

2004 No. 1962

**DEVOLUTION, ENGLAND
REFERENDUMS
REPRESENTATION OF THE PEOPLE**

**The Regional Assembly and Local Government
Referendums Order 2004**

Made - - - - - *22nd July 2004*

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

The First Secretary of State, in exercise of the powers conferred upon him by sections 2(9) and (10) and 7(1) of the Regional Assemblies (Preparations) Act 2003(a), and by sections 129 and 156 of the Political Parties, Elections and Referendums Act 2000(b), and having consulted the Electoral Commission in accordance with section 12(4) of the Regional Assemblies (Preparations) Act 2003 and section 129(4) of the Political Parties, Elections and Referendums Act 2000, hereby makes the following Order, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

Citation, commencement and application

1.—(1) This Order may be cited as the Regional Assembly and Local Government Referendums Order 2004 and shall come into force on the day after that on which it is made.

(2) This Order applies in relation to Regional Assembly referendums and local government referendums held under sections 1(1) and 2(2) of the Regional Assemblies (Preparations) Act 2003.

Interpretation

2. In this Order and in any provision as applied by this Order, unless the contrary intention appears—

“the 1983 Act” means the Representation of the People Act 1983(c);

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000(d);

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

(a) 2003 c. 10.

(b) 2000 c. 41.

(c) 1983 c. 2.

(d) 2000 c. 41.

(e) S.I. 2001/341, amended by S.I. 2001/1700 and S.I. 2002/1871.

“the Preparations Act” means the Regional Assemblies (Preparations) Act 2003(a);

“the Regional Assembly and Local Government Referendum Rules” means the Rules set out in Schedule 1 to this Order;

“the RP Act 2000” means the Representation of the People Act 2000(b);

“ballot number” means a barcode, which may include printed letters and numbers, unique to each ballot pack;

“ballot pack” has the meaning given in rule 10(2) of the Regional Assembly and Local Government Referendum Rules;

“combined polls” means the poll at a Regional Assembly referendum and the poll at a local government referendum taken together;

“combined referendums” means a Regional Assembly referendum and local government referendum where the polls are taken together;

“list of ballot numbers issued” has the meaning given in rule 14(4) of the Regional Assembly and Local Government Referendum Rules;

“local government referendum” means a referendum held in a county area pursuant to an order under section 2(2) of the Preparations Act;

“permitted participant” has the same meaning as in section 105(1) and (1A) of the 2000 Act, as applied and modified by article 7 of, and the Table in Part 1 of Schedule 3 to, this Order;

“referendum” means a referendum to which this Order applies;

“referendum area” means the area in which the referendum is held;

“Regional Assembly referendum” means a referendum held in a region pursuant to an order under section 1(1) of the Preparations Act;

“voting area” means one of the following where comprised in the referendum area—

- (a) a district in England,
- (b) the Isle of Wight, or
- (c) the Isles of Scilly.

Rules for Regional Assembly and Local Government Referendums

3. The Regional Assembly and Local Government Referendum Rules shall have effect for the conduct of a referendum held under section 1(1) or 2(2) of the Preparations Act.

Combination of polls

4. Where the poll at a Regional Assembly referendum and the poll at a local government referendum are to be taken in the same voting area and on the same referendum date, the polls shall be taken together.

All-postal voting

5.—(1) The votes at the poll at every referendum shall be given by ballot.

(2) The means by which a person entitled to vote either in person or by proxy may deliver a ballot paper and security statement(c) are—

- (a) by post; or
- (b) by hand to—
 - (i) the counting officer,
 - (ii) an assistance and delivery point(d), or
 - (iii) a contingency delivery point(e), if such delivery points are provided.

(3) The references in this Order, and any reference in the 2000 Act, the RP Act 2000, the 1983 Act or the Elections Regulations—

- (a) to polling day, the day or date of the poll or the date fixed for the poll, shall have effect, in respect of a referendum, as a reference to the date of the referendum;

(a) 2003. c. 10.

(b) 2000 c. 2.

(c) See rule 10(1) and Form 4 of the Regional Assembly and Local Government Referendum Rules.

(d) See rule 21(1) of the Regional Assembly and Local Government Referendum Rules.

(e) See rule 30(1) of the Regional Assembly and Local Government Referendum Rules.

- (b) to the close of the poll, shall have effect, in respect of a referendum, as a reference to 10 p.m. on the date of the referendum; and
- (c) to the commencement of the poll, shall have effect, in respect of a referendum, as a reference to the first despatch of the ballot papers at that referendum.

(4) In this Order and in any enactment modified by this Order, references to voting by post, in whatever terms, shall be deemed to include voting by delivering a ballot paper by hand to the counting officer or to any place provided by the counting officer for the purpose of the delivery of ballot papers by hand.

Application and modification of enactments relating to elections

6.—(1) The provisions set out in column (1) of the Tables in Parts 1 to 3 of Schedule 2 shall have effect in relation to a referendum with the modifications shown against those provisions in column (2) of those Tables; and in particular, except where the context otherwise requires—

- (a) a reference to an election shall be construed as a reference to a referendum;
- (b) a reference to a returning officer or acting returning officer shall be construed as a reference to the counting officer;
- (c) a reference to a constituency, an electoral area, division or ward shall be construed as a reference to a voting area;
- (d) a reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, a referendum answer;
- (e) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, shall be construed as a reference to promoting or procuring a particular referendum answer;
- (f) references to nomination papers and, except as mentioned in sub-paragraphs (d) and (e), references to candidates, shall be ignored;
- (g) a reference to the return of a person shall be construed as a reference to a particular referendum answer;
- (h) a reference to a person voting as an elector shall be construed as a reference to a person voting on his own behalf;
- (i) a reference to a person's entitlement as an elector to an absent vote shall be construed as a reference to a person's entitlement to vote by post on his own behalf or to vote by proxy;
- (j) a reference to an election agent shall be construed as a reference to a referendum agent;
- (k) a reference to anything being prescribed shall be construed as a reference to its being provided for by a provision of subordinate legislation applied by this Order;
- (l) a form which is required to be used may be used with such variations as the circumstances may require;
- (m) a reference to the registration officer is a reference to the relevant registration officer appointed under section 8 (registration officers) or 203(4) (application to Isles of Scilly) of the 1983 Act;
- (n) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied and modified (where applicable) by this Order; and
- (o) so much of any provision as—
 - (i) relates to an election petition or an election court; or
 - (ii) applies only in relation to Scotland, Wales or Northern Ireland,
 shall be ignored.

(2) The form shown in Part 4 of Schedule 2 shall have effect as the form of proxy paper for the appointment of a proxy at a particular Regional Assembly referendum or particular combined referendums.

Application of and modifications to the Political Parties, Elections and Referendums Act 2000

7.—(1) The provisions of the 2000 Act mentioned in column (1) of the Table in Part 1 of Schedule 3 to this Order shall apply in relation to a local government referendum with the modifications (if any) shown against those provisions in column (2) of that Table.

(2) The provisions of the 2000 Act mentioned in column (1) of the Table in Part 2 of Schedule 3 (provisions of Chapter 2 of Part 7 (financial controls and referendum expenses)) shall apply in relation to a local government referendum with the modifications (if any) shown against those provisions in column (2) of that Table; and where such modifications are shown they shall also apply in relation to a Regional Assembly referendum.

Supply of full register to the Electoral Commission

8. Regulation 100 (supply of free copy of full register etc to Electoral Commission and restrictions on use) of the Elections Regulations shall apply in relation to a referendum as if—

- (a) in paragraph (3)(c), at the end, there were inserted “or the Regional Assemblies (Preparations) Act 2003”; and
- (b) references to the 2000 Act were references to that Act as modified by this Order.

Chief counting officers and counting officers

9.—(1) For a local government referendum—

- (a) there shall be a Chief Counting Officer who shall be the person who is for the time being the Chief Counting Officer for the Regional Assembly referendum in the region^(a);
- (b) there shall be a counting officer for each voting area who shall be the counting officer in that area for the Regional Assembly referendum in the region;
- (c) the local authority in each voting area shall place the services of their officers at the disposal of the counting officer for that area, for the purpose of assisting him in the discharge of his functions;
- (d) each counting officer shall, as respects the votes cast in each voting area for which he is the counting officer, certify—
 - (i) the number of ballot papers counted by him, and
 - (ii) the number of votes cast in favour of each answer to the question asked in the local government referendum;
- (e) a counting officer shall not make his certification under sub-paragraph (d) until he has been directed by the Chief Counting Officer that he may do so;
- (f) the Chief Counting Officer shall certify in relation to the local government referendum—
 - (i) the total number of ballot papers counted, and
 - (ii) the total number of votes cast in favour of each answer to the question asked, in the whole of the referendum area.

(2) For a Regional Assembly referendum, a counting officer shall not make his certification under section 128(5) of the 2000 Act until he has been directed by the Chief Counting Officer that he may do so.

(3) In paragraph (1)(c), “the local authority” means—

- (a) where the voting area is a district in England, the council for that area, or
- (b) where the voting area is the Isle of Wight or the Isles of Scilly, the Council of the Isle of Wight or the Council of the Isles of Scilly, respectively.

General duty of counting officers

10.—(1) It shall be the duty of—

- (a) the Chief Counting Officer; and

^(a) For the designation or appointment of a Chief Counting Officer for a Regional Assembly referendum, and for the appointment of counting officers for such referendum *see* section 128 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

(b) the counting officer for a voting area,
to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by this Order.

(2) It shall be the duty of the counting officer for each voting area wholly or partly comprised in a referendum area to—

- (a) conduct the poll in that area;
- (b) verify the ballot papers at the poll; and
- (c) count the votes cast in that poll.

(3) The Chief Counting Officer may give, to the counting officer for a voting area, directions relating to the discharge of his functions at the referendum, including directions requiring the provision to the Chief Counting Officer of any information which the counting officer has or is entitled to have.

(4) It shall be the duty of a counting officer to whom directions are given under paragraph (3) to discharge his functions at the referendum in accordance with the directions.

Referendum agents

11.—(1) Each permitted participant in relation to a referendum may appoint an individual to act as an agent (“a referendum agent”) for the region in which the referendum is to be held.

(2) Where a permitted participant has appointed a referendum agent, the responsible person^(a) or a person authorised by him in writing shall, not later than noon on the sixteenth day before the date of the poll, notify the counting officer of the name and home address or business address of the referendum agent and of the permitted participant by whom he is appointed.

(3) If the appointment of a referendum agent is revoked or a referendum agent dies, another referendum agent shall be appointed forthwith and his name and address notified to the counting officer, but no new appointment need be made if the referendum agent had not notified to the counting officer any appointment of counting agents.

(4) A notification as to a referendum agent shall be of no effect unless it is made in writing and signed by the responsible person or a person authorised by him in writing.

(5) Upon the name and address of a referendum agent being notified to the counting officer, the counting officer shall forthwith give public notice of that name and address and of the name of the permitted participant by whom he is appointed.

(6) A permitted participant may appoint the responsible person as a referendum agent.

(7) In calculating the period referred to in paragraph (2), the following days shall be disregarded—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a day which is a bank holiday in England under the Banking and Financial Dealings Act 1971^(b), and
- (c) any day appointed as a day of public thanksgiving or mourning in England.

Advertisements

12. The Town and Country Planning (Control of Advertisements) Regulations 1992^(c) shall have effect in relation to the display on any site in a voting area of an advertisement relating specifically to a referendum as they have effect in relation to the display of an advertisement relating specifically to an election.

(a) See section 105(2) of the Political Parties, Elections and Referendums Act 2000 (c. 41).

(b) 1971 c. 80.

(c) S.I. 1992/666; see regulation 3(2) and Class F in Schedule 2.

Non-domestic rating: premises used for referendum purposes

13. In relation to premises in a voting area, section 65(6) of the Local Government Finance Act 1988 (occupation for election meetings and polls)(a) shall have effect as if—

- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular referendum answer; and
- (b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a counting officer for the purpose of taking the poll in the referendum.

Signed by authority of the First Secretary of State

22nd July 2004

Nick Raynsford
Minister of State
Office of the Deputy Prime Minister

(a) 1988 c. 41.

SCHEDULE 1

Article 3

THE REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUM RULES

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PART 1

Interpretation

1.—(1) In these Rules, unless the context indicates otherwise—

“the 1983 Act” means the Representation of the People Act 1983(a);

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000(b);

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

“the Preparations Act” means the Regional Assemblies (Preparations) Act 2003(d);

“the RP Act 2000” means the Representation of the People Act 2000(e);

“absent voters list” means the list kept under paragraph 5 of Schedule 4 to the RP Act 2000;

“assistance and delivery point” has the meaning given in rule 21(1);

“ballot number” means a barcode, which may include printed letters and numbers, unique to each ballot pack;

“ballot pack” has the meaning given in rule 10(2);

“combined ballot paper” has the meaning given in rule 6(3);

“combined polls” means the poll at a Regional Assembly referendum and the poll at a local government referendum taken together;

“combined referendums” means a Regional Assembly referendum and local government referendum where the polls are taken together;

“contingency delivery point” has the meaning given in rule 30(1);

“delivery point ballot box” means a ballot box provided pursuant to rule 24(1) and rule 30(5);

“elector”, in relation to a referendum, means any person whose name is for the time being on the register to be used at the referendum, but does not include those shown in the register as below voting age on the date of the referendum;

“final ballot box” means a ballot box provided pursuant to rule 39(1)(b);

“list of ballot numbers issued” has the meaning given in rule 14(4);

“local government referendum” means a referendum held in a county area pursuant to an order under section 2(2) of the Preparations Act;

“permitted participant” has the same meaning as in section 105(1) and (1A) of the 2000 Act, as applied and modified by article 7 of, and the Table in Part 1 of Schedule 3 to, the Regional Assembly and Local Government Referendums Order 2004;

“preliminary ballot box” means a ballot box provided pursuant to rule 39(1)(a);

“referendum” means a Regional Assembly referendum or local government referendum to which the Regional Assembly and Local Government Referendums Order 2004 applies;

“referendum area” means the area in which a referendum is held;

“Regional Assembly referendum” means a referendum held in a region pursuant to an order under section 1(1) of the Preparations Act;

“register of electors” in relation to a referendum means the register of electors to be used at the referendum;

“tactile voting device” means a device provided pursuant to rule 24(6)(d);

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

“voter” means a person voting at a referendum and includes a person voting as proxy, and “voting” (whether noun or verb) shall be construed accordingly, except that any reference to an elector voting or an elector’s vote shall include a reference to an elector voting by proxy or an elector’s vote given by proxy; and

“voting area” means one of the following, where comprised in the referendum area—

(a) a district in England,

(b) the Isle of Wight,

(c) the Isles of Scilly.

(2) Where a counting officer reads a ballot number he may do so by using an electronic scanner.

(a) 1983 c. 2.

(b) 2000 c. 41.

(c) S.I. 2001/341, amended by S.I. 2001/1700 and S.I. 2002/1871.

(d) 2003 c. 10.

(e) 2000 c. 2.

(f) 2000 c. 26.

Timetable

2. The proceedings at the referendum shall be conducted in accordance with the following table—

<i>Proceeding</i>	<i>Time</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the date of the referendum.
Notice of poll	Not later than the sixteenth day before the date of the referendum.
Polling	From the time that ballot papers are first issued until 10 p.m. on the date of the referendum.

Computation of time

3. In calculating any period of time in relation to a referendum for the purposes of any provision of these Rules, the following days shall be disregarded—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a day which is a bank holiday in England under the Banking and Financial Dealings Act 1971(a), and
- (c) any day appointed as a day of public thanksgiving or mourning in England.

Notice of referendum

4.—(1) The counting officer shall publish notice of the referendum stating—

- (a) the date of the poll;
- (b) that the votes are to be returned by 10 p.m. on the date of the referendum—
 - (i) by post; or
 - (ii) by hand to—
 - (aa) the counting officer,
 - (bb) an assistance and delivery point, or
 - (cc) a contingency delivery point, if such delivery points are provided.
- (c) the date by which—
 - (i) applications to vote by proxy; and
 - (ii) other applications and notices about postal or proxy voting,must reach the registration officer in order that they may be effective for the referendum.

(2) With respect to combined polls, the notices of the referendums may be combined.

Combination of polls and proceedings taken together

5. Where the polls at a local government referendum and a Regional Assembly referendum are taken together, the proceedings on the issue and receipt of ballot papers shall be taken together.

The ballot paper

6.—(1) The ballot of every voter shall consist of a ballot paper, which shall be printed in the form set out in Form 1, Form 2 or Form 3, as appropriate, and according to the directions as specified, in the Appendix to these Rules.

