

SCHEDULE 2

Regulation 10

ABSENT VOTING

PART 1

ENTITLEMENT

Interpretation

1.—(1) In this Schedule—

“allotted polling station” has the meaning set out in paragraph 16(7) of this Schedule.

(2) A reference in this Schedule to a form identified by means of a letter shall be construed as a reference to the form so identified in the Appendix to this Schedule.

Manner of voting at European Parliamentary elections

2.—(1) This paragraph applies to determine the manner of voting of a person entitled to vote as an elector at a European Parliamentary election.

(2) He may vote in person at the polling station allotted to him under the European Parliamentary elections rules, unless he is entitled as an elector to an absent vote at the election.

(3) He may vote by post if he is entitled as an elector to vote by post at the election.

(4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the European Parliamentary elections rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.

(5) If—

(a) he is not entitled as an elector to an absent vote at the election, but

(b) he cannot reasonably be expected to go in person to the polling station allotted to him under the European Parliamentary elections rules by reason of the particular circumstances of his employment, either as a constable or by the local returning officer, on the date of the poll for a purpose connected with the election,

he may vote in person at any polling station in the local counting area.

(6) Nothing in the preceding provisions of this paragraph applies to—

(a) a person to whom section 7 of the 1983 Act⁽¹⁾ (mental patients who are not detained offenders) or, in Gibraltar, paragraph 10 of Schedule 4 applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, or

(b) a person to whom section 7A of that Act⁽²⁾ (persons remanded in custody) or, in Gibraltar, paragraph 11 of Schedule 4 applies,

whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(7) For the purposes of the provisions of—

(a) these Regulations, and

(1) Amended by section 4 of the Representation of the People Act 2000 (c. 2).

(2) Inserted by section 5 of the Representation of the People Act 2000 (c. 2).

Status: This is the original version (as it was originally made).

(b) the 1983 Act, the 2002 Act and the 2003 Act,
a person entitled to vote as an elector at a European Parliamentary election is entitled as an elector to vote by post or entitled to vote by proxy at the election if he is shown in the absent voters list for the election as so entitled; and references in those provisions to entitlement as an elector to an absent vote at a European Parliamentary election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

Absent vote at elections for definite or indefinite period

3.—(1) Where a person applies to the registration officer to vote by post at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—

- (a) he is satisfied that the applicant is or will be registered in the register of electors, and
- (b) the application meets the requirements of Part 2 of this Schedule.

(2) Where a person applies to the registration officer to vote by proxy at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—

- (a) he is satisfied that the applicant is eligible to vote by proxy at European Parliamentary elections,
- (b) he is satisfied that the applicant is or will be registered in the register of electors, and
- (c) the application meets the requirements of Part 2 of this Schedule.

(3) For the purposes of this paragraph a person is eligible to vote by proxy at a European Parliamentary election—

- (a) if he is or will be registered as a service voter,
- (b) if he cannot reasonably be expected—
 - (i) to go in person to the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules, or
 - (ii) to vote unaided there,by reason of blindness or other physical incapacity,
- (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse, or by reason of his attendance on a course provided by an educational institution or that of his spouse, or
- (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,

and a person is also eligible to vote by proxy at European Parliamentary elections if he is or will be registered in pursuance of an overseas elector's declaration or a European Parliamentary overseas elector's declaration.

(4) The registration officer shall keep a record of those whose applications under this paragraph have been granted showing—

- (a) whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period),
- (b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
- (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.

(5) The registration officer shall remove a person from the record—

- (a) if he applies to the registration officer to be removed,
- (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—
 - (i) a service declaration,
 - (ii) a declaration of local connection, or
 - (iii) an overseas elector's declaration,
- (c) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances, or
- (d) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.

(6) A person shown in the record as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and, if the registration officer would be required to grant that application if it were one made under sub-paragraph (2), the registration officer shall amend the record accordingly.

(7) A person shown in the record as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and, if the application meets the requirements of Part 2 of this Schedule, the registration officer shall amend the record accordingly.

Absent vote at particular election

4.—(1) Where a person applies to the registration officer to vote by post at a particular European Parliamentary election, the registration officer shall grant the application if—

- (a) he is satisfied that the applicant is or will be registered in the register of electors, and
- (b) the application meets the requirements of Part 2 of this Schedule.

(2) Where a person applies to the registration officer to vote by proxy at a particular European Parliamentary election, the registration officer shall grant the application if—

- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules,
- (b) he is satisfied that the applicant is or will be registered in the register of electors, and
- (c) the application meets the requirements of Part 2 of this Schedule.

(3) Nothing in sub-paragraph (1) or (2) applies to a person who is included in the record kept under paragraph 3, but such a person may, in respect of a particular European Parliamentary election, apply to the registration officer—

- (a) for his ballot paper to be sent to a different address from that shown in the record, or
- (b) to vote by proxy,

if he is shown in the record as voting by post at elections of the kind in question.

(4) The registration officer shall grant an application under sub-paragraph (3) if—

- (a) (in the case of any application) it meets the requirements of Part 2 of this Schedule; and
- (b) (in the case of an application to vote by proxy) the registration officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules.

Absent voters list

5.—(1) The registration officer shall, in respect of each European Parliamentary election, keep a special list (“the absent voters list”) consisting of the two lists mentioned in sub-paragraphs (2) and (3) respectively.

(2) The first of those lists is a list of—

- (a) those whose applications under paragraph 4(1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
- (b) those who are for the time being shown in the record kept under paragraph 3 as voting by post at European Parliamentary elections (excluding those so shown whose applications under paragraph 4(3)(b) to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under paragraph 3 or, as the case may be, paragraph 4(3)(a) as the addresses to which their ballot papers are to be sent.

