

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.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 6

Police and Crime Commissioner elections: general

Interpretation

18. In this Part—

“2012 Order” means the Police and Crime Commissioner Elections Order 2012;

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

“PCC election” has the meaning given in article 2(1) of the 2012 Order;

“relevant PCC election” means a PCC election for which the notice of election is published in accordance with rule 4 of Schedule 3 to the 2012 Order on or before 30th January 2024;

“transitional period” means the period—

- (a) beginning with 31st October 2023, and
- (b) ending with—
 - (i) for the purposes of an ongoing PCC election, the day after the day of poll for that election;
 - (ii) for all other purposes, 31st January 2024.

Commencement Information

II Sch. 2 para. 18 in force at 31.10.2023, see [reg. 1\(2\)](#)

Proxy voting offences and restrictions for certain proxy appointments

19.—(1) Article 18(4) of, and paragraph 6(5) of Schedule 2 to, the 2012 Order do not apply in respect of a post-commencement proxy appointment during the transitional period.

(2) The amendments made by regulation [17\(3\)\(b\)](#) and (5)(c) do not apply in respect of a person voting by virtue of a proxy appointment at an ongoing PCC election.

(3) In this paragraph—

“post-commencement proxy appointment” means a proxy appointment as a result of an application made on or after 31st October 2023;

“proxy appointment” means—

- (a) an appointment resulting from an application under paragraph 3(2) of Schedule 4 to the Representation of the People Act 2000 by which, by virtue of paragraphs 2 and 4(3) of Schedule 2 to the 2012 Order, a person is entitled to vote at a PCC election by proxy;
- (b) an appointment resulting from an application under paragraph 3(2), (3) or (5)(b) of Schedule 2 to the 2012 Order.

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Commencement Information

- I2** Sch. 2 para. 19(1)(3) in force at 31.10.2023, see [reg. 1\(2\)](#)
- I3** Sch. 2 para. 19(2) in force at 31.1.2024, see [reg. 1\(3\)\(i\)](#)

Saving for certain postal and proxy voting entitlements at ongoing PCC elections in Wales

20. The amendments made by regulation [17\(5\)\(a\)](#) and (b), other than regulation [17\(5\)\(b\)\(i\)\(bb\)](#), do not apply in respect of an ongoing PCC election in Wales.

Commencement Information

- I4** Sch. 2 para. 20 in force at 31.10.2023, see [reg. 1\(3\)\(i\)](#)

Questions for proxies at certain PCC elections

21.—(1) The amendments made by regulations [17\(7\)](#) and [21\(a\)](#) do not apply to an ongoing PCC election.

(2) Sub-paragraphs (3) and (4) apply in respect of a relevant PCC election.

(3) Rule 37 of Schedule 3 to the 2012 Order applies as if in the Table after paragraph (1)—

(a) in entry 2 (proxies), in the column headed “Questions”—

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

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

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

(b) in entry 3 (proxy for an elector with an anonymous entry), in the column headed “Questions”—

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

“(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]”;

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

(4) Schedule 1 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 applies as if for Part 2 there were substituted Part 2 as set out in Part 7 of this Schedule.

Commencement Information

- I5** Sch. 2 para. 21(1) in force at 31.1.2024, see [reg. 1\(3\)\(i\)](#)
- I6** Sch. 2 para. 21(2)-(4) in force at 31.10.2023, see [reg. 1\(2\)](#)

Proxy paper form for certain proxy appointments

22.—(1) This paragraph applies where a proxy appointment is made during the period—

(a) beginning with 31st October 2023, and

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(b) ending with 5th March 2024.

(2) Form 1 (proxy paper), as inserted into Part 4 of Schedule 2 to the 2012 Order by regulation [17\(5\)\(1\)](#) applies as if before “on behalf of more than four electors” there were inserted “(in relation to an election for which the poll is on or after 5th March 2024)”.

(3) Form 1, as inserted into Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 by regulation [21\(b\)](#) applies as if—

(a) before “on behalf of more than four electors” there were inserted “(in relation to an election for which the poll is on or after 5th March 2024)”;

(b) before “an ran mwy na phedwar etholwr” there were inserted “(mewn perthynas ag etholiad y mae’r dyddiad pleidleisio ar ei gyfer ar neu ar ôl 5 Mawrth 2024)”.

