

SCHEDULE 2

Regulation 13

ABSENT VOTERS

PART I

Applications

Interpretation of Part I

1. In this Part of this Schedule—

“allotted polling station” has the meaning set out in paragraph 4(7) ; and

“related” has the meaning set out in paragraph 5(5).

General requirements for applications for an absent vote

2.—(1) An application under regulation 8, 9, 10 or 11 must comply with the requirements of this paragraph and such further requirements in this Schedule as are relevant to the application.

(2) The application must state, in addition to the matters required by regulation 8(1)(c) to (e) or regulation 9(1)(c) to (e) in the case of an application under regulation 8(1) or 9(1)—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under regulation 11;
- (c) in the case of such an application, the proxy’s address, together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of sub-paragraph (b) above; and
- (d) in the case of an application under regulation 8(1), 9(1) or 11(4) or (7), the grounds on which the elector claims to be entitled to an absent vote.

(3) The application shall be made in writing and be signed and dated by the applicant.

(4) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of paragraph 3.

Additional requirements for applications for the appointment of a proxy

3. An application for the appointment of a proxy under regulation 10(6) or (7) shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, or
- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant’s proxy.

Additional requirements for applications on grounds of physical incapacity or blindness

4.—(1) An application under regulation 8(4)(b) shall specify the physical incapacity by reason of which it is made.

(2) Subject to sub-paragraph (3) below, such an application shall be attested and signed by—

- (a) a registered medical practitioner;
 - (b) a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997(1);
 - (c) a Christian Science practitioner;
 - (d) the person registered under the Registered Homes (Northern Ireland) Order 1992(2) as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the applicant states that he is resident in such a home;
 - (e) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(3), where the applicant states that he is resident in such accommodation; or
 - (f) the warden of premises forming one of a group of premises provided for persons of pensionable age or physically disabled persons for which there is a resident warden, where the applicant states that he resides in such premises.
- (3) A person who qualifies by virtue of paragraph (a), (b) or (c) of sub-paragraph (2) above, may not attest an application for this purpose unless he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity.
- (4) The person attesting the application shall state—
- (a) his name and address and the qualification by virtue of which he attests the application, and, where the person who attests the application is a person referred to in sub-paragraph (3) above, that he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity;
 - (b) that, to the best of his knowledge and belief, the applicant is suffering from the physical incapacity specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that incapacity; and
 - (c) that, to the best of his knowledge and belief, the physical incapacity specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (5) Sub-paragraphs (2) to (4) above shall not apply where—
- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by a Health and Social Services Board which is specified in the application; or
 - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(4)) because of the physical incapacity specified in the application.
- (6) The fact that an applicant is registered with a Health and Social Services Board as a blind person shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in regulation 8(4)(b).
- (7) In this paragraph and in paragraphs 5 and 6 below, "his allotted polling station", in relation to an elector means the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules.

(1) 1997 c. 24.
(2) S.I.1992/3204 (N.I. 20).
(3) S.I. 1972/1265 (N.I. 14).
(4) 1992 c. 7.

Additional requirements for applications based on occupation, service, employment or attendance on a course

- 5.—(1) An application under regulation 8(4)(c) shall state—
- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or, as the case may be, it is the applicant or his spouse who is attending the course provided by an educational institution in respect of which the application is made;
 - (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
 - (c) where the person in respect of whose occupation, service or employment it is made (in this paragraph referred to as “the employed person”) is self employed, that fact; and in any other case the name of that person’s employer;
 - (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.
- (2) Such an application shall be attested and signed—
- (a) where the person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;
 - (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
 - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.
- (3) The person attesting an application made under sub-paragraph (2) above shall—
- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by paragraphs (a) to (d) of sub-paragraph (1) above to be included in the application are true; or
 - (b) where the applicant is the spouse of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of paragraphs (a) to (c) of sub-paragraph (1) above are true.
- (4) The person attesting an application under sub-paragraph (2) above shall also state—
- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him; and
 - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
 - (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.
- (5) For the purposes of this paragraph and paragraph 6 below, one person is related to another if he is the husband, wife, parent, grandparent, brother, sister, child or grandchild of the other.

Additional requirements for applications in respect of a particular election

6.—(1) An application under regulation 9(1) shall set out why the applicant’s circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Except in respect of an application to which sub-paragraph (4), (6) or (8) below applies, such an application shall be signed and attested by a person who—

- (a) is aged 18 years or over,
- (b) resides in the United Kingdom,
- (c) knows the applicant but is not related to him, and
- (d) has not attested under this paragraph any other application in respect of the election for which the application he attests is made.