(3) The second of the lists mentioned in sub-paragraph (1) is a list (“the list of proxies”) of—

- (a) those whose applications under paragraph 4(2) or (3) to vote by proxy at the election 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 elections of the kind in question,

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

(4) The registration officer shall, forthwith on completion of the compilation of that special list, supply to the local returning officer for any local counting area wholly or partly within the area for which he acts so much of that list as relates to that constituency.

Proxies at elections

6.—(1) Subject to the provisions of this paragraph, any person is capable of being appointed proxy to vote for another (in this paragraph and paragraph 7 referred to as “the elector”) at any European Parliamentary election and may vote in pursuance of the appointment.

(2) The elector cannot have more than one person at a time appointed as proxy to vote for him at elections (whether in the same electoral region or elsewhere).

(3) A person is not capable of being appointed to vote, or voting, as proxy at an election—

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

(4) A person is not capable of voting as proxy at a European Parliamentary election unless on the date of the poll he has attained the age of 18.

(5) A person is not entitled to vote as proxy at the same European Parliamentary election in any electoral region on behalf of more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(6) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application), the registration officer shall make the appointment if the application meets the requirements of Part 2 of this Schedule and he is satisfied that the elector is or will be—

- (a) registered in the register of electors, and
- (b) shown in the record kept under paragraph 3 as voting by proxy at such elections,

and that the proxy is capable of being, and willing to be, appointed to vote as proxy at such elections.

(7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular European Parliamentary election, the registration officer shall make the appointment if the application meets the requirements of Part 2 of this Schedule and he is satisfied that the elector is or will be—

- (a) registered in the register of electors, and
- (b) entitled to vote by proxy at that election by virtue of an application under paragraph 4(2) or (3),

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

(8) The appointment of a proxy under this paragraph is to be made by means of a proxy paper in Form A issued by the registration officer.

(9) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force—

- (a) where the appointment related to a particular European Parliamentary election or elections, on the issue of a proxy paper appointing a different person to vote for him at a European Parliamentary election or elections (whether in the same electoral region or elsewhere),
- (b) where the appointment was for a particular period, once that period expires.

(10) Subject to sub-paragraph (9), the appointment shall remain in force—

- (a) in the case of an appointment for a particular election, for that election, and
- (b) in any other case, while the elector is shown as voting by proxy in the record kept under paragraph 3 in pursuance of the same application under that paragraph.

Voting as proxy

7.—(1) A person entitled to vote as proxy at a European Parliamentary election may do so in person at the polling station allotted to the elector under the European Parliamentary elections rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.

(2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.

(3) For the purposes of these Regulations, the 1983 Act, the 2002 Act and the 2003 Act a person entitled to vote as proxy for another at a European Parliamentary election is entitled so to vote by post if he is included in the list kept under sub-paragraph (8) in respect of the election.

(4) Where a person applies to the registration officer to vote by post—

- (a) as proxy at European Parliamentary elections (whether for an indefinite period or for a particular period specified in his application), or
- (b) as proxy at a particular European Parliamentary election,

the registration officer shall grant the application if the conditions set out in sub-paragraph (5) are satisfied.

(5) Those conditions are—

- (a) that the registration officer is satisfied that the elector is or will be registered in the register of electors,
- (b) that there is in force an appointment of the applicant as the elector's proxy to vote for him at European Parliamentary elections or, as the case may be, the election concerned; and
- (c) that the application meets the requirements of Part 2 of this Schedule.

(6) The registration officer shall keep a record of those whose applications under sub-paragraph (4)(a) have been granted showing—

Status: This is the original version (as it was originally made).

- (a) whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period), and
- (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(7) Where, in the case of a particular European Parliamentary election, a person included in the record kept under sub-paragraph (6) applies to the registration officer for his ballot paper to be sent to a different address from that shown in the record, the registration officer shall grant the application if it meets the requirements of Part 2 of this Schedule.

(8) The registration officer shall, in respect of each European Parliamentary election, keep a special list of—

- (a) those who are for the time being included in the record kept under sub-paragraph (6), together with the addresses provided by them in their applications under sub-paragraph (4) (a) or, as the case may be, sub-paragraph (7) as the addresses to which their ballot papers are to be sent, and
- (b) those whose applications under sub-paragraph (4)(b) have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent,

and, forthwith on completion of the compilation of that list, supply to the local returning officer for any local counting area wholly or partly within the area for which he acts so much of that list as relates to any such constituency.

(9) The registration officer shall remove a person from the record kept under sub-paragraph (6)—

- (a) if he applies to the registration officer to be removed,
- (b) if the elector ceases to be registered as mentioned in sub-paragraph (5)(a),
- (c) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed), or
- (d) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires.

Offences

8. A person who—

- (a) in any declaration or form used for any of the purposes of this Schedule, makes a statement which he knows to be false, or
- (b) attests an application under paragraph 3 or 4 when he knows that he is not authorised to do so or that it contains a statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART 2 APPLICATIONS

Forms

9.—(1) The registration officer shall supply free of charge as many forms for use in connection with applications made under this Part and Part 3 of this Schedule as appear to that officer reasonable

in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with an election.

(2) The forms set out in this Part and Part 3 of this Schedule or forms substantially to the like effect may be used with such variations as the circumstances may require.

Communication of applications, notices etc

10. The requirement in this Part and Part 3 of this Schedule that any application, notice or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

Electronic signatures and related certificates

11.—(1) A requirement in this Part and Part 3 of this Schedule for an application, notice or objection to be signed is satisfied (as an alternative to the signature given by hand) where there is—

- (a) an electronic signature incorporated into or logically associated with a particular electronic communication, and
- (b) the certification by any person of such a signature.

