

SCHEDULE 1

regulations 3 and 9

PART I

QUESTIONS TO BE ASKED IN A REFERENDUM

1. Are you in favour of the proposal for *[insert name of local authority]* to be run in a new way, which includes a mayor, who will be elected by the voters of that *[insert “borough”, “city”, “county” or “district”, as appropriate]*, to be in charge of the Council’s services and to lead *[insert name of local authority]* and the community which it serves?
2. Are you in favour of the proposal for *[insert name of local authority]* to be run in a new way, which includes a mayor, who will be elected by the voters of that *[insert “borough”, “city”, “county”, or “district”, as appropriate]*, to lead *[insert name of local authority]* and the community which it serves?
3. Are you in favour of the proposal for *[insert name of local authority]* to be run in a new way, which includes a councillor, who will be elected by the councillors of *[insert name of local authority]*, to lead the Council and the community which it serves?

PART II

FORM OF FRONT OF BALLOT PAPER

FORM A

| | |
|--|--------------------------|
| <p>Are you in favour of the proposal for <i>[insert name of local authority]</i> to be run in a new way, which includes a mayor, who will be elected by the voters of the <i>[insert “borough”, “city”, “county” or “district”, as appropriate]</i>, to be in charge of the Council’s services and to lead <i>[insert name of local authority]</i> and the community which it serves?</p> <p>Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p> | |
| YES | <input type="checkbox"/> |
| NO | <input type="checkbox"/> |

FORM B

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums) (England) Regulations 2001 No. 1298

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a mayor, who will be elected by the voters of the [insert "borough", "city", "county" or "district", as appropriate], to lead [insert name of local authority] and the community which it serves?

Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.

| | |
|-----|--|
| YES | |
| NO | |

FORM C

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a councillor, who will be elected by the councillors of [insert name of local authority], to lead the Council and the community which it serves?

Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.

| | |
|-----|--|
| YES | |
| NO | |

PART III

FORM OF BACK OF BALLOT PAPER

No.

Council referendum on [insert date]: [insert name of voting area]

Note: The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.

SCHEDULE 2

regulation 6(1) definition of “referendum expenses”

MATTERS RELEVANT TO REFERENDUM EXPENSES

1

- (a) Advertising of any nature (whatever the medium used).

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- (b) Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area or areas).

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- (c) Any material of a description referred to in regulation 5(1) of these Regulations.
- (d) Market research or canvassing conducted for the purpose of ascertaining voting intentions.
- (e) The provision of any services or facilities in connection with press conferences or other dealings with the media.
- (f) Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign.

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the referendum period.
- (g) Rallies and other events, including public meetings organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.

Expenses in respect of such events include costs in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

2. Nothing in paragraph 1 shall be taken as extending to—

- (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
- (b) any expenses incurred in respect of the remuneration or allowances payable to any member of the staff of the campaign organiser;
- (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for his accommodation or other personal needs to the extent that the expenses are paid by the individual from his own resources and are not reimbursed to him.

SCHEDULE 3

regulation 8

APPLICATION, WITH MODIFICATIONS, OF ACTS AND STATUTORY INSTRUMENTS

TABLE 1

REPRESENTATION OF THE PEOPLE ACT 2000

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--|---|
| Section 12 (changes relating to absent voting at elections in Great Britain) | In subsection (1), at the end insert “; and as regards referendums under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”. |
| Schedule 4 (absent voting in Great Britain) | <p>In paragraph 1, in sub-paragraph (1)—</p> <p>(a) in the definition of “the appropriate rules”, at the end of paragraph (b), insert “and (c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”;</p> <p>(b) after the definition of “local government election”, insert the following definition—</p> <p style="padding-left: 40px;">““referendum” means a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001” .</p> <p>In paragraphs 2 to 7, except in paragraphs 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum”, “or referendums”, or “or the referendum”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i), after “or both,”, insert “or referendums”.</p> <p>In paragraphs 6(7) and 7(4)(a), after “or at both,”, insert “or at referendums”.</p> |

TABLE 2
REPRESENTATION OF THE PEOPLE ACT 1983

| <i>(1)</i> Provision | <i>(2)</i> Modification (if any) |
|--|--|
| Section 13B (alteration of registers: pending elections)(1) | <p>After “election”, in each place, insert “or referendum”.</p> <p>In subsection (1), for “the final nomination day”, substitute “the nineteenth day before the date of the poll at the referendum”.</p> <p>After subsection (4), insert “(4A) This section also applies to referendums.”</p> |
| Section 31(1) and (3) (polling districts and stations at local government elections) | <p>In subsection (1)—</p> <p>(a) for “elections of county councillors” substitute “referendums by or in respect of a county”; and</p> <p>(b) for “elections of London borough or district councillors”, substitute “referendums held under those Regulations by or in respect of a London borough or a district”.</p> <p>In subsection (3), for “local government elections” substitute “referendums”.</p> <p>Omit “mentioned in subsections (1) to (3) above”.</p> |
| Section 35(4) (appointments by returning officers) | <p>For “subsections (1) to (3)”, substitute “subsection (1) or (3)”.</p> |
| Section 36(4) and (6) (returning officer’s expenditure at local election)(2) | <p>In subsection (4), for the words from “by a returning officer” to “London borough)” substitute “by the counting officer for a voting area in relation to the holding of a referendum”.</p> <p>In subsection (6), for the words from the beginning to “councillor, the council”, substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the authority”.</p> <p>Regulation 8(1)(b) shall not apply in relation to the first reference in subsection (6) to the returning officer.</p> |

(1) Section 13B was inserted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6.

(2) Section 36(4) was amended by the Local Government Act 1985 (c. 51), Schedule 17 and the Local Government (Wales) Act 1994 (c. 19), Schedule 16.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|--|
| Section 47 (loan of equipment for local elections)(3) | In subsection (1), for “the returning officer at a local government election”, substitute “the counting officer at a referendum”. |
| | In subsection (2)— |
| | (a) omit the words from “, or”, at the end of paragraph (a), to “as the case may be,”; |
| | (b) for “an election held under those Acts” substitute “a referendum held under the Referendums Regulations”. |
| Section 49(4) and (5) (effect of registers)(4) | In subsection (4), omit “parliamentary or”. |
| | In subsection (5), omit “parliamentary or” and “prevent the rejection of the vote on a scrutiny or”. |
| Section 60 (personation) | Omit “parliamentary or”. |
| Section 61 (other voting offences)(5) | In subsection (1), after “local government election” and “local government elections”, in each place, insert “or referendum” and “or referendums”, respectively. |
| | For subsections (2) to (4) substitute— |
| | “(2) A person shall be guilty of an offence if— |
| | (a) he votes on his own behalf otherwise than by proxy— |
| | (i) more than once in the same voting area; |
| | (ii) in more than one voting area; or |
| | (iii) in any voting area where there is in force an appointment of a person to vote as his proxy in the referendum in another voting area, or |
| | (b) he votes on his own behalf in person and is entitled to vote by post, or |
| | (c) he votes on his own behalf in person knowing that a person appointed to vote as his proxy has already voted in person or is entitled to vote by post, or |

(3) Section 47(1) was amended by S.I. 1991/1728, regulation 4.

(4) Section 49(5) was substituted by S.I. 1995/1948, Schedule 2 and amended by the Representation of the People Act 2000, Schedule 1, paragraph 12.

(5) Amended by the Representation of the People Act 1985, Schedules 2 and 5, and by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 10.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|---|
| | <p>(d) he applies for a person to be appointed as his proxy to vote for him without applying for the cancellation of a previous appointment of a third person then in force or without withdrawing a pending application for such an appointment.</p> <p>(3) A person shall be guilty of an offence if—</p> <p>(a) he votes as proxy for the same person either—</p> <p style="padding-left: 40px;">(i) more than once in the same voting area, or</p> <p style="padding-left: 40px;">(ii) in more than one voting area, or</p> <p>(b) he votes in person as proxy for a person and is entitled to vote by post as proxy for that person, or</p> <p>(c) he votes in person as proxy for someone whom he knows already to have voted in person.</p> <p>(4) A person shall also be guilty of an offence if he votes as proxy in any voting area for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.”.</p> <p>In subsection (7), omit paragraph (b) and the word “and” immediately preceding it.</p> |
| Section 65 (tampering with papers)(6) | <p>In subsection (1)—</p> <p>(a) after “election”, in the first place where it appears, insert “or referendum”; and</p> <p>(b) omit paragraph (a).</p> <p>In subsection (3), for “clerk”, substitute “person”.</p> |
| Section 66 (requirement of secrecy)(7) | <p>For subsection (1)(b) substitute—</p> <p style="padding-left: 40px;">“(b) every polling observer, so attending,”.</p> |
| Section 66A (prohibition on publication of exit polls)(8) | <p>In subsection (2)—</p> <p>(a) in paragraph (b), after “Wales” insert “; and”;</p> |

(6) Subsections (3) and (4) were substituted by the Representation of the People Act 1985, Schedule 3.

(7) Subsection (6) was amended by the Representation of the People Act 1985, Schedule 3. There are other amendments not relevant to these Regulations.

(8) Section 66A was inserted by the Representation of the People Act 2000 (c. 2), Schedule 6, paragraph 6.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--|--|
| | (b) after paragraph (b) insert “(c) any referendum.”. |
| | In subsection (4), omit the words after the definition of “publish”. |
| Section 92 (broadcasting from outside the United Kingdom)(9) | In subsection (1), after “local government election” insert “or referendum”. |
| Section 94 (imitation of poll cards)(10) | In subsection (2), after “section 42 above” insert “or to any referendum in relation to which any rules under section 36, as applied for the purposes of that referendum,”. |
| Section 96 (schools and rooms for local election meetings)(11) | For subsection (1) substitute— “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in the referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (1A) In subsection (1), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”. |
| | Omit subsection (2). |
| | In subsection (3)— |
| | (a) for “electoral area for which the candidate is standing or in a parish or community, as the case may be, in part comprised in that electoral area”, substitute “voting area”; and |
| | (b) omit paragraph (b). |
| | In subsection (4)— |
| | (a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”; |
| | (b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “candidate” of the word “person””; and |
| | (c) omit the words from “and any person” to the end. |

(9) Subsection (1) was substituted by the Broadcasting Act 1990 (c. 42), Schedule 20.

(10) Amended by the Representation of the People Act 1985, Schedule 4.

(11) Subsection (1) was amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 29. Subsection (2) was amended by the Representation of the People Act 1985, Schedule 4. Subsection (4) was amended by the Police and Criminal Evidence Act 1984 (c. 60), Schedule 7.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|--|
| | After subsection (4) insert— “(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”. |
| Section 97 (disturbances at election meetings)(12) | For subsection (2), substitute— “(2) This section applies to a meeting in connection with a referendum held during the campaign period. (2A) In subsection (2), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”. |
| Section 100(1) and (2) (illegal canvassing by police officers)(13) | In subsection (1), for the words from “from giving his vote” to the end, substitute “from giving his vote in the referendum in a voting area wholly or partly within the police area”. |
| Section 109 (payments for exhibition of election notices) | |
| Section 110 (printer’s name and address on election publications)(14) | Omit subsection (12). |
| Section 111 (prohibition of paid canvassers) | |
| Section 112 (providing money for illegal purposes) | |
| Sections 113 to 115 (bribery, treating and undue influence) | |
| Section 116 (rights of creditors) | Omit paragraphs (b) and (c). |
| Section 118 (interpretation of Part II), the definitions of “money”, “pecuniary reward” and “payment” | |
| Section 119 (computation of time for purposes of Part II) | In subsection (1), in paragraph (b), after “disregarded”, insert “; and (c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a |

(12) Subsection (2) was amended by the Representation of the People Act 1985, Schedule 3.

(13) Section 103(2) was repealed, and section 104(b) amended, by the Representation of the People Act 1985, Schedule 5.

(14) Section 110 was substituted by the Political Parties, Elections and Referendums Act 2000, Schedule 18, paragraph 14.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|--|
| | referendum, any of the days so mentioned shall be disregarded”.”. |
| Section 167 (application for relief)(15) | |
| Sections 168 to 170 (prosecutions for corrupt and illegal practices)(16) | |
| Subsections (1)(a)(i), (2) and (3) of section 173 (incapacities on conviction of corrupt or illegal practice)(17) | In subsection (1)(a)(i), after “Great Britain”, insert “or at any referendum”. |
| Section 174 (mitigation and remission etc.)(18) | |
| Section 175 (illegal payments etc.)(19) | Omit subsection (2). |
| Section 176 (time limit for prosecutions)(20) | |
| Section 177 (summary trial) | For “the local government Act”, substitute “the Referendums Regulations”. |
| | In paragraph (a), for “in the county in which the local government area for which the election was held is situated or which it adjoins” substitute “for the voting area in which, the offence is alleged to have been committed”. |
| Section 178 (prosecution of offences committed outside the United Kingdom)(21) | |
| Section 179 (offences by associations) | |
| Section 181(1) (Director of Public Prosecutions)(22) | |
| In section 185 (interpretation of Part III)(23), the definitions of “judicial office”, “money” and “pecuniary reward”, “payment” and “public office” | |
| Section 200(1) and (2) (public notices, and declarations)(24) | |
| Section 202 (interpretation), the definitions in subsection (1) of “the absent voters' list”, “citizen of the Union” and “relevant citizen | In the definition of “voter”, after “42 above”, insert “and such of those rules as are applied, |

(15) Subsection (1A) was inserted by the Representation of the People Act 1985, Schedule 4, paragraph 56.

