

SCHEDULE 3  
REFERENDUM RULES

PART 4  
The poll

**Admission to polling station**

**20.**—(1) The presiding officer must exclude all persons from the polling station except —

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) companions of voters with disabilities;
- (d) referendum agents;
- (e) polling agents appointed to attend at the polling station;
- (f) clerks appointed to attend the polling station;
- (g) the Chief Counting Officer, a Deputy Chief Counting Officer and members of the Chief Counting Officer’s staff;
- (h) a counting officer and members of the counting officer’s staff;
- (i) persons who are entitled to attend by virtue of sections 6A to 6D of the 2000 Act; and
- (j) constables on duty.

(2) The presiding officer must regulate the total number of persons to which this paragraph applies who may be admitted to the polling station at the same time.

(3) Paragraph (2) applies to voters and persons under the age of 18 who accompany them.

(4) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same referendum agent.

(5) A constable or person employed by a counting officer may be admitted to vote in person elsewhere than at the polling station allotted under these Rules<sup>(1)</sup>, only on production and surrender of a certificate (in these rules referred to as “certificate as to employment on duty on the day of the poll”) which satisfies the requirements set out in paragraph (6).

(6) A certificate must —

- (a) be signed by —
  - (i) an officer of police of the rank of inspector or above; or
  - (ii) the counting officer; and
- (b) be in the form L set out in Schedule 6.

(7) A certificate surrendered under paragraph (5) must be immediately cancelled.

**Keeping of order in polling station**

**21.**—(1) The presiding officer must keep order at the polling station.

(2) If a person —

- (a) obstructs the operation of the polling station;

---

(1) See rule 13.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) obstructs any voter in polling; or
- (c) does anything else which the presiding officer considers may adversely affect proceedings at the polling station,

the presiding officer may order the person to be removed immediately from the polling station.

- (3) A person may be so removed —
  - (a) by a constable in or near that station; or
  - (b) by any other person authorised in writing by the counting officer to discharge this function.

(4) A person removed under paragraph (2) may not enter the polling station again during that day without the presiding officer’s permission.

(5) The power to remove a person from the polling station may not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having the opportunity to vote at that station.

**Sealing of ballot boxes**

**22.**—(1) Immediately before the commencement of the poll, the presiding officer must show each ballot box proposed to be used for the purposes of the poll to such persons (if any) who are present in the polling station so that they may see that each box is empty.

- (2) The presiding officer must then —
  - (a) place the presiding officer’s seal on each box in such a manner as to prevent it being opened without breaking the seal,
  - (b) place each box in the presiding officer’s view for receipt of ballot papers, and
  - (c) keep each box sealed.

**Questions to be put to voters**

**23.**—(1) At the time a person described in an entry in column 1 of the Table in paragraph (3) (“the Table”) applies for a ballot paper (but not afterwards), the presiding officer —

- (a) may put the questions specified in the second or, as the case may be, third column of that Table to the person if the presiding officer considers it appropriate to do so, and
- (b) must put the questions mentioned in that Table, where the letter “R” appears after the question, to the person if required to do so by a referendum agent or a polling agent.

(2) The question may, as appropriate, be asked in English (as set out in column (2) of the Table) or Welsh (as set out in column (3) of the Table).

- (3) The questions referred to in paragraph (1) are —

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Type of person applying for ballot paper	Question to be asked in English	Question to be asked in Welsh
1. A person applying as an elector	(a) “Are you the person registered in the register of local government electors as follows [ <i>read out the whole entry from the register</i> ]?”  [R]	(a) “Ai chi yw’r person sydd wedi ei gofrestru ar y gofrestr o etholwyr llywodraeth leol fel a ganlyn [ <i>darllen allan y cofnod cyfan o’r gofrestr</i> ]?” [R]

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column (1)	Column (2)	Column (3)
Type of person applying for ballot paper	Question to be asked in English	Question to be asked in Welsh
	(b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as a proxy for some other person?”[R]	(b) “A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, ar wahân i fel dirprwy dros berson arall?”[R]
2. A person applying as proxy	(a) “Are you the person whose name appears as A B in the list of proxies for this referendum as entitled to vote as proxy on behalf of C D ?” [R]	(a) “Ai chi yw’r person y mae eich enw yn ymddangos fel A B ar y rhestr o ddirprwyon ar gyfer y refferendwm hwn fel rhywun sydd â hawl i fwrw pleidlais ddirprwy ar ran C D?” [R]
	(b) “Have you already voted, here or elsewhere, in this referendum, as proxy on behalf of C D?” [R]	(b) “A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, fel dirprwy ar ran C D?” [R]
	(c) “Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C D?”[R ]	(c) “Ai chi yw priod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer, plentyn, ŵyr neu wyres C D?” [R]
3. A person applying as proxy for an elector with an anonymous entry in the register (instead of the questions in entry 2)	(a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of local government electors is <i>[read out the number from the register]</i> ?” [R]	(a) “Ai chi yw’r person sydd â hawl i bleidleisio fel dirprwy ar ran yr etholwr(aig) sydd â’r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol <i>[darllen allan y rhif o’r gofrestr]</i> ?”[R]
	(b) “Have you already voted, here or elsewhere, in this referendum, as proxy on behalf of the elector whose number on the register of local government electors is <i>[read out the number from the register]</i> ?” [R]	(b) “A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, fel dirprwy ar ran yr etholwr(aig) sydd â’r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol ar ei gyfer <i>[darllen allan y rhif o’r gofrestr]</i> ?”
	(c) “Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector whose number on the register of local government electors is <i>[read out the number from the register]</i> ?” [R]	(c) “ Ai chi yw priod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer, plentyn, ŵyr neu wyres y person sydd â’r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol <i>[darllen allan y rhif o’r gofrestr]</i> ?”[R]

