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STATUTORY INSTRUMENTS

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**2022 No. 1382**

**The Voter Identification Regulations 2022**

**PART 10**

Amendment of conduct rules for other elections, referendums and recall petitions

**Amendment of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007**

**42.** The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 are amended in accordance with regulations [43](#) to [45](#).

**Commencement Information**

**II** Reg. 42 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Schedule 1 (mayoral elections rules)**

**43.**—(1) Schedule 1 (mayoral election rules) is amended as follows.

(2) In the contents list, at the appropriate place—

- (a) insert “41A Refusal to deliver ballot paper: mayoral elections in England”;
- (b) insert “41B Collection and disclosure of information relating to applications made under rules 37 to 40 at mayoral elections in England”.

(3) In rule 2 (interpretation), after paragraph (1) insert—

“(1A) (1A) In these Rules, “anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022.”.

(4) In rule 25 (provision of polling stations) after paragraph (4) insert—

“(5) In the case of a mayoral election held in England, the returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.

(5) In rule 26 (appointment of presiding officers and polling clerks), in paragraph (3), at the end insert—

“and in respect of a presiding officer for a mayoral election in England only—

- (a) refuse to deliver a ballot paper under rule 35(3A) or rule 37(1F) (including that rule as applied by rules 38, 39 or 40), or
- (b) resolve doubts over identity as mentioned in rule 37(1G) (including that rule as applied by rule 38, 39 or 40).”.

(6) In rule 28 (equipment of polling stations), before paragraph (6) insert—

“(5B) In the case of a mayoral election held in England—

- (a) the returning officer must also provide each polling station with a ballot paper refusal list, in the appropriate form in the Appendix or a form to the like effect, on which entries are to be made as mentioned in rule 41A (refusal to deliver ballot paper: mayoral elections in England);
  - (b) a large notice must be displayed inside each polling station containing—
    - (i) relevant identification details, and
    - (ii) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.
- (5C) In paragraph (5B)(b)(i), “relevant identification details” means details of the documents the voter needs to produce when applying for a ballot paper, namely—
- (a) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules)<sup>(1)</sup>;
  - (b) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card.”
- (7) In rule 35 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) At a mayoral election held in England, “What is your name?”
    - (zb) At a mayoral election held in England, “What is your address?””;
  - (b) after paragraph (2) insert—
    - “(2A) In the case of a mayoral election held in England, where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (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.”;
    - (c) in paragraph (3), for “A” substitute “In the case of a mayoral election in Wales, a”;
    - (d) after paragraph (3) insert—
      - “(3A) In the case of a mayoral election held in England, where the presiding officer—
        - (a) gives a 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 41A (procedure where ballot paper is refused under this paragraph)).
      - (3B) 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 local government electors;

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<sup>(1)</sup> Rule 37(1H) was inserted by paragraph 18 of Schedule 1 to the Elections Act 2022 (c. 37).

- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3C) 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, the references to the register in paragraph (3B) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (e) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;
- (f) after paragraph (4) insert—
  - “(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.”.
- (8) In rule 37 (voting procedure)—
  - (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 35(3A) and to paragraphs (1A) to (1N), a”;
    - (ii) in sub-paragraph (a), at the beginning insert “in the case of a mayoral election in Wales only,”;
  - (b) after paragraph (1) insert—
    - “(1A) Paragraphs (1B) to (1N) apply in the case of a mayoral election held in England.
    - (1B) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.
    - (1C) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.
    - (1D) Paragraph (1E) applies in relation to a voter where—
      - (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
      - (b) the voter produces a document to a clerk that the clerk reasonably suspects to be a forged document.
    - (1E) 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 had produced the document to the presiding officer in the first place.
    - (1F) The presiding officer must refuse to deliver a ballot paper to a voter where—
      - (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
      - (b) the voter produces a document to the officer that the officer reasonably suspects to be a forged document.
    - (1G) Paragraph (1F)(a) does not apply where—
      - (a) a discrepancy between the name of the holder of a specified document and the name of the elector or proxy that the voter claims to be is resolved to

the presiding officer's satisfaction at the time of the application by the voter producing further proof of identity, and

- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

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

(1I) In this rule, a "forged document" means a false document made to resemble a specified document.

(1J) In this rule, a "specified document"—

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (b) in the case of a voter 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 election is held, and
  - (ii) contains the number—
    - (aa) allocated to the voter as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter 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.

(1K) Subject to paragraph (1L), 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.

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

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

(1N) References in this rule to producing a document are to producing it for inspection.”;

- (c) in paragraph (2), after “elector” insert “in respect of a mayoral election in Wales”.

(9) In rule 38 (votes marked by presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
- (b) after paragraph (1) insert—

“(1A) Paragraphs (1B) to (1N) of rule 37 apply in the case of a voter at a mayoral election held in England who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter's vote to be marked on a ballot paper, and
- (b) in rule 37(1H), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(10) In rule 39 (voting by persons with disabilities)—

- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
- (b) after paragraph (2) insert—
  - “(2A) Paragraphs (1B) to (1N) of rule 37 apply in the case of a voter at a mayoral election held in England who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—
    - (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
    - (b) in rule 37(1H), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.
- (11) In rule 40 (tendered ballot papers – circumstances where available), after paragraph (6) insert—
  - “(7) Paragraphs (1B) to (1N) of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule at a mayoral election held in England as they apply in the case of a voter who applies for a ballot paper under rule 37(1), but as if, in rule 37(1H) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.
- (12) After rule 41 (tendered ballot papers – general provisions) insert—

**“Refusal to deliver ballot paper: mayoral elections in England**

- 41A.**—(1) This rule applies in relation to a mayoral election held in England.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—
  - (a) the voter’s electoral number, and
  - (b) against that number, the reason for the refusal.
- (3) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
  - (a) the name and address of the voter, and
  - (b) against those details, the reason for the refusal.
- (4) Paragraphs (5) and (6) apply where—
  - (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1F), and
  - (b) the voter makes a further application as permitted by rule 37(1H).
- (5) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (7) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a ballot paper to a voter).
- (8) For the purposes of paragraph (2)(a), a person’s “electoral number” is the number—
  - (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person 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.

(9) Subject to rule 37(1H) and paragraph (10), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.

(10) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.

(11) In this rule—

(a) except in paragraph (4)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3A) or 37(1F), and

(b) any reference to paragraph (1F) or (1H) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

### **Collection and disclosure of information relating to applications made under rules 37 to 40 at mayoral elections in England**

**41B.**—(1) This rule applies in relation to a mayoral election to which the Secretary of State's duty under section 59A(4) of the 1983 Act (reports on voter identification requirements in respect of local government elections) applies by virtue of subsection (5A) of that section.

(2) The presiding officer must—

(a) collect the information described in regulation 34 of the Voter Identification Regulations 2022 (collection of information by presiding officer) relating to applications made under rules 37(1), 38(1), 39(1) or 40(1), and

(b) provide that information to the returning officer as soon as practicable after the close of the poll.

(3) The returning officer must forward the information to the relevant registration officer.

(4) As soon as reasonably practicable after receiving the information the relevant registration officer must—

(a) anonymise the information by removing from it all names and electoral numbers of the people to whom the information relates, and

(b) collate the information in accordance with regulation 35 of the Voter Identification Regulations 2022 (collation of information by relevant registration officer).

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (4) information”.

(5) The relevant registration officer must provide the paragraph (4) information—

(a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (4), and

(b) where they request the information, to the Electoral Commission.

(6) The relevant registration officer must not disclose the paragraph (4) information otherwise than in accordance with paragraph (5).

(7) The relevant registration officer must retain the information anonymised in accordance with paragraph (4)(a) for at least 10 years.

(8) For the purpose of paragraph (4)(a), a person's “electoral number” is the number—

(a) allocated to the person as stated in the copy of the register of electors, or

(b) where an entry relating to the person 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.

(9) Except as provided by paragraph (10), a disclosure of information under this rule does not breach—

- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (10) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (11) In this rule—
- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018(2);
  - (b) references to the relevant registration officer are to the registration officer of the local authority in whose area the election is held.”.
- (13) In rule 45 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) in the case of a mayoral election held in England, the ballot paper refusal list completed in accordance with rule 41A,”.
- (14) In rule 56 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—
- “(aa) in the case of a mayoral election held in England, the completed ballot paper refusal list,”.
- (15) In rule 58 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition relating to a mayoral election held in England.”.
- (16) In the Appendix of Forms—
- (a) in the list of forms—
    - (i) in the entry for Form 8 (elector’s official poll card), at the end insert “(for use at mayoral elections in Wales)”;
    - (ii) after the entry for Form 8, insert “Form 8A: Elector’s official poll card (for use at mayoral elections in England)”;
    - (iii) in the entry for Form 10 (official proxy poll card), at the end insert “(for use at mayoral elections in Wales)”;
    - (iv) after the entry for Form 10, insert “Form 10A: Official proxy poll card (for use at mayoral elections in England)”;
    - (v) after the entry for Form 11 (official proxy postal poll card) insert “Form 11A: Ballot paper refusal list”;
    - (vi) in the entry for Form 12 (directions for guidance of voters), at the end insert “(for use at mayoral elections in Wales)”;
    - (vii) after the entry for Form 12, insert “Form 12A: Directions for guidance of voters (for use at mayoral elections in England)”;
  - (b) after Form 8, insert new Form 8A as set out in Part 1 of Schedule 7;
  - (c) after Form 10, insert new Form 10A as set out in Part 1 of Schedule 7;

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(2) 2018 c. 12. See section 3(9) of that Act.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Voter Identification Regulations 2022. 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

- (d) after Form 11, insert new Form 11A as set out in Part 1 of Schedule 7;  
 (e) after Form 12, insert new Form 12A as set out in Part 1 of Schedule 7.

#### Commencement Information

**I2** Reg. 43 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 2 (modifications of Acts and statutory instruments)

**44.**—(1) Table 1 (Representation of the People Act 1983) of Schedule 2 (modifications of Acts and statutory instruments) is amended as follows.

(2) For the entries for sections 36 and 39 substitute—

“Section 36 (local elections in England)	<p>In subsection (3) in paragraph (a), after “such a councillor,” insert “or the election of an elected mayor of a district council”.</p> <p>In subsection (3AC), in paragraph (a), after “such a councillor”, insert “or the election of an elected mayor of the council of a county in England in which there are no district councils”.</p> <p>In subsection (4), after “a London borough” insert “or the election of an elected mayor of the council of such an area,”.</p> <p>In subsection (6), after “England”, insert “or at an election of an elected mayor of the council of any such area,”.</p>
Section 39 (local elections void etc in England and Wales) (3)	<p>In subsection (2), after “other reason”, insert “a mayoral election or”.</p> <p>In subsection (5), in paragraph (a), after “section 36 or section 36A above”, insert “or, in the case of a mayoral election, regulations under section 9HE of the 2000 Act,”.</p> <p>In subsection (6), in paragraph (a)—</p> <p>(a) in sub-paragraph (i), after “section 36A)” insert “or under Part 1A of the 2000 Act (and the regulations under section 9HE of that Act)”, and</p>

(3) Section 39 was amended by section 19 of, and by paragraph 8 of Schedule 4 to, the Representation of the People Act 1985 (c. 50); by section 18(1) of, and by Schedule 17 to, the Local Government Act 1985 (c. 51); by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40); by paragraph 68(11) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19); by paragraphs 1 and 6 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), and by section 2(7) of the Local Government and Elections (Wales) Act 2021 (asc 1).



- (b) omit “, or, as the case may be, the district council, or Welsh county or county borough council,”.”

(3) After the entry for section 54 (payment of expenses on registration) insert—

“Section 59A (reports on voter identification requirements in Great Britain) After subsection (5) insert—

“(5A) Where this subsection applies, a report prepared in accordance with subsection (4) must also include the effect of the mayoral election corresponding requirements on applications made under the provisions of rules made under section 9HE of the Local Government Act 2000 corresponding to rules 37(1), 38(1), 39(1) and 40(1) of the parliamentary elections rules.

(5B) Subsection (5A) applies in respect of an election of a local authority mayor where—

- (a) the day of poll for that election is the same day as the poll for the ordinary elections of councillors described in subsection (4),
- (b) the election relates to a local government area to which the duty in subsection (4) otherwise applies, and
- (c) the timing of that election is determined in accordance with regulations 3, 4 or 7 of the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012 (timing of elections of mayors other than elections resulting from casual vacancies)(4).

(5C) In subsection (5A), “mayoral election corresponding requirements” means the requirements corresponding to the voter identification requirements that have effect in relation to mayoral elections in England by virtue of rules made under section 9HE of the Local Government Act 2000.”

In subsection (6), after paragraph (b) insert—

- “(c) in the case of a report under subsection (4) to which subsection (5A) applies, information provided to the Secretary of State under any provision of rules made under section 9HE of the Local Government Act 2000 corresponding to rule 40B of the parliamentary elections rules.””

#### Commencement Information

**I3** Reg. 44 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 3 (mayoral election combination of poll rules)

**45.—**(1) Schedule 3 (mayoral election combination of poll rules) is amended as follows.

(4) [S.I. 2012/336](#), amended by [S.I. 2014/2172](#).

- (2) In the contents list, at the appropriate place—
- (a) insert “41A Refusal to deliver ballot paper: mayoral elections in England”;
  - (b) insert “41B Collection and disclosure of information relating to applications made under rules 37 to 40 at mayoral elections in England”.
- (3) In rule 2 (interpretation)—
- (a) before the definition of “the Appendix” insert—
 

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022”;
  - (b) after the definition of “returning officer” insert—
 

““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022”;
- (4) In rule 25 (provision of polling stations) after paragraph (4) insert—
- “(5) In the case of a mayoral election held in England, the returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.
- (5) In rule 26 (appointment of presiding officers and polling clerks), in paragraph (3), at the end insert—
- “and in respect of a presiding officer for a mayoral election in England only—
- (a) refuse to deliver a ballot paper under rule 35(3A) or rule 37(1F) (including that rule as applied by rules 38, 39 or 40), or
  - (b) resolve doubts over identity as mentioned in rule 37(1G) (including that rule as applied by rule 38, 39 or 40).”.
- (6) In rule 28 (equipment of polling stations), before paragraph (7) insert—
- “(6B) In the case of a mayoral election held in England—
- (a) the returning officer must also provide each polling station with a ballot paper refusal list, in the appropriate form in the Appendix or a form to the like effect, on which entries are to be made as mentioned in rule 41A (refusal to deliver ballot paper: mayoral elections in England);
  - (b) a large notice must be displayed inside each polling station containing—
    - (i) relevant identification details, and
    - (ii) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.
- (6C) In paragraph (6B)(b)(i), “relevant identification details” means details of the documents the voter needs to produce when applying for a ballot paper, namely—
- (a) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
  - (b) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card.”.
- (7) In rule 35 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—

- “(za) At a mayoral election held in England, “What is your name?”
- (zb) At a mayoral election held in England, “What is your address?””;
- (b) after paragraph (2) insert—
- “(2A) In the case of a mayoral election held in England, where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (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.”;
- (c) in paragraph (3), for “A” substitute “In the case of a mayoral election in Wales, a”;
- (d) after paragraph (3) insert—
- “(3A) In the case of a mayoral election held in England, where the presiding officer—
- (a) gives a 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 41A (procedure where ballot paper is refused under this paragraph)).
- (3B) 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 local government electors;
- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.
- (3C) 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, the references to the register in paragraph (3B) are to be read as references to the notice issued under section 13B(3B) or (3D).”;
- (e) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;
- (f) after paragraph (4) insert—
- “(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.”.
- (8) In rule 37 (voting procedure)—
- (a) in paragraph (1)—
- (i) for “A” substitute “Subject to rule 35(3A) and to paragraphs (1A) to (1N), a”;
- (ii) in sub-paragraph (a), at the beginning insert “in the case of a mayoral election in Wales only,”;
- (b) after paragraph (1) insert—
- “(1A) Paragraphs (1B) to (1N) apply in the case of a mayoral election held in England.