(16) Sections 168 and 169 were amended by the Representation of the People Act 1985, Schedules 3, 4 and 5.

(17) Section 173 was substituted by the Political Parties, Elections and Referendums Act 2000, section 136.

(18) Section 174 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 18, paragraph 18(1)(g).

(19) Section 175 was amended by the Representation of the People Act 1985, Schedule 3 and by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 6(6).

(20) Section 176 was amended by Schedules 4 and 5 to the Representation of the People Act 1985.

(21) Amended by the Representation of the People Act 1985, Schedule 4.

(22) Subsection (1) was substituted by the Representation of the People Act 1985, Schedule 4.

(23) To which there are amendments not relevant to these Regulations.

(24) The definitions of “the absent voters' list” and “the list of proxies” were inserted by the Representation of the People Act 1985, Schedule 2, and amended by the Representation of the People Act 2000, Schedule 6, paragraph 9. The definition of “relevant citizen of the Union” was inserted by S.I. 1995/1948.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--|---|
| of the Union”, “elector”, “legal incapacity”, “the list of proxies”, “person” and “voter” and subsection (2)(25) | in relation to a referendum, by any provision of the Referendums Regulations”. |
| Section 203(1) (local government provisions as to England and Wales)(26) | In subsection (1), insert at the end— ““the Referendums Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2001”. |

TABLE 3

THE LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 1986: SCHEDULE 2(27)

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|--|
| Rule 1 (timetable) | Omit the words from “Delivery” in the first place where that word appears to “day of election” in the fourth place where those words appear. Omit the item “Polling”. |
| Rule 2 (computation of time) | See regulation 22. |
| Rule 3 (notice of election) | For paragraph (1), substitute “(1) The counting officer shall publish notice of the referendum, stating the date of the poll.” |
| Rule 13 (poll to be taken by ballot) | Omit the words from “, the result” to the end. |
| Rule 15 (the official mark) | For paragraph (2) substitute— “(2) The official mark shall be kept secret”. In paragraph (3) omit “at the same election”. |
| Rule 16 (prohibition of disclosure of vote) | |
| Rule 17 (use of schools and public rooms)(28) | |
| Rule 18 (notice of poll) | In paragraph (1), for sub-paragraphs (b) to (d), substitute— “and (b) the question to be asked in the referendum.”. For paragraph (2) substitute— |

(25) Amended by the Representation of the People Act 1985, Schedule 4, the Local Government Act 1985 (c. 51) and the Education Reform Act 1988 (c. 40), Schedule 13.

(26) Amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 39.

(27) S.I. 1986/2214; amended by S.I. 1987/261, 1990/158, 1995/1948, 2000/427 and 2001/81.

(28) Rule 17(1)(a) was amended by S.I. 2001/81, rule 6.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--|---|
| | <p>“(2) The notice of poll shall be published not later than the sixth day before the date of the referendum.”</p> <p>.</p> <p>In paragraph (3), omit the words from “and he shall” to the end.</p> |
| Rule 19 (postal ballot papers) (29) | |
| Rule 20 (provision of polling stations) | In paragraph (3), omit “unless that place is outside the electoral area”. |
| Rule 21 (appointment of presiding officers and clerks) | In paragraph (1), omit the words from “but he shall not appoint” to the end. |
| Rule 22(1) to (4) (issue of official poll cards) | For paragraph (3)(a) substitute— <p style="padding-left: 40px;">“(a) the name of the council and of the voting area;”.</p> |
| Rule 23 (equipment of polling stations) (30) | For paragraph (5) substitute— <p>“(5) In every compartment of every polling station there shall be exhibited the following notice— <i>[INSERT NAME OF COUNCIL]</i> REFERENDUM Mark one box only. Put no other mark on the ballot paper or your vote may not be counted.”.</p> <p>In paragraph (8), for “particulars of the candidate”, substitute “the answer”.</p> <p>In paragraph (9)— (a) for “numbered” and “number of”, substitute “worded” and “word on”, respectively; and (b) for “the candidate whose particulars are”, substitute “the answer which is”.</p> <p>In paragraph (10), for “Each number on the”, substitute “The word on each”.</p> |
| Rule 24 (appointment of polling and counting agents) | Omit paragraphs (1) to (3). In paragraph (4)— (a) for “counting agents”, “counting agent” and “agent”, substitute “counting |

(29) Rule 19 was substituted by S.I. 2001/81, rule 7.

(30) Rule 23 was amended by S.I. 2001/81, rule 8.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--------------------------------|---|
| | <p>observers”, “counting observer” and “observer”, respectively;</p> <p>(b) for “candidate” and “candidates”, substitute “petition organiser” and “petition organisers”, respectively; and</p> <p>(c) for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively.</p> |
| | <p>Omit paragraph (5).</p> |
| | <p>For paragraph (6) substitute—</p> <p>“(6) If a counting observer dies, or becomes incapable of acting, the counting officer may appoint another counting observer in his place.”.</p> |
| | <p>Omit paragraph (7).</p> |
| | <p>In paragraph (8)—</p> <p>(a) omit “polling agents and”;</p> <p>(b) for “counting agents” and “agents”, substitute “counting observers”; and</p> <p>(c) in sub-paragraph (a), omit “and notified”.</p> |
| | <p>In paragraph (9)—</p> <p>(a) for “a counting agent by the returning officer”, substitute “a counting observer by the counting officer”; and</p> <p>(b) for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> |
| | <p>In paragraph (10)—</p> <p>(a) for “candidate” substitute “petition organiser”;</p> <p>(b) for “polling or counting agent” substitute “counting observer”; and</p> <p>(c) for “agent” substitute “counting observer”.</p> |
| | <p>Omit paragraph (11).</p> |
| | <p>In paragraph (12)—</p> <p>(a) for “these rules” substitute “the LGA Referendum Rules”;</p> <p>(b) for “polling or counting agents” substitute “counting observers”; and</p> |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--|--|
| | (c) for “agents or agents” substitute “such observer or observers”. |
| Rule 25 (notification of requirement of secrecy) | |
| Rule 26(1), (3) and (4) (admission to polling station) (31) | <p>In paragraph (1)—</p> <p>(a) omit sub-paragraph (a);</p> <p>(b) in sub-paragraph (b), for “the polling agents”, substitute “the polling observers”;</p> <p>(c) at the end of sub-paragraph (d), omit “and”; and</p> <p>(d) at the end of sub-paragraph (e) insert—</p> <p style="padding-left: 40px;">“(f) the elected mayor, if any, of the council in respect of which the referendum is held; and</p> <p style="padding-left: 40px;">(g) any petition organiser.”(32)</p> |
| Rule 27 (keeping of order in station) | |
| Rule 28 (sealing of ballot boxes) | |
| Rule 29 (questions to be put to voters) | <p>For paragraphs (1) and (2) substitute—</p> <p>“(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions.</p> <p>(2) In the case of a person applying to vote on his own behalf, the relevant questions are—</p> <p style="padding-left: 40px;">(a) “Are you the person registered in the register of local government electors for this voting area as follows?” (<i>read the whole entry from the register.</i>)</p> <p style="padding-left: 40px;">(b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?”.</p> <p>(2A) In the case of a person applying as proxy, the relevant questions are—</p> <p style="padding-left: 40px;">(a) “Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?”</p> <p style="padding-left: 40px;">(b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of C.D.?”.</p> |

(31) Rule 26 was amended by S.I. 2001/81, rule 9.

(32) The definitions of “elected mayor” and “petition organiser”, as applied for the purposes of this rule, are to be found in regulation 2(1).

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|--|
| | <p>(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question— “Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?” and, if that question is not answered in the affirmative, the following question— “Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”.”</p> |
| Rule 30 (challenge of voters) | In paragraph (1), for “a candidate or his election or polling agent”, substitute “any petition organiser or polling observer permitted to be present in accordance with rule 26, as modified”. |
| Rule 31 (voting procedure) | |
| Rule 32 (votes marked by presiding officer) | In paragraph (1), for “polling agents”, substitute “polling observers (if any)”. |
| Rule 33 (voting by persons with disabilities)(33) | |
| Rule 34 (tendered ballot papers) | |
| Rule 35 (spoilt ballot papers) | |
| Rule 36 (adjournment of poll in case of riot) | |
| Rule 37 (procedure on close of poll)(34) | In paragraph (1), for “polling agents” (in both places) substitute “polling observers (if any)”. |
| Rule 39 (the count)(35) | In paragraph (1)(a), for “counting agents” substitute “counting observers”. In paragraph (1)(b), for “election agents” substitute “counting observers”, In paragraph (6), for “election agent” substitute “counting observer present at the verification”. In paragraph (7), omit “so far as he and the agents agree” and from “For the purposes” to the end. |

(33) Rule 33 was substituted by S.I. 2001/81, rule 10.

(34) Rule 37 was amended by S.I. 2001/81, rule 11.

(35) Rule 39 was amended by S.I. 2001/81, rule 12.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|--|
| Rule 40 (re-count) | <p>In paragraph (8), omit the words from “–a place” to “(b) otherwise”.</p> <p>In paragraph (1), for “candidate or his election agent”, substitute “petition organiser”.</p> <p>In paragraph (2), for “the candidates and election agents”, substitute “such petition organisers as are”.</p> |
| Rule 41(1), (3) to (5) (rejected ballot papers) | <p>In paragraph (1)—</p> <p>(a) for sub-paragraph (b), substitute “(b) on which votes are given for more than one answer,”; and</p> <p>(b) for “paragraphs (2) and (3)”, substitute “paragraph (3)”.</p> <p>In paragraph (4)—</p> <p>(a) omit sub-paragraph (b); and</p> <p>(b) for “counting agent”, substitute “counting observer”.</p> <p>In paragraph (5)—</p> <p>(a) omit “including those rejected in part,”;</p> <p>(b) for sub-paragraph (b), substitute—</p> <p style="padding-left: 40px;">“(b) voting for more than one answer,” and</p> <p>(c) omit the words from “and the statement” to the end.</p> |
| Rule 42 (decisions on ballot papers) | |
| Rule 43 (equality of votes) | <p>For the words from “an equality” to the end, substitute—</p> <p>“an equality of YES and NO votes is found, the counting officer shall forthwith decide the referendum by lot.”.</p> |
| Rule 44 (declaration of result) | <p>Substitute—</p> <p>“The counting officer shall forthwith—</p> <p>(a) declare the result of the referendum;</p> <p>(b) inform the proper officer of the authority by or in respect of which the referendum was held of the result of the referendum; and</p> <p>(c) give public notice of—</p> <p style="padding-left: 40px;">(i) the result of the referendum,</p> <p style="padding-left: 40px;">(ii) the number of ballot papers counted,</p> |

| <i>(1)</i> Provision | <i>(2)</i> Modification (if any) |
|--|--|
| | <ul style="list-style-type: none"> (iii) the total number of votes cast for each answer, and (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.”. |
| Rule 45 (sealing up of ballot papers) | In paragraph (1), omit “contested” and “, including ballot papers rejected in part”. |
| Rule 46 (delivery of documents) (36) | <p>For “the returning officer”, substitute “the counting officer”.</p> <p>For the words from “the date of the election” to the end, substitute “and the name of the voting area”.</p> |
| Rule 47 (orders for production of documents) | In paragraph (1), omit “, including ballot papers rejected in part”. |
| Rule 48 (retention and public inspection of documents) | |
| The Appendix of Forms: Form of declaration of identity | <p>On the front of the form, for “REPRESENTATION OF THE PEOPLE ACTS” substitute— “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>On the back of the form—</p> <ul style="list-style-type: none"> (a) in paragraph 2, for “[(Vote for no more than ... candidates.) (Vote for one candidate only.)]”, substitute “Vote for one answer only.”; (b) in paragraph 5, for “the same election” substitute “the referendum”; and (c) in paragraph 6, for “election” substitute “referendum”. |
| Electors’ official poll card | <p>On the front of the card—</p> <ul style="list-style-type: none"> (a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute— “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”; and (b) for “Electoral division/ward” substitute “Voting area”. <p>On the back of the card—</p> <ul style="list-style-type: none"> (a) for the heading substitute— “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”; |

(36) Rule 46 was amended by S.I. [2001/81](#), rule 13.

| <i>(1)</i> Provision | <i>(2)</i> Modification (if any) |
|---|--|
| Proxy’s official poll card | <p>(b) in the third paragraph—</p> <p style="padding-left: 20px;">(i) for “the name(s) of the candidate(s)”, substitute “the answer”; and</p> <p style="padding-left: 20px;">(ii) at the end insert “Put no other mark on the ballot paper, or your vote may not be counted.”;</p> <p>(c) omit the fifth paragraph; and</p> <p>(d) in the seventh and final paragraphs, for “this election” substitute “the referendum”.</p> <p>On the front of the card—</p> <p>(a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute— “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”;</p> <p>and</p> <p>(b) for “LOCAL GOVERNMENT ELECTION”, “[... .. Council]” and “ Electoral division/ward” substitute “<i>[insert name of voting area]</i>”.</p> <p>On the back of the card, in the penultimate and final paragraphs, for “this election”, substitute “the referendum”.</p> |
| Form of directions for guidance of the voters in voting | <p>In paragraph 2—</p> <p>(a) for “the name(s) of the candidate(s)”, substitute “the answer”; and</p> <p>(b) at the end, insert “Put no other mark on the ballot paper, or your vote may not be counted.”.</p> |
| Form of certificate of employment | <p>Omit paragraph 4 and renumber paragraph 5.</p> <p>For “REPRESENTATION OF THE PEOPLE ACTS” and “ELECTION IN THE” substitute— “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>and for “ ELECTORAL DIVISION/ WARD of ” substitute “<i>[insert name of voting area]</i>”.</p> <p>For “electoral area” in each place substitute “voting area”.</p> <p>For “election” in each place substitute “referendum”.</p> |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--|--|
| Form of declaration to be made by the companion of a voter with disabilities ⁽³⁷⁾ | For “election now being held in this electoral area” substitute “referendum now being held in this voting area”. For “the said election” in each case substitute “that referendum”. For “for the Electoral division/ward of”, substitute “in the [insert name of voting area]”. |

