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STATUTORY INSTRUMENTS

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**2004 No. 226**

**LOCAL GOVERNMENT, ENGLAND**

**The Local Authorities (Conduct of Referendums)  
(England) (Amendment) Regulations 2004**

*Made* - - - - *12th March 2004*  
*Coming into force* - - *13th March 2004*

The First Secretary of State, in exercise of the powers conferred upon him by sections 45 and 105 of the Local Government Act 2000<sup>(1)</sup>, having consulted the Electoral Commission as required by section 45(8A) of that Act<sup>(2)</sup>, hereby makes the following Regulations, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2004 and shall come into force on the day after that on which they are made.

(2) These regulations apply to the holding of referendums by local authorities in England.

**Amendment of conduct of referendums regulations**

2.—(1) The Local Authorities (Conduct of Referendums) (England) Regulations 2001<sup>(3)</sup> shall be amended as follows.

(2) In regulation 2(1), insert in the appropriate place in alphabetical order—

“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004<sup>(4)</sup>;

“European Parliamentary election” shall have the same meaning as in section 27(1) of the 1985 Act;

“local government election” shall have the same meaning as in section 203(1) of the 1983 Act<sup>(5)</sup>;

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(1) 2000 c. 22.

(2) Subsection (8A) was inserted by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 18.

(3) S.I.2001/1298.

(4) S.I. 2004/294.

(5) Section 203(1) was amended by paragraphs 39(1) and (4) of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

“mayoral election” shall have the same meaning as in the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(6);

“relevant election or referendum” means one or more of the following—

- (i) another referendum, (including a further referendum);
- (ii) a Parliamentary election(7);
- (iii) a European Parliamentary election;
- (iv) a local government election;
- (v) a mayoral election;

the poll at which is taken together with the poll at the referendum(8).”.

(3) For regulation 15(4), substitute—

“(4) The 1985 Act and the Elections Regulations shall have effect subject to the further modifications provided for in Part I of Schedule 5.

(4A) The Principal Areas Rules shall have effect subject to the modifications set out in Part II of Schedule 5.”

(4) In regulation 16—

- (a) in paragraph (6), omit the words “the 1986 Regulations”; and
- (b) omit paragraph (8).

(5) For regulation 17(4), substitute—

“(4) Where the poll at a referendum is combined with the poll at another referendum, the Principal Areas Rules, modified as set out in Schedule 3 to those Rules shall have effect in relation to the referendum, subject to the modifications set out in Part II of Schedule 5; and a provision set out in column 1 of that Part and expressed to apply only in the circumstances there mentioned, and any modification shown in column 2 as applicable to any such provision, shall have effect only in those circumstances.”.

(6) Regulations 15(5), (7) and (9), and 16(4), (5) and (7) are revoked.

(7) For Schedule 5, substitute Schedule 5 as set out in the Schedule to these Regulations.

Signed by authority of the First Secretary of State

12th March 2004

*Nick Raynsford*  
Minister of State  
Office of the Deputy Prime Minister

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(6) S.I. 2002/185.

(7) For the definition of “Parliamentary election” see the Interpretation Act 1978 (c. 30), Schedule 1.

(8) For provisions as to the combination of polls, see section 36 of the 1983 Act, section 15 of the 1985 Act, the Local Authorities (Mayoral Elections) (England) Regulations 2002 (S.I. 2002/185) and regulation 14 of these Regulations.

SCHEDULE

Regulation 2(7)

REPLACEMENT FOR SCHEDULE 5 TO THE PRINCIPAL REGULATIONS

“SCHEDULE 5

Regulations 15, 16 and 17

COMBINATION OF POLLS

PART I

General Provisions

1. For the purposes of combining the poll at—
- (a) a Parliamentary general election<sup>(9)</sup>,
  - (b) a European Parliamentary election,
  - (c) a local government election,
  - (d) a mayoral election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002, or
  - (e) another referendum,

with the poll at a referendum, the provisions specified in column (1) of the Table below shall be modified as specified in column (2).

TABLE

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The 1985 Act</i>	
Section 15 (combination of polls at parliamentary, European Parliamentary and local elections)	In subsection (1), at the end of paragraph (c), insert  “or  (d) a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 and— (i) a parliamentary election, (ii) a European Parliamentary election, or (iii) an ordinary local government election,”.
	In subsection (2), after “related areas”, insert “or the polls at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas”.

