

Draft Regulations laid before Parliament under section 105(6) of the Local Government Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Conduct of
Referendums) (England) Regulations 2001

<i>Made</i>	- - - -	<i>2001</i>
<i>Coming into force</i>	- -	<i>2001</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by sections 45 and 105 of the Local Government Act 2000⁽¹⁾, hereby makes the following Regulations, of which a draft has been laid before, and approved by Resolution of, each House of Parliament:

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Local Authorities (Conduct of Referendums) (England) Regulations 2001 and shall come into force on the day after that on which they are made.
- (2) These Regulations apply to the holding of referendums by local authorities in England.

Interpretation

- 2.—(1) In these Regulations, and in any provision as applied by these Regulations—
- “the 2000 Act” means the Local Government Act 2000;
 - “the Elections Act” means the Political Parties, Elections and Referendums Act 2000⁽²⁾;
 - “the RPAct 2000” means the Representation of the People Act 2000⁽³⁾;
 - “the 1985 Act” means the Representation of the People Act 1985⁽⁴⁾;
 - “the 1983 Act” means the Representation of the People Act 1983⁽⁵⁾;

(1) 2000 c. 22. For the application of that Act to Wales, see section 106. Section 45 is amended, prospectively, by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21, paragraph 18.

(2) 2000 c. 41.

(3) 2000 c. 2.

(4) 1985 c. 50.

(5) 1983 c. 2.

- “the 1986 Regulations” means the Representation of the People Regulations 1986⁽⁶⁾;
- “the Elections Regulations” means the Representation of the People (England and Wales) Regulations 2001⁽⁷⁾;
- “the European Parliamentary Elections Rules” means the rules set out in the European Parliamentary Elections Regulations 1999⁽⁸⁾;
- “the GLA Elections Rules” means the Greater London Authority Elections (No. 2) Rules 2000⁽⁹⁾;
- “the LGA Referendum Rules” means so much of the Principal Areas Rules as are applied, with or without modification⁽¹⁰⁾, in relation to a referendum by regulation 8 of these Regulations;
- “the Parliamentary Elections Rules” means the rules set out in Schedule 1 to the 1983 Act;
- “the Petitions and Directions Regulations” means the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000⁽¹¹⁾;
- “the Principal Areas Rules” means the Local Elections (Principal Areas) Rules 1986⁽¹²⁾;
- “counting observer” means a person appointed by a counting officer under regulation 13(1)(b);
- “counting officer” means a person referred to in regulation 11(1);
- “elected mayor”, in relation to a local authority, means an individual elected as mayor of the authority by the local government electors for the authority’s area in accordance with provisions made by or under Part II of the 2000 Act;
- “further referendum” means a referendum held in pursuance of an order under regulation 21(3);
- “outline fall-back proposals”—
- (a) in relation to proposals under section 25 (proposals) of the 2000 Act, means an outline of the proposals that a local authority intend to implement if their proposals under section 25 are rejected in a referendum;
 - (b) in relation to proposals under regulation 17 (action before referendum) or regulation 19 (action on receipt of direction) of the Petitions and Directions Regulations, means an outline of the proposals that a local authority intend to implement if proposals that are to be the subject of a referendum under Part II or Part III of those Regulations are rejected in that referendum;
 - (c) in relation to proposals under an order under section 36 (referendum following order) of the 2000 Act, means—
 - (i) if the authority are then operating executive or alternative arrangements, a summary of those arrangements;
 - (ii) in any other case, an outline of the proposals that the authority intend to implement if proposals that are to be the subject of a referendum are rejected in that referendum;
 - (d) in relation to proposals under regulations under section 30 (operation of different executive arrangements) or section 33 (operation of alternative arrangements) of the 2000 Act, means a summary of the authority’s existing executive arrangements or existing alternative arrangements, as the case may be;

⁽⁶⁾ S.I.1986/1081; amended by S.I. 1990/520, 1991/1198 and 1728, 1992/722, 1994/342, 1995/1948 and 2001/341.

⁽⁷⁾ S.I. 2001/341.

⁽⁸⁾ S.I. 1999/1214.

⁽⁹⁾ S.I. 2000/427, amended by S.I. 2000/1040.

⁽¹⁰⁾ See, in particular, Table 3 in Schedule 3.

⁽¹¹⁾ S.I. 2000/2852.

⁽¹²⁾ S.I. 1986/2214; amended by S.I. 1987/261, 1990/158, 1995/1948 and 2001/81.