TABLE 4

THE REPRESENTATION OF THE PEOPLE
(ENGLAND AND WALES) REGULATIONS 2001⁽³⁸⁾

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--|--|
| In paragraph (1) of regulation 3 (interpretation), the definitions of “1983 Act”, “1985 Act”, “2000 Act”, “available for inspection”, “register” and “registration officer”. | |
| Paragraph (2) of regulation 3 | At the end of sub-paragraph (b), insert “, or (c) in the case of a referendum, such of those rules made under section 36 of the 1983 Act as are applied (with or without modification) by the Local Authorities (Conduct of Referendums) (England) Regulations 2001”. |
| Paragraphs (3) and (4) of regulation 3. | |
| Sub-paragraph (b) of paragraph (1) of regulation 4 (forms) and, to the extent of Form E in Schedule 3, paragraph (2) of that regulation. | |
| Regulation 5 (communication of applications, notices, etc.) | |
| Regulation 6 (electronic signatures and related certificates) | |
| Regulation 7 (copies of documents) | |
| Regulation 8 (time) | |

⁽³⁷⁾ The form was amended by S.I. 2001/81, rule 15.

⁽³⁸⁾

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|---|
| Regulation 11 (interference with notices) | |
| Regulation 50 (interpretation of Part IV) | |
| Regulation 51 (general requirements for applications for an absent vote) | <p>In paragraph (4), in sub-paragraph (b)—</p> <ul style="list-style-type: none"> (a) after “for” insert “all or any of”; (b) after “elections” insert “and referendums, identifying those in respect of which it is made”; and (c) omit “or both”. <p>In paragraph (5)—</p> <ul style="list-style-type: none"> (a) after “election”, in each place, insert “or referendum”; and (b) omit “elections”. |
| Regulation 52 (additional requirements for applications for the appointment of a proxy) | |
| Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election) | |
| Regulation 56 (closing dates for applications) | <p>In paragraphs (1) to (5), after “election”, in each place, insert “or referendum”.</p> <p>In paragraph (7)(b), after “election” insert “or referendum”.</p> |
| Regulation 57 (grant or refusal of applications) | Omit paragraph (6). |
| Regulation 58 (notice of appeal) | |
| Regulation 59 (cancellation of proxy appointment) | |
| Regulation 61 (records and lists kept under Schedule 4) | <p>Omit paragraph (1).</p> <p>In paragraph (3), omit sub-paragraph (b) and the word “and” immediately preceding it.</p> |
| Regulation 62 (marked register for polling stations) | |
| Regulation 64 (interpretation of Part V) other than the definition of “agent” | |
| Regulation 65 (combination of polls), where polls are combined in accordance with regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001. | <p>After “polls at elections” insert “or polls at an election and a referendum”;</p> <p>After “each election” insert “or, as the case may be, the election and the referendum”; and</p> |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|--|
| | After “returning officers” insert “or, as the case may be, the returning officers and the counting officer at the referendum”. |
| Regulation 66 (forms of declaration of identity) | Omit “in Form G at a parliamentary election taken alone;”. |
| Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers) | |
| Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers) | For sub-paragraphs (a) to (d) substitute— “(a) the counting officer and his clerks; (b) persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes.” |
| Regulation 70 (notification of requirement of secrecy) | |
| Regulation 71 (time when postal ballot papers are to be issued) | |
| Paragraphs (1) to (4) of regulation 72 (procedure on issue of postal ballot papers) and, where polls are combined in accordance with regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, paragraphs (5) and (6) | In paragraph (5)— (a) after “one election”, insert “or referendum, or for an election combined with a referendum”; (b) in sub-paragraph (a)— (i) after “elections”, insert “or referendums”; and (ii) after “election”, insert “or referendum”; and (c) in sub-paragraph (b), for “election”, in each place, substitute “election or referendum”. |
| Regulation 73 (refusal to issue postal ballot paper) | In paragraph (6), for “the poll at one election is taken with the poll at another election”, substitute “polls are taken together”. |
| Regulation 74 (refusal to issue postal ballot paper) | |
| Paragraphs (1) to (3) of regulation 74 (envelopes) and, where polls are combined in accordance with regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, paragraph (4) | In paragraph (4), for “(under the provisions referred to in regulation 65 above)”, substitute “(under regulation 14(1), (7) or 11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”. |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--|--|
| Regulation 75 (sealing up of counterfoils and security of special lists) | |
| Regulation 76 (delivery of postal ballot papers to post office) | |
| Paragraphs (1) and (3) to (8) of regulation 77 (spoilt ballot papers) and, where polls are combined in accordance with regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, paragraph (2) | In paragraph (2), for “more than one election have been issued together under regulation 65 above”, substitute “more than one poll have been issued together”. |
| Regulation 78 (lost ballot papers) | |
| Regulation 79 (alternative means of returning postal ballot paper or declaration of identity) | For paragraphs (1) and (2), substitute— “(1) The manner in which any postal ballot paper or declaration of identity may be returned— (a) to the returning officer, is by hand or by post; (b) to a polling station, is by hand.”. |
| Regulation 80 (notice of opening of postal ballot paper envelopes) | In paragraph (1), for “each candidate” substitute “those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes”. In paragraph (2), omit sub-paragraph (b). |
| Regulation 81 (postal ballot boxes and receptacles) | In paragraphs (3) and (4), for “the agents”, substitute “those”. |
| Regulation 82 (receipt of covering envelope) | |
| Regulation 83 (opening of postal voters' ballot box) | In paragraph (1), for “the agents” substitute “the counting observers”. |
| Regulation 84 (opening of covering envelopes) | |
| Regulation 85 (procedure in relation to declarations of identity) | In paragraph (3), for “agents” substitute “counting observers”. |
| Regulation 86 (opening of ballot paper envelopes) | |
| Regulation 87 (lists of rejected postal ballot papers) | |
| Regulation 88 (checking of lists kept under regulation 87) | |
| Regulation 89 (sealing of receptacles) | |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification (if any)</i> |
|---|--|
| Paragraphs (1) to (4) of regulation 91 (forwarding of documents) | In paragraph (1)— (a) omit the words “, in the case of a parliamentary election to the Clerk of the Crown in Chancery and”; (b) in sub-paragraph (a), omit the words “, subject to regulation 90 above,”; and (c) omit sub-paragraph (b) and the word immediately preceding it. |
| In Schedule 3, Form E (proxy paper). | In paragraph (2)— (a) for “In the case of a local government election, the” substitute “The”; and (b) omit the words from “except that” to the end. For “REPRESENTATION OF THE PEOPLE ACTS” substitute “[insert name of council] REFERENDUM”. Omit “Constituency” and “Polling district”. For “Parliamentary electoral area”, substitute “referendum voting area”. For the words from “*[who qualifies” to “electoral region].]”, substitute “to vote for him/her at the referendum on (insert date)”. Omit “*[This proxy appointment is not valid until]”. For paragraph 2 of the note substitute— “2. Your appointment as proxy will be for the referendum only. You have the right to vote as proxy only at the referendum specified in the proxy paper.” |
| Form H (declaration of identity for use when postal ballots are combined) | In paragraph 2 of the Instructions to Voters, after “candidates.]”, insert— “At the referendum, vote either “YES” or “NO”.”. In the direction to returning officers after paragraph 2, after “ election ”, insert “ or referendum ”. In paragraph 3 of the Instructions to Voters, after “voting for.”, insert “For the referendum, mark a cross (X) in the box on the right hand |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification (if any)</i> |
|--|---|
| Form J (declaration of identity for use when polls are combined but the postal ballots are not combined) | <p>side of the ballot paper opposite the answer you are voting for.”</p> <p>In paragraph 5 of those Instructions, after “election”, insert “referendum”.</p> <p>In paragraph 6 of those Instructions, after “elections”, insert “referendums”.</p> <p>On the front of the form, after “REPRESENTATION OF THE PEOPLE ACTS”, insert “[insert name of council] REFERENDUM”.</p> <p>On the back of the form, in the Instructions to Voters—</p> <ul style="list-style-type: none"> (a) in paragraph 1, after “election” insert “or referendum”; (b) in paragraph 4, after “election”, insert “and referendum”; and (c) in paragraph 5, after “election”, insert “or referendum”. |

SCHEDULE 4

regulation 10

ADDITIONAL MODIFICATIONS AS REGARDS REFERENDUM AT WHICH VOTING TO BE BY POST ONLY

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| <i>The 1983 Act</i> | |
| Section 47 (loan of equipment for local elections) | In subsections (1) and (2), omit “fittings and compartments”. |
| Section 60 (personation) | In subsection (2), in paragraphs (a) and (b), omit “in person or”. |
| | In subsection (3), omit the words from “who has applied” to “person or”. |
| Section 61 (other voting offences) (see the modifications in Table 2 of Schedule 3) | Omit subsections (2)(b) and (c) and (3)(b) and (c). |
| Section 66 (requirement of secrecy) | Omit subsection (1). |
| Section 66A (prohibition on publication of exit polls) | In subsection (1), for “the poll is closed”, substitute “9 p.m. on the day of the referendum”. |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--|---|
| <i>The Elections Regulations</i> | |
| Regulation 50 (interpretation of Part IV) | Omit the definition of “allotted polling station”. |
| Regulation 51 (general requirements for applications for an absent vote) | Omit paragraph (5). |
| Regulation 72 (procedure on issue of postal ballot paper) | <p data-bbox="798 591 1343 629">For paragraph (1) substitute—</p> <p data-bbox="798 636 1343 929">“(1) First, the counting officer at the referendum shall issue postal ballot papers to those persons entitled to vote in the referendum who are included as voting by post in the absent voters list for the referendum, and shall place a mark in that list and the register of electors against the number of that person to denote that a ballot paper has been issued to him but without showing the particular ballot paper issued.</p> <p data-bbox="798 936 1343 1099">(1A) Secondly, he shall issue postal ballot papers to those proxies included in the list kept under paragraph 7(8) of Schedule 4 to the 2000 Act, as applied for the purposes of the referendum, and shall place a mark—</p> <ul data-bbox="861 1106 1343 1279" style="list-style-type: none"><li data-bbox="861 1106 1343 1180">(a) in that list against the name of the proxy; and<li data-bbox="861 1180 1343 1279">(b) in the register of electors against the number of the person for whom the proxy is appointed, <p data-bbox="798 1279 1343 1375">to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.</p> <p data-bbox="798 1382 1343 1509">(1B) Thirdly, he shall issue postal ballot papers to those proxies included in the absent voters list for the referendum and shall place a mark—</p> <ul data-bbox="861 1516 1343 1688" style="list-style-type: none"><li data-bbox="861 1516 1343 1590">(a) in that list against the name of the proxy; and<li data-bbox="861 1590 1343 1688">(b) in the register of electors against the number of the person for whom the proxy is appointed, <p data-bbox="798 1688 1343 1785">to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.</p> <p data-bbox="798 1792 1343 1989">(1C) Finally, he shall issue postal ballot papers to every person entitled to vote in the referendum against whose number in the register of electors no mark has been placed, and shall then place a mark against that person’s number to denote that a ballot paper has been issued</p> |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| | but without showing the particular ballot paper issued. (1D) Each postal ballot paper issued shall be stamped with the official mark. (1E) The address to which a postal ballot paper is to be sent shall be determined in accordance with rule 19 of the rules set out in Schedule 2 to the Local Elections (Principal Areas) Rules 1986, as substituted.”. |
| | Omit paragraphs (5) and (6). |
| <i>The Principal Areas Rules</i> | |
| Rule 1 (timetable) | In the timetable, omit the entry in respect of polling. |
| Rule 3 (notice of election) | In paragraph 1, for “poll” substitute “referendum”. |
| | In paragraph (2)— (a) omit sub-paragraph (a) and the word “and” following it; and (b) in sub-paragraph (b), omit “other”. |
| Rule 13 (poll to be taken by ballot) | After “given by”, insert “postal”. |
| Rule 15 (ballot papers: official mark) | Omit paragraph (3). |
| Rule 17 (use of schools and public rooms)(39) | In paragraphs (1) and (2), omit “taking the poll or”. |
| Rule 18 (notice of poll) | In paragraph (1), for sub-paragraph (a) substitute— “(a) that the poll at the referendum is to be taken only by post;”. |
| | Omit paragraph (3). |
| Rule 19 (postal ballot papers)(40) | Substitute— “Postal ballot papers 19.—(1) The counting officer shall as soon as reasonably practicable issue to— (a) each person entitled to vote in the referendum for whom a proxy has not been appointed; and |

(39) Rule 17 was amended by S.I. 2001/81, rule 6.