<sup>(9)</sup> For the definition of “Parliamentary election” see the Interpretation Act 1978 (c. 30), Schedule 1.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>In subsection (4)—</p> <ul style="list-style-type: none"> <li>(a) after “elections” (in the first place where that word appears) insert “or, as the case may be, elections and a referendum”;</li> <li>(b) after “one election”, insert “or the referendum”; and</li> <li>(c) after “elections” (in the second place where that word appears), insert “or, as the case may be, the elections and the referendum”.</li> </ul> <p>In subsection (5), after “any elections” insert “or at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
<i>The RP Act 2000</i>	
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1), at the end insert “; and as regards referendums pursuant to the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Schedule 4 (absent voting in Great Britain)	<p>In paragraph 1, in sub-paragraph (1)—</p> <ul style="list-style-type: none"> <li>(a) in the definition of “the appropriate rules”, after paragraph (b), insert— <ul style="list-style-type: none"> <li>“and</li> <li>(c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”;</li> </ul> </li> <li>(b) after the definition of “local government election”, insert the following definition— <ul style="list-style-type: none"> <li>““referendum” means a referendum pursuant to the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</li> </ul> </li> </ul> <p>In paragraphs 2 to 7—</p> <ul style="list-style-type: none"> <li>(a) except in paragraphs 3(1), 3(2), 3(4)(a)(i), 6(3), 6(7), 6(8), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum,”“or referendums”, or “or the referendum”; and</li> <li>(b) for “an elector” in each case where it appears, substitute “a voter”.</li> </ul>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(c) In paragraphs 3(1) and 3(2) for “or at both”, substitute “or at referendums, or at any combination of such polls”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i), for “or both”, substitute “or referendums, or at any combination of such polls”.</p> <p>In paragraphs 6(7), 6(8) and 7(4)(a), for “or at both”, insert “or at referendums, or at any combination of such polls”.</p>
<i>The Elections Regulations</i>	
Paragraph (2) of regulation 3 (interpretation)	At the end of sub-paragraph (b), insert—  “, or  (c) in the case of a referendum, such of those rules made under section 36 of the 1983 Act as are applied to that referendum (with or without modification) by the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Regulation 51 (general requirements for applications for an absent vote)	In paragraph (4), in sub-paragraph (b)— (a) after “for”, insert “all or any of”; (b) after “local government elections”, insert “or referendums, identifying those in respect of which it is made”; and (c) for “both”, substitute “referendums, or at any combination of such polls”.
Regulation 56 (closing dates for applications)	In paragraph (5)— (a) after “election”, in each place, insert “or referendum”; and (b) for “elections”, substitute “polls”.
Regulation 65 (combination of polls)	Substitute—
	<p><b>65.</b> Where the polls at elections or polls at an election and a referendum, or at two referendums are taken together, the proceedings on issue and receipt of postal ballot papers in respect of each election or, as the case may be the election and the referendum or each referendum may be taken together, if the returning officers or, as the case may be, the returning officer and the counting</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 67 (persons entitled to be present at proceedings on issue of ballot papers)	officer at the referendum or the counting officers concerned agree.  After “the returning officer and his clerks”, insert “and in the case of a referendum, the counting officer and his clerks;”
Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)	In sub-paragraph (a), after “the returning officer and his clerks”, insert “and in the case of a referendum, the counting officer and his clerks;”.  In sub-paragraph (b), after “candidate”, insert “at any relevant election or referendum or those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes.”.
Regulation 69 (agents of candidates who may attend proceedings on receipt of postal ballot papers)	For paragraph (8), substitute—  “(8) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents or in the case of a referendum, the persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes, 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.”
Regulation 72 (procedure on issue of postal ballot papers)	In paragraph (5)— (a) after “one election”, insert “or referendum, or for an election or elections combined with a referendum or referendums”; (b) in sub-paragraph (a)— (i) after “elections”, insert “or referendums”; and (ii) after “election”, insert “or referendum”.
Regulation 74 (envelopes)	In paragraph (6), for “the poll at one election is taken with the poll at another election”, substitute “polls are taken together”.  In paragraph (4), after “65 above”, insert “or under regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 77 (spoilt ballot papers)	In paragraph (2), for “more than one election have been issued together under regulation 65 above”, substitute “more than one poll have been issued together”.
Regulation 80 (notice of opening postal ballot paper envelopes)	In paragraph (1), after “each candidate”, insert “in the case of an election and those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes for the referendum”.
Regulation 83 (opening of postal voters' ballot box)	In paragraph (1), after “the agents”, insert “in the case of an election and the counting observers for the referendum”.
Regulation 85 (procedure in relation to declarations of identity)	In paragraph (3), after “the agents”, insert “in the case of an election and the counting observers for the referendum”.
Regulation 91 (forwarding of documents)	In paragraph (1)— (a) after “returning officer”, insert “or in the case of a referendum, the counting officer,”; (b) after “local government election”, insert “or referendum”; (c) after “the date of the election”, insert “or referendum”; (d) after “electoral area”, insert “or voting area”; and (e) for “election (or elections)”, substitute “poll (or polls)”.  In paragraph (2), after “election”, in the first two places where that word appears, insert “or referendum”.
Schedule 3, Form E	After “European Parliamentary electoral region”, in each place where it appears, insert “voting area”. After “European Parliamentary election”, in each place where it appears, insert “and referendum”.  In paragraphs 1 and 2 of the note, after “election”, in each place where it appears, insert “or referendum”.

