001 Regulations (supply of full register etc to police forces and other agencies and restrictions on use);
- (g) regulation 113 of the 2001 Regulations (sale of full register to government departments and other bodies).

(3) A person who was entitled to request copies of the marked register or lists under sub-paragraph (1) by being in a category of persons covered by sub-paragraph (2)(a), (b), (d) or (e) before a particular PCC election, is entitled to request those documents regardless of whether that person remains in an entitled category after the election for which the marked register or list was prepared.

(4) A request under sub-paragraph (1) must be made in writing and must—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) is requested,
- (b) state whether a printed copy is requested or a copy in data form, and
- (c) state the purposes for which the marked register or lists will be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve those purposes.

(5) The relevant registration officer must supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) the relevant registration officer is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested, and
- (b) the relevant registration officer has received payment of a fee calculated in accordance with paragraph 6.

(6) If the relevant registration officer is not satisfied in accordance with sub-paragraph (5)(a) the relevant registration officer must inform the requestor of the relevant registration officer's decision under this paragraph; and

- (a) where the request relates to the marked register, provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43 of the 2001 Regulations (publication of register);

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- (b) where the request relates to the marked lists, provide information concerning the availability of the unmarked lists in accordance with paragraphs 20 and 21 of Schedule 2 (absent voting lists: supply of copies and inspection).
- (7) A person who obtains a copy of any part of a marked register or list under this paragraph may use it only for the permitted purposes specified in paragraph 5(3), and such use is also subject to—
- (a) any conditions specified in paragraph 5, or
  - (b) where the request to the registration officer is made by reference to a provision specified in sub-paragraph (8), any conditions which would apply to the use of the full register under whichever of the listed provisions entitled that person to obtain that document.
- (8) The specified provisions are—
- (a) paragraph 3(3) of Schedule 1;
  - (b) paragraph 5(3) of Schedule 1;
  - (c) regulation 100(3) of the 2001 Regulations;
  - (d) regulation 105(4) of the 2001 Regulations;
  - (e) regulation 106(3) of the 2001 Regulations;
  - (f) regulation 109(3) of the 2001 Regulations;
  - (g) regulation 113 of the 2001 Regulations.
- (9) Where a person has been supplied with a marked register or list, or any information contained in it (that is not contained in the edited register), by a person to whom a provision specified in sub-paragraph (8) applies, the restrictions in that provision also apply to the person to whom the register, list or information was supplied, as they apply to that other person.
- (10) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this paragraph may—
- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information it contains, or
  - (b) procure that a processor processes and supplies to the person any copy of the information in the marked register or lists which the processor has obtained under this paragraph,
- for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).
- (11) A processor may not disclose the marked register or lists or the information contained in them except to the person who supplied it to the processor or any other person, or an employee of such a person, who is entitled to obtain a copy of the marked register or lists under this Schedule.

### **Inspection of documents open to public inspection**

**3.—(1)** Any person is entitled to request that the relevant registration officer make available for inspection a copy of any of the following documents (referred to in this Schedule as “the documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to a PCC election as the relevant registration officer is required by or under any enactment to retain for any period except—
  - (i) ballot papers;
  - (ii) completed corresponding number lists;
  - (iii) certificates as to employment on the day of the election;
  - <sup>[F91]</sup>(iv) the list required to be compiled under paragraph 55(4) of Schedule 2.]