(2) For the purposes of this paragraph an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this paragraph an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature,
- (b) a means of producing, communicating or verifying the signature, or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

Time

12.—(1) Where the day or last day of the time allowed by this Part and Part 3 of this Schedule for the doing of any thing falls on any of the days mentioned in sub-paragraph (3) below, that time shall be extended until the next following day which is not one of those days.

(2) Subject to paragraph 19(6), in computing any period of not more than 7 days for the purposes of this Part and Part 3 of this Schedule any of the days mentioned in sub-paragraph (3) below shall be disregarded.

(3) The days referred to in sub-paragraphs (1) and (2) above are a Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday.

(4) In sub-paragraph (3) above “bank holiday” means—

Status: This is the original version (as it was originally made).

- (a) as respects the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales and a Bank or Public Holiday in Gibraltar not otherwise falling within sub-paragraph (3);
- (b) as respects an electoral region other than Scotland or the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales; and
- (c) as respects Scotland, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Scotland.

Interference with notices etc

13. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on a summary conviction to a fine not exceeding level 3 on the standard scale or, in Gibraltar, not exceeding £1000.

General requirements for applications for an absent vote

14.—(1) An application under this Part of this Schedule must comply with the requirements of this paragraph and such further requirements in this Part of this Schedule as are relevant to the application.

(2) The application must state—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under paragraph 7(4) or (7) of this Schedule;
- (c) in the case of such an application, the proxy's address, together with the name of the elector for whom he will act as proxy and the elector's address for the purposes of sub-paragraph (b) above;
- (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent; and
- (e) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote.

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

(4) An application under this Schedule which is made for an indefinite period or the period specified in the application must state—

- (a) that it is so made, and
- (b) that it is made for European Parliamentary elections.

(5) An application under this Schedule which is made for a particular European Parliamentary election must—

- (a) state that it is so made, and
- (b) identify the election in question.

(6) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of paragraph 15.

(7) An application under this Part of this Schedule may be combined with an application for an absent vote made under the 2001 Regulations(3), including those Regulations as applied by regulations under sections 44 and 105 or 45 and 105 of the Local Government Act 2000, or the 2001 (Scotland) Regulations(4).

Additional requirements for applications for the appointment of a proxy

15. An application for the appointment of a proxy under paragraphs 3 and 4 of this Schedule shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

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

Additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of physical incapacity or blindness

16.—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(b) of this Schedule shall specify the physical incapacity by reason of which it is made.

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

- (a) a registered medical practitioner;
- (b) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of the Nursing and Midwifery Order 2001(5) by virtue of qualifications in nursing or, in Scotland, a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997(6);
- (c) a Christian Science practitioner;
- (d) the person registered—
 - (i) in England and Wales, under the Care Standards Act 2000(7) as carrying on a care home within the meaning of section 3(8) of that Act, where the applicant states that he is resident in such a home; or
 - (ii) in Scotland, under the Regulation of Care (Scotland) Act 2001(9) as carrying on a care home service within the meaning of section 2 of that Act, where the applicant states that he is resident in such a home;
- (e) the matron or other person in charge of residential accommodation provided by a local authority—
 - (i) in England and Wales, under section 21(1) of the National Assistance Act 1948(10);
 - or

(3) Regulation 53 of the 2001 Regulations was amended by paragraph 21 of the Schedule to S.I.2002/881 and Regulations 2 and 5 of S.I. 2001/1700, Regulation 54 was amended by Regulations 2 and 5 of S.I. 2001/1700, Regulation 56 was amended by Regulations 2 and 6 of S.I. 2001/1700 and Regulation 60 was amended by Regulations 2 and 7 of S.I. 2001/1700.

(4) Regulation 53 of the 2001 (Scotland) Regulations was amended by paragraph 23 of the Schedule to S.I. 2002/881, Regulation 56 was amended by Regulations 2 and 5 of S.I. 2001/1749(S. 11).

(5) S.I. 2002/253.

(6) 1997 c. 24.

(7) 2000 c. 14.

(8) Section 3 was amended by Regulation 3 of S.I. 2001/3965.

(9) 2001 c. 8.

(10) 1948 c. 29. Section 21(1) was amended by paragraph 2 of Schedule 23 to the Local Government Act 1972 (c. 70), paragraph 11(1) of Schedule 13 to the Children Act 1989 (c. 41), section 42(1) of the National Health Service and Community Care

Status: This is the original version (as it was originally made).

- (ii) in Scotland, under section 59(2) of the Social Work (Scotland) Act 1968⁽¹¹⁾, where the applicant states that he is resident in such accommodation;
- (f) the warden of premises forming one of a group of premises provided for persons of pensionable age or physically disabled persons for which there is a resident warden, where the applicant states that he resides in such premises; or
- (g) in Gibraltar, in the case of an applicant who is resident in a residential home for persons of pensionable age or for physically disabled persons, the senior nursing officer of the home.
- (3) A person who qualifies by virtue of sub-paragraph (a), (b) or (c) of sub-paragraph (2) above may not attest an application for this purpose unless he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity.
- (4) The person attesting the application shall state—
- (a) his name and address and the qualification by virtue of which he attests the application, and where the person who attests the application is a person referred to in sub-paragraph (3) above, that he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity;
- (b) that, to the best of his knowledge and belief, the applicant is suffering from the physical incapacity specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that incapacity; and
- (c) that, to the best of his knowledge and belief, the physical incapacity specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (5) Sub-paragraphs (2) to (4) above shall not apply where—
- (a) in England and Wales, the application is based on the applicant's blindness and the applicant is registered as a blind person by the local authority which is specified in the application under section 29(4)(g) of the National Assistance Act 1948;
- (b) in Scotland, the application is based on the applicant's blindness and the applicant is registered as a blind person by the local authority which is specified in the application; or
- (c) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992⁽¹²⁾) because of the physical incapacity specified in the application.
- (6) The fact that an applicant is registered with a local authority as mentioned in sub-paragraph (5) shall be deemed sufficient evidence that he is eligible to vote by proxy on the grounds set out in paragraph 3(3)(b) of this Schedule.
- (7) In this paragraph and in paragraphs 17 and 18 "his allotted polling station", in relation to an elector means the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules.

