

2004 No. 294

REPRESENTATION OF THE PEOPLE

**The Representation of the People (Combination of Polls)
(England and Wales) Regulations 2004**

Made - - - - - *22nd March 2004*

Coming into force - - - *23rd March 2004*

The Secretary of State, in exercise of the powers conferred on him by section 15(5) of the Representation of the People Act 1985(a), section 36(3C) of the Representation of the People Act 1983(b), and sections 44, 45 and 105 of the Local Government Act 2000(c), after consulting the Electoral Commission pursuant to section 7(2)(e) of the Political Parties, Elections and Referendums Act 2000(d), hereby makes the following Regulations, a draft of which has been laid before and approved by a resolution of each House of Parliament:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 and shall come into force on the day after the day on which they are made.

(2) These Regulations shall not extend to Scotland or Northern Ireland.

Interpretation

2.—(1) For the purposes of these Regulations—

“1983 Act” means the Representation of the People Act 1983;

“1985 Act” means the Representation of the People Act 1985;

“2000 Act” means the Local Government Act 2000;

“2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001(e);

“2002 Act” means the European Parliamentary Elections Act 2002(f);

“2004 Regulations” means the European Parliamentary Elections Regulations 2004(g);

“GLRO” means the Greater London Returning Officer, being the person who is for the time being the proper officer of the Greater London Authority for the purposes of section 35(2C) of the 1983 Act(h);

(a) 1985 c. 50. With respect to the European Parliamentary election in 2004, section 15 is modified to have effect as if subsection (5A) were inserted by paragraph 7 of Schedule 7 to the Local Government Act 2003 (c. 26).

(b) 1983 c. 2. Section 36(3C) was inserted by section 17 of the Representation of the People Act 1985 (c. 50).

(c) 2000 c. 22. Section 44 was amended by paragraphs 18(1) and (2) of Schedule 21 to, and section 45 was amended by paragraphs 18(1), (3) and (4) of Schedule 21 to, the Political Parties, Elections and Referendums Act 2000 (c. 41).

(d) 2000 c. 41.

(e) S.I. 2001/341.

(f) 2002 c. 24.

(g) S.I. 2004/293.

(h) Subsection (2C) was inserted by paragraphs 1 and 3 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

“mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(a); and

“referendum” means a referendum conducted under the Local Authorities (Conduct of Referendums) (England) Regulations 2001(b).

(2) In the case of a referendum, a reference to a returning officer shall be construed as a reference to a counting officer, within the meaning of regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001.

Revocation

3. The Representation of the People Regulations 1986(c) are hereby revoked.

Returning officers and polling stations

4.—(1) Where the poll at a parliamentary general election is taken together with the poll at another election or referendum under a relevant enactment—

- (a) those functions of the returning officer at the poll at the other election or referendum which are specified in regulation 5 shall be discharged by the returning officer at the parliamentary election for such part of the electoral region, local government area or voting area (as the case may be) as is situated in the parliamentary constituency; and
- (b) only polling stations used for the parliamentary election shall be used for the other election or referendum.

(2) Where the above paragraph does not apply and the poll at an ordinary Authority(d) election is taken together with the poll at another election or referendum under a relevant enactment—

- (a) those functions of the returning officer at the poll at the other election or referendum which are specified in regulation 5 shall be discharged by the returning officer at the Authority election for such part of the electoral region, local government area or voting area (as the case may be) as is situated in the area for which he acts; and
- (b) only polling stations used for the Authority election shall be used for the poll at the other election or referendum.

(3) Where neither of the above paragraphs applies and the poll at an ordinary county council election is taken together with the poll at another election or referendum under a relevant enactment—

- (a) those functions of the returning officer at the poll at the other election or referendum which are specified in regulation 5 shall be discharged by the returning officer at the county council election for such part of the electoral region, local government area or voting area (as the case may be) as is situated in the county or county borough; and
- (b) only polling stations used for the county council election shall be used for the poll at the other election or referendum.

(4) Where none the above paragraphs applies and the poll at an ordinary principal area council election (other than a county council election) is taken together with the poll at another election or referendum under a relevant enactment—

- (a) those functions of the returning officer at the poll at the other election or referendum which are specified in regulation 5 shall be discharged by the returning officer at the principal area council election for such part of the electoral region, local government area or voting area (as the case may be) as is situated in the principal area; and
- (b) only polling stations used for the principal area council election shall be used for the poll at the other election or referendum.

(5) Where none of the above paragraphs applies and the poll at a mayoral election is taken together with the poll at an election under a relevant enactment—

- (a) those functions of the returning officer at the poll at the other election which are specified in regulation 5 shall be discharged by the returning officer at the mayoral

(a) S.I. 2002/185; which was amended by S.I. 2004/225.

(b) S.I. 2001/1298; which was amended by S.I. 2004/226.

(c) S.I. 1986/1081; to which there are amendments not relevant to these regulations.

(d) See section 203 of the Representation of the People Act 1983 (c. 2): an “Authority election” means (a) any election of the Mayor of London; (b) any election of a constituency member of the London Assembly; or (c) the election of the London members of the London Assembly at an ordinary election.

election for such part of the electoral region or local government area (as the case may be) as is situated in the local government area as respects which the mayoral election is held; and

(b) only polling stations used for the mayoral election shall be used for the poll at the other election.

(6) Where none of the above paragraphs applies and the poll at a referendum is taken together with the poll at an election under a relevant enactment—

(a) those functions of the returning officer at the poll at the election which are specified in regulation 5 shall be discharged by the returning officer at the referendum for such part of the electoral region or local government area (as the case may be) as is situated in the voting area; and

(b) only polling stations used for the referendum shall be used for the poll at the election.

(7) Where none of the above paragraphs applies and the poll at an ordinary parish or community council election is taken together with the poll at a European Parliamentary election under a relevant enactment—

(a) those functions of the returning officer at the European Parliamentary election which are specified in regulation 5 shall be discharged by the returning officer at the parish or community council election for such part of the electoral region as is situated in the area of the parish or community council; and

(b) only polling stations used for the parish or community council election shall be used for the European Parliamentary election.

(8) Subject to paragraph (9), where the polls at an election and another election or referendum for related areas (within the meaning of section 15(3) of the 1985 Act) are taken together under section 15(2) of the 1985 Act^(a) (including by virtue of section 15(2) and (3) as applied by regulations made under sections 44 and 105 or 45 and 105 of the 2000 Act)—

(a) the returning officers for each election or referendum shall decide which returning officer shall discharge in the related area those functions of the other (or others) which are specified in regulation 5, but the returning officer at a European Parliamentary election shall not discharge those functions; and

(b) the only polling stations which shall be used at each election or referendum are the polling stations used at the election or referendum for which the returning officer who discharges the functions referred to in sub-paragraph (a) above acts as returning officer.

(9) Where the polls at two or more elections or referendums are taken together other than under a relevant enactment, but one or more such polls are also taken together with the poll at another election or a referendum under a relevant enactment, paragraphs (1) to (7) above shall apply as if—

(a) each election (other than a mayoral election) were an ordinary election; and

(b) the polls at each election or referendum were taken together under a relevant enactment.

(10) In this regulation—

“county council election” mean an election of councillors of a county or county borough;

“principal area” means any of the following—

(a) a county, district or London borough in England, or

(b) a county or county borough in Wales;

“principal area council election” means an election of councillors or London Borough councillors (as the case may be) of a principal area; and

“relevant enactment” means any of the following—

(a) section 15(1) of the 1985 Act; or

^(a) The section heading and subsections (1) and (3) were amended by section 3 of the of the European Communities Amendment Act 1986 (c.58), substituting the words “European Parliament” for “European Assembly”.