“petition organiser”, in relation to a referendum, means a person who is treated for the purposes of paragraph (4) or, as the case may be, paragraph (5) of regulation 10 (formalities of petition) of the Petitions and Directions Regulations, as the petition organiser of any valid petition (whether an amalgamated petition, a constituent petition or a post-announcement petition) received by the council by or in respect of which the referendum is held⁽¹³⁾;

“polling observer” means a person appointed by a counting officer under regulation 11(3);

“proper officer” has the meaning given by section 270(3) of the Local Government Act 1972⁽¹⁴⁾;

“proposals date”—

- (a) in relation to a referendum, other than a further referendum, means the date on which proposals—
 - (i) under section 25 of the 2000 Act which involve a form of executive for which a referendum is required;
 - (ii) under regulation 17 or 19 of the Petitions and Directions Regulations;
 - (iii) under an order under section 36 of the 2000 Act; or
 - (iv) under regulations under section 30 or 33 of that Act, are sent to the Secretary of State; and
- (b) in relation to a further referendum, means the day which falls 2 months before the day on which the further referendum is held;

“referendum” means a referendum held under section 27 (referendum in case of proposals involving elected mayor) of the 2000 Act, or by virtue of regulations or an order made under any provision of Part II (arrangements with respect to executives etc.) of the 2000 Act;

“referendum period”, in relation to a referendum (including a further referendum), means the period beginning with—

- (a) where the proposals date precedes the coming into force of these Regulations, the date on which these Regulations come into force;
- (b) in any other case, the proposals date, and ending on the date of the referendum; and

“voting area” means the area in which a referendum is held.

(2) Any reference in the following provisions of these Regulations to a section followed by a number is, unless the context otherwise requires, a reference to the section of the 2000 Act that bears that number.

The question to be asked in a referendum

3.—(1) Where the proposals in relation to which a referendum is to be held involve a mayor and cabinet executive⁽¹⁵⁾, the question to be asked in that referendum shall be in the form set out in paragraph 1 of Part I of Schedule 1 to these Regulations.

(2) Where the proposals in relation to which a referendum is to be held involve a mayor and council manager executive⁽¹⁶⁾, the question to be asked in that referendum shall be in the form set out in paragraph 2 of Part I of Schedule 1.

⁽¹³⁾ 3S.I. 2000/2852. The definition of “petition organiser” is to be found in regulation 3 of the Petitions and Directions Regulations. As to the validity of petitions, *see* regulation 9(1) of those Regulations. As to amalgamated, constituent and post-announcement petitions, relevant definitions are to be found in regulation 3 of those Regulations.

⁽¹⁴⁾ 1972 c. 70.

⁽¹⁵⁾ *See* section 11(2) of the Local Government Act 2000.

⁽¹⁶⁾ *See* section 11(4) of the Local Government Act 2000.

(3) Where the proposals in relation to which a referendum is to be held involve a leader and cabinet executive⁽¹⁷⁾, the question to be asked in that referendum shall be in the form set out in paragraph 3 of Part I of Schedule 1.

Publicity and other information in connection with referendums

4.—(1) The proper officer shall, as soon as reasonably practicable after the proposals date, but subject to paragraph (2), publish in at least one newspaper circulating in the local authority's area, a notice which contains—

- (a) a statement that, as the case may be—
 - (i) proposals under section 25 involving a form of executive for which a referendum is required,
 - (ii) proposals under regulation 17(3) or 19(1) of the Petitions and Directions Regulations,
 - (iii) proposals under an order under section 36, or
 - (iv) proposals under regulations under section 30 or section 33,
 have been sent to the Secretary of State;
- (b) a description of the main features of the proposal and of the outline fall-back proposals;
- (c) a statement—
 - (i) that a referendum will be held,
 - (ii) of the date on which the referendum will be held,
 - (iii) in a case to which regulation 14(1), (7) or (11) applies, that the poll in the referendum will be taken together with the poll in an election of a description which shall be specified in the statement,
 - (iv) of the question to be asked in the referendum,
 - (v) where the authority have made a determination under regulation 10(1), that the votes in the referendum may be cast only by postal ballot,
 - (vi) where no such determination has been made, that the referendum will be conducted in accordance with procedures similar to those used at local government elections,
 - (vii) of the referendum expenses limit (as defined in regulation 6(1)) that will apply in relation to the referendum, and of the number of local government electors by reference to which that limit has been calculated,
 - (viii) of the address and times at which a copy of the proposals, and of the authority's outline fall-back proposals, may be inspected,
 - (ix) of the procedures for obtaining a copy of the proposals and outline fall-back proposals, and
 - (x) if the proper officer then knows that the poll in the referendum (whether or not it is to be taken together with the poll in an election) will be taken together with the poll in a referendum for another area, that polls will be taken together for two (or more) areas, which shall be specified in the statement.

