

## SCHEDULES

### SCHEDULE 5

#### COMBINATION OF POLLS: ENGLAND

#### PART 2

##### APPLICATION OF PROVISIONS ABOUT ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

- 53 (1) For the purposes of the combined polls, Part 5 of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) applies—
- (a) with the modifications shown in the table, and
  - (b) with any other necessary modifications, including in particular those set out in sub-paragraph (2).
- (2) Except where the context otherwise requires—
- (a) in relation to an election or referendum, a reference to a provision has effect as a reference to that provision as it applies for the purposes of that election or referendum;
  - (b) expressions used in relation to the referendum under section 1 are to be construed in accordance with the definitions in section 7 and rule 53 of the referendum rules;
  - (c) expressions used in relation to a local referendum are to be construed in accordance with regulation 2 of, and paragraph 1(2) of Schedule 4 to, the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089).
- (3) In relation to the combined polls, the modifications made by this paragraph to Part 5 of the 2001 Regulations apply instead of any modifications that would apply to that Part by virtue of—
- (a) Part 3 of Schedule 4;
  - (b) Schedule 4 to the Local Authorities (Conduct of Referendums) (England) Regulations 2007;
  - (c) Schedule 2 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024).

<i>Provision</i>	<i>Modification</i>
Regulation 64 (interpretation of Part 5)	For the definition of “agent” substitute— ““agent”, except in regulation 69(1) to (7)— (a) in relation to an election, includes the election agent and a person appointed to attend in the election agent’s place;

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	<p>(b) in relation to the referendum on the voting system for United Kingdom parliamentary elections, means a referendum agent or an agent appointed under regulation 69.”</p> <p>In the appropriate place insert—        ““candidate”, in relation to an election for the return of an elected mayor, means a candidate at such an election;”.</p> <p>In the appropriate place insert—        ““local referendum” means a referendum in England under Part 2 of the Local Government Act 2000;”.</p> <p>In the appropriate place insert—        ““relevant election or referendum” means an election or referendum the poll for which is to be taken together with the poll for one or more other elections or referendums under section 4(1) of the Parliamentary Voting System and Constituencies Act 2011;        relevant returning or counting officer”, in relation to a relevant election or referendum, means—</p> <p>(a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of regulation 65, the counting officer for the referendum on the voting system for United Kingdom parliamentary elections, and</p> <p>(b) in any other case, the returning or counting officer for the election or referendum in question;”.</p> <p>In the definition of “valid postal voting statement”, after “returning officer” insert “or counting officer”.</p>
Regulation 65 (combination of proceedings on issue and receipt of postal ballot papers)	<p>For regulation 65 substitute—</p> <p><b>“65 Combination of proceedings on issue and receipt of postal ballot papers</b></p> <p>(1) This regulation applies where the polls for two or more relevant elections or referendums are taken together under section 4(1) of the Parliamentary Voting System and Constituencies Act 2011.</p> <p>(2) The proceedings on the issue and receipt of postal ballot papers in respect of</p>

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Regulation 66 (form of postal voting statement)	the polls may be taken together if the returning and counting officers think fit.” Omit the whole regulation.
Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers)	For “returning officer” substitute “relevant returning or counting officer”.
Regulation 68 (persons entitled to be present at proceedings on receipt of postal ballot papers)	For regulation 68 substitute— <b>“68 Persons entitled to be present at proceedings on receipt of postal ballot papers</b> <ol style="list-style-type: none"><li>(1) In a case where proceedings on the receipt of postal ballot papers are taken together by virtue of regulation 65, the only persons who may be present at those proceedings are the appropriate persons in relation to the relevant elections and referendums.</li><li>(2) In any other case, the only persons who may be present at the proceedings on the receipt of postal ballot papers for a relevant election or referendum are the appropriate persons in relation to that election or referendum.</li><li>(3) The following are appropriate persons in relation to an election—<ol style="list-style-type: none"><li>(a) the returning officer;</li><li>(b) the returning officer’s clerks;</li><li>(c) the candidates;</li><li>(d) the election agents;</li><li>(e) any person appointed by a candidate to attend in his election agent’s place;</li><li>(f) any agents appointed under regulation 69;</li><li>(g) at an election of parish councillors, any person appointed by a candidate to attend proceedings on the receipt of postal ballot papers.</li></ol></li><li>(4) The following are appropriate persons in relation to a referendum—<ol style="list-style-type: none"><li>(a) the counting officer;</li><li>(b) the counting officer’s clerks;</li></ol></li></ol>