Act 1990 (c. 19) and the Schedule to the Housing (Homeless Persons) Act 1977 (c. 48). The section was repealed in relation to Scotland by part 1 of Schedule 9 to the Social Work (Scotland) Act 1968 (c. 49). The section has been amended in other ways not relevant to these Regulations.

(11) 1968 c. 49.

(12) 1992 c. 4.

Additional requirements for applications for a proxy vote for a definite or indefinite period based on occupation, service, employment or attendance on a course

17.—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(c) of this Schedule shall state—

- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or, as the case may be, it is the applicant or his spouse who is attending the course provided by an educational institution in respect of which the application is made;
- (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
- (c) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as “the employed person”) is self employed, that fact; and in any other case the name of that person’s employer;
- (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.

(2) Such an application shall be attested and signed—

- (a) where the person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;
- (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
- (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.

(3) The person attesting an application made under sub-paragraph (2) above shall—

- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by sub-paragraphs (a) to (d) of sub-paragraph (1) above to be included in the application are true; or
- (b) where the applicant is the spouse of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (c) of sub-paragraph (1) above are true.

(4) The person attesting an application under sub-paragraph (2) above shall also state—

- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him; and
- (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
- (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.

(5) For the purposes of this paragraph, one person is related to another if he is the husband, wife, parent, grandparent, brother, sister, child or grandchild of the other.

Additional requirements for applications for a proxy vote in respect of a particular election

18. An application under paragraph 4(2) of this Schedule to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

Closing date for applications

19.—(1) An application under paragraph 3(6) or (7) of this Schedule shall be disregarded for the purposes of a particular European Parliamentary election and an application under paragraph 4(3) of this Schedule shall be refused if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at that election.

(2) An application under paragraph 3(1) or (2), or 6(6) or 7(4) of this Schedule shall be disregarded for the purposes of a particular European Parliamentary election if it is received by the registration officer after 5 pm on the sixth day before the date of the poll at that election.

(3) An application under paragraph 4(1) or (2) or 6(7) of this Schedule shall be refused if it is received by the registration officer after 5 pm on the sixth day before the date of the poll at the election for which it is made.

(4) An application under paragraph 7(7) of this Schedule shall be refused if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at the election for which it is made.

(5) An application under—

- (a) paragraph 3(5)(a) of this Schedule by an elector to be removed from the record kept under paragraph 3(4) of this Schedule, or
- (b) paragraph 7(9)(a) of this Schedule by a proxy to be removed from the record kept under paragraph 7(6) of this Schedule,

and a notice under paragraph 6(9) of this Schedule by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular European Parliamentary election if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at that election.

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

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

- (a) in relation to a general election in the combined region a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom or a Bank or Public Holiday in Gibraltar not otherwise falling within sub-paragraph (6);
- (b) in relation to a by-election in the combined region a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales or a Bank or Public Holiday in Gibraltar not otherwise falling within sub-paragraph (6),
- (c) in relation to a general election in a region other than the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom; and
- (d) in relation to a by-election in a region other than the combined region a day which is a bank holiday under that Act in that part of the United Kingdom in which the electoral region is situated.

Grant or refusal of applications

20.—(1) Where the registration officer grants an application to vote by post, he shall, where practicable, notify the applicant of his decision.

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

(3) Where the registration officer refuses an application under this Part of this Schedule, he shall notify the applicant of his decision and of the reason for it.

(4) Where, under paragraph 19, a registration officer disregards an application for the purposes of any particular European Parliamentary election, he shall, where practicable, notify the applicant of this.

(5) At a European Parliamentary election where the registration officer is not the local returning officer for any local counting area or part of such area in the area for which he is the registration officer, he shall send to that officer details of any application to vote by post which he has granted as soon as practicable after doing so.

Notice of appeal

21.—(1) A person desiring to appeal under regulation 21(1) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under paragraph 20(3) specifying the grounds of appeal.

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

(3) In Scotland, the registration officer shall forward any such notice to the sheriff with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal; and he shall give to the sheriff any other information which the sheriff may require and which the registration officer is able to give.

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

Cancellation of proxy appointment

22. Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 6(9) of this Schedule or ceases to be in force under that provision or is no longer in force under paragraph 6(10)(b) of this Schedule, the registration officer shall—

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

(b) remove his name from the record kept under paragraph 3(4)(c) of this Schedule.

Inquiries by registration officer

23.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown as voting by proxy in the record kept under paragraph 3(4) of this Schedule in

Status: This is the original version (as it was originally made).

pursuance of an application granted on the grounds set out in paragraph 3(3)(b) and (c) of this Schedule for the purpose of determining whether there has been a material change of circumstances.

(2) Where the grant of an application for a proxy vote for an indefinite or particular period was based on the grounds referred to in paragraph 3(3)(c) of this Schedule, the registration officer shall make the inquiries referred to not later than three years after the granting of the application or the last such inquiries, as the case may be.

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

Records and lists kept under this Schedule

24.—(1) The registration officer shall, on request, supply free of charge a copy of the list kept under paragraphs 5 and 7(8) of this Schedule to the election agent of each registered party standing nominated and each individual candidate or his election agent.

(2) The registration officer shall make available for inspection at his office a copy of the records kept under paragraph 3(4) or 7(6) of this Schedule.