(2) Each ballot paper—

- (a) for a Regional Assembly referendum shall set out—
 - (i) the question specified in section 3(1) of the Preparations Act, and
 - (ii) the statement, which is to precede the question, as specified in section 3(2) of the Preparations Act;
- (b) for a local government referendum shall set out—
 - (i) the question specified in section 3(3) of the Preparations Act and the order made under section 2(2) of that Act which caused the local government referendum to be held, and
 - (ii) the statement, which is to precede the question, as specified in section 3(4) or (5) of the Preparations Act (as the case may be);
- (c) shall be capable of being folded up;
- (d) shall have a ballot number printed on the back;

(a) 1971 c. 80.

- (e) where the referendum is combined with another referendum, shall be of a different colour from the ballot paper for the referendum with which it is combined, unless a combined ballot paper is used;
- (f) may have attached to it, in a manner which incorporates perforations to enable it to be detached, one or more of the following—
 - (i) a security statement;
 - (ii) instructions to the voter; and
 - (iii) the ballot paper for any referendum with which the poll is combined.

(3) With respect to combined polls, the Chief Counting Officer may determine that the ballot papers for the referendums shall be combined (in these Rules referred to as “a combined ballot paper”).

(4) The Chief Counting Officer may determine that a combined ballot paper shall have attached to it, in a manner which incorporates perforations to enable it to be detached, one or more of the following—

- (a) a security statement; and
- (b) instructions to the voter.

(5) Any requirement in these Rules in respect of a ballot paper shall, in the case of a combined ballot paper, be treated as a requirement for the ballot paper at each of the combined referendums, except where the context otherwise requires.

(6) A ballot number on a ballot paper shall not be the same as the number of the elector on the register of electors in respect of whom the ballot paper is issued.

The official mark

7.—(1) Every ballot paper shall have an official mark, which shall consist of—

- (a) a watermark;
- (b) faint printing which appears to lie behind the text of the ballot paper;
- (c) heat sensitive marks on the paper; or
- (d) distinctive paper.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at a referendum for the same referendum area or part of that area.

(3) At combined polls the official mark for the referendums may be the same.

Prohibition of disclosure of vote

8. No person who has voted at a referendum shall, in any legal proceeding to question the referendum, be required to state for which referendum answer he has voted.

Notice of poll

9.—(1) The counting officer shall publish notice of the poll stating—

- (a) that the poll at the referendum is to be taken only by post;
- (b) in the case of combined polls, that the polls are to be taken together;
- (c) the manner in which a ballot paper or security statement may be returned to the counting officer;
- (d) the dates, times and places for the return of ballot papers for the referendum including the location of each assistance and delivery point to be provided in the voting area and the dates and times that it will be open;
- (e) in the case of combined polls, the voting areas in which the polls are to be taken together;
- (f) for a Regional Assembly referendum, the question to be asked in the referendum and the statement which is to precede that question on the ballot paper; and
- (g) where there are combined polls—
 - (i) the question to be asked in the Regional Assembly referendum and the statement which is to precede that question on the ballot paper at that referendum; and
 - (ii) the question to be asked in the local government referendum and the statement which is to precede that question on the ballot paper at that referendum; and
- (h) the description of voters entitled to vote.

(2) The notice of the poll shall be published not later than the sixteenth day before the date of the referendum.

(3) The counting officer shall, as soon as practicable after publishing the notice, give a copy of it to each of the referendum agents appointed in respect of his voting area.

Ballot packs issued

10.—(1) The counting officer shall issue to each elector for whom a proxy has not been appointed and to each proxy appointed by an elector—

- (a) a ballot paper for each referendum at which that person is entitled to vote;
- (b) a security statement in the form set out in Form 4 in the Appendix, or a form to the like effect;
- (c) instructions to the voter in the form set out in Form 5 in the Appendix, or a form to the like effect;
- (d) envelopes for the return of the ballot paper and security statement as prescribed in rule 17;
- (e) where that person is entitled to vote at a local government referendum, the explanatory material about the options for single tier local government in the local government referendum area, as prescribed by an order made under Part 1 of the Preparations Act.

(2) The items issued as described in paragraph (1) shall be known collectively as a “ballot pack”.

(3) In respect of each ballot pack, the same ballot number shall be marked—

- (a) on the ballot paper, or in the case of combined polls, the ballot papers issued in respect of each referendum;
- (b) on the security statement issued with the ballot paper;
- (c) save as provided in rule 17(2)(c), on the covering envelope; and
- (d) save as provided in rule 17(3)(d), on the ballot paper envelope.

(4) The name and address of the person to whom a ballot pack is issued may be printed on items in the ballot pack other than any ballot paper or ballot paper envelope.

Persons entitled to be present at proceedings on issue of ballot packs

11. No person may be present at the proceedings on the issue of ballot packs other than the counting officer and his clerks at the referendum and any referendum with which it is combined and any person authorised by the Electoral Commission to attend at the proceedings on the issue of ballot packs as a representative of the Commission.

Notification of requirement of secrecy

12. The counting officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue of ballot packs or receipt of ballot papers has been given a copy in writing of the provisions of subsections (5) and (9) of section 66 of the 1983 Act^(a).

Time when ballot packs are to be issued

13. The ballot packs shall be issued as soon as practicable after 5 p.m. on the sixteenth day before the date of the referendum.

Procedure on issue of ballot packs

14.—(1) The counting officer shall issue ballot packs—

- (a) to those proxies included in the list of proxies, and a mark shall be placed—
 - (i) in that list against the name of each proxy, and
 - (ii) in the register of electors against the number of the elector for whom the proxy is appointed, to denote that a ballot pack for the referendum has been issued to the proxy; and
- (b) to each elector in the register of electors against whose number no mark has been placed, and a mark shall be placed against his number to denote that a ballot pack for the referendum has been issued.

(2) Where ballot papers are issued for combined polls a mark made under paragraph (1) shall denote that ballot papers have been issued in respect of each of the referendums.

(3) The ballot number that appears on the ballot paper and security statement issued to an elector or proxy shall be recorded in relation to the number of the elector or in the case of a proxy, the number of the elector for whom he is appointed and that record and the lists and register referred to in paragraph (1) shall together comprise the list of ballot numbers issued (referred to in these Rules as “the list of ballot numbers issued”).

(a) The section is modified by this Order, *see* Schedule 2, Table 2.

Addresses for issue of ballot packs

15.—(1) The address to which a ballot pack is to be issued shall be determined in accordance with this rule.

(2) In the case of an elector or proxy whose name is shown in the absent voters list, the address shall be the address of the elector or proxy (as the case may be) as shown in that list.

(3) In the case of an elector whose name is not shown in the absent voters list, the address shall be—

- (a) his qualifying address as shown in the register of electors; or
- (b) if his qualifying address is not shown in the register of electors—
 - (i) in the case of a service voter, the address given in accordance with regulation 15(1) of the Elections Regulations; or
 - (ii) in the case of an elector registered by virtue of a declaration of local connection pursuant to section 7B of the 1983 Act, the address given pursuant to section 7B(3)(a)(i), if any.

(4) In the case of an elector—

- (a) whose name is not shown in the absent voters list;
- (b) who is registered by virtue of a declaration of local connection pursuant to section 7B of the 1983 Act; and
- (c) who has declared willingness to collect correspondence from the registration officer's office, the ballot pack shall be retained at that office and made available for collection until 5 p.m. on the day of the poll.

(5) In the case of a proxy whose name is included in the special list kept under paragraph 7(8) of Schedule 4 to the RP Act 2000, the address shall be the address recorded in that list as the address to which their ballot paper is to be sent.

(6) In the case of an elector or proxy whose name appears on the list of redirection addresses^(a), the address appearing on that list as that to which the ballot paper should be sent to that elector or proxy, shall be used as the address in place of that determined under paragraphs (2) to (5).

Refusal to issue ballot paper

16. Where a counting officer is satisfied that two or more entries in the absent voters list or the list of redirection addresses, 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 at any one referendum.

Envelopes

17.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to an elector or proxy in addition to the ballot paper and the security statement.

(2) There shall be issued a single envelope for the return of the ballot paper and the security statement (referred to as a “covering envelope”) which shall be marked with—

- (a) the number “2”;
- (b) a coloured mark or flash; and
- (c) the ballot number, unless the envelope has a window through which the ballot number on a security statement within can be displayed.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked on the outside with—

- (a) the number “1”;
- (b) a coloured mark or flash;
- (c) the words “ballot paper envelope”; and
- (d) the ballot number, unless the envelope has a window through which the ballot number on a ballot paper within can be displayed.

(4) The covering envelope or ballot paper envelope or both may contain a window and may be marked with a barcode provided by a universal postal service provider indicating the postal area for the return of that envelope.

(5) Where there are combined polls, a single covering envelope and a single ballot paper envelope shall be issued for the joint return of the ballot papers and security statement at the referendums.

(a) For the meaning of “list of redirection addresses” see paragraph 5(7) of Schedule 4 to the Representation of the People Act 2000 (c. 2) as modified by Schedule 2, Part 1 to this Order.

Securing the list of ballot numbers issued

18.—(1) As soon as practicable after the issue of each batch of ballot packs, the counting officer shall make up into a packet a copy of the list of ballot numbers issued and shall seal that packet.

(2) The counting officer shall at all times take proper precautions for the security of the list of ballot numbers issued, including establishing appropriate systems for the control of access to the list and ensuring access to the list is limited to persons authorised by him in that regard.

Delivery of ballot packs

19.—(1) For the purposes of delivering ballot packs, the counting officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) clerks appointed by the counting officer.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to an elector or proxy shall be counted and delivered by the counting 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 voters (except where paragraph (1)(c) applies).

(4) Return postage shall be prepaid on all covering envelopes where the address to which the ballot pack is sent is within the United Kingdom.

PART 2

Return of Ballot Papers

Use of schools and public rooms

20.—(1) The counting officer may use, free of charge, for the purpose of providing assistance and delivery points, contingency delivery points, or counting the votes—

- (a) a room in a school maintained or assisted by a local education authority, or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school; or
- (b) a room the expense of maintaining which is met by any local authority.

(2) The counting officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as is referred to in paragraph (1) by reason of its being used for a purpose mentioned in that paragraph.

Provision of assistance and delivery points

21.—(1) The counting officer shall provide a number of assistance and delivery points in each voting area for the delivery by hand of ballot papers and at which the facilities specified in rules 24, 27 and 28 are provided (in these Rules called an “assistance and delivery point”).

(2) The number of assistance and delivery points provided in each voting area shall be—

- (a) one for every 50,000 persons entitled to vote at the referendum in that area; and
- (b) a further one, where, in that area, the number of persons entitled to vote at the referendum exceeds a multiple of 50,000.

(3) The counting officer may provide additional assistance and delivery points as he thinks fit.

(4) Where there are combined polls, any assistance and delivery point provided in the voting area for the combined polls shall be used for both of the referendums.

(5) Where the counting officer provides a mobile additional assistance and delivery point it shall be open on such dates, times and at such locations as the counting officer shall decide.

(6) Except as provided in paragraph (5), each assistance and delivery point shall be open—

- (a) on the date of the referendum between 7 a.m. and 10 p.m.; and
- (b) on every day, except Saturday and Sunday, from the seventh day before the date of the referendum to the day before the date of the referendum, between 9 a.m. and 5 p.m. and such other hours (if any) as the counting officer shall decide.

(7) Any assistance and delivery point may also be open—

- (a) on such other days before the date of the referendum, including a Saturday or Sunday mentioned in paragraph (6)(b); and
- (b) at such times on those days,

as the counting officer shall think fit.

(8) Where the counting officer concludes that it is not reasonably practicable to use or continue to use an assistance and delivery point (“the original assistance and delivery point”), he shall—

- (a) substitute for the original assistance and delivery point an alternative assistance and delivery point (“the substitute assistance and delivery point”), which is as close as is reasonably possible to the original assistance and delivery point; and
- (b) by posting a notice at the original assistance and delivery point, and at such other places and by such other means as he considers are appropriate to draw the change to the attention of voters in his voting area, give public notice—
 - (i) of the addresses of the substitute assistance and delivery point and the original assistance and delivery point; and
 - (ii) that the original assistance and delivery point is no longer available for use for delivery by hand of ballot papers and that the substitute assistance and delivery point should be used in its place.

Appointment of presiding officers and clerks

22.—(1) The counting officer shall appoint and pay—

- (a) a presiding officer to attend at each assistance and delivery point; and
- (b) such clerks as may be necessary for the purposes of the referendum,

but he shall not appoint any person who has been employed by or on behalf of a permitted participant in or about the Regional Assembly referendum or any local government referendum held in that region on the same date.

(2) The persons appointed pursuant to paragraph (1)(b) shall include such persons (if any) as may be necessary to provide, maintain or repair any computer hardware or software, data, equipment or other services in use for the purposes of the referendum.

(3) The counting officer may, if he thinks fit, preside at an assistance and delivery point and the provisions of these Rules relating to a presiding officer shall apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(4) The counting officer may, if he thinks fit, perform the functions of a supervising clerk under rule 30, at a contingency delivery point.

(5) A presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised by these Rules to do at an assistance and delivery point, except order the arrest, exclusion or removal of any person from that place.

Appointment of counting agents

23.—(1) Subject to paragraphs (2) and (3), each referendum agent may, before the commencement of the poll, appoint counting agents to attend at the counting of the votes at the referendum.

(2) The counting officer may limit the number of counting agents, so however that—

- (a) the number shall be the same in the case of each referendum agent; and
- (b) the number allowed to a referendum agent shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of referendum agents.

(3) For the purposes of the calculations required by paragraph (2)(b), a counting agent who has been appointed for more than one referendum agent is a separate agent for each of the referendum agents by whom he has been appointed.

(4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the referendum agent to the counting officer and shall be so given not later than the fifth day before the date of the referendum.

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

(6) In the following provisions of these Rules, references to counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

(7) Any notice required to be given to a counting agent by the counting officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

(8) A referendum agent may do or assist in doing anything which a counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the counting agents may be done in the presence of a referendum agent instead of his counting agents.

(9) Where by these Rules any act or thing is required or authorised to be done in the presence of the counting agents, the non-attendance of any agent or agents at 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.

Equipment of assistance and delivery points

24.—(1) The counting officer shall provide sufficient ballot boxes (delivery point ballot boxes) at every assistance and delivery point to receive the ballot papers and security statements delivered there.

(2) Where there are combined polls, the same delivery point ballot box shall be used at an assistance and delivery point for the receipt of ballot papers and security statements at those referendums.

(3) Every delivery point ballot box shall be so constructed that the ballot papers and security statements can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(4) On each day that an assistance and delivery point is open, each delivery point ballot box to be used there that day shall, before that delivery point is opened, be shown empty by the presiding officer to at least one other person, and shall be locked, where the box has a lock, and sealed by the presiding officer in the presence of that person.

(5) It shall be the duty of a presiding officer to—

- (a) ensure each delivery point ballot box used for the receipt of ballot papers and security statements is placed in the presiding officer's view; and
- (b) ensure the security of the delivery point ballot boxes at his assistance and delivery point.

(6) The counting officer shall provide each assistance and delivery point with—

- (a) such number of compartments as may be necessary to enable voters who wish to mark their votes on their ballot papers in that place to do so screened from observation;
- (b) materials to enable voters to mark the ballot papers;
- (c) at least one large version of the ballot paper for the referendum, which shall be printed on paper of the same colour as the ballot paper and displayed inside the assistance and delivery point for the assistance of voters who are partially sighted;
- (d) a device that meets the description set out in paragraph (7) for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 28 (votes marked by companion)); and
- (e) in the case of a local government referendum, any information provided by the Electoral Commission pursuant to section 9(6) of the Preparations Act relating to the options presented to voters in the local government referendum, which material shall be conspicuously displayed.

(7) The tactile voting device referred to in paragraph (6)(d) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device, easily and without damage to the paper;
- (b) keep the ballot paper firmly in place during use; and
- (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the answer to which each such space refers; and
 - (iii) mark his vote on the space he has chosen.

(8) A notice in the form set out in Form 6 in the Appendix, giving directions for the guidance of voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every assistance and delivery point.

(9) In every compartment of every assistance and delivery point there shall be exhibited the following notice, adapted so far as circumstances require—

“[Insert name of referendum in accordance with a direction given by the Chief Counting Officer]

(Mark one box on each ballot paper only.) (Mark one box only in answer to each question.) Put no other marks on (the ballot paper)(each ballot paper) or your vote(s) may not be counted.”

(10) Any notice or other document that is required to be exhibited or displayed pursuant to this rule may also be exhibited or displayed in Braille or translated into such other languages as the counting officer may think fit, provided that those notices or documents are accurate reproductions in Braille or that other language of that notice or document.