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**PART II**  
**COMBINED POLLS AT REFERENDUMS: MODIFICATIONS**  
**TO SCHEDULE 3 TO THE PRINCIPAL AREAS RULES**

TABLE

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 1 (timetable)	In the Table, omit all the entries except the ones relating to the publication of the notice of election and the notice of poll.
Rule 2 (computation of time)	Omit.
Rule 3 (notice of election)	For paragraph (1), substitute— <p style="margin-left: 40px;">“(1) The counting officer shall publish notice of the referendum stating the date of the poll.”</p> <p>In paragraph (2), substitute “referendum” for “election”, in both places where that word appears.</p>
Rules 4 to 12	Omit.
Rule 13 (poll to be taken by ballot)	Omit the words from “the result” to the end.
Rule 14 (the ballot papers)	Omit.
Rule 15 (the official mark)	For paragraph (2), substitute— <p style="margin-left: 40px;">“(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 county, county borough, district or London borough as the case may be.”</p> <p>In paragraph (3), omit “at the same election”.</p>
Rule 16 (prohibition of disclosure of vote)	For “election”, in both places, substitute “referendum”.
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraphs (b) to (d), substitute— <p style="margin-left: 40px;">“and</p> <p style="margin-left: 80px;">(b) the question to be asked in the referendum.”.</p> <p>Omit paragraph (2).</p> <p>In paragraph (3), omit the words from “and he shall” to the end.</p>



<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 20 (provision of polling stations)	For paragraph (4)(a), substitute— “(a) state that the poll at the referendum is to be taken together with the poll at a relevant election or referendum;”.  In paragraph (1), for “electors”, substitute “voters”.  In paragraph (3)— (a) for “electors”, substitute “voters”; (b) for “electoral area”, in the first place where those words appear, substitute “voting area”; and for “electoral area”, substitute “voting area”.
Rule 21 (appointment of presiding officers and clerks)	In paragraph (1), omit the words from “but he shall not appoint” to the end.
Rule 22 (issue of official poll cards)	In paragraph (1)— (a) for “electors”, substitute “voters”; (b) for “an elector”, substitute “a voter”; and (c) for “election”, in both places where that word appears, substitute “referendum”.  In paragraph (2), for “An elector's”, substitute “A voter's”.  In paragraph (3)— (a) for the words “shall be in the form in the Appendix, or a form to like effect, substitute “shall be in the form specified in Table 3 of Schedule 3 to the Referendums Regulations or a form to like effect”; (b) for “the electoral division or ward to which councillors are to be elected”, substitute “the voting area”; and (c) for “the elector's”, in both places where those words appear, substitute “the voter's”.
Rule 23 (equipment of polling stations)	For paragraph (5), substitute— “(5) If the counting officer and the returning officer for each relevant election or referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election or referendum.”  In paragraph (1A), for “principal area election”, substitute “referendum”.