(b) section 36(3), (3AB) or (3AC) of the 1983 Act(a), and includes a reference to each section as applied in regulations made under sections 44 and 105 or 45 and 105 of the 2000 Act.

(11) In this regulation, except the first reference in paragraph (8)(a), any reference to a returning officer which applies to—

- (a) the returning officer at a European Parliamentary election, shall be construed as including a reference to the local returning officer,
- (b) the returning officer at an Authority election, shall be construed as a reference to the constituency returning officer(b) for the Assembly constituency in which the functions specified in regulation 5 are to be discharged.

Functions at combined polls

5.—(1) The functions referred to in regulation 4 are the functions conferred—

- (a) at a parliamentary election by those rules in the parliamentary elections rules in Schedule 1 to the 1983 Act(c) which are specified in paragraph (2);
- (b) at a European Parliamentary election, by those rules in the regulations made under section 7 of the 2002 Act(d) which correspond to the rules specified in paragraph (2);
- (c) at a local government election, by those rules in the rules made under section 36 of the 1983 Act(e) which correspond to the rules specified in paragraph (2)(f);
- (d) at a mayoral election, by those rules in regulations made under sections 44 and 105 of the 2000 Act which correspond to the rules specified in paragraph (2)(g);
- (e) at a mayoral referendum, by those rules in regulations made under sections 45 and 105 of the 2000 Act which correspond to the rules specified in paragraph (2)(h);

and, where the proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together under regulation 65 of the 2001 Regulations, the functions conferred by Part 5 of those Regulations(i).

(2) The rules referred to in paragraph (1) are—

- (a) rule 23(2) (notice of situation of polling stations etc)(j);
- (b) where the proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together under regulation 65 of the 2001 Regulations, rule 24 (postal ballot papers)(k);
- (c) rule 25 (provision of polling stations)(l);
- (d) rule 26(1) and (2) (appointment of presiding officers and clerks) to the extent that that rule concerns the appointment of presiding officers and clerks to assist them;
- (e) rule 29 (equipment of polling stations)(m);
- (f) rule 31(a) (notification of requirement of secrecy at polling stations)(n);

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- (a) Subsection (3) was substituted, for subsection (3), as originally enacted, by section 17 of the Representation of the People Act 1985 (c. 50) and further amended by paragraph 68(8) of Schedule 16 to, and Schedule 18 to, the Local Government (Wales) Act 1994 (c. 19); subsection (3AB) was inserted by paragraph 68(8) of Schedule 16 to the Local Government (Wales) Act 1994; and subsection (3AC) was inserted by paragraph 17 of Schedule 3 to the Local Government and Rating Act 1997 (c. 29).
 - (b) See the Greater London Authority (Assembly Constituencies and Returning Officers) Order 1999 (S.I. 1999/3380).
 - (c) Amended by the Representation of the People Act 1985 (c. 50), the Representation of the People Act 2000 (c. 2), and S.I. 1996/739. Other amendments are not relevant to these Regulations.
 - (d) Amended by section 22 of the European Parliament (Representation) Act 2003 (c. 7).
 - (e) Amended by section 17 of the Representation of the People Act 1985 (c. 50), Part I of Schedule 9, and Schedule 17 to the Local Government Act 1985 (c. 51), Part I of Schedule 13 to the Education Reform Act 1988 (c. 40), paragraph 68(8) of Schedule 16, and Schedule 18 to the Local Government (Wales) Act 1994 (c. 19), paragraph 17 of Schedule 3 to the Local Government and Rating Act 1997 (c. 29), paragraphs 1 and 4(1) to (4) of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and Part 1 of the Schedule to S.I. 1999/1730.
 - (f) S.I. 1986/2214, S.I. 1986/2215 and S.I. 2000/427; which were amended by S.I. 2004/223, S.I. 2004/224 and S.I. 2004/227 respectively.
 - (g) S.I. 2002/185; which was amended by S.I. 2004/225.
 - (h) S.I. 2001/1298; which was amended by S.I. 2004/226.
 - (i) In Part V Regulation 72 was amended by Regulation 12 of S.I. 2002/1871, Regulation 77 was amended by Regulation 13(1), (2) and (3) of S.I. 2002/1871 and Regulation 85 by Regulation 2(1) of 2002/1871.
 - (j) Amended by paragraph 77 of Schedule 4, and Schedule 5 to the Representation of the People Act 1985 (c. 50).
 - (k) Substituted by paragraphs 3 and 10(1) and (3) of Schedule 6 to the Representation of the People Act 2000 (c. 2).
 - (l) Rule 25(4) was amended by paragraph 5(5)(b) of Schedule 1 to S.I. 1996/739.
 - (m) Rule 29(3A) was inserted by section 13(1) and (2) of the Representation of the People Act 2000 (c.2) and rule 29(5) was amended by paragraph 79 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
 - (n) Substituted by paragraph 80 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

- (g) rule 32(3) (signature of certificate as to employment);
- (h) rule 33(2)(b) (authorisation to order removal of persons from polling station); and
- (i) in rule 45 (the count), paragraph (1), as substituted by paragraph 22 of Schedule 2, and paragraph (5)(a).

(3) In this regulation, references to regulation 65 and Part 5 of the 2001 Regulations include references to—

- (a) the provisions in regulations made under section 7 of the 2002 Act which correspond to that regulation and that Part; and
- (b) that regulation and that Part as applied by regulations made under sections 44 and 105 or 45 and 105 of the 2000 Act.

Modification of provisions about expenses in the 1983 Act

6.—(1) Where those functions of a returning officer at an election or referendum which are specified in regulation 5 are discharged by the returning officer at another election or referendum under regulation 4, references to the returning officer or his charges or expenditure in—

- (a) subsections (3), (4), (4A), (4B), (5), (7) and (8) of section 29 (payments by and to returning officer)(b) of the 1983 Act;
- (b) section 30 (taxation of returning officer's account) of the 1983 Act; and
- (c) subsections (4) to (6A)(c) of section 36 (local elections in England and Wales) of the 1983 Act,

shall, to the extent that such functions are so discharged, be construed as references to the returning officer who discharges those functions and his charges or expenditure in respect of those functions.

(2) The reference in section 36(6) of the 1983 Act to the returning officer or a person acting as returning officer requesting an advance in respect of his expenses shall, to the extent that those expenses relate to the functions specified in regulation 5, include a reference to the returning officer who under regulation 4 discharges those functions at the local government election, mayoral election or referendum.

(3) In relation to elections and referendums the polls at which are taken together under section 15(1) or (2) of the 1985 Act the Secretary of State may under section 29(3) of the 1983 Act include special provision for services rendered and expenses incurred in respect of the functions specified in regulation 5 and in respect of the remuneration of presiding officers and clerks by the returning officer who discharges those functions by virtue of regulation 4.

(4) In relation to elections and referendums the polls at which are taken together under section 15(1) or (2) of the 1985 Act or section 36(3), (3AB) or (3AC) of the 1983 Act—

- (a) the council for a county, county borough, district or London borough;
- (b) the Greater London Authority;
- (c) the council for the district in which a parish is situated;
- (d) the council for the county or county borough in which a community is situated,

may, in fixing a scale under subsections (4), (4B), (5) and (5A) respectively of section 36 of the 1983 Act(d) include special provision for expenses incurred in respect of the functions specified in regulation 5 and in respect of the remuneration of presiding officers and clerks by the returning officer who discharges those functions by virtue of regulation 4.