(1B) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.

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

(1D) Paragraph (1E) applies in relation to a voter where—

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

(1E) 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 had produced the document to the presiding officer in the first place.

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

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

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

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

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

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

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

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (b) in the case of a voter 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 election is held, and
  - (ii) contains the number—
    - (aa) allocated to the voter as stated in the copy of the register of electors, or

(bb) where an entry relating to the voter 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.

(1K) Subject to paragraph (1L), 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.

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

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

(1N) References in this rule to producing a document are to producing it for inspection.”;

(c) in paragraph (2), after “elector” insert “in respect of a mayoral election in Wales”.

(9) In rule 38 (votes marked by presiding officer)—

(a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

(b) after paragraph (1) insert—

“(1A) Paragraphs (1B) to (1N) of rule 37 apply in the case of a voter at a mayoral election held in England who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

(a) references to delivering a ballot paper to a voter were to causing a voter's vote to be marked on a ballot paper, and

(b) in rule 37(1H), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(10) In rule 39 (voting by persons with disabilities)—

(a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (1B) to (1N) of rule 37 apply in the case of a voter at a mayoral election held in England who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

(a) references to delivering a ballot paper to a voter were to granting a voter's application, and

(b) in rule 37(1H), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(11) In rule 40 (tendered ballot papers – circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1B) to (1N) of rule 37 apply in the case of a person who seeks to mark a tendered ballot paper under this rule at a mayoral election held in England as they apply in the case of a voter who applies for a ballot paper under rule 37(1), but as if, in rule 37(1H) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.

(12) After rule 41 (tendered ballot papers – general provisions) insert—

**“Refusal to deliver ballot paper: mayoral elections in England**

**41A.—**(1) This rule applies in relation to a mayoral election held in England.

- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the voter’s electoral number, and
  - (b) against that number, the reason for the refusal.
- (3) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
  - (b) against those details, the reason for the refusal.
- (4) Paragraphs (5) and (6) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1F), and
  - (b) the voter makes a further application as permitted by rule 37(1H).
- (5) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (7) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a ballot paper to a voter).
- (8) For the purposes of paragraph (2)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person 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.
- (9) Subject to rule 37(1H) and paragraph (10), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.
- (10) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.
- (11) In this rule—
- (a) except in paragraph (4)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3A) or 37(1F), and
  - (b) any reference to paragraph (1F) or (1H) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

### **Collection and disclosure of information relating to applications made under rules 37 to 40 at mayoral elections in England**

**41B.**—(1) This rule applies in relation to a mayoral election to which the Secretary of State’s duty under section 59A(4) of the 1983 Act (reports on voter identification requirements in respect of local government elections) applies by virtue of subsection (5A) of that section.

- (2) The presiding officer must—
- (a) collect the information described in regulation 34 of the Voter Identification Regulations 2022 (collection of information by presiding officer) relating to applications made under rules 37(1), 38(1), 39(1) or 40(1), and
  - (b) provide that information to the returning officer as soon as practicable after the close of the poll.
- (3) The returning officer must forward the information to the relevant registration officer.

(4) As soon as reasonably practicable after receiving the information the relevant registration officer must—

- (a) anonymise the information by removing from it all names and electoral numbers of the people to whom the information relates, and
- (b) collate the information in accordance with regulation 35 of the Voter Identification Regulations 2022 (collation of information by relevant registration officer).

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (4) information”.

(5) The relevant registration officer must provide the paragraph (4) information—

- (a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (4), and
- (b) where they request the information, to the Electoral Commission.

(6) The relevant registration officer must not disclose the paragraph (4) information otherwise than in accordance with paragraph (5).

(7) The relevant registration officer must retain the information anonymised in accordance with paragraph (4)(a) for at least 10 years.

(8) For the purpose of paragraph (4)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person 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.

(9) Except as provided by paragraph (10), a disclosure of information under this rule does not breach—

- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
- (b) any other restriction on the disclosure of information (however imposed).

(10) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).

(11) In this rule—

- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018;
- (b) references to the relevant registration officer are to the registration officer of the local authority in whose area the election is held.”.

(13) In rule 45 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—

“(da) in the case of a mayoral election held in England, the ballot paper refusal list completed in accordance with rule 41A,”.

(14) In rule 56 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—

“(aa) in the case of a mayoral election held in England, the completed ballot paper refusal list, or”.

(15) In rule 58 (orders for production of documents), after paragraph (1) insert—

“(1A) An order—

- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or

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- (b) for the inspection or production of that list,  
may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition relating to a mayoral election held in England.”.
- (16) In the Appendix of Forms—
- (a) in the list of forms—
- (i) in the entry for Form 8 (elector’s official poll card), at the end insert “(for use at mayoral elections in Wales)”;
  - (ii) after the entry for Form 8, insert “Form 8A: Elector’s official poll card (for use at mayoral elections in England)”;
  - (iii) in the entry for Form 10 (official proxy poll card), at the end insert “(for use at mayoral elections in Wales)”;
  - (iv) after the entry for Form 10, insert “Form 10A: Official proxy poll card (for use at mayoral elections in England)”;
  - (v) after the entry for Form 11 (official proxy postal poll card) insert “Form 11A: Ballot Paper Refusal List”;
  - (vi) in the entry for Form 12 (directions for guidance of voters), at the end insert “(for use at mayoral elections in Wales)”;
  - (vii) after the entry for Form 12, insert “Form 12A: Directions for guidance of voters (for use at mayoral elections in England)”;
- (b) after Form 8, insert new Form 8A as set out in Part 2 of Schedule 7;
- (c) after Form 10, insert new Form 10A as set out in Part 2 of Schedule 7;
- (d) after Form 11, insert new Form 11A as set out in Part 2 of Schedule 7;
- (e) after Form 12, insert new Form 12A as set out in Part 2 of Schedule 7.

**Commencement Information**

**I4** Reg. 45 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of the Local Authorities (Conduct of Referendums) (England) Regulations 2012**

**46.** The Local Authorities (Conduct of Referendums) (England) Regulations 2012 are amended in accordance with regulations [47](#) to [50](#).

**Commencement Information**

**I5** Reg. 46 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 13 (combination of referendum polls: supplementary)**

**47.** In regulation 13 (combination of referendum polls: supplementary), in paragraph (3)(a)(vii) at the end insert “, except the functions in rule 17(5A)”.

**Commencement Information**

**I6** Reg. 47 in force at 16.1.2023, see [reg. 1\(3\)](#)



### **Amendment of Schedule 3 (local government act referendum rules)**

**48.**—(1) Schedule 3 (local government act referendum rules) is amended as follows.

(2) In the list of contents, at the appropriate place insert “30A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), for paragraph (1) substitute—

“(1) In these Rules—

“anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation 3(1) of the Voter Identification Regulations 2022;

“voter” means a person entitled to vote on his or her own behalf.”.

(4) In rule 14 (provision of polling stations), after paragraph (4) insert—

“(5) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 15 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 24(3) or rule 26(1E) (including that rule as applied by rule 27, 28 or 29), or

(c) resolve doubts over identity as mentioned in rule 26(1F) (including that paragraph as applied by rule 27, 28 or 29).”.

(6) In rule 17 (equipment of polling stations)—

(a) in paragraph (5)—

(i) in sub-paragraph (a), omit the final “and”;

(ii) after sub-paragraph (a) insert—

“(aa) a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 30A (refusal to deliver ballot paper); and”;

(b) after paragraph (6) insert—

“(6A) A large notice must be displayed inside each polling station containing—

(a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—

(i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and

(b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.

(7) In rule 24 (questions to be put to voters and proxies)—

(a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—

“(za) What is your name?”

- (zb) What is your address?";
- (b) after paragraph (2) insert—
- “(2A) Where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (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.”;
- (c) for paragraph (3) substitute—
- “(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 30A 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).”;
- (d) in paragraph (4), after “vote” insert “(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)”;
- (e) after paragraph (4) insert—
- “(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.”.
- (8) In rule 26 (voting procedure)—
- (a) in paragraph (1)—
- (i) for “A” substitute “Subject to rule 24(3) and to paragraphs (1A) to (1M), a”;
- (ii) omit sub-paragraph (a);
- (b) after paragraph (1) insert—
- “(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.

(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.”;

(c) in paragraph (2), omit the words from “and only” to the end;

(d) omit paragraph (3)(a).

(9) In rule 27 (votes marked by the presiding officer)—

(a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

(b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 26 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 26(1), but as if—

(a) references to delivering a ballot paper to a voter or proxy were to causing a voter's or proxy's vote to be marked on a ballot paper, and

(b) in rule 26(1G), the reference to paragraph (1) of rule 26 were to paragraph (1) of this rule.”.

(10) In rule 28 (voting by persons with disabilities)—

(a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1M) of rule 26 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 26(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 26(1G), the reference to paragraph (1) of rule 26 were to paragraph (1) of this rule.”.

(11) In rule 29 (tendered ballot papers: circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1A) to (1M) of rule 26 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 26(1), but as if in rule 26(1G), the reference to making a further application under paragraph (1) of rule 26 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.”.

(12) After rule 30 (tendered ballot papers: general provisions) insert—

**“Refusal to deliver ballot paper**

**30A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

(a) the voter's electoral number, and

- (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
  - (a) the name and address of the voter, and
  - (b) against those details, the reason for the refusal.
- (3) Paragraphs (4) and (5) apply where—
  - (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 26(1E), and
  - (b) the voter or proxy makes a further application under rule 26(1).
- (4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—
  - (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person 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.
- (8) Subject to rule 26(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter or proxy is subject to review on a referendum petition.
- (10) In this rule—
  - (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 24(3) or 26(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 26 includes a reference to that paragraph as applied by rule 27, 28 or 29.”
- (13) In rule 34 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—

“(da) the ballot paper refusal list completed in accordance with rule 30A;”.
- (14) In rule 42 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—

“(ba) the completed ballot paper refusal list;”.
- (15) In rule 43 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—

“(da) the packet containing the completed ballot paper refusal list;”.
- (16) In rule 44 (orders for production of documents), after paragraph (1) insert—

“(1A) An order—
  - (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,

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may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a referendum petition.”.

- (17) In Part 8 (appendix of forms)—
- (a) in the list of forms, after the entry “Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Ballot Paper Refusal List”;
  - (b) for the form of the Official Poll Card (to be sent to a voter voting in person) substitute the corresponding form in Part 1 of Schedule 8;
  - (c) for the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding form in Part 1 of Schedule 8;
  - (d) after the form of the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) insert the ballot paper refusal list form as set out in Part 1 of Schedule 8;
  - (e) for the form of directions for the guidance of the voters and proxies in voting, substitute the corresponding form in Part 1 of Schedule 8.

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**Commencement Information**

**I7** Reg. 48 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Schedule 4 (application, with modifications, of Acts and subordinate legislation)**

**49.**—(1) Schedule 4 (application, with modifications, of Acts and subordinate legislation) is amended as follows.

(2) In Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences), in the second column, after the text relating to subsections (2) to (4) insert—

“In subsection (6ZB), for “, (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” substitute “and (3)(a)(i)”.”.

(3) In Table 6 (Representation of the People (England and Wales) Regulations 2001)—

- (a) in the entry for regulation 55A, in the first column, at the end insert “: grounds relating to occupation, service or employment”;
- (b) after that entry insert—

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“Regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular election: grounds relating to voter identification)”;

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- (c) for the entry for regulation 56 substitute—

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“Regulation 56 (closing dates for applications) In paragraphs (1) to (3A), after “election” in each place insert “or referendum”.

In paragraph (3D), after “election” in the second and third places it occurs insert “or referendum”.

In paragraphs (4) to (5A) and (7)(b), after “election” in each place insert “or referendum”.

Regulation 56A (grounds relating to voter identification)

In paragraph (3)—  
in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b)(i) and (ii), after “election” insert “or referendum”.

In paragraph (6)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b), after “election” in the first place it occurs insert “or referendum”.

#### Commencement Information

**18** Reg. 49 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 5 (local government act referendum combination of polls rules)

**50.**—(1) Schedule 5 (local government act referendum combination of polls rules) is amended as follows.

(2) In the list of contents, in the appropriate place insert “32A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), in paragraph (1)—

(a) before the definition of “relevant returning or counting officer” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(b) after the definition of “relevant returning or counting officer” insert—

““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”.

(4) In rule 14 (provision of polling stations), after paragraph (6) insert—

“(7) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 15 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 26(3) or rule 28(1E) (including that rule as applied by rule 29, 30 or 31), or

(c) resolve doubts over identity as mentioned in rule 28(1F) (including that paragraph as applied by rule 29, 30 or 31).”.

(6) In rule 17 (equipment of polling stations)—

(a) after paragraph (5) insert—

“(5A) The counting officer must provide each polling station with a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 32A (refusal to deliver ballot paper).”;

(b) after paragraph (8) insert—

“(8A) A large notice must be displayed inside each polling station containing—

(a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—

(i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and

(b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.

(7) In rule 26 (questions to be put to voters and proxies)—

(a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—

“(za) What is your name?

(zb) What is your address?”;

(b) after paragraph (2) insert—

“(2A) Where a clerk—

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

(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.”;

(c) for paragraph (3) substitute—

“(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).”;
- (d) in paragraph (4), after “vote” insert “(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)”;
- (e) after paragraph (4) insert—
- “(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.”.
- (8) In rule 28 (voting procedure)—
- (a) in paragraph (1)—
- (i) for “A” substitute “Subject to rule 26(3) and to paragraphs (1A) to (1M), a”;
- (ii) omit sub-paragraph (a);
- (b) after paragraph (1) insert—
- “(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.