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(1) Provision and, if of limited application, relevant circumstances	(2) Modification
Rule 24 (appointment of polling and counting agents)	<p>In paragraph (3)—</p> <ul style="list-style-type: none"> <li>(a) for “electoral area”, in both places, substitute “voting area”;</li> <li>(b) for “electors”, in the second place where that word appears, substitute “voters”;</li> <li>and</li> <li>(c) for “election”, substitute “referendum”.</li> </ul> <p>In paragraph (6)(c)(ii), for “registered party or individual candidate”, substitute “answer”.</p> <p>Omit paragraphs (1) to (3), (5), (7) and (11).</p> <p>In paragraph (4), for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively.</p> <p>In paragraph (6), omit the words from “and shall” to the end.</p> <p>After paragraph (6), insert—</p> <p>“(6A) Notice of the nomination of counting observers which is required by paragraph (6) to be given to the counting officer shall be given to the returning officer or counting officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.”</p> <p>In paragraph (9), for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Referendums Regulations”.</p> <p>In paragraph (12), for “these rules” substitute “the LGA Referendum Rules”.</p>
Rule 26 (admission to polling station)	Omit paragraph (2).
Rule 29 (questions to be put to voters)	<p>For paragraphs (1) and (2) substitute—</p> <p>“(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions.</p> <p>(2) In the case of a person applying to vote on his own behalf, the relevant questions are—</p> <ul style="list-style-type: none"> <li>(a) “Are you the person registered in the register of local government electors for this electoral area as follows [<i>read the whole entry from the register</i>]?”;</li> <li>and</li> </ul>

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>(b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?”.</p> <p>(2A) In the case of a person applying as proxy, the relevant questions are—</p> <p>(a) “Are you the person whose name appears as AB in the list of proxies for this referendum as entitled to vote as proxy on behalf of CD?”; and</p> <p>(b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of CD?”.</p> <p>(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question—</p> <p>“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of CD?”,</p> <p>and, if that question is not answered in the affirmative, the following question—</p> <p>“Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?””</p> <p>In paragraph (4), for “principal area election”, substitute “referendum”.</p>
Rule 31 (voting procedure)	<p>In paragraph (1), for “elector” in each place where that word appears, substitute “voter”.</p> <p>For paragraph (4), substitute—</p> <p>“(4) The same copy of the register of electors which is used under paragraph (1) for the referendum may also be used for a relevant election or referendum.</p> <p>(5) One mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1)(e), to denote that a ballot paper has been received in respect of the referendum and each relevant election or referendum; except that—</p> <p>(a) where the polls at two referendums are taken together, and a ballot paper has been issued in respect of one referendum only, different marks</p>

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>shall be placed in the register or, as the case may be, the list, so as to identify the referendum in respect of which the ballot paper was issued; and</p> <p>(b) where the polls at a referendum and an election are taken together, and ballot papers have been issued in respect of either the referendum only, or the election only, different marks shall be placed in the register or, as the case may be, the list, so as to indicate whether the ballot paper was issued in respect of the referendum or the election.”.</p>
Rule 32 (votes marked by presiding officer)	In paragraph (3), for the words “principal area election”, substitute “referendum”.
Rule 33 (voting by persons with disabilities)	<p>In paragraph (3)(a), for the words “an elector at the election”, substitute “a voter at the referendum”.</p> <p>In paragraph (4A), for the words “principal area election”, substitute “referendum”.</p>
Rule 34 (tendered ballot papers)	In paragraph (1), for “elector”, substitute “voter”.
Rule 36 (adjournment of poll in case of riot)	<p>In paragraph (3), for the words “principal area election”, substitute “referendum”.</p> <p>At the end of paragraph (1) , insert—</p> <p>“or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Referendums Regulations are to be discharged.”.</p>
Rule 37 (procedure on close of poll)	<p>In paragraph (1)—</p> <p>(a) for “principal area election”, substitute “referendum”; and</p> <p>(b) for “those”, substitute “the polling or counting agents (as the case may be)”.</p> <p>At the end of paragraph (1B), insert—</p> <p>“or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Referendums Regulations are to be discharged.”.</p>
Rule 38 (attendance at counting of votes)	In paragraphs (1), (1A) and (2) for the words “principal area election”, in each place where

