

2006 No. 3278

REPRESENTATION OF THE PEOPLE

**The Representation of the People (Combination of Polls)
(England and Wales) (Amendment) Regulations 2006**

Made - - - - 12th December 2006

Coming into force in accordance with regulation 1

These Regulations are made in exercise of the powers conferred by section 36(3C) of the Representation of the People Act 1983(a), section 15(5) of the Representation of the People Act 1985(b) and sections 44 and 45 of the Local Government Act 2000(c).

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with sections 44(3A) and 45(8A) of the Local Government Act 2000 and section 7(2)(e) of the Political Parties, Elections and Referendums Act 2000(d).

In accordance with section 201(2) of the Representation of the People Act 1983(e) and section 105(6) of the Local Government Act 2000(f), a draft of this instrument has been laid before and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2006 and subject to paragraph (2) shall come into force on 1 January 2007 or on the fourteenth day after they are made, whichever is later.

(2) These Regulations shall not have effect in relation to any election or referendum for which the date of the poll for that election or referendum is on or before 2 May 2007.

(3) These Regulations do not extend to Scotland or Northern Ireland.

(4) In these Regulations, unless otherwise stated, a reference to a numbered regulation or schedule is a reference to the regulation or schedule bearing that number in the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(g).

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- (a) 1983 c. 2; subsection (3C) of section 36 was inserted by section 17 of the Representation of the People Act 1985 (c. 50).
(b) 1985 c. 50; section 15 was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 55) and by Schedule 7 to the Local Government Act 2003 (c. 26).
(c) 2000 c. 22; sections 44 and 45 were amended by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
(d) 2000 c. 41.
(e) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and article 5(b) of S.I. 1991/1728.
(f) Section 105(6) was amended by Schedule 3 to the Local Government Act 2003 (c. 26).
(g) S.I. 2004/294.

Revocations

2. Regulations 7 and 9 and Schedules 1 and 3 are revoked.

Amendment of regulation 5

- 3.—(1) Paragraph (2) of regulation 5 is amended as follows.

- (2) Before sub-paragraph (a) insert—

“(za) unless sub-paragraph (zb) applies, rule 19A (corresponding number list)(a), to the extent that it relates to ballot papers to be provided in pursuance of rule 29(1);

(zb) where the proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together under regulation 65 of the 2001 Regulations(b), rule 19A (corresponding number list);”.

- (3) After sub-paragraph (f) insert—

“(fa)where the proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together under regulation 65 of the 2001 Regulations, rule 31A (return of postal ballot papers)(c);”.

- (4) After sub-paragraph (i) add—

“(j) where the proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together under regulation 65 of the 2001 Regulations, rule 45(1B)(d) (the count)(d).”.

Amendment of Schedule 2

- 4.—(1) Schedule 2 is amended as follows.

- (2) For paragraph 4 substitute—

“4. At the end of paragraph (2) of rule 19 (the ballot papers) insert—

“(d) shall be of a different colour from that of any ballot papers used at any relevant election or referendum(e).”.

- (3) For paragraph 11 substitute—

“11. At the end of paragraph (1)(h) of rule 32 (admission to polling stations) insert—

“(i) persons entitled to be admitted to the polling station at a relevant election or referendum(f).”.

- (4) For paragraph 12 substitute the following—

“12.—(1) Rule 35 (questions to be put to voters)(g) is amended as follows.

- (2) In the questions specified in the second column of the table set out in rule 35—

(a) for the words “at this election”, wherever they appear, substitute “at this Parliamentary election”;

(b) in question 3(b) after the words “here or elsewhere” insert “at this Parliamentary election”.

(a) In these Regulations a reference to a numbered rule is a reference to the rule so numbered in the parliamentary elections rules as set out in Schedule 1 to the Representation of the People Act 1983 (c.2); rule 19A was inserted by section 31 of the Electoral Administration Act 2006 (c. 22).

(b) The meaning of the “2001 Regulations” is set out in regulation 2 of S.I. 2004/294.

(c) Rule 31A was inserted by section 45 of the Electoral Administration Act 2006 (c. 22).

(d) Sub-paragraph (d) of rule 45(1B) was inserted by paragraph 73(3) of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(e) The meaning of “relevant election or referendum” is set out in paragraph 2 of Schedule 2 to S.I. 2004/294; rule 19 was amended by section 30 of the Electoral Administration Act 2006 (c. 22).