(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.”;

- (c) in paragraph (2), omit the words from “and only” to the end;

- (d) omit paragraph (3)(a).

(9) In rule 29 (votes marked by the presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

- (b) after paragraph (1) insert—

“(1A) 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 causing a voter’s or proxy’s vote to be marked on a ballot paper, and
- (b) in rule 28(1G), the reference to paragraph (1) of rule 28 were to paragraph (1) of this rule.”.

(10) In rule 30 (voting by persons with disabilities)—

- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;

(b) after paragraph (2) insert—

“(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.”.

(11) In rule 31 (tendered ballot papers: circumstances where available), after paragraph (6) insert—

“(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.”.

(12) After rule 32 (tendered ballot papers: general provisions) insert—

**“Refusal to deliver ballot paper**

**32A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 28(1E), and
- (b) the voter or proxy makes a further application under rule 28(1).

(4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).

(7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person 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.

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Voter Identification Regulations 2022. 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*

- (8) Subject to rule 28(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter or proxy is subject to review on a referendum petition.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 26(3) or 28(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 28 includes a reference to that paragraph as applied by rule 29, 30 or 31.”.
- (13) In rule 36 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 32A;”.
- (14) In rule 44 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—
- “(aa) the completed ballot paper refusal list; or”.
- (15) In rule 45 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the packet containing the completed ballot paper refusal list;”.
- (16) In rule 46 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a referendum petition.”.
- (17) In Part 8 (appendix of forms)—
- (a) in the list of forms, after the entry “Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Ballot Paper Refusal List”;
  - (b) for the form of the Official Poll Card (to be sent to a voter voting in person) substitute the corresponding form in Part 2 of Schedule 8;
  - (c) for the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding form in Part 2 of Schedule 8;
  - (d) after the form of the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) insert the ballot paper refusal list form as set out in Part 2 of Schedule 8;
  - (e) for the form of directions for the guidance of the voters and proxies in voting, substitute the corresponding form in Part 2 of Schedule 8.

#### Commencement Information

**I9** Reg. 50 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **Amendment of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012**

**51.** The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 are amended in accordance with regulations [52](#) to [54](#).

### Commencement Information

**I10** Reg. 51 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 3 (local government finance act referendum rules)

**52.**—(1) Schedule 3 (local government finance act referendum rules) is amended as follows.

(2) In the list of contents, at the appropriate place insert “30A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), for paragraph (1) substitute—

“(1) In these Rules—

“anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022;

“voter” means a person entitled to vote on his or her own behalf.”.

(4) In rule 14 (provision of polling stations), after paragraph (4) insert—

“(5) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 15 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 24(3) or rule 26(1E) (including that rule as applied by rule 27, 28 or 29), or

(c) resolve doubts over identity as mentioned in rule 26(1F) (including that paragraph as applied by rule 27, 28 or 29).”.

(6) In rule 17 (equipment of polling stations)—

(a) in paragraph (5)—

(i) in sub-paragraph (a), omit the final “and”;

(ii) after sub-paragraph (a) insert—

“(aa) a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 30A (refusal to deliver ballot paper); and”;

(b) after paragraph (6) insert—

“(6A) A large notice must be displayed inside each polling station containing—

(a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—

(i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and

(b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.

- (7) In rule 24 (questions to be put to voters and proxies)—
- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) What is your name?  
(zb) What is your address?”;
- (b) after paragraph (2) insert—
- “(2A) Where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (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.”;
- (c) for paragraph (3) substitute—
- “(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 30A 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).”;
- (d) in paragraph (4), after “vote” insert “(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)”;
- (e) after paragraph (4) insert—
- “(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.”.
- (8) In rule 26 (voting procedure)—
- (a) in paragraph (1)—
- (i) for “A” substitute “Subject to rule 24(3) and to paragraphs (1A) to (1M), a”;
- (ii) omit sub-paragraph (a);

(b) after paragraph (1) insert—

“(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.

(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.”;
- (c) in paragraph (2), omit the words from “and only” to the end;
  - (d) omit paragraph (3)(a).
- (9) In rule 27 (votes marked by the presiding officer)—
- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
  - (b) after paragraph (1) insert—
    - “(1A) Paragraphs (1A) to (1M) of rule 26 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 26(1), but as if—
    - (a) references to delivering a ballot paper to a voter or proxy were to causing a voter’s or proxy’s vote to be marked on a ballot paper, and
    - (b) in rule 26(1G), the reference to paragraph (1) of rule 26 were to paragraph (1) of this rule.”.
- (10) In rule 28 (voting by persons with disabilities)—
- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
  - (b) after paragraph (2) insert—
    - “(2A) Paragraphs (1A) to (1M) of rule 26 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 26(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 26(1G), the reference to paragraph (1) of rule 26 were to paragraph (1) of this rule.”.
- (11) In rule 29 (tendered ballot papers: circumstances where available), after paragraph (6) insert—
- “(7) Paragraphs (1A) to (1M) of rule 26 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 26(1), but as if in rule 26(1G), the reference to making a further application under paragraph (1) of rule 26 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.”.
- (12) After rule 30 (tendered ballot papers: general provisions) insert—



**“Refusal to deliver ballot paper**

**30A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 26(1E), and
- (b) the voter or proxy makes a further application under rule 26(1).

(4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).

(7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person 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.

(8) Subject to rule 26(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.

(9) A refusal to deliver a ballot paper to a voter or proxy is subject to review on a referendum petition.

(10) In this rule—

- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 24(3) or 26(1E), and
- (b) any reference to paragraph (1E) or (1G) of rule 26 includes a reference to that paragraph as applied by rule 27, 28 or 29.”.

(13) In rule 34 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—

“(da) the ballot paper refusal list completed in accordance with rule 30A;”.

(14) In rule 42 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—

“(ba) the completed ballot paper refusal list;”.

(15) In rule 43 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—

“(da) the packet containing the completed ballot paper refusal list;”.

(16) In rule 44 (orders for production of documents), after paragraph (1) insert—

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Voter Identification Regulations 2022. 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

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“(1A) An order—

- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
- (b) for the inspection or production of that list,

may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a referendum petition.”.

(17) In Part 8 (appendix of forms)—

- (a) in the list of forms, after the entry “Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Ballot Paper Refusal List”;
- (b) for the form of the Official Poll Card (to be sent to a voter voting in person) substitute the corresponding form in Part 1 of Schedule 9;
- (c) for the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding form in Part 1 of Schedule 9;
- (d) after the form of the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) insert the ballot paper refusal list form as set out in Part 1 of Schedule 9;
- (e) for the form of directions for the guidance of the voters and proxies in voting, substitute the corresponding form in Part 1 of Schedule 9.

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**Commencement Information**

**III** Reg. 52 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Schedule 4 (application, with modifications, of Acts and subordinate legislation)**

**53.**—(1) Schedule 4 (application, with modifications, of Acts and subordinate legislation) is amended as follows.

(2) In Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences), in the second column, after the text relating to subsections (2) to (4) insert—

“In subsection (6ZB), for “, (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” substitute “and (3)(a)(i)”.”.

(3) In Table 6 (Representation of the People (England and Wales) Regulations 2001)—

- (a) in the entry for regulation 55A, in the first column, at the end insert “: grounds relating to occupation, service or employment”;
- (b) after that entry insert—

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“Regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular election: grounds relating to voter identification)”;

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- (c) for the entry for regulation 56 substitute—

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“Regulation 56 (closing dates for applications) In paragraphs (1) to (3A), after “election” in each place insert “or referendum”.

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In paragraph (3D), after “election” in the second and third places it occurs insert “or referendum”.

In paragraphs (4) to (5A) and (7)(b), after “election” in each place insert “or referendum”.

Regulation 56A (grounds relating to voter identification) In paragraph (3)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b)(i) and (ii), after “election” insert “or referendum”.

In paragraph (6)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b), after “election” in the first place it occurs insert “or referendum”.

#### Commencement Information

**I12** Reg. 53 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 5 (local government finance act referendum combination of polls rules)

**54.**—(1) Schedule 5 (local government finance act referendum combination of polls rules) is amended as follows.

(2) In the list of contents, in the appropriate place insert “32A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), in paragraph (1)—

(a) before sub-paragraph (a) insert—

“(za) “anonymous elector’s document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022;”;

(b) in sub-paragraph (a), omit the final “and”;

(c) after sub-paragraph (a) insert—

“(aa) “temporary electoral identity document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022; and”.

(4) In rule 14 (provision of polling stations), after paragraph (6) insert—

“(7) The relevant returning or counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 15 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
  - (b) refuse to deliver a ballot paper under rule 26(3) or rule 28(1E) (including that rule as applied by rule 29, 30 or 31), or
  - (c) resolve doubts over identity as mentioned in rule 28(1F) (including that paragraph as applied by rule 29, 30 or 31).”.
- (6) In rule 17 (equipment of polling stations)—
- (a) after paragraph (5) insert—
    - “(5A) The counting officer must provide each polling station with a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 32A (refusal to deliver ballot paper).”;
  - (b) after paragraph (8) insert—
    - “(8A) A large notice must be displayed inside each polling station containing—
      - (a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—
        - (i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
        - (ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
      - (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.
- (7) In rule 26 (questions to be put to voters and proxies)—
- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) What is your name?
    - (zb) What is your address?”;
  - (b) after paragraph (2) insert—
    - “(2A) Where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (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.”;
  - (c) for paragraph (3) substitute—
    - “(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).”;

(d) in paragraph (4), after “vote” insert “(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)”;

(e) after paragraph (4) insert—

“(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.”.

(8) In rule 28 (voting procedure)—

(a) in paragraph (1)—

- (i) for “A” substitute “Subject to rule 26(3) and to paragraphs (1A) to (1M), a”;
- (ii) omit sub-paragraph (a);

(b) after paragraph (1) insert—

“(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.

(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.”;

(c) in paragraph (2), omit the words from “and only” to the end;

(d) omit paragraph (3)(a).

(9) In rule 29 (votes marked by the presiding officer)—

(a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

(b) after paragraph (1) insert—

“(1A) 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 causing a voter's or proxy's vote to be marked on a ballot paper, and

- (b) in rule 28(1G), the reference to paragraph (1) of rule 28 were to paragraph (1) of this rule.”.
- (10) In rule 30 (voting by persons with disabilities)—
  - (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
  - (b) after paragraph (2) insert—
    - “(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.”.
- (11) In rule 31 (tendered ballot papers: circumstances where available), after paragraph (6) insert—
  - “(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.”.
- (12) After rule 32 (tendered ballot papers: general provisions) insert—

**“Refusal to deliver ballot paper**

- 32A.—**(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the voter’s electoral number, and
  - (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
  - (b) against those details, the reason for the refusal.
- (3) Paragraphs (4) and (5) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 28(1E), and
  - (b) the voter or proxy makes a further application under rule 28(1).
- (4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person 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.
- (8) Subject to rule 28(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter or proxy is subject to review on a referendum petition.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 26(3) or 28(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 28 includes a reference to that paragraph as applied by rule 29, 30 or 31.”
- (13) In rule 36 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 32A;”.
- (14) In rule 44 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—
- “(aa) the completed ballot paper refusal list; or”.
- (15) In rule 45 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the packet containing the completed ballot paper refusal list;”.
- (16) In rule 46 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a referendum petition.”.
- (17) In Part 8 (appendix of forms)—
- (a) in the list of forms, after the entry “Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Ballot Paper Refusal List”;
  - (b) for the form of the Official Poll Card (to be sent to a voter voting in person) substitute the corresponding form in Part 2 of Schedule 9;
  - (c) for the form of the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding form in Part 2 of Schedule 9;
  - (d) after the form of the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) insert the ballot paper refusal list form as set out in Part 2 of Schedule 9;
  - (e) for the form of directions for the guidance of the voters and proxies in voting, substitute the corresponding form in Part 2 of Schedule 9.

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**Commencement Information**

**I13** Reg. 54 in force at 16.1.2023, see [reg. 1\(3\)](#)



## Amendment of the Police and Crime Commissioner Elections Order 2012

55. The Police and Crime Commissioner Elections Order 2012 is amended in accordance with regulations 56 to 62.

### Commencement Information

I14 Reg. 55 in force at 16.1.2023, see [reg. 1\(3\)](#)

## Amendment of article 2 (interpretation)

56. In article 2 (interpretation)

(a) in paragraph (1)—

(i) after the definition of “absent voter” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(ii) omit the definitions of “the Assembly” and “Assembly election”;

(iii) after the definition of “relevant registration officer” insert—

““Senedd election” means an election to return a member of the Senedd Cymru for a Senedd constituency or an election to return members of the Senedd for a Senedd electoral region (or both);

“temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(b) in paragraphs (2A) and (2B)(a), for “an Assembly” substitute “a Senedd”;

(c) in paragraph (2C)—

(i) for “Assembly” in the first and third places it occurs, substitute “Senedd”;

(ii) for “an Assembly” substitute “a Senedd”.

### Commencement Information

I15 Reg. 56 in force at 16.1.2023, see [reg. 1\(3\)](#)

## Amendment of article 13A (combination of polls: National Assembly for Wales)

57. In article 13A—

(a) in the heading, for “National Assembly for Wales” substitute “Senedd Cymru”;

(b) for “an Assembly” substitute “a Senedd”.

### Commencement Information

I16 Reg. 57 in force at 16.1.2023, see [reg. 1\(3\)](#)

## Amendment of article 18 (other voting offences)

58. In article 18 (other voting offences), after paragraph (6) insert—

“(6A) For the purpose of determining whether an application for a ballot paper constitutes an offence under paragraph (2)(a) or (3)(a), a previous application is to be

disregarded if the applicant's failure to vote on that occasion resulted only from a failure to produce satisfactory proof of identity.”.

#### Commencement Information

**I17** Reg. 58 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 2 (absent voting in PCC elections)

**59.**—(1) Schedule 2 (absent voting in PCC elections) is amended as follows.

(2) In Part 2 (applications for absent vote)—

- (a) in paragraph 11 (general requirements for applications for absent vote), in sub-paragraph (6), at the end insert “and (where applicable) paragraph 14A”;
- (b) after paragraph 14 (additional requirements: applications for the appointment of a proxy in respect of a particular PCC election) insert—

**“Additional requirements: applications for the appointment of a proxy on grounds relation to voter identification**

**14A.**—(1) This paragraph applies where—

- (a) an application under paragraph 5(4) for the appointment of a proxy for the purposes of voting by proxy at a particular PCC election is made by a person (“A”);
- (b) A has previously appointed a person (“B”) as A’s proxy for those purposes;
- (c) at the time of making the application, B’s appointment remains in force; and
- (d) A’s application is made on grounds relating to voter identification which relate to B.