(2) At least 14 days before he publishes a notice in accordance with paragraph (1) the proper officer of an authority shall, by notice in writing, advise—

- (a) if he is the proper officer of a county council, the proper officer of the council of each district comprised in the county;

⁽¹⁷⁾ See section 11(3) of the Local Government Act 2000.

- (b) if he is the proper officer of the council of a district comprised in an area for which there is a county council, the proper officer of—
- (i) the council of the county in which the district lies; and
 - (ii) each of the other district councils in that county,
- that he intends to publish a notice under paragraph (1) and of the date of the referendum to be held in his area.

- (3) It shall be the duty of each proper officer—

- (a) to whom notice has been given under paragraph (2); and
- (b) whose council are considering the holding of a referendum in their area,

to consider whether it would be reasonably practicable to combine that referendum with the one of which such notice has been given; and each such officer shall reply to the notice within seven days of its receipt, indicating whether his authority wish to combine their referendum with that to which the notice under paragraph (2) refers.

(4) Unless the notice required to be published by paragraph (1) (“the first notice”) is published less than 56 days before the date of the referendum, the proper officer shall publish a second notice containing the particulars specified in paragraphs (i) to (ix) of sub-paragraph (c) of paragraph (1) and, if paragraph (x) of that sub-paragraph applies (whether or not it applied in relation to the first notice), the particulars specified in that paragraph.

- (5) The second notice shall be published—

- (a) in the same newspaper or newspapers as were used for the publication of the first notice, and
- (b) not more than 55 days before the date of the referendum and not less than 28 days before that date.

(6) The authority shall make available for inspection throughout the referendum period, at the address and times stated in the notice, and free of charge, a copy of their proposals and outline fall-back proposals, and shall secure that sufficient copies are available for persons who wish to obtain copies.

(7) The authority may provide (whether or not in pursuance of any duty to do so) any other factual information relating to the proposals, the outline fall-back proposals and the referendum so far as it is presented fairly.

(8) In determining for the purposes of paragraph (7) whether any information is presented fairly, regard shall, in accordance with section 38, be had to any guidance for the time being issued by the Secretary of State under section 38.

Restriction on publication etc. of promotional material

- 5.—(1) This regulation applies to any material which—

- (a) provides general information about the referendum;
- (b) deals with any of the issues raised by the question to be asked in the referendum; or
- (c) puts any arguments for or against a particular answer to that question.

(2) Subject to paragraph (3), no material to which this regulation applies shall be published by or on behalf of a local authority during the period of 28 days ending with the date of the poll at the referendum.

- (3) Paragraph (2) does not apply to—

- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it;

- (b) the publication of information relating to the holding of the poll at the referendum; or
- (c) the publication of press notices containing factual information where the sole purpose of publication is to refute or correct any inaccuracy in material published by a person other than the local authority.

(4) In this regulation “publish” means make available to the public at large, or to any section of the public, in whatever form and by whatever means (including, in particular, by inclusion in any programme included in a programme service within the meaning of the Broadcasting Act 1990(18)); and “publication” shall be construed accordingly.

General restriction on referendum expenses

6.—(1) In this regulation and regulation 7—

“campaign organiser” means the individual or body by whom, or on whose behalf, referendum expenses are incurred (including expenses treated as incurred) in connection with a referendum campaign;

“referendum campaign” means a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in a referendum;

“referendum expenses” means expenses incurred by or on behalf of any individual or body during the referendum period for referendum purposes in respect of any of the matters set out in paragraph 1 of Schedule 2 to these Regulations, as read with paragraph 2 of that Schedule;

“referendum expenses limit” means the aggregate of £2,000 and such amount as is found by multiplying by five pence the number of entries in the relevant register;

“for referendum purposes” means—

- (a) in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to the question asked in the referendum; or
- (b) otherwise in connection with promoting or procuring any such outcome; and

