

^{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 5

The Poll

Admission to the polling station

23.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters and proxies;
- (b) persons under the age of 18 who accompany voters and proxies to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 ^{F1};
- (f) the constables on duty;
- (g) the companions of voters and proxies with disabilities;
- (h) the elected mayor, if any, of the council in respect of which the referendum is held;
- (i) any petition organiser; and
- (j) persons entitled to be admitted to the polling station at a relevant election or referendum with which the poll at the referendum is combined.

(2) The presiding officer must regulate the total number of voters and proxies and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by any returning or counting officer at any relevant election or referendum must not be admitted to vote in person elsewhere than at his or her own polling station allotted to him or her under these Rules, except on production and surrender of a certificate as to his or her employment which must be in the form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning or counting officer by whom the person is employed, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

[^{F2}(5) 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

- F1** Sections 6A to 6F of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#).

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

F2 Sch. 5 rule 23(5) inserted (6.4.2014) by The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014 (S.I. 2014/924), regs. 1(3), 16 (with reg. 1(4))

Keeping of order in station

24.—(1) It is the presiding officer's duty to keep order at his or her polling station.

(2) If a person misconducts himself or herself in a polling station, or fails to obey the presiding officer's lawful orders, that 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 relevant returning or counting officer to remove him or her,

and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any 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.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter or proxy who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

25. Immediately before the commencement of the poll, the presiding officer must show the ballot box is empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place his or her seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in his or her view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters and proxies

26.—(1) At the time of the application for a ballot paper (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 a petition organiser or a polling observer requires the question to be put:

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a voter	[^{F3} (za) What is your name?] [^{F3} (zb) What is your address?] (a)—Are you the person registered in the register of local government electors for this voting area as follows? <i>(read the whole entry from the register)</i> [R] (b)—Have you already voted here or elsewhere at this referendum, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	[^{F3} (za) What is your name?]

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- [^{F3}(zb) What is your name?]
- (a)—Are you the person whose name appears as AB in the list of proxies for this voting area as entitled to vote as proxy on behalf of CD? [R]
- (b)—Have you already voted here or elsewhere at this referendum as proxy on behalf of CD? [R]
- (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD? [R]
- 3 A person applying as proxy for a voter with an anonymous entry (instead of the questions at entry 2) [^{F3}(za) What is your name?]
[^{F3}(zb) What is your address?]
- (a)—Are you the person entitled to vote as proxy on behalf of the voter whose number on the register of electors is (*read out the number*)? [R]
- (b)—Have you already voted here or elsewhere as proxy on behalf of the voter whose number on the register of electors is (*read out the number*)? [R]
- (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (*read out the number*)? [R]
- 4 A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative Have you already voted at this referendum 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 a voter in relation to whom there is an entry in the postal voters list [^{F3}(za) What is your name?]
[^{F3}(zb) What is your address?]
- (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 [^{F3}(za) What is your name?]
[^{F3}(zb) What is your address?]
- (a)—Did you apply to vote by post as proxy?
- (b)—Why have you not voted by post as proxy?

(2) 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 the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register shall be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

[^{F4}(2A) Where a clerk—

- (a) gives a person the required information (see paragraph (5)),

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(b) puts a question specified in paragraph (1) to the person, and
 (c) decides that the person has failed to answer the question satisfactorily,
 the clerk must refer the matter to the presiding officer, who must put the question to the person again.]

[^{F5}(3) Where the presiding officer—

- (a) gives the person the required information,
- (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (2A)), and
- (c) decides that the person has failed to answer the question satisfactorily,

the officer must refuse to deliver a ballot paper to the person (and see rule 32A for the procedure where a ballot paper is refused under this paragraph).

(3A) For the purposes of this rule, a person answers the question “What is your name?” or “What is your address?” satisfactorily if—

- (a) where one of those questions is put, the answer matches a name or address (as the case may be) in the register of electors;
- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.

(3B) 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 to the register in paragraph (3A) are to be read as references to the notice issued under section 13B(3B) or (3D).]