(3) The person attesting an application under subparagraph (2) above shall state—

- (a) his full name and address,
- (b) that he is aged 18 years or over,
- (c) that he resides in the United Kingdom,
- (d) that he knows the applicant but is not related to him, and
- (e) that he has not attested under sub-paragraph (2) above any other application in respect of the election for which the application he attests is made;

and shall certify that, to the best of his knowledge and belief, the statement included in the application in accordance with sub-paragraph (1) above is true.

(4) This paragraph applies in respect of an application under regulation 9(1) in which the grounds set out in accordance with sub-paragraph (1) above are that the applicant will be or is likely to be physically ill on the date of the poll, and which—

- (a) specifies that illness, and
- (b) is attested and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 4(2) above.

(5) The person attesting an application under sub-paragraph (4) above shall state—

- (a) his name and address;
- (b) the qualification by virtue of which he is authorised to attest it;
- (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with sub-paragraph (1) above, and
- (d) that to the best of his knowledge and belief—
 - (i) the applicant is suffering from the physical illness specified in the application;
 - (ii) that he will be or is likely to be so suffering on the date of the poll, and
 - (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness.

(6) This paragraph applies in respect of an application under regulation 9(1)—

- (a) which is received by the registration officer after 5 p.m. on the fourteenth day (calculated in accordance with paragraph 8(5) below) before the date of the poll at the election in question (“the standard closing date for applications”) but before 5 p.m. on the sixth day (so calculated) before the date of that poll;
- (b) in which the circumstances set out in accordance with sub-paragraph (1) above relate to the applicant’s health;

- (c) which includes a statement to the effect that, before the standard closing date for applications, the applicant could not have reasonably foreseen that those circumstances would, or would be likely to, exist on the date of the poll, and
 - (d) which is attested and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 4(2) above.
- (7) The person attesting an application under sub-paragraph (6) above shall state—
- (a) his name and address;
 - (b) the qualification by virtue of which he is authorised to attest it;
 - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with sub-paragraph (1) above, and
 - (d) that, to the best of his knowledge and belief, the statement which the applicant made in accordance with sub-paragraph (6)(c) above is correct.
- (8) This paragraph applies in respect of an application under regulation 9(1)—
- (a) which is received by the registration officer during the period specified in sub-paragraph (6)(a) above;
 - (b) in which the circumstances set out in accordance with sub-paragraph (1) above relate to the applicant's employment either as a constable or by the returning officer on the date of the poll of the election for which the application is made for a purpose connected with that election or any other parliamentary or European Parliamentary election the poll for which is held on the same day;
 - (c) which states the employment in question, and
 - (d) in the case of a constable, which is signed by a member of the Police Service of Northern Ireland of or above the rank of chief inspector.

Additional requirements for applications by proxies to vote by post at a particular election

7. An application under regulation 11(6) shall set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the elections rules.

Closing date for applications

8.—(1) An application under regulation 8(1) or (7), 10(7) or 11(4) shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at that election.

(2) Subject to sub-paragraph (3) below, an application under regulation 9(1) or (2), 10(7) or 11(6) or (7) shall be refused if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at the election for which is made.

(3) Sub-paragraph (2) above shall not apply to an application which satisfies the requirements of either sub-paragraphs (6) and (7) or sub-paragraph (8) of paragraph 6 above; and such an application shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the day of the poll at the election for which it is made.

- (4) An application under—
- (a) regulation 8(6)(a) by an elector to be removed from the record kept under regulation 8(5),
or
 - (b) regulation 11(10)(a) by a proxy to be removed from the record kept under regulation 11(5),

and a notice under regulation 10(9) by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the date of the poll at that election.

(5) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday shall be disregarded.

(6) In sub-paragraph (5) above "bank holiday" means—

- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom, and
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland;

except that where, at a European Parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, paragraph (b), not (a), shall apply.

Grant or refusal of applications

9.—(1) Where the registration officer grants an application under regulation 8, 9, 10 or 11, he shall, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The proxy paper to be issued by the registration officer on the appointment of a proxy shall be in Form E in the Appendix.