(2) A’s application must—

- (a) state that this paragraph applies, and
- (b) state, to the best of A’s knowledge and belief, which of the conditions set out in paragraph 16A apply in respect of B.

(3) In sub-paragraph (1)—

- (a) in paragraph (a), the reference to an application under paragraph 5(4) includes such an application which is included in an application under paragraph 3(2);
- (b) in paragraph (d), “grounds relating to voter identification” has the meaning given in paragraph 16A.”.

(c) after paragraph 15A (additional requirements referred to in paragraph 14(5A)) insert—

**“Additional requirements for an application under paragraph 3(2) for a proxy vote: grounds related to voter identification**

**15B.**—(1) Subject to sub-paragraph (2), this paragraph applies to an application under paragraph 3(2) to which paragraph 16(2C) applies.

(2) This paragraph does not apply where—

- (a) the application under paragraph 3(2) includes an application under paragraph 5(4), and
- (b) paragraph 14A(2) applies to that application under paragraph 5(4).

- (3) Where this paragraph applies, the application under paragraph 3(2) must (in addition to any other information required by this Part)—
- (a) state that it is made on grounds relating to voter identification, and
  - (b) states which of the conditions set out in paragraph 16A apply to the applicant.
- (4) In this paragraph, “grounds relating to voter identification” has the meaning given in paragraph 16A.”;
- (d) in paragraph 16 (closing date for applications)—
- (i) in sub-paragraph (1), after “sub-paragraph (2)” insert “and (2C)”;
  - (ii) before sub-paragraph (3) insert—

“(2C) Where an application is made under paragraph 3(2) or 5(4) on grounds relating to voter identification, the 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.

(2D) In sub-paragraph (2C), “grounds relating to voter identification” has the meaning given in paragraph 16A.”;
- (e) after paragraph 16 insert—

**“Grounds relating to voter identification**

- 16A.—**(1) For the purposes of this Part, an application is made on grounds relating to voter identification if it is made because the following apply to B—
- (a) condition 1, 2, 3 or 4, and
  - (b) except where B has an anonymous entry on the register of electors, condition 5.
- (2) In this paragraph, “B” means—
- (a) the applicant, where—
    - (i) the application is made under paragraph 3(2), and
    - (ii) paragraph 14A(2) does not apply to the application made under paragraph 5(4) which is included in that application under paragraph 3(2);
  - (b) otherwise, the person already appointed as the applicant’s proxy at the time the application is made.
- (3) Condition 1 is that—
- (a) immediately before the deadline, B has a specified document which B intends to use to vote in person at a PCC election, and
  - (b) after that deadline, that document is—
    - (i) lost, stolen, destroyed or damaged so as to be no longer usable as a specified document for the purposes of that election, or
    - (ii) sent by B to another person to prove B’s identity and B considers that it is unlikely to be returned to B on or before the day of poll at that election.
- (4) Condition 2 is that—
- (a) at a time during the period of 3 months ending with the deadline, B has applied for a specified document,
  - (b) immediately before the deadline, B has not received that document, and
  - (c) the application for the specified document has not been refused or withdrawn.
- (5) Condition 3 is that—
- (a) B has an anonymous entry on the register of electors, and

- (b) either—
  - (i) B has not been issued with an anonymous elector’s document, or
  - (ii) B has been issued with an anonymous elector’s document, and after the deadline B is allocated an electoral number which is different from the one shown on that document other than as a result of an application under section 9B of the 1983 Act (anonymous registration).
- (6) Condition 4 is that—
  - (a) B has a temporary electoral identity document which is valid for use on the day of poll at a PCC election, and
  - (b) before B is able to vote in person at such an election using that document, proceedings at B’s polling station are adjourned in accordance with rule 46 of Part 3 of Schedule 3 (adjournment of poll in case of riot).
- (7) Condition 5 is that B does not have access to another specified document.
- (8) In this paragraph—
  - (a) “anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation 3(1) of the Voter Identification Regulations 2022;
  - (b) the “deadline” means 5 pm on the sixth day before the date of the poll at the PCC election for which an application is made, and paragraph 16(5) applies for the purposes of computing the sixth day as it applies for the purposes of computing a period of days for the purposes of paragraph 16;
  - (c) “specified document” has the meaning given in rule 39(2I) of Part 3 of Schedule 3.”.
- (3) In Part 3 (issue and receipt of ballot papers)—
  - (a) in paragraph 29 (combination of polls), in paragraph (3), for “an Assembly” substitute “a Senedd”;
  - (b) in paragraph 59 (forwarding of documents), in paragraph (2A), for “an Assembly” substitute “a Senedd”.
- (4) In Part 4 (forms), for Form 1 (proxy paper) substituted the corresponding form in Part 1 of Schedule 10.

#### Commencement Information

**I18** Reg. 59 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Schedule 3 (PCC election conduct rules)

**60.**—(1) Schedule 3 (rules for the conduct of PCC elections where poll not taken together with poll at another election) is amended as follows.

(2) In rule 26 (provision of polling stations) after paragraph (4) insert—

“(5) The local returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.

(3) In rule 27 (appointment of presiding officers and polling clerks), in paragraph (5), for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
  - (b) refuse to deliver a ballot paper under rule 37(3) or rule 39(2E) (including that rule as applied by rules 40, 41 or 42), or
  - (c) resolve doubts over identity as mentioned in rule 39(2F) (including that rule as applied by rule 40, 41 or 42).”
- (4) In rule 29 (equipment of polling stations)—
- (a) in paragraph (5), after sub-paragraph (b) insert—
    - “(ba) a ballot paper refusal list, in Form 14A or a form to like effect, on which entries are to be made as mentioned in rule 43A (refusal to deliver ballot paper);”;
  - (b) after paragraph (9) insert—
    - “(9A) A large notice must be displayed inside each polling station containing—
      - (a) details of the documents the elector or proxy needs to produce when applying for a ballot paper, namely—
        - (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
        - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
      - (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.”
- (5) In rule 37 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) What is your name?
    - (zb) What is your address?”;
  - (b) after paragraph (2) insert—
    - “(2A) Where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (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.”;
  - (c) for paragraph (3) substitute—
    - “(3) Where the presiding officer—
      - (a) gives a 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 43A (procedure where 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 local government 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 an elector 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 (3C) are to be read as references to the notice issued under section 13B(3B) or (3D).”;

(d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;

(e) after paragraph (4) insert—

“(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.”.

(6) In rule 39 (voting procedure)—

(a) in paragraph (1), for “A” substitute “Subject to rule 37(3) and to paragraphs (2A) to (2M), a”;

(b) omit paragraph (2)(a);

(c) after paragraph (2) insert—

“(2A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.

(2B) The presiding officer or clerk must arrange for the voter to produce any document in a private area of the polling station if the voter so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter.

(2C) Paragraph (2D) applies in relation to a voter where—

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

(2D) 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 had produced the document to the presiding officer in the first place.

(2E) The presiding officer must refuse to deliver a ballot paper to a voter where—

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

(2F) Paragraph (2E)(a) does not apply where—

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

(2G) The refusal to deliver a ballot paper to a voter under paragraph (2E) does not prevent the voter making a further application under paragraph (1), and paragraphs (2A) to (2F) apply on any further application.

(2H) In this rule, a "forged document" means a false document made to resemble a specified document.

(2I) In this rule, a "specified document"—

- (a) except in the case of a voter who has an anonymous entry in the register of electors, means a document 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 who has an anonymous entry in the register of electors, means an anonymous elector's document which—
  - (i) was issued by the relevant registration officer for the voting area in which the polling station to which the voter is allotted is situated,
  - (ii) contains the number—
    - (aa) allocated to the voter as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter 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.

(2J) Subject to paragraph (2K), 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.

(2K) Paragraph (2J) does not apply to a temporary electoral identity document where the date of the poll for the election is after the date for which the document is issued.

(2L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter's identity, except as permitted by the voter.

(2M) References in this rule to producing a document are to producing it for inspection.”;

- (d) in paragraph (3), omit the words from “and only” until the end;
- (e) omit paragraph (4)(a).

(7) In rule 40 (votes marked by presiding officer)—

- (a) in paragraph (2), for “The” substitute “Subject to paragraph (2A), the”;
- (b) after paragraph (2) insert—

“(2A) Paragraphs (2A) to (2M) of rule 39 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 39(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter's vote to be marked on a ballot paper, and

- (b) in rule 39(2G), the reference to paragraph (1) of rule 39 were to paragraph (1) of this rule.”.
- (8) In rule 41 (voting by persons with disabilities)—
  - (a) in paragraph (2), for “The” substitute “Subject to paragraph (2A), the”;
  - (b) after paragraph (2) insert—
    - “(2A) Paragraphs (2A) to (2M) of rule 39 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 39(1), but as if—
      - (a) references to delivering a ballot paper to a voter were to granting a voter’s application, and
      - (b) in rule 39(2G), the reference to paragraph (1) of rule 39 were to paragraph (1) of this rule.”.
- (9) In rule 42 (tendered ballot papers: circumstances where available), after paragraph (9) insert—
  - “(10) Paragraphs (2A) to (2M) of rule 39 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 who applies for a ballot paper under rule 39(1), but as if, in rule 39(2G) the reference to making a further application under paragraph (1) of rule 39 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.
- (10) After rule 43 (tendered ballot papers: general provisions) insert—

#### **“Refusal to deliver ballot paper**

**43A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
  - (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
  - (b) against those details, the reason for the refusal.
- (3) Paragraphs (4) and (5) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 39(2E), and
  - (b) the voter makes a further application as permitted by rule 39(2G).
- (4) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person 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.



- (8) Subject to rule 39(2G) and paragraph (9), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 37(3) or 39(2E), and
  - (b) any reference to paragraph (2E) or (2G) of rule 39 includes a reference to that paragraph as applied by rule 40, 41 or 42.”.
- (11) In rule 47 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 43A,”.
- (12) In rule 65 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—
- “(aa) the completed ballot paper refusal list,”.
- (13) In rule 66 (delivery of documents), in paragraph (2) after sub-paragraph (c) insert—
- “(ca) the packet containing the completed ballot paper refusal list,”.
- (14) In rule 67 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of a PCC election petition.”.
- (15) In rule 70 (forms)—
- (a) in the list of forms, after the entry “Form 14 Official postal proxy poll card (rule 28)” insert “Form 14A Ballot paper refusal list (rule 29(4A))”;
  - (b) for Form 11 (official poll card) substitute the corresponding form in Part 2 of Schedule 10;
  - (c) for Form 13 (official proxy poll card) substitute the corresponding form in Part 2 of Schedule 10;
  - (d) after Form 14 (official postal proxy poll card) insert new Form 14A (ballot paper refusal list) as set out in Part 2 of Schedule 10;
  - (e) for Form 16 (Notice for guidance of voters for exhibition inside and outside polling station) substitute the corresponding form in Part 2 of Schedule 10.

#### Commencement Information

**I19** Reg. 60 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of Part 3 of Schedule 4 (modifications to PCC elections rules for combination of polls)

- 61.**—(1) Part 3 of Schedule 4 (modifications to PCC elections rules) is amended as follows.
- (2) In paragraph 21 (provision of polling stations), for “and (4)” substitute “, (4) and (5)”.
- (3) In paragraph 23 (issue of official poll cards), in the inserted text—
- (a) in paragraph (5), for “If” substitute “Subject to paragraph (5A), if”;
  - (b) after paragraph (5) insert—

- “(5A) Paragraph (5) does not apply in respect of the official poll card for—
- (a) a local government election in Wales,
  - (b) an election in Wales for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000, or
  - (c) a referendum in Wales under Part 2 of the Local Government Act 2000.”.
- (4) In paragraph 24 (equipment of polling stations)—
- (a) after paragraph (3) insert—
 

“(3A) Omit paragraph (5)(ba).”;
  - (b) in paragraph (4), in the inserted text, at the end insert—
 

“(5ZB) The local returning officer must provide each polling station with a ballot paper refusal list, in Form 14A or a form to like effect, on which entries are to be made as mentioned in rule 43A (refusal to deliver ballot paper).”.
- (5) In paragraph 43 (sealing up of ballot papers), in sub-paragraph (2), in the substituted text, after sub-paragraph (a) insert—
- “(aa) the completed ballot paper refusal list, or”.
- (6) In paragraph 44 (delivery of documents), in the substituted text, in paragraph (2), after sub-paragraph (c) insert—
- “(ca) the packet containing the completed ballot paper refusal list;”.

**Commencement Information**

**I20** Reg. 61 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Part 5 of Schedule 4 (modifications to PCC elections rules for combination of poll with the poll for an election to Senedd Cymru)**

**62.**—(1) Part 5 of Schedule 4 (modifications to PCC elections rules for combination of poll with the poll for an election to Senedd Cymru) is amended as follows.

- (2) In the heading of Part 5, for “Assembly” substitute “Senedd”.
- (3) In paragraph 46 (introduction), in sub-paragraph (1)(a) and (2), for “an Assembly” substitute “a Senedd”.
- (4) In paragraph 47 (modification of paragraph 13 (interpretation)), in sub-paragraph (1)(a), in the substituted sub-paragraph (2)(a)—
  - (a) for “Assembly” in the first two places it occurs substitute “Senedd”;
  - (b) for “an Assembly” substitute “a Senedd”.
- (5) In paragraph 49 (modification of paragraph 19 (notice of poll)), in the substituted paragraph (3A), for “Assembly” in each place it occurs substitute “Senedd”.
- (6) After paragraph 49 insert—

**“Modification of paragraph 23 (issue of official poll cards)**

**49A.** In paragraph 23 (issue of official poll cards), in the inserted text, in paragraph (5A) after sub-paragraph (a) insert—

- “(aa) a Senedd election.”.

(7) In paragraph 50 (modification of paragraph 35 (correction of errors on day of the poll), in sub-paragraph (a), in the substituted paragraph (2), for “an Assembly” substitute “a Senedd”.

(8) In paragraph 51 (modification of paragraph 42 (the first count), for “Assembly” substitute “Senedd”.

(9) In paragraph 52 (countermand or abandonment of poll on death of candidate), in the inserted paragraph 44A, in the inserted paragraph (5A), for “Assembly” substitute “Senedd”.

**Commencement Information**

**I21** Reg. 62 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of the Neighbourhood Planning (Referendums) Regulations 2012**

**63.** The Neighbourhood Planning (Referendums) Regulations 2012 are amended in accordance with regulations [64](#) to [67](#).