(a) Rule 45(1) and (1A) were substituted for (1), as originally enacted, by paragraph 82 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(b) Subsections (3), (4), (4A) and (4B) were substituted, for subsections (3) and (4), as originally enacted, by section 1(2) of the Representation of the People Act 1991 (c. 11). Subsection 5 was amended by section 1(3) of the Representation of the People Act 1991 (c. 11) and article 3(4) of S.I. 1991/1728. Subsections (6) and (7) were amended by article 3(2) and (5), and subsections (8) and (9) were amended, by article 3(6) of S.I. 1991/1728.

(c) Inserted by paragraphs 1 and 4(1) and (4) of Schedule 3 to the Greater London Authority Act (c. 29).

(d) Subsection 4 was amended by Schedule 17 to the Local Government Act 1985 (c. 51) and paragraph 68(9) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19). Subsection (4B) was inserted by paragraphs 1 and 4(1) and (3) of Schedule 3 to the Greater London Authority Act 1999 (c. 29). Subsection (5) was amended by paragraph 68(10) of Schedule 16 to, and Schedule 18 to, the Local Government (Wales) Act 1994 (c. 19) and Part I of Schedule 2 to S.I. 1991/1730. Subsection (5A) was inserted by paragraph 68(10) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19).

- (5) In this regulation, references to any provision of an enactment include references to—
- (a) any provision in regulations made under section 7 of the 2002 Act which corresponds to that provision; and
 - (b) that provision as applied by regulations made under sections 44 and 105 or 45 and 105 of the 2000 Act.

Modifications for 2004

7.—(1) This regulation shall have effect for the purposes of the European Parliamentary general election in 2004, the ordinary Authority election in 2004 the poll at which is to be taken together with the poll at that election and any other election or referendum the poll at which is to be taken together with the poll at the European Parliamentary election.

- (2) In the case of the London electoral region—
- (a) section 6(2)(a) of the 2002 Act shall not apply; and
 - (b) the returning officer for that electoral region shall be the GLRO,

but for all purposes he shall be treated as if he were the returning officer by virtue of provision made under section 6(2) of the 2002 Act.

- (3) In the case of the London electoral region—
- (a) in addition to any deputy the returning officer may appoint under regulation 7 of the 2004 Regulations, there shall be a designated deputy returning officer (“the designated deputy”);
 - (b) the designated deputy shall be the person who is the acting returning officer for the parliamentary constituency of Croydon Central;
 - (c) the designated deputy shall be entitled to recover charges in respect of services properly rendered by him as if he were a returning officer for the London electoral region, but for all other purposes he shall be treated as if he were a deputy appointed under regulation 7 of the 2004 Regulations.

(4) In the definition of a local counting area in regulation 2 of the 2004 Regulations so far as it applies to England and Wales the reference to a parliamentary constituency shall have effect as if it were a reference to—

- (a) a district in England or a London borough;
- (b) the City of London (including the Inner and Middle Temples), the Isle of Wight or the Isles of Scilly; or
- (c) a county or county borough in Wales.

(5) In relation to each local counting area in England and Wales (within the meaning of paragraph (4))—

- (a) section 6(5A)(a) of the 2002 Act and regulation 6(2) of the 2004 Regulations shall not apply; and
- (b) the local returning officer for that local counting area shall be—
 - (i) except in the City of London local counting area, the person who is the returning officer for elections of councillors or for elections of London borough councillors (as the case may be) of the local government area that is coterminous with the local counting area; and
 - (ii) in the City of London local counting area, the person who is the returning officer at an election of a constituency member of the London Assembly for the Assembly constituency which includes the area of the City of London,

but for all purposes he shall be treated as if he were the local returning officer for that local counting area by virtue of section 6(5A)(a) of the 2002 Act and regulation 6(2) of the 2004 Regulations.

(6) Regulation 65 of the 2001 Regulations, and—

- (a) that regulation as applied by regulations made under sections 44 and 105 or 45 and 105 of the 2000 Act; and
- (b) paragraph 27 of Schedule 2 to the 2004 Regulations,

shall have effect as if for the words “may” to “agree” there were substituted the word “must”.

(a) Amended by section 20(1) and (2) of the European Parliament (Representation) Act 2003 (c. 7).

(7) The GLRO may include in an election booklet prepared by him under article 7 of the Greater London Authority Elections (Election Addresses) Order 2003^(a) information for voters at the European Parliamentary election in the London electoral region that has been agreed by him with the Electoral Commission—

- (a) about the system of voting at the European Parliamentary election;
- (b) about how to vote at that election in a manner that will ensure a vote is regarded as validly cast,

but which—

- (aa) does not contain any advertising material;
- (bb) does not contain any material referring to an individual candidate or a registered party standing at the election or to the holder, at any time, of the office of member of the European Parliament; and
- (cc) must be printed on not more than one side of A5 paper.

(8) Where the votes at the Authority election are counted by electronic means, as respects each local counting area comprised in the London electoral region the 2004 Regulations shall have effect as if Part 1 of Schedule 3 to those regulations were substituted by Schedule 1 to these Regulations.

Modification of parliamentary elections rules

8.—(1) Where the poll at a parliamentary election is to be taken with—

- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act; or
- (b) the poll at a mayoral election or a referendum in accordance with regulations made under section 44 and 105 or 45 and 105 of the 2000 Act,

or two or more such polls, the parliamentary elections rules in Schedule 1 to the 1983 Act shall have effect subject to the provisions of Schedule 2.

Amendments to 2001 Regulations

9. The amendments to the 2001 Regulations specified in Schedule 3 shall have effect.

Signed on behalf of the Secretary of State for Constitutional Affairs

22nd March 2004

Christopher Leslie
Parliamentary Under Secretary of State
Department for Constitutional Affairs

(a) See article 8(4) of S.I. 2003/1907.

SUBSTITUTED PART 1 OF SCHEDULE 3 TO THE EUROPEAN
PARLIAMENTARY ELECTIONS REGULATIONS 2004

“SCHEDULE 3

Regulation 11

MODIFICATION OF EUROPEAN PARLIAMENTARY ELECTIONS RULES
FOR COMBINED POLLS

PART I

England and Wales

1. This Part of this Schedule applies where the circumstances set out in regulation 11(i) of these Regulations and regulation 7(8) of the Combination of Polls Regulations apply.

2.—(1) In this Part of this Schedule, and in any provision of these Regulations modified by this Part of this Schedule—

“central counting system” means such computer hardware and software, data, other equipment and services as may be provided by the returning officer for the purpose of counting and calculating electronically the numbers of ballot papers or votes cast on them at the election, including the provision of information to allow for the verification of ballot paper accounts;

“relevant election or referendum” means one or more of the following—

- (a) a parliamentary election,
- (b) a local government election,
- (c) a mayoral election,
- (d) a referendum,

the poll at which is taken together with the poll at the European Parliamentary election; and

“GLRO” means the Greater London Returning Officer, being the person who is for the time being the proper officer of the Greater London Authority for the purposes of section 35(2C) of the Representation of the People Act 1983(a).

(2) In the case of a referendum, a reference to—

- (a) an election agent or counting agent shall be construed as a reference to a counting observer, within the meaning of regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001(b);
- (b) a polling agent shall be construed as a reference to a polling observer, within the meaning of that regulation; and
- (c) a returning officer shall be construed as a reference to a counting officer, within the meaning of that regulation.

(3) Unless the context otherwise requires, any reference to the counting of ballot papers or votes, or the making of any calculation in whatever terms, shall in relation to the European Parliamentary election, be construed as including a reference to counting or calculating by electronic means.

3. In paragraph (2) of rule 21 (the ballot papers) for sub-paragraphs (b), (c) and (d) substitute—

“(b) shall have a number printed on the front or back and a counterfoil attached with the same number printed on it;”.