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with paragraph 19) the registration officer shall—

- (a) publish the lists kept under paragraphs 5 and 7(8) of this Schedule by making a copy of them available for inspection at his office; and
- (b) at a European Parliamentary election if he is not the local returning officer for any local counting area or part of such area in the area for which he is the registration officer, send to that officer a copy of those lists.

Marked register for polling stations

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

PART 3

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Interpretation of Part 3

26.—(1) For the purposes of this Part of this Schedule, unless the context otherwise requires—

“absent voters list” means the list kept under paragraph 5 of this Schedule;

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

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 36 of this Schedule;

“GLRO” means the Greater London returning officer, being the person who is for the time being the proper officer of the Greater London Authority for the purposes of section 35(2C) of the Representation of the People Act 1983(13);

“list of postal proxies” means the list kept under paragraph 7(8) of this Schedule;

(13) Subsection (2C) was inserted by paragraphs 1 and 3 of Schedule 3 to the 1999 Act.

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

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

“postal voters' ballot box” means the ballot box referred to in paragraph 43(1)(a) of this Schedule;

“receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 43(5) of this Schedule;

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

- (a) a parliamentary election,
- (b) a local government election,
- (c) a mayoral election,
- (d) a referendum,

the poll at which is taken together with the poll at the European Parliamentary election;

“spoilt postal ballot paper” means a ballot paper referred to in paragraph 39(1) of this Schedule;

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

“valid declaration of identity” means one falling within paragraph 47(1) of this Schedule.

(2) In the case of a referendum, a reference to—

- (a) a candidate shall be construed as a reference to a petition organiser, within the meaning of regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001⁽¹⁴⁾;
- (b) an election agent or counting agent shall be construed as a reference to a counting observer, within the meaning of that regulation;
- (c) a polling agent shall be construed as a reference to a polling observer, within the meaning of that regulation; and
- (d) a returning officer shall be construed as a reference to a counting officer, within the meaning of that regulation.

Issue of Postal Ballot Papers

Combination of polls

27. Where the poll at the European Parliamentary election is to be taken together with—

- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), or
- (b) the poll at a mayoral election or a referendum in accordance with regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000,

or two or more such polls, the proceedings on the issue and receipt of postal ballot papers in respect of each election or referendum may, if the returning officers concerned agree, be taken together.

Form of declaration of identity

28. The form of the declaration of identity for the purposes of rule 26 of the European Parliamentary elections rules in Schedule 1 to these Regulations shall be—

⁽¹⁴⁾ S.I. 2001/1298; which was amended by S.I. 2004/226.

Status: This is the original version (as it was originally made).

- (a) in Form B at a European Parliamentary election in England and Wales taken alone;
- (b) in Form C at a European Parliamentary election in England and Wales where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at a relevant election or referendum;
- (c) in Form D at a European Parliamentary election in England and Wales where the poll is taken together with the poll at a relevant election or referendum, but where the proceedings on the issue and receipt of postal ballot papers are not;
- (d) in Form E at a European Parliamentary election in Scotland taken alone;
- (e) in Form F at a European Parliamentary election in Scotland where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election; and
- (f) in Form G at a European Parliamentary election in Scotland where the poll is taken together with the poll at another election, but where the proceedings on the issue and receipt of postal ballot papers are not.

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

29. No person may be present at the proceedings on the issue of postal ballot papers other than the local returning officer and his clerks.

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

30. No person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the local returning officer and his clerks,
- (b) a candidate,
- (c) an election agent or a person appointed by him or a sub-agent to attend in his place,
- (d) any agents appointed under paragraph 31,
- (e) representatives of the Electoral Commission.,
- (f) where the proceedings on the receipt of postal ballot papers are taken together with the those proceedings for a relevant election or referendum, persons entitled to be present at the proceedings for the relevant election or referendum.

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

31.—(1) The election agent or sub-agent of each registered party standing nominated or each individual candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the local returning officer to appoint so, however, that the number authorised shall be the same in the case of each registered party standing nominated or each individual candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the election agent or sub-agent to the local returning officer before the time fixed for the opening of the postal voters' ballot box.

(3) Where postal ballot papers for more than one election or referendum are issued together under paragraph 27, the returning officer to whom notice shall be given under sub-paragraph (2) above and sub- paragraphs (4) and (5) is the returning officer who issues the postal ballot papers.

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

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

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

(7) Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

32. The local returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of regulations 29(5) and (7).

Time when postal ballot papers are to be issued

33.—(1) In the case of a person shown in the record kept under—

- (a) paragraph 3(4), or
- (b) paragraph 7(6),

of this Schedule (electors and proxies entitled to vote by post for an indefinite or definite period), no postal ballot paper (and declaration of identity) shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 19(6)).

(2) In the case of any other person, the postal ballot paper (and declaration of identity) shall be issued by the local returning officer as soon as practicable after the application to vote by post has been granted.

Procedure on issue of postal ballot paper

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

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

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

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

(5) Where postal ballot papers for the European Parliamentary election and a relevant election or referendum are issued together under paragraph 27—

- (a) one mark shall be placed in the absent voters list or the list of postal proxies under subparagraph (3) to denote that ballot papers have been issued in respect of each election or referendum; except that, where ballot papers are not so issued, a different mark shall be placed in the absent voters list or list of postal proxies to identify the election or referendum in respect of which the ballot paper was issued; and
- (b) the number of each ballot paper shall be marked on the declaration of identity under subparagraph (4).

Status: This is the original version (as it was originally made).

(6) Where the poll at a European Parliamentary election is taken with the poll at a relevant election or referendum (under the provisions referred to in paragraph 27) but not the proceedings on the issue and receipt of postal ballot papers, the colour of the postal ballot paper shall also be marked on the declaration of identity sent with that paper.

(7) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in paragraph 36 are to be sent is—

- (a) in the case of an elector, the address shown in the absent voters list;
- (b) in the case of a proxy, the address shown in the special list kept under paragraph 7(8) of this Schedule.