Admission to an assistance and delivery point

25.—(1) The presiding officer shall exclude all persons from his assistance and delivery point except—

- (a) a person attending for the purpose of delivery of a ballot paper;
- (b) a person attending for the purpose of marking a ballot paper;
- (c) the companions of voters with disabilities;

- (d) any other person accompanying a person attending under sub-paragraph (a) or (b) that the presiding officer decides to admit;
- (e) the Chief Counting Officer;
- (f) the counting officer;
- (g) the referendum agents;
- (h) the clerks appointed to attend at the assistance and delivery point;
- (i) the constables on duty;
- (j) where there are combined polls, persons entitled to be admitted to the assistance and delivery point at each of the referendums; and
- (k) any person authorised by the Electoral Commission^(a) to attend at an assistance and delivery point as a representative of the Commission.

(2) The presiding officer shall regulate the number of persons to be admitted at the same time to his assistance and delivery point.

Keeping of order in assistance and delivery point

26.—(1) It is the presiding officer’s duty to keep order at his assistance and delivery point.

(2) If a person misconducts himself in an assistance and delivery point, or fails to obey the presiding officer’s lawful orders, he may immediately, by the presiding officer’s order, be removed from the assistance and delivery point—

(a) by a constable in or near that assistance and delivery point; or

(b) by any other person authorised in writing by the counting officer to discharge this function, and the person so removed shall not, without the presiding officer’s permission, again enter that assistance and delivery point that day, or, on the discretion of the counting officer, the person so removed shall not again enter that place, until after the close of the poll.

(3) Any person so removed may, if charged with the commission in the assistance and delivery point of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to mark his ballot paper or complete his security statement at, or deliver his ballot paper or security statement to, an assistance and delivery point from having an opportunity of marking his ballot paper and completing his security statement at, or delivering his ballot paper and security statement to, that place.

Votes marked by presiding officer

27.—(1) The presiding officer at an assistance and delivery point, on the application of a voter who is incapacitated by blindness or other physical cause from voting in manner directed by these Rules or who declares orally that he is unable to read, shall (as far as necessary)—

(a) cause the voter’s vote to be marked on a ballot paper in the manner directed by the voter;

(b) cause the voter’s security statement to be signed on the voter’s behalf; and

(c) cause the ballot paper and the voter’s security statement to be placed in the appropriate envelopes and placed in the delivery point ballot box.

(2) Before providing the assistance mentioned in paragraph (1) the presiding officer shall be satisfied as to the voter’s identity.

(3) The name and address of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these Rules referred to as “the list of votes marked by the presiding officer”).

(4) Where there are combined polls the same list may be used, and where it is used an entry in that list shall be taken to mean that votes were so marked in respect of both of the referendums, unless the list identifies the referendum at which a ballot paper was so marked.

(5) In the case of a person voting as proxy for an elector, the name of the elector and the name and address of the person voting as proxy, shall be entered on the list.

Voting by persons with disabilities

28.—(1) If a voter makes an application to the presiding officer at an assistance and delivery point to be allowed, on the ground of—

(a) blindness or other physical incapacity, or

(b) inability to read,

(a) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

to mark his ballot and sign his security statement at that place with the assistance of another person by whom he is accompanied (in these Rules referred to as “the companion”), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

- (2) If the presiding officer—
 - (a) is satisfied that the voter is so incapacitated, and
 - (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of these Rules; and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the referendum,the presiding officer shall grant the application, and then anything which is by these Rules required to be done to, or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.
- (3) For the purposes of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote if that person—
 - (a) is a person who is entitled to vote on his own behalf at the referendum; or
 - (b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.
- (4) The name and address of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these Rules referred to as “the list of voters with disabilities assisted by companions”).
- (5) Where there are combined polls the same list may be used, and where it is used an entry in that list shall be taken to mean that the votes were so given in respect of both of the referendums, unless the list identifies the referendum at which the vote was so given.
- (6) In the case of a person voting as proxy for an elector, the name of the elector and the name and address of the person voting as proxy, shall be entered on the list.
- (7) The declaration made by the companion—
 - (a) shall be in the form set out in Form 7 in the Appendix; and
 - (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.
- (8) No fee or other payment shall be charged in respect of the declaration.

Voters requesting assistance to vote

- 29.—**(1) If a voter makes an application to the counting officer to be allowed, on the ground of blindness, other physical incapacity or his inability to read, to vote with the assistance of a clerk, the counting officer or one of his clerks shall attend at an agreed time and place to assist the voter, so far as the voter’s circumstances require, in—
- (a) marking the voter’s vote on the voter’s ballot paper in the manner directed by the voter;
 - (b) causing the voter’s security statement to be signed on the voter’s behalf;
 - (c) causing the ballot paper (or ballot papers) and the voter’s security statement to be placed in the appropriate envelopes.
- (2) Before providing the assistance mentioned in paragraph (1)(a) the counting officer or his clerk shall be satisfied as to the voter’s identity.
- (3) On request, the counting officer or one of his clerks shall—
- (a) make arrangements for the delivery of a tactile voting device to a voter who is blind or partially sighted, at an agreed place and time;
 - (b) explain to the voter how to use it; and
 - (c) if so requested by the voter, assist him in so far as is necessary to ensure that the ballot paper and security statement are placed in the correct envelopes for their return.
- (4) A clerk who attends on a voter under this rule shall be treated as if he were the counting officer for the purposes of delivery of a ballot paper and security statement by hand to the counting officer under article 5(2)(b) of the Regional Assembly and Local Government Referendums Order 2004.
- (5) A voter assisted under this rule may hand to the counting officer or clerk attending on the voter his covering envelope as delivery by hand to the counting officer.
- (6) The name and address in the register of electors of every voter whose vote is given with assistance under this rule shall be entered on a list (in these Rules referred to as “the list of voters requesting assistance to vote”).

(7) The same list of voters requesting assistance to vote may be used for combined polls and, where it is used, an entry in that list shall be taken to mean that assistance was provided for both of the referendums, unless the list identifies for which of the referendums the assistance was provided.

(8) In the case of a person voting as proxy for an elector, the name of the elector and the name and address of the proxy shall be entered on the list.

Contingency delivery points

30.—(1) In the event of industrial action or other disruption that effects the conduct of the poll, the counting officer may provide contingency places for the delivery of ballot papers by hand (in these Rules referred to as “contingency delivery points”).

(2) Where there are combined polls, any contingency delivery point provided in the voting area for the combined polls shall be used for both referendums.

(3) The counting officer shall advertise the addresses and opening dates and times of the contingency delivery points by such means as he considers appropriate.

(4) The counting officer shall appoint at least one clerk to supervise at each contingency delivery point (in these Rules called the “supervising clerk”).

(5) The counting officer shall provide sufficient ballot boxes (delivery point ballot boxes) at every contingency delivery point to receive the ballot papers delivered there.

(6) The same delivery point ballot box shall be used at a contingency delivery point for the receipt of ballot papers at the combined polls.

(7) Every delivery point ballot box shall be so constructed that the ballot papers and security statements can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(8) Before they are delivered to a contingency delivery point, each delivery point ballot box to be used there shall be shown empty by the counting officer to at least one other person and shall be locked, where the box has a lock, and sealed by the counting officer in the presence of that person.

(9) The counting officer shall make such arrangements as may be necessary to ensure the security of the ballot box during delivery to the supervising clerk.

(10) It shall be the duty of a supervising clerk to—

- (a) ensure each delivery point ballot box used for the receipt of ballot papers and security statements is placed in the supervising clerk’s view; and
- (b) ensure the security of the delivery point ballot boxes at his contingency delivery point.

(11) As soon as practicable after the close of a contingency delivery point each day, the supervising clerk at the contingency delivery point shall deliver, or cause to be delivered to the counting officer, in accordance with arrangements for delivery approved by the counting officer, any delivery point ballot boxes in his custody at the contingency delivery point.

(12) Before he removes (or causes to be removed) any delivery point ballot box from a contingency delivery point, the supervising clerk shall seal the box unopened (but with the key, if any, attached), in such a manner as will prevent any further ballot papers being introduced into the box, with a seal provided by the counting officer, and the seal of such referendum agents present as desire to affix their seals.

Spoilt ballot papers

31.—(1) If a voter has inadvertently dealt with his ballot paper for a referendum 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 counting officer the spoilt ballot paper.

(2) A voter who returns his spoilt ballot paper under paragraph (1) shall return the security statement and, where there are combined polls, the ballot paper issued to him for the other poll, whether spoilt or not.

(3) On receipt of the documents referred to in paragraphs (1) and (2), the counting officer shall issue a replacement ballot pack for the referendum or the combined polls (as the case may be), if—

- (a) the counting officer is satisfied that the voter is the person to whom the ballot paper referred to in paragraph (1) was issued;
- (b) the counting officer is satisfied that the voter has returned all the ballot papers which he received;
- (c) the documents are received no later than—
 - (i) 5 p.m. on the day before the date of the referendum where returned by post; or
 - (ii) one hour before the close of the poll where returned by the voter in person.

(4) Rule 19 shall apply for the delivery to the voter of a replacement ballot pack under paragraph (3), except that where the voter applies in person the counting officer may instead hand the replacement ballot pack to him.

(5) The counting officer shall immediately cancel the spoiled ballot paper and the security statement relating to it and, at combined polls, any other ballot paper issued with it.

(6) The counting officer, as soon as practicable after cancelling those documents and issuing a replacement ballot pack, shall—

- (a) make up the cancelled documents in a separate packet (“the packet of spoiled ballot papers”) and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned in paragraph (5), the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed;
- (b) record on the list of ballot numbers issued that the ballot number applying to the cancelled documents is no longer valid;
- (c) record on the list of ballot numbers issued the ballot number applying to the replacement ballot pack issued to the voter and to which voter it was issued.

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

- (a) the name and number of the elector as stated in the register;
- (b) the ballot number of the spoiled ballot papers and replacement ballot papers issued under this paragraph; and
- (c) where the voter whose ballot paper is spoiled is a proxy, the proxy’s name and address.

(8) Where a voter by reason of blindness or physical disability cannot reasonably be expected to apply by post or attend in person upon the counting officer, the counting officer on receipt of a request shall attend or make arrangements for one of his clerks to attend on the voter at an agreed time and place to enable an application to be made under this rule.

Lost or undelivered ballot papers

32.—(1) Where a voter—

- (a) has not received his ballot pack, or
- (b) has received his ballot pack and lost one or more ballot papers or the security statement issued to him,

he may apply in person to the counting officer for a replacement ballot pack, in place of the ballot pack mentioned in sub-paragraphs (a) or (b) (referred to in these Rules as a “lost ballot pack”).

(2) An application shall be made—

- (a) not earlier than the third day before the date of the referendum; and
- (b) not later than one hour before the close of the poll.

(3) When making an application under this rule a voter shall return to the counting officer any ballot paper and security statement in his possession for the referendum or combined polls (as the case may be), which he has received and not lost.

(4) A voter applying under this rule shall provide evidence to the counting officer of the voter’s identity.

(5) Where on an application under this rule the counting officer is satisfied as to the voter’s identity, he shall issue the voter with a replacement ballot pack.

(6) As soon as practicable after issuing a replacement ballot pack, the counting officer shall—

- (a) cancel the lost ballot pack, by recording on the list of ballot numbers issued that the ballot number on the ballot pack (including any documents returned pursuant to paragraph (3)) is no longer valid;
- (b) mark upon any documents returned in accordance with paragraph (3) that they are cancelled, place those documents in a separate packet (“the packet of returned lost documents”) and seal the packet; and if on any subsequent occasion documents are returned pursuant to paragraph (3), the sealed packet shall be opened and the additional returned documents included in it and the packet shall be again made up and sealed;
- (c) record on the list of ballot numbers issued the ballot number applying to the replacement ballot pack and the name of the voter to which it was issued.

(7) The counting officer shall enter in a list kept for the purpose (“the list of lost ballot papers”) the following information—

- (a) the name and number of the elector as stated in the register;
- (b) the ballot number of the lost ballot pack;
- (c) the ballot number of the replacement ballot pack issued under this rule; and

(d) where the voter in relation to a lost ballot pack is a proxy, his name and address.

(8) Rule 19 shall apply for the delivery to the voter of a replacement ballot pack under paragraph (5), except that the counting officer may instead hand a replacement ballot pack to him.

(9) Where a voter by reason of blindness or physical disability cannot reasonably be expected to attend in person upon the counting officer, the counting officer on receipt of a request shall attend or make arrangements for one of his clerks to attend on the voter at an agreed time and place to enable an application to be made under this rule.

(10) Where an application is made to a clerk under paragraph (9), paragraphs (3) to (5) shall apply as if, for references to the counting officer, there were substituted references to the clerk.

Cancelled ballot papers

33.—(1) A ballot paper which has been cancelled in accordance with rules 31 or 32 (spoilt and lost ballot papers) shall be referred to in these Rules as a “cancelled ballot paper”.

(2) The counting officer shall keep a list showing only the ballot numbers of the cancelled ballot papers and the list shall be referred to in these Rules as the “list of cancelled ballot papers”.

Procedure on close of an assistance and delivery point during polling

34. As soon as practicable after the close of an assistance and delivery point on a day other than the date of the referendum, the presiding officer shall—

- (a) seal with his seal each delivery point ballot box in use at the assistance and delivery point, so as to prevent the introduction of additional ballot papers or security statements;
- (b) enable such referendum agents present as desire to affix their seals to also affix their seals to the delivery point ballot boxes;
- (c) deliver, or cause to be delivered to the counting officer, the delivery point ballot boxes unopened (but with the key, if any attached) and sealed as described in sub-paragraphs (a) and (b); but where the ballot boxes are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery shall require the counting officer’s approval; and
- (d) secure the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer and the declarations made by the companions of voters with disabilities, until the next day on which the assistance and delivery point is open.

Procedure on close of an assistance and delivery point on close of poll

35.—(1) As soon as practicable after an assistance and delivery point is closed for the last time, whether at the close of the poll or earlier, the presiding officer shall—

- (a) make up into a packet and seal with his own seal—
 - (i) the list of voters with disabilities assisted by companions;
 - (ii) the list of votes marked by the presiding officer;
 - (iii) a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”; and
 - (iv) the declarations made by companions of voters with disabilities; and
- (b) before removing any delivery point ballot box from the assistance and delivery point, seal any delivery point ballot box unopened (but with the key, if any, attached), in such a manner as will prevent any further ballot papers being introduced into the box.

(2) The packets and delivery point ballot boxes referred to in paragraph (1) may also be sealed at that time with the seal of such referendum agents present as desire to affix their seals.

(3) The presiding officer shall then deliver, or cause to be delivered, to the counting officer the packets and delivery point ballot boxes referred to in paragraph (1); but where they are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery shall require the counting officer’s approval.

PART 3

Receipt by the Counting Officer of Ballot Papers

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

36. No person may be present at the proceedings on the receipt of ballot papers under this Part other than—

- (a) the Chief Counting Officer, the counting officer and his clerks;
- (b) a referendum agent or a person appointed by a referendum agent to attend in his place;
- (c) any receipt agents appointed under rule 37(1); and

- (d) any person authorised by the Electoral Commission to attend at the proceedings on the receipt of ballot papers as a representative of the Commission.

Agents who may attend proceedings on receipt of ballot papers

37.—(1) Each referendum agent at the referendum may appoint one or more agents to attend the proceedings on the receipt of ballot papers (“receipt agent”) up to the number he may be authorised by the counting officer to appoint; and the number so authorised shall be the same in the case of each referendum agent.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed as receipt agents shall be given by the referendum agent to the counting officer before the time fixed for the opening of the preliminary ballot box.

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

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

(5) A referendum agent may himself do any act or thing which any receipt agent of his would have been authorised to do, or may assist his receipt agent in doing any such act or thing.

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

Notice of opening of preliminary ballot boxes and ballot paper envelopes

38.—(1) The counting officer shall give to each referendum agent not less than 48 hours’ notice in writing of each occasion on which a preliminary 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 receipt agents a referendum agent may appoint under rule 37(1) to attend each opening.

Ballot boxes and receptacles

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

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

(2) Where there are combined polls, the counting officer—

- (a) shall provide the same preliminary ballot box for the combined polls;
- (b) except where there are combined ballot papers, may provide the same final ballot box for the combined polls; and
- (c) where there are combined ballot papers, shall provide the same final ballot box for the combined polls.

(3) Each such ballot box shall be marked “preliminary ballot box” or “final ballot box”, as the case may be, and shall be clearly marked with—

- (a) the name of any referendum to which it relates;
- (b) the referendum area to which it relates; and
- (c) the voting area at that referendum.