(f) Rule 32 was amended by Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(g) Rule 35 was amended by Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(5) For paragraph 13 substitute the following—

“**13.** After paragraph (3) of rule 37 (voting procedure)(a) insert the following—

“(3A) The same copy of the register of electors or where paragraph (3) applies, the same copy of the notice issued under section 13B(3B) or (3D) of this Act(b) may be used under paragraph (1) for each relevant election or referendum and—

- (a) one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been issued in respect of each election or referendum; and
- (b) where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark shall be placed in the register, on the notice or in the list, so as to identify each election or referendum in respect of which the ballot paper was issued.”.

(6) After paragraph 16 insert the following—

“**16A.** At the end of rule 41A (correction of errors on day of the poll)(c) insert the following—

“The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.”.

(7) In paragraph 22, for the reference to “counterfoils” in paragraph (1)(g)(iii) of rule 45 as substituted, substitute—“completed corresponding number lists”.

(8) For paragraph 25 substitute—

“**25.** For paragraph (2) of rule 54 (sealing up of ballot papers)(d) substitute—

“(2) The returning officer shall not open the sealed packets of—

- (a) tendered ballot papers, or
- (b) certificates as to employment on duty on the day of the poll.

(3) Where he is the returning officer who discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, the returning officer shall not open the sealed packets of—

- (a) the completed corresponding number lists, or
- (b) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of this Act) and lists of proxies.”.

(9) In paragraph 26 for “Clerk of the Crown” substitute “registration officer” and after “sub-paragraphs (c)” insert “, (ca)”(e).

(10) For paragraph 27 substitute—

“**27.** In rule 60 (death of independent candidate)(f) after paragraph (5) insert—

“(6) Neither the countermand of the notice of poll at the parliamentary election nor the direction that that poll be abandoned shall affect the poll at each relevant election or referendum.”.

(11) After paragraph 27 insert—

(a) Rule 37 was amended by Schedule 1 to the Electoral Administration Act 2006 (c. 22).
(b) The Act referred to is the Representation of the People Act 1983 (c. 2); section 13B was inserted by Schedule 1 of the Representation of the People Act 2000 (c. 2); subsections (3B) and (3D) of section 13B were inserted by section 11 of the Electoral Administration Act 2006 (c. 22).
(c) Rule 41A was inserted by Schedule 1 to the Electoral Administration Act 2006 (c. 22).
(d) Rule 54 was amended by section 31 of the Electoral Administration Act 2006 (c. 22).
(e) Paragraph 26 modifies rule 55 of the parliamentary elections rules; rule 55 was amended by section 41 of the Electoral Administration Act 2006 (c. 22).
(f) Rule 60 was substituted by section 24 of the Electoral Administration Act 2006 (c. 22).

27A.—(1) Rule 63 (death of party candidate)(a) is modified as follows.

(2) After paragraph (2) insert—

“(2A) Neither the countermand of the notice of poll at the parliamentary election nor the direction that that poll be abandoned shall affect the poll at each relevant election or referendum.”.

(3) In paragraph (3) after “with reference to the” insert “parliamentary”.

27B.—(1) Rule 64 (death of Speaker of the House of Commons seeking re-election)(b) is modified as follows.

(2) After paragraph (2) insert—

“(2A) Neither the countermand of the notice of poll at the parliamentary election nor the direction that that poll be abandoned shall affect the poll at each relevant election or referendum.”.

(3) In paragraph (3) after “with reference to the” insert “parliamentary”.

27C. For rule 65 (abandoned poll)(c) substitute the following—

65.—(1) This rule applies to—

- (a) a poll at a parliamentary election which is abandoned in pursuance of rule 60(4)(b) as if it were a poll at a contested election;
- (b) a poll at a parliamentary election which is abandoned in pursuance of rule 63(2)(b) or 64(2)(b).

(2) No further ballot papers at the parliamentary election shall be issued in any polling station.

(3) At the close of poll for each relevant election or referendum the presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as he would be required to do if the poll at the parliamentary election had not been abandoned.

(4) The returning officer must dispose of ballot papers used at the parliamentary election and other documents in his possession as he is required to do on the completion of the counting of votes.

(5) It is not necessary for a parliamentary ballot paper account to be prepared or verified.

(6) Having separated the ballot papers relating to each relevant election or referendum, the returning officer must take no step or further step for the counting of the ballot papers used at the parliamentary election or of the votes cast at the parliamentary election.

(7) The returning officer must seal up all the ballot papers used at the parliamentary election (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(8) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at a parliamentary election apply subject to paragraphs (9) and (10).