“the relevant register”—

- (a) in relation to any referendum as regards which the proposals date is before 1st April 2001, means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act (as originally enacted)(19) which is to be used (or which are to be used) in the area of the local authority by which, or as regards which, the referendum is held, for elections at which the date fixed for the poll falls within the period ending on 15th February 2001 (whether or not the persons to whom those entries relate are entitled to vote in the referendum);
- (b) in relation to any referendum as regards which the proposals date is after 31st March 2001 and before 1st January 2002, means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act (as originally enacted) which is to be used (or which are to be used) in the area of the local authority by which, or as regards which, the referendum is held, for elections at which the date fixed for the poll falls within the period beginning on 16th February 2001, (whether or not the persons to whom those entries relate are entitled to vote in the referendum); and
- (c) in relation to any referendum as regards which the proposals date is after 31st December 2001, means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act (as substituted) after the conclusion of the canvass conducted under section 10 of that Act in the year immediately preceding

(18) 1990 c. 42. The definition of “programme service” is to be found in section 201.

(19) Section 13 is substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6.

that in which the referendum is held, which has (or have) effect in the area of the local authority by which, or as regards which, the referendum is held (whether or not the persons to whom those entries relate are entitled to vote in the referendum).

(2) The total referendum expenses incurred or, in accordance with regulation 7, treated as incurred, by or on behalf of any individual or body shall not exceed the referendum expenses limit.

(3) Where any referendum expenses are incurred in excess of the referendum expenses limit, a person who knew or reasonably ought to have known that that limit would be exceeded, or who, without reasonable excuse, authorises another person to exceed that limit, is guilty of an offence.

(4) Where information is given to the Director of Public Prosecutions that an offence under paragraph (3) has been committed, it is his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

(5) Where an offence under paragraph (3) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) A person who commits an offence under paragraph (3) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months, or both; or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding one year, or both.

(7) Nothing in paragraph (2) affects the right of any creditor who, when the expense was incurred, was ignorant of that expense being in contravention of that paragraph.

Notional referendum expenses

7.—(1) This regulation applies where—

- (a) property, services or facilities is or are provided for the use or benefit of any person either—
 - (i) free of charge; or
 - (ii) at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities; and
- (b) the property, services or facilities is or are made use of by or on behalf of that person in circumstances such that, if any expenses were to be (or are) actually incurred by him or on his behalf in respect of that use, they would be (or are) referendum expenses incurred by him or on his behalf.

(2) Subject to paragraph (5), where this regulation applies an amount of referendum expenses determined in accordance with paragraph (3) shall, unless it is not more than £200, be treated for the purposes of regulation 6 as incurred by that person during the period for which the property, services or facilities is or are made use of as mentioned in paragraph (1)(b).

(3) The amount mentioned in paragraph (2) is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of that person in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (1)(b).

(4) Where the services of an employee are made available by his employer for the use or benefit of a person, the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).

(5) No amount of referendum expenses shall be regarded as incurred by virtue of paragraph (1) in respect of the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.

Application of provisions

8.—(1) Subject to paragraphs (2) and (3), and regulations 9, 10, 11, 12, 15, 16, 17, 20 and 25, the provisions set out in column (1) of Tables 1 to 4 in Schedule 3 shall have effect in relation to the referendum with the modifications shown in column (2) of those Tables and any other necessary modifications; and in particular, except where the context otherwise requires—

- (a) a reference to an election shall be construed as a reference to the referendum;
- (b) a reference to a returning officer shall be construed as a reference to the counting officer;
- (c) a reference to a constituency, an electoral division or a ward shall be construed as a reference to a voting area;
- (d) a reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, an answer;
- (e) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, shall be construed as a reference to promoting or procuring a particular result in the referendum;
- (f) references to nomination papers and, except as mentioned in sub-paragraphs (d) and (e), references to candidates, shall be ignored;
- (g) a reference to the return of a person shall be construed as a reference to a particular result in the referendum;
- (h) a reference to a person voting as an elector shall be construed as a reference to a person voting on his own behalf;
- (i) a reference to a person's entitlement as an elector to an absent vote shall be construed as a reference to a person's entitlement to vote by post on his own behalf or to vote by proxy;
- (j) except where the polls at the referendum and an election are taken together in accordance with regulation 14(1), (7) or (11), where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents shall be ignored;
- (k) a reference to anything being prescribed shall be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;
- (l) a form which is required to be used may be used with such variations as the circumstances may require;
- (m) a reference to the registration officer, in relation to a district or a London borough, is a reference to the relevant registration officer appointed under section 8 of the 1983 Act; and for the purpose of the exercise of a registration officer's functions in relation to the

referendum, sections 52(1) to (4) (discharge of registration duties) and 54(1), (3) and (4) (payment of expenses of registration) of that Act⁽²⁰⁾ shall have effect;

- (n) a reference to an election petition shall be construed as a reference to a referendum petition;
- (o) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by these Regulations; and
- (p) so much of any provision as applies only in relation to Scotland, Wales or Northern Ireland, shall be ignored.