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 39 (the count), where the polls at two referendums are taken together.	they occur, substitute “referendum”. Omit paragraphs (3)(b), (4) and (5).  For paragraph (1), substitute— “ <i>(1)</i> Where the counting officer is discharging the functions specified in regulation 17(2) of the Referendums Regulations, he shall, in the presence of the counting observers in respect of each referendum—  <i>(a)</i> open each ballot box and record separately the number of ballot papers used in each referendum;  <i>(b)</i> separate the ballot papers relating to each referendum;  <i>(c)</i> verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list), and shall draw up a statement as to the result of the verification, which any counting observer present at the verification may copy;  <i>(d)</i> count such of the postal ballot papers as have been duly returned and record separately the number counted in each referendum;  <i>(e)</i> make up into packets the ballot papers for each referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;  <i>(f)</i> deliver, or cause to be delivered, to the counting officer in respect of the other referendum—  <i>(i)</i> the container of ballot papers relating to the other referendum; and  <i>(ii)</i> the ballot paper account relating to that referendum, and a copy of the statement as to its verification; and

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<i>(1) Provision and, if of limited application, relevant circumstances</i>	<i>(2) Modification</i>
	<ul style="list-style-type: none"> <li>(g) at the same time deliver, or cause to be delivered, to that counting officer, packets that so relate containing— <ul style="list-style-type: none"> <li>(i) the unused and spoilt ballot papers;</li> <li>(ii) the tendered ballot papers; and</li> <li>(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.”.</li> </ul> </li> </ul>

For paragraphs (2) and (2A), substitute—

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

(2A) Where the counting officer at does not discharge the functions specified in regulation 17(2) of the Referendums Regulations, he shall—

- (a) on receipt of the containers of ballot papers from the counting officer who does discharge those functions, and after the time specified in the notice given under rule 38(1A), in the presence of the counting observers open each container,
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings each referendum under regulation 65 of the Elections Regulations as applied by these Regulations, count such of the postal ballot papers as have been duly returned and record the number counted, and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>and paragraph (6) below shall not apply to these proceedings.”</p> <p>In paragraph (3)(a), for “returning officer”, substitute “counting officer”.</p> <p>In paragraph (3AA), for “principal area election”, substitute “referendum”.</p> <p>In paragraph (6), for “election agent”, substitute “counting observer present at the verification”.</p> <p>In paragraph (7), for “returning officer”, substitute “counting officer”.</p>
Rule 39, where the polls at a referendum and an election are taken together.	<p>For paragraphs (1) and (2), substitute—</p> <p>“(1) Where the counting officer is discharging the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—</p> <ul style="list-style-type: none"><li>(a) in the presence of the counting agents appointed for the purposes of the election and the counting observers, open each ballot box and record separately the number of ballot papers used in the election and the referendum;</li><li>(b) in the presence of the election agents appointed for the purposes of the election and the counting observers, verify each ballot paper account;</li><li>(c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and the referendum;</li><li>(d) separate the ballot papers relating to the election from the ballot papers relating to the referendum;</li><li>(e) make up into packets the ballot papers for each relevant election or referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;</li><li>(f) deliver, or cause to be delivered, to the returning officer for the election—</li></ul>

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<ul style="list-style-type: none"> <li>(i) the container of ballot papers relating to that election; and</li> <li>(ii) the ballot paper account relating to that election, and a copy of the statement as to its verification; and</li> <li>(g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—               <ul style="list-style-type: none"> <li>(i) the unused and spoilt ballot papers;</li> <li>(ii) the tendered ballot papers; and</li> <li>(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.</li> </ul> </li> </ul> <p>(2) After completion of the proceedings under paragraph (1), the counting officer shall mix together all of the ballot papers used at the referendum and count the votes given on them.”</p> <p>In paragraph (6), after “election agent”, insert “or counting observer present at the verification”.</p>
<p>Rule 41 (rejected ballot papers)</p>	<p>In paragraph (1)—</p> <ul style="list-style-type: none"> <li>(a) for sub-paragraph (b), substitute           <ul style="list-style-type: none"> <li>“(b) on which votes are given for more than one answer;”;</li> <li>and</li> </ul> </li> <li>(b) for “paragraphs (2) and (3)”, substitute “paragraph (3)”.</li> </ul> <p>Omit paragraph (2).</p> <p>In paragraph (4), omit sub-paragraph (b).</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none"> <li>(a) omit “including those rejected in part;”;</li> <li>(b) for sub-paragraph (b), substitute—           <ul style="list-style-type: none"> <li>“(b) voting for more than one answer;” and</li> </ul> </li> <li>(c) omit the words from “and the statement” to the end.</li> </ul>
<p>Rule 43 (equality of votes)</p>	<p>For the words from “an equality” to the end, substitute—</p>