**Commencement Information**

**I22** Reg. 63 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Schedule 3 (neighbourhood planning referendum rules)**

**64.**—(1) Schedule 3 (neighbourhood planning referendum rules) is amended as follows.

(2) In the list of contents, at the appropriate place insert “31A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), for paragraph (1) substitute—

“(1) In these Rules—

“anonymous elector’s document” and “temporary electoral identity document” have the meanings given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022;

“voter” means a person entitled to vote on their own behalf.”.

(4) In rule 15 (provision of polling stations), after paragraph (4) insert—

“(5) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 16 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 25(3) or rule 27(1E) (including that rule as applied by rule 28, 28 or 30), or

(c) resolve doubts over identity as mentioned in rule 27(1F) (including that paragraph as applied by rule 28, 29 or 30).”.

(6) In rule 18 (equipment of polling stations)—

(a) in paragraph (5)—

(i) in sub-paragraph (a), omit the final “and”;

(ii) after sub-paragraph (a) insert—

- “(aa) a ballot paper refusal list, set out in Form 10A in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 31A (refusal to deliver ballot paper); and”;
- (b) after paragraph (6) insert—
- “(6A) A large notice must be displayed inside each polling station containing—
- (a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—
- (i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
- (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.
- (7) In rule 25 (questions to be put to voters and proxies)—
- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
- “(za) What is your name?
- (zb) What is your address?”;
- (b) after paragraph (2) insert—
- “(2A) Where a clerk—
- (a) gives a person the required information (see paragraph (5)),
- (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.”;
- (c) for paragraph (3) substitute—
- “(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 31A 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 voter or proxy 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).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter or proxy is not to be regarded as an inquiry as to the right of the person to vote)”;
- (e) after paragraph (4) insert—
- “(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.”.
- (8) In rule 27 (voting procedure)—
- (a) in paragraph (1)—
- (i) for “A” substitute “Subject to rule 25(3) and to paragraphs (1A) to (1M), a”;
- (ii) omit sub-paragraph (a);
- (b) after paragraph (1) insert—
- “(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.

(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,
  - (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 identity, except as permitted by the voter.

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

- (c) in paragraph (2), omit the words from “and only” to the end;

- (d) omit paragraph (3)(a).

(9) In rule 28 (votes marked by the presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

- (b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 27 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 27(1), but as if—

- (a) references to delivering a ballot paper to a voter or proxy were to causing a voter’s or proxy’s vote to be marked on a ballot paper, and
- (b) in rule 27(1G), the reference to paragraph (1) of rule 27 were to paragraph (1) of this rule.”.

(10) In rule 29 (voting by persons with disabilities)—

- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1M) of rule 27 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 27(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 27(1G), the reference to paragraph (1) of rule 27 were to paragraph (1) of this rule.”.

(11) In rule 30 (tendered ballot papers: circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1A) to (1M) of rule 27 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 27(1), but as if in rule 27(1G), the reference to making a further application under paragraph (1) of rule 27 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.”.

(12) After rule 31 (tendered ballot papers: general provisions) insert—

**“Refusal to deliver ballot paper**

**31A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 27(1E), and
- (b) the voter or proxy makes a further application under rule 27(1).

(4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).

(7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person 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.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Voter Identification Regulations 2022. 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

- (8) Subject to rule 27(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter or proxy is subject to review in proceedings brought as mentioned in section 61N(3) of the 1990 Act<sup>(5)</sup>.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 25(3) or 27(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 27 includes a reference to that paragraph as applied by rule 28, 29 or 30.”
- (13) In rule 35 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 31A;”
- (14) In rule 44 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—
- “(ba) the completed ballot paper refusal list;”
- (15) In rule 45 (delivery of documents to relevant registration officer), after paragraph (d) insert—
- “(da) the packet containing the completed ballot paper refusal list;”
- (16) In rule 46 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the High Court or the county court if satisfied by evidence on oath that the order is required for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act.”
- (17) In Part 8 (appendix of forms)—
- (a) in the list of Forms, after the entry “Form 10—Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Form 10A—Ballot Paper Refusal List”;
  - (b) for Form 7 (official poll card) substitute the corresponding form in Part 1 of Schedule 11;
  - (c) for Form 9 (official proxy poll card) substitute the corresponding form in Part 1 of Schedule 11;
  - (d) after Form 10 (official proxy postal poll card) insert new Form 10A (ballot paper refusal list) as set out in Part 1 of Schedule 11;
  - (e) for Form 11 (form of directions for the guidance of the voters and proxies in voting) substitute the corresponding form in Part 1 of Schedule 11.

#### Commencement Information

**I23** Reg. 64 in force at 16.1.2023, see [reg. 1\(3\)](#)

<sup>(5)</sup> Section 61N was inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c. 20), and subsection (3) was amended by section 92(1) of the Criminal Justice and Courts Act 2015 (c. 2).



## Amendment of Part 1 of Schedule 4 (application, with modification, of other Acts and subordinate legislation)

**65.**—(1) Part 1 of Schedule 4 (application, with modifications, of other Acts and subordinate legislation) is amended as follows.

(2) In Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences), in the second column, after the text relating to subsections (2) to (4) insert—

“In subsection (6ZB), for “(2)(a)(i), (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” substitute “(2)(a) and (3)(a)”.”.

(3) In Table 6 (Representation of the People (England and Wales) Regulations 2001)—

(a) in the entry for regulation 55A, in the first column, at the end insert “: grounds relating to occupation, service or employment”;

(b) after that entry insert—

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“Regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular election: grounds relating to voter identification)”;

(c) for the entry for regulation 56 substitute—

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“Regulation 56 (closing dates for applications) In paragraphs (1) to (3A), after “election” in each place insert “or referendum”.

In paragraph (3D), after “election” in the second and third places it occurs insert “or referendum”.

In paragraphs (4) to (5A) and (7)(b), after “election” in each place insert “or referendum”.

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Regulation 56A (grounds relating to voter identification) In paragraph (3)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b)(i) and (ii), after “election” insert “or referendum”.

In paragraph (6)—

in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;

in sub-paragraph (b), after “election” in the first place it occurs insert “or referendum”.”.

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### Commencement Information

**I24** Reg. 65 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **Amendment of Schedule 5 (neighbourhood planning referendum combination of polls rules)**

66.—(1) Schedule 5 (neighbourhood planning referendum combination of polls rules) is amended as follows.

(2) In the list of contents, at the appropriate place insert “31A Refusal to deliver ballot paper”.

(3) In rule 2 (interpretation), in paragraph (1)—

(a) before the definition of “polling agent” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(b) in the definition of “relevant and returning or counting officer”, omit the final “and”;

(c) after that definition insert—

““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022; and”.

(4) In rule 15 (provision of polling stations), after paragraph (6) insert—

“(7) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.”.

(5) In rule 16 (appointment of presiding officers and polling clerks), in paragraph (3) for the words from “except” to the end substitute—

“except—

(a) order the arrest, exclusion or removal of any person from the polling station,

(b) refuse to deliver a ballot paper under rule 25(3) or rule 27(1E) (including that rule as applied by rule 28, 28 or 30), or

(c) resolve doubts over identity as mentioned in rule 27(1F) (including that paragraph as applied by rule 28, 29 or 30).”.

(6) In rule 18 (equipment of polling stations)—

(a) after paragraph (5) insert—

“(5A) The counting officer must also provide each polling station with a ballot paper refusal list, in the form set out in Form 11A in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 31A (refusal to deliver ballot paper).”;

(b) after paragraph (8) insert—

“(8A) A large notice must be displayed inside each polling station containing—

(a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—

(i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and

(b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.”.

(7) In rule 25 (questions to be put to voters and proxies)—

- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (voters), entry 2 (proxies), entry 3 (proxies for a voter with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
  - “(za) What is your name?
  - (zb) What is your address?”;
- (b) after paragraph (2) insert—
  - “(2A) Where a clerk—
    - (a) gives a person the required information (see paragraph (5)),
    - (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.”;
- (c) for paragraph (3) substitute—
  - “(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 31A 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 voter or proxy 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).”;
- (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter or proxy is not to be regarded as an inquiry as to the right of the person to vote)”;
- (e) after paragraph (4) insert—
  - “(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.”.
- (8) In rule 27 (voting procedure)—
  - (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 25(3) and to paragraphs (1A) to (1M), a”;
    - (ii) omit sub-paragraph (a);
  - (b) after paragraph (1) insert—

“(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.

(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,
  - (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 identity, except as permitted by the voter.

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

(c) in paragraph (2), omit the words from “and only” to the end;

(d) omit paragraph (3)(a).

(9) In rule 28 (votes marked by the presiding officer)—

(a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

(b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 27 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 27(1), but as if—

(a) references to delivering a ballot paper to a voter or proxy were to causing a voter's or proxy's vote to be marked on a ballot paper, and

(b) in rule 27(1G), the reference to paragraph (1) of rule 27 were to paragraph (1) of this rule.”.

(10) In rule 29 (voting by persons with disabilities)—

(a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1M) of rule 27 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 27(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 27(1G), the reference to paragraph (1) of rule 27 were to paragraph (1) of this rule.”.

(11) In rule 30 (tendered ballot papers: circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1A) to (1M) of rule 27 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 27(1), but as if in rule 27(1G), the reference to making a further application under paragraph (1) of rule 27 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.”.

(12) After rule 31 (tendered ballot papers: general provisions) insert—

### “Refusal to deliver ballot paper

**31A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one other than as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
- (b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter or proxy under rule 27(1E), and
- (b) the voter or proxy makes a further application under rule 27(1).

(4) If a ballot paper is delivered to the voter or proxy following a further application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter or proxy, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter or proxy is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter or proxy).

(7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person 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.

(8) Subject to rule 27(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter or proxy is final and may not be questioned in any proceeding whatsoever.

(9) A refusal to deliver a ballot paper to a voter or proxy is subject to review in proceedings brought as mentioned in section 61N(3) of the 1990 Act.

(10) In this rule—

- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 25(3) or 27(1E), and
- (b) any reference to paragraph (1E) or (1G) of rule 27 includes a reference to that paragraph as applied by rule 28, 29 or 30.”.

(13) In rule 35 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—

“(da) the ballot paper refusal list completed in accordance with rule 31A;”.

(14) In rule 44 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (a) insert—

“(aa) the completed ballot paper refusal list; or”.

(15) In rule 45 (delivery of documents to relevant registration officer), in paragraph (1) after sub-paragraph (d) insert—

“(da) the packet containing the completed ballot paper refusal list;”.

(16) In rule 46 (orders for production of documents), after paragraph (1) insert—

“(1A) An order—

- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
- (b) for the inspection or production of that list,

may be made by the High Court or the county court if satisfied by evidence on oath that the order is required for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act.”.

(17) In Part 8 (appendix of forms)—

- (a) in the list of Forms, after the entry “Form 11—Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)” insert “Form 11A—Ballot Paper Refusal List”;
- (b) for Form 8 (official poll card) substitute the corresponding form in Part 2 of Schedule 11;
- (c) for Form 10 (official proxy poll card) substitute the corresponding form in Part 2 of Schedule 11;
- (d) after Form 11 (official proxy postal poll card) insert new Form 11A (ballot paper refusal list) as set out in Part 2 of Schedule 11;
- (e) for Form 12 (form of directions for the guidance of the voters and proxies in voting) substitute the corresponding form in Part 2 of Schedule 11.

**Commencement Information**

**I25** Reg. 66 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Schedule 6 (registering to vote in a business referendum)**

**67.** In Schedule 6 (registering to vote in a business referendum), omit paragraph 38(1)(e).

**Commencement Information**

**I26** Reg. 67 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of the 2016 Regulations**

**68.** The 2016 Regulations are amended in accordance with regulations [69](#) to [92](#).

**Commencement Information**

**I27** Reg. 68 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 2 (application)**

**69.** In regulation 2 (application), in paragraph (2)—

(a) before sub-paragraph (a) insert—

“(za) regulation 20A (provision of private area for production of proof of identity);”;

(b) after sub-paragraph (a) insert—

“(aa) regulation 30A (refusal to deliver signing sheet);”;

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- (c) after sub-paragraph (e) insert—
  - “(ea) regulation 63A (additional requirements for applications for the appointment of a proxy on grounds relation to identification);”;
- (d) in sub-paragraph (i), after “particular petition” insert “on grounds relating to occupation, service or employment”;
- (e) after sub-paragraph (i) insert—
  - “(ia) regulation 69A (additional requirements: applications for an emergency proxy signature in respect of a particular petition on grounds relating to identification);”;
- (f) after sub-paragraph (j) insert—
  - “(ja) regulation 71A (grounds relating to identification);”.

#### Commencement Information

**I28** Reg. 69 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 3 (interpretation)

- 70.** In regulation 3 (interpretation), in paragraph (1)—
- (a) after the definition of “allotted petition signing place” insert—
    - ““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;
  - (b) after the definition of “special lists” insert—
    - ““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”.

#### Commencement Information

**I29** Reg. 70 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 17 (appointment of petition assistants)

- 71.** In regulation 17 (appointment of petition assistants), in paragraph (3)—
- (a) in sub-paragraph (b)—
    - (i) after “sheet under” insert “paragraph (3A) of regulation 25 (questions to be put to persons signing the petition), paragraph (1E) of regulation 27 (signing procedure in England and Wales and Scotland) or”;
    - (ii) for “that paragraph” substitute “those paragraphs”;
  - (b) after sub-paragraph (b) insert—
    - “(c) resolve doubts over identity as mentioned in paragraph (1F) of regulation 27 (including that paragraph as applied by regulation 29 or regulation 30).”.

#### Commencement Information

**I30** Reg. 71 in force at 16.1.2023, see [reg. 1\(3\)](#)



### Amendment of regulation 18 (issue of official petition notice)

72. In regulation 18 (issue of official petition notice), in paragraph (7)—

(a) after sub-paragraph (f) insert—

“(fa) in respect of an official petition notice described in paragraph (6)(a) or (c) for a recall petition held in England, Wales or Scotland, details of the documents the elector or proxy needs to produce when applying for a signing sheet, namely—

(i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of an elector with an anonymous entry, the elector’s official petition notice and an anonymous elector’s document showing the same number on the register as the number on the register shown on the official petition notice;”;

(b) in paragraph (8), after “(f)” insert “, (fa)”.