4. At the end of paragraph (2) of rule 21 (the ballot papers) insert the following sub-paragraph—

“(e) shall be of a different colour from that of any ballot papers used at any relevant election or referendum.”

5. In paragraph (1) of rule 22 (the official mark) for “which shall perforate the ballot paper” substitute—

“which shall consist of—

- (i) a mark which perforates the paper;
- (ii) a watermark;
- (iii) faint printing which appears to lie behind the text of the ballot paper;
- (iv) a barcode; or
- (v) such other feature as will indicate the authenticity of the ballot paper”.

(a) Subsection (2C) was inserted by paragraphs 1 and 3 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).
(b) S.I. 2001/1298; which was amended by S.I. 2004/226.

6. For paragraphs (2) and (3) of rule 22 (the official mark) substitute—
- “(2) Where the official mark consists of a barcode it shall contain a security feature which shall allow the information it conveys as to its authenticity to be discerned with the use of information held only by the local returning officer and his clerks.
- (3) The official mark shall be kept secret and—
- (a) an interval of not less than five years shall intervene before the same official mark is used at any European Parliamentary election; and
- (b) the official mark used for ballot papers issued for voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person, except where the official mark consists of a barcode.”
7. At the end of rule 25 (notice of poll) insert the following paragraph—
- “(3) The notice published under paragraph (2) above shall, in addition—
- (a) state that the poll at the European Parliamentary election is to be taken together with the poll at a relevant election or referendum;
- (b) specify the relevant parliamentary constituency, local authority or, as the case may be, voting area and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
- (c) where the polls are to be taken together in part of the local counting area only, specify that part.”
8. After paragraph (1) of Rule 28 (appointment of presiding officers and clerks) insert the following paragraph—
- “(1A) The clerks appointed pursuant to paragraph (1) above may include such technical advisers as the constituency returning officer for the Authority election thinks fit to assist in—
- (a) the operation and maintenance of the central counting system;
- (b) any other computer hardware or software or other equipment or any service; and
- (c) the handling and use of any electronic data,
- used or to be used for the purposes of counting the ballot papers and the votes.”
9. At the end of rule 29 (issue of official poll cards) insert the following paragraph—
- “(5) If the returning officer for each relevant election or referendum agrees, an official poll card issued under this rule may be combined with an official poll card issued at each relevant election or referendum, with necessary adaptations”.
10. After paragraph (1) of rule 30 (equipment of polling stations) insert—
- “(1A) The same ballot box may be used for the poll at the European Parliamentary election and the poll at each relevant election or referendum, if the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations thinks fit.
- (1B) Where the same ballot box is not used under paragraph (1A), each ballot box shall be clearly marked with—
- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum; and
- (b) the words “Please insert the [*specify colour of ballot papers in question*] coloured ballot papers in here.””
11. After paragraph (4) of rule 30 (equipment of polling stations) insert the following paragraph—
- “(4A) The large version of the ballot paper referred to in paragraph (4)(a) above shall be printed on paper of the same colour as that of the ballot papers for use at the European Parliamentary election.”
12. For paragraph (7) of rule 30 (equipment of polling stations) substitute the following paragraph—
- “(7) In every compartment of every polling station there shall be exhibited the notice—
- “*PARLIAMENTARY ELECTION
- (*[Specify colour]* ballot paper)
- Vote for ONE candidate only
- EUROPEAN PARLIAMENTARY ELECTION
- (*[Specify colour]* ballot paper)
- Vote for ONE party or individual candidate only*
- **[Specify name of council]* COUNCIL ELECTION

(*[Specify colour]* ballot paper)

*[Vote for no more thancandidates]

*[Vote for ONE candidate only]

*ELECTION OF THE MAYOR OF LONDON

(*[Specify colour]* ballot paper)

#On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.

*ELECTION OF THE LONDON ASSEMBLY

#On the constituency members ballot paper [*specify colour*] vote for ONE candidate only.

#On the London members ballot paper [*specify colour*] vote for ONE party or individual candidate only.

**[Specify other]* ELECTION/REFERENDUM

(*[Specify colour]* ballot paper)

*[Vote for ONE candidate only]

*[Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE]

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT BE COUNTED*

***[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR [*specify the election(s) at which the votes are to be counted electronically*]] [PLEASE DO NOT FOLD THE BALLOT PAPERS]** *Post them, face downwards, in the [**appropriate*] ballot box.

[Include the words in the first set of brackets if the votes at some of the polls are to be counted electronically. Include the words in the second set of brackets if the votes at all the polls are to be counted electronically.]

**Complete or omit as necessary*

#Alternatively, insert such information as the GLRO may provide.”

13. In paragraph (1)(b) of rule 31 (appointment of polling and counting agents) omit the words “the verification of the ballot paper accounts and” and in paragraph (3) of that rule omit the words “verification of the ballot papers accounts or”.

14. At the end of paragraph (4) of rule 31 (appointment of polling and counting agents) insert—
“Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraph (5) below to be given to the local returning officer shall be given to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.”

15. In rule 32(b) (notification of requirement of secrecy) the words “the verification of the ballot paper accounts or” and “(3)” shall be omitted.

16. In paragraph (1) of rule 33 (admission to polling stations), at the end of sub-paragraph (f), insert—

“(g) persons entitled to be admitted to the polling station at a relevant election or referendum.”

17. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 36 (questions to be put to voters) and in the second question in paragraph (2) of that rule, after the words “at this” insert “European Parliamentary”.

18. In paragraph (1) of rule 38 (voting procedure), if the official mark does not perforate the ballot paper omit sub-paragraph (a).

19. In paragraph (2) of rule 38, omit the words—

(a) “and fold it up so as to conceal his vote”;

(b) “so as to disclose the official mark”; and

(c) “so folded up”.

20. At the end of paragraph (2) of rule 38, insert the words “in such a way as to conceal his vote”.

21. At the end of rule 38 (voting procedure) insert the following paragraph—
- “(4) The same copy of the register may be used under paragraph (1) above for a relevant election or referendum and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph (1)(e) above to denote that a ballot paper has been received in respect of each election or referendum; except that, where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark shall be placed in the register or, as the case may be, list so as to identify each election or referendum in respect of which the ballot paper was issued.”
22. At the end of paragraph (2) of rule 39 (votes marked by presiding officer) insert—
- “The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.”
23. At the end of paragraph (4) of rule 40 (voting by person with disabilities) insert—
- “The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was given.”
24. At the end of paragraph (3) of rule 41 (tendered ballot papers) insert—
- “The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.”
25. At the end of paragraph (1) of rule 43 (adjournment of poll in case of riot) insert “who discharges the functions specified in regulation 5 of the Combination of Polls Regulations”.
26. In rule 44(1) (procedure on close of poll), after the words “polling agents”, in the first place where they occur, insert “appointed for the purposes of the European Parliamentary election and those appointed for the purposes of each relevant election or referendum”.
27. After paragraph (1) of rule 44 (procedure on close of poll) insert—
- “(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of packets made under the corresponding rule that applies at each relevant election or referendum; nor shall the statement prepared under paragraph (3) below be so combined.
- (1B) References to the local returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.”
28. Omit rules 45 (attendance at verification of the ballot paper accounts) and 46 (procedure at verification of the ballot paper accounts).
29. For paragraph (1) of rule 47 (attendance at counting of votes) substitute the following paragraph—
- “(1) The local returning officer shall make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations—
- (a) in the case of a general election of MEPs, before or after the material time and in either case so that the requirements of rule 52(1) are satisfied as soon as practicable after the material time,
- (b) in the case of a by-election, as soon as practicable after that delivery,
- and shall give to the counting agents and the returning officer notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which the count will take place.
- For the purposes of this paragraph the “material time” means in relation to a general election of MEPs, the close of the polling in the Member State whose electors are the last to vote in the election.”
30. In paragraph (2) of rule 47, where the votes at the election are to be counted concurrently with the votes at the Authority election using the central counting system, after sub-paragraph (e) insert—
- “(f) persons permitted to be present at the counting of the votes at each relevant election or referendum.”