(4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote [^{F6}(and for the purposes of this paragraph, an inquiry relating to the production of identification by a person is not to be regarded as an inquiry as to the right of the person to vote)].

[^{F7}(5) For the purposes of this rule, a person to whom any question is to be put is given “the required information” if the person is first informed that—

- (a) a ballot paper will be refused if the person fails to answer each question satisfactorily, and
- (b) giving false information may be an offence.]

Textual Amendments

- F3** Words in Sch. 5 rule 26 Table inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(7)(a)** (with reg. 1(6)(7))
- F4** Sch. 5 rule 26(2A) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(7)(b)** (with reg. 1(6)(7))
- F5** Sch. 5 rule 26(3)-(3B) substituted for Sch. 5 rule 26(3) (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(7)(c)** (with reg. 1(6)(7))
- F6** Words in Sch. 5 rule 26(4) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(7)(d)** (with reg. 1(6)(7))
- F7** Sch. 5 rule 26(5) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(7)(e)** (with reg. 1(6)(7))

Challenge of voter or proxy

27. A person must not be prevented from voting by reason only that—

- (a) any petition organiser or polling observer permitted to be present in accordance with rule 23(1) declares that he or she has reasonable cause to believe that the person has committed an offence of personation; or

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- (b) the person is arrested on the grounds that he or she is suspected of committing or of being about to commit such an offence.

Voting procedure

28.—(1) [^{F8}Subject to rule 26(3) and to paragraphs (1A) to (1M), a] ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- ^{F9}(a)
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 17(4)(d) beside the number of the ballot paper to be issued to him or her;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter 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 his or her name in the list of proxies.

[^{F10}(1A) A ballot paper must not be delivered to a voter or proxy unless the voter or proxy produces a specified document to the presiding officer or a clerk.

(1B) The presiding officer or clerk must arrange for the voter or proxy to produce any document in a private area of the polling station if the voter or proxy so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter or proxy.

(1C) Paragraph (1D) applies in relation to a voter or proxy where—

- (a) the voter or proxy produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to a clerk that the clerk reasonably suspects to be a forged document.

(1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter or proxy had produced the document to the presiding officer in the first place.

(1E) The presiding officer must refuse to deliver a ballot paper to a voter or proxy where—

- (a) the voter or proxy produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to the officer that the officer reasonably suspects to be a forged document.

(1F) Paragraph (1E)(a) does not apply where—

- (a) a discrepancy between the name of the holder of a specified document and the name of the voter or proxy that the voter or proxy claims to be is resolved to the presiding officer's satisfaction at the time of the application by the voter or proxy producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter or proxy) to doubt that the voter or proxy is the voter or proxy that the voter or proxy claims to be.

(1G) The refusal to deliver a ballot paper to a voter or proxy under paragraph (1E) does not prevent the voter or proxy making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

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(1H) In this rule, a “forged document” means a false document made to resemble a specified document.

(1I) In this rule, a “specified document”—

- (a) except in the case of a voter or proxy who has an anonymous entry in the register of electors, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter or proxy who has an anonymous entry in the register of electors, means an anonymous elector’s document which—
 - (i) was issued by the registration officer for the local authority in whose area the referendum is held, and
 - (ii) contains the number—
 - (aa) allocated to the voter or proxy as stated in the copy of the register of electors, or
 - (bb) where an entry relating to the voter or proxy is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the referendum is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s or proxy’s identity, except as permitted by the voter or proxy.

(1M) References in this rule to producing a document are to producing it for inspection.]

(2) In the case of a voter who has an anonymous entry, that person must show the presiding officer his or her official poll card ^{F11}....

(3) In the case of a voter or proxy who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act ^{F12}, paragraph (1) is modified as follows—

- ^{F13}(a)
- (b) in sub-paragraph (b), for “in the register” substitute “ on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
- (c) in sub-paragraph (c), for “in the copy of the register of electors” substitute “ on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”.

(4) The voter or proxy, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his or her paper and fold it up so as to conceal his or her vote, and must 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.