#### Commencement Information

I31 Reg. 72 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of regulation 19 (equipment at petition signing place)

73. In regulation 19 (equipment at petition signing place)—

(a) after paragraph (3) insert—

“(3A) For a petition signing place in England, Wales or Scotland, the petition officer must also provide each petition signing place with a signing sheet refusal list, in the form set out in Form G1 in Schedule 2 or a form to like effect, on which entries are to be made as mentioned in regulation 30A (refusal to deliver signing sheet: England and Wales and Scotland).”;

(b) after paragraph (5) insert—

“(5A) A large notice must be displayed inside each petition signing place in England, Wales and Scotland containing—

(a) details of the documents that a person needs to produce when applying for a signing sheet, namely—

(i) in the case of a person (other than a person with an anonymous entry) or a proxy, any of the forms of identification for the time referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);

(ii) in the case of a person with an anonymous entry, the person’s official petition notice and an anonymous elector’s document showing the same electoral number as the number shown on the official petition notice; and

(b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the person attending that place for the purpose of signing the petition claims to be.”.

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#### Commencement Information

**I32** Reg. 73 in force at 16.1.2023, see [reg. 1\(3\)](#)

### New regulation 20A (provision of private area for production of proof of identity: England and Wales and Scotland)

74. After regulation 20 (identification of secure storage) insert—

#### “Provision of private area for production of proof of identity: England and Wales and Scotland

**20A.** The petition officer must ensure that each petition signing place in England, Wales and Scotland contains an area in which a person who attends that place for the purpose of signing the petition can produce proof of identity in private.”.

#### Commencement Information

**I33** Reg. 74 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of regulation 25 (questions to be put to persons signing the petition)

75. In regulation 25 (questions to be put to persons signing the petition)—

- (a) in the table following paragraph (1), in the column headed “Questions”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal signers) and entry 6 (proxy postal signers), before question (a) insert—

“(za) At a petition held in England, Wales or Scotland, “What is your name?”

(zb) At a petition held in England, Wales or Scotland, “What is your address?””;

- (b) after paragraph (3) insert—

“(3A) Where at a petition held in England, Wales or Scotland an assistant appointed to assist the petition clerk—

- (a) gives a person the required information (see paragraph (6)),  
 (b) puts a question specified in paragraph (1) to a person, and  
 (c) decides that the person has failed to answer the question satisfactorily,

the assistant must refer the matter to the petition clerk, who must put the question to the person again.”;

- (c) in paragraph (4), for “A” substitute “At a petition held in Northern Ireland, a”;

- (d) after paragraph (4) insert—

“(4A) Where at a petition held in England, Wales or Scotland the petition clerk—

- (a) gives a person the required information,  
 (b) puts a question specified in paragraph (1) to the person (whether or not following a referral under paragraph (3A)), and  
 (c) decides that the person has failed to answer the question satisfactorily,

the petition clerk must refuse to deliver a signing sheet to the person (and see regulation 30A (procedure where signing sheet is refused under this paragraph)).

(4B) For the purposes of this regulation, 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;
- (b) where both those questions are put, the answers match a name and address in that register that relate to the same person.

(4C) In the case of an elector in respect of whom a notice has been issued under section 13BC(6) of the 1983 Act, the references to the register in paragraph (4B) are to be read as references to the notice issued under section 13BC(6).”;

(e) in paragraph (5), after “petition” insert “(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 sign the petition)”;

(f) after paragraph (5) insert—

“(6) For the purposes of this regulation, a person to whom any question is to be put is given “the required information” if the person is first informed that—

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

#### **Commencement Information**

**I34** Reg. 75 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### **Amendment of regulation 27 (signing procedure: England and Wales and Scotland)**

**76.**—(1) Regulation 27 (signing procedure: England and Wales and Scotland) is amended as follows.

(2) In paragraph (1)—

- (a) for “A” substitute “Subject to regulation 25(4A) and to paragraphs (1A) to (1N), a”;
- (b) omit sub-paragraph (a).

(3) After paragraph (1) insert—

“(1A) A signing sheet must not be delivered to a person unless the person produces a specified document to the petition clerk or an assistant to the petition clerk.

(1B) The petition clerk or assistant must arrange for the person to produce any document in a private area of the petition signing place if the person so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the person.

(1C) Paragraph (1D) applies in relation to a person where—

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

(1D) Where this paragraph applies, the assistant must refer the matter and produce the document to the petition clerk, who must proceed as if the person had produced the document to the petition clerk in the first place.

(1E) The petition clerk must refuse to deliver a signing sheet to a person where—

- (a) the person produces a specified document to the clerk and the clerk decides that the document raises a reasonable doubt as to whether the person is the elector or proxy that the person claims to be, or
- (b) the person produces a document to the clerk that the clerk 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 elector or proxy that the person claims to be is resolved to the petition clerk's satisfaction at the time of the application by the person producing further proof of identity, and
- (b) the petition clerk has no other reason (arising from any document produced by the person) to doubt that the person is the elector or proxy that the person claims to be.

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

(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 person who has an anonymous entry in the register, 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 person who has an anonymous entry in the register, means an anonymous elector's document which—
  - (i) was issued by the appropriate registration officer;
  - (ii) contains the number allocated to the person as stated in the copy of the register.

(1J) (1J) In paragraph (1I)(b)(i), the “appropriate registration officer” means—

- (a) the registration officer of the local authority in whose area the constituency of the MP to whom the petition relates is situated, or
- (b) where the petition relates to a constituency for which there is more than one registration officer, any of those officers.

(1K) Subject to paragraph (1L), 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.

(1L) Paragraph (1K) does not apply to a temporary electoral identity document where the date for which the temporary electoral identity document is issued is before the designated day.

(1M) No person other than the petition clerk or an assistant to the petition clerk may inspect a document produced as proof of a person's identity, except as permitted by the person.

(1N) References in this regulation to producing a document are to producing it for inspection.”.

(4) In paragraph (2), omit the words from “and only” to the end.

(5) In paragraph (3), for “subparagraphs (a) and (c) of paragraph (1)” substitute “paragraphs (1) (c) and (1I)(b)(ii)”.

**Commencement Information**

**I35** Reg. 76 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 29 (signing sheets endorsed by petition clerk)**

77. In regulation 29 (signing sheets endorsed by petition clerk), after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1N) of regulation 27 (signing procedure: England and Wales and Scotland) apply in the case of a person who applies under paragraph (1) as they apply in the case of a person who applies under regulation 27(1), but as if—

- (a) references to delivering a signing sheet to a person were references to endorsing a signing sheet, and
- (b) in regulation 27(1G), the reference to paragraph (1) of regulation 27 were a reference to paragraph (1) of this regulation.”.

**Commencement Information**

**I36** Reg. 77 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 30 (tendered signing sheets)**

78. In regulation 30 (tendered signing sheets), after paragraph (7) insert—

“(7A) Paragraphs (1A) to (1N) of regulation 27 (signing procedure: England and Wales and Scotland) apply in the case of a person entitled to sign a tendered signing sheet as they apply in the case of a person who applies for a signing sheet under regulation 27(1), but as if in regulation 27(1G), the reference to making a further application under regulation 27(1) were to seeking a further time to mark a tendered ballot paper under the paragraph of this regulation under which a previous such attempt was made.”.

**Commencement Information**

**I37** Reg. 78 in force at 16.1.2023, see [reg. 1\(3\)](#)

**New regulation 30A (refusal to deliver signing sheet: England and Wales and Scotland)**

79. After regulation 30 (tendered signing sheets) insert—

**“Refusal to deliver signing sheet: England and Wales and Scotland**

**30A.**—(1) This regulation applies where a petition clerk refuses to deliver a signing sheet under regulation 27(1E) (including that paragraph as applied by regulation 29 (signing sheets endorsed by the petition clerk) or regulation 30 (tendered signing sheets)).

(2) Where a petition clerk refuses to deliver a signing sheet to a person who applied for one as an elector, the clerk or an assistant to the clerk must enter on the signing sheet refusal list—

- (a) the person’s electoral number, and
- (b) against that number, the reason for the refusal.

(3) Where a petition clerk refuses to deliver a signing sheet to a person who applied for one as a proxy, the clerk or an assistant to the clerk must enter on the signing sheet refusal list—

- (a) the name and address of the elector, and
- (b) against those details, the reason for the refusal.

(4) Paragraphs (5) and (6) apply where—

- (a) a petition clerk refuses to deliver a signing sheet to a person under regulation 27(1E), and
- (b) the person makes a further application under regulation 27(1).

(5) If a signing sheet is delivered to the person following a further application, the petition clerk or an assistant to the petition clerk must note that fact on the signing sheet refusal list.

(6) If the petition clerk again refuses to deliver a signing sheet to the person, the petition clerk or an assistant to the petition clerk must note that fact on the signing sheet refusal list.

(7) Entries required by this regulation to be made to the signing sheet refusal list must be made as soon as practicable after delivery of a signing sheet to a person is refused (or, in the case mentioned in paragraph (5), as soon as practicable after the delivery of a signing sheet to a person).

(8) For the purposes of paragraph (2)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register, or
- (b) where an entry relating to the person is added to the register in pursuance of a notice issued under section 13BC(6) of the 1983 Act, as stated in the copy of that notice.

(9) Subject to regulation 27(1G) and paragraph (10), a refusal to deliver a signing sheet to a person is final and may not be questioned in any proceeding whatsoever.

(10) A refusal to deliver a signing sheet to a person is subject to review on a recall petition complaint.

(11) In this regulation—

- (a) except in paragraph (4)(a), any reference to the refusal to deliver a signing sheet (however expressed) is to the refusal to do so under regulation 25(4A) or 27(1G), and
- (b) any reference to paragraph (1E) or (1G) or regulation 27 includes a reference to that paragraph as applied by regulation 29 or 30.”.

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#### Commencement Information

**138** Reg. 79 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 33 (daily verification and storage)

**80.** In regulation 33 (daily verification and storage), in paragraph (5) after sub-paragraph (e) insert—

- “(ea) the signing sheet refusal list;”.

**Commencement Information**

**I39** Reg. 80 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 37 (procedure on close of petition)**

**81.** In regulation 37 (procedure on close of petition), in paragraph (1) after sub-paragraph (e) insert—

“(ea) in the case of a petition held in England, Wales or Scotland, the signing sheet refusal list completed in accordance with regulation 30A;”.

**Commencement Information**

**I40** Reg. 81 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 43 (sealing up of signing sheets)**

**82.** In regulation 43 (sealing up of signing sheets), in paragraph (2) after sub-paragraph (b) insert—

“(ba) in the case of a petition held in England, Wales or Scotland, the completed signing sheet refusal list;”.

**Commencement Information**

**I41** Reg. 82 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 44 (delivery of documents to the registration officer: England and Wales and Northern Ireland)**

**83.** In regulation 44 (delivery of documents to the registration officer: England and Wales and Northern Ireland), in paragraph (1) after sub-paragraph (d) insert—

“(da) in the case of a petition held in England or Wales, the packet containing the completed signing sheet refusal list;”.

**Commencement Information**

**I42** Reg. 83 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 45 (orders for production of documents: England and Wales and Northern Ireland)**

**84.** In regulation 45 (orders for production of documents: England and Wales and Northern Ireland), after paragraph (1) insert—

“(1A) In respect of a petition held in England or Wales, an order may be made by the bodies and in the circumstances described in paragraph (2)—

- (a) for the opening of the sealed packet containing a completed signing sheet refusal list, or
- (b) for the inspection or production of that list.”.

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#### Commencement Information

**I43** Reg. 84 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### Amendment of regulation 60 (general requirements for applications for absent signing)

**85.** In regulation 60 (general requirements for applications for absent signing), in paragraph (6) at the end insert “and (where applicable) regulation 63 (additional requirement for applications for the appointment of a proxy) and regulation 63A (additional requirements for applications for the appointment of a proxy on grounds relating to identification: England and Wales and Scotland)”.

#### Commencement Information

**I44** Reg. 85 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### New regulation 63A (additional requirements for applications for the appointment of a proxy on grounds relating to identification: England and Wales and Scotland)

**86.** After regulation 63 (additional requirements for applications for the appointment of a proxy) insert—

##### “Additional requirements for applications for the appointment of a proxy on grounds relating to identification: England and Wales and Scotland

**63A.**—(1) Paragraph (2) applies where—

- (a) an applicant (“A”) makes an application under regulation 57(6) or (7) for the appointment of a proxy for the purposes of signing a petition held in England or Wales or Scotland;
- (b) A has previously appointed a person (“B”) as A’s proxy for those purposes;
- (c) at the time of making the application, B’s appointment remains in force; and
- (d) A’s application is made on grounds relating to identification which relate to B.

(2) Where this paragraph applies A’s application must

- (a) state that this paragraph applies, and
- (b) state, to the best of A’s knowledge and belief, which of the conditions set out in regulation 71A apply in respect of B.

(3) In paragraph (2)—

- (a) in sub-paragraph (a), the reference to an application under regulation 57(7) includes such an application which is included in an application under 53(2);
- (b) in sub-paragraph (d), “grounds relating to identification” has the meaning given in regulation 71A.”.

#### Commencement Information

**I45** Reg. 86 in force at 16.1.2023, see [reg. 1\(3\)](#)



### **Amendment of regulation 69 (additional requirements: applications for an emergency proxy signature in respect of a particular petition: England and Wales and Scotland)**

87. In regulation 69 (additional requirements: applications for an emergency proxy signature in respect of a particular petition: England and Wales and Scotland), in the heading after “petition” insert “on grounds relating to occupation, service or employment”.

#### **Commencement Information**

**I46** Reg. 87 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **New regulation 69A (additional requirements: applications for an emergency proxy signature in respect of a particular petition on grounds relating to identification: England and Wales and Scotland)**

88. After regulation 69 insert—

#### **“Additional requirements: applications for an emergency proxy signature in respect of a particular petition on grounds relating to identification: England and Wales and Scotland**

**69A.**—(1) Subject to paragraph (2), this regulation applies to an application under regulation 53(2) to which regulation 71(4A) applies.

(2) This regulation does not apply where—

- (a) the application under regulation 53(2) includes an application under regulation 57(7), and
- (b) regulation 63A(2) applies to that application under regulation 57(7).

(3) Where this regulation applies, the application under regulation 53(2) must (in addition to providing any other information required by this Chapter)—

- (a) state that it is made on grounds relating to identification, and
- (b) state which of the conditions set out in regulation 71A apply to the applicant.

(4) In paragraph (3)(a), “grounds relating to identification” has the meaning given in regulation 71A.”.

#### **Commencement Information**

**I47** Reg. 88 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **Amendment of regulation 71 (closing date for applications: England and Wales and Scotland)**

89.—(1) Regulation 71 (closing date for applications: England and Wales and Scotland) is amended as follows.

(2) In paragraph (2), for “An” substitute “Subject to paragraph (2A), an”.

(3) After that paragraph insert—

“(2A) An application under regulation 57(6) which is made on grounds relating to identification must be disregarded for the purposes of a particular petition if it is received by the registration officer after the relevant time on the last day of the signing period at the petition for which it is made.”.