(40) Rule 19 was substituted by S.I. 2001/81, rule 7.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--------------------------------|--|
| | <p>(b) each proxy appointed by a person entitled to vote in the referendum, at the address determined in accordance with this rule, a postal ballot paper and a declaration of identity in the forms set out in the Appendix, or forms to the like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by regulations made under the 1983 Act.</p> <p>(2) In the case of a person entitled to vote in the referendum whose name is shown in the absent voters' list for the referendum, the address referred to in paragraph (1) is that shown in that list.</p> <p>(3) Subject to paragraph (4), in the case of a person entitled to vote in the referendum whose name is not shown in the absent voters' list for the referendum, the address referred to in paragraph (1) is his qualifying address as shown in the register of electors.</p> <p>(4) In the case of a person entitled to vote in the referendum—</p> <p>(a) whose name is not shown in the absent voters' list for the referendum; and</p> <p>(b) whose qualifying address is not shown in the register of electors,</p> <p>the address referred to in paragraph (1) is—</p> <p>(i) the address given in accordance with regulation 15 of the Elections Regulations (if that address is within the United Kingdom) in the case of a service voter; or</p> <p>(ii) the address given in accordance with section 7(4)(d)(iii) of the 1983 Act in the case of</p> |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--|---|
| | a person registered in pursuance of a patient’s declaration. |
| | (5) In the case of a proxy, the address referred to in paragraph (1) is— |
| | (a) in the case of a proxy whose name is included in the special list kept under paragraph 7(8) of Schedule 4 to the RPAct 2000 for the referendum, the address recorded in that list; or |
| | (b) in the case of any other proxy, the address of the proxy as given under regulation 52 of the Elections Regulations.”. |
| Rules 20 to 23 (provision of polling stations, appointment of presiding officers and clerks, issue of official poll cards and equipment of polling stations) | Omit. |
| Rule 25 (notification of requirement of secrecy) | Omit paragraph (a). |
| Rules 26 to 37 (admission to polling stations, keeping of order in station, sealing of ballot boxes, questions to be put to voters, challenge of voters, voting procedure, votes marked by presiding officer, voting by blind persons, tendered ballot papers, spoilt ballot papers, adjournment of poll in case of riot and procedure on close of poll) | Omit. |
| Rule 39 (the count)(41) | In paragraph (1), omit sub-paragraphs (a) and (b) and the words “and (c)”. |
| | Omit paragraphs (2), (4) and (6). |
| Rule 46 (delivery of documents)(42) | In paragraph (1)— |
| | (a) for sub-paragraph (b) substitute— |
| | “(b) the statements of rejected ballot papers;” |
| | (b) omit sub-paragraph (c); and |
| | (c) in sub-paragraph (d), omit from “and” to the end. |
| Rule 47 | In paragraph (1)(b) omit “and certificates as to employment on duty on the day of the poll”. |

(41) Paragraph (3) of rule 39 was substituted by S.I. 2001/81, rule 12.

(42) Rule 46 was amended by S.I. 2001/81, rule 13.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--------------------------------|---|
| Rule 48 | In paragraphs (2) and (3), omit “and certificates”. |
| The Appendix of Forms | In the back of the form of the declaration of identity omit note 6. Omit the forms of— (a) an elector’s official poll card; (b) a proxy’s official poll card; (c) directions for guidance of the voters in voting; (d) certificate of employment; and (e) declaration to be made by the companion of a voter with disabilities. |

SCHEDULE 5

regulations 15, 16 and 17

COMBINATION OF POLLS

PART I

General provisions

1. For the purposes of combining the poll at one or more of—
 - (a) a Parliamentary general election,
 - (b) a European Parliamentary general election,
 - (c) an ordinary local government election, or
 - (d) a Greater London Authority election, with the poll at a referendum, the provisions specified in column (1) of the Table below shall be modified as specified in column (2).
2. In relation to the application of provisions of the European Parliamentary Elections Rules for the purposes referred to in paragraph 1, references to the returning officer at a European Parliamentary general election shall be taken to include references to the local returning officer.

TABLE

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--|--|
| <i>The 1985 Act</i> | |
| Section 15 (combination of polls at parliamentary, European Parliamentary and local elections) | In subsection (1), at the end of paragraph (c), insert “or (d) a referendum under the Local Authorities (Conduct |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--|---|
| | <p>of Referendums) (England) Regulations 2001 and—</p> <ul style="list-style-type: none"> (i) a parliamentary election, (ii) a European Parliamentary election, or (iii) an ordinary local government election,”(43). <p>In subsection (2), after “related areas”, insert “or the polls at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas”.</p> <p>In subsection (4)—</p> <ul style="list-style-type: none"> (a) after “elections” (in the first place where that word appears) insert “or, as the case may be, elections and a referendum”; (b) after “one election” insert “or the referendum”; and (c) after “elections” (in the second place where that word appears) insert “or, as the case may be, the elections and the referendum”. <p>In subsection (5), after “any elections” insert “or at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> |
| <i>The RPA</i> 2000(44) | |
| Section 12 (changes relating to absent voting at elections in Great Britain) | In subsection (1), at the end insert “; and as regards referendums under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”. |
| Schedule 4 (absent voting in Great Britain) | In paragraph 1, in sub-paragraph (1)— |
| | <ul style="list-style-type: none"> (a) in the definition of “the appropriate rules”, at the end of paragraph (b), insert “and (c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; |

(43) For the definition of “parliamentary election” see the Interpretation Act 1978 (c. 30), Schedule 1. For the definition of “European Parliamentary election” see the Representation of the People Act 1985, section 27(1). For the definition of “local government election” see the Representation of the People Act 1983, section 203(1), amended by the Greater London Authority Act 1999 (c. 29). Schedule 3, paragraph 39(1) and (4). As to ordinary elections, see the Local Government Act 1972 (c. 70), section 7(1) and (2) and Schedule 2, paragraph 6 and, as to the Greater London Authority, section 2(7) of the Greater London Authority Act 1999.

(44) 2000 c. 2.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|----------------------------------|--|
| | <p>(b) after the definition of “local government election”, insert the following definition—</p> <p>““referendum” means a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In paragraphs 2 to 7, except in paragraphs 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum,” “or referendums”, or “or the referendum”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i), after “or both,”, insert “or referendums”.</p> <p>In paragraphs 6(7) and 7(4)(a), after “or at both,”, insert “or at referendums”.</p> |
| <i>The 1986 Regulations</i> | |
| Regulation 97(4) | <p>For “elections for related areas” substitute “elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas”.</p> |
| | <p>After “the Act of 1985”, insert “, as applied by those Regulations”.</p> |
| | <p>In sub-paragraph (a)—</p> |
| | <p>(a) insert at the beginning “the returning officer for that election or, if there is more than one election,”; and</p> <p>(b) after “regulation 98 below”, insert “and the functions of the counting officer in relation to the referendum”(45).</p> |
| Regulation 98 | <p>For “regulation 78” substitute “regulation 65 of the Representation of the People (England and Wales) Regulations 2001”.</p> |
| <i>The Elections Regulations</i> | |
| Paragraph (2) of regulation 3 | <p>At the end of sub-paragraph (b), insert—</p> |
| | <p>“, or</p> |
| | <p>(c) in the case of a referendum, such of those rules made under section 36 of the 1983 Act as are applied</p> |

(45) The definitions of “counting officer” and “referendum” will be found in regulation 2(1).

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--------------------------------|--|
| | (with or without modification) by the Local Authorities (Conduct of Referendums) (England) Regulations 2001”. |
| Regulation 51 | In paragraph (4), in sub-paragraph (b)— (a) after “for” insert “all or any of”; (b) after “elections” insert “and referendums, identifying those in respect of which it is made”; and (c) for “both”, substitute “referendums, or any combination”. |
| | In paragraph (5)— (a) after “election”, in each place, insert “or referendum”; and (b) for “elections”, substitute “polls”. |
| Regulation 56 | In paragraphs (1) to (5), after “election”, in each place, insert “or referendum”. |
| | In paragraph (7)(b), after “election” insert “or referendum”. |
| Regulation 65 | After “polls at elections” insert “or polls at an election and a referendum”. |
| | After “each election” insert “or, as the case may be, the election and the referendum”. |
| | After “returning officers” insert “or, as the case may be, the returning officers and the counting officer at the referendum”. |
| Regulation 68 | For sub-paragraph (a) substitute “(a) the counting officer and his clerks;”. |
| | In sub-paragraph (b), after “candidate”, insert “or those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes.”. |
| | Omit sub-paragraphs (c) and (d). |
| Regulation 72 | In paragraph (5)— (a) after “one election”, insert “or referendum, or for an election combined with a referendum”; (b) in sub-paragraph (a)— (i) after “elections”, insert “or referendums”; and |

| <i>(1)</i> Provision | <i>(2)</i> Modification |
|-------------------------|---|
| | <p>(ii) after “election”, insert “or referendum”; and</p> <p>(c) in sub-paragraph (b), for “election”, in each place, substitute “election or referendum”.</p> |
| Regulation 74 | <p>In paragraph (6), for “the poll at one election is taken with the poll at another election”, substitute “polls are taken together”.</p> <p>In paragraph (4), after “65 above”, insert “or under regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> |
| Regulation 77 | <p>In paragraph (2), for “more than one election have been issued together under regulation 65 above”, substitute “more than one poll have been issued together”.</p> |
| Regulation 80 | <p>In paragraph (1), after “each candidate”, insert “or those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes”.</p> |
| Regulation 83 | <p>In paragraph (1), after “the agents”, insert “or the counting observers for the referendum”.</p> |
| Regulation 85 | <p>In paragraph (3), after “the agents”, insert “or the counting observers for the referendum”.</p> |
| Regulation 91 | <p>In paragraph (1)—</p> <p>(a) after “returning officer”, insert “or in the case of a referendum, the counting officer,”;</p> <p>(b) after “local government election”, insert “or referendum”;</p> <p>(c) after “the date of the election”, insert “or referendum”;</p> <p>(d) after “electoral area”, insert “or voting area”; and</p> <p>(e) for “election (or elections)”, substitute “ballot (or ballots)”.</p> <p>In paragraph (2), after “election”, in the first two places where that word appears, insert “or referendum”.</p> |
| Schedule 3, Form E | <p>After “REPRESENTATION OF THE PEOPLE ACTS” insert “[<i>insert name of council</i>] REFERENDUM”.</p> |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--------------------------------|--|
| | <p>After “Parliamentary electoral area”, insert “and referendum voting area”.</p> <p>After “electoral region].]”, insert “and/or to vote for him/her at the referendum on (<i>insert date</i>)”.</p> <p>In paragraph 2 of the note, after “election”, in each place, insert “or referendum”.</p> |

PART II

Modifications of the Parliamentary Elections Rules and the European Parliamentary Elections Rules

Note: unless otherwise indicated, the numbered rules specified in column (1) are those of that number in the Parliamentary Elections Rules and in the European Parliamentary Elections Rules: and are to be applied, with the relevant modification, as the particular circumstances require.

TABLE

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| Rule 5 (notice of election)(46) | <p>After paragraph (1) insert—</p> <p>“(1A) The notice published under paragraph (1) shall—</p> <p style="padding-left: 40px;">(a) state that the poll is to be taken together with the poll at the referendum; and</p> <p style="padding-left: 40px;">(b) where the polls are to be taken together in part of the constituency only, specify that part.”.</p> |
| <p>Rule 23 (notice of poll)(47)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p> | <p>In paragraph (1), after “taken”, insert “and that the poll will be taken together with the poll at the referendum; and where the polls are to be taken together in part of the constituency only, specifying that part”.</p> <p>In paragraph (2), after sub-paragraph (b), insert—</p> <p style="padding-left: 40px;">“(c) the taking of the poll together with the poll at the referendum; and</p> |

(46) Rule 5 was amended by the Representation of the People Act 1985, sections 11, 24 and 28(1), Schedule 2, Part I, paragraph 4, Schedule 4, paragraph 74 and Schedule 5, and by the Representation of the People Act 2000, Schedule 6, paragraph 10(2).

(47) Rule 23 was amended by the Representation of the People Act 1985, sections 24 and 28(1), Schedule 4, paragraph 77 and Schedule 5.

| (1) Rule | (2) Modification |
|--|--|
| <p>Rule 23 (notice of poll)(48)</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p> | <p>(d) if the polls are to be taken together in part of the constituency only, the part in which the polls are to be taken together.”.</p> <p>In paragraph (1), after “taken”, insert “and that the poll will be taken together with the poll at the referendum; and where the polls are to be taken together in part of the constituency only, specifying that part”.</p> <p>In paragraph (2), after sub-paragraph (b), insert—</p> <p>“(c) the taking of the poll together with the poll at the referendum; and</p> <p>(d) if the polls are to be taken together in part of the constituency only, the part in which the polls are to be taken together.”.</p> |
| <p>Rule 28 (issue of official poll cards)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p> | <p>In paragraph (3)—</p> <p>(a) in sub-paragraph (a), after “government election”, insert “or referendum”; and</p> <p>(b) in sub-paragraph (b), after “the election”, insert “or referendum”.</p> <p>Add, at the end—</p> <p>“(5) A single official poll card may be issued in respect of both the election and the referendum.”.</p> |
| <p>Rule 28 (issue of official poll cards)(49)</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p> | <p>In paragraph (5), insert, at the end, “or referendum”.</p> |
| <p>Rule 29 (equipment of polling stations)(50)</p> <p><i>The modification to paragraph (5) applies only where the referendum poll is taken together with that at a parliamentary election</i></p> | <p>In paragraph (4)—</p> <p>(a) for “the form in the Appendix”, substitute “in the following form”; and</p> <p>(b) after “polling station” insert—</p> <p>“GUIDANCE FOR VOTERS</p> <p style="padding-left: 40px;">1. When you are given ballot papers, make sure they are stamped with the official mark.</p> |

(48) Rule 23 was amended by the Representation of the People Act 1985, sections 24 and 28(1), Schedule 4, paragraph 77 and Schedule 5. Paragraph (3) was inserted by S.I. 1999/1214, Schedule 3, paragraph 3.