(4) Where the registration officer refuses an application under regulation 8, 9, 10 or 11, he shall notify the applicant of his decision and, in the case of an application under regulation 8(1) or 11(4), of the reasons for it; and he shall date such a notification.

(5) Where under paragraph 8(1) or (4) above the registration officer disregards an application for the purposes of a particular election, he shall, where practicable, notify the applicant of this.

Notice of appeal

10.—(1) A person desiring to appeal under regulation 22(1) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under paragraph 9(4) above specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the appropriate county court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Cancellation of proxy appointment

11. Where the appointment of a proxy is cancelled by notice given to the registration officer under regulation 10(9) or ceases to be in force under that provision or is no longer in force under regulation 10(10)(b), the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, expired, ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy, and

- (b) remove his name from the record kept under regulation 8(5)(b).

Inquiries by registration officer

12.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown in the record kept under regulation 8(5) by virtue of an application under that regulation on the grounds set out in sub-paragraph (b) or (c) of regulation 8(4).

(2) In the case of a person who is shown in the record kept under regulation 8(5) by virtue of an application under that regulation on the grounds set out in regulation 8(4)(c), the registration officer shall make the inquiries referred to in sub-paragraph (1) above not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Records and lists kept under regulations 8, 9 and 11

13.—(1) The registration officer shall, on request, supply free of charge a copy of the list kept under regulations 9(6) and 11(8) to each candidate at a European Parliamentary election or his election agent.

(2) The registration officer shall make available for inspection at his office a copy of the records kept under regulations 8(5) and 11(5).

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with paragraph 8(5) above) the registration officer shall publish the lists kept under regulations 9(6) and 11(8) by making a copy of them available for inspection at his office.

Marked register for polling stations

14. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

PART II

Issue and receipt of postal ballot papers

Interpretation of Part II

15. For the purposes of this Part of this Schedule, unless the context otherwise requires—

“agent” includes the election agent and a person appointed to attend in the election agent’s place;

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 23 below;

“list of postal proxies” means the list kept under regulation 11(8);

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters’ ballot box” means the ballot box referred to in paragraph 28(1)(a) below;

“receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 28(5) below;

“spoilt postal ballot paper” means a ballot paper referred to in paragraph 26(1) below;

“universal postal service provider” has the meaning given in the Postal Services Act 2000⁽⁵⁾ to a “universal service provider”; and

“valid declaration of identity” means one falling within paragraph 32(1) below.

Issue of postal ballot papers

Form of declaration of identity

16. The form of the declaration of identity for the purposes of rule 24 of the European Parliamentary elections rules shall be in Form G in the Appendix.

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers

17. No person may be present at the proceedings on the issue or receipt of postal ballot papers at a European Parliamentary election other than—

- (a) the returning officer,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent’s place,
- (d) any agents appointed under paragraph 18 below, and
- (e) representatives of the Electoral Commission.

Agents of candidates who may attend proceedings on issue or receipt of postal ballot papers

18.—(1) Each candidate may appoint one or more agents to attend the proceedings on the issue or receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint so, however, that the number authorised shall be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters’ ballot box, as the case may be.

(3) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(4) Agents may be appointed and notice of appointment given to the returning officer by the candidate’s election agent instead of by the candidate.

(5) In this Part of this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (1) above, who are within the number authorised by the returning officer.

(6) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(7) Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at

(5) 2000 c. 26.

the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

19. The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of regulation 30(5) and (7).

Notice of issue of postal ballot papers

20.—(1) The returning officer shall give each candidate not less than 48 hours' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents he may appoint under paragraph 18 above to attend that issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents the candidate may appoint under paragraph 18 above to attend such issue.

Procedure on issue of postal ballot paper

21.—(1) Each postal ballot paper issued shall be stamped with the official mark.

(2) The number of the elector as stated in the register shall be marked on the counterfoil attached to the ballot paper.

(3) A mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(5) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in paragraph 23 below are to be sent is—

- (a) in the case of an elector, the address shown in the absent voter's list;
- (b) in the case of a proxy, the address shown in the list of postal proxies.

Refusal to issue postal ballot paper

22. Where the returning officer is satisfied that two or more entries in the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector.

Envelopes

23.—(1) Sub-paragraphs (2) and (3) below specify the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 24 of the European Parliamentary elections rules).

(2) There shall be issued an envelope for the return of the postal ballot paper and the declaration of identity (referred to as a "covering envelope") which shall be marked with the letter "B".