- (4) In paragraph (3), for “paragraph (4)” substitute “paragraphs (4) or (4A)”.
- (5) In paragraph (4)—
- (a) after “received” insert “after the relevant time”;
  - (b) omit the words from “less than 5 hours” to the end.
- (6) After paragraph (4) insert—
- “(4A) Where an application is made under regulation 53(2) or 57(7) on grounds relating to identification, the application must be refused if it is received after the relevant time on the last day of the signing period at the petition for which it is made.
- (4B) In paragraphs (2A) and (4A), “grounds relating to identification” has the meaning given in regulation 71A.”.
- (7) After paragraph (7) insert—
- “(8) In this regulation, “the relevant time” on the last day of the signing period means—
- (a) 5pm, or
  - (b) if earlier, the beginning of the final hour that the petition is available for signing on that day.”.

#### Commencement Information

**I48** Reg. 89 in force at 16.1.2023, see [reg. 1\(3\)](#)

#### New regulation 71A (grounds relating to identification: England and Wales and Scotland)

**90.** After regulation 71 insert—

##### “Grounds relating to identification: England and Wales and Scotland

**71A.**—(1) For the purposes of this Part, an application is made on grounds relating to identification if it is made because the following apply to B—

- (a) condition 1, 2 or 3, and
  - (b) except where B has an anonymous entry in the register, condition 4.
- (2) In this regulation, “B” means—
- (a) the applicant, where—
    - (i) the application is made under regulation 53(2), and
    - (ii) regulation 63A(2) does not apply to the application made under regulation 57(7) which is included in that application under regulation 53(2);
  - (b) otherwise, the person already appointed as the applicant’s proxy at the time the application is made.
- (3) Condition 1 is that—
- (a) immediately before the deadline, B has a specified document which B intends to use to sign the petition in person, and
  - (b) after that deadline, that document is—
    - (i) lost, stolen, destroyed or damaged so as to be no longer usable as a specified document for the purposes of that petition, or

- (ii) sent by B to another person to prove B's identity, and B considers it is unlikely to be returned to B on or before the last day of the signing period at that petition.
- (4) Condition 2 is that—
  - (a) at a time during the period of 3 months ending with the deadline, B has applied for a specified document,
  - (b) immediately before the deadline, B has not received that document, and
  - (c) the application for the specified document has not been refused or withdrawn.
- (5) Condition 3 is that—
  - (a) B has an anonymous entry in the register, and
  - (b) either—
    - (i) B has not been issued with an anonymous elector's document, or
    - (ii) B has been issued with an anonymous elector's document, and after the deadline B is allocated an electoral number which is different from the one shown on that document other than as a result of an application under section 9B of the 1983 Act (anonymous registration).
- (6) Condition 4 is that B does not have access to another specified document.
- (7) In this regulation—
  - (a) the "deadline" means 5pm on the sixth day before the last day of the signing period at the petition to which the application relates;
  - (b) "specified document" has the meaning given in regulation 27(11)."

**Commencement Information**

**I49** Reg. 90 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of regulation 144 (forms)**

- 91.** In regulation 144 (forms)—
- (a) in paragraph (2)(b), for "or Part 2 of that Schedule" substitute "of that Schedule or in an order made under section 26(2) of the Welsh Language Act 1993(6) as applied by section 21(5) of the Act";
  - (b) after paragraph (2) insert—

"(2A) Paragraph (2)(c) does not apply to a reference to form G1."

**Commencement Information**

**I50** Reg. 91 in force at 16.1.2023, see [reg. 1\(3\)](#)

**Amendment of Schedule 2 (forms)**

- 92.** In Schedule 2 (forms)—
- (a) in Part 1 (United Kingdom)—

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- (i) for Form D (official petition notice for an elector who may sign the petition in person), substitute the corresponding form in Schedule 12;
  - (ii) for Form F (official petition notice for a proxy who may sign the petition in person), substitute the corresponding form in Schedule 12;
  - (iii) after Form G (official petition notice for a proxy who may sign the petition by post), insert new Form G1 (signing sheet refusal list) as set out in Schedule 12;
  - (iv) for Form H (guidance for person signing the petition), substitute the corresponding form in Schedule 12;
  - (v) for Form J (proxy paper), substitute the corresponding form in Schedule 12;
- (b) omit Part 2 (Welsh forms).

#### Commencement Information

**I51** Reg. 92 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of the Combined Authorities (Mayoral Elections) Order 2017

**93.** The Combined Authorities (Mayoral Elections) Order 2017 is amended in accordance with regulations [94](#) to [96](#).

#### Commencement Information

**I52** Reg. 93 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of Schedule 1 (combined authorities mayoral election rules)

- 94.**—(1) Schedule 1 (combined authorities mayoral election rules) is amended as follows.
- (2) In the list of contents—
- (a) in the appropriate place insert “41A Refusal to deliver ballot paper”;
  - (b) in the appropriate place insert “41B Collection and disclosure of information relating to applications made under rules 37 to 40”;
  - (c) in the appropriate place insert “Form 11A—Ballot paper refusal list”.
- (3) In rule 2 (interpretation), for paragraph (1) substitute—
- “(1) In these Rules—
- “anonymous elector’s document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022;
  - “the Appendix” means the Appendix to these Rules contained in Part 9 of this Schedule;
  - “temporary electoral identity document” has the meaning given in regulation [3\(1\)](#) of the Voter Identification Regulations 2022.”.
- (4) In rule 25 (provision of polling stations) after paragraph (4) insert—
- “(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.
- (5) In rule 26 (appointment of presiding officers and polling clerks), in paragraph (3), for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
  - (b) refuse to deliver a ballot paper under rule 35(3) or rule 37(1E) (including that rule as applied by rules 38, 39 or 40), or
  - (c) resolve doubts over identity as mentioned in rule 37(1F) (including that rule as applied by rule 38, 39 or 40).”.
- (6) In rule 28 (equipment of polling stations)—
- (a) in paragraph (3) after sub-paragraph (d) insert—
    - “(e) a ballot paper refusal list, in the appropriate form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 41A (refusal to deliver ballot paper).”;
  - (b) after paragraph (6) insert—
    - “(6A) A large notice must be displayed inside each polling station containing—
      - (a) details of the documents the elector or proxy needs to produce when applying for a ballot paper, namely—
        - (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
        - (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
      - (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.”.
- (7) In rule 35 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) What is your name?
    - (zb) What is your address?”;
  - (b) after paragraph (2) insert—
    - “(2A) Where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (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.”;
  - (c) for paragraph (3) substitute—
    - “(3) Where the presiding officer—
      - (a) gives a 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 41A (procedure where 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 local government 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 an elector 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).”;

(d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;

(e) after paragraph (4) insert—

“(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.”.

(8) In rule 37 (voting procedure)—

(a) in paragraph (1)—

- (i) for “A” substitute “Subject to rule 35(3) and to paragraphs (1A) to (1M), a”;
- (ii) omit sub-paragraph (a);

(b) after paragraph (1) insert—

“(1A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.

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

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

- (a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter 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 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 where—

- (a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or
- (b) the voter 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 elector or proxy that the voter claims to be is resolved to the presiding officer's satisfaction at the time of the application by the voter producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

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

(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 who has an anonymous entry in the register of electors, means a document 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 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 constituent council in whose area the polling station to which the voter is allotted is situated,
  - (ii) contains the number—
    - (aa) allocated to the voter as stated in the copy of the register of electors, or
    - (bb) where an entry relating to the voter 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 election 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 identity, except as permitted by the voter.

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

- (c) in paragraph (2), omit the words from “and only” to the end;
- (d) omit paragraph (3)(a).

(9) In rule 38 (votes marked by presiding officer)—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;
- (b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

- (a) references to delivering a ballot paper to a voter were to causing a voter's vote to be marked on a ballot paper, and
  - (b) in rule 37(1G), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.
- (10) In rule 39 (voting by persons with disabilities)—
- (a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;
  - (b) after paragraph (2) insert—
    - “(2A) Paragraphs (1A) to (1M) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—
    - (a) references to delivering a ballot paper to a voter were to granting a voter's application, and
    - (b) in rule 37(1G), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.
- (11) In rule 40 (tendered ballot papers—circumstances where available), after paragraph (6) insert—
- “(7) Paragraphs (1A) to (1M) of rule 37 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 who applies for a ballot paper under rule 37(1), but as if, in rule 37(1G) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.
- (12) After rule 41 (tendered ballot papers—general provisions) insert—

**“Refusal to deliver ballot paper**

**41A.**—(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter's electoral number, and
- (b) against that number, the reason for the refusal.

(2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the name and address of the voter, and
- (b) against those details, the reason for the refusal.

(3) Paragraphs (4) and (5) apply where—

- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1E), and
- (b) the voter makes a further application as permitted by rule 37(1G).

(4) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(5) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.

(6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter).

(7) For the purposes of paragraph (1)(a), a person's “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or



- (b) where an entry relating to the person 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.
- (8) Subject to rule 37(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.
- (10) In this rule—
  - (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3) or 37(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

#### **Collection and disclosure of information relating to applications made under rules 37 to 40**

**41B.**—(1) This rule applies in relation to an election to which the Secretary of State’s duty under section 59A(4) of the 1983 Act (reports on voter identification requirements in respect of local government elections) applies by virtue of subsection (5A) of that section.

- (2) The presiding officer must—
  - (a) collect the information described in regulation 34 of the Voter Identification Regulations 2022 (collection of information by presiding officer) relating to applications made under rules 37(1), 38(1), 39(1) or 40(1), and
  - (b) provide that information to the returning officer as soon as practicable after the close of the poll.
- (3) The returning officer must forward the information to the relevant registration officer.
- (4) As soon as reasonably practicable after receiving the information the relevant registration officer must—
  - (a) anonymise the information by removing from it all names and electoral numbers of the people to whom the information relates, and
  - (b) collate the information in accordance with regulation 35 of the Voter Identification Regulations 2022 (collation of information by relevant registration officer).

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (4) information”.

- (5) The relevant registration officer must provide the paragraph (4) information—
  - (a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (4), and
  - (b) where they request the information, to the Electoral Commission.
- (6) The relevant registration officer must not disclose the paragraph (4) information otherwise than in accordance with paragraph (5).
- (7) The relevant registration officer must retain the information anonymised in accordance with paragraph (4)(a) for at least 10 years.
- (8) For the purpose of paragraph (4)(a), a person’s “electoral number” is the number—
  - (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person 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.

- (9) Except as provided by paragraph (10), a disclosure of information under this rule does not breach—
- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (10) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).
- (11) In this rule—
- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018;
  - (b) references to the relevant registration officer are to the registration officer of the constituent council in relation to whose area the returning officer exercises functions under this Order.”.
- (13) In rule 45 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—
- “(da) the ballot paper refusal list completed in accordance with rule 41A,”.
- (14) In rule 61 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—
- “(ba) the completed ballot paper refusal list,”.
- (15) In rule 62 (delivery and retention of documents), after paragraph (c) insert—
- “(ca) the packet containing the completed ballot paper refusal list,”.
- (16) In rule 63 (orders for production of documents), after paragraph (1) insert—
- “(1A) An order—
- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
  - (b) for the inspection or production of that list,
- may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition.”.
- (17) In Part 9 (appendix of forms)—
- (a) in the list of forms, after the entry “Form 11: Official proxy postal poll card” insert “Form 11A: Ballot paper refusal list”;
  - (b) for Form 8 (official poll card) substitute the corresponding form in Part 1 of Schedule 13;
  - (c) for Form 10 (official proxy poll card) substitute the corresponding form in Part 1 of Schedule 13;
  - (d) after Form 11 (official proxy postal poll card) insert new Form 11A (ballot paper refusal list) as set out in Part 1 of Schedule 13;
  - (e) for Form 12 (directions for the guidance of voters) substitute the corresponding form in Part 1 of Schedule 13.

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**Commencement Information**

**I53** Reg. 94 in force at 16.1.2023, see [reg. 1\(3\)](#)

## Amendment of Schedule 2 (modifications of Acts and statutory instrument)

**95.** In Schedule 2 (modifications of Acts and statutory instrument), in paragraph 1 (Representation of the People Act 1983)—

- (a) in sub-paragraph (6), omit “and Wales” in both places it occurs;
- (b) in sub-paragraphs (7)(c) and (d)(i) and (8)(c)(i), after “section 36” insert “or section 36A”;
- (c) after sub-paragraph (14) insert—

“(14A) Section 59A (reports on voter identification requirements in Great Britain) has effect as if—

- (a) after subsection (5) there were inserted—

“(5A) Where this subsection applies, a report prepared in accordance with subsection (4) must also include the effect of the combined authority mayoral election corresponding requirements on applications made under the provisions of rules made under paragraph 12 of Schedule 5B to the 2009 Act corresponding to rules 37(1), 38(1), 39(1) and 40(1) of the parliamentary elections rules.

(5B) Subsection (5A) applies in respect of a combined authority mayoral election where—

- (a) the day of poll for that combined authority mayoral election is the same day as the poll for the ordinary elections of councillors described in subsection (4),
- (b) the combined authority mayoral election relates to a local government area to which the duty in subsection (4) otherwise applies, and
- (c) the timing of that combined authority mayoral election is not determined in accordance with article 6 of the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 (filling of casual vacancies by by-elections)(7).

(5C) In subsection (5A), “combined authority mayoral election corresponding requirements” means the requirements corresponding to the voter identification requirements that have effect in relation to combined authority mayoral elections by virtue of rules made under paragraph 12 of Schedule 5B to the 2009 Act.”;

- (b) in subsection (6), after paragraph (b) there were inserted—

“(c) in the case of a report under subsection (4) to which subsection (5A) applies, information provided to the Secretary of State under any provision of rules made under paragraph 12 of Schedule 5B to the 2009 Act corresponding to rule 40B of the parliamentary elections rules.”;

- (d) in sub-paragraph (15), after paragraph (b) insert—

“(ba) in subsection (6ZB), for “2)(a)(i), (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” there were substituted “(2A)(a) to (c), (2B), (3A)(a) to (c) and (3B)”;

### Commencement Information

**I54** Reg. 95 in force at 16.1.2023, see [reg. 1\(3\)](#)

### **Amendment of Schedule 3 (combined authority mayoral election combination of polls rules)**

**96.**—(1) Schedule 3 (combined authority mayoral election combination of polls rules) is amended as follows.

(2) In the list of contents—

- (a) in the appropriate place insert “41A Refusal to deliver ballot paper”;
- (b) in the appropriate place insert “41B Collection and disclosure of information relating to applications made under rules 37 to 40”;
- (c) in the appropriate place insert “Form 11A: Ballot paper refusal list”.