Refusal to issue postal ballot paper

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

Envelopes

36.—(1) Sub-paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 26 of the European Parliamentary elections rules).

(2) There shall be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

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

- (a) the letter “A”;
- (b) the words “ballot paper envelope”, and
- (c) the number of the ballot paper or, as the case may be, ballot papers.

(4) Where polls are taken together (under the provisions referred to in paragraph 27 of this Schedule) but not the proceedings on the issue and receipt of postal ballot papers—

- (a) the envelope referred to in sub-paragraph (2) shall also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”, and
- (b) on the envelope referred to in sub-paragraph (3), after the words “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

Sealing up of counterfoils and security of special lists

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

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

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

Delivery of postal ballot papers

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

- (a) a universal postal service provider or, in Gibraltar, the Gibraltar Post Office;
- (b) a commercial delivery firm, or
- (c) clerks appointed under rule 28(1) of the European Parliamentary elections rules.

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

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

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom or Gibraltar.

Spoilt postal ballot papers

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

(2) Where postal ballot papers for more than one election or referendum have been issued together under paragraph 27, the postal voter shall, if he exercises the entitlement conferred by sub-paragraph (1), return all of the ballot papers so issued, whether spoilt or not.

(3) On receipt of the documents referred to in sub-paragraph (1) and, where applicable sub-paragraph (2), the local returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 pm on the day before the day of the poll.

(4) Paragraphs 34 (except sub-paragraph (3)), 36, 37 and, subject to sub-paragraph (7) below, 38 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(5) The spoilt postal ballot paper, and any other postal ballot paper issued with it, and the declaration of identity shall be immediately cancelled.

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

(7) Where a postal voter applies in person, the local returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 38.

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

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

Lost postal ballot papers

40.—(1) Where a postal voter has not received his postal ballot paper by the fourth day before the day of the poll, or in Scotland by the third day before the day of the poll, he may apply (whether or not in person) to the local returning officer for a replacement ballot paper.

(2) Such an application shall include evidence of the voter's identity.

(3) Where the application is received by the local returning officer before 5 pm on the day before the day of the poll and the local returning officer—

(a) is satisfied as to the voter's identity, and

(b) has no reason to doubt that the postal voter did not receive the original postal ballot paper, he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

(4) The local returning officer shall enter in a list kept for the purpose ("the list of lost postal ballot papers")—

(a) the name and number of the elector as stated in the register;

(b) the number of the postal ballot paper issued under this paragraph; and

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

(5) Paragraphs 34 (except sub-paragraph (3)), 36, 37 and, subject to sub-paragraph (6) below, 38 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(6) Where a postal ballot voter applies in person, the local returning officer may hand a replacement ballot paper to him instead of delivering it in accordance with paragraph 38.

Receipt of Postal Ballot Papers

Alternative means of returning postal ballot paper or declaration of identity

41.—(1) For the purposes of rule 46(2) of the European Parliamentary elections rules in Schedule 1 to these Regulations the manner in which a postal ballot paper or declaration of identity may be returned to a polling station is by hand.

(2) For these purposes, the manner in which such a paper or declaration may be returned to the local returning officer is by post or by hand.

(3) The presiding officer of the polling station shall deliver, or cause to be delivered, any postal ballot paper or declaration of identity returned to that station to the local returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 44(1) of the European Parliamentary elections rules.

Notice of opening of postal ballot paper envelopes

42.—(1) The local returning officer shall give to each election agent, or where appointments have been made of a sub-agent, sub-agent not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice shall specify—

(a) the time and place at which such an opening is to take place, and

(b) the number of agents the election agent or sub-agent may appoint under paragraph 31(1) to attend each opening.

Postal ballot boxes and receptacles

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

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

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the local counting area or parliamentary constituency or electoral area (or areas) or voting area for which the election (or elections) or referendum is (or are) held.

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

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

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

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

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

Receipt of covering envelope

44.—(1) The local returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the local returning officer—

- (a) has been opened, and
- (b) contains a ballot paper envelope, declaration of identity or ballot paper,

the first-mentioned envelope, together with its contents, shall be placed in a postal voters' ballot box.

Opening of postal voters' ballot box

45.—(1) Each postal voters' ballot box shall be opened by the local returning officer in the presence of the agents, if in attendance.

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

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the verification of the ballot paper accounts under rule 46 of the European Parliamentary elections rules.

Opening of covering envelopes

46.—(1) When a postal voters' ballot box is opened, the local returning officer shall count and record the number of covering envelopes (including any envelope described in paragraph 44(2)), and shall then open each covering envelope separately.

(2) The procedure in paragraph 47 applies where a covering envelope (including an envelope to which paragraph 44(2) applies) contains both—

- (a) a declaration of identity; and

Status: This is the original version (as it was originally made).

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

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

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

(a) a declaration of identity (whether separately or not), and

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

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

Procedure in relation to declarations of identity

47.—(1) The local returning officer shall satisfy himself that the declaration of identity has been duly signed by the voter and authenticated by a witness who has signed the declaration and given his name (except in Scotland) and address (referred to as a “valid declaration of identity”).

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

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

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

(5) Where—

(a) the number (or numbers) on a valid declaration of identity is (or are) not the same as the number (or numbers) on the ballot paper envelope, or

(b) that envelope has no number on it (or only one number when the declaration of identity has more than one),

the local returning officer shall open the envelope.

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

(a) there is a valid declaration of identity but no ballot paper envelope; or

(b) the ballot paper envelope has been opened under paragraph 46(3) or sub-paragraph (5).

