

F1 SCHEDULE 5

The Local Government Act Referendums (Combination of Polls) Rules

Textual Amendments

- F1** Sch. 5 Pt. 8 Forms substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(17)** (with reg. 1(6)(7))

PART 3

General Provisions

Notice of referendum

- 5.**—(1) The counting officer must publish notice of the referendum stating the date of the poll.
- (2) The notice of referendum 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 referendum.

Poll to be taken by ballot

- 6.** A poll must be taken at the referendum and the votes at the poll must be given by ballot.

The ballot papers

- 7.**—(1) The ballot of every person entitled to a vote at the referendum must consist of a ballot paper.
- (2) Every ballot paper to be used in the referendum must be in the appropriate form in the Appendix (depending on the question to be asked in the referendum).
- (3) Every ballot paper must—
- (a) be capable of being folded up;
 - (b) have a number and other unique identifying mark printed on the back; and
 - (c) be a different colour from the ballot papers used at any other relevant election or referendum.

The corresponding number list

- 8.**—(1) Subject to paragraph (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 to be issued by that person in pursuance of rule 13(1) or provided by him or her in pursuance of rule 17(1).
- (2) Where proceedings on the issue and receipt of postal ballot papers in the referendum are not taken together with such proceedings at one or more relevant elections and referendums, the counting officer must prepare the list mentioned in paragraph (1) in respect of all of the ballot papers to be issued by him or her in pursuance of rule 13(1).
- (3) The list must be in the form M1 in the Appendix or a form to like effect.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Local Authorities (Conduct of Referendums)(England) Regulations 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) View outstanding changes

The official mark

- 9.**—(1) Every ballot paper must contain an appropriate security marking (the official mark).
- (2) The official mark must be kept secret.
- (3) The counting officer may use a different official mark for different purposes at the same referendum.

Prohibition of disclosure of vote

10. No person who has voted at the referendum shall, in any legal proceeding to question the referendum, be required to state for which answer he or she has voted.

Use of schools and public rooms

- 11.**—(1) The counting 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 a local authority (as defined in the Education Act 1996) or 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;
- (b) a room the expense of maintaining which is payable out of any rate.
- (2) That officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.
- (3) In paragraph (1) “relevant purposes” means—
- (a) in the case of the counting officer, the counting of the 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 38(1).

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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. 3 rule 21(1)(ba) inserted by [S.I. 2023/1225 reg. 6\(2\)\(a\)](#)
- Sch. 3 rule 36(3)(e) and word inserted by [S.I. 2023/1225 reg. 6\(2\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 11\(2\)\(3\)](#)
- Sch. 3 rule 36(3)(c) word omitted by [S.I. 2023/1225 reg. 6\(2\)\(b\)\(i\)](#)
- Sch. 3 rule 24(1)(b) words inserted by [S.I. 2023/1147 reg. 15\(3\)\(a\)](#)
- Sch. 3 rule 24 table words omitted by [S.I. 2023/1147 reg. 15\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 table words substituted by [S.I. 2023/1147 reg. 15\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 24(2) words substituted by [S.I. 2023/1147 reg. 15\(3\)\(c\)](#)
- Sch. 5 rule 23(1)(ba) inserted by [S.I. 2023/1225 reg. 6\(4\)\(b\)](#)
- Sch. 5 rule 38(5)(e) and word inserted by [S.I. 2023/1225 reg. 6\(4\)\(c\)\(ii\)](#)
- Sch. 5 rule 26 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 11\(2\)\(3\)](#)
- Sch. 5 rule 38(5)(c) word omitted by [S.I. 2023/1225 reg. 6\(4\)\(c\)\(i\)](#)
- Sch. 5 rule 26(1)(b) words inserted by [S.I. 2023/1147 reg. 15\(7\)\(a\)](#)
- Sch. 5 rule 26 table words omitted by [S.I. 2023/1147 reg. 15\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 26 table words substituted by [S.I. 2023/1147 reg. 15\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 26(2) words substituted by [S.I. 2023/1147 reg. 15\(7\)\(c\)](#)
- Sch. 5 rule 17(10) words substituted by [S.I. 2023/1225 reg. 6\(4\)\(a\)](#)