(49) Paragraph (5) was inserted by S.I. 1999/1214, Schedule 3, paragraph 4.

(50) Paragraph (3A) was inserted by the Representation of the People Act 2000, section 13(2). Rule 29 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraphs 5 and 6.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---------------------------|-----------------------------------|
|---------------------------|-----------------------------------|

2. Go to one of the voting compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. Vote only for the number of candidates specified on the ballot paper for the election.

3. Put no other mark on the ballot paper or your vote may not be counted.

4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.

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

In paragraph (5) after “exhibited” insert “, on paper of the same colour as that of the ballot papers for use at the election,”.

After paragraph (5) insert—

“(5A) In every compartment of every polling station there shall be exhibited, on paper of the same colour as that of the ballot papers for use at the referendum, the notice “Mark one box only. Put no other mark on the ballot paper, or your vote may not be counted.””.

In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.

After paragraph (9), insert—

“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.

In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab,”.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| Rule 32 (admission to polling station)(51) | In paragraph (1), in sub-paragraph (b), after “agents appointed”, insert “, and any person appointed under regulation 11(3) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, or rule 26(1) of the Local Elections (Principal Areas) Rules 1986, as applied for the purposes of referendums under those Regulations.”(52). In paragraph (3) after “the prescribed form” insert “with the following modifications— (a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “[PARLIAMENTARY] [EUROPEAN PARLIAMENTARY] ELECTION AND LOCAL AUTHORITY REFERENDUM”; (b) after “at the election” insert “and referendum”; and (c) after “with the election” insert “and referendum””. |
| Rule 37 (voting procedure)(53) <i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i> | Add at the end— “(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum and one mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1)(e), to denote that a ballot paper has been received in respect of both polls; except that, where a ballot paper has been issued in respect of one poll only, a different mark shall be placed in the register or in the list of proxies so as to identify the poll in respect of which the ballot paper was issued.” |
| Rule 38 (votes marked by presiding officer)(54) <i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i> | At the end of paragraph (2) add— “The same list may be used for both polls 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 poll, unless the list identifies the poll at which the ballot paper was so marked.” |

(51) Paragraph (1)(e) was amended by the Representation of the People Act 2000, section 13(4).

(52) The persons referred to are polling observers, the elected mayor (if any) and petition organisers. Rule 26(1) of the Principal Areas Rules is applied, with modifications, in relation to petition organisers, by regulation 8 of, and Table 3 of Schedule 3 to these Regulations.

(53) Rule 37 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraph 11.

(54) Rule 38 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraph 12.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|--|---|
| <p>Rule 39 (voting by persons with disabilities)(55)</p> <p><i>The modification to paragraph (4) and the insertion of paragraph (4A) apply only where the referendum poll is taken together with that at a parliamentary election</i></p> | <p>In paragraph (2)—</p> <p>(a) in sub-paragraph (b)(ii), after “the election”, insert “or the referendum”; and</p> <p>(b) for “his vote”, substitute “his votes”.</p> <p>In paragraph (3)(a), after “the election”, insert “or the referendum”.</p> <p>In paragraph (4), for “whose vote is given”, substitute “whose votes are given”.</p> <p>After paragraph (4) insert—</p> <p>“(4A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”</p> |
| <p>Rule 40 (tendered ballot papers)</p> <p><i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i></p> | <p>After paragraph (3) add—</p> <p>“(3A) The same list may be used for both polls 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 poll, unless the list identifies the poll at which a tendered ballot paper was marked.”</p> |
| <p>Rule 43 (procedure on close of poll) of the Parliamentary Elections Rules(56)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p> | <p>After paragraph (1) insert—</p> <p>“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined with the statement prepared under that paragraph of those Rules.”</p> |
| <p>Rule 43 (procedure on close of poll) of the European Parliamentary Elections Rules(57)</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p> | <p>In rule 43—</p> <p>(a) for paragraph (1A), substitute—</p> <p>“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined</p> |

(55) Rule 39 was substituted by the Representation of the People Act 2000, section 13(3). Rule 39 of the European Parliamentary Elections Rules was amended by S.I. [1999/1214](#), paragraph 13.

(56) Paragraph (1)(f) was amended by the Representation of the People Act 2000, section 13(4).

(57) Rule 43 was amended by S.I. [1999/1214](#), Schedule 3, paragraph 16.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---------------------------|---|
| | <p>with the statement prepared under that paragraph of those Rules.”.</p> <p>After rule 43, insert rules 43A (attendance at verification of ballot paper accounts) and 43B (procedure at verification of ballot paper accounts), as set out in Schedule 1 to the European Parliamentary Elections Regulations 1999(58).</p> <p>In rule 43B (as so inserted)—</p> <p>(a) after paragraph (5), insert—</p> <p>“(5A) The returning officer shall separate the ballot papers relating to the European Parliamentary election from those relating to the referendum.”; and</p> <p>(b) after paragraph (8), insert—</p> <p>“(8A) Where the poll at the European Parliamentary election is taken, not only with the poll at the referendum, but also with the poll at a local government election or a parliamentary election, the returning officer shall—</p> <p>(a) make up into packets the ballot papers for the referendum and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;</p> <p>(b) deliver or cause to be delivered to the counting officer—</p> <p>(i) those containers, together with a list of them and of the contents of each; and</p> <p>(ii) the ballot paper accounts, together with a copy of the statement as to the result of their verification in respect of that referendum; and</p> <p>(c) at the same time deliver or cause to be delivered to that officer packets that so relate containing—</p> <p>(i) the unused and spoilt ballot papers,</p> |

(58) S.I. 1999/1214.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|--|--|
| | (ii) the tendered ballot papers, and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty at the poll.” |
| Rule 44 (attendance at counting of votes) of the Parliamentary Elections Rules <i>For use where the referendum poll is taken together with that at a parliamentary election</i> | In paragraph (1), after “returning officer” insert “who is discharging the functions specified in regulation 98 of the Representation of the People Regulations 1986”. |
| Rule 44 (attendance at counting of votes) of the European Parliamentary Elections Rules(59) <i>For use where the referendum poll is taken together with that at a European Parliamentary election</i> | In paragraph (1), for sub-paragraphs (a) and (b), substitute “the material time”. |
| Rule 45 (the count) of the Parliamentary Elections Rules(60) <i>For use where the referendum poll is taken together with that at a parliamentary election</i> | For paragraph (1) substitute— “(1) The returning officer shall— (a) in the presence of the counting agents and the counting observers open each ballot box and record the number of ballot papers in it; (b) in the presence of the election agents and the counting observers verify each ballot paper account in accordance with paragraph (5) below; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each poll; and (d) separate the ballot papers relating to the parliamentary election from the ballot papers relating to the referendum.” Omit paragraph (2). In paragraph (5), for the words from “a statement” to the end, substitute— |

(59) Rule 44 was amended by S.I. 1999/1214, Schedule 3, paragraph 18.

(60) Paragraphs (1) and (1A) were substituted by the Representation of the People Act 1985, Schedule 4 paragraph 82. Paragraph (1B) was inserted by the Representation of the People Act 2000, Schedule 6, paragraph 10(4).

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---------------------------|--|
| | <p>“a statement as to the result of the verification—</p> <ul style="list-style-type: none">(a) in relation to the election; and(b) in relation to the referendum.”.<p>After paragraph (5), insert—</p><p>“(5A) Any election agent may copy the statement referred to in paragraph (5)(a) and any counting observer may copy the statement referred to in paragraph (5)(b).</p><p>(5B) The returning officer shall—</p><ul style="list-style-type: none">(a) make up into packets the ballot papers for each referendum and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;(b) deliver or cause to be delivered to the counting officer at the referendum to which the ballot papers relate—<ul style="list-style-type: none">(i) those containers, together with a list of them and of the contents of each; and(ii) the ballot paper accounts, together with a copy of the statement as to the result of their verification in respect of that referendum; and(c) at the same time deliver or cause to be delivered to that officer packets that so relate containing—<ul style="list-style-type: none">(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 at the poll.<p>(5C) The returning officer shall mix together all of the ballot papers used at the election and proceed in accordance with the parliamentary election rules.</p><p>(5D) The counting officer shall mix together all of the ballot papers used at the referendum and proceed in accordance with the LGA Referendum Rules.”.</p> |

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| Rule 45 (the count) of the European Parliamentary Elections Rules (61) | In paragraph (7), in sub-paragraph (a), after “election”, insert “and the referendum”. |
| <i>For use where the referendum poll is taken together with that at a European Parliamentary election</i> | For paragraph (1), as substituted by paragraph 19 of Schedule 3 to the European Parliamentary Elections Regulations 1999, substitute— “(1) The local returning officer shall open the packets referred to in rule 43B(8) above and mix together all of the ballot papers.” |
| Rule 60 (countermand or abandonment of poll on death of candidate) | Add at the end of paragraph (1)— “Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.” |
| | Substitute for paragraph (2)— “(2) (3) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but— (a) it shall not be necessary for any ballot paper account to be prepared or verified; and (b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and (c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.” |

(61) Rule 45 was amended by S.I. [1999/1214](#), Schedule 3, paragraphs 19 and 20.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---------------------------|--|
| In the Appendix of Forms | In the form of declaration to be made by the companion of a voter with disabilities ⁽⁶²⁾ — (a) after “this constituency” insert “and the referendum now being held in that area”; and (b) after “said election” in each place insert “and that referendum”. |

PART III

Modifications of the Principal Areas Rules

TABLE

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| Rule 18 (notice of poll) | Add at the end— “(4) The notice published under paragraph (3) shall— (a) state that the poll is to be taken together with the poll at the referendum; and (b) where the polls are to be taken together in part of the local authority area only, specify that part.” |
| Rule 22 (issue of official poll cards) | Add at the end— “(5) A single official poll card may be issued in respect of both the election and the referendum.” |
| Rule 23 (equipment of polling stations) | For paragraph (4) substitute— “(4) A notice in the following form shall be printed in conspicuous characters and exhibited inside and outside every polling station— “GUIDANCE FOR VOTERS 1. When you are given ballot papers, make sure they are stamped with the official mark. 2. Go to one of the voting compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. Vote only for the number of candidates |

⁽⁶²⁾ The form was amended by the Representation of the People Act 2000, section 13(5).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums) (England) Regulations 2001 No. 1298*

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|--|---|
| | <p>specified on the ballot paper for the election.</p> <p>3. Put no other mark on the ballot paper or your vote may not be counted.</p> <p>4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.</p> <p>5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.””</p> <p>For paragraph (5) substitute—</p> <p>“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate form, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or referendum to which the notice in question relates.”</p> <p>In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.</p> <p>After paragraph (9), insert—</p> <p>“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.</p> <p>In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab,”.</p> |
| Rule 26 (admission to polling station) (63) | <p>In paragraph (1), after sub-paragraph (e), insert “(f) any person entitled under regulation 11(3) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, or rule 26(1) of the Local Elections (Principal Areas) Rules 1986, as applied for the purposes of referendums under those Regulations,”(64)</p> |

(63) Rule 26 was amended by S.I. 2001/81, rule 9.

(64) The persons referred to are polling observers and petition organisers. Rule 26(1) of the Principal Areas Rules is applied, with modifications, in relation to petition organisers, by regulation 8 of, and Table 3 of Schedule 3 to these Regulations.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| | <p>In paragraph (3) after “Appendix” insert “with the following modifications—</p> <ul style="list-style-type: none">(a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND REFERENDUM”;(b) after “at the election” insert “and referendum”; and(c) after “with the election” insert “and referendum”.”. |
| Rule 31 (voting procedure) | <p>After paragraph (3) insert—</p> <p>“(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum and one mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1)(e), to denote that a ballot paper has been received in respect of both polls; except that, where a ballot paper has been issued in respect of one poll only, a different mark shall be placed in the register or in the list of proxies so as to identify the poll in respect of which the ballot paper was issued.”</p> |
| Rule 32 (votes marked by presiding officer) | <p>At the end of paragraph (2) add—</p> <p>“The same list may be used for the poll at the election and the poll at the 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 poll, unless the list identifies the poll at which the ballot paper was so marked.”</p> |
| Rule 33 (voting by persons with disabilities)(65) | <p>After paragraph (4) insert—</p> <p>“(4A) The same list may be used for the poll at the election and the poll at the referendum and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”</p> |
| Rule 34 (tendered ballot papers) | <p>At the end of paragraph (3) add—</p> <p>“The same list may be used for the poll at the election and the poll at the 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 poll, unless the</p> |

(65) Rule 33 was substituted by S.I. 2001/81, rule 10.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| Rule 37 (procedure on close of poll) | list identifies the poll at which a tendered ballot paper was marked.”. After paragraph (1) insert— “(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined with the statement prepared under that paragraph of those Rules.” |
| Rule 38 (attendance at counting of votes) | In paragraph (2), after sub-paragraph (d), insert— “(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”(66). |
| Rule 39 (the count)(67) | For paragraphs (1) and (2) substitute— “(1) The returning officer shall— (a) in the presence of the counting agents and the counting observers open each ballot box and record separately the number of ballot papers used in each poll; (b) in the presence of the election agents and the counting observers verify each ballot paper account in accordance with paragraph (2) below; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each poll; and (d) separate the ballot papers relating to the referendum from the ballot papers relating to the parliamentary election, the European Parliamentary election or, as the case may be, the ordinary election. (1A) The returning officer shall— (a) make up into packets the ballot papers for the referendum, and seal them up in separate containers, |

(66) The persons referred to are the counting officer, counting observers, petition organisers and others permitted by the counting officer to attend for the purposes of the referendum.