(4) The final ballot box (or boxes) shall be shown as being empty to the receipt agents present on the occasion of opening the first preliminary ballot box.

(5) The counting officer shall then lock the final ballot box (or boxes), if capable of being locked, and apply his seal in such manner as to prevent the box (or boxes) being opened without breaking the seal, allowing any of the receipt agents present who wish to add their seals to then do likewise.

(6) The counting officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for security statements;
- (c) the receptacle for ballot paper envelopes;
- (d) the receptacle for rejected ballot paper envelopes; and

(e) the receptacle for cancelled ballot papers.

(7) The counting officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this rule.

Receipt of covering envelope

40.—(1) Where, before the close of the poll, the counting officer receives a covering envelope or any other envelope that appears to him to be likely to contain a security statement, ballot paper envelope or ballot paper, the counting officer shall immediately place it unopened in a preliminary ballot box.

(2) The counting officer may create a list of received ballots (“list of received ballots”) by reading the ballot number—

- (a) on a covering envelope;
- (b) where the covering envelope has a window, on a document visible through the window; or
- (c) in the case of any other envelope that appears to him to be likely to contain a security statement, ballot paper envelope or ballot paper, on any of the documents inside the envelope.

(3) Where the counting officer is creating a list of received ballots and—

- (a) the covering envelope has a window but a ballot number is not visible through the window; or
- (b) the counting officer receives any other envelope that appears to him to be likely to contain a security statement, ballot paper envelope or ballot paper,

the counting officer shall mark the envelope to show that a ballot number has not been read so as to be on the list of received ballots, before placing the envelope and its contents in a preliminary ballot box.

(4) Where an envelope has been marked under paragraph (3) to show a ballot number has not been included on the list of received ballots, the ballot number on a document in the envelope (whether a security statement, ballot paper envelope or, in the case of a ballot paper envelope with a window, as visible on a ballot paper showing through that window) shall be read when the preliminary ballot box is opened and the envelopes are opened under rule 42 (opening of covering envelopes), so as to appear on the list of received ballots.

(5) When the counting officer receives a delivery point ballot box which has been delivered to him from an assistance and delivery point or contingency delivery point he shall open that ballot box and treat any ballot paper envelopes or other envelopes inside it as though they had been returned to him directly by hand or by post.

Opening of preliminary ballot box

41.—(1) Each preliminary ballot box shall be opened by the counting officer in the presence of the referendum agents and receipt agents, if any are in attendance.

(2) As long as the counting officer ensures that there is at least one sealed preliminary ballot box for the reception of covering envelopes up to the time of the close of the poll, the other preliminary ballot boxes may be opened by him before that time.

(3) The last preliminary ballot box shall be opened after the close of the poll.

(4) In this rule and rules 42 to 47, “covering envelope” means a covering envelope issued as part of a ballot pack and any other envelope that appears to the counting officer to be likely to contain a security statement, ballot paper envelope or ballot paper.

Opening of covering envelopes

42.—(1) When a preliminary ballot box is opened, the counting officer shall count and record the number of covering envelopes, and shall then open each covering envelope separately.

(2) Where the covering envelope does not contain a security statement, the counting officer shall open any ballot paper envelope within it to ascertain whether it contains a valid security statement.

(3) Where the covering envelope (or any ballot paper envelope opened under paragraph (2)) contains more than one security statement, rules 43 to 47 shall apply to each of the security statements so found.

(4) In carrying out the procedures under rules 43 to 47, the counting officer—

- (a) before placing a security statement or a ballot paper in the receptacle for rejected votes or the receptacle for cancelled ballot papers, shall first show it and any documents attached to it to the referendum agents and receipt agents, and if any of them object to his decision, he shall add the words “rejection objected to”;
- (b) shall keep the ballot papers face down and shall take all proper precautions for preventing any person from seeing the votes made on the ballot papers.

Valid security statements with matching ballot papers

- 43.—(1) Where the covering envelope contains both—
- (a) a valid security statement, and
 - (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers), and the ballot numbers on the security statement and the ballot paper envelope (or in the case of a ballot paper envelope with a window, on the ballot paper visible through the window), or as the case may be, ballot paper, are the same, he shall place the security statement in the receptacle for security statements and the ballot paper envelope (if any) in the receptacle for ballot paper envelopes.
- (2) A valid security statement is one which—
- (a) has a ballot number capable of being successfully scanned electronically;
 - (b) has been duly signed by the voter; and
 - (c) does not bear the same ballot number as that on a cancelled ballot paper.
- (3) Where a ballot paper envelope opened under rule 42(2) contains a valid security statement, the counting officer shall—
- (a) compare the ballot number on the security statement with the ballot number on the ballot paper envelope or, where there is no ballot number on the ballot paper envelope, with the ballot number on any ballot paper it contains, and
 - (b) if the ballot numbers are the same, place the security statement in the receptacle for security statements and the ballot paper envelope together with its contents in the receptacle for ballot paper envelopes.
- (4) Where it appears to the counting officer that the ballot number on a valid security statement is not the same as the ballot number on the ballot paper envelope (or in the case of a ballot paper envelope with a window, on a ballot paper showing through the window), or an envelope found within the covering envelope which is not a ballot paper envelope issued by the counting officer, he shall open such envelope and place—
- (a) in the receptacle for ballot paper envelopes, any ballot paper (with its envelope (if any)) which has the same ballot number as the security statement;
 - (b) in the receptacle for security statements, the valid security statement with the same ballot number as the ballot paper referred to in sub-paragraph (a);
 - (c) in the receptacle for rejected votes—
 - (i) any ballot paper which does not have the same ballot number as the security statement, having marked it “provisionally rejected”; and
 - (ii) any security statement in relation to which there is no ballot paper with the same ballot number, having marked it “provisionally rejected”; and
 - (d) in the receptacle for cancelled ballot papers, any cancelled ballot paper.

Rejection of invalid security statement for defacement of ballot number

- 44.—(1) Where the covering envelope contains a security statement which is invalid because the ballot number is so defaced that the ballot number is not capable of being successfully scanned electronically, the counting officer shall—
- (a) mark the security statement “rejected”;
 - (b) open the ballot paper envelope (if any);
 - (c) attach the covering envelope and any ballot paper envelope to the security statement and, place them in the receptacle for rejected votes;
 - (d) mark any ballot paper as “provisionally rejected” and place it in the receptacle for rejected votes.

Rejection of invalid security statement with cancelled number

45. Where the covering envelope contains a security statement which is invalid because it bears the same ballot number as a cancelled ballot paper, the counting officer shall—
- (a) mark the security statement “rejected”;
 - (b) open the ballot paper envelope (if any);
 - (c) if a ballot paper (if any) has the same ballot number as the security statement, attach it to the security statement and envelope (if any) and place it in the receptacle for cancelled ballot papers;
 - (d) if a ballot paper (if any) does not have the same ballot number as the security statement—
 - (i) mark the ballot paper “provisionally rejected” and place it in the receptacle for rejected votes; and
 - (ii) attach the envelope (if any) to the security statement and place both documents in the receptacle for cancelled ballot papers.

Return to the voter and rejection of invalid unsigned security statements

46.—(1) This rule applies where a covering envelope contains a security statement which is invalid only because it is not signed by the voter.

(2) Where the security statement was taken from a preliminary ballot box which was opened before 12 noon on the second day before the date of the referendum, the counting officer shall return the security statement to the voter to whom it was issued.

(3) Where the security statement was taken from a preliminary ballot box which was opened at 12 noon or afterwards on the second day before the date of the referendum, the counting officer may return it to the voter to whom it was issued but shall not if he is of the view that it is not reasonably possible to return the security statement to the voter in sufficient time for the voter to respond before the close of the poll.

(4) A security statement returned under paragraphs (1) or (2)—

(a) shall be returned to the address to which it was sent originally, either by post or by causing it to be delivered by hand; and

(b) shall be accompanied by a covering envelope and information explaining that if any vote cast by the voter is to be counted, the security statement must be signed and returned to the counting officer or an assistance and delivery point before the close of the poll.

(5) Any ballot paper envelope, or if there is no such envelope, ballot paper bearing the same ballot number as the security statement returned to the voter, shall be marked “provisionally rejected” and placed in the receptacle for rejected votes.

(6) Where a security statement is taken from a preliminary ballot box at 12 noon or afterwards on the second day before the date of the referendum and the counting officer decides not to return it to the voter, the counting officer shall—

(a) mark the security statement “rejected”;

(b) open the ballot paper envelope (if any);

(c) if the ballot paper (if any) has the same ballot number as the security statement, attach it to the security statement and envelope (if any) and place it in the receptacle for rejected votes;

(d) if the ballot paper (if any) does not have the same ballot number as the security statement the counting officer shall—

(i) mark the ballot paper “provisionally rejected” and place it in the receptacle for rejected votes; and

(ii) attach the envelope (if any) to the security statement and place both documents in the receptacle for rejected votes.

Provisional rejection of other mismatched or separated security statements and ballot papers

47. Where a covering envelope does not contain both—

(a) a security statement, and

(b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers),

the counting officer shall, in respect of any security statement, ballot paper, and ballot paper envelope not otherwise placed in a ballot box or receptacle in accordance with rules 43 to 46, mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

Rejection of cancelled ballot papers

48. If at any stage in the procedures mentioned in this Part a cancelled ballot paper is found, but no security statement bearing the same ballot number is also found, the cancelled ballot paper shall be marked “rejected” and placed in the receptacle for cancelled ballot papers together with any ballot paper envelope which bears the same ballot number.

Opening of ballot paper envelopes

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

(2) He shall place—

(a) in the final ballot box, any ballot paper which—

(i) bears a ballot number capable of being read; and

(ii) has a ballot number the same as the ballot number on the ballot paper envelope, or where the ballot paper envelope has a window—

(aa) bears the ballot number that showed through the window, and

(bb) any other ballot paper in the same envelope that has the same number as that of the ballot paper mentioned in sub-paragraph (aa);

- (b) in the receptacle for rejected votes, having marked it “provisionally rejected”, any other ballot paper which bears a ballot number capable of being read but which is not a cancelled ballot paper; and that ballot paper shall have attached to it the ballot paper envelope;
 - (c) in the receptacle for rejected votes, any other ballot paper, except for a cancelled ballot paper, which he shall mark “rejected” and to which shall be attached the ballot paper envelope; and
 - (d) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” which—
 - (i) does not contain a ballot paper; or
 - (ii) where there are combined polls, contains a ballot paper for only one of the combined polls, indicating, in such a case, the missing ballot paper.
- (3) In the case of a cancelled ballot paper, the counting officer shall—
- (a) retrieve the security statement (if any) that relates to the cancelled ballot paper from the receptacle for security statements; and
 - (b) attach the cancelled ballot paper to the security statement (if any) and place the cancelled ballot paper and any security statement in the receptacle for cancelled ballot papers.
- (4) Before placing any ballot paper in a final ballot box under this paragraph, the counting officer shall—
- (a) detach the ballot paper from any other document to which it is attached;
 - (b) where there are combined polls, put the ballot papers into separate piles for each of the referendums to which they relate, except where combined ballot papers are used;
 - (c) count the number of ballot papers; and
 - (d) create a statement recording the number of final ballot boxes and the numbers of ballot papers in each.
- (5) Before placing a ballot paper and any attached documents in the receptacle for rejected votes or the receptacle for cancelled ballot papers, the counting officer shall show the ballot paper and any attached documents to the referendum agents and receipt agents, and if any of them object to his decision, he shall add the words “rejection objected to”.
- (6) The counting officer shall keep the ballot papers face downwards and shall take all proper precautions for preventing any person from seeing the votes made on the ballot papers.

Removing cancelled ballot papers from the final ballot box

50.—(1) Where it appears to the counting officer that a cancelled ballot paper has been placed in the final ballot box, he shall instruct a clerk who does not have access to the list of ballot numbers issued that the clerk shall, on the next occasion on which the preliminary ballot box is opened, in the presence of the agents—

- (a) open the final ballot box and retrieve the cancelled ballot paper;
- (b) show the ballot number on the cancelled ballot paper to such agents as are present;
- (c) re-lock (if it has a lock) and re-seal the final ballot box;
- (d) retrieve the security statement that relates to the cancelled ballot paper from the receptacle for security statements; and
- (e) attach the cancelled ballot paper to the security statement and place both documents in the receptacle for cancelled ballot papers.

(2) While retrieving a cancelled ballot paper in accordance with paragraph (1), the counting officer shall keep the ballot papers face downwards, so far as practicable, and shall take all proper precautions for preventing any person from seeing the votes made on the ballot papers.

Lists of rejected ballot papers

51.—(1) In respect of any referendum, the counting officer shall keep two separate lists of rejected ballot papers.

(2) In the first list, he shall record the ballot number of any ballot paper for which no valid security statement was received.

(3) In the second list, he shall record the ballot number of any ballot paper which is entered on a valid security statement where that ballot paper is not received with the security statement.

Checking of rejected ballot paper lists

52.—(1) Where the counting officer receives a valid security statement without the ballot paper to which it relates, or in the case of combined polls one or both of the ballot papers, he may, at any time prior to the close of the poll, check the list kept under rule 51(1) to see whether the ballot number of a ballot paper is the same as the ballot number on a security statement entered in that list.

(2) Where the counting officer receives a ballot paper without the security statement to which it relates, he may, at any time prior to the close of the poll, check the list kept under rule 51(2) to see whether the ballot number of that ballot paper is entered in that list.

(3) The counting officer shall conduct the checks referred to in paragraphs (1) and (2) at the end of each occasion on which covering envelopes are opened and as soon as practicable after the close of the poll.

(4) Where the ballot number in the list matches that number on a valid security statement or, as the case may be, the ballot paper, the counting officer shall retrieve that security statement or paper.

(5) The counting officer shall then take the appropriate steps as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

Sealing of lists and contents of receptacles

53.—(1) As soon as practicable after the completion of the procedure under paragraph 52(3) and (4) after the close of the poll, the counting officer shall make up into separate packets—

- (a) the contents of the receptacle for rejected votes,
- (b) the contents of the receptacle for security statements,
- (c) the contents of the receptacle for rejected ballot paper envelopes,
- (d) the contents of the receptacle for cancelled ballot papers,
- (e) the list of spoilt ballot papers,
- (f) the list of lost ballot papers,
- (g) the packets of spoilt ballot papers,
- (h) the packets of returned lost documents,
- (i) the list of received ballots,
- (j) the list of ballot numbers issued, and
- (k) the list of cancelled ballot papers,

and shall seal up such packets.

(2) Where there are combined polls the packets under paragraph (1) shall be made up jointly for those referendums.

(3) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

(4) The counting officer shall take all reasonable steps to ensure that all copies of the list of ballot numbers issued, other than those packeted up under rule 18(1), whether electronic or on paper, are destroyed; and where the list of ballot numbers issued consists of a computerised record, the counting officer, after packeting the list in accordance with paragraph (1) shall arrange for any remaining computerised record of the list to be removed from the computer and from any device on which a copy of the list is stored, and to be destroyed in a manner that ensures the confidentiality of the list is preserved.

Notification of requirement of secrecy

54. The counting officer shall make such arrangements as he thinks fit to ensure that—

- (a) a copy in writing of the provisions of section 66 of the Representation of the People Act 1983(a) has been given to the following persons attending at an assistance and delivery point or contingency delivery point—
 - (i) the presiding officer;
 - (ii) the clerks appointed to attend at that delivery point;
 - (iii) the referendum agents;
 - (iv) the persons authorised by the Electoral Commission to attend as its representatives at that delivery point;
- (b) every clerk providing assistance pursuant to rule 42 has been given a copy in writing of the provisions of section 66 of the Representation of the People Act 1983; and
- (c) every person attending at the receipt of ballot papers or the counting of the votes (other than a constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2), (5) and (9) of that section.

(a) 1983 c. 2. Section 66 was amended by Schedule 3 to the Representation of the People Act 1985 (c. 50). There were other amendments not relevant to this Order.

PART 4

The Count

Attendance at counting of votes

55.—(1) The counting officer shall make arrangements for counting the votes in the presence of the counting agents appointed for the referendum as soon as practicable after the close of the poll, and shall give to those counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person may be present at the counting of the votes other than—

- (a) the Chief Counting Officer, the counting officer and his clerks,
- (b) the referendum agents,
- (c) the counting agents,
- (d) in the case of combined polls, any person entitled to be present at the counting of the votes at the other poll,
- (e) any person authorised by the Electoral Commission to attend at the counting of the votes as a representative of the Commission,

unless permitted by the counting officer to attend.