(7) In the circumstances described in sub-paragraph (6), the local returning officer shall place—

(a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the valid declaration of identity;

(b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “provisionally rejected”;

(c) in the receptacle for rejected votes, any valid declaration of identity marked “provisionally rejected” where—

(i) there is no ballot paper, or

- (ii) in the case of a declaration on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the declaration to indicate which ballot paper is missing;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under sub-paragraph (b) or (c) above.

Opening of ballot paper envelopes

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

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

Lists of rejected postal ballot papers

49.—(1) In respect of any election, the local returning officer shall keep two separate lists of rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid declaration of identity was received with it.

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

Checking of lists kept under paragraph 49

50.—(1) Where the local returning officer receives a valid declaration of identity without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list kept under paragraph 49(2) to see whether the number (or numbers) of a postal ballot paper to which the declaration relates is entered in that list.

(2) Where the local returning officer receives a postal ballot paper without the declaration of identity to which it relates, he may, at any time prior to the close of the poll, check the list kept under paragraph 49(3) to see whether the number of that ballot paper is entered in that list.

(3) The local returning officer shall conduct the checks required by sub-paragraphs (1) and (2) above as soon as practicable after the receipt of packets from every polling station in the local counting area, parliamentary constituency, electoral area or, as the case may be, voting area under rule 44(1) of the European Parliamentary elections rules.

(4) Where the ballot paper number in the list matches that number on a valid declaration of identity or, as the case may be, the postal ballot paper, the local returning officer shall retrieve that declaration or paper.

(5) The local returning officer shall then take the appropriate steps under this Part of this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

Status: This is the original version (as it was originally made).

Sealing of receptacles

51.—(1) As soon as practicable after the completion of the procedure under paragraph 50(3) and (4), the local returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- (b) the receptacle of declarations of identity,
- (c) the receptacle of rejected ballot paper envelopes, and
- (d) the lists of spoilt and lost postal ballot papers,

and shall seal up such packets.

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

Retention of documents

52.—(1) Subject to sub-paragraph (2), the local returning officer shall retain for one year after the date of the poll any packets referred to in paragraphs 37, 39(6) and 51 endorsing on each a description of its contents and, after the expiry of that period, cause those packets to be destroyed unless otherwise directed by the High Court or, in Scotland, the Court of Session.

(2) Where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 27, the returning officer discharging those functions shall forward the packets containing—

- (a) the marked copies of the absent voters list and list of postal proxies; and
- (b) the declarations of identity,

to the same person, and at the same time and in the same manner, as he is required to forward those documents as respects the election or referendum for which he is the returning officer.

(3) Where—

- (a) any covering envelopes are received by the local returning officer after the close of the poll (apart from those delivered in accordance with the provisions of paragraph 41(3));
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

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

(4) Rules 60 and 61 of the European Parliamentary elections rules shall apply to any packet or document retained under this regulation.

(5) A completed statement in Form H shall be provided by the local returning officer to the Secretary of State.

(6) The statement referred to in sub-paragraph (5) shall identify the local counting areas or parts of such areas within the electoral region for which it is prepared.

Paragraph 6(8)

APPENDIX OF FORMS

Status: This is the original version (as it was originally made).

Form A

Proxy Paper

REPRESENTATION OF THE PEOPLE ACTS

Constituency

Polling district

Local government electoral area(s)

European Parliamentary electoral region

Voting area

Name of Proxy

Address

is hereby appointed as proxy for

(Name of elector)

*who is qualified to be registered for

(Qualifying address)

*who qualifies as an overseas elector in respect of the above constituency to vote for him/her at
*the *parliamentary *local government *European Parliamentary *mayoral election *and referendum for
the above *constituency *electoral area *European Parliamentary electoral region *voting area on
(date).....

*any *parliamentary *local government *European Parliamentary *mayoral election *and referendum
for the above *constituency *electoral area *European Parliamentary electoral region *voting area

*This proxy appointment is not valid until

*This proxy appointment remains valid until

Signature

Electoral Registration Officer

Address

Date

*Delete whichever is inappropriate

YOUR RIGHT TO VOTE AS PROXY

(1) This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given
overleaf. However, you may not vote as proxy at the same election or 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 may be for a particular election or referendum only, or it may be for
a definite or indefinite period.

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

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

Form B

Declaration of Identity

(for use in England and Wales)

Front of form

**DECLARATION OF IDENTITY
EUROPEAN PARLIAMENTARY ELECTION**

Ballot Paper No.

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

Voter's signature (or mark)

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

Witness's signature (or mark)

Name of witness
(WRITE CLEARLY)

Address of witness
(WRITE CLEARLY)

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

- (1) You must sign or mark this declaration of identity in the presence of a person known to you. That person should then sign or mark this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
- (2) Vote for one party or individual candidate only. Put no other mark on the ballot paper or your vote may not be counted.
- (3) Mark a cross (X) to the right of the name of the party or individual candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
- (4) Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the returning officer not later than the close of the poll. Alternatively, it may be delivered to a polling station in this local counting area on polling day.
- (5) If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
- (6) At this election you cannot vote in person at a polling station, even if you receive an official poll card.
- (7) If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return the spoiled ballot paper and the declaration of identity. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

Status: This is the original version (as it was originally made).

Paragraph 28(b)

Form C

Declaration of identity

(for use in England and Wales when there is joint issue and receipt of postal ballots)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No(s).....

I hereby declare that I am the person to whom the ballot paper(s) numbered as above were sent.

Voter's signature (or mark)

The voter, who is personally known to me, has signed (or marked) this declaration in my presence

Witness's signature (or mark)

Name of witness

(WRITE CLEARLY)

Address of witness

(WRITE CLEARLY)

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign or mark this declaration of identity in the presence of a person known to you. That person should then sign or mark this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. [*When you are voting in a Parliamentary/ local government election* (*insert colour of ballot paper*) ballot paper], mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only/ Vote for no more than candidates*.]