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- (2) A request under sub-paragraph (1) must be made in writing and must specify—
- (a) which documents are requested,
  - (b) the purposes for which the information in any document will be used,
  - (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve those purposes,
  - (d) who will inspect the documents,
  - (e) the date on which they wish to inspect the documents, and
  - (f) whether they would prefer to inspect the documents in printed or data form.
- (3) Subject to sub-paragraph (5), the relevant registration officer must make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.
- (4) In computing the period referred to in sub-paragraph (3)—
- (a) a Saturday or Sunday,
  - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
  - (c) a day appointed for public thanksgiving or mourning,
- is to be disregarded.
- (5) Where a request has been made to inspect copies of the marked register or lists under sub-paragraph (2) and the relevant registration officer is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, the relevant registration officer must—
- (a) inform the requestor of the relevant registration officer's decision under this paragraph, and
  - (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43 of the 2001 Regulations.
- (6) A person who obtains a copy of or information in any document open to public inspection under this paragraph may use it only for the permitted purposes specified in paragraph 5, and such use is also subject to—
- (a) any conditions specified in paragraph 5,
  - (b) any conditions specified in sub-paragraph (8), and
  - (c) any conditions which would apply to the use of the full register under regulation 109 of the 2001 Regulations where such a person had obtained a copy of that document under sub-paragraph (9).
- (7) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the relevant registration officer must ensure that the manner in which, 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.
- (8) Subject to sub-paragraph (9), a person who inspects a copy of a document open to public inspection, 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,
- except that a person who inspects a copy of the marked register or lists may make hand-written notes.
- (9) The relevant registration officer must, on request, supply free of charge copies of any documents open to public inspection—



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- (a) to the Security Service, the Government Communications Headquarters, or the Secret Intelligence Service;
- (b) to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 109 of the 2001 Regulations applies.

#### Textual Amendments

**F91** Sch. 10 para. 3(1)(b)(iv) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), 48 (with art. 1(5))

#### Restrictions on use, supply and disclosure of documents by registration officer and staff

- 4.—(1) This paragraph applies to—
- (a) the relevant registration officer,
  - (b) any deputy registration officer, and
  - (c) any person appointed to assist a relevant registration officer or who in the course of that person's employment is assigned to assist the relevant registration officer.
- (2) A person to whom this paragraph applies must not—
- (a) supply to any person a copy of the documents open to public inspection,
  - (b) disclose information contained in those documents (and not contained in the edited register), or
  - (c) make use of any such information,

otherwise than in accordance with an enactment, including this Order.

(3) Nothing in sub-paragraph (2) applies to the supply or disclosure by a person (“P”) to whom this paragraph applies to another such person in connection with P's registration duties or for the purposes of an election or referendum.

#### Other restrictions on use of documents or information contained in them

5.—(1) This paragraph applies to any person who has obtained access to a copy of the documents open to public inspection or information contained in them by any means.

- (2) No person to whom this paragraph applies may—
- (a) supply a copy of the documents open to public inspection or any part of those documents,
  - (b) disclose any information contained in those documents (that is not contained in the edited register), or
  - (c) make use of any such information,

other than for a permitted purpose specified sub-paragraph (3) or (4).

(3) Where a person obtains copies of the information in the marked register or lists in accordance with paragraph 2(1) or inspects information in accordance with paragraph 3(1), the permitted purposes are—

- (a) research purposes, or
- (b) electoral purposes.

(4) Where a copy of any information was supplied in the circumstances to which paragraph 3(9) applies, the permitted purposes are—

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- (a) the prevention and detection of crime and the enforcement of the criminal law (whether in England and Wales or elsewhere), or
- (b) the vetting of a relevant person (within the meaning of regulation 109(5) of the 2001 Regulations) for the purpose of safeguarding national security.

#### **Calculating the fee for supply of marked registers or lists**

6.—(1) The fee to be paid in accordance with paragraph 2(5)(b) by a person making a request for a copy of the whole or of any part of the marked register or lists is set out in sub-paragraph (2).

(2) The fee shall be the sum of £10, plus for a copy—

- (a) in printed form, £2 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request, and
- (b) in data form, £1 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request.

(3) For the purposes of this paragraph, a request for a copy of the whole or the same part of the marked register or lists in both a printed and data form may be treated as two separate requests.

#### **Failure to comply with conditions relating to supply etc of certain documents**

7.—(1) A person is guilty of an offence—

- (a) if the person fails to comply with any of the provisions specified in sub-paragraph (2), or
- (b) if the person is an appropriate supervisor of a person (“P”) who fails to comply with such a provision and the supervisor failed to take appropriate steps.

(2) The specified provisions are paragraphs 2(7), (9) and (11), 3(6) and (8), 4(2) and 5(2).