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the counting officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the referendum agents or thought it impracticable to do so.

(4) The counting officer shall give the counting agents for the referendum such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

56.—(1) The counting officer shall, in the presence of the counting agents appointed for the referendum—

- (a) open each final ballot box;
- (b) count such of the ballot papers as have been duly returned and record the number counted; and
- (c) count the votes given on the ballot papers that have been duly returned.

(2) Where there are combined polls, no vote shall be rendered invalid by the ballot paper having been placed in the final ballot box provided for the other referendum.

(3) The counting officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the ballot numbers on the back of the papers.

(4) The counting officer shall so far as practicable proceed continuously with counting the votes (including any re-count), allowing only time for refreshment, except that—

- (a) he may on any day exclude the hours between 7 p.m. and 9 a.m. on the following day; and
- (b) at combined polls he may count the votes (including any re-count) at the polls concurrently or in such sequence as he sees fit.

(5) The counting officer—

- (a) during the time excluded under paragraph (4)(a) shall place the ballot papers and other documents relating to the referendum under his own seal and the seals of such counting agents as desire to fix their seals; and
- (b) at all times during the count (including any recount) shall take proper precautions for the security of the ballot papers and those other documents.

Counting officer's re-count

57.—(1) A referendum agent may, if present when the counting or any re-count of the votes in a voting area is completed, require the counting officer to have the votes re-counted or again re-counted, but the counting officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until any referendum agent present at its completion has been given a reasonable opportunity to exercise the right conferred by this rule.

(3) A counting officer shall not conduct a re-count once a direction has been given by the Chief Counting Officer under rule 60(1) in relation to the referendum.

Rejected ballot papers

58.—(1) Any ballot paper—

- (a) which does not have the official mark,
- (b) on which a vote for more than one answer is given to the question asked in the referendum,
- (c) on which anything is written or marked by which the voter can be identified, except the ballot number on the back, or
- (d) which is unmarked or where the voter's intention is uncertain,

shall, subject to paragraphs (2) and (3), be void and not counted.

(2) Where—

- (a) a combined ballot paper is used;
- (b) the voter's intention is clear as regards one referendum; and
- (c) in relation to the other referendum the ballot paper is unmarked or the voter's intention is uncertain,

the ballot paper for the one referendum shall not be treated as void and not counted under paragraph (1)(d).

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be void (either wholly or as respects that vote), if the voter's intended answer to the question asked in the referendum is apparent, and the way the paper is marked (which in the case of a combined ballot paper means all of the combined ballot paper) does not itself identify the voter and it is not shown that he can be identified by it.

(4) The counting officer shall endorse the word "rejected" on any ballot paper which under this rule is not to be counted and shall add to the endorsement the words "rejection objected to" if any objection is made by a counting agent to his decision.

(5) In the case of a combined ballot paper on which any vote is to be counted under paragraph (2) above, the counting officer shall endorse the words "rejected in part" on the ballot paper and indicate which vote is to be counted and shall add to the endorsement the words "rejection objected to" if any objection is made by a counting agent to his decision.

(6) The counting officer shall draw up a provisional statement of rejected ballot papers, showing the number of ballot papers rejected under the several heads of—

- (a) want of an official mark;
- (b) voting for more answers than the number of questions asked in the referendum;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or where the voter's intention is uncertain.

(7) As soon as practicable after completion of the provisional statement under paragraph (6), the counting officer shall inform the Chief Counting Officer of its contents.

(8) Where a combined ballot paper is used, separate statements under paragraph (6) shall be drawn up in relation to its use as a ballot paper for each of the combined polls and each statement shall include the number of ballot papers rejected in part.

Chief counting officer's recount

59.—(1) As soon as practicable after the conclusion of the count (which includes any re-count under rule 57) and any re-count directed under this rule, the counting officer shall draw up a provisional statement showing—

- (a) the number of ballot papers counted by him, and
- (b) the number of votes cast in favour of each answer to the question asked in the referendum.

(2) As soon as practicable after completion of the provisional statement, the counting officer shall inform the Chief Counting Officer of its contents.

(3) Once the Chief Counting Officer has received the report of every counting officer on the contents of their provisional statements prepared under paragraph (1) and under rule 58(6), the Chief Counting Officer, having regard to any request by a referendum agent for a re-count of votes, may direct counting officers to re-count (or further re-count) the votes.

(4) A re-count directed by the Chief Counting Officer under paragraph (3) shall be of the votes in all the voting areas in the referendum area, or in such of the voting areas as he considers reasonable.

(5) A counting officer shall proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith shall notify those counting agents entitled to be present at the re-count of the time and place at which he will begin to re-count the votes.

PART 5

Final Proceedings

Counting officer's certification

60.—(1) When the Chief Counting Officer has determined not to direct that any re-count (or further re-count) shall take place, he shall direct the counting officers—

- (a) in the case of a Regional Assembly referendum that they—
 - (i) may make their certification under section 128(5) of the 2000 Act; and
 - (ii) provide final versions of their statements of rejected ballot papers; and
- (b) in the case of a local government referendum that they—
 - (i) may make their certification under article 9(1)(d) of the Regional Assembly and Local Government Referendums Order 2004; and
 - (ii) provide final versions of their statements of rejected ballot papers.

(2) The counting officer, having made a certification in relation to the referendum for which he acts, shall—

- (a) forthwith give the Chief Counting Officer notice of the matters so certified; and
- (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(3) When authorised by the Chief Counting Officer to do so, the counting officer shall—

- (a) make a declaration of the matters so certified; and
- (b) give public notice of the matters so certified together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

Notice of result of referendum

61. The Chief Counting Officer, having made a certification in relation to the Regional Assembly referendum under section 128(6) of the 2000 Act and, where local government referendums have been held in the region, a certification under article 9(1)(f) of the Regional Assembly and Local Government Referendums Order 2004 in relation to all the local government referendums in the region, shall—

- (a) forthwith make a declaration of the matters so certified; and
- (b) as soon as reasonably practicable give public notice of the matters so certified together with the number of rejected ballot papers under each head shown in the statements of rejected ballot papers.

PART 6

Disposal of Documents

Sealing up of ballot papers

62.—(1) On the completion of the counting at a referendum the counting officer shall seal up in separate packets—

- (a) the counted ballot papers; and
- (b) the rejected ballot papers.

(2) A combined ballot paper which is rejected in part shall be sealed up in the packet of counted ballot papers.

(3) A completed statement in the form set out Form 8 in the Appendix, or a form to the like effect, shall be provided by the counting officer to the Chief Counting Officer.

(4) The statement shall identify the voting area within the referendum area for which it is prepared.

(5) Where at combined polls a combined ballot paper is used, the statement shall be combined for those referendums.

Delivery of documents

63.—(1) The counting officer shall then forward to the proper officer, within the meaning of section 270(3) of the Local Government Act 1972^(a), of the local authority for each voting area for which he is the counting officer, the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the statements of rejected ballot papers,
- (c) the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities, and the list of voters requesting assistance to vote,
- (d) any packets referred to in rule 53 (sealing of lists and contents of receptacles),

endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area to which each packet relates.

(2) Where—

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

the counting officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

Orders for production of documents

64.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the proper officer; or
- (b) for the opening of a sealed packet containing the list of ballot numbers issued, list of spoilt ballot papers, list of lost ballot papers or list of ballots received; or
- (c) the inspection of any counted ballot papers in the custody of the proper officer,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(2) An order under this rule may be subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet mentioned in paragraph (1) or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular voter has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(3) An appeal lies to the High Court from any order of a county court under this rule.

(4) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(5) Where an order is made for the production by the proper officer of any document in his possession relating to any specified referendum—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(6) The production from proper custody of a ballot paper purporting to have been used at any referendum and of the list of ballot numbers issued, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person to whom, at the referendum, had been allocated the ballot number marked on the ballot paper, as shown in the list of ballot numbers issued.

^(a) 1972 c. 70.

(7) No person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer or open any sealed packets containing the list of ballot numbers issued, lists of spoilt or lost ballot papers, or list of ballots received except in accordance with this rule or by order of a competent court.

Retention and public inspection of documents

65.—(1) The proper officer of the council shall retain for twelve months all documents relating to a referendum forwarded to him in pursuance of these Rules by a counting officer, and then, unless otherwise directed by an order of a competent court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, the list of ballot numbers issued, the list of spoilt ballot papers, the list of lost ballot papers and the list of ballots received shall, subject to paragraph (4), be open to public inspection at such time and in such manner as the proper officer may determine.

(3) The proper officer of the council shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as he may determine, provided that he does not supply copies of or extracts from the marked copies of the register of electors, other than for purposes connected with the referendum.

(4) A person inspecting marked copies of the register of electors may not—

- (a) make copies of any part of them, or
- (b) record any particulars included in them,

otherwise than by means of hand-written notes.

(5) A person who inspects marked copies of the register of electors and makes a copy of them or records any particulars in them otherwise than by means of hand-written notes shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Appendix of Forms and Directions

Form 1—Form of ballot paper for a Regional Assembly referendum Rule 6(1)

Front of ballot paper

<p>Referendum on an Elected Regional Assembly</p> <p>Ballot Paper</p> <p>You can help to decide whether there should be an elected assembly in the <i>[insert name of region]</i> region. If an elected assembly is to be established, it is intended that:</p> <ul style="list-style-type: none"> ● the elected assembly would be responsible for a range of activities currently carried out mainly by central government bodies, including regional economic development; and ● local government would be reorganised into a single tier in those parts of the region that currently have both county and district councils. <p>Should there be an elected assembly for the <i>[insert name of region]</i> region?</p> <p style="text-align: center;">VOTE (X) FOR ONE OPTION ONLY</p>	
Yes	
No	

YOUR VOTE IS PERSONAL
COMPLETE IT YOURSELF AND IN PRIVATE

Back of ballot paper

No. [*Insert ballot number (barcode)*] This barcode is a security measure that helps prevent voting fraud. A ballot paper not bearing a barcode or on which the barcode has been removed, altered or damaged, may be rejected as invalid.

[*Insert name of the referendum in accordance with a direction as to the name given by the Chief Counting Officer*]

[*Insert date of referendum*]

Directions as to printing the ballot paper (Regional Assembly referendum ballot paper only)

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. In so far as is practicable, the instructions specified in paragraphs 3 to 6 shall be observed in printing the ballot paper.
3. No words shall be printed on the face of the ballot paper except—
 - (a) the heading “Referendum on an Elected Regional Assembly”;
 - (b) the statement “Ballot Paper” or, where the poll is combined with the poll at a local government referendum, “This ballot paper is [*insert colour*]”;
 - (c) those constituting the prescribed statement and question;
 - (d) the direction “VOTE (X) FOR ONE OPTION ONLY”;
 - (e) those indicating the alternative forms of answer to the question; and
 - (f) the privacy statement, “YOUR VOTE IS PERSONAL COMPLETE IT YOURSELF AND IN PRIVATE”.
4. No words shall be printed on the back of the ballot paper except—
 - (a) a barcode notice adjacent to the barcode, stating “This barcode is a security measure that helps prevent voting fraud. A ballot paper not bearing a barcode or on which the barcode has been removed, altered or damaged, may be rejected as invalid.”;
 - (b) the name of the referendum in accordance with a direction as to the name given by the Chief Counting Officer; and
 - (c) the date of the referendum.
5. Words printed on the ballot paper shall be printed in a clear typeface and in characters of such a size that they are easily legible.
6. In relation to the referendum question and answers—
 - (a) a horizontal rule shall separate each of the answers to the referendum question from one another and, in the case of the first answer, from the question;
 - (b) each of the answers shall be separated by a vertical rule from a box providing a space in respect of each answer for marking a vote;
 - (c) the portions containing each of the answers to the question shall be of equal size; and
 - (d) the spaces for marking a vote for each answer shall be of equal size.

Front of ballot paper

<p>Referendum on Options for Single Tier Local Government</p> <p>This ballot paper is <i>[insert colour]</i></p> <p>If an elected assembly is established for the <i>[insert name of region]</i> region, it is intended that local government will be reorganised into a single tier in those parts of the region that currently have both county and district councils.</p> <p>Your part of the region currently has both county and district councils. You can help to decide how local authorities in your part of the region will be reorganised into a single tier. There will be no such reorganisation if an elected assembly is not established.</p> <p>Which of the following options for single tier local government do you prefer?</p> <p style="text-align: center;">VOTE (X) FOR ONE OPTION ONLY</p>	
<p><i>[Insert text of option as set out in the Order requiring the referendum to be held]</i></p>	
<p><i>[Insert text of option as set out in the Order requiring the referendum to be held]</i></p>	
<p><i>[# Continue with options as required]</i></p>	
<p>YOUR VOTE IS PERSONAL</p> <p>COMPLETE IT YOURSELF AND IN PRIVATE</p>	

Back of ballot paper

No. *[Insert ballot number (barcode)]* This barcode is a security measure that helps prevent voting fraud. A ballot paper not bearing a barcode or on which the barcode has been removed, altered or damaged, may be rejected as invalid.

[Insert name of the referendum in accordance with a direction as to the name given by the Chief Counting Officer]

[Insert date of referendum]

Directions as to printing the ballot paper (local government referendum ballot paper only)

1. These directions apply where the ballot paper used for the local government referendum is not combined with the ballot paper used for a Regional Assembly referendum.
2. Nothing is to be printed on the ballot paper except in accordance with these directions.
3. In so far as is practicable, the instructions specified in paragraphs 4 to 7 shall be observed in printing the ballot paper.
4. No words shall be printed on the face of the ballot paper except—
 - (a) the heading “Referendum on Options for Single Tier Local Government”;
 - (b) the information “This ballot paper is [*insert colour*]”;
 - (c) the direction “VOTE (X) FOR ONE OPTION ONLY”;
 - (d) those constituting the prescribed statement and question;
 - (e) those indicating the alternative forms of answer to the question; and
 - (f) the privacy statement, “YOUR VOTE IS PERSONAL COMPLETE IT YOURSELF AND IN PRIVATE”.
5. No words shall be printed on the back of the ballot paper except—
 - (a) a barcode notice adjacent to the barcode, “This barcode is a security measure that helps prevent voting fraud. A ballot paper not bearing a barcode or on which the barcode has been removed, altered or damaged, may be rejected as invalid.”;
 - (b) the name of the referendum in accordance with a direction as to the name given by the Chief Counting Officer; and
 - (c) the date of the referendum.
6. Words printed on the ballot paper shall be printed in a clear typeface and in characters of such a size that they are easily legible.
7. In relation to the referendum question and answers—
 - (a) a horizontal rule shall separate each of the options forming answers to the question from one another and, in the case of the first option (answer), from the question;
 - (b) each of the options forming answers to the question shall be separated by a vertical rule from a box providing a space in respect of each option (answer) for marking a vote;
 - (c) the options forming answers to the question may contain a general description of the option (answer) separated by a vertical rule from a more detailed description of the option (answer), in which case all the options (answers) shall have the same separation;
 - (d) the portions containing each of the options (answers) to the question shall be of equal size; and
 - (e) the spaces for marking a vote for each answer shall be of equal size.

Front of ballot paper

Referendum on an Elected Regional Assembly

This ballot paper is *[insert colour]*

You can help to decide whether there should be an elected assembly in the *[insert name of region]* region. If an elected assembly is to be established, it is intended that:

- the elected assembly would be responsible for a range of activities currently carried out mainly by central government bodies, including regional economic development; and
- local government would be reorganised into a single tier in those parts of the region that currently have both county and district councils.

Should there be an elected assembly for the *[insert name of region]* region?

VOTE (X) FOR ONE OPTION ONLY

Yes	
No	

Referendum on Options for Single Tier Local Government

This ballot paper is *[insert colour]*

Your part of the region currently has both county and district councils. You can help to decide how local authorities in your part of the region will be reorganised into a single tier. There will be no such reorganisation if an elected assembly is not established.

Which of the following options for single tier local government do you prefer?

VOTE (X) FOR ONE OPTION ONLY

<i>[Insert text of option A as set out in the Order requiring the referendum to be held]</i>	
<i>[Insert text of option B as set out in the Order requiring the referendum to be held]</i>	
<i>[# Continue with options as required]</i>	

YOUR VOTE IS PERSONAL

COMPLETE IT YOURSELF AND IN PRIVATE

Back of ballot paper

No. [*Insert ballot number (barcode)*] This barcode is a security measure that helps prevent voting fraud. A ballot paper not bearing a barcode or on which the barcode has been removed, altered or damaged, may be rejected as invalid.