3. When you are voting in a European Parliamentary election (*insert colour of ballot paper*) ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.

4. [*When you are voting in a GLA election—

(a) [*in the constituency members election (*insert colour of ballot paper*) ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only.]

(b) [*in the London members election (*insert colour of ballot paper*) ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.]

(c) [*in the London Mayoral election (*insert colour of ballot paper*) ballot paper), vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]]

5. [*When you are voting in a (*specify*) election (*insert colour of ballot paper*) ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only/ Vote once for your first choice and once for your second choice*]

6. [*When you are voting in a referendum, mark a cross (X) to the right of the answer of your choice. Vote once only.]

7. Put no other mark on the ballot paper(s) or your vote(s) may not be counted.

8. Mark all votes secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

9. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope, together with this declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.

Status: This is the original version (as it was originally made).

Paragraph 28(c)

Form D

Declaration of Identity

(for use in England and Wales where there is separate issue and receipt of postal ballots)

Front of form

**DECLARATION OF IDENTITY
EUROPEAN PARLIAMENTARY ELECTION**

To be returned with: *(insert colour of ballot paper)* coloured ballot paper.

(insert colour of ballot paper) coloured Ballot Paper No. . . .

I hereby declare that I am the person to whom the *(insert colour of ballot paper)* ballot paper(s) numbered as above was sent.

Voter's signature (or mark)

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

Witness's signature (or mark)

Name of witness:

(WRITE CLEARLY)

Address of witness

(WRITE CLEARLY)

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

(1) You must sign or mark this declaration of identity in the presence of a person known to you. *You are required to this even if you have already signed a similar declaration of identity in respect of another election or referendum to be held on the same day.* That person should then sign or mark this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

(2) Vote for one party or individual candidate only. Put no other mark on the ballot paper or your vote may not be counted.

(3) **Mark a cross (X) in the column of the party or individual candidate you are voting for. Do this secretly.** If you cannot without assistance, the person assisting you must not disclose how you have voted.

(4) Different colours are used for the ballot papers for each election or referendum. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place each ballot paper in the correct smaller envelope and seal it,
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. ³¹ Ballot papers must be received by the returning officer not later than the close of the poll.

*Alternatively they may be returned to any of the following polling stations on polling day

* *(insert polling station* J. or

Status: This is the original version (as it was originally made).

Paragraph 28(d)

Form E

DECLARATION OF IDENTITY

EUROPEAN PARLIAMENTARY ELECTION

DECLARATION OF IDENTITY

Ballot Paper No

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

Voter's signature

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

Witness's signature

Address of witness,

.....

(WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. Vote for one party or individual candidate only. Put no other mark on the ballot paper or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the returning officer not later than the close of the poll. Alternatively, it may be delivered to a polling station in the constituency to which the ballot paper relates by the close of the poll on the day of the election.
5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper and the declaration of identity. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

Status: This is the original version (as it was originally made).

Paragraph 28(e)

Form F

DECLARATION OF IDENTITY

(for use in Scotland when postal ballots are combined)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

DECLARATION OF IDENTITY

Ballot Paper Nos

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter's signature

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

Witness's signature

Address of witness

.....

(WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. At the European Parliamentary election, vote for one party or individual candidate only.
*[At the election of, vote for no more than candidates.] Put no other marks on the ballot paper or your vote may not be counted.
*To be completed by the returning officer depending on the election to which paragraph 27 applies
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the returning officer not later than the close of the poll. Alternatively, it may be delivered to a polling station in the constituency to which the ballot paper relates by the close of the poll on the day of the election.
5. If you receive more than one ballot paper relating to the same election, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
6. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.

Status: This is the original version (as it was originally made).

Paragraph 28(f)

Form G

DECLARATION OF IDENTITY

(for use in Scotland when a European Parliamentary poll is combined with another poll but the postal ballots are not combined)

Front of form

EUROPEAN PARLIAMENTARY ELECTION

DECLARATION OF IDENTITY

To be returned with the [insert colour of ballot paper] coloured ballot paper No

I hereby declare that I am the person to whom the [insert colour of ballot paper] coloured ballot paper numbered as above was sent.

Voter's signature

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

Witness's signature

Address of witness

(WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. Vote for one party or individual candidate only. Put no other mark on the ballot paper or your vote may not be counted.

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll. Alternatively, they may be delivered to a polling station in the constituency to which the ballot papers relate by the close of the poll on the day of the election.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

Status: This is the original version (as it was originally made).

Paragraph 52(4)

Form H

Statement as to Postal Ballot Papers

EUROPEAN PARLIAMENTARY ELECTION

Local Counting Area

Date of poll 20

A Issue of postal ballot papers **Number**

- 1. Total number of postal ballot papers issued under paragraph 34
- 2. Total number of postal ballot papers issued under paragraph 39 (where the first ballot paper was spoilt and returned for cancellation)
- 3. Total number of postal ballot papers issued (1 + 2)

B Receipt of postal ballot papers **Number**

- 4. Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraph 39(1) with spoilt ballot papers)
- 5. Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered
- 6. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued
- 7. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued
- 8. Number of covering envelopes returned as undelivered (up to the date of this statement)
- 9. Number of covering envelopes not received by the returning officer by the date of this statement (0 Total Nos 4 to 9 (This number should be the same as that in 3 above))

C Count of postal ballot papers **Number**

- 11. Number of covering envelopes received by the returning officer before the close of poll (excluding any undelivered or returned under paragraph 39(1) with spoilt ballot papers)
- 12. Number of ballot papers returned by postal voters which were included in the count of ballot papers
- 13. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraph 39(5) are not rejections and should be included in items 2 and 6 above)

Date Signed

Local Returning Officer

Address