(4) In this paragraph, “proxy appointment” means a proxy appointment under paragraph 3(2), (3) or (5)(b) of Schedule 2 to the 2012 Order.

Commencement Information

I7 Sch. 2 para. 22 in force at 31.10.2023, see [reg. 1\(2\)](#)

Poll card forms for certain PCC elections

23.—(1) The amendments made by regulation [17\(8\)](#) and regulation [21\(b\)](#), so far as substituting forms 11 and 13, do not apply in respect of an ongoing PCC election.

(2) Form 11 (official poll card) and form 13 (official proxy poll card) in rule 70 of Schedule 3 to the 2012 Order apply in respect of a relevant PCC election as if, on the front of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(3) Form 12 (official postal poll card) and form 14 (official postal proxy poll card) in rule 70 of Schedule 3 to the 2012 Order apply in respect of a relevant PCC election as if, on the back of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(4) Form 11 (official poll card) and form 13 (official proxy poll card) in Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 apply in respect of a relevant PCC election as if, on the front of the form—

(a) before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”;

(b) before the text that begins “I bleidleisio fel dirprwy yn yr etholiad” there were inserted “(yn achos dirprwy a benodwyd cyn 31 Hydref 2023)”.

(5) Form 12 (official postal poll card) and form 14 (official postal proxy poll card) in in Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 apply in respect of a relevant PCC election as if, on the back of the form—

(a) before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”;

(b) before the text that begins “pleidleisio fel dirprwy i fwy na” there were inserted “(yn achos dirprwy a benodwyd cyn 31 Hydref 2023)”.

Commencement Information

I8 Sch. 2 para. 23(1) in force at 31.1.2024, see [reg. 1\(3\)\(i\)](#)

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I9 Sch. 2 para. 23(2)-(5) in force at 31.10.2023, see [reg. 1\(2\)](#)

Termination of certain proxy appointments

24.—(1) This paragraph applies where a proxy appointment is in force immediately before 31st January 2024 as the result of an application made before 31st October 2023.

(2) The proxy appointment ceases to have effect on 31st January 2024.

(3) The registration officer must, before 31st January 2024, send the person who is entitled to vote by proxy by means of the proxy appointment—

(a) a notice informing the person that the appointment ceases to have effect as mentioned in sub-paragraph (1)(b) on 31st January 2024, and

(b) information about how to make a fresh application to vote by proxy.

(4) As soon as practicable after 31st January 2024, the registration officer must alter the record kept under paragraph 3(8) of Schedule 2 to the 2012 Order as necessary to reflect the change to the proxy appointment resulting from sub-paragraph (2).

(5) In this paragraph, “proxy appointment” means a proxy appointment under paragraph 3(2), (3) or (5)(b) of Schedule 2 to the 2012 Order.

Commencement Information

I10 Sch. 2 para. 24 in force at 31.10.2023, see [reg. 1\(2\)](#)

Termination of applications for certain proxy appointments

25.—(1) An application for a proxy appointment that is made before, but not determined by, 31st October 2023 is to be treated as not having been made.

(2) The registration officer must, as soon as practicable, send each person whose application is affected by sub-paragraph (1) information about how to make a fresh application to vote by proxy.

(3) In sub-paragraph (1), “proxy appointment” means a proxy appointment under paragraph 3(2), (3) or (5)(b) of Schedule 2 to the 2012 Order.

Commencement Information

I11 Sch. 2 para. 25 in force at 31.10.2023, see [reg. 1\(2\)](#)

Saving for certain proxy appointments at ongoing PCC elections

26.—(1) This paragraph applies where—

(a) a proxy appointment ceases to have effect in accordance with paragraph 8 of Schedule 4 to EA 2022 or paragraph 24 of this Schedule, and

(b) ignoring the effect of that paragraph, a person would have been entitled by virtue of that appointment to vote as proxy at an ongoing PCC election.

(2) Despite the effect of paragraph 8(2) of Schedule 4 to EA 2022 or paragraph 22(2) of this Schedule, the proxy appointment continues to have effect for the purposes of the ongoing PCC election.

(3) In this paragraph, “proxy appointment” has the meaning given in paragraph 19(3).

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I12 Sch. 2 para. 26 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\(3\)\(e\)](#)