31. For paragraph (1) of rule 48 (the count) substitute—

“(1) The local returning officer may conduct any count of the votes using the central counting system and may agree with the constituency returning officer for the Authority election to concurrently count the votes with the count of the votes at the Authority election using that system.

(1A) Where the count has been conducted using the central counting system, the local returning officer, if he considers it appropriate to do so, may conduct any re-count without using that system.

(1B) Where there is a recount of votes at the election the votes shall not be recounted concurrently with the votes for the Authority election unless there is also a recount at the Authority election and the constituency returning officer and the local returning officer so agree.

(1C) Where the counting of the votes has commenced using the central counting system, if at any time before he satisfies the requirements of rule 52(1) the local returning officer considers it appropriate, he may discontinue the count and instead count the votes without using the central counting system.

(1D) If he counts the votes using the central counting system the local counting officer shall count the votes by causing the central counting system to count the votes and calculate the total number of votes given for each candidate at the election from the votes cast on ballot papers which have been counted by it.

(1E) Where the votes at the election are not to be counted concurrently with the votes at the Authority election using the central counting system the local returning officer shall—

- (a) on receipt of the containers of ballot papers from the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations and after the time specified in the notice given under rule 47(1) in the presence of the counting agents open each container; and
- (b) mix together the ballot papers from all of the containers and count the votes given on them.

(1F) Where separate ballot boxes have been used, no vote for any individual candidate or registered party shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.

(1G) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the manner prescribed in paragraph 41 of Schedule 2 so as to reach the local returning officer or any polling station in the appropriate area before the close of the poll and the declaration of identity duly signed and authenticated is also returned in that manner before that time.

(1H) In paragraph (1G) the “appropriate area” means—

- (a) the area in the local counting area common to the parliamentary constituency, electoral area or voting area (as the case may be) in which the polls at the European Parliamentary election and a relevant election or referendum are being taken together; and
- (b) in respect of which polls the voter has been issued with a postal ballot paper.”

32. For paragraph (3) of rule 48 (the count) substitute—

“(3) The local returning officer, while counting the votes, shall take all proper precautions for preventing any person from identifying the voter who has cast any vote.”

33. In paragraph (4) of rule 48 (the count), omit the words “, in so far as he and the agents agree,” and the words from “For the purposes” to the end.

34. In paragraph 5(b) of rule 48 (the count), at the end, insert “and the central counting system”.

35. For paragraph (4) of rule 50 (rejected ballot papers) substitute—

“(4) A record shall be retained in the central counting system of which ballot papers were rejected and the reason for rejection in each case.”

36. After paragraph (4) of rule 50 (rejected ballot papers) insert—

“(4A) Any ballot paper not initially either rejected or counted by the central counting system shall be the subject of a decision by the returning officer.

(4B) Such a decision may be made by the returning officer examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count and by the returning officer recording his decision in the central counting system, and where this is done neither a candidate nor his agent shall be entitled to require the returning officer to provide a paper copy of any ballot paper for their inspection.”

37. After paragraph (1) of rule 58 (sealing up of ballot papers) insert—

“(1A) Where the votes have been counted using the central counting system, the local returning officer shall also seal up in separate packets complete electronic copies of the information stored in the central counting system, held in a device suitable for the purpose of its storage.

(1B) After taking copies for the purposes of paragraph (1A) above, the local returning officer shall arrange for the original records in the central counting system to be removed from it and destroyed in a manner that ensures that the confidentiality of those records is preserved.

(1C) Where the votes at the European Parliamentary election have been counted concurrently with the votes at the Authority election using the central counting system—

(a) references in paragraphs (1A) and (1B) above to the “local returning officer” shall be construed as references to the returning officer who discharges the functions referred to in regulation 5 of the Combination of Polls Regulations; and

(b) the counted and rejected ballot papers at the election to be sealed up and packeted under paragraph (1) and the counted and rejected ballot papers at the Authority election shall be sealed up in combined packets of counted ballot papers and rejected ballot papers.”

38. In rule 59(1) (retention of documents)—

(a) omit sub-paragraphs (c) and (e);

(b) where the votes at the election have been counted concurrently with the votes at the Authority election using the central counting system, omit sub-paragraph (a); and

(c) where the votes at the election have been counted using the central counting system, but not concurrently with the votes at the Authority election, after sub-paragraph (c) insert—

“(ca) the packets containing the records referred to in rule 58(1A).”

39. In rule 60 (orders for production of documents)—

(a) in paragraph (1)(b), after the words “for the opening of”, insert “a packet containing the records referred to in rule 58(1A),”;

(b) in paragraph (2), after the words “for the opening of”, insert “a packet containing the records referred to in rule 58(1A) or”;

(c) in paragraph (3), after the words “for the opening of”, insert “a packet containing the records referred to in rule 58(1A) or”;

(d) in paragraph (6), after the words “document” in each place where it appears, insert “or record”;

(e) after paragraph (7), insert—

“(7A) The production from proper custody of a copy of any of the records placed in such custody under these rules which indicates that a particular vote was cast by a particular elector shall be prima facie evidence that such vote was cast by such elector.”; and

(f) at the end of paragraph (8), insert “or containing the records referred to in rule 58(1A)”.

40. In the Appendix of forms for the form of direction for the guidance of the voters in voting substitute—

“Form of directions for the guidance of the voters in voting

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Make sure the ballot papers you are given are [stamped with the official mark/have the official mark*].

2. Go to one of the compartments.

3.A [At the [Parliamentary/local government election(s)*] mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate for whom you are voting*. [Vote once only/Vote for no more than ... candidates.*]]

B. At the European Parliamentary election, mark a cross (X) to the right of the name of the party or individual candidate for whom you are voting. Vote once only.

[#C. At the Greater London Authority election—

[(i) in the election for the constituency members of the London assembly, vote for ONE candidate only;]*##

[(ii) in the election of the London members of the London Assembly, vote for ONE party or candidate only]*##

[(iii) in the Mayoral election **VOTE ONCE FOR YOUR FIRST CHOICE AND ONCE FOR YOUR SECOND CHOICE.*##**

D. [At the [*specify other*] election/referendum* mark a cross (X) to the right of the [candidate/the answer*] for which you are voting. [*Vote once only][*VOTE ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]]

4. [Please do not fold the ballot papers for the *[specify the election(s) at which the votes are to be counted electronically]**] [Fold [each/any other*] ballot paper(s) in two and show the official mark on it to the presiding officer.*] Do not let anyone see your vote. Put each ballot paper in the [*appropriate] ballot box and leave the polling station.

Include the words in the first set of square brackets, and corresponding amendment in the following sentence if the votes are to be counted electronically at one or more of the elections.

5. Vote only for the number of candidates specified on each ballot paper [and only one of the answers available in the referendum*]. Put no other mark on the ballot papers, or your votes may not be counted.

6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

**Complete or omit as necessary*

#Alternatively, insert such information as to the manner of voting as the GLRO may decide.”