(3) In rule 2 (interpretation), in paragraph (1)—

(a) before the definition of “the Appendix” insert—

““anonymous elector’s document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022;”;

(b) after the definition of “polling observer” insert—

““temporary electoral identity document” has the meaning given in regulation 3(1) of the Voter Identification Regulations 2022.”.

(4) In rule 25 (provision of polling stations) after paragraph (4) insert—

“(5) The returning officer must ensure that each polling station contains an area in which voters can produce proof of identity in private.”.

(5) In rule 26 (appointment of presiding officers and polling clerks), in paragraph (3), for the words from “except” to the end substitute—

“except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 35(3) or rule 37(1E) (including that rule as applied by rules 38, 39 or 40), or
- (c) resolve doubts over identity as mentioned in rule 37(1F) (including that rule as applied by rule 38, 39 or 40).”.

(6) In rule 28 (equipment of polling stations)—

(a) in paragraph (4) after sub-paragraph (d) insert—

“(e) a ballot paper refusal list, in the appropriate form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 41A (refusal to deliver ballot paper).”;

(b) after paragraph (8) insert—

“(8A) A large notice must be displayed inside each polling station containing—

(a) details of the documents the elector or proxy needs to produce when applying for a ballot paper, namely—

- (i) in the case of an elector (other than an elector with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
- (ii) in the case of an elector with an anonymous entry, the elector’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and

(b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the elector or proxy that the voter claims to be.”.

- (7) In rule 35 (questions to be put to voters)—
- (a) in the table following paragraph (1), in the column headed “Question”, in entry 1 (electors), entry 2 (proxies), entry 3 (proxies for an elector with an anonymous entry), entry 5 (postal voters) and entry 6 (proxy postal voters), before question (a) insert—
    - “(za) What is your name?
    - (zb) What is your address?”;
  - (b) after paragraph (2) insert—
    - “(2A) Where a clerk—
      - (a) gives a person the required information (see paragraph (5)),
      - (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.”;
  - (c) for paragraph (3) substitute—
    - “(3) Where the presiding officer—
      - (a) gives a 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 41A (procedure where 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 local government 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 an elector 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).”;
  - (d) in paragraph (4), after “vote” insert “(and for the purposes of this paragraph, an inquiry relating to the production of identification by a voter is not to be regarded as an inquiry as to the right of the person to vote)”;
  - (e) after paragraph (4) insert—
    - “(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.”.
- (8) In rule 37 (voting procedure)—
- (a) in paragraph (1)—
    - (i) for “A” substitute “Subject to rule 35(3) and to paragraphs (1A) to (1M), a”;
    - (ii) omit sub-paragraph (a);

(b) after paragraph (1) insert—

“(1A) A ballot paper must not be delivered to a voter unless the voter produces a specified document to the presiding officer or a clerk.

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

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

(a) the voter produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or

(b) the voter 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 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 where—

(a) the voter produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy that the voter claims to be, or

(b) the voter 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 elector or proxy that the voter claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter producing further proof of identity, and

(b) the presiding officer has no other reason (arising from any document produced by the voter) to doubt that the voter is the elector or proxy that the voter claims to be.

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

(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 who has an anonymous entry in the register of electors, means a document 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 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 constituent council in whose area the polling station to which the voter is allotted is situated,

(ii) contains the number—

(aa) allocated to the voter as stated in the copy of the register of electors, or

(bb) where an entry relating to the voter 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 election 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 identity, except as permitted by the voter.

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

(c) in paragraph (2), omit the words from “and only” to the end;

(d) omit paragraph (3)(a).

(9) In rule 38 (votes marked by presiding officer)—

(a) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”;

(b) after paragraph (1) insert—

“(1A) Paragraphs (1A) to (1M) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

(a) references to delivering a ballot paper to a voter were to causing a voter's vote to be marked on a ballot paper, and

(b) in rule 37(1G), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(10) In rule 39 (voting by persons with disabilities)—

(a) in paragraph (2), for “If” substitute “Subject to paragraph (2A), if”;

(b) after paragraph (2) insert—

“(2A) Paragraphs (1A) to (1M) of rule 37 apply in the case of a voter who applies under paragraph (1) of this rule as those paragraphs apply in the case of a voter who applies under rule 37(1), but as if—

(a) references to delivering a ballot paper to a voter were to granting a voter's application, and

(b) in rule 37(1G), the reference to paragraph (1) of rule 37 were to paragraph (1) of this rule.”.

(11) In rule 40 (tendered ballot papers—circumstances where available), after paragraph (6) insert—

“(7) Paragraphs (1A) to (1M) of rule 37 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 who applies for a ballot paper under rule 37(1), but as if, in rule 37(1G) the reference to making a further application under paragraph (1) of rule 37 were to seeking a further time to mark a tendered ballot paper under the paragraph of this rule under which the first such attempt was made.”.

(12) After rule 41 (tendered ballot papers—general provisions) insert—

**“Refusal to deliver ballot paper**

**41A.—**(1) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as an elector, the officer or a clerk must enter on the ballot paper refusal list—

- (a) the voter’s electoral number, and
  - (b) against that number, the reason for the refusal.
- (2) Where a presiding officer refuses to deliver a ballot paper to a voter who applied for one as a proxy, the officer or a clerk must enter on the ballot paper refusal list—
- (a) the name and address of the voter, and
  - (b) against those details, the reason for the refusal.
- (3) Paragraphs (4) and (5) apply where—
- (a) a presiding officer refuses to deliver a ballot paper to a voter under rule 37(1E), and
  - (b) the voter makes a further application as permitted by rule 37(1G).
- (4) If a ballot paper is delivered to the voter following that application, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (5) If the presiding officer again refuses to deliver a ballot paper to the voter, the presiding officer or a clerk must note that fact on the ballot paper refusal list.
- (6) Entries required by this rule to be made on the ballot paper refusal list must be made as soon as practicable after delivery of a ballot paper to a voter is refused (or, in the case mentioned in paragraph (4), as soon as practicable after the delivery of a ballot paper to a voter).
- (7) For the purposes of paragraph (1)(a), a person’s “electoral number” is the number—
- (a) allocated to the person as stated in the copy of the register of electors, or
  - (b) where an entry relating to the person 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.
- (8) Subject to rule 37(1G) and paragraph (9), a refusal to deliver a ballot paper to a voter is final and may not be questioned in any proceeding whatsoever.
- (9) A refusal to deliver a ballot paper to a voter is subject to review on an election petition.
- (10) In this rule—
- (a) except in paragraph (3)(a), any reference to the refusal to deliver a ballot paper (however expressed) is to the refusal to do so under rule 35(3) or 37(1E), and
  - (b) any reference to paragraph (1E) or (1G) of rule 37 includes a reference to that paragraph as applied by rule 38, 39 or 40.

#### **Collection and disclosure of information relating to applications made under rules 37 to 40**

**41B.**—(1) This rule applies in relation to an election to which the Secretary of State’s duty under section 59A(4) of the 1983 Act (reports on voter identification requirements in respect of local government elections) applies by virtue of subsection (5A) of that section.

- (2) The presiding officer must—
- (a) collect the information described in regulation 34 of the Voter Identification Regulations 2022 (collection of information by presiding officer) relating to applications made under rules 37(1), 38(1), 39(1) or 40(1), and
  - (b) provide that information to the returning officer as soon as practicable after the close of the poll.
- (3) The returning officer must forward the information to the relevant registration officer.
- (4) As soon as reasonably practicable after receiving the information the relevant registration officer must—



- (a) anonymise the information by removing from it all names and electoral numbers of the people to whom the information relates, and
- (b) collate the information in accordance with regulation 35 of the Voter Identification Regulations 2022 (collation of information by relevant registration officer).

The information as anonymised and collated in accordance with this paragraph is referred to in the rest of this rule as “the paragraph (4) information”.

(5) The relevant registration officer must provide the paragraph (4) information—

- (a) to the Secretary of State, as soon as reasonably practicable after taking the steps required by paragraph (4), and
- (b) where they request the information, to the Electoral Commission.

(6) The relevant registration officer must not disclose the paragraph (4) information otherwise than in accordance with paragraph (5).

(7) The relevant registration officer must retain the information anonymised in accordance with paragraph (4)(a) for at least 10 years.

(8) For the purpose of paragraph (4)(a), a person’s “electoral number” is the number—

- (a) allocated to the person as stated in the copy of the register of electors, or
- (b) where an entry relating to the person 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.

(9) Except as provided by paragraph (10), a disclosure of information under this rule does not breach—

- (a) any obligation of confidence owed by the presiding officer, the returning officer or a registration officer, or
- (b) any other restriction on the disclosure of information (however imposed).

(10) Nothing in this rule authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by paragraphs (2) and (3) are to be taken into account).

(11) In this rule—

- (a) “the data protection legislation” has the same meaning as in the Data Protection Act 2018;
- (b) references to the relevant registration officer are to the registration officer of the constituent council in relation to whose area the returning officer exercises functions under this Order.”.

(13) In rule 45 (procedure on close of poll), in paragraph (1) after sub-paragraph (d) insert—

“(da) the ballot paper refusal list completed in accordance with rule 41A,”.

(14) In rule 61 (sealing up of ballot papers), in paragraph (2) after sub-paragraph (b) insert—

“(ba) the completed ballot paper refusal list,”.

(15) In rule 62 (delivery and retention of documents), after paragraph (c) insert—

“(ca) the packet containing the completed ballot paper refusal list,”.

(16) In rule 63 (orders for production of documents), after paragraph (1) insert—

“(1A) An order—

- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
- (b) for the inspection or production of that list,

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may be made by the county court if satisfied by evidence on oath that the order is required for the purpose of an election petition.”.

- (17) In Part 9 (appendix of forms)—
- (a) in the list of forms, after the entry “Form 11: Official proxy postal poll card” insert “Form 11A: Ballot paper refusal list”;
  - (b) for Form 8 (official poll card) substitute the corresponding form in Part 2 of Schedule 13;
  - (c) for Form 10 (official proxy poll card) substitute the corresponding form in Part 2 of Schedule 13;
  - (d) after Form 11 (official proxy postal poll card) insert new Form 11A (ballot paper refusal list) as set out in Part 2 of Schedule 13;
  - (e) for Form 12 (directions for the guidance of voters) substitute the corresponding form in Part 2 of Schedule 13.

#### Commencement Information

**I55** Reg. 96 in force at 16.1.2023, see [reg. 1\(3\)](#)

### Amendment of the Police and Crime Commissioner Elections (Welsh Forms) Order 2021

**97.**—(1) The Police and Crime Commissioner Elections (Welsh Forms) Order 2021<sup>(8)</sup> is amended as follows.

(2) In article 5 (Welsh and English versions of forms), in Table 3, after the entry for Form 14 (official postal proxy poll card) insert—

“Form 14A (ballot paper refusal list)	Referred to in rule 29(4A) of, and set out in Part 8 of, the PCC elections rules”.
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(3) In Schedule 1 (Welsh versions of forms of words), for Part 2 substitute the new Part 2 as set out in Part 1 of Schedule 14.

- (4) In Schedule 3 (Welsh and English versions of prescribed forms)—
- (a) for Form 1 (proxy paper at particular PCC election), substitute the corresponding form in Part 2 of Schedule 14;
  - (b) for Form 11 (poll card) substitute the corresponding form in Part 2 of Schedule 14;
  - (c) for Form 13 (proxy poll card) substitute the corresponding form in Part 2 of Schedule 14;
  - (d) after Form 14 (proxy postal poll card) insert new Form 14A (ballot paper refusal list) as set out in Part 2 of Schedule 14;
  - (e) for Form 16 (Notice for guidance of voters for exhibition inside and outside polling station) substitute the corresponding form in Part 2 of Schedule 14.

#### Commencement Information

**I56** Reg. 97 in force at 16.1.2023, see [reg. 1\(3\)](#)

(8) [S.I. 2021/291](#).

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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):

- reg. 2(2)(za) omitted by S.I. 2023/1116 reg. 16(2)
- reg. 2(5)(n) inserted by S.I. 2023/1116 reg. 14(6)(c)
- reg. 2(5)(ba)(bb) inserted by S.I. 2023/1116 reg. 14(6)(b)
- reg. 2(5)(za) inserted by S.I. 2023/1116 reg. 14(6)(a)
- reg. 3(5)(c)(iva) inserted by S.I. 2024/131 reg. 15(2)(c)
- reg. 5(4) inserted by S.I. 2023/1147 reg. 22(2)(b)
- reg. 7(7A) inserted by S.I. 2023/1147 reg. 22(4)(b)
- reg. 7(7A)(b) words substituted by S.I. 2023/1406 reg. 14(3)(a)
- reg. 7(7A)(c) words substituted by S.I. 2023/1406 reg. 14(3)(a)
- reg. 7(7A)(e) words substituted by S.I. 2023/1406 reg. 14(3)(b)
- reg. 7(7A)(ca) inserted by S.I. 2024/43 reg. 26(2)
- reg. 13A13B inserted by S.I. 2023/1116 reg. 14(1)
- reg. 17(3)(c) words substituted by S.I. 2023/1116 reg. 15
- reg. 19(3)(e) inserted by S.I. 2023/1116 reg. 14(2)
- reg. 20A words omitted by S.I. 2023/1116 reg. 16(1)(a)
- reg. 20A heading words omitted by S.I. 2023/1116 reg. 16(1)(b)
- reg. 25(4A) words omitted by S.I. 2023/1116 reg. 17(3)(a)
- reg. 25(4A)(b) words inserted by S.I. 2023/1116 reg. 17(3)(b)
- reg. 28(1) words substituted by S.I. 2023/1116 reg. 18(2)
- reg. 28(3A) inserted by S.I. 2023/1116 reg. 18(3)
- reg. 28(4) words substituted by S.I. 2023/1116 reg. 18(4)
- reg. 28(5) words inserted by S.I. 2023/1116 reg. 18(5)(a)
- reg. 28(5) words inserted by S.I. 2023/1116 reg. 18(5)(b)
- reg. 28(6) words inserted by S.I. 2023/1116 reg. 18(6)
- reg. 28(6A)-(6C) inserted by S.I. 2023/1116 reg. 18(7)
- reg. 28(7) words substituted by S.I. 2023/1116 reg. 18(8)
- reg. 28(7A)-(7C) inserted by S.I. 2023/1116 reg. 18(9)
- reg. 29(1)(1A) substituted for reg. 29(1) by S.I. 2023/1116 reg. 19(2)
- reg. 31(2) words inserted by S.I. 2023/1116 reg. 21
- reg. 37(1)(eb) inserted by S.I. 2023/1116 reg. 22
- reg. 45A inserted by S.I. 2023/1116 reg. 14(3)
- reg. 46A inserted by S.I. 2023/1116 reg. 14(4)
- reg. 124A inserted by S.I. 2023/1116 reg. 14(5)