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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>	
Rule 44 (declaration of result)	<p>“an equality of YES and NO votes is found, the counting officer shall forthwith decide the referendum by lot.”.</p> <p>Substitute—</p> <p>“44. The counting officer shall forthwith—</p> <ul style="list-style-type: none"><li>(a) declare the result of the referendum;</li><li>(b) inform the proper officer of the authority by or in respect of which the referendum was held of the result of the referendum; and</li><li>(c) give public notice of—<ul style="list-style-type: none"><li>(i) the result of the referendum;</li><li>(ii) the number of ballot papers counted;</li><li>(iii) the total number of votes cast for each answer; and (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.”.</li></ul></li></ul>	
Rule 45 (sealing up of ballot papers)	In paragraph (1), for “at a contested election” substitute “at a referendum” and omit “including ballot papers rejected in part”.	
Rule 46 (delivery of documents)	In paragraph (1), for the words from “the date of the election” to the end, substitute “and the name of the voting area”.	In paragraph (2), after the words “Combination of Polls Regulations, insert “or rule 17(2) of the Referendums Rules.”
Rule 47 (orders for production of documents)	In paragraph (1), omit “including ballot papers rejected in part”.	
Rule 49 (countermand or abandonment of poll)	Substitute— <p>“49. If the poll at an election which is combined with the referendum is countermanded or abandoned as a result of the death one of the persons named or to be named as candidate in the ballot papers, the presiding officer shall take the like steps</p>	

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>for the delivery to the returning officer, or counting officer, as the case may be, who is discharging the functions specified in regulation 5 of the Combination of Polls Regulations of the ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—</p> <p>(a) it shall not be necessary for any ballot paper account to be prepared or verified for that election, unless there is a discrepancy in the ballot paper account for the referendum; and</p> <p>(b) it shall not be necessary to seal up counted and rejected ballot papers for that election in separate packets.”</p>
<p>The Appendix of Forms:</p>	<p>Omit</p>
<p>Forms of nomination paper, candidate’s consent to nomination, elector’s official poll card, proxy’s official poll card and ballot paper.</p>	
<p>Form of declaration of identity for use where there is separate issue and receipt of postal ballot papers</p>	<p>On the back of the form, for paragraph 2, substitute “Vote for one answer only.””</p>

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, amend the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (the 2001 Regulations) as they apply where the poll at a referendum under the Local Government Act 2000 is taken together with the poll at:

- a Parliamentary election;
- a European parliamentary election;

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a local government election (which includes Greater London Authority elections in London)  
an election for an elected mayor; or  
another such referendum.

Under the 2001 Regulations, a referendum is conducted in accordance with a modified version of the rules which govern an election of members of the council of a principal area (a county, district of London Borough in England, a County or County Borough in Wales).

Regulation 2 provides that a referendum which is held together with another referendum or one or more of a number of types of election shall be in accordance with a modified version of the version of rules for election of members of the council of a principal area that applies where such an election is held in combination with another poll.

Regulation 2(6) substitutes a new schedule for Schedule 5 to the 2001 Regulations. The new Schedule specifies the modifications that are required to other enactments as a consequence of combination of polls.

In particular, Part II of that Schedule specifies the modifications to the rules relating to combined polls at principal area elections that are to be applied for the purposes of the mayoral referendum. The modifications reflect the differences in nomenclature between elections and referendums, the absence of candidates, other changes required to reflect correctly the allocation of responsibilities in relation to returning officer and counting officer functions and include other minor or consequential changes.

The new schedule applies the changes which have been made to the rules for election of members of the council of a principal area that apply where such an election is held in combination with another poll to a referendum held in combination with another poll. The main changes are—

- making use of the same ballot box optional in the case of all possible combined polls;
- allowing for the translation of notices for the guidance of voters into languages other than English;
- entitling representatives of the Electoral Commission to attend the polling stations, verification and count;
- allowing those who are entitled to attend the count at the poll which is combined to attend at the joint verification of ballot paper accounts;
- requiring that postal ballot papers which are returned to a polling station are returned to a polling station located in the area which is common to the electoral or voting areas in which each poll is taking place;
- clarifying that where a signature is required on a form, in accordance with the common law, a mark will suffice; and
- ensuring that forms which are or may be used for all polls, such as notices in polling stations and declarations by disabled voters are in a form which is consistent with those applying under the legislation governing the election with which the referendum is combined.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.