41. In the Appendix of forms, for the form of declaration to be made by the companion of a voter with disabilities substitute—

“Form of declaration to be made by the companion of a voter with disabilities

Rule 40(5)

I, A. B., of.....having been requested to assist C.D. (*in the case of a voter with disabilities voting as proxy add voting as proxy for M.N.*) whose number on the register is.....to record his vote at the election[s]* and [*referendum[s]]* now being held in this *parliamentary constituency/*European Parliamentary electoral region/*Greater London Authority constituency/*district/*London borough/*parish or community/*local government area (**delete those which are inappropriate*) hereby declare that (I am entitled to vote as an elector at the said election[s]* [*and referendum[s]] (I am the #.....of the said voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except E.F., of.....) to vote at the said elections.*

(Signed) AB,

day of

20

State the relationship of the companion to the voter.

I, the undersigned, being the presiding officer for the.....polling station for the.....local counting area, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) GH,

day of.....20..

minutes past.....o'clock (am) (pm)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

2. A voter with disabilities is a voter who has made a declaration under the European Parliamentary elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.”

42. In the Appendix of Forms, in the form for the back of the elector’s official poll card, for the words “Fold the ballot paper in two.” substitute “Please do not fold the ballot paper.”

43. In the Appendix of Forms and Directions, for the directions as to printing the ballot paper substitute—

“Directions as to printing the ballot paper

1. The ballot paper shall contain no words or marks other than—

(a) the headings “Election For The European Parliament”, the name of the electoral region and the statement “YOU HAVE ONE VOTE”, the names of registered political

- parties, the names and descriptions of individual candidates, the names of candidates on a party list, the number of each registered party or individual candidate and a number for each candidate on a party list and words forming parts of emblems;
- (b) those necessary for its recognition and counting by the electronic counting equipment;
- (c) the instruction (to be inserted on the back of ballot papers other than postal ballot papers) “DO NOT FOLD”.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—
- (a) the space allocated to the names of the individual candidates and registered parties shall be divided equally between them;
- (b) different fonts and sizes of character may be used for—
- (i) surnames,
- (ii) other names,
- (iii) other particulars,
- but fonts and sizes of character shall not otherwise vary as between the names of the individual candidates and registered parties, as between the descriptions of individual candidates or as between the names of candidates on parties’ lists;
- (c) the space allocated to the emblem of each registered party whose request for the appearance on the ballot paper of that party’s registered emblem (or one of them) has been duly made shall be the same as that allocated to the emblem of every other such registered party;
- (d) where an emblem is to be printed against a registered parties’ name it shall be printed adjacent to that name;
- (e) on the front or back of the ballot paper the number shall be printed in small characters; and
- (f) the instruction referred to in paragraph 1(c) shall be printed in large capital letters.””

SCHEDULE 2

Regulation 8

MODIFICATIONS TO PARLIAMENTARY ELECTIONS RULES

1. In the circumstances set out in regulation 8 of these Regulations, the parliamentary election rules in Schedule 1 to the 1983 Act shall have effect subject to the following modifications.
2. In this Schedule, and in any provision modified by this Schedule—
- “Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004;
- “GLRO” means the Greater London Returning Officer, being the person who is for the time being the proper officer of the Greater London Authority for the purposes of section 35(2C) of the Representation of the People Act 1983(a);
- “mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(b);
- “referendum” means a referendum conducted under the Local Authorities (Conduct of Referendums)(England) Regulations 2001(c); and
- “relevant election or referendum” means one or more of the following—
- (a) a European parliamentary election,
- (b) a local government election,
- (c) a mayoral election,
- (d) a referendum,
- the poll at which is taken together with the poll at the parliamentary election.
3. In this Schedule, and in any provision modified by this Schedule, in the case of a referendum a reference to—
- (a) an election agent or counting agent shall be construed as a reference to a counting observer, within the meaning of regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

(a) Subsection (2C) was inserted by paragraphs 1 and 3 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

(b) S.I. 2002/185; which was amended by S.I. 2004/225.

(c) S.I. 2001/1298; which was amended by S.I. 2004/226.

- (b) a polling agent shall be construed as a reference to a polling observer, within the meaning of that regulation; and
- (c) a returning officer shall be construed as a reference to a counting officer, within the meaning of that regulation.
4. At the end of paragraph (2) of rule 19(a) (the ballot papers) the following sub-paragraph shall be inserted—
- “(e) shall be of a different colour from that of any ballot papers used at any relevant election or referendum”.
5. At the end of rule 23(b) (notice of poll) the following paragraph shall be inserted—
- “(3) The notice published under paragraph (2) above shall—
- (a) state that the poll at the parliamentary election is to be taken together with the poll at a relevant election or referendum;
- (b) specify the relevant local counting area, local authority or, as the case may be, voting area and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
- (c) where the polls are to be taken together in part of the constituency only, specify that part.”
6. At the end of rule 28(c) (issue of official poll cards) the following paragraph shall be inserted—
- “(5) If the returning officer for each relevant election or referendum agrees, an official poll card issued under this rule may be combined with an official poll card issued at each relevant election or referendum, with necessary adaptations.”
7. After paragraph (1) of rule 29 (equipment of polling stations) there shall be inserted the following paragraphs—
- “(1A) The same ballot box may be used for the poll at the parliamentary election and the poll at each relevant election or referendum.
- (1B) Where the same ballot box is not used under paragraph (1A), each ballot box shall be clearly marked with—
- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum; and
- (b) the words “Please insert the [*specify colour of ballot papers in question*] coloured ballot papers in here.””
8. After paragraph (3A) of rule 29 (equipment of polling stations) insert the following paragraph—
- “(3B) The large version of the ballot paper referred to in paragraph (3A)(a) above shall be printed on paper of the same colour as that of the ballot papers for use at the parliamentary election.”
9. For paragraph (5) of rule 29 (equipment of polling stations) there shall be substituted the following paragraph—
- “(5) In every compartment of every polling station there shall be exhibited the notice—
- “PARLIAMENTARY ELECTION
 ([*Specify colour*] ballot paper)
 Vote for ONE candidate only
- *EUROPEAN PARLIAMENTARY ELECTION
 ([*Specify colour*] ballot paper)
 Vote for ONE party or individual candidate only
- *[*Specify name of council*] COUNCIL ELECTION
 ([*Specify colour*] ballot paper)
 *[Vote for no more than ...candidates]
 *[Vote for ONE candidate only]

-
- (a) Rule 19(2) was amended by paragraph 76 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Paragraphs (2A) and (2B) were inserted by paragraph 4 of Schedule 2 to the Registration of Political Parties Act 1998 (c. 48)
- (b) Subsection (2) was amended and subsection (3), as originally enacted, was repealed by paragraph 7 of Schedule 4, and Schedule 5 to the Representation of the People Act 1985 (c. 50).
- (c) Rule 28 was amended by paragraph 6 of Part 1 of Schedule 2 to the Representation of the People Act 1985 (c. 50).

***[ELECTION OF THE MAYOR OF LONDON**

((Specify colour) ballot paper)

#On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.]

***[ELECTION OF THE LONDON ASSEMBLY**

#On the constituency members ballot paper (*specify colour*) vote for ONE candidate only.

#On the London members ballot paper (*specify colour*) vote for ONE party or individual candidate only.]

***[*Specify other*] ELECTION/REFERENDUM**

([Specify colour] ballot paper)

***[Vote for ONE candidate only]**

***[Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE]**

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT BE COUNTED

***[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR *[specify the election(s) at which the votes are to be counted electronically]* *Post them, face downwards, in the [*appropriate] ballot box.]**

[Include the words in the brackets if the votes at some of the polls are to be counted electronically.]

**Complete or omit as necessary*

#Alternatively, insert such information as the GLRO may provide”

10. At the end of paragraph (3) of rule 30 (appointment of polling and counting agents) there shall be inserted the following—

“Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraphs (4) and (5)(a) below to be given to the returning officer shall be given to the returning officer who discharges the functions specified in Regulation 5 of the Combination of Polls Regulations.”