(3) There shall also be issued a smaller envelope (referred to as a "ballot paper envelope") which shall be marked with—

- (a) the letter "A";

- (b) the words “ballot paper envelope”; and
- (c) the number of the ballot paper.

Sealing up of counterfoils and security of special lists

24.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the counterfoils of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in sub-paragraph (2) above, the returning officer shall take proper precautions for the security of the lists referred to in that paragraph.

Delivery of postal ballot papers

25.—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed under rule 26(1) of the European Parliamentary elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters and on the covering envelopes (except where sub-paragraph (1)(c) above applies).

Spoilt postal ballot papers

26.—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper and the declaration of identity.

(2) On receipt of the documents referred to in sub-paragraph (1) above, the returning officer shall issue another postal ballot paper except where those documents are received after 5 p.m. on the day before the day of the poll.

(3) Paragraphs 21 (except sub-paragraph (3)), 23, 24 and, subject to sub-paragraph (6) below, 25 above shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(4) The spoilt postal ballot paper and the declaration of identity shall be immediately cancelled.

(5) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(6) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 25 above.

(7) The returning officer shall enter in a list kept for the purpose (“the list of spoilt ballot papers”) —

- (a) the name and address of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this regulation; and

- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Receipt of postal ballot papers

Notice of opening of postal ballot paper envelopes

27.—(1) The returning officer shall give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under paragraph 18(1) above to attend each opening.

Postal ballot boxes and receptacles

28.—(1) The returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity; and
- (c) the receptacle for ballot paper envelopes.

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Receipt of covering envelope

29. The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box.

Opening of postal voters' ballot box

30.—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

Opening of covering envelopes

31.—(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope separately.

(2) The procedure in paragraph 33 below applies where a covering envelope contains both—

- (a) a declaration of identity; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(3) Where the covering envelope does not contain the declaration of identity separately, the returning officer shall open the ballot paper envelope to ascertain whether the declaration of identity is inside.

(4) Where a covering envelope does not contain both—

- (a) a declaration of identity (whether separately or not), and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,

the returning officer shall mark the covering envelope “rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

Procedure in relation to declarations of identity on receipt of covering envelope

32.—(1) A declaration of identity is a valid declaration of identity for the purposes of this Part of this Schedule if—

- (a) it is duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address, and
- (b) in the case of an elector, the requirements of rule 46(2)(b) and (3) of the European Parliamentary elections rules are satisfied.

(2) The returning officer must satisfy himself that the declaration of identity is a valid declaration of identity.

(3) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper and, subject to sub-paragraph (4) below, place it in the receptacle for rejected votes.

(4) Before placing the declaration in the receptacle for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The returning officer shall then examine the number on the declaration of identity against the number on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid declaration of identity is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it,

the returning officer shall open the envelope.

(7) Sub-paragraph (8) below applies where—

- (a) there is a valid declaration of identity but no ballot paper envelope, or
- (b) the ballot paper envelope has been opened under paragraph 31(3) or sub-paragraph (6) above.

(8) In the circumstances described in sub-paragraph (7) above, the returning officer shall place—

- (a) in the postal ballot paper box, any ballot paper the number on which is the same as the number on the valid declaration of identity;
- (b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “rejected”;
- (c) in the receptacle for rejected votes, any valid declaration of identity marked “rejected” where there is no ballot paper;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under paragraph (b) or (c) above.

Opening of ballot paper envelopes

33.—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected votes any ballot paper envelope which shall be marked “rejected” because it does not contain a ballot paper.

Sealing of receptacles

34. As soon as practicable after the completion of the procedure under paragraph 33 above, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes, and
- (b) the receptacle of declarations of identity,

and shall seal up such packets.

Abandoned poll

35. Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of this Schedule; and
- (b) shall notwithstanding paragraphs 31 to 33 above, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

Retention of documents

36.—(1) The returning officer shall retain at the same time as he retains the documents mentioned in rule 63 of the European Parliamentary elections rules—

- (a) any packets referred to in paragraphs 24, 26(5) and 34 above, subject to paragraph 35 above, endorsing on each packet a description of its contents and the date of the election to which it relates, and
- (b) a completed statement in Form H in the Appendix of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll;
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up such packet and endorse and retain it at a subsequent date in the manner described in sub-paragraph (1) above.

(3) Rules 64 and 65 of the European Parliamentary elections rules shall apply to any packet or document retained under this regulation.