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Type of person applying for ballot paper	Question to be asked in English	Question to be asked in Welsh
4. A person applying as proxy if the question at entry 2(c) or 3(c) (if applicable) is not answered in the affirmative	“Have you already voted in this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?” [R]	“A ydych yn y refferendwm hwn eisoes wedi pleidleisio ar ran dau berson a chithau heb fod yn briod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer, plentyn, ŵyr neu wyres iddynt?” [R}
5. A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) “Did you apply to vote by post?”	(a) “A wnaethoch gais i bleidleisio drwy’r post?”
	(b) “Why have you not voted by post?”	(b) “Pam na wnaethoch bleidleisio drwy’r post?”
6. A person applying as proxy who is named in the proxy postal voters list	(a) “Did you apply to vote by post as proxy?”	(a) “A wnaethoch gais i bleidleisio drwy’r post fel dirprwy?”
	(b) “Why have you not voted by post as proxy?”	(b) “Pam na wnaethoch bleidleisio drwy’r post fel dirprwy?”

(4) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in the questions at entries 1(a) and 3(a), (b) and (c) in the Table, to reading from the register are to be read as references to reading from the notice issued under section 13B(3B) or (3D) as the case may be.

(5) A ballot paper must not be delivered to any person required to answer any of the questions under this rule unless that person has answered each question satisfactorily.

(6) Except as authorised by this rule, no enquiry is permitted as to the right of any person to vote.

### Challenge of voter

**24.** A person is not to be prevented from voting by reason only that —

- (a) a referendum agent or polling agent —
  - (i) has reasonable cause to believe that the person has committed an offence of personation<sup>(2)</sup>, and
  - (ii) that agent makes a declaration to that effect, or
- (b) the person is arrested on the grounds of being suspected of committing or of being about to commit such an offence.

### Voting procedure

**25.—**(1) Subject to any provision of these rules to the contrary, a ballot paper must be delivered to a voter who applies for one, and immediately before delivery —

(2) See paragraph 2 of Schedule 4 for the offence of personation.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) the number and (unless paragraph (2) applies) the name of the elector as stated in the copy of the register must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 16(3)(d) beside the number of the ballot paper to be issued to the voter;
- (c) a mark must be placed in that copy of the register against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against that person's name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, the elector's or, as the case may be, the proxy voter's official poll card must be shown to the presiding officer and only the elector's number is to be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act—

- (a) the reference in paragraph (1)(a) to the copy of the register is to be read as a reference to the copy of the notice, and
- (b) the reference in paragraph (1)(c) to a mark being placed in the copy of the register is to be read as a reference to a mark being made on a copy of the notice.

(4) On receiving the ballot paper, the voter must without delay —

- (a) proceed into a compartment in the polling station and there secretly mark the voter's ballot paper and fold it up so as to conceal the vote, and
- (b) then show to the presiding officer the back of the paper so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presence of the presiding officer.

(5) The voter must leave the polling station as soon as the voter has put the ballot paper into the ballot box.

### **Votes marked by presiding officer**

**26.—**(1) The presiding officer on the application of a voter —

- (a) who is incapacitated by blindness or other disability from voting in a manner directed by these Rules; or
- (b) who declares orally an inability to read,

must, in the presence of the polling agents (if any), cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of every voter whose vote is marked in pursuance of this rule, and the reason why it was so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

(3) For the purposes of paragraph (2), in the case of a person voting as proxy for an elector, the number to be entered, together with the voter's name, is the elector's number.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (2) to the voter's number on the register is to be read as a reference to the number relating to the voter on the notice.

### **Voting by persons with disabilities**

**27.—**(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the voter is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether the voter is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance.

- (2) If the presiding officer —
  - (a) is satisfied that the voter is so incapacitated; and
  - (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the companion’s declaration”) that the companion—
    - (i) is a qualified person within the meaning of these Rules; and
    - (ii) has not previously assisted more than one voter with disabilities to vote in the referendum,

the presiding officer must grant the application.

(3) Where an application is granted under paragraph (2), anything which is by these Rules required to be done to or by that voter in connection with the giving of the voter’s vote may be done to, or with the assistance of, the companion.

(4) The name and number in the register of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the assisted voters list”) and, in the case of a person voting as proxy for an elector, the number to be entered is the elector’s number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (4) to the voter’s number on the register is to be read as a reference to the number relating to the voter on the notice .

