

SCHEDULES

SCHEDULE 2

Absent voting in PCC elections

PART 2

Applications for absent vote

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.

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.

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(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.

[^{F1}(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) [^{F2}or (2C)]^{F3}... 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) [^{F4}purposes mentioned in Article 89(1) of the [^{F5}UK GDPR] (archiving in the public interest, scientific or historical research and statistics);] 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.

[^{F6}(11) In this paragraph, “the UK GDPR” has the meaning given in section 3(10) of the Data Protection Act 2018.]

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Textual Amendments

- F1** 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))
- F2** Words in Sch. 2 para. 20(6) inserted (31.10.2023) by [The Representation of the People \(Postal and Proxy Voting etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1147\)](#), regs. 1(2), **17(5)(k)**
- F3** 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))
- F4** Sch. 2 para. 20(8)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 368(2)(a)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F5** Words in Sch. 2 para. 20(8)(a) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 93(2)(a)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Sch. 2 para. 20(11) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 93(2)(b)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

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.

(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 [^{F7}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.

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Textual Amendments

- F7** Words in [Sch. 2 para. 21\(6\)](#) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), [Sch. 2 para. 30\(3\)\(f\)](#) (with art. 12)

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—

- [^{F8}(a) purposes mentioned in Article 89(1) of the [^{F9}UK GDPR] (archiving in the public interest, scientific or historical research and statistics),] or
- (b) electoral purposes.

[^{F10}(4) In this paragraph, “the UK GDPR” has the meaning given in section 3(10) of the Data Protection Act 2018.]

Textual Amendments

- F8** Sch. 2 para. 24(3)(a) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 368(3)(a)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F9** Words in Sch. 2 para. 24(3)(a) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 93(3)(a)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Sch. 2 para. 24(4) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 93(3)(b)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

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).

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(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 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 ^{F11}paragraph 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 ^{M1}, but only to the extent required to permit them to observe the proceedings.

Textual Amendments

F11 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

M1 [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.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 para. 4 applied by [S.I. 2023/1150 reg. 23](#)
- Sch. A1 inserted by [S.I. 2023/1150 Sch. 1](#)
- Sch. 2 para. 3(10) amendment to earlier affecting provision S.I. 2023/1147, reg. 17(5)(a)(iii) by [S.I. 2023/1406 reg. 19\(2\)\(a\)\(ii\)](#)
- Sch. 2 para. 3(10) inserted by [S.I. 2023/1147 reg. 17\(5\)\(a\)\(iii\)](#)
- Sch. 2 para. 4(6) inserted by [S.I. 2023/1147 reg. 17\(5\)\(b\)\(iii\)](#)
- Sch. 2 para. 9A inserted by [S.I. 2023/1225 reg. 8\(6\)\(a\)](#)
- Sch. 2 para. 29(1A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(b\)\(ii\)](#)
- Sch. 2 para. 43(3A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(ii\)](#)
- Sch. 2 para. 43A-43D inserted by [S.I. 2023/1225 reg. 8\(6\)\(e\)](#)
- Sch. 2 para. 46A-46E inserted by [S.I. 2023/1225 reg. 8\(6\)\(g\)](#)
- Sch. 2 para. 55(6)-(9) inserted by [S.I. 2023/1225 reg. 8\(6\)\(h\)\(ii\)](#)
- Sch. 2 para. 57(1)(g) and word inserted by [S.I. 2023/1225 reg. 8\(6\)\(i\)\(ii\)](#)
- Sch. 2 para. 59A(1)(a)(ii)(iii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(bb\)](#)
- Sch. 2 para. 59A(1)(c)(ii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(bb\)](#)
- Sch. 2 para. 16C(7)(ca) inserted by [S.I. 2024/43 reg. 24\(2\)](#)
- Sch. 2 para. 7(14) inserted by [S.I. 2023/1147, reg. 17\(5\)\(ca\)\(iii\) \(as inserted\) by S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- Sch. 2 para. 16C(6) omitted by [S.I. 2023/1406 reg. 12\(b\)](#)
- Sch. 2 para. 16C(5) substituted by [S.I. 2023/1406 reg. 12\(a\)](#)
- Sch. 2 para. 6(5)-(7) substituted for Sch. 2 para. 6(5) by [S.I. 2023/1147 reg. 17\(5\)\(c\)](#)
- Sch. 2 para. 16C(7) word substituted by [S.I. 2023/1406 reg. 12\(c\)\(i\)](#)
- Sch. 2 para. 59A(1)(a)(i) words in Sch. 2 para. 59A(1)(a) renumbered as Sch. 2 para. 59A(1)(a)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(aa\)](#)
- Sch. 2 para. 59A(1)(c)(i) words in Sch. 2 para. 59A(1)(c) renumbered as Sch. 2 para. 59A(1)(c)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(aa\)](#)
- Sch. 2 para. 16C(7)(b) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(c) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(d) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(iii\)](#)
- Sch. 3 rule 34(1)(ba) inserted by [S.I. 2023/1225 reg. 8\(7\)\(b\)](#)
- Sch. 3 rule 49(2)(e) and word inserted by [S.I. 2023/1225 reg. 8\(7\)\(c\)\(ii\)](#)
- Sch. 3 rule 70 Form 11 substituted by [S.I. 2023/1147 Sch. 8 Pt. 2](#)
- Sch. 3 rule 70 Form 13 substituted by [S.I. 2023/1147 Sch. 8 Pt. 2](#)
- Sch. 3 rule 70 Form 12 substituted by [S.I. 2023/1225 Sch. 6 Pt. 2](#)
- Sch. 3 rule 70 Form 14 substituted by [S.I. 2023/1225 Sch. 6 Pt. 2](#)
- Sch. 3 rule 49(2)(c) word omitted by [S.I. 2023/1225 reg. 8\(7\)\(c\)\(i\)](#)
- Sch. 3 rule 37(1)(b) words inserted by [S.I. 2023/1147 reg. 17\(7\)\(a\)](#)
- Sch. 3 rule 37 table words omitted by [S.I. 2023/1147 reg. 17\(7\)\(b\)\(ii\)](#)
- Sch. 3 rule 37 table words substituted by [S.I. 2023/1147 reg. 17\(7\)\(b\)\(i\)](#)
- Sch. 3 rule 32(1)(a) words substituted by [S.I. 2023/1225 reg. 8\(7\)\(a\)\(i\)](#)
- Sch. 3 rule 32(1)(b) words substituted by [S.I. 2023/1225 reg. 8\(7\)\(a\)\(ii\)](#)
- Sch. 4 para. 27(1)(a) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(a\)\(i\)](#)
- Sch. 4 para. 27(1)(b) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(a\)\(ii\)](#)
- Sch. 4 para. 27(2) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(b\)](#)
- Sch. 7 para. 14A inserted by [S.I. 2024/428 reg. 4\(3\)](#)
- Sch. 10 para. 3(1)(b)(v) inserted by [S.I. 2023/1225 reg. 8\(10\)\(b\)](#)
- art. 3A inserted by [S.I. 2023/1150 reg. 36\(3\)](#)

- art. 13(1)(ea) art. 13(1)(ee) renumbered as art. 13(1)(ea) by [S.I. 2024/131 reg. 22\(2\)\(a\)](#)
- art. 13(1)(ea) words inserted by [S.I. 2024/131 reg. 22\(2\)\(b\)](#)
- art. 18A inserted by [S.I. 2023/1141 reg. 4\(2\)](#)
- art. 22(5A)-(5F) inserted by [S.I. 2023/1225 reg. 8\(3\)](#)