

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023*. 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](#)

SCHEDULE 2

Transitional provisions and savings

PART 4

Referendums under Part 1A of the Local Government Act 2000

Interpretation

10. In this Part—

“2012 Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2012;

“ongoing referendum” means a relevant referendum for which the date of poll as specified in the notice of referendum is on or after 31st January 2024;

“referendum” means a referendum under Part 1A of the Local Government Act 2000(1);

“referendum rules” means the rules set out in Schedules 3 and 5 to the 2012 Regulations;

“relevant referendum” means a referendum for which the notice of referendum is published in accordance with rule 5 of the referendum rules on or before 30th January 2024.

Commencement Information

II Sch. 2 para. 10 in force at 31.10.2023, see [reg. 1\(2\)](#)

Questions for proxies at certain referendums

11.—(1) The amendments made by regulation [15\(3\)](#) and (7) do not apply in respect of an ongoing referendum.

(2) Rule 24 of Schedule 3 and rule 26 of Schedule 5 to the 2012 Regulations (questions to be put to voters and proxies) apply in respect of a relevant referendum subject to the modifications in sub-paragraph (3).

(3) The rule applies as if—

(a) in the table following paragraph (1)—

(i) in entry 2 (proxy), in the column headed “Question”—

(aa) after question (b) there were substituted—

“(ba) “Were you appointed as proxy on behalf of CD before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;

(ii) in entry 3 (proxy for a voter with an anonymous entry), in the column headed “Question”—

(aa) after question (b) there were inserted—

(1) Part 1A was inserted by paragraph 1 of Schedule 2 to the Localism Act [2011 \(c. 20\)](#) and was amended by section 190(10) of the Health and Social Care Act [2012 \(c. 7\)](#), by section 20 of the Cities and Local Government Devolution Act [2016 \(c. 1\)](#) and by [S.I. 2013/594](#), [2597](#), [2021/1265](#).

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“(ba) “Were you appointed as proxy on behalf of the person whose number on the register of electors is (*read out the number*) before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;

(b) in paragraph (2), after “(3)(a), (b)” there were inserted “, (ba)”.

Commencement Information

- I2** Sch. 2 para. 11(1) in force at 31.1.2024, see [reg. 1\(3\)\(i\)](#)
I3 Sch. 2 para. 11(2)(3) in force at 31.10.2023, see [reg. 1\(2\)](#)

PROSPECTIVE

Disapplication of amendments to the modifications of section 61 of the Representation of the People Act 1983 in respect of an ongoing referendum

12.—(1) The amendments made by regulation [15\(5\)\(a\)\(ii\)](#) and (iii) to Table 1 (modifications to the Representation of the People Act 1983) in Schedule 4 to the 2012 Regulations do not apply in respect of a person voting by virtue of a proxy appointment at an ongoing referendum.

(2) In sub-paragraph (1), “proxy appointment” has the same meaning as in paragraph 8(8) of Schedule 4 to EA 2022.

Commencement Information

- I4** Sch. 2 para. 12 in force at 31.1.2024, see [reg. 1\(3\)\(i\)](#)

Poll card forms for certain referendums

13.—(1) The amendments made by regulation [15\(4\)](#) and (8) do not apply in respect of an ongoing referendum.

(2) The form of the Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) in the referendum rules apply in respect of a relevant referendum as if, on the front of the form, before the text that begins “vote as a proxy at this referendum” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(3) The form of the Official Postal Poll Card (to be sent to a voter voting by post) and the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) in the referendum rules apply in respect of a relevant referendum as if, on the back of the form, before the text that begins “vote as a proxy at the same referendum” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

Commencement Information

- I5** Sch. 2 para. 13(1) in force at 31.1.2024, see [reg. 1\(3\)\(i\)](#)
I6 Sch. 2 para. 13(2)(3) in force at 31.10.2023, see [reg. 1\(2\)](#)

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

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

- Sch. 2 para. 4(3)(4) inserted by [S.I. 2024/99 reg. 2\(2\)](#)
- Sch. 2 para. 9(4)(5) inserted by [S.I. 2024/99 reg. 2\(3\)](#)
- Sch. 2 para. 13(4)(5) inserted by [S.I. 2024/99 reg. 2\(4\)](#)
- Sch. 2 para. 17(4)(5) inserted by [S.I. 2024/99 reg. 2\(5\)](#)
- Sch. 2 para. 30(6)(7) inserted by [S.I. 2024/99 reg. 2\(6\)](#)
- Sch. 2 para. 37(3A)(3B) inserted by [S.I. 2024/99 reg. 2\(7\)\(b\)](#)
- Sch. 2 para. 37(6)-(8) inserted by [S.I. 2024/99 reg. 2\(7\)\(d\)](#)
- Sch. 2 para. 42(4)(5) inserted by [S.I. 2024/99 reg. 2\(8\)](#)
- reg. 17(3)(b)reg. 17(5)(a)reg. 17(5)(b)(i)(aa)(ii)reg. 17(5)(b)(iii)(c)(6)-(8) coming into force by [S.I. 2023/1147 reg. 1\(3\)\(d\)](#)
- reg. 17(5)(ca) inserted by [S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- reg. 18(1)-(4)reg. 18(5)(a)(ii)reg. 18(5)(a)(iii)(b)(c)(6)-(8) coming into force by [S.I. 2023/1147 reg. 1\(3\)\(e\)](#)