- (6) The declaration made by the companion —
  - (a) must be in the form M set out in Schedule 6;
  - (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion; and
  - (c) must forthwith be given to the presiding officer who must attest and retain it.

(7) No fee or other payment may be charged in respect of the declaration.

- (8) For the purpose of this rule —
  - (a) a person is a voter with disabilities if that person has made such a declaration as is mentioned in paragraph (1); and
  - (b) a person is qualified to assist a voter with disabilities to vote, if that person is either —
    - (i) a person who is entitled to vote as an elector in the referendum; or
    - (ii) the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the voter with disabilities and has attained the age of 18 years.

### **Tendered ballot papers**

**28.**—(1) Paragraph (6) applies if any of the situations A to D in this rule exist.

- (2) Situation A exists if a person, claiming to be —
  - (a) a particular elector named on the register and not named in the postal voters list; or
  - (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as that elector or as that elector's proxy.

- (3) Situation B exists if —
  - (a) a person applies for a ballot paper claiming to be a particular elector named on the register;
  - (b) that person is also named in the postal voters list; and
  - (c) that person claims —
    - (i) no application to vote by post at the referendum was made by that person; and
    - (ii) the person is not an existing postal voter within the meaning of paragraph 2(2) of Schedule 1.
- (4) Situation C exists if —
  - (a) a person applies for a ballot paper claiming to be a particular person named as a proxy in the list of proxies;
  - (b) that person is also named in the proxy postal voters list; and
  - (c) that person claims that —
    - (i) no application to vote by post as proxy was made by that person; and
    - (ii) the person is not an existing proxy to whom paragraph 6(4) of Schedule 1 applies.
- (5) Situation D exists if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper —
  - (a) a person claims to be —
    - (i) a particular elector named on the register who is also named in the postal voters list; or
    - (ii) a particular person named as proxy in the list of proxies who is also named in the proxy postal voters list; and
  - (b) that person claims that the person has lost or not received the postal ballot paper.
- (6) Where this paragraph applies, the person is entitled in accordance with this rule, on satisfactorily answering the questions permitted by rule 23 to be asked at the poll, to mark a ballot paper ( a “tendered ballot paper”) in the same manner as any other voter.
- (7) A tendered ballot paper must —
  - (a) be of a colour different from the other ballot papers; and
  - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the presiding officer with the name of the voter and the voter's number in the register; and
  - (c) be set aside in a separate packet.
- (8) The name and number on the register of every voter whose vote is marked under this rule must be entered on a list (in these Rules referred to as “the tendered votes list”).
- (9) In the case of a person voting as proxy for an elector the number to be endorsed or entered on the tendered votes list together with the voter's name is to be the number of that elector.
- (10) In the case of an elector who has an anonymous entry in the register —
  - (a) in paragraphs (7)(b) and (8), the references to the voter's name are to be ignored, and
  - (b) otherwise in this rule, a reference to a person named in the register or list is to be construed as a reference to a person whose number appears in the register or list (as the case may be).
- (11) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act —

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) references in this rule to a person named on the register are to be read as references to a person in respect of whom such a notice has been issued; and
- (b) the references in paragraphs (7)(b) and (8) to the voter's number on the register are to be read as references to the number relating to the voter on the notice.

### **Spoilt ballot papers**

**29.**—(1) A voter who has inadvertently dealt with a ballot paper in such a manner that it cannot be conveniently used as a ballot paper may —

- (a) by returning it to the presiding officer; and
- (b) proving to the presiding officer's satisfaction the fact of inadvertence,

obtain another ballot paper (in these Rules referred to as “the replacement ballot paper”) in place of the ballot paper so returned (in these Rules referred to as “the spoilt ballot paper”).

- (2) The spoilt ballot paper must be immediately cancelled.

### **Correction of errors on the day of the poll**

**30.** The presiding officer must keep a list (in these Rules referred to as “the polling day alterations list”) of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll at the referendum.

### **Adjournment of poll in case of riot**

**31.**—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings to the following day and must forthwith inform the counting officer.

- (2) Where the poll is adjourned at any polling station —
  - (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
  - (b) references in these Rules to the close of the poll are to be construed accordingly.

### **Procedure on close of poll**

**32.**—(1) As soon as practicable after the close of the poll, the presiding officer must in the presence of any polling agents, make up into separate packets, sealed with the presiding officer's own seal and the seals (if any) of such polling agents as desire to affix their seals —

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and the list of proxies;
- (e) the corresponding number list, including the parts that were completed in accordance with rule 25(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(g) the tendered votes list, the assisted voters list, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the polling day alterations list and the companion’s declarations.

(2) The marked copies of the register (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) As soon as practicable after making up and sealing the packets referred to in paragraph (1), the presiding officer must —

- (a) personally deliver those packets; or
- (b) cause them to be delivered in accordance with arrangements approved by the counting officer,

to the counting officer to be taken charge of by the counting officer.

(4) The packets must be accompanied by a separate statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to the presiding officer and accounting for them under the following heads —

- (a) ballot papers issued and not otherwise accounted for;
- (b) unused ballot papers;
- (c) spoilt ballot papers; and
- (d) tendered ballot papers.