(3) P is not guilty of an offence under sub-paragraph (1) if—

- (a) P had an appropriate supervisor, and
- (b) P has complied with all the requirements imposed on P by P's appropriate supervisor.

(4) A person who is not P or an appropriate supervisor is not guilty of an offence under sub-paragraph (1) if the person takes all reasonable steps to ensure that he or she complies with the provisions specified in sub-paragraph (2).

(5) In sub-paragraphs (1)(b), (3) and (4)—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
- (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions specified in sub-paragraph (2).

(6) A person guilty of an offence as mentioned in sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision as to the conduct of elections for a police and crime commissioner (“PCC elections”) for police areas in England and Wales. Chapter 1 of Part 1 of the Police Reform and Social Responsibility Act 2011 (c.13) provides that each police area in England and Wales, apart from the Metropolitan police district, is to have a police and crime commissioner who is to discharge the functions conferred on the commissioner by that Part of the Act. The commissioner is to be elected in accordance with Chapter 6 of that Part of the Act. The Electoral Commission has been consulted on the draft of this Order, as required by section 7(2)(hc) of the Political Parties, Elections and Referendums Act 2000 (c.41).

Part 1 of the Order (articles 1 to 3) is general and contains definitions.

Part 2 of the Order (articles 4 to 23) makes provision about the franchise for PCC elections and the exercise of that franchise. This includes provision for polling districts and polling places at PCC elections to be aligned with those used for Parliamentary elections.

Part 3 of the Order (articles 24 to 73) deals with election campaigns. Existing provisions are amended to extend to PCC elections the requirements for registration of political parties and the controls on campaign expenditure for election purposes by such parties. Also included in Part 3 are controls on donations to individual candidates and pre-candidacy expenses and provisions about election addresses by candidates.

Part 4 of the Order (articles 74 to 78), together with Schedule 9, makes provision for legal proceedings.

Part 5 of the Order (articles 79 to 89) makes miscellaneous and supplementary provision and includes provision as to what steps are to be taken in the event that a PCC election fails or is declared void.

Schedule 1 makes provision about the free supply of the register to police area returning officers and local returning officers for electoral purposes. It also provides for free supply of the register to elected police and crime commissioners and to candidates for election as a police and crime commissioner. Restrictions are imposed on the use of the information that is supplied.

Schedule 2 contains provision about absent voting, including related forms. Part 2 of the Schedule makes provision about the issue and receipt of ballot papers and Part 3 provides for access to and supply of absent voting records and lists.

Schedule 3 contains the PCC elections rules, including related forms. Elections for police and crime commissioners must be conducted in accordance with these rules.

Schedule 4 (together with article 13) makes provision for the combination of polls. Parts 1 and 2 of Schedule 4 deal with the combination of the poll at a PCC election with the poll at another election or referendum. Combination may extend to a parliamentary election, a European Parliamentary election, a local government election in England and Wales, an election for the return of an elected mayor in England or an elected mayor in Wales, a referendum in England or Wales about local authority governance or a referendum in England about council tax increases.

Part 3 of Schedule 4 contains modifications of the PCC elections rules as they are to apply to combined polls, including certain forms for use in that event.

Schedule 5 sets out the controls that are to apply to donations made to individual candidates.

Schedule 6 contains the forms for making the returns and declarations as to candidate expenses which are required by articles 34 and 41.

Schedule 7 defines what is meant by references to “election expenses” when used in the provisions in Part 3 of the Order which impose restrictions on the election expenses that can be incurred by or on behalf of individual candidates.

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Schedule 8 (together with article 52) provides for election addresses submitted by a candidate's election agent to be included on a website maintained by or on behalf of the Secretary of State. Schedule 8 specifies requirements that apply to an election address and the procedure for submitting it.

Schedule 9 applies with modifications certain provisions in Part 3 of the Representation of the People Act 1983 concerning legal proceedings, for the purposes of PCC elections. This includes provision for bringing an election petition to challenge the result at a PCC election. It also applies provisions of the Election Petition Rules 1960 for those purposes.

Schedule 10 makes new provision about access to marked copies of the register and other documents which are retained by registration officers after a PCC election.

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