(67) Rule 39 was amended by S.I. 2001/81, rule 12.

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|--|--|
| | <p>endorsing on each a description of the area to which the ballot papers relate;</p> <p>(b) deliver, or cause to be delivered, to the counting officer for the referendum—</p> <ul style="list-style-type: none"> (i) the container of ballot papers relating to the referendum; and (ii) the ballot paper account relating to the referendum, and a copy of the statement as to its verification; and <p>(c) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—</p> <ul style="list-style-type: none"> (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. <p>(2) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent or counting observer present at the verification may copy.”</p> <p>For paragraph (6) substitute—</p> <p>“(6) The returning officer shall mix together all of the ballot papers used at the election and proceed in accordance with the election rules.</p> <p>(6A) The counting officer shall mix together all of the ballot papers used at the referendum and proceed in accordance with the LGA Referendum Rules.”.</p> |
| Rule 49 (countermand or abandonment of poll) | <p>Add at the end of paragraph (1)—</p> <p>“Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.</p> <p>Substitute for paragraph (2)—</p> |

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|--|---|
| | <p>“(2) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—</p> <ul style="list-style-type: none"> (a) it shall not be necessary for any ballot paper account to be prepared or verified; and (b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and (c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.” |
| <p>In the Appendix</p> <p><i>Form of declaration of identity for use where postal votes are combined</i></p> | <p>In the Form of declaration of identity—</p> <ul style="list-style-type: none"> (a) after “REPRESENTATION OF THE PEOPLE ACTS”, insert “[<i>name of Council</i>] REFERENDUM”; (b) for “Ballot Paper No.”, substitute “Ballot Paper Nos.”; (c) for “the ballot paper numbered as above was sent”, substitute “the ballot papers numbered as above were sent”; (d) in paragraph 2 of the Instructions to the Voter, after “one candidate only.)]”, insert “In the referendum, vote once only.”; (e) in paragraph 3 of those Instructions, for “the ballot paper”, substitute “each ballot paper”; and (f) in paragraph 7 of those Instructions, for “With your application you must return”, substitute “If you do this you MUST RETURN ALL THE BALLOT PAPERS YOU HAVE RECEIVED, together with the spoilt paper. In addition, in your |

| (1) Rule | (2) Modification |
|--|---|
| <i>Form of declaration of identity for use where there are separate postal votes</i> | <p>application for fresh postal ballot papers you MUST RETURN”.</p> <p>In the Form of declaration of identity—</p> <ul style="list-style-type: none"> (a) after “REPRESENTATION OF THE PEOPLE ACTS”, insert “To be returned with the <i>[insert colour of ballot paper]</i> coloured ballot paper No.”; (b) after “the person to whom”, insert “<i>[insert colour of ballot paper]</i>”; (c) in paragraph 1 of the Instructions to the Voter, after “known to you.”, insert “<i>You are required to do this even if you have already signed a declaration of identity in respect of another election or referendum to be held on the same day.</i>”; (d) in paragraph 2 of those Instructions, omit “[Vote for one candidate only]”; and (e) for paragraph 4 of those Instructions, substitute— <ul style="list-style-type: none"> “4. Different colours are used for the ballot papers for [each] [the] election and referendum. Each ballot paper has its own ballot paper envelope (the smaller envelope marked “A”), declaration of identity and covering envelope (the larger envelope marked “B”). The covering envelope and declaration for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows: <ul style="list-style-type: none"> (a) place [each][the] ballot paper in the correct smaller envelope and seal it; (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it; |

| <i>(1)</i> <i>Rule</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| | (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.”. |
| <i>Form of declaration to be made by the companion of a voter with disabilities</i> (68) | After “this electoral area” insert “and the referendum now being held in that area”. |
| | After “said election” in each place insert “and that referendum”. |

PART IV

APPLICATION, WITH MODIFICATIONS, OF THE GLA ELECTIONS RULES

In this Part—

“GLA constituency” means an area for the time being specified in an order made by the Secretary of State under section 2(4) of the Greater London Authority Act 1999**(69)**;

“GLA election” means an election under one or more of—

- (a) the Constituency Members Election Rules,
- (b) the London Members Election Rules,
- (c) the Mayoral Elections Rules, and
- (d) the Ordinary Elections rules;

and expressions used in both this Part and in any of Schedules 1, 2 and 3 to the GLA Elections Rules have the same meaning for the purposes of this Part as they have for the purposes of that Schedule.

TABLE

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| CMER 15 (70) | Add at the end of paragraph (2)— |
| LMER 16 (71) | “(e) shall be of a different colour from that of any ballot papers used at the referendum the poll at which is taken together with the poll at the GLA election” |
| MER 16 (72) (the ballot papers) | |
| CMER 19 | Add at the end— |

(68) The form was amended by S.I. 2001/81, rule 15.

(69) 1999 c. 29.

(70) The Constituency Members Election Rules set out in Schedule 1 to the GLA Elections Rules (S.I. 2000/427, amended by S.I. 2000/1040).

(71) The London Members Election Rules set out in Schedule 2 to the GLA Elections Rules.

(72) The Mayoral Election Rules set out in Schedule 3 to the GLA Elections Rules.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| LMER 20 MER 20 (notice of poll) | “(4) The notice published under paragraph (3) shall— (a) state that the poll at the GLA election is to be taken together with the poll at a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001; and (b) specify the area in which the referendum is held.” |
| CMER 23 | In paragraph (4), for “or, as the case may be, a London borough election”, substitute “a London borough election or, as the case may be, a referendum”. |
| LMER 24 | |
| MER 24 (issue of official poll cards) | |
| CMER 24 | For paragraph (2), substitute— |
| LMER 25 | “(2) The ballot papers shall, as the returning officer may decide, be placed— |
| MER 25 (equipment of polling stations) | (a) in a single ballot box; or (b) in separate ballot boxes according to whether the votes given on them are cast in the election or the referendum.” |
| | For paragraph (4) in the CMER and LMER, substitute— |
| | “(4) In every compartment of every polling station there shall be exhibited notices in the appropriate forms, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or the referendum to which the notice in question relates.” |
| | For paragraph (5) in the MER, substitute— |
| | “(5) In every compartment of every polling station there shall be exhibited notices in the appropriate forms, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or the referendum to which the notice in question relates.” |
| CMER 32 | Add at the end— |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| LMER 33 | “(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum. |
| MER 33 (voting procedure) | “(5) One mark may be placed in that register under paragraph (1)(d) to denote that a ballot paper has been received in respect of both the election and the referendum; except that, where a ballot paper has been issued in respect of either the election only, or the referendum only, a different mark shall be placed in the register so as to identify that the ballot paper was issued in respect of the election or, as the case may be, the referendum.” |
| CMER 39(1) (attendance at counting of votes) | For paragraph (1) substitute— “(1) As soon as practicable after the close of the polls, the CRO shall make arrangements for counting the votes at the election and the referendum in the presence of— |
| LMER 40(1) (attendance at local count) | (a) the counting agents appointed for the purposes of the GLA election; and |
| MER 40(1) (attendance at local count) | (b) the counting observers appointed for the purposes of the referendum, and he shall give to those counting agents and counting observers notice in writing of the time and place at which he will begin to count the votes.” |
| CMER 39(2) to (5) | In paragraph (2), after subparagraph (d), insert— “(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at the counting of the votes at the referendum.” In paragraph (3)(a), before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”. In paragraph (4), after “counting agents”, insert “and the counting observers”. |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--------------------------------|---|
| LMER 40(2) to (5) | <p>In paragraph (5)—</p> <ul style="list-style-type: none">(a) after “the candidate for whom”, insert “or the answer for which”;(b) after “each candidate”, insert “or each answer”; and(c) after “counting agents”, insert “and the counting observers”. <p>In paragraph (2), after sub-paragraph (d), insert—</p> <ul style="list-style-type: none">“(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at the counting of the votes at the referendum.”. <p>In paragraph (3)(a), before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”.</p> <p>In paragraph (4), after “counting agents”, insert “and the counting observers”.</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none">(a) after “for whom”, insert “, or the answer for which,”;(b) after “or party”, insert “or answer”;and(c) after “counting agents”, insert “and the counting observers”. |
| MER 40(2) to (5) | <p>In paragraph (2), after sub-paragraph (d), insert—</p> <ul style="list-style-type: none">“(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at the counting of the votes at the referendum,”. <p>In paragraph (4), after “counting agents”, insert “and the counting observers”.</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none">(a) after “the candidate for whom”, insert “or the answer for which”; |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--------------------------------|--|
| CMER 40 | (b) after “each candidate”, insert “or each answer”; and |
| LMER 41 | (c) after “counting agents”, insert “and the counting observers”. |
| MER 41 | In paragraph (1)— |
| (the count) | (a) after “returning officer”, insert “who is discharging the functions specified in regulation 98 of the Representation of the People Regulations 1986”; |
| | (b) for the words after “shall” substitute— |
| | “(a) in the presence of the counting agents appointed for the purposes of the GLA election and the counting observers appointed for the purposes of the referendum, open each ballot box and record separately the number of ballot papers used in the election and in the referendum; |
| | (b) in the presence of the election agents appointed for the purposes of the GLA election and the counting observers appointed for the purposes of the 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 the election and the referendum; |
| | (d) separate the ballot papers relating to the GLA election from the ballot papers relating to the referendum; |
| | (e) make up into packets the ballot papers relating to the referendum and seal them up in a container endorsing on it a description of the area to which the ballot papers relate; |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|--------------------------------|---|
| | <p>(f) deliver or cause to be delivered to the counting officer for the referendum to which the ballot papers relate—</p> <ul style="list-style-type: none">(i) the container, together with a list of its contents; and(ii) the ballot paper account together with a copy of the statement as to the result of its verification in respect of the referendum; and <p>(g) at the same time deliver to that officer packets that so relate containing—</p> <ul style="list-style-type: none">(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.”. |

For paragraph (2), substitute—

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

(2A) Paragraph (6) does not apply to proceedings under paragraph (1) or (2).”.

CMER 50

LMER 51

MER 51

(delivery of documents)

CMER 51

Add at the end of paragraph (1)—

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums) (England) Regulations 2001 No. 1298*

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| LMER 58 | “Provided that neither the countermand of the poll at the GLA election nor the direction that that poll be abandoned shall affect the poll at the referendum.” |
| MER 56 (countermand or abandonment of poll) In Schedule 5 (forms), Form 8 (declaration of identity—constituency and mayoral elections otherwise than at ordinary elections) and Form 9 (declaration of identity—ordinary elections) | |
| | (a) (a) For “Ballot Paper No.” or, as the case may be, “Ballot Paper Nos.”, substitute “Ballot Paper No(s).” (b) In paragraph 2 of the section entitled “INSTRUCTIONS TO THE VOTER”, for the words from the beginning to the end of the bracket substitute “*[At the election vote for one candidate only.] [At the election vote for no more than candidates.] [At the Mayoral election, vote once for your first choice and once for your second choice.] [At the referendum, vote “yes” or “no” by putting a cross (X) in one box only.] *complete or omit as appropriate.” |

PART V

COMBINED POLLS AT REFERENDUMS: MODIFICATIONS OF THE RULES IN SCHEDULE 2 TO THE PRINCIPAL AREAS RULES, AS MODIFIED BY SCHEDULE 4 TO THOSE RULES