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Regulation 69 (agents of candidates who may attend proceedings on receipt of postal ballot papers)	<p>(c) in the case of the referendum on the voting system for United Kingdom parliamentary elections, the referendum agents and any agents appointed under regulation 69;</p> <p>(d) in the case of a local referendum, the persons listed in rule 37(3)(b) to (d) of the rules set out in Schedule 5 to the Local Authorities (Conduct of Referendums) (England) Regulations 2007.</p> <p>(5) This regulation is without prejudice to section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000.”</p> <p>For “returning officer” (in each place) substitute “relevant returning or counting officer”.</p> <p>Omit paragraph (3).</p> <p>After paragraph (7) insert—</p> <p>“(7A) In relation to the referendum on the voting system for United Kingdom parliamentary elections, in paragraph (1), (2), (4) or (7) a reference to a candidate is to be read as a reference to a referendum agent.”</p> <p>In paragraph (8), for “the candidates or their agents” substitute “any persons mentioned in regulation 68(3)(c) to (g) or (4)(c) and (d)”.</p>
Regulation 70 (notification of requirement of secrecy)	<p>For regulation 70 substitute—</p> <p><b>“70 Notification of requirements of secrecy</b></p> <p>(1) In a case where proceedings on the issue of postal ballot papers are taken together by virtue of regulation 65, the counting officer for the referendum on the voting system for United Kingdom parliamentary elections 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 subsections (4) and (6) of section 66 of the 1983 Act as they apply in relation to each relevant election or referendum.</p>

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	(2) In any other case, the returning or counting officer for a relevant election or referendum shall make such arrangements as he thinks fit to ensure that every person attending proceedings in connection with the issue or receipt of postal ballot papers for the election or referendum has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act as they apply to that election or referendum.”
Regulation 71 (time when postal ballot papers are to be issued)	In paragraph (1), after “voting statement)” insert “for an election or local referendum”. After paragraph (1) insert— “(1A) In the case of a person within entry 2, 3, 4 or 5 of the table in paragraph 5(2) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 or entry 2, 3, 4 or 5 of the table in paragraph 8(6) of that Schedule (electors and proxies entitled to vote by post for an indefinite or definite period), no postal ballot paper (and postal voting statement) for the referendum on the voting system in United Kingdom parliamentary elections shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with regulation 56(6) above).”
Regulation 72 (procedure on issue of postal ballot papers)	In paragraph (2), omit “by the returning officer”. For paragraph (5) substitute— “(5) Paragraphs (5A) and (5B) apply where— (a) proceedings on the issue of postal ballot papers are taken together by virtue of regulation 65, and (b) a combined postal voters list or proxy postal voters list is produced by virtue of paragraph 29 of Schedule 5 to the Parliamentary Voting System and Constituencies Act 2011.  (5A) In a case where a postal ballot paper is issued at the same time in respect of each relevant election or referendum, a single

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	<p>mark must be placed in the list under paragraph (3).</p> <p>(5B) In any other case, a mark must be placed in the list under sub-paragraph (3) identifying the poll to which each postal ballot paper issued relates.</p> <p>(5C) Where proceedings on the issue of postal ballot papers are taken together by virtue of regulation 65, the number of each postal ballot paper issued shall be marked on the postal voting statement under paragraph (4).”</p> <p>In paragraph (6), for the words from the beginning to “postal ballot papers” substitute “Where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of regulation 65”.</p> <p>In paragraph (8)—</p> <p>(a) after “paragraph (7)” insert “in relation to an election or local referendum”;</p> <p>(b) at the end insert—</p> <p>“and, in relation to the referendum on the voting system for United Kingdom parliamentary elections, the items specified in paragraph (7) must be sent to the address to which postal ballot papers should be sent as mentioned in column 3 of the table in paragraph 5(2) or 8(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011.”</p>
Regulation 73 (refusal to issue postal ballot papers)	<p>For “returning officer” substitute “relevant returning or counting officer”.</p> <p>For “election” substitute “poll”.</p>
Regulation 74 (envelopes)	<p>In paragraph (1), after “elections rules” insert “or rule 12 of the referendum rules”.</p>
Regulation 75 (sealing up of completed corresponding number lists)	<p>In paragraphs (1) and (2), for “returning officer” substitute “relevant returning or counting officer”.</p>
Regulation 76 (delivery of postal ballot papers)	<p>In paragraph (1)—</p> <p>(a) for “returning officer” substitute “relevant returning or counting officer”;</p> <p>(b) in sub-paragraph (c), after “elections rules” insert “or rule 14 of the referendum rules”.</p> <p>In paragraph (2), for “returning officer” substitute “relevant returning or counting officer”.</p>