(4) A copy of the statement referred to in sub-paragraph (1)(b) above shall be provided by the returning officer to the Electoral Commission.

APPENDIX OF FORMS
PROXY PAPER

REPRESENTATION OF THE PEOPLE ACTS
EUROPEAN PARLIAMENTARY ELECTIONS ACT 2002

Constituency Area

European Parliamentary Electoral Region of Northern Ireland

Name of Proxy

Address

.....

.....

is hereby appointed as proxy for

(Name of elector)

*[who is qualified to be registered for

(Qualifying address)

*[who qualifies as an overseas elector in respect of the above constituency] to vote for him/her at

*[the *[parliamentary] *[European Parliamentary] election for the above *[constituency] *[European Parliamentary electoral region] on (date)

*[any *[parliamentary] *[European Parliamentary] election for the above *[constituency] *[European Parliamentary electoral region]]

*[This proxy appointment is not valid until

Signature

Electoral Registration Officer

Address

.....

.....

Date

**Delete whichever is inappropriate*

YOUR RIGHT TO VOTE AS PROXY

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

2. Your appointment as proxy may be for a particular election only, or it may be for an indefinite period.

If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.

If it is for an indefinite period, you have in general the right to vote as proxy at any parliamentary or European Parliamentary election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.

3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so.

4. If you cannot vote in person at the polling station, you should consult the electoral registration officer about whether you satisfy the entitlement to vote by post.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Northern Ireland) Regulations 2004 (revoked) No. 1267

**EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND**

DECLARATION OF IDENTITY

DECLARATION BY VOTER

Ballot Paper No.

- I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Date of Birth must be given below except where the voter is a proxy.

- My date of birth is

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| D | D | M | M | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|

Voter's signature _____

CERTIFICATION BY WITNESS

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

Witness's signature _____

Name of Witness _____

(WRITE CLEARLY)

Address of Witness _____

(WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. You must also give your date of birth where indicated (unless voting as a proxy). Without all the above the declaration will be invalid.
2. Mark your vote by putting "1" against the candidate of your first choice, "2" against the candidate of your second choice and so on. Do this secretly; if you cannot vote without assistance, the person assisting you must not disclose how you have voted.
3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted.
4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the Deputy Returning Officer not later than the close of the poll.
5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil your ballot paper, you can apply to the deputy returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper and the declaration of identity. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

STATEMENT AS TO POSTAL BALLOT PAPERS

**PARLIAMENTARY
CONSTITUENCY OF** _____

DATE OF POLL _____

| A Issue of postal ballot papers | Number |
|--|---------------|
| 1. Total number of postal ballot papers issued under Sch 2 – PART II – Para 20 of the European Parliamentary Elections (NI) Regulations 2004. | |
| 2. Total number of postal ballot papers issued under Sch 2 – PART II – Para 26(2) of the European Parliamentary Elections (NI) Regulations 2004, (where the first ballot paper was spoilt and returned for cancellation) | |
| 3. Total number of postal ballot papers issued (1 + 2) | |

| B Receipt of postal ballot papers | Number |
|---|---------------|
| 4. Number of covering envelopes received by the Deputy Returning Officer before the close of the poll (excluding any undelivered or returned under Sch 2 – PART II – Para 26(1), with spoilt ballot papers) | |
| 5. Number of covering envelopes received by the Deputy Returning Officer after the close of the poll, excluding any returned as undelivered | |
| 6. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued | |
| 7. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued | |
| 8. Number of covering envelopes returned as undelivered (up to the date of this statement) | |
| 9. Number of covering envelopes not received by the Deputy Returning Officer by the date of this statement | |
| 10. Total Nos. 4 to 9 (This number should be the same as that in 3 above) | |

| C Count of postal ballot papers | Number |
|--|---------------|
| 11. Number of covering envelopes received by the Deputy Returning Officer before the close of the poll (excluding any undelivered or returned under Sch 2 – PART II – Para 26(1), with spoilt ballot papers) | |
| 12. Number of ballot papers returned by postal voters which were included in the count of ballot papers | |
| 13. Number of cases in which the covering envelope or its contents were marked "Rejected" (cancellations under Sch 2 – PART II – Para 26(4) are not rejections and should be only included in items 2 and 6 above) | |

Signed: _____ Date: _____
Deputy Returning Officer

Address: _____

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Northern Ireland) Regulations 2004 (revoked) No. 1267