

SCHEDULES

SCHEDULE 6

COMBINATION OF POLLS: WALES

PART 2

APPLICATION OF PROVISIONS ABOUT ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

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- (1) For the purposes of the combined polls, Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) 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 the referendum or an Assembly election, a reference to a provision has effect as a reference to that provision as it applies for the purposes of the referendum or election;

(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.

(3) In the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as they apply in relation to the referendum by virtue of Schedule 4—

(a) regulation 61B(3)(a) has effect as if for the words after “postal ballot papers” there were substituted “in accordance with paragraph 23(4) or 24(3)(a) of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007”;

(b) regulation 116(1) has effect as if for “regulation 91 above” there were substituted “paragraph 31 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007”.
- | Provision | Modification |
|------------------------------|---|
| Paragraph 1 (interpretation) | <div>For the definition of “agent” substitute—<div>““agent”, except in paragraph 6(2) to</div><div>(8)—<div><div>(a) in relation to an Assembly election, includes an election agent and a person appointed to attend in the election agent’s place;</div><div>(b) in relation to the referendum, means a referendum agent or an agent appointed under paragraph 6(2).”</div></div></div></div> |
- In the appropriate places insert—

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<i>Provision</i>	<i>Modification</i>
	<p>““postal voters list” includes the list kept under paragraph 5(2) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011;”;</p> <p>““proxy postal voters list” includes the list kept under or paragraph 8(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011;”;</p> <p>““relevant returning or counting officer” means—</p> <p>(a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2, the counting officer;</p> <p>(b) in any other case, the constituency returning officer, in relation to an Assembly election, or the counting officer, in relation to the referendum;”.</p>
Paragraph 2 (combination of polls)	<p>For paragraph 2 substitute—</p> <p>“2 Combination of polls</p> <p>Proceedings on the issue and receipt of postal ballot papers in respect of the Assembly elections and the referendum may, if the constituency returning officer and the counting officer think fit, be taken together.”</p>
Paragraph 3 (form of postal voting statement)	Omit the whole paragraph.
Paragraph 4 (regional elections)	Omit the whole paragraph.
Paragraph 5 (persons entitled to be present at proceedings on issue of postal ballot papers)	For “constituency returning officer” substitute “relevant returning or counting officer”.
Paragraph 6 (persons entitled to be present at proceedings on receipt of postal ballot papers)	<p>For sub-paragraph (1) substitute—</p> <p>“(1) In a case where proceedings on the receipt of postal ballot papers are taken together by virtue of paragraph 2, the only persons who may be present at those proceedings are the appropriate persons in relation to the Assembly elections and the referendum.</p>

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<i>Provision</i>	<i>Modification</i>
	<p>(1A) In any other case, the only persons who may be present at the proceedings on the receipt of postal ballot papers—</p> <ul style="list-style-type: none"> (a) in respect of the Assembly elections, are the appropriate persons in relation to those elections; (b) in respect of the referendum, are the appropriate persons in relation to the referendum. <p>(1B) The following are appropriate persons in relation to the Assembly elections—</p> <ul style="list-style-type: none"> (a) the constituency returning officer and his clerks; (b) the regional returning officer; (c) the candidates; (d) the election agents; (e) any person appointed by a constituency candidate to attend in his election agent's place; (f) any person appointed by an individual candidate at the regional election to attend in his election agent's place; (g) any person appointed by the election agent of a registered political party standing nominated or by the registered nominating officer of that party to attend in the place of that party's election agent at the regional election; (h) any agents appointed under sub-paragraph (2). <p>(1C) The following are appropriate persons in relation to the referendum—</p> <ul style="list-style-type: none"> (a) the counting officer; (b) the counting officer's clerks; (c) the referendum agents and any agents appointed under sub-paragraph (2). <p>(1D) This paragraph is without prejudice to section 6A, 6B, 6C, 6D or 6E of the 2000 Political Parties Act.”</p>

In sub-paragraphs (2) to (7), for “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.

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	<p>Omit sub-paragraph (4).</p> <p>After sub-paragraph (7) insert—</p> <p>“(7A) In relation to the referendum, in sub-paragraph (2), (3), (5) or (8) a reference to a candidate in a constituency election is to be read as a reference to a referendum agent.”</p> <p>In sub-paragraph (9), for “the candidates or their agents” substitute “any persons mentioned in sub-paragraphs (1B)(c) to (h) or (1C)(c)”.</p>
Paragraph 7 (notification of requirement of secrecy)	<p>For paragraph 7 substitute—</p> <p>“7 Notification of requirements of secrecy</p> <p>(1) In a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2, the counting 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—</p> <ul style="list-style-type: none"> (a) the provisions of article 35(4) and (6); and (b) the provisions of subsections (4) and (6) of section 66 of the 1983 Act as they apply in relation to the referendum. <p>(2) In any other case—</p> <ul style="list-style-type: none"> (a) the constituency returning officer 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 Assembly elections has been given a copy in writing of the provisions of article 35(4) and (6); (b) the counting officer 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 referendum has been given a copy in writing of the provisions of subsections (4) and (6) of