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Regulation 77 (spoilt postal ballot papers)	For “returning officer” (in each place) substitute “relevant returning or counting officer”. In paragraph (2)(b), for “election” substitute “poll”.
Regulation 78 (lost postal ballot papers)	For “returning officer” (in each place) substitute “relevant returning or counting officer”. In paragraph (2A)(b), for “election” substitute “poll”.
Regulation 79 (alternative means of returning postal ballot paper or postal voting statement)	For “returning officer” (in each place) substitute “relevant returning or counting officer”. In paragraph (1), after “1983 Act” insert “and rule 40(3) of the referendum rules”. In paragraph (3), after “rule 43(1) of the elections rules” insert “or rule 38(1) of the referendum rules”. In paragraph (5), after “polling agents” insert “or polling observers”.
Regulation 80 (notice of opening of postal ballot paper envelopes)	In paragraph (1)— (a) for “returning officer” substitute “relevant returning or counting officer”; (b) for “each candidate” substitute “each of the persons mentioned in paragraph (1A)”. After paragraph (1) insert— “(1A) The persons are— (a) in relation to an election, the candidates, (b) in relation to the referendum on the voting system for United Kingdom parliamentary elections, the referendum agents, and (c) in relation to a local referendum, the persons mentioned in rule 37(3)(b) to (d) of the rules set out in Schedule 5 to the Local Authorities (Conduct of Referendums) (England) Regulations 2007.” In paragraph (2)(b), for “the number of agents a candidate” substitute “in the case of an election or the referendum on the voting system for United Kingdom parliamentary elections, the number of agents that a candidate or referendum agent”.
Regulation 81 (postal ballot boxes and receptacles)	For “returning officer” (in each place) substitute “relevant returning or counting officer”. For paragraph (2) substitute—

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	<p>“(2) Each of those ballot boxes—</p> <p style="margin-left: 40px;">(a) shall be marked “postal voter’s ballot box” or “postal ballot box” as appropriate;</p> <p style="margin-left: 40px;">(b) shall be marked with the name of each constituency, electoral area or voting area in relation to which it is to be used.”</p> <p>In paragraph (3), for “the agents” substitute “those”.</p> <p>In paragraph (4), after “lock the ballot box” insert “(if it has a lock)”.</p>
Regulation 82 (receipt of covering envelope)	For “returning officer” (in both places) substitute “relevant returning or counting officer”.
Regulation 83 (opening of postal voters’ ballot box)	<p>In paragraph (1)—</p> <p style="margin-left: 40px;">(a) for “returning officer” substitute “relevant returning or counting officer”;</p> <p style="margin-left: 40px;">(b) at the end insert “and (where relevant) the persons mentioned in rule 37(3)(b) to (d) of the rules set out in Schedule 5 to the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>In paragraph (2), for “returning officer” substitute “relevant returning or counting officer”.</p> <p>In paragraph (3), for “votes under rule 45 of the elections rules” substitute “ballot papers”.</p>
Regulation 84 (opening of covering envelopes)	For “returning officer” (in each place) substitute “relevant returning or counting officer”.
Regulation 84A (confirming receipt of postal voting statements)	For “returning officer” (in each place) substitute “relevant returning or counting officer”.
Regulation 85 (procedure in relation to postal voting statements)	<p>For “returning officer” (in each place) substitute “relevant returning or counting officer”.</p> <p>In paragraph (3), after “agents” insert “or counting observers or both (as the case may be)”.</p>
Regulation 85A (procedure in relation to postal voting statements: personal identifier verification)	<p>For “returning officer” (in each place) substitute “relevant returning or counting officer”.</p> <p>In paragraph (4), after “agents” insert “or counting observers or both (as the case may be)”.</p>
Regulation 85B (postal voting statements: additional personal identifier verification)	<p>For “returning officer” (in each place) substitute “relevant returning or counting officer”.</p> <p>In paragraph (3)(a) and (c), after “agents” insert “or counting observers or both (as the case may be)”.</p>