(9) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(10) No order is to be made for—

- (a) the production or inspection of any ballot papers, or

(a) Rule 63 was inserted by section 24 of the Electoral Administration Act 2006 (c. 22).

(b) Rule 64 was inserted by section 24 of the Electoral Administration Act 2006 (c. 22).

(c) Rule 65 was inserted by section 24 of the Electoral Administration Act 2006 (c. 22).

(b) the opening of a sealed packet of the completed corresponding number list or of certificates as to employment on the day of the poll, unless the order is made by a court with reference to a prosecution.”.”.

(12) For paragraph 28 substitute the following—

“28. In the Appendix of forms for the form of directions for the guidance of the voters in voting there shall be substituted—

“Form of directions for the guidance of the voters in voting

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. You will be asked to sign for your ballot papers.
2. When you are given your ballot papers go to one of the polling booths.
 - 3A. At the Parliamentary election 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. Vote for ONE candidate only.
 - B. [At the local government election(s) mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. [Vote for ONE candidate only.]* [Vote for no more than ... candidates.]*]*
 - C. [At the European Parliamentary election, mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for. Vote for ONE party or candidate only.]*
 - #D. [At the Greater London Authority election—
 - [(i) in the constituency members’ election, vote for ONE candidate only]*
 - [(ii) in the London members’ election, vote for ONE party or individual candidate only]*
 - [(iii) in the London Mayoral election, vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE.]*]*
 - +E. [At the [specify other] election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate who you are voting for. [Vote ONCE only.]* [Vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE.]*]*
 - F. [At the referendum mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.]*
4. [Please do not fold the ballot papers for the [specify the election(s) at which the votes are to be counted electronically]. Fold any other ballot paper(s) in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate]* ballot box and leave the polling station.]*
4. [Fold each ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate]* ballot box and leave the polling station.]*
5. Vote only for the number of candidates specified on each ballot paper [and only one of the answers available in the referendum]*. Put no other mark on the ballot papers, or your votes may not be counted.
6. If you spoil a ballot paper by mistake, show it to the presiding officer and ask for a replacement.

* Complete or omit as necessary

#Alternatively, insert such information as to the manner of voting as the GLRO may decide.

+ In the case of a mayoral election, alternatively, insert such information as to the manner of voting as the returning officer may decide.”.”.

(13) In paragraph 29, in Note 2 to the Form of declaration to be made by the companion of a voter with disabilities for “European Parliamentary” substitute “the relevant” and for “incapacity” substitute “disability”.

Signatory text

12th December 2006

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294) (“the 2004 Regulations”) as a result of changes introduced by the Electoral Administration Act 2006 (c.22). The Regulations also make amendments to the form of directions for the guidance of voters to improve clarity.

Regulation 2 revokes regulations 7 and 9 and Schedules 1 and 3 of the 2004 Regulations. Regulation 7 and Schedule 1 are revoked because those provisions related specifically to the conduct of the 2004 European Parliamentary elections and are now no longer required. Regulation 9 and Schedule 3 substituted a new Form H (the declaration of identity to be used when there is joint issue and receipt of postal ballots) for the Form H as set out in the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341). That Form H has now been superseded by the Form H (postal voting statement to be used when there is joint issue and receipt of postal ballots) which is substituted by regulation 66 of the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations (S.I. 2006/2910).

Regulation 3 amends regulation 5 of the 2004 Regulations to insert reference to three new functions of a returning officer that were introduced by the Electoral Administration Act. The functions relate to the creation of a corresponding number list (rule 19A), the creation of a marked postal voters list and proxy postal voters list (rule 31A) and the verification of personal identifiers on postal voting statements (rule 45(1B)(d)).

Regulation 4(2) and (3) modifies the paragraphs to be inserted into the parliamentary elections rules to reflect the revised paragraph numbering following changes made by the Electoral Administration Act.

Regulation 4(4) to (11) amends the modifications to rules 35, 37, 41A, 45, 54, 55 and 60 of the parliamentary elections rules as set out in Schedule 2 to the 2004 Regulations, to reflect changes made to the parliamentary elections rules by the Electoral Administration Act 2006.

Regulation 4(12) amends the form of directions for the guidance of voters at combined polls to provide improved clarity for voters.

Regulation 4(13) amends Note 2 to the form of declaration to be made by the companion of a voter with disabilities. The specific reference to the European Parliamentary elections rules is replaced by a general reference to the “relevant” elections rules, which will be determined by reference to the different types of polls which are being combined. The reference to “incapacity” is replaced by a reference to “disability”, to reflect the change of terminology introduced by the Electoral Administration Act 2006.

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