11. At the end of paragraph (1)(e) of rule 32(b) (admission to polling stations) insert—

“(f) persons entitled to be admitted to the polling station at a relevant election or referendum.”

12. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 35 (questions to be put to voters) and in the second question in paragraph (2) of that rule, after the words “at this” there shall be inserted the word “parliamentary”.

13. At the end of rule 37(c) (voting procedure) there shall be inserted the following paragraph—

“(4) The same copy of the register of electors may be used under paragraph (1) above for a relevant election or referendum and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph 1(e) above to denote that a ballot paper has been issued in respect of each election or referendum; except that, where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark shall be placed in the register or, as the case may be, list so as to identify each election or referendum in respect of which the ballot paper was issued.”

14. At the end of paragraph (2) of rule 38 (votes marked by presiding officer) there shall be inserted—

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

(a) Paragraph (5) was amended by Schedule 22 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(b) Amended by section 13(1) and (4) of the Representation of the People Act 2000 (c. 2).

(c) To which there were amendments not relevant to these Regulations.

15. At the end of paragraph (4) of rule 39(a) (voting by person with disabilities) there shall be inserted—

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

16. At the end of paragraph (3) of rule 40(b) (tendered ballot papers) there shall be inserted—

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

17. At the end of paragraph (1) of rule 42 (adjournment of poll in case of riot) there shall be inserted “who discharges the functions specified in regulation 5 of the Combination of Polls Regulations”.

18. In paragraph (1) of rule 43(c) (procedure on close of poll), after the words “polling agents”, in the first place where they occur, insert “appointed for the purposes of the parliamentary election and for each relevant election or referendum”.

19. After paragraph (1) of rule 43 (procedure on close of poll) there shall be inserted the following paragraphs—

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of packets made under the corresponding rule that applies at each relevant election or referendum; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in Regulation 5 of the Combination of Polls Regulations.”

20. For paragraph (1) of rule 44 (attendance at counting of votes) there shall be substituted the following paragraphs—

“(1) Where the returning officer at the parliamentary election discharges the functions specified in Regulation 5 of the Combination of Polls Regulations, he shall—

(a) make arrangements for—

(i) discharging the functions under rule 45(1)(d) below (as substituted by Regulation 8 of those Regulations) in the presence of the counting agents appointed for the purposes of the parliamentary election and for each relevant election or referendum, as soon as practicable after the close of the poll; and

(ii) thereafter counting the votes at the parliamentary election in the presence of the counting agents appointed for the purposes of that election; and

(b) he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1) below (as so substituted).

(1A) Where the returning officer at the parliamentary election does not discharge the functions specified in Regulation 5 of the Combination of Polls Regulations, he shall—

(a) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and

(a) Rule 39 was substituted by section 13(1) and (2) of the Representation of the People Act 2000 (c. 2).

(b) Rule 40 was amended by paragraph 7 of Part I of Schedule 2, and Schedule 5 to the Representation of the People Act 1985 (c. 50).

(c) Rule 43 was amended by section 13(1) and (4) of the Representation of the People Act 2000 (c. 2).

(d) Paragraphs (1) and (1A) were substituted for paragraph (1), as originally enacted, by paragraph 82 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

- (b) give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.

(1B) No person other than a person entitled to be present at the counting of the votes at each relevant election or referendum may be present at the proceedings under rule 45(1) (as so substituted).”

21. In paragraph (3) of rule 44 (attendance at counting of votes) before the words “counting of votes”, in the first place where they occur, there shall be inserted the words “proceedings under rule 45(1) below (as so substituted) or the” and before the words “the efficient” there shall be inserted the words “the efficient separating of the ballot papers or, as the case may be”.

22. For paragraphs (1) to (1A) of rule 45 (the count) there shall be substituted the following paragraphs—

“(1) Where the returning officer at the parliamentary election discharges the functions specified in Regulation 5 of the Combination of Polls Regulations, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the parliamentary election and each relevant election or referendum, open each ballot box and record separately the number of ballot papers used in each election or referendum;
- (b) in the presence of the election agents appointed for the purposes of the parliamentary election and each relevant election or referendum verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each relevant election or referendum;
- (d) separate the ballot papers relating to the parliamentary election from the ballot papers relating to each relevant election or referendum;
- (e) make up into packets the ballot papers for each relevant election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate; and
- (f) deliver or cause to be delivered to the returning officer at the relevant election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each;
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election or referendum; and
- (g) at the same time deliver or cause to be delivered to that officer packets that so relate containing—
 - (i) the unused and spoilt ballot papers,
 - (ii) the tendered ballot papers, and
 - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(1AA) Where separate ballot boxes have been used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.

(1AB) After completion of the proceedings under paragraph (1) above, the returning officer shall mix together all of the ballot papers used at the parliamentary election and count the votes given on them.

(1AC) Where the returning officer at the parliamentary election does not discharge the functions specified in Regulation 5 of the Combination of Polls Regulations, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(1A) above (as substituted by Regulation 8 of those Regulations) in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the 2001 Regulations (including that regulation as applied by regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000(a), count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (5) below does not apply to these proceedings.”

(a) 2000 c. 22.

23. In paragraph (1B) of rule 45 (the count) the reference to the constituency shall be construed as a reference to—

- (a) the area in the parliamentary constituency common to the local counting area, electoral area or voting area (as the case may be) in which the polls at the parliamentary election and a relevant election or referendum are being taken together; and
- (b) in respect of which polls the voter has been issued with a postal ballot paper.

24. In paragraph (6) of rule 45 (the count) omit the words “, in so far as he and the agents agree,” and the words from “For the purposes” to the end.

25. In paragraph (2) of rule 54 (sealing up of ballot papers) after the words “poll, or” insert “where he is the returning officer who discharges the functions referred to in Regulation 5 of the Combination of Polls Regulations,”.

26. At the end of paragraph (1) of rule 55(a) (delivery of documents to the Clerk of the Crown) there shall be inserted—

“At an election where the returning officer does not discharge the functions referred to in Regulation 5 of the Combination of Polls Regulations, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.”

27. In rule 60 (countermand or abandonment of poll on death of candidate)—

(a) at the end of paragraph (1) there shall be inserted—

“Provided that neither the countermand of the poll at the parliamentary election nor the direction that that poll be abandoned shall affect the poll at each relevant election or referendum”; and

(b) for paragraph (2) there shall substituted the following paragraph—

“(2) Where the poll at the parliamentary election is abandoned by reason of a candidate’s death, no further ballot papers at that election shall be issued in any polling station and, at the close of the poll for each relevant election or referendum the presiding officer at any polling station shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the parliamentary election had not been abandoned, and the returning officer shall dispose of ballot papers used at the parliamentary election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any parliamentary ballot paper account to be prepared or verified; and
- (b) the returning officer, having separated the ballot papers relating to each relevant election or referendum shall take no step or further step for the counting of the ballot papers used at the parliamentary election or of the votes and shall seal up all those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”

28. In the Appendix of forms for the form of directions for the guidance of the voters in voting(b) there shall be substituted—

“Form of directions for the guidance of the voters in voting

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Make sure the ballot papers you are given are [stamped with the official mark/have the official mark].