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| Rule 1 (timetable) | Omit the words from “Delivery” in the first place where that word appears to “day of election” in the fourth place where those words appear. |
| Rule 2 | Omit the item “Polling”. |
| Rule 3 (notice of referendum) | Omit For paragraph (1), substitute “(1) The counting officer shall publish notice of the referendum stating the date of the poll.” |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| Rules 4 to 12 | Omit. |
| Rule 13 (poll to be taken by ballot) | Omit the words from “the result” to the end. |
| Rule 14 | Omit. |
| Rule 15 (the official mark) | For paragraph (2) substitute— “(2) The official mark shall be kept secret.” |
| Rule 16 (prohibition of disclosure of vote) | In paragraph (3) omit “at the same election”. For “election”, in both places, substitute “referendum”. |
| Rule 17 (use of schools and public rooms) | In paragraph (1), for sub-paragraphs (b) to (d), substitute— |
| Rule 18 (notice of poll) | “and (b) the question to be asked in the referendum.” |
| | For paragraph (2) substitute— “(2) The notice of poll shall be published not later than the sixth day before the date of the referendum.” |
| | In paragraph (3), omit the words from “and he shall” to the end. |
| | In paragraph (4)— (a) for sub-paragraph (a), substitute— “(a) state that the poll at the referendum is to be taken together with the poll at another referendum or, as the case may be, an election or elections;”; and (b) omit sub-paragraph (b). |
| Rule 19 (postal ballot papers) | For “returning officer” substitute “counting officer”. |
| Rule 20 (provision of polling stations) | In paragraph (1)— (a) for “returning officer”, substitute “counting officer”; and (b) for “electors”, substitute “voters”. |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|--|---|
| In paragraph (3)— | |
| (a) for “electors”, substitute “voters”; | |
| (b) for “electoral area”, in the first place where those words appear, substitute “voting area”; and | |
| (c) omit “, unless that place is outside the electoral area”. | |
| In paragraph (4), for “returning officer” substitute “counting officer”. | |
| Rule 21 (appointment of presiding officers and clerks) | In paragraph (1)— |
| | (a) for “returning officer”, substitute “counting officer”; and |
| | (b) omit the words from “but he shall not appoint” to the end. |
| | In paragraph (2), for “returning officer”, substitute “counting officer”. |
| Rule 22 (issue of official poll cards) | In paragraph (1)— |
| | (a) for “returning officer”, substitute “counting officer”; |
| | (b) for “electors”, substitute “voters”; |
| | (c) for “an elector”, substitute “a voter”; and |
| | (d) for “election”, in both places, substitute “referendum”. |
| | In paragraph (2), for “An elector’s”, substitute “A voter’s”. |
| | In paragraph (3)— |
| | (a) for “the electoral division or ward to which councillors are to be elected”, substitute “the voting area;”; and |
| | (b) for “the elector’s”, in both places, substitute “the voter’s”. |
| | For paragraph (5) substitute— |
| | “(5) An official poll card issued under this rule may be combined with the official poll card issued at an election or, as the case may be, another referendum.”. |
| Rule 23 (equipment of polling stations) | In paragraph (1), for “returning officer”, in both places, substitute “counting officer”. |
| | For paragraph (1A), substitute— |
| | “(1A) The ballot papers shall, as the counting officer may decide, be placed— |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| | <p>(a) in a single ballot box; or</p> <p>(b) in separate ballot boxes according to the referendum in which the votes given on them are cast.”.</p> <p>In paragraph (3)—</p> <p>(a) for “returning officer”, substitute “counting officer”;</p> <p>(b) for “electoral area”, in both places, substitute “voting area”;</p> <p>(c) for “electors”, in the second place where that word appears, substitute “voters”;</p> <p>and</p> <p>(d) for “election”, substitute “referendum”.</p> <p>For paragraph (5) substitute—</p> <p>“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate form, which shall be printed on paper of the same colour as that of the ballot papers for use at the referendum or election to which the notice in question relates.”.</p> <p>In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.</p> <p>After paragraph (9), insert—</p> <p>“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.</p> <p>In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab,”.</p> |
| Rule 24 (appointment of polling and counting Agents) | Omit paragraphs (1) to (3), (5), (7) and (11). <p>In paragraph (4)—</p> <p>(a) for “counting agents”, “counting agent” and “agent”, substitute “counting observers”, “counting observer” and “observer”, respectively;</p> <p>(b) for “candidate” and “candidates”, substitute “petition organiser” and “petition organisers”, respectively;</p> |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| | <ul style="list-style-type: none"> (c) for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively; and (d) for “returning officer”, substitute “counting officer”. |
| | <p>In paragraph (6)—</p> <ul style="list-style-type: none"> (a) for “an agent” (in the first place where those words appear), and “candidate”, substitute “a counting observer” and “counting officer”, respectively; and (b) omit the words from “and shall” to the end. |
| | <p>After paragraph (6), insert—</p> <p>“(6A) Notice of the nomination of counting observers which is required by paragraph (6) to be given to the counting officer shall be given to the returning officer or counting officer who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986.”</p> |
| | <p>In paragraph (8)—</p> <ul style="list-style-type: none"> (a) omit “polling agents and”; (b) for “counting agents” and “agents”, substitute “counting observers”; and (c) in sub-paragraph (a), omit “and notified”. |
| | <p>In paragraph (9)—</p> <ul style="list-style-type: none"> (a) for “a counting agent by the returning officer”, substitute “a counting observer by the counting officer”; and (b) for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”. |
| | <p>In paragraph (10)—</p> <ul style="list-style-type: none"> (a) for “candidate” substitute “petition organiser”; (b) for “polling or counting agent” substitute “counting observer”; and (c) for “agent” substitute “counting observer”. |
| | <p>In paragraph (12)—</p> |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| | <ul style="list-style-type: none"> (a) for “these rules” substitute “the LGA Referendum Rules”; (b) for “polling or counting agents” substitute “counting observers”; and (c) for “agent or agents” substitute “such observer or observers”. |
| Rule 25 (notification of requirement of secrecy) | For “returning officer” substitute “counting officer”. |
| Rule 26 (admission to polling station) | <p>In paragraph (1), after sub-paragraph (e), insert “(f) the polling observers and petition organisers, and the elected mayor (if any) of the council in respect of which the referendum is held.”</p> <p>In paragraph (3) after “Appendix” insert “with the following modifications—</p> <ul style="list-style-type: none"> (a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND REFERENDUM”; (b) after “at the election” insert “and referendum”; and (c) after “with the election” insert “and referendum”. <p>Omit paragraph (2).</p> |
| Rule 27 (keeping of order in station) | |
| Rule 28 (sealing of ballot boxes) | |
| Rule 29 (questions to be put to voters) | <p>For paragraphs (1) and (2) substitute—</p> <p>“(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions.</p> <p>(2) In the case of a person applying to vote on his own behalf, the relevant questions are—</p> <ul style="list-style-type: none"> (a) “Are you the person registered in the register of local government electors for this electoral area as follows?” (<i>read the whole entry from the register.</i>) (b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?”. |

| (1) <i>Provision and, if of limited application, relevant circumstances</i> | (2) <i>Modification</i> |
|--|--|
| | <p>(2A) In the case of a person applying as proxy, the relevant questions are—</p> <p>(a) “Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?”</p> <p>(b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of C.D.?”</p> <p>(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question—</p> <p>“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”and, if that question is not answered in the affirmative, the following question—</p> <p>“Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?””</p> |
| Rule 30 (challenge of voters) | In paragraph (1), for “a candidate or his election or polling agent”, substitute “any petition organiser or polling observer permitted to be present in accordance with rule 26, as modified”. |
| Rule 31 (voting procedure) | <p>For paragraph (4), substitute—</p> <p>“(4) The same copy of the register of electors may be used under paragraph (1) for each referendum or, as the case may be, the referendum and the election.</p> <p>(5) One mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each referendum or, as the case may be, the referendum and the election; except that—</p> <p>(a) where the polls at two referendums are taken together, and a ballot paper has been issued in respect of one referendum only, different marks shall be placed in the register or, as the case may be, the list, so as to identify the referendum in respect of which the ballot paper was issued; and</p> |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| Rule 32 (votes marked by presiding officer) | (b) where the polls at a referendum and an election are taken together, and ballot papers have been issued in respect of either the referendum only, or the election only, different marks shall be placed in the register or, as the case may be, the list, so as to indicate whether the ballot paper was issued in respect of the referendum or the election.” For the words inserted by paragraph 10 of Schedule 4 to the Principal Areas Rules substitute— “The same list may be used for both polls 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 poll, unless the list identifies the poll at which the ballot paper was so marked.”. |
| Rule 33 (voting by persons with disabilities)(73) | In paragraph (3), in sub-paragraph (a), for “an elector at the election”, substitute “a voter at the referendum”. After paragraph (4), insert— “(4A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”. |
| Rule 34 (tendered ballot papers) | For the words inserted by paragraph 12 of Schedule 4 to the Principal Areas Rules substitute— “The same list may be used for both polls, 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 poll, unless the list identifies the poll at which a tendered ballot paper was marked.”. |
| Rule 35 (spoilt ballot papers) | |
| Rule 36 (adjournment of poll in case of riot) | In paragraph (1), after the words inserted by paragraph 13 of Schedule 4 to the Principal Areas Rules, insert— “or, where the polls at two referendums are taken together, the counting officer by whom |

(73) Rule 33 was substituted by S.I. 2001/81, rule 10.

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| Rule 37 (procedure on close of poll) | <p>the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 are to be discharged.”.</p> <p>For paragraph (1A), substitute the following—</p> <p>“(1A) As regards each referendum or, as the case may be, the referendum and the election, the contents of the packets referred to in subparagraphs (b), (c) and (e) of paragraph (1) shall be kept separate; and the statements prepared under paragraph (3) shall not be combined.”</p> <p>In paragraph (1B), (inserted by paragraph 14 of Schedule 4 to the Principal Areas Rules), at the end insert—</p> <p>“or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 are to be discharged.”.</p> |
| Rule 39 (the count), where the polls at two referendums are taken together. | <p>For paragraph (1), substitute—</p> <p>“(1) The counting officer who is discharging the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 shall, in the presence of the counting observers—</p> <ul style="list-style-type: none"> (a) open each ballot box and record separately the number of ballot papers used in each referendum; (b) count such of the postal ballot papers as have been duly returned and record separately the number counted in each referendum; (c) separate the ballot papers relating to each referendum; (d) verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list), and shall draw up a statement as to the result of the verification, which |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| | <p>any counting observer present at the verification may copy;</p> <p>(e) make up into packets the ballot papers for each referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;</p> <p>(f) deliver, or cause to be delivered, to the counting officer—</p> <ul style="list-style-type: none">(i) the container of ballot papers relating to each referendum; and(ii) the ballot paper account relating to each referendum, and a copy of the statement as to its verification; and <p>(g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—</p> <ul style="list-style-type: none">(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.”. |

For paragraph (2), substitute—

“(2) After completion of the proceedings under paragraph (1), the counting officer for each referendum shall, separately as regards each referendum, mix together all of the ballot papers used at that referendum and count the votes given on them, and thereafter the proceedings in relation to each referendum shall be conducted in accordance with the LGA Referendum Rules.”.

In paragraph (3)(74)—

- (a) in sub-paragraph (a)—
 - (i) for “returning officer”, substitute “counting officer”; and
 - (ii) for “electoral area”, substitute “voting area”.

(74) Paragraphs (3) and (3A) were substituted for paragraph (3) by S.I. 2001/81, rule 12.

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| | <p>In paragraph (3A), in sub-paragraph (a), for “returning officer”, substitute “counting officer”.</p> <p>In paragraphs (4) and (5), for “returning officer”, substitute “counting officer”.</p> <p>In paragraph (6)—</p> <ul style="list-style-type: none"> (a) for “returning officer”, substitute “counting officer”; and (b) for “election agent”, substitute “counting observer present at the verification”. <p>In paragraph (7)—</p> <ul style="list-style-type: none"> (a) for “returning officer”, substitute “counting officer”; (b) for “the agents”, substitute “the counting observers”; and (c) omit the words from “For the purposes” to “counting agents”. <p>In paragraph (8), for “returning officer”, substitute “counting officer”.</p> |
| <p>Rule 39, where the polls at a referendum and an election are taken together.</p> | <p>For paragraphs (1) and (2), substitute—</p> <ul style="list-style-type: none"> “(1) The returning officer shall— <ul style="list-style-type: none"> (a) in the presence of the counting agents appointed for the purposes of the election and the counting observers, open each ballot box and record separately the number of ballot papers used in the election and the referendum; (b) in the presence of the election agents appointed for the purposes of the election and the counting observers, 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 the election and the referendum; (d) separate the ballot papers relating to the election from the ballot papers relating to the referendum; (e) make up into packets the ballot papers for the election and the referendum, and seal them up in separate containers, endorsing on |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| | <p>each a description of the area to which the ballot papers relate;</p> <p>(f) deliver, or cause to be delivered, to the counting officer—</p> <ul style="list-style-type: none">(i) the container of ballot papers relating to the referendum; and(ii) the ballot paper account relating to the referendum, and a copy of the statement as to its verification; and <p>(g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—</p> <ul style="list-style-type: none">(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. <p>(2) After completion of the proceedings under paragraph (1), the counting officer shall mix together all of the ballot papers used at the referendum and count the votes given on them; and thereafter the proceedings in relation to the referendum shall be conducted in accordance with the LGA Referendum Rules.”.</p> <p>In paragraph (6), after “election agent”, insert “or counting observer present at the verification”.</p> |
| Rule 49 (countermand or abandonment of poll) | Add at the end of paragraph (1)— “Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.” |
| | Substitute for paragraph (2)— “(2) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| | <p>had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—</p> <ul style="list-style-type: none"> (a) it shall not be necessary for any ballot paper account to be prepared or verified; and (b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and (c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.” |
| <p>The Appendix of Forms:</p> <p>Form of declaration of identity for use where postal ballots are taken together</p> | <p>On the front of the form, after</p> <p>“REPRESENTATION OF THE PEOPLE ACTS”, insert—</p> <p>“<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>On the back of the form—</p> <ul style="list-style-type: none"> (a) in paragraph 2— <ul style="list-style-type: none"> (i) after “candidates.],” insert “In the referendum, vote once only.”; (ii) after “elections”, insert “or referendums”; and (iii) for “regulation 78” substitute “regulation 66”; and (b) in paragraph 3, after “candidates”, insert “and answers”. |
| <p>The Appendix of Forms:</p> <p>Form of declaration of identity for use unless postal ballots are taken together</p> | <p>On the front of the form, for</p> <p>“REPRESENTATION OF THE PEOPLE ACTS” substitute—</p> <p>“<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>On the back of the form—</p> |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|--|--|
| The Appendix of Forms: Form of directions for the guidance of the voters in voting | <p>(a) in paragraph 1, for “<i>another election</i>”, substitute “<i>an election</i>”;</p> <p>(b) in paragraph 2, for the first sentence, substitute “Vote either “YES” or “NO”.”</p> <p>(c) in paragraph 3—</p> <p>(i) for “Mark”, substitute “On the (<i>specify colour</i>) ballot paper, mark”;</p> <p>and</p> <p>(ii) for “candidate” substitute “answer”;</p> <p>(d) in paragraph 4, for “each election”, substitute “[the][each] referendum and election”;</p> <p>(e) in paragraph 5, for “<i>same election</i>”, substitute “<i>same referendum</i>”; and</p> <p>(f) in paragraph 6, for “At this election” substitute “At this referendum”.</p> <p>Substitute— “GUIDANCE FOR VOTERS</p> <p>1. When you are given ballot papers, make sure they are stamped with the official mark.</p> <p>2. Go to one of the voting compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. Vote only for the number of candidates specified on the ballot paper for the election.</p> <p>3. Put no other mark on the ballot paper or your vote may not be counted.</p> <p>4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.</p> <p>5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.</p> |
| The Appendix of Forms: Form of declaration to be made by the companion of a voter with disabilities | <p><i>Where the polls at two referendums are combined</i></p> <p>For “election now being held in this electoral area” substitute “referendums now being held in the county and the (<i>specify the relevant district or, as the case may be, the relevant districts</i>)”.</p> |