(5) The voter or proxy must vote without undue delay, and must leave the polling station as soon as he or she has put his or her ballot paper into the ballot box.

[^{F14}(5A) A voter or proxy 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 or proxy accordingly.]

(6) The same copy of the register of electors which is used under paragraph (1) for the referendum or, where paragraph (3) 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—

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- (a) one mark may be placed in that copy of the register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each 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 election or referendum in respect of which a ballot paper was issued.

Textual Amendments

- F8** Words in Sch. 5 rule 28(1) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(a)(i)** (with reg. 1(6)(7))
- F9** Sch. 5 rule 28(1)(a) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(a)(ii)** (with reg. 1(6)(7))
- F10** Sch. 5 rule 28(1A)-(1M) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(b)** (with reg. 1(6)(7))
- F11** Words in Sch. 5 rule 28(2) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(c)** (with reg. 1(6)(7))
- F12** Section 13B of the 1983 Act 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 \(c.22\)](#). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the [Electoral Administration Act 2006 \(c.22\)](#).
- F13** Sch. 5 rule 28(3)(a) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(d)** (with reg. 1(6)(7))
- F14** Sch. 5 rule 28(5A) inserted (6.4.2014) by [The Local Authorities \(Conduct of Referendums\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/924\)](#), regs. 1(3), **17** (with reg. 1(4))

Votes marked by presiding officer

29.—(1) The presiding officer, on the application of a voter or proxy—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
- (b) who declares orally that he or she is unable to read,

must, in the presence of the polling observers (if any), cause that person's vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”).

(3) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy's name shall be the number in the register of the voter.

(4) 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, paragraph (2) applies as if for “on the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(5) The same list may be used for the referendum and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

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Voting by persons with disabilities

30.—(1) If a voter or proxy makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom he or she is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter or proxy to declare, orally or in writing, whether 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 without assistance.

(2) [^{F15}Subject to paragraph (2A), if] the presiding officer—

- (a) is satisfied that the voter or proxy is so incapacitated; and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter or proxy with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one voter or proxy with disabilities to vote at the referendum,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that voter or proxy in connection with the giving of his or her vote may be done to, or with the assistance of, the companion.

[^{F16}(2A) Paragraphs (1A) to (1M) of rule 28 apply in the case of a voter or proxy who applies under paragraph (a) as they apply in the case of a voter or proxy who applies under rule 28(1), but as if—

- (a) references to delivering a ballot paper to a voter or proxy were to granting a voter’s or proxy’s application, and
- (b) in rule 28(1G), the reference to paragraph (1) of rule 28 were to paragraph (1) of this rule.]

(3) For the purposes of these Rules, a person is a voter or proxy with disabilities if he or she has made such a declaration as is mentioned in paragraph (1), and a person [^{F17}is qualified to assist a voter or proxy with disabilities to vote if that person is aged 18 or over.]

(4) The name and number in the register of electors of every person whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters and proxies with disabilities assisted by companions”).

In the case of a person voting as proxy for a voter, the number to be entered together with the proxy’s name shall be the number in the register of the voter.

(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, paragraph (4) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The same list may be used for the referendum and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

(7) The declaration made by the companion of a voter or proxy with disabilities—

- (a) must be in the form in the Appendix;

- (b) must be made before the presiding officer at the time when the voter or proxy applies to vote with the assistance of a companion; and
 - (c) must forthwith be given to the presiding officer who must attest and retain it.
- (8) No fee or other payment shall be charged in respect of the declaration.