2. Go to one of the compartments.

3.A At the Parliamentary [local government election(s)*] mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate for whom you are voting*. Vote once only. [Vote for no more than ... candidates.*]

B. [At the European Parliamentary election, mark a cross (X) to the right of the name of the party or individual candidate for whom you are voting. Vote once only.*]

[#C. At the Greater London Authority election—

[(i) in the election for the constituency members of the London assembly, vote for ONE candidate only]*#

[(ii) in the election of the London members of the London Assembly, vote for ONE party or candidate only]*#

[(iii) in the Mayoral election VOTE ONCE FOR YOUR FIRST CHOICE AND ONCE FOR YOUR SECOND CHOICE.*]]

(a) Amended by section 13(1) and (4) of the Representation of the People Act 2000 (c. 2) and paragraph 57(1) and (6)(a) and (b) of Schedule 1 to S.I. 2001/1149.

(b) Amended by paragraph 86 of Schedule 4 to the Representation of the People 1985 (c. 50).

D. [At the *[specify other]* election/referendum* mark a cross (X) to the right of [the candidate/ the answer*] for which you are voting.[*Vote once only][*VOTE ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]

4. [Please do not fold the ballot papers for the *[specify the election(s) at which the votes are to be counted electronically]**] [Fold [each/any other*] ballot paper(s) in two and show the official mark on it to the presiding officer.*] Do not let anyone see your vote. Put each ballot paper in the [*appropriate] ballot box and leave the polling station.

Include the words in the first set of square brackets, and, if applicable, the following sentence with the corresponding amendment, if the votes are to be counted electronically at one or more of the elections.

5. Vote only for the number of candidates specified on each ballot paper [and only one of the answers available in the referendum*]. Put no other mark on the ballot papers, or your votes may not be counted.

6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

**Complete or omit as necessary*

#Alternatively, insert such information as to the manner of voting as the GLRO may decide.”

29. In the Appendix of forms, for the form of declaration to be made by the companion of a voter with disabilities(a) substitute—

“Form of declaration to be made by the companion of a voter with disabilities

I, A. B., of.....having been requested to assist C.D. (*in the case of a voter with disabilities voting as proxy add voting as proxy for M.N.*) whose number on the register is.....to record his vote at the election[s]* and [*referendum[s]]* now being held in this *parliamentary constituency/*European Parliamentary electoral region/*Greater London Authority constituency/*district/*London borough/*parish or community/*local government area (**delete those which are inappropriate*) hereby declare that (I am entitled to vote as an elector at the said election[s]* [*and referendum[s]] (I am the #.....of the said voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except E.F., of.....) to vote at the said elections.”

(Signed) AB,

day of

20

State the relationship of the companion to the voter.

I, the undersigned, being the presiding officer for the.....polling station for the.....constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) GH,

day of.....20..

minutes past.....o'clock (am) (pm)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

2. A voter with disabilities is a voter who has made a declaration under the European Parliamentary elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.”

(a) Amended by section 13(1) and (5)(a) of the Representation of the People Act 2000 (c. 2).

AMENDMENTS TO THE 2001 REGULATIONS

- 1. The 2001 Regulations shall be amended as follows.
- 2. For Form H in Schedule 3, substitute the following form—

“Form H

Declaration of identity

Paragraph 66(b)

(for use when there is joint issue and receipt of postal ballots)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No(s).....

I hereby declare that I am the person to whom the ballot paper(s) numbered as above were sent.

Voter’s signature (or mark)

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witnesses’s signature (or mark).....

Name of witness

(WRITE CLEARLY)

Address of witness

(WRITE CLEARLY)

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign or mark this declaration of identity in the presence of a person known to you. That person should then sign or mark this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. When you are voting in a Parliamentary/local government election* (*insert colour of ballot paper*] ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only. [Vote for no more than candidates*.]

3. [When you are voting in a European Parliamentary election (*insert colour of ballot paper*] ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.*]

- 4. [#*When you are voting in a Greater London Authority election—
 - (a) [*in the constituency members election (*insert colour of ballot paper*] ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only.]
 - (b) [*in the London members election (*insert colour of ballot paper*] ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.]
 - (c) [*in the London Mayoral election (*insert colour of ballot paper*] ballot paper), vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]]

5. [*When you are voting in a (*specify*) election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only/Vote once for your first choice and once for your second choice*]

6. [*When you are voting in a referendum, mark a cross (X) to the right of the answer of your choice. Vote once only.]

7. Put no other mark on the ballot paper(s) or your vote(s) may not be counted.

8. Mark all votes secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

9. Put the ballot paper in the small envelope marked “A” and seal it. Then put the envelope, together with this declaration of identity, in the larger envelope marked “B”. Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.

*Alternatively they may be returned to any of the following polling stations on polling day:

**[insert polling station.....]*, or

*Alternatively they may be returned to any polling station in the following area:

**[specify area.....]*

10. If you receive more than one ballot paper *relating to the same election or referendum*, remember that it is illegal to vote more than once (otherwise than as proxy) at that election or referendum.

11. At these elections [*and referendum] you cannot vote in person at a polling station, even if you receive an official poll card.

12. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this YOU MUST RETURN ALL OF THE POSTAL BALLOT PAPERS THAT YOU HAVE RECEIVED, together with the spoiled ballot paper(s). In addition, in your application for new ballot papers YOU MUST RETURN, in your own envelope, the declaration of identity. Remember that there is little time available if new postal ballot papers are to be issued and counted.

* *To be completed or omitted as appropriate by the returning officer responsible for the issue and receipt of ballot papers.*

Alternatively, insert such information as to the manner of voting as the GLRO may decide.”

3. In Form J in Schedule 3—

(a) except in the last place where it occurs, after the word “election” insert “or referendum”;

(b) after the word “elections” insert “or referendums”; and

(c) for the words “Alternatively, they may be delivered to a polling station in the constituency on polling day.” substitute—

“*Alternatively they may be returned to any of the following polling stations on polling day:

* *[insert polling station.....]*, or

* Alternatively they may be returned to any polling station in the following area:

* *[specify area.....]*

*Complete or omit as appropriate”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to England and Wales. They revoke and replace the Representation of the People Regulations 1986.

The Representation of the People Regulations 1986 made provision relating to the combination of polls at parliamentary, European Parliamentary and local government elections in England and Wales. Provision for the combination of such polls is made in section 15 of the Representation of the People Act 1985 and section 36 of the Representation of the People Act 1983. The Regulations specified which returning officer would carry out specified functions that applied to each election where the polls were combined, and the polling stations that were to be used. They also made provision for the funding of returning officers carrying out such functions. The Regulations included modifications to the parliamentary election rules contained in Schedule 1 to the Representation of the People Act 1983 in the circumstances where a parliamentary election was combined with another election.

Regulations 4, 5 and 6 of these Regulations make similar provisions about the functions of returning officers and their funding, and the polling stations to be used where polls are combined. They also contain additional provision to take account of the possibility of the combination of more than two polls. In addition they include provision for the circumstances where the polls that are combined include a mayoral election or a referendum by virtue of regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000; namely the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 respectively.

The Regulations also include, at Regulation 7 and Schedule 1, particular provisions relating to the European Parliamentary election, Greater London Authority election and other local government elections which are to be held on the same date as the European Parliamentary election in 2004. The Greater London Authority returning officer is to be the returning officer for the London European Parliamentary electoral region and he is to have a designated deputy to assist him. Provision is made for the elections to be administered by reference to local authority areas rather than parliamentary constituency areas. The issue and receipt of postal ballot papers is to be carried jointly. The Greater London Authority returning officer will be able to include information about the European Parliamentary election voting procedures in an election booklet. There is also provision for electronic counting of the votes at the European Parliamentary election if the Greater London Authority election is so counted.

Regulation 8 and Schedule 2 make provision for the combination of polls with the polls at a parliamentary election.

Regulation 9 and Schedule 3 make amendments to the forms of declaration of identity that are issued with postal ballot papers under the Representation of the People (England and Wales) Regulations 2001 when polls are combined.

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