[*Insert name of referendums in accordance with a direction as to the names given by the Chief Counting Officer*]

[*Insert date of referendums*]

Directions as to printing a combined ballot paper

1. These directions apply where the ballot paper for the local government referendum is combined with the ballot paper for a Regional Assembly referendum.
2. Nothing is to be printed on the ballot paper except in accordance with these directions.
3. So far as practicable, the instructions specified in paragraphs 4 to 8 shall be observed in printing the combined ballot paper.
4. No words shall be printed on the face of the combined ballot paper except—
 - (a) the headings—
 - (i) “Referendum on an Elected Regional Assembly”; and
 - (ii) “Referendum on Options for Single Tier Local Government”;
 - (b) the information, “This ballot paper is [*insert colour*]”;
 - (c) the direction—
“VOTE (X) FOR ONE OPTION ONLY”;
 - (d) those constituting the prescribed statement and questions;
 - (e) those constituting the alternative forms of answer to the questions; and
 - (f) the privacy statement, “YOUR VOTE IS PERSONAL COMPLETE IT YOURSELF AND IN PRIVATE”.
5. No words shall be printed on the back of the ballot paper, except—
 - (a) a barcode notice adjacent to the barcode, “This barcode is a security measure that helps prevent voting fraud. A ballot paper not bearing a barcode or on which the barcode has been removed, altered or damaged, may be rejected as invalid.”;
 - (b) the name of the referendums in accordance with the direction as to the names given by the Chief Counting Officer; and
 - (c) the date of the referendums.
6. Words printed on the ballot paper shall be printed in a clear typeface and in characters of such a size that they are easily legible.
7. In relation to each referendum—
 - (a) a horizontal rule shall separate each of the answers to the referendum question, to which they relate, from one another and, in the case of the first answer, from the question;
 - (b) each of the answers shall be separated by a vertical rule from a box providing a space in respect of each answer for marking a vote;
 - (c) the portions containing the form of answer to each question shall be of equal size; and
 - (d) the spaces for marking a vote for each answer shall be of equal size.
8. In relation to the local government referendum the options forming answers to the question may contain a general description of the option (answer) separated by a vertical rule from a more detailed description of the option (answer), in which case all the options (answers) shall have the same separation.

Front of form

REFERENDUMS UNDER SECTIONS 1 AND 2 OF THE REGIONAL ASSEMBLIES (PREPARATIONS) ACT 2003

SECURITY STATEMENT

For your vote to be counted you must *[complete and] sign the declaration below and return it with your sealed ballot paper envelope. This statement will be separated from your ballot paper envelope and placed in a container before the envelope is opened, so that your vote will remain secret.

IF THIS DECLARATION IS NOT *[COMPLETED AND] SIGNED YOUR VOTE WILL NOT BE COUNTED

No [#].....

I hereby declare that I am [#]

*[Insert your name in BLOCK CAPITALS]

and that I am the person to whom the ballot paper[s] accompanying this statement [was/were] sent by the Counting Officer.

Signature (or mark).....

If you are voting as the registered proxy of a voter, you must also fill in this section.

I am voting as proxy for.....

*[Insert the name in BLOCK CAPITALS of the person who appointed you as proxy]

Your vote is personal—complete it yourself and in private

If you need assistance you should contact the Counting Officer’s staff or visit an Assistance and Delivery Point. Details are included within the ‘Instructions to the Voter’.

** Insert or omit as appropriate.*

#The counting officer may insert the name and ballot number of the voter to whom the Security Statement is issued

Back of form

Referendums under the Regional Assemblies (Preparations) Act 2003

[Insert date of referendum]

No. *[Insert ballot number (barcode)]* The barcode is a security measure that helps prevent voting fraud. A security statement not bearing a barcode or on which the barcode has been removed, altered or damaged may be rejected as invalid.

**[Insert name and address of voter]*

**[Insert return address for delivery to the counting officer]*

*[Please place this security statement in envelope 2 so that this return address *[and barcode] is showing through the window]

* *Insert or omit as appropriate.*

Form 5—Form of instructions to the voter

Rule 10(1)(c)

***INSTRUCTIONS TO THE VOTER**

Make your vote count

1. To cast your vote, complete and return the enclosed ballot paper[s] and security statement. You may return your completed ballot paper[s] and security statement by post or to an assistance and delivery point, where you will also be able to vote in person. Read these instructions carefully to make sure your vote counts.
2. Make sure the ballot paper[s] [has][have] the official mark. If [it does][they do] not, please contact the Counting Officer's office. The official mark is a [*describe the official mark e.g. watermark*].
3. To complete your vote at the Regional Assembly referendum [*(specify colour ballot paper)*] mark a cross (X) in the YES or NO box. Vote once only [on that ballot paper].
4. [To complete your vote at the local government referendum [*(specify colour ballot paper)*] mark a cross in the box to the right of the answer of your choice. Vote once only [on that ballot paper]. [You can vote in the local government referendum no matter how you vote, or if you vote, at the Regional Assembly referendum.]
5. Put no other mark on the ballot paper[s] or your vote[s] may not be counted.
6. Mark your vote[s] clearly and in secret. If you need help, or there is something you do not understand, please contact the Counting Officer's office on [*insert contact number*] or [*insert relevant website, email address, or both*] for assistance. Alternatively you can bring your ballot paper[s] to the Assistance and Delivery Point[s] at [*state locations*] where it will be possible for you to mark your vote in private.
7. You must sign the security statement for your vote to be counted. You can obtain assistance from the Counting Officer's staff at the Assistance and Delivery Points listed above. The Counting Officer's staff may also be able to make arrangements to assist you in your home, if this is required. Remember, if you do not return a fully completed security statement with your ballot paper[s] your vote[s] cannot be counted.
8. [Carefully separate the ballot paper[s] and the security statement along the perforations.]
9. After you have completed the ballot paper[s], place [it][them BOTH] in the envelope marked **1** and make sure it is sealed securely. [You need to place the ballot paper[s] in envelope **1** so that the [barcode][barcode and number] show[s] through the window].
10. Place the completed security statement and the ballot paper envelope marked **1** in the bigger envelope marked **2**. [You need to place the security statement in envelope **2** so that the return address of the Counting Officer [and the [number and] barcode] show[s] through the window].
11. Please return your complete envelope **2** by post. Remember, for your vote to count it must reach the Counting Officer by 10 p.m. on [*date of the referendum*].

Frequently asked questions

Q: I've made a mistake. What do I do now?

A: You should call us on [*insert contact number*] as soon as possible. You may need to come and collect [a] new ballot paper[s], and you will need to bring identification and all the voting materials you have received.

Q: I've lost one of the ballot papers. What do I do now?

A: You should call us on [*insert contact number*] as soon as possible. You may need to come in and collect a whole set of new ballot papers, and you will need to bring identification and any remaining voting materials you have received. If you later find your lost ballot paper, it should be returned to the Counting Officer with a covering explanation.

Q: I've left it too late to post my ballot papers—can I go to a polling station?

A: No—there are no polling stations for the[se] referendum[s]. You can return your completed envelope to the Assistance and Delivery Point[s] at [*state locations*].

Q: I can't fill in my ballot paper[s]. Who can help me?

A: If you need assistance, for example, if you are disabled, you should call us on [*insert contact number*] or bring your ballot papers to the Assistance and Delivery Point[s] listed above. Remember, your vote is personal—you should complete it in secret unless you need assistance.

Q: I don't understand what to do. Who can help me?

A: There will be staff at the Assistance and Delivery Point who can assist you if you need help, they will not tell anyone how you have voted and there will be a place where you can mark your vote in private. If you need information about the options, call [*insert Electoral Commission contact number*] or visit [*insert Electoral Commission website address*].

Q: This ballot paper isn't addressed to me—should I fill it in anyway?

A: NO—this ballot paper must only be completed by the person it is addressed to. It is an offence to complete someone else's ballot paper. You should return it to the Counting Officer's office or call us on [*insert contact number*] as soon as possible for assistance.

Q: What is the barcode for?

A: The barcode is a security measure that helps prevent voting fraud. It is used in a similar way to the numbers that appear on the ballot papers at traditional elections. It is used to keep a record of voters who have been issued with ballot papers.

ELECTORAL FRAUD IS A CRIME

WHICH MAY BE PUNISHABLE WITH IMPRISONMENT

You must not:

- Vote using a ballot paper that is not addressed to you
- Interfere with another voter's ballot paper

**Complete or omit parts appearing in square brackets as appropriate.*

Form 6—Form of directions for guidance of voters in assistance and delivery points

Rule 24(8)

*GUIDANCE FOR VOTERS

1. To cast your vote, you will need the ballot paper[s] and security statement that [was][were] sent to you.
2. Read these instructions carefully to make sure your vote[s] count.
3. Make sure the [ballot paper/ballot papers] [has/have] the official mark. If [it does][they do] not, please speak to the staff. The official mark is a [*describe the official mark e.g. watermark*].
4. To complete your vote for the Regional Assembly referendum (*insert colour* ballot paper), mark a cross (X) in the YES or NO box. Vote once only [on that ballot paper].
5. [To complete your vote for the local government referendum (*insert colour* ballot paper), mark a cross (X) in the box to the right of OPTION A or OPTION B [or OPTION C *and so on*]. Vote once only [on that ballot paper].]
6. Put no other mark on the ballot paper[s] or your votes may not be counted.
7. [Carefully separate the ballot paper[s] and the security statement along the perforations.]
8. After you have completed the ballot paper[s], place [it][them] in the envelope marked **1** and make sure it is sealed securely. [You need to place the ballot paper[s] in envelope **1** so that the [barcode][barcode and number] show through the window].
9. You must complete the security statement for your vote[s] to be counted. You must sign this yourself.
10. Place the completed security statement and the ballot paper envelope marked **1** in the bigger envelope marked **2**. [You need to place the security statement in envelope **2** so that the return address of the Counting Officer and the [barcode][barcode and number] show[s] through the window].
11. If you have made a mistake, ask the staff for assistance.

**Complete or omit parts appearing in square brackets as appropriate.*

I, A. B., of having been requested to assist C.D. (*in the case of person with disabilities voting as proxy add voting as proxy for M.N.*) whose number on the register is to record his vote at the Regional Assembly referendum now being held in this voting area (and in the local government referendum now being held in this voting area) hereby declare that (I am entitled to vote as a voter at the referendum(s)) (I am the * of the voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except EF, of) to vote at the referendum(s).

(Signed (or marked)) A.B

Date

**State the relationship of the companion to the voter.*

I, the undersigned, being the presiding officer for the assistance and delivery point atin the [insert name of voting area] voting area hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) GH

Date

.....minutes past o'clock [a.m.][p.m.]

..... day of 20

NOTE

1. If the person making the above declaration knowingly and wilfully makes a statement which is false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under the Regional Assembly and Local Government Referendum Rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

STATEMENT AS TO BALLOT PAPERS

REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUMS

Referendum and referendum area

Voting area

Date of poll..... 20

MODIFICATIONS OF ACTS AND STATUTORY INSTRUMENTS

PART 1

TABLE

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)	
Section 12(1)	In subsection (1), after “shall have effect” insert “as regards referendums held in England under the Regional Assembly (Preparations) Act 2003, and”.
Schedule 4 (absent voting in Great Britain)	
In paragraph 1(1) (interpretation)	In the definition of “the appropriate rules”, at the end of paragraph (b) insert— <p style="margin-left: 40px;">“and</p> <p style="margin-left: 80px;">(c) in the case of a referendum, the Rules contained in Schedule 1 to the Regional Assembly and Local Government Referendums Order 2004;”</p>
Paragraph 2 (manner of voting at parliamentary or local government elections)	In sub-paragraph (1), at the end insert “or referendum”. <p>For sub-paragraphs (2) to (6) substitute—</p> <p style="margin-left: 40px;">“(2) Subject to paragraph (3) below, he may only vote by post.</p> <p style="margin-left: 40px;">(3) If he is entitled to vote by proxy at the referendum, he may only vote by proxy.”</p> <p>In sub-paragraph (7) after “election” wherever it appears insert “or referendum”.</p> <p>In sub-paragraph (7)(b), for “so far as it has”, substitute “and the Regional Assembly and Local Government Referendums Order 2004 so far as they have”.</p> <p>After sub-paragraph (7)(b), insert “without prejudice to paragraphs 2(2) and (3).”</p>
Paragraph 3 (absent vote at elections for definite or indefinite period)	After sub-paragraph 4, insert— <p style="margin-left: 40px;">“(4A) A person shown in the record kept under sub-paragraph (4) as voting by proxy at local government elections for an indefinite or a particular period, shall be regarded as having had an application granted to vote by proxy at referendums held under the Regional Assemblies (Preparations) Act 2004 for the same period as that for local government elections.”</p>
Paragraph 4 (absent vote at particular election)	Omit sub-paragraph (1). <p>For sub-paragraphs (2) and (3), substitute—</p> <p style="margin-left: 40px;">“(2) Where a person applies to the registration officer to vote by proxy at a particular Regional Assembly referendum where there is not a combined poll, or in particular combined referendums, the registration officer shall grant the application if—</p> <p style="margin-left: 80px;">(a) he is satisfied that the applicant’s circumstances will be or are likely to be such</p>

that he cannot reasonably be expected to vote on his own behalf,

- (b) he is satisfied that the applicant is or will be registered in the register of local government electors, and
- (c) the application meets the prescribed requirements.

(3) Nothing in sub-paragraph (2) applies to a person who is included in the record kept under paragraph 3 in respect of local government elections, but such a person may, in respect of the referendums in question apply to the registration officer to vote by proxy if he is shown in the record as voting by post at local government elections.”

In sub-paragraph (4)(b)—

- (a) omit the words “on the date of the poll”; and
- (b) for the words “to vote in person at the polling station allotted or likely to be allotted to him under the appropriate rules” substitute “to vote on his own behalf”.

After paragraph 4, insert—

“Redirection of ballot paper

4A.—(1) An elector or proxy may, in respect of a particular Regional Assembly referendum where the poll is not combined, or a particular case of combined referendums, apply to the registration officer for his ballot paper at the referendum (or referendums) to be sent to a different address from that to which it would otherwise be issued.

(2) The registration officer shall grant an application under sub-paragraph (1) if the application—

- (a) meets the prescribed requirements, and
- (b) contains a declaration by the applicant, who is entitled to be issued with the ballot paper, that he will receive the ballot paper at the address to which he requests the ballot paper to be sent.”

Paragraph 5 (absent voters list)

After sub-paragraph (3), insert—

“(4) The registration officer shall, in respect of each Regional Assembly referendum at which the poll is not combined, and any combined referendums, keep two special lists.

(5) The first of the special lists (“the absent voters list”) consists of the two lists mentioned in sub-paragraphs (6) and (7) respectively.

(6) The first of the two lists mentioned in sub-paragraph (5) is a list of those who are for the time being shown in the record kept under paragraph 3 as voting by post at local government elections (excluding those so shown whose applications under paragraph 4(3) above to vote by proxy at the referendum have been granted), together with the addresses provided by them in their applications under paragraph 3 as the addresses to which their ballot papers are to be sent.

- (7) The second of the two lists mentioned in sub-paragraph (5) is a list (“the list of proxies”) of—
- (a) those whose applications under paragraph 4(2) or (3) to vote by proxy at the particular Regional Assembly referendum where the poll is not combined or at the particular case of combined referendums, have been granted, and
 - (b) those who are for the time being shown in the record kept under paragraph 3 as voting by proxy at local government elections (and thereby at referendums held under the Regional Assemblies (Preparations) Act 2003),

together with (in each case) the names and addresses of those appointed as their proxies.”

- (8) The second of the special lists mentioned in sub-paragraph (4) is a list (“the list of redirection addresses”) of those whose applications under paragraph 4A(1) have been granted, together with the addresses to which their ballot papers are to be sent.”

Paragraph 6 (proxies at elections)

After sub-paragraph (1), insert—

“(1A) Subject to the provisions of this paragraph, any person is capable of being appointed to vote for another (in this paragraph and paragraph 7 referred to as “the elector”) at any referendum held under the Regional Assemblies (Preparations) Act 2003 and may vote in pursuance of the appointment.”

In sub-paragraph (2), at the end of sub-paragraph (b), insert—

“or

- (c) the elector cannot have more than one person at a time appointed to vote for him at referendums in the same Regional Assembly referendum area.”

After sub-paragraph (4), insert—

“(4A) A person is not capable of being appointed to vote at a referendum—

- (a) if he is subject to any legal incapacity (age apart) to vote at that referendum as an elector, or
- (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union(a).”

In sub-paragraph (5), after “local government election” insert “or a referendum”.

In sub-paragraph (6), after sub-paragraph (b), insert—

“or

- (c) at the same Regional Assembly referendum in any region, or
- (d) at the same local government referendum in a county area,”.