Textual Amendments

- F15** Words in Sch. 5 rule 30(2) substituted (16.1.2023) by The Voter Identification Regulations 2022 (S.I. 2022/1382), regs. 1(3), **50(10)(a)** (with reg. 1(6)(7))
- F16** Sch. 5 rule 30(2A) inserted (16.1.2023) by The Voter Identification Regulations 2022 (S.I. 2022/1382), regs. 1(3), **50(10)(b)** (with reg. 1(6)(7))
- F17** Words in Sch. 5 rule 30(3) substituted (29.12.2022) by The Assistance with Voting for Persons with Disabilities (Amendments) Regulations 2022 (S.I. 2022/1309), regs. 1(3), **8(3)(b)** (with reg. 1(4))

Tendered ballot papers: circumstances where available

- 31.**—(1) If a person, representing himself or herself to be—
- (a) a particular voter named on the register and not named in the absent voters list; or
 - (b) a particular person named in the list of proxies as proxy for a voter and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the voter or his or her proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 32, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

- (2) Paragraph (4) applies if—
- (a) a person applies for a ballot paper representing himself or herself to be a particular voter named on the register;
 - (b) he or she is also named in the postal voters list; and
 - (c) he or she claims that he or she did not make an application to vote by post.

- (3) Paragraph (4) also applies if—
- (a) a person applies for a ballot paper representing himself or herself to be a particular person named as a proxy in the list of proxies;
 - (b) he or she is also named in the proxy postal voters list; and
 - (c) he or she claims that he or she did not make an application to vote by post as proxy.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 32, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself or herself to be—

- (a) a particular voter named on the register who is also named in the postal voters list; or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he or she has lost or has not received his or her postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 32, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

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[^{F18}(7) Paragraphs (1A) to (1M) of rule 28 apply in the case of a person who seeks to mark a tendered ballot paper under this rule as they apply in the case of a voter or proxy who applies for a ballot paper under rule 28(1), but as if in rule 28(1G), the reference to making a further application under paragraph (1) of rule 28 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which a previous such attempt was made.]

Textual Amendments

F18 Sch. 5 rule 31(7) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(11)** (with reg. 1(6)(7))

Tendered ballot papers: general provisions

32.—(1) A tendered ballot paper must—

- (a) be of a colour differing from that of the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him or her with the name of the person who has marked a tendered ballot paper and that person's number in the register of electors, and set aside in a separate packet.

(2) The name of the person who has marked a tendered ballot paper and his or her number in the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) The same list may be used for the referendum and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

(4) In the case of a person voting as proxy for a voter, the number to be endorsed or entered together with the proxy's name shall be the number in the register of the voter.

(5) In the case of a voter who has an anonymous entry, this rule and rule 31 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the person who has marked a tendered ballot paper shall be ignored;
- (b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears on the register or list (as the case may be).

(6) 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, this rule and rule 31 shall apply as if—

- (a) in rule 31(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “ in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued ”;
- (b) in paragraph (1)(b) of this rule, for “that person's number in the register of electors” there were substituted “ the number relating to him or her on a notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
- (c) in paragraph (2) of this rule, for “his or her number in the register of electors” there were substituted “ the number relating to him or her on a notice issued under section 13B(3B) or (3D) of the 1983 Act ”.

Spoilt ballot papers

33. A voter or proxy who has inadvertently dealt with his or her ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his or her satisfaction the fact of the inadvertence, obtain another ballot paper in the place

of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

34.—(1) 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 which takes effect on the day of the poll.

(2) The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.

Adjournment of poll in case of riot

35.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the relevant returning or counting officer.

(2) Where the poll is adjourned at any 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 shall be construed accordingly.

Procedure on close of poll

36.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers appointed for the purposes of the referendum and the polling agents or observers appointed for the purposes of each relevant election or referendum, make up into separate packets, sealed with his or her own seal and the seals of such polling observers and agents as desire to affix their seals—

- (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 spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- [^{F19}(da) the ballot paper refusal list completed in accordance with rule 32A;]
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 28(1)(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 and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 34 (correction of errors on day of poll) and the declarations made by the companions of voters and proxies with disabilities,

and must deliver the packets or cause them to be delivered to the relevant returning or counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding

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officer personally to the relevant returning or counting officer, the arrangements for their delivery shall require that officer's approval.

(2) 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 under the corresponding rule that applies at any relevant election or referendum; nor shall the statement prepared under paragraph (4) be so combined.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but 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.

(4) 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 heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Textual Amendments

F19 Sch. 5 rule 36(1)(da) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(13)** (with reg. 1(6)(7))

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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\(4\)\(a\)](#)