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	section 66 of the 1983 Act as they apply to the referendum.”
Paragraph 8 (time when postal ballot papers are to be issued)	<p>In sub-paragraph (1), after “voting statement” insert “for an Assembly election”.</p> <p>After sub-paragraph (1) insert—</p> <p>“(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 shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 7(6) of Schedule 1 to this Order).”</p> <p>In sub-paragraph (2), omit “by the constituency returning officer”.</p>
Paragraph 9 (procedure on issue of postal ballot papers)	<p>In sub-paragraph (2), omit “Where an elector is entitled to give two votes”.</p> <p>For sub-paragraph (5) substitute—</p> <p>“(5) Sub-paragraphs (5A) and (5B) apply where—</p> <ul style="list-style-type: none"> (a) proceedings on the issue of postal ballot papers are taken together by virtue of paragraph 2; and (b) a combined postal voters list or proxy postal voters list is produced by virtue of paragraph 32 of Schedule 6 to the Parliamentary Voting System and Constituencies Act 2011. <p>(5A) In a case where a postal ballot paper is issued at the same time in respect of the Assembly elections and the referendum, a single mark must be placed in the list under sub-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>

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	<p>(5C) Where proceedings on the issue of postal ballot papers are taken together by virtue of paragraph 2, the number of each postal ballot paper issued shall be marked on the postal voting statement under paragraph (4).”</p> <p>In sub-paragraph (6), for the words from the beginning to “but” substitute “Where”.</p> <p>In sub-paragraph (8)—</p> <p>(a) after “sub-paragraph (7)” insert “in relation to an Assembly election”;</p> <p>(b) at the end insert—</p> <p>“and, in relation to the referendum, the items specified in sub-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>
Paragraph 10 (refusal to issue postal ballot papers)	<p>For “constituency returning officer” substitute “relevant returning or counting officer”.</p> <p>After “election” insert “or the referendum”.</p>
Paragraph 11 (envelopes)	<p>In sub-paragraph (1)—</p> <p>(a) for “constituency returning officer” substitute “relevant returning or counting officer”;</p> <p>(b) after “Schedule 5” insert “or rule 12 of the referendum rules”.</p> <p>In sub-paragraph (2)—</p> <p>(a) for “constituency returning officer” substitute “relevant returning or counting officer”;</p> <p>(b) in paragraph (c), at the beginning insert “unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed,”.</p> <p>In sub-paragraph (3), for the words from the beginning to “but” substitute “Where”.</p>
Paragraph 12 (sealing up of completed corresponding number lists)	<p>In sub-paragraph (1), for “constituency returning officer” substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (2), for “returning officer” substitute “relevant returning or counting officer”.</p>
Paragraph 13 (delivery of postal ballot papers)	<p>In sub-paragraph (1)—</p> <p>(a) for “constituency returning officer” substitute “relevant returning or counting officer”;</p>

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	(b) in paragraph (c), after “Schedule 5” insert “or rule 14 of the referendum rules”.
	In sub-paragraph (2), for “constituency returning officer” substitute “relevant returning or counting officer”.
Paragraph 14 (spoilt postal ballot papers)	For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.
	In sub-paragraph (2)(b), for “election” substitute “poll”.
Paragraph 15 (lost postal ballot papers)	For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.
	In sub-paragraph (3)(b), for “election” substitute “poll”.
Paragraph 16 (notice of opening of postal ballot paper envelopes)	In sub-paragraph (1)— (a) for “constituency returning officer” substitute “relevant returning or counting officer”; (b) for paragraphs (a) and (b) substitute “each of the persons mentioned in sub-paragraph (1A)”.
	After sub-paragraph (1) insert— “(1A) The persons are— (a) in relation to the constituency election, the candidates; (b) in relation to the regional election, the individual candidates and the election agent for each registered party standing nominated; (c) in relation to the referendum, the referendum agents.”
	In sub-paragraph (2)(b), after “party” insert “or referendum agent (as the case may be)”.
Return of postal ballot papers etc	After paragraph 16 insert— “16A Return of postal ballot papers etc (1) A postal ballot paper shall not be taken to be duly returned for the purposes of Part 1 of Schedule 6 to the Parliamentary Voting System and Constituencies Act 2011 unless— (a) before the close of the poll— (i) it is returned by hand or post and reaches the relevant returning or counting officer; or

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	<p>(ii) it is returned by hand to a polling station in the constituency or voting area for which the officer acts;</p> <p>(b) the postal voting statement duly signed is, before that time, also returned either—</p> <p>(i) by hand or post and reaches the relevant returning or counting officer; or</p> <p>(ii) by hand and reaches such a polling station;</p> <p>(c) the postal voting statement also states the date of birth of the elector or, as the case may be, proxy; and</p> <p>(d) in a case where the relevant returning or counting officer takes steps to verify the date of birth and signature of the elector or, as the case may be, proxy in accordance with paragraph 23 or, as the case may be, paragraph 24, he so verifies the date of birth and signature of that elector or, as the case may be, proxy.</p> <p>(2) The presiding officer of the polling station shall deliver or cause to be delivered any postal ballot paper or postal voting statement returned to that polling station to the relevant returning or counting officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 53 of Schedule 5 or rule 38 of the referendum rules.</p> <p>(3) The relevant returning or counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of subparagraph (2) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.</p> <p>(4) Where the relevant returning or counting officer collects, or causes to be collected,</p>