After sub-paragraph (7) insert—

“(7A) A proxy appointed to vote for an elector at local government elections (whether for an indefinite

(a) See section 2002(1) of the Representation of the People Act 1983 (c. 2) for the definition of “relevant citizen of the Union”.

period or for a particular period) pursuant to an application made under sub-paragraph (7), shall be treated as appointed to vote for an elector at referendums for the same period as for those local government elections, and accordingly an appointment and proxy paper whilst in force for local government elections (whether for an indefinite period or for a particular period) shall be treated as in force for the referendums.”

After sub-paragraph (8) insert—

“(8A) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular Regional Assembly referendum where the poll is not combined, or at particular combined referendums, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—

- (a) registered in the register of local government electors, and
- (b) entitled to vote by proxy at that Regional Assembly referendum where the poll is not combined, or at the combined referendums (as the case may be) by virtue of an application under paragraph 3,

and that the proxy is capable of being, and willing to be, appointed.”

In sub-paragraph (10)—

(c) after sub-paragraph (b), insert—

- (bb) where the appointment related to a Regional Assembly referendum at which the poll is not combined, or particular combined referendums, on the issue of a proxy paper appointing a different person to vote for him at a referendum in the same Regional Assembly referendum area.”

Paragraph 7 (voting as proxy)

For sub-paragraph (1) substitute—

“(1) A person entitled to vote as proxy at a referendum may do so only by post.”

Omit sub-paragraphs (2) and (3).

In sub-paragraph (4), omit the word “or” at the end of sub-paragraph (a) and omit sub-paragraph (b).

For sub-paragraph (5), substitute—

“(5) Those conditions are—

- (a) that the registration officer is satisfied that the elector is or will be registered in the register of local government electors, and
- (b) that there is in force an appointment of the applicant as the elector’s proxy to vote for him at local government elections, and
- (c) that the application meets the prescribed requirements.”

In sub-paragraph (6)(a) for “parliamentary elections, local government elections or both” substitute “local government elections”.

Omit sub-paragraph (7).

For sub-paragraph (8) substitute—

“(8) The registration officer shall, in respect of each Regional Assembly referendum or local government referendum, keep a special list of those who are for the time being included in the record kept under sub-paragraph (6) in respect of local government elections, together with the addresses provided by them in their applications to vote by post under sub-paragraph (4)(a), as the addresses to which their ballot papers are to be sent.”

Paragraph 8 (offences)

In sub-paragraph (b) after “4” insert “or 4A”.

PART 2

TABLE

Representation of the People Act 1983

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 35(4) (appointments by returning officers)(a)	For the words from “returning officer” to “above”, substitute “Chief Counting Officer or counting officer”. After the word “functions” insert “at the referendum”.
Section 47 (loan of equipment for local elections)(b)	In subsection (1)— (a) for “fittings and compartments” substitute “and equipment”; and (b) for “the returning officer at a local government election”, substitute “the counting officer at a referendum”. In subsection (2)— (a) for “fittings and compartments” substitute “and other equipment required for the purpose of the referendum”; (b) omit the words from “, or” at the end of paragraph (a), to “as the case may be,”; and (c) for “an election held under those Acts” substitute “a referendum held under the Regional Assemblies (Preparations) Act 2003”.
Section 49(4) and (5) (effect of registers)(c)	In subsection (4)— (a) omit “parliamentary or”; and (b) after “this Part” insert “and the Regional Assembly and Local Government Referendums Order 2004”. In subsection (5), omit “parliamentary or” and “prevent the rejection of the vote on a scrutiny, or”.

(a) There are amendments not relevant to this Order.

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

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

Section 50 (effect of misdescription)	For “and the parliamentary election elections rules” substitute “and the Regional Assembly and Local Government Referendums Order 2004”.
Section 52 (discharge of registration duties)(a)	<p>After subsection (1A) insert—</p> <p style="padding-left: 40px;">“(1B) The function of giving directions under subsection (1) shall be exercisable only on, and in accordance with, a recommendation of the Electoral Commission.”</p>
Section 54 (payment of expenses of registration)(b)	
Section 56 (registration appeal: England and Wales)(c)	Omit subsection (1)(a) and (4A).
Section 60 (personation)	<p>In subsection (2)—</p> <p style="padding-left: 40px;">(a) after “local government election” insert “or referendum held under the Regional Assemblies (Preparations) Act 2003”;</p> <p style="padding-left: 40px;">(b) in paragraphs (a) and (b) omit “in person or”.</p> <p>In subsection (3), omit the words from “who has applied” to “person or”.</p>
Section 61 (other voting offences)(d)	<p>In subsection (1)—</p> <p style="padding-left: 40px;">(a) omit “in person or” in both places where it occurs; and</p> <p style="padding-left: 40px;">(b) after “local government election” and “local government elections” in each place, insert “or referendum” and “or referendums”, respectively.</p> <p>For subsections (2) to (4) substitute—</p> <p style="padding-left: 40px;">“(2) A person shall be guilty of an offence if—</p> <p style="padding-left: 80px;">(a) he votes on his own behalf otherwise than by proxy—</p> <p style="padding-left: 120px;">(i) more than once in the same voting area;</p> <p style="padding-left: 120px;">(ii) in more than one voting area; or</p> <p style="padding-left: 120px;">(iii) in any voting area when there is in force an appointment of a person to vote as his proxy in the referendum in another voting area, or</p> <p style="padding-left: 80px;">(b) 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 style="padding-left: 40px;">(3) A person shall be guilty of an offence if he votes as proxy for the same person either—</p> <p style="padding-left: 80px;">(a) more than once in the same voting area; or</p>

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- (a) Section 52 was amended by Schedules 4 and 5 to the Representation of the People Act 1985 (c. 50) and Schedules 1 and 7 to the Representation of the People Act 2000 (c. 2).
- (b) Section 54 was amended by Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (c) Section 52 was amended by Schedules 2, 4 and 5 of the Representation of the People Act 1985 (c. 50) and Schedules 1 and 7 to the Representation of the People Act 2000 (c. 2).
- (d) Section 61 was amended by the Representation of the People Act 1985 (c. 50), Schedules 2 and 5 and by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 10.

(b) in more than one voting area.

(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.”

In subsection (6)—

(a) omit the words from “who has applied” to “person, or”; and

(b) omit the words from “, but” to the end.

Section 63 (breach of official duty)(a) In subsection (3)—

(a) in paragraph (b) for “returning officer or presiding officer,” substitute “Chief Counting Officer, counting officer, presiding officer or supervising clerk”; and

(b) for “the law relating to parliamentary or local government elections” substitute “the law relating to the referendum”.

Section 65 (tampering with papers)(b) In subsection (1)—

(a) after “election” in the first place where it appears, insert “or a referendum”;

(b) omit paragraph (a);

(c) in paragraph (b), for “declaration of identity” substitute “security statement”;

(d) for paragraph (e) substitute—

“(e) fraudulently takes out of an assistance and delivery point any ballot paper;”.

Omit subsection (2).

In subsection (3)—

(a) for “returning officer” substitute “Chief Counting Officer, a counting officer”;

(b) after “receipt of” omit “postal”.

Section 66 (requirement of secrecy) For section 66 substitute—

“Requirement of Secrecy

66.—(1) The following persons—

(a) every Chief Counting Officer, counting officer and every presiding officer or clerk attending at a place for delivery at a referendum,

(b) every referendum agent so attending, and

(c) every representative of the Electoral Commission so attending,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

(i) the name of any elector or proxy who has or has not been issued with a ballot pack, delivered his ballot paper to, or voted at, a place for delivery;

(a) Section 63 was substituted by Schedule 4 to the Representation of the People Act 1985 (c. 50). Subsection (3) was amended by S.I. 2001/1149, Schedule 1.

(b) Subsections (3) and (4) were substituted by the Representation of the People Act 1985 (c. 50), Schedule 3.

- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not been issued with a ballot pack, delivered his ballot paper to, or voted at, a place for delivery;
 - (iii) the ballot number applying to the ballot pack which has been issued to an elector or proxy for an elector; or
 - (iv) the official mark.
- (2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—
- (a) ascertain or attempt to ascertain at the counting of the votes at a referendum the ballot number on the back of any ballot paper;
 - (b) communicate any information obtained at the counting of the votes as to the answer to a referendum question for which any vote is given on a particular ballot paper.
- (3) No person shall—
- (a) interfere with or attempt to interfere with a voter when recording his vote;
 - (b) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the answer to a referendum question for which he has or has not voted.
- (4) No person shall—
- (a) obtain or attempt to obtain, at a place for delivery, information as to the answer for which a voter in that place is about to vote or has voted;
 - (b) communicate at any time to any person any information obtained at a place for delivery as to the answer for which a voter at that place is about to vote or has voted;
 - (c) communicate at any time to any person any information obtained at a place for delivery as to the ballot number on the back of a ballot paper or security statement issued to a voter (including any proxy).
- (5) Every person attending the proceedings in connection with the issue of ballot packs or the receipt of ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall not—
- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
 - (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the ballot number on the back of the ballot paper or on the security statement or any envelope sent or issued to any person; or
 - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the ballot number on the back of any ballot paper or on the security statement or on any envelope sent or issued to any person; or

(d) attempt to ascertain at the proceedings in connection with the receipt of ballot papers the answer to a referendum question for which any vote is given on any particular ballot paper or communicate any information with respect thereto at those proceedings.

(6) No person having undertaken to assist a voter with disabilities to vote shall communicate at any time to any person any information as to the answer to a referendum question for which that voter intends to vote or has voted, or as to the ballot number on the back of the ballot paper or on the security statement given for the use of that voter.

(7) No person who pursuant to any enactment has undertaken to assist a voter to vote, shall communicate at any time to any person any information as to the answer to a referendum question for which a voter intends to vote or has voted, or as to the ballot number on the back of the ballot paper or on the security statement given for the use of the voter, except for some purpose authorised by law.

(8) Nothing in this section shall be construed—

(a) as, preventing the Chief Counting Officer or counting officer from publishing, or making it an offence to publish, information consisting solely of the number of ballot papers appearing to the Chief Counting Officer or counting officer to have been received by the counting officer at any time before the close of the poll; if the information disclosed does not include any information from which it can be ascertained whether any particular person has or has not returned a ballot paper; or

(b) as preventing, at a referendum, the Chief Counting Officer, counting officer or the Electoral Commission from carrying out a survey after close of the poll of those eligible to vote at the referendum, in order to ascertain whether those persons have or have not voted or why a particular voter did not return his security statement, provided that a survey shall not be designed or carried out in a manner as to elicit, directly or indirectly, from any person the answer for which a voter has or has not voted.

(9) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

(10) In this section “place for delivery” means a place provided by a counting officer at a referendum to which voters may deliver their ballot papers by hand.”

Section 66A (prohibition on publication of exit polls)(a)

In subsection (1), for “election” in each place where it appears substitute “referendum”.

For subsection (2) substitute—

“(2) This section applies to any referendum.”

In subsection (4), for the words from “of an election” to the end substitute “of a referendum is a reference to the result of

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

	the referendum as a whole or to the votes cast for any question at the referendum”.
Section 92 (broadcasting from outside the United Kingdom)(a)	In subsection (1), after “local government election” insert “or referendum”. In subsection (2), omit the words from “, but” to the end.
Section 97 (disturbances at election meetings)(b)	For subsection (2) substitute— “(2) This section applies to a meeting in connection with a referendum held by a permitted participant during the referendum period.”
Section 99 (officials not to act for candidates)(c)	For subsection (1) substitute— “(1) If— (a) any counting officer or the Chief Counting Officer at a referendum, or (b) any officer or clerk appointed under the Regional Assembly and Local Government Referendums Order 2004 to discharge the functions of a counting officer or the Chief Counting Officer at a referendum or whose services have been placed at the disposal of a counting officer or Chief Counting Officer for the purpose of assisting him in the discharge of his functions, acts as an agent for a permitted participant(d), he shall be guilty of an offence.”
Section 100 (illegal canvassing by police officers)(e)	In subsection (1), for the words “from giving, his vote,” to the end, substitute “from giving, his vote, whether as an elector or as proxy, in the referendum in a voting area wholly or partly within the police area”.
Section 109 (payments for exhibition of election notices)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)(f)	
Section 114 (treating)	
Section 115 (undue influence)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 117(2) (savings as to parliamentary elections)	In subsection (2)— (a) for “parliamentary electors or their proxies” substitute “electors or their proxies at a referendum”;

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

(b) Subsection (2) was amended by the Representation of the People Act 1985 (c. 50), Schedule 4.

(c) Subsection (2) was substituted by the Representation of the People Act 1985 (c. 50), Schedule 23.

(d) See section 105 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and as applied with modifications by Schedule 3 to this Order.

(e) Amended, so far as relevant, by the Representation of the People Act 1985 (c. 50), Schedule 3.

(f) There are amendments not relevant to this Order.

(b) for “parliamentary election” substitute “referendum”.

In subsection (2)(b) and (c), for “any particular candidate at the election” substitute “for any particular referendum answer”.

Section 118 (interpretation of Part II)(a)	Omit the definitions of “appropriate officer”, “candidate”, “committee room”, “date of the allowance of an authorised excuse”, “declaration as to election expenses”, “disputed claim”, “election expenses”, “personal expenses” and “return as to election expenses”.
Section 119 (computation of time for purposes of Part II)(b)	In subsection (2) omit “Maundy Thursday,”
Section 167 (application for relief)(c)	In subsection (1) omit the words from “or an election court” to the end. Omit subsections (3) and (5).
Section 168 (prosecutions for corrupt practices)(d)	Omit subsection (7).
Section 169 (prosecutions for illegal practice)(e)	
Section 170 (conviction of illegal practice on charge of corrupt practice etc.)	
Section 175 (illegal payments etc.)(f)	Omit subsection (2).
Section 176 (time limit for prosecutions)(g)	
Section 177 (local election offence punishable summarily)	For “an election under the local government Act”, substitute “a referendum under the Regional Assembly and Local Government Referendums Order 2004”. 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)(h)	
Section 179 (offences by associations)	Omit the words “or (b) any offence under section 110 above”.
Section 180A (evidence by certificate of electoral registration)(i)	
Section 181(1) (Director of Public	

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- (a) The definitions of “money” and “pecuniary reward” were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 18.
- (b) Subsections (2) and (3) were substituted by section 19(4) of the Representation of the People Act 1985 (c. 50).
- (c) Subsection (1A) was inserted by Schedule 4 to the Representation of the People Act 1985. Subsection (4) was repealed by Schedule 18 and 22 to the Political Parties, Elections and Referendums Act 2000 (c. 41). Subsection (5) was substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
- (d) Section 168 was amended by the Representation of the People Act 1985 (c. 50), Schedules 3, 4 and 5.
- (e) Section 169 was amended by the Representation of the People Act 1985, Schedules 3, 4 and 5.
- (f) Section 175 was amended by the Representation of the People Act 1985 (c. 50), Schedule 3 and by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21.
- (g) Section 176 was amended by Schedules 4 and 5 to the Representation of the People Act 1985.
- (h) Section 178 was amended by Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (i) Section 180A was inserted by Schedule 1 to the Representation of the People Act 1985.

Prosecutions)(a)

Section 184 (service of notices)(b)

For “the county court, or any election court”, substitute “or the county court”.

In section 185 (interpretation of Part III)(c) the definitions of “judicial office”, “money” and “pecuniary reward”, “payment” and “public office”

Section 186 (computation of time for purposes of Part III)

Section 200 (public notices, and declarations)(d)

Omit subsection (1).

For subsection (1A) substitute—

“(1A) A public notice required by or under this Act or by or under the Regional Assembly and Local Government Referendums Order 2004 to be given by the proper officer of a local authority or the Chief Counting Officer or counting officer at a referendum shall be given by posting the notice in some conspicuous place or places in the voting area and may also be given in such other manner as he thinks desirable for publicising it.”

Section 202 (interpretation)(e), the definitions in subsection (1) of “the absent voters list”, “citizen of the Union”, “elector”, “legal incapacity”, “legal process”, “the list of proxies”, “overseas elector’s declaration”, “parliamentary elections rules”, “person”, “proper officer”, “service voter” and “voter”; and subsection (2)

In subsection (1), at the appropriate places, insert the following definitions—

““local government referendum” means a referendum held under section 2(2) of the Regional Assemblies (Preparations) Act 2003;”

““permitted participants” has the same meaning as in section 105 of the Political Parties, Elections and Referendums Act 2000 as applied and modified by the Regional Assembly and Local Government Referendums Order 2004;”

““referendum” means a Regional Assembly referendum or a local government referendum;”

““Regional Assembly referendum” means a referendum held under section 1(1) of the Regional Assemblies (Preparations) Act 2003;.”