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	In paragraph (4), for “lock and reseal the postal ballot box in the presence of the agents” substitute “lock the postal ballot box (if it has a lock) and reseal it in the presence of the agents or counting observers or both (as the case may be)”.
Regulation 86 (opening of ballot paper envelopes)	In paragraph (1), for “returning officer” substitute “relevant returning or counting officer”.
Regulation 86A (retrieval of cancelled postal ballot papers)	In paragraph (1), for “returning officer” substitute “relevant returning or counting officer”. In paragraph (2)— (a) in sub-paragraph (b), after “agents” insert “or counting observers or both (as the case may be)”; (b) in sub-paragraph (f), for “votes under rule 45 of the elections rules” substitute “ballot papers” and after “agents” insert “or counting observers or both (as the case may be)”.
	In paragraph (3), for “returning officer” substitute “relevant returning or counting officer”.
Regulation 87 (list of rejected postal ballot papers)	In paragraph (1), for “In respect of any election, the returning officer” substitute “In respect of each relevant election or referendum, the relevant returning or counting officer”.
Regulation 88 (checking of lists of rejected postal ballot papers)	For “returning officer” (in each place) substitute “the relevant returning or counting officer”. In paragraph (3), at the end insert “or voting area under rule 38(1) of the referendum rules”.
Regulation 89 (sealing of receptacles)	In paragraph (1), for “returning officer” substitute “the relevant returning or counting officer”.
Regulation 90 (abandoned poll)	In paragraph (2), for “election” substitute “poll”.
Regulation 91 (forwarding or retention of documents)	In paragraph (1)— (a) for the words before sub-paragraph (a) substitute “The relevant returning or counting officer shall forward to the registration officer to whom he forwards the documents mentioned in rule 55 of the elections rules or rule 50 of the referendum rules, at the same time as he forwards those documents”; (b) in paragraph (a), for the words from “the election to which” to the end substitute “each relevant election or referendum and the area to which the packet relates”; (c) at the end insert—

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	<p>“A separate statement in Form K must be completed for each relevant election or referendum”.</p> <p>In paragraph (3), for “returning officer” (in both places) substitute “relevant returning or counting officer”.</p> <p>In paragraph (4), for “Rules 56 and 57 of the elections rules” substitute “The rules specified in paragraph (4A)”.</p> <p>After sub-paragraph (4) insert—</p> <p>“(4A) The rules are—</p> <ul style="list-style-type: none"> <li>(a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of regulation 65—           <ul style="list-style-type: none"> <li>(i) rule 51 of the referendum rules and rule 56 of the elections rules, and</li> <li>(ii) rule 52 of the referendum rules;</li> </ul> </li> <li>(b) in any other case—           <ul style="list-style-type: none"> <li>(i) rule 51 of the referendum rules or (as the case may be) rule 56 of the elections rules, and</li> <li>(ii) rule 52 of the referendum rules or (as the case may be) rule 57 of the elections rules.”</li> </ul> </li> </ul> <p>In paragraph (5), for “returning officer” (in both places) substitute “relevant returning or counting officer”.</p>
In Schedule 3, Form K	<p>In the case of the form used in relation to the referendum under section 1—</p> <ul style="list-style-type: none"> <li>(a) for “PARLIAMENTARY ELECTION” substitute “REFERENDUM ON THE VOTING SYSTEM FOR UNITED KINGDOM PARLIAMENTARY ELECTIONS”;</li> <li>(b) for “constituency” substitute “voting area”;</li> <li>(c) for “returning officer” (in each place) substitute “counting officer”.</li> </ul>