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	any postal ballot paper or postal voting statement in accordance with sub-paragraph (3) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.”
Paragraph 17 (postal ballot boxes and receptacles)	For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”. For sub-paragraph (2) substitute— “(2) Each of those ballot boxes— (a) shall be marked “postal voter’s ballot box” or “postal ballot box” as appropriate; (b) shall be marked with the name of each constituency, electoral region or voting area in relation to which it is to be used.”
	In sub-paragraph (4), after “shall then” insert “lock the ballot box (if it has a lock) and”.
Paragraph 18 (receipt of covering envelope)	In sub-paragraphs (1) and (2), for “constituency returning officer” substitute “relevant returning or counting officer”.
Paragraph 19 (opening of postal voters’ ballot box)	In sub-paragraphs (1) and (2), for “constituency returning officer” substitute “relevant returning or counting officer”. In sub-paragraph (3), for “votes under rule 55 of the Schedule 5” substitute “ballot papers”.
Paragraph 20 (opening of covering envelopes)	For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.
Paragraph 21 (confirming receipt of postal voting statements)	For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”. In sub-paragraph (2)(a), for “returning officer” substitute “relevant returning or counting officer”.
Paragraph 22 (procedure in relation to postal voting statements)	For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”. After sub-paragraph (3) insert— “(3A) Before placing the statement in the receptacle for rejected votes, the relevant returning or counting officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.”

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Paragraph 23 (procedure in relation to postal voting statements: personal identifier verification)	For “constituency returning officer” (in each place) substitute “relevant returning or counting officer”.
Paragraph 24 (postal voting statements: additional personal identifier verification)	For “constituency returning officer” or “returning officer” (in each place) substitute “relevant returning or counting officer”. In sub-paragraph (4), for “reseal the postal ballot box” substitute “lock the postal ballot box (if it has a lock) and reseal it”.
Paragraph 25 (opening of ballot paper envelopes)	In sub-paragraph (1), for “constituency returning officer” substitute “relevant returning or counting officer”.
Paragraph 26 (retrieval of cancelled postal ballot papers)	In sub-paragraph (1), for “constituency returning officer” substitute “relevant returning or counting officer”. In sub-paragraph (2)(f)— (a) for “votes under rule 55 of Schedule 5” substitute “ballot papers”; (b) for “reseal the postal ballot box” substitute “lock the postal ballot box (if it has a lock) and reseal it”.
Paragraph 27 (list of rejected postal ballot papers)	In sub-paragraph (1), for “, the constituency returning officer” substitute “and in respect of the referendum, the relevant returning or counting officer”.
Paragraph 28 (checking of lists of rejected postal ballot papers)	For “constituency returning officer” (in each place) substitute “the relevant returning or counting officer”. In sub-paragraph (3), at the end insert “or voting area under rule 38 of the referendum rules”.
Paragraph 29 (sealing of receptacles)	In sub-paragraph (1), for “constituency returning officer” substitute “the relevant returning or counting officer”.
Paragraph 30 (abandoned poll)	In sub-paragraph (2), for “election” substitute “poll”.
Paragraph 31 (forwarding or retention of documents)	In sub-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 67 of Schedule 5 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

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	<p>election or referendum and the area to which the packet relates”;</p> <p>(c) in paragraph (b), at the end insert “in respect of each Assembly election, and a completed statement in the form set out in Form 10 in Part 3 of Schedule 6 to the Parliamentary Voting System and Constituencies Act 2011 in respect of the referendum”.</p> <p>In sub-paragraph (2)—</p> <p>(a) for “constituency returning officer” (in both places) substitute “relevant returning or counting officer”;</p> <p>(b) for “rule 55(7) of Schedule 5” substitute “paragraph 16A(2)”.</p> <p>In sub-paragraph (3), for “Rules 68 and 69 of Schedule 5” substitute “The rules specified in paragraph (3A)”.</p> <p>After sub-paragraph (3) insert—</p> <p>“(3A) The rules are—</p> <p>(a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2—</p> <p>(i) rule 51 of the referendum rules and rule 68 of Schedule 5, and</p> <p>(ii) rule 52 of the referendum rules;</p> <p>(b) in any other case—</p> <p>(i) rule 51 of the referendum rules or (as the case may be) rule 68 of Schedule 5, and</p> <p>(ii) rule 52 of the referendum rules or (as the case may be) rule 69 of Schedule 5.”</p> <p>In sub-paragraph (4), for “constituency returning officer” substitute “relevant returning or counting officer”.</p>
In Schedule 10, Form CD	<p>In a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 3 to the Welsh Assembly Order, for “returning officer” in each place substitute “counting officer”.</p>