Section 203 (local government provisions as to England and Wales)(f)

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- (a) Subsection (1) was substituted by Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (b) Subsection (1) was amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 18. Subsection (2) was amended by S.I. 2001/1149, Schedule 1.
- (c) The definition of “public office” was amended by Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (d) Subsections (1) and (1A) was substituted by the Representation of the People Act 1985 (c. 50), Schedule 4.
- (e) The definitions of “the absent voters list”, “the list of proxies” and “overseas elector’s declaration” were inserted by the Representation of the People Act 1985 (c. 50), Schedule 2, and the definitions of “the absent voters list” and “the list of proxies” were amended by the Representation of the People Act 2000 (c. 2), Schedule 6. The definition of “citizen of the Union” and “relevant citizen of the Union” were inserted by S.I. 1995/1948. The definition of “legal process” was inserted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41). The definition of “proper officer” was inserted by Schedule 3 to the Greater London Authority Act 1999 (c. 29). The definition of “qualifying address” was inserted by Schedule 1 to the Representation of the People Act 2000 (c. 2).
- (f) Amended by the Greater London Authority Act 1999 (c. 29), Schedule 3; the Local Government Act 1985 (c. 51), Schedules 9 and 17; the Education Reform Act 1988 (c. 40), Schedule 13; the Representation of the People Act 1985 (c. 50), Schedule 4; and the Local Government (Wales) Act 1994 (c. 19), Schedule 16.

PART 3

TABLE

Representation of the People (England and Wales) Regulations 2001

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
In regulation 3(1) (interpretation), the definitions of “1985 Act”, “2000 Act”, “available for inspection”, “data”, “data form”, “edited register”, “register”, “registration area” and “registration officer”.	
Regulation 3(2)	At the end of sub-paragraph (b), insert— “, or (c) the corresponding rule in the Rules in Schedule 1 to the Regional Assembly and Local Government Referendums Order 2004.”
Regulation 3(3)	
Regulation 4 (forms), paragraph (1)(b) (forms) and to the extent of Forms E and K in Schedule 3, paragraph (2) of the regulation	
Regulation 5 (communication of applications, notices etc.)	
Regulation 6 (electronic signatures)	
Regulation 7(1) (copies of documents)	
Regulation 8 (time)	In paragraph (3) omit “Maundy Thursday,”.
Regulation 50 (interpretation of Part IV)	
Regulation 51 (general requirements for applications for an absent vote)	In paragraph (4), in sub-paragraph (b) for “or both” substitute “or referendums, or more than one, and if so which, of such polls”. For paragraph (5), substitute— “(5) An application under Schedule 4 which is made for a particular Regional Assembly referendum where the poll is not combined, or for particular combined referendums, must— (a) state that it is so made, and (b) identify the referendum or referendums in question, but where the application is for combined referendums it shall have effect as an application for both referendums.
Regulation 52 (additional requirements for applications for the appointment of a proxy)	
Regulation 53 (additional requirements for application for a proxy vote for a definite or indefinite period on grounds of physical incapacity or blindness)	

Regulation 54 (additional requirements for applications for a proxy vote for a definite or indefinite period based on occupations, service, employment or attendance on a course)

Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)

Regulation 56 (closing dates for applications)

Regulation 57 (grant of applications)

For regulation 55 substitute—

“55. An application under paragraph 4(2) of Schedule 4 to vote by proxy at a particular Regional Assembly referendum where the poll is not combined, or at particular combined referendums, shall set out why the applicant’s circumstances are such that he cannot reasonably be expected to vote on his own behalf.”

For paragraph (1) substitute—

“(1) An application under paragraph 3(2), 3(6) or 6(7) of Schedule 4 shall be disregarded for the purposes of a particular Regional Assembly referendum where the poll is not combined, or of particular combined referendums, and an application under paragraph 4(2), 4(3) or 4A(1) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the sixteenth day before the date of the referendum or referendums.”

Omit paragraph (2).

In paragraph (5)—

- (a) for “parliamentary or local government election” substitute “Regional Assembly referendum where the poll is not combined, or particular combined referendums”, and
- (b) for “eleventh” substitute “sixteenth”.

In paragraph (6), omit “Maundy Thursday,”.

In paragraph (7)—

- (a) omit sub-paragraph (a); and
- (b) in sub-paragraph (b), after “local government election” insert “or referendum”.

Omit paragraph (1).

In paragraph (2)—

- (a) omit “and”, and
- (b) after “the duration of the appointment” insert “and that, for the duration of the appointment, the elector cannot vote on his own behalf at a referendum and all ballot papers and accompanying documents for a referendum will be sent to his proxy.”

After paragraph (3) insert—

“(3A) The form of proxy paper for the appointment of a proxy under paragraph 6(8A) of Schedule 4 (appointment of proxy at particular referendum or particular combined referendums) as shown in Part 4 of Schedule 3 to the Regional Assembly and Local Government Referendums Order 2004 is prescribed for the purposes of paragraph 6(9) of Schedule 4.”

Regulation 58 (notice of appeal)

Regulation 59 (cancellation of proxy appointment)

Regulation 60 (inquiries by registration officer)

Omit paragraph (1)(b).

Regulation 61 (records and lists kept under Schedule 4)

In paragraph (1), for “candidate or his election agent” substitute “referendum agent”.

In paragraph (3), for “sixth” substitute “sixteenth”.

Regulation 92 (interpretation and application of Part VI etc.)

Regulation 93 (edited version of the register), paragraph (1) in respect of the definition of “the full register” and “the edited register”, and paragraph (5)

Regulation 98 (supply of free copy of full register for electoral purposes and restrictions on use)

For paragraph (6) substitute—

“(6) Where a registration officer is not the counting officer for a local government referendum wholly or partly within his referendum area, he shall supply, free of charge, to that officer as many printed copies of the documents referred to in paragraph (3)(a) to (c) above, as the counting officer may reasonably require for the purposes of such a referendum, together with one copy of each in data form.”

At the end of paragraph (9) insert “or for purposes connected with the referendum.”

Regulation 106 (supply of full register etc. to registered political parties etc and restrictions on use)

In paragraph (1)(c) and (4)(b) after “section 105(1)” (wherever occurring) insert “or 105(1A)”.

Regulation 115 (offences in respect of contravention of Part VI regulations)

PART 4

Regulation 57(3A)

Form E1- Proxy paper for particular Regional Assembly referendum (poll not combined) or particular combined referendums

PROXY PAPER

REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUMS

Voting area

Name of Proxy

Address

.....

.....

is hereby appointed as proxy for

(Name of elector)

who is qualified to be registered for

(Qualifying address of elector)

to vote for him/her at the Regional Assembly [and local government] referendum[s] in the above voting area on (date)

Signature

Electoral Registration Officer

Address

.....

.....

Date

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 in this proxy paper. However, you may not vote as proxy at the same Regional Assembly referendum [*and at the same local government referendum] 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 is for a particular Regional Assembly referendum [*and local government referendum] only. You have the right to vote as proxy only at the referendums specified in this proxy paper.

(3) You may vote as proxy only by post. The elector’s ballot paper will be sent to you.

SCHEDULE 3

Article 7

**APPLICATION OF AND MODIFICATIONS TO THE POLITICAL PARTIES,
ELECTIONS AND REFERENDUMS ACT 2000**

PART 1

**POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000,
OTHER THAN CHAPTER 2 OF PART 7**

TABLE

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 5 (reports on elections and referendums)	In subsection (1), after paragraph (b) insert— “and (c) each referendum held pursuant to an order made under section 2(2) of the Regional Assemblies (Preparations) Act 2003;”.
Section 101(1) and (2) (referendums to which Part 7 applies)	In subsection (1), after paragraph (1)— “and to any local government referendum.” In subsection (2), after paragraph (b) insert— “(c) “local government referendum” means a referendum held pursuant to an order made under section 2(2) of the Regional Assemblies (Preparations) Act 2003; (d) “Regional Assembly referendum” means a

referendum held pursuant to an order made under section 1(1) of the Regional Assemblies (Preparations) Act 2003.”

Section 102 (referendum period)

In subsection (1) for “for any referendum to which this Part applies” substitute “for a local government referendum”.

Section 105 (permitted participants)

In subsection (1), after “in relation to a particular referendum to which this Part applies,” insert “except a local government referendum”.

After subsection (1), insert—

“(1A) In this Part “permitted participant” in relation to a particular local government referendum means—

(a) a registered party which—

- (i) is a permitted participant in relation to the Regional Assembly referendum at which the poll is being taken together with the poll at the local government referendum; or
- (ii) has made a declaration under section 106(1A) in relation to the local government referendum; and

(b) any individual or body referred to in paragraph (1B), who—

- (i) is a permitted participant in relation to the Regional Assembly referendum at which the poll is being taken together with the poll at the local government referendum; or
- (ii) has given a notification under section 106(3A) in relation to the local government referendum.

(1B) For the purposes of subsection (1A)(b), the individuals or bodies are—

- (a) any individual resident in the United Kingdom or registered in an electoral register (as defined by section 54(8)); or
- (b) any body falling within any of paragraphs (b) and (d) to (h) of section 54(2).

(1C) A person or body who is, or which is, by virtue of subsection (1A) or (1B) a permitted participant in relation to a particular local government referendum in a region, shall also be a permitted participant in relation to every other local government referendum held in the region on the same date as that of the particular local government referendum.”

Section 106 (declarations and notifications for purposes of section 105)

After subsection (1), insert—

“(1A) For the purposes of section 105(1A)(a)(ii), a registered party makes a declaration to the Commission under this section if the party makes a declaration to the Commission—

- (a) which identifies the Regional Assembly referendum at which the poll is to be taken together with the poll at the local government referendum; and
- (b) which states that the party proposes to campaign only for an outcome in one or more local government referendums in the region, and proposes not to campaign for an outcome in the Regional Assembly referendum.”

After subsection (3), insert—

“(3A) For the purposes of section 105(1A)(b)(ii) an individual or body gives a notification to the Commission under this section if he or it gives the Commission a notification—

- (a) which identifies the Regional Assembly referendum at which the poll is to be taken together with the poll at the local government referendum; and
- (b) which states that the giver of the notification proposes to campaign only for an outcome in one or more local government referendums in the region, and proposes not to campaign for an outcome in the Regional Assembly referendum.”

Section 107 (register of declarations and notifications for purposes of section 105)

Section 125 (restriction on publication etc. of promotional material by central and local government etc.)

Section 126 (details to appear on referendum material)

After subsection (5), insert—

“(5A) But subsection (1) shall not apply to any material published for the purposes of a local government referendum, if the publication is required under or by virtue of the Regional Assembly and Local Government Referendums Order 2004, or an order made under section 129(1) of this Act or section 7 of the Regional Assemblies (Preparations) Act 2003.”

Section 127 (referendum campaign broadcasts)

PART 2

POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000 PART 7, CHAPTER 2

(REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUMS)

TABLE

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 111 (referendum expenses)	<p>In subsection (2), for “in relation to a referendum to which this Part applies” substitute “in relation to a Regional Assembly referendum or local government referendum”.</p> <p>In subsection (3), after “asked in the referendum” insert “or, in the case of a local government referendum, any question asked at any other local government referendum held in the same region, at which the date of the referendum is the same date,”.</p>
Section 112 (notional referendum expenses)	
Section 113 (restriction on incurring referendum expenses)	
Section 114 (restrictions on payments in respect of referendum expenses)	

Section 115 (restrictions on making claims in respect of referendum expenses)

Section 116 (disputed claims)

Section 117 (general restriction on referendum expenses)

For subsection (1), substitute—

“(1) The referendum expenses incurred by or on behalf of any individual or body during the referendum period in relation to—

(a) a Regional Assembly referendum, and

(b) all the local government referendums, the polls at which are combined with the poll at the Regional Assembly referendum,

must not in total exceed £10,000, unless the individual or body is a permitted participant at every referendum in relation to which the expenses are incurred.”

Section 118 (special restrictions on referendum expenses by permitted participants)

For subsection (1), substitute—

“(1) Schedule 14 has effect for imposing, in connection with a Regional Assembly referendum, and all local government referendums at which the polls are taken together with the poll at the Regional Assembly referendum, limits on the combined total of referendum expenses that may be incurred by or on behalf of an individual or body as a permitted participant in relation to those referendums during the referendum period.

(1A) In this section, sections 121 to 123 and Schedule 14, any reference to referendum expenses incurred by or on behalf of a permitted participant during the referendum period means the combined total of referendum expenses incurred by or on behalf of an individual or body, in relation to such of the Regional Assembly referendum and local government referendums in the region in question at which the individual or body is a permitted participant.”

Section 119 (control of donations to permitted participants)

Section 120 (returns as to referendum expenses)

Section 121 (auditor’s report on return)

Section 122 (delivery of returns to Commission)

Section 123 (declaration of responsible person as to return under section 120)

Section 124 (public inspection of returns under section 120)

Schedule 13 (referendum expenses; qualifying expenses)

Schedule 14, paragraph 2 (limits on referendum expenses by permitted participants)

In sub-paragraph (1), after “a referendum to which this Part applies” insert “including a local government referendum”.

Schedule 15 (control of donations to permitted participants)

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Regional Assemblies (Preparations) Act 2003 provides for the holding of a referendum in a region about the establishment of an elected assembly for that region (“a Regional Assembly referendum”), and on the same date holding referendums in the parts of the region that have both county and district councils, about the reorganisation of those local authorities into a single tier of local government (“a local government referendum”).

Part 7 of the Political Parties, Elections and Referendums Act 2000 makes provision for the conduct of referendums within the United Kingdom, including Regional Assembly referendums, but does not apply to local government referendums.

This Order, made under both section 129 of the Political Parties, Elections and Referendums Act 2000 and under sections 2 and 7 of the Regional Assemblies (Preparations) Act 2003, prescribes the procedure to be followed for the conduct of a Regional Assembly referendum and, in those areas where the polls at a Regional Assembly referendum and local government referendum are held on the same date, for the conduct of those referendums as combined polls.

The provisions of the Order are based on corresponding provisions applicable in parliamentary and local government elections, modified to take account of differences such as the absence of candidates and that the Regional Assembly referendums and local government referendums are to be held as all-postal ballots. The provisions are also based on provisions in the European Parliamentary and Local Elections (All-Postal) Pilot Order 2004, made under sections 1, 2 and 8 of the European Parliamentary and Local Elections (Pilots) Act 2004.

Article 3 and Schedule 1 provide rules for the conduct of a Regional Assembly referendum held under section 1(1) of the Regional Assemblies (Preparations) Act 2003 or a local government referendum held under section 2(2) of that Act. The Rules in Schedule 1 include provision for where the poll at a Regional Assembly referendum is held in a voting area without combining with another poll, and for where the polls at a Regional Assembly referendum and local government referendum are held in combination.

Article 4 provides that the polls at a local government referendum held on the same date as a Regional Assembly referendum in the region shall be combined.

Article 5 requires the polls to be taken by all-postal ballot. The means for delivery of ballot papers (and security statements) by voters is by post, or by hand to the counting officer or delivery places provided by the counting officer.

Article 6 and Schedule 2 apply to the referendums, with modifications, relevant provisions in the Representation of the People Act 2000, Representation of the People Act 1983 and Representation of the People (England and Wales) Regulations 2001. Provision is made for electors entitled to a proxy vote at local government elections for an indefinite or definite period to be entitled automatically to a proxy vote at the referendums.

Article 7 and Schedule 3 apply provisions from the Political Parties, Elections and Referendums Act 2000 to local government referendums. The provisions are mainly those concerning permitted participation and expenditure at such referendums. Part 2 of Schedule 3 also ensures that restrictions on referendum expenditure apply jointly in relation to participation at a Regional Assembly referendum and all local government referendums in a region.

Article 8 authorises the supply and use of the electoral register to the Electoral Commission for the performance of its functions under the Regional Assemblies (Preparations) Act 2003 relating to the referendums.

Articles 9 and 10 provide for the Chief Counting Officer and counting officers who are responsible for the conduct of the Regional Assembly referendum in the voting area for a local government referendum, also to be responsible for and have the conduct of, that local government referendum, including certification of the result.

Article 11 provides for a referendum agent to act on behalf of a permitted participant for the purposes of appointing counting agents and agents to attend proceedings in respect of the receipt of ballot papers.

Articles 12 and 13 provide for matters relating to advertisements and non-domestic rating which correspond to provisions applying in relation to elections.

A full Regulatory Impact Assessment has been not been prepared for this instrument as it has no impact on the costs of businesses, charities or voluntary bodies.