| <i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| | <p>For “said election”, in both places, substitute “the referendums”.</p> <p><i>Where the polls at two referendums are combined with the poll at an election</i></p> <p>After “election now being held in this electoral area” insert “and referendums now being held in (<i>specify the relevant county and district or, as the case may be, the relevant districts</i>)”.</p> <p>After “said election”, in both places, insert “and the referendums”.</p> |

SCHEDULE 6

regulation 19(8)

APPLICATION, WITH FURTHER MODIFICATIONS, OF THE REPRESENTATION OF THE PEOPLE ACT 1983 IN RELATION TO REFERENDUM PETITIONS(75)

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Further Modifications (if any)</i> |
|---|---|
| Section 128 (presentation of petition questioning local election) | <p>In subsection (1)—</p> <p>(a) for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and</p> <p>(b) omit “either” and the words from “, or by a person” to the end.</p> |
| Section 129 (time for presentation or amendment of petition questioning local election) | <p>In subsection (2), for the words from the beginning to “any”, substitute “Any”.</p> <p>In subsections (3) and (4), omit “and Wales”.</p> |
| | <p>In subsection (1), for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”;</p> <p>In subsection (2), in paragraph (b), for “a candidate elected at the election”, substitute “any person”.</p> <p>In subsection (3), in paragraph (b), for “the candidate elected at the election, or by an</p> |

(75) For other modifications of the provisions listed in column (1) see regulation 18(8)(a) and (b).

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Further Modifications (if any)</i> |
|--|--|
| | <p>agent of the candidate or with the privity of the candidate or his election agent”, substitute “any person”.</p> <p>Omit subsections (4) and (5).</p> <p>For subsection (7), substitute—</p> <p>“(7) Subsections (3) and (6) above apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.”</p> <p>In subsection (8), after “below” insert, “, as applied by regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001,”.</p> <p>Omit subsection (9).</p> |
| Section 130 (election court for local election in England and Wales, and place of trial)(76) | <p>In subsection (1), for “and Wales under the local government Act”, substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In subsection (3), in paragraph (a), for “and Wales under the local government Act”, substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> |
| Section 131 (accommodation of and attendance on court) | <p>In subsection (1)—</p> <p>(a) after “section 130 above” insert “as applied by regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”, and</p> <p>(b) after “section 132 below” insert “as so applied”.</p> |
| Section 132 (remuneration and allowances) | <p>In subsection (1), after “section 131 above”, insert “as applied by regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> |
| Section 133 (repayments under section 131 and 132) | <p>In subsection (1)—</p> <p>(a) in paragraph (a), after “section 131 above”, insert “as applied by regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and</p> |

(76) Section 130 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 50.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Further Modifications (if any)</i> |
|-------------------------------------|--|
| Section 136 (security for costs) | <p>(b) in paragraph (b), after “section 132 above”, insert “as so applied”.</p> <p>In subsection (2), in paragraph (b), for “a petition questioning an election under the local government Act” substitute “a referendum petition within the meaning of regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> |
| Section 137 (petition at issue)(77) | |
| Section 138 (list of petitions)(78) | <p>In subsection (1), in paragraph (a), for “all election petitions”, substitute “all referendum petitions within the meaning of regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In subsection (3) for the words from the beginning to “candidates”, substitute “Two or more persons”.</p> <p>In subsection (4)—</p> <p>(a) for “the same election or to elections under the local government Act”, substitute “the same referendum or to referendums under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and</p> <p>(b) for “the election list”, in both places, substitute “the list made out under subsection (1)”.</p> |
| Section 139 (trial of petition) | <p>In subsection (1) omit “, in the case of a parliamentary election petition, 14 days and in any other case,”.</p> <p>Omit subsection (3).</p> <p>For subsection (5) substitute—</p> <p>“(5) On the trial of a petition, the respondent may give evidence in the same manner as if he had presented a petition against the referendum.”.</p> <p>For subsection (6) substitute—</p> <p>“(6) Where the petition relates to a referendum as regards which, by reason of an equality of votes found at the count, the result</p> |

(77) Section 137 was substituted by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 3.

(78) Section 138 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 4.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Further Modifications (if any)</i> |
|---|---|
| | <p>was determined by lot, that determination shall be effective also for the purposes of the petition unless subsection (6A) applies.</p> <p>(6A) This subsection applies where the court disallows any vote cast in the referendum; and in any such case—</p> <ul style="list-style-type: none"> (a) the determination referred to in subsection (6) above shall have no effect; and (b) the court shall declare the result of the referendum. <p>(6B) Where—</p> <ul style="list-style-type: none"> (a) the petition relates to a referendum at which no equality of votes was found at the count; and (b) the court— <ul style="list-style-type: none"> (i) disallows any vote cast in the referendum; and (ii) determines that an equality of votes was cast in the referendum, <p>the result of the referendum shall be determined by the court by lot.”.</p> |
| Section 140 (witnesses) | In subsection (1), omit “, but this subsection does not apply to Scotland in relation to an election of councillors”. |
| Section 141 (duty to answer relevant questions)(79) | |
| Section 143 (expenses of witnesses) | In subsection (2)— <ul style="list-style-type: none"> (a) after “section 140(2) above”, insert “as applied for the purposes of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and (b) after “subsection (1) above”, insert “as so applied”. |
| Section 145 (conclusion of trial of local election petition) | For subsection (1), substitute the following subsections— |
| <i>Subsection (1), as substituted, is not to apply where a referendum petition has been presented with the leave of the High Court (see regulation 19(3))</i> | “(1) At the conclusion of the trial of a petition questioning a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001, the election court shall determine— |

(79) Subsections (3) and (4) were repealed by the Representation of the People Act 1985, Schedule 4, paragraph 50 and Schedule 5.

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Further Modifications (if any)</i> |
|--|---|
| | <p>(a) in the case of a petition presented on the ground mentioned in subparagraph (a) of paragraph (1) of regulation 19 of those Regulations, whether the result of the referendum was, or was not, in accordance with the votes cast in the referendum;</p> <p>(b) in the case of a petition presented on the ground mentioned in subparagraph (b) or (c) of that paragraph, whether the referendum was void.</p> <p>(1A) Where the election court makes such a determination as is referred to in subsection (1) (a), it shall, as the circumstances require—</p> <p>(a) confirm the result of the referendum; or</p> <p>(b) reverse the result of the referendum.”.</p> <p>In subsection (3)—</p> <p>(a) for “sections 158 and”, substitute “section”; and</p> <p>(b) for the words from “for which” to the end, substitute “by which or in respect of which the referendum was held.”.</p> <p>In subsection (6), for “for which the election was held”, substitute “by which or in respect of which the referendum was held.”.</p> |
| Section 146 (special case for determination of High Court) | <p>Omit subsection (2).</p> <p>In subsection (3), for the words from the beginning to “local government Act”, substitute—</p> <p>“(3) In the case of a referendum petition under the Local Authorities (Conduct of Referendums) (England) Regulations 2001,”.</p> |
| Section 147 (withdrawal of petition) | |
| Section 154 (costs of petition) | |
| Section 155 (neglect or refusal to pay costs) | <p>In subsection (1) omit paragraph (a).</p> <p>In subsection (2) after “this Act”, insert “as applied for the purposes of the referendum petition”.</p> |
| Section 156 (further provision as to costs) | |

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Further Modifications (if any)</i> |
|---|--|
| Section 157 (appeals and jurisdiction)(80) | Omit subsection (4). |
| Section 160(1) and (3) (persons reported personally guilty of corrupt practices)(81) | In subsection (1), omit paragraph (b). |
| Section 161 (Justice of the Peace) | |
| Section 162 (member of legal and certain other professions) | |
| Section 163 (holder of licence or certificate under Licensing Acts) | |
| Section 164(1) and (2) (avoidance of election for general corruption etc.) | In subsection (1)— (a) for “election”, in the first two places where that word appears, substitute “referendum”; (b) for “the election of any person at that election”, substitute “a particular outcome in relation to the question asked in the referendum”; and (c) for paragraphs (a) and (b), substitute “, the referendum, if that outcome was achieved, shall be void.”. In subsection (2), for “An election”, substitute “A referendum”. |
| Section 167 (application for relief) | |
| Section 180 (evidence by certificate of holding of election) | Omit sub-paragraph (ii) and the word immediately preceding it. |
| Section 183 (costs) | |
| Section 184 (service of notices) | |
| In section 185 (interpretation of Part III), the definitions of “appropriate officer”, “costs”, “Licensing Acts” and “payment”. | |

SCHEDULE 7

regulation 19(9)

MODIFICATIONS OF THE ELECTION PETITION RULES 1960(**82**)

| <i>(1)</i> <i>Provision modified</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| Rule 2(2) | After the definition of “the Act” insert— |

(80) Section 157 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 6.

(81) Subsection (1) was amended, subsection (2) repealed, and subsection (3) substituted, by the Representation of the People Act 1985, Schedule 4, paragraph 52 and Schedule 5.

(82) S.I. 1960/543, amended by S.I. 1985/1248 and 1999/1352.

| <i>(1)</i> <i>Provision modified</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| | <p>“the 2001 Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2001;”.</p> <p>After the definition of “local election petition” insert—</p> <p>““referendum petition” means a petition under the 2001 Regulations;”.</p> <p>In the definition of “petition”, insert at the end “or a referendum petition”.</p> <p>For the definition of “constituency”, substitute—</p> <p>““constituency”—</p> <p>(a) in relation to a local election petition, means the local government area to which the petition relates;</p> <p>(b) in relation to a referendum petition, means the local government area in which the referendum is held;”.</p> <p>After the definition of “returning officer” insert “and, in relation to a referendum petition, any reference to a provision of the Act shall be construed as a reference to that provision as applied by the 2001 Regulations.”</p> |
| Rule 2(3) | After “local government Act”, insert “and referendums under the 2001 Regulations” |
| Rule 4(1) | Omit paragraph (a). |
| | For paragraph (b), substitute— |
| | “(b) the date and result of the referendum to which the petition relates;”. |
| | In paragraph (c), for the words from “petition” to “the Act” substitute “referendum petition”. |
| Rule 10 | Omit |
| Rule 12(3) | For “the election” substitute “the referendum”. |
| Rule 14(2) | For “the election may” substitute “the referendum may”. |
| Rule 16(3) | For “the election may” substitute “the referendum may”. |
| Rule 18 | After “local election petition” insert “or a referendum petition”. |

| <i>(1)</i> <i>Provision modified</i> | <i>(2)</i> <i>Modification</i> |
|---|--|
| The Schedule | <p>For “a Parliamentary (or Local Government) Election for (<i>state place</i>) ”, insert “a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (“the 2001 Regulations”) in (<i>state area</i>)”.</p> <p>In paragraph 1—</p> <p>(a) for election, in the first place where that word appears, substitute “referendum”;</p> <p>(b) omit “(or was a candidate at the above election) (or in the case of a parliamentary election claims to have had a right to be elected or returned at the above election)”.</p> <p>For paragraph 2 substitute—</p> <p>“2. That the referendum was held on the ... day of ... 20 ...</p> <p>In paragraph 4, omit “in the case of a petition mentioned in section 122(2) or (3) or”.</p> <p>For paragraph (1) of the Prayer substitute—</p> <p>“(1) That it may be determined [that the result of the referendum was not in accordance with the votes cast]* [that the referendum is avoided]* [that the referendum is tainted as mentioned in regulation 21(3) of the 2001 Regulations]*.</p> <p>* <i>include or omit, as the circumstances require.</i>”.</p> |