(2) A provision set out in column (1) of Table 4 in Schedule 3 and expressed to apply only in circumstances there mentioned, and any modification shown in column (2) as applicable to any such provision, shall have effect only in those circumstances.

Ballot papers

9.—(1) Where the question to be asked in the referendum is that set out in paragraph 1 of Part I of Schedule 1, the front of the ballot papers to be used in that referendum shall be in Form A set out in Part II of that Schedule.

(2) Where the question to be asked in the referendum is that set out in paragraph 2 of Part I of Schedule 1, the front of the ballot papers to be used in that referendum shall be in Form B set out in Part II of that Schedule.

(3) Where the question to be asked in the referendum is that set out in paragraph 3 of Part I of Schedule 1, the front of the ballot papers to be used in that referendum shall be in Form C set out in Part II of that Schedule.

(4) The back of the ballot papers to be used in any referendum shall be in the form set out in Part III of that Schedule.

(5) Every ballot paper—

- (a) shall be capable of being folded up;
- (b) shall have a number printed on the back; and
- (c) shall have attached a counterfoil with the same number printed on it.

Postal ballots and postal votes

10.—(1) Subject to paragraphs (2) and (3), a local authority may determine, in relation to a referendum which they are to hold, that the votes in the referendum shall be cast only by postal ballot; and where such a determination is made—

- (a) no polling station shall be used at the referendum;
- (b) any person who, but for the determination, may vote in person, either as a person entitled to vote in the referendum⁽²¹⁾ or as proxy, may only vote by post; and
- (c) the references in these Regulations⁽²²⁾ and any reference in the Elections Act, the RPA 2000, the 1983 Act, rules under section 36 of the 1983 Act, the Elections Regulations, the 1986 Regulations, or any enactment relating to the qualification or disqualification for election to, or membership of, a local authority—
 - (i) to polling day, the day or date of the poll or the date fixed for the poll, shall continue to have effect, in respect of that referendum, as a reference to the date of the referendum; and

⁽²⁰⁾ Sections 52 and 54 of the 1983 Act were amended by Schedules 4 and 5 to the Representation of the People Act 1985 (c. 50).

⁽²¹⁾ For the persons entitled to vote in a referendum *see* section 45(4) of the Local Government Act 2000.

⁽²²⁾ *See* regulation 5(2), the definition of “the relevant register” in regulation 6(1), and paragraphs (2) and (4) of regulation 13.

(ii) to the close of the poll, shall continue to have effect, in respect of that referendum, as a reference to 9 p.m. on the day of the referendum.

(2) A determination may not be made under paragraph (1) if, when the issue is before the authority for consideration, the referendum is then one at which the poll is required by regulation 14 to be taken together with the poll at an election.

(3) A determination may not be made under paragraph (1) in relation to a referendum at which the poll is required by regulation 14 to be taken together with the poll at another referendum unless the counting officer for that other referendum agrees that votes at the referendums shall be cast only by postal ballot.

(4) Where a determination under paragraph (1) has effect, the provisions (as applied by regulation 8) of the 1983 Act, with the exception of section 31, the 1985 Act, the Elections Act, the RPA 2000, the Elections Regulations, with the exception of regulations 55, 62 and 79, and the Principal Areas Rules shall apply, as regards the referendum; but the provisions set out in column (1) of Schedule 4 shall apply subject to the further modifications set out in relation to them in column (2) of that Schedule (in addition to the modifications having effect by virtue of regulation 8).

Counting officer's functions, and assistance for counting officers

11.—(1) Subject to regulations 15(5) and 17(2), functions conferred by these Regulations on the counting officer shall be exercised in each voting area by the person who is for the time being the returning officer at elections of councillors for that area under subsection (1) or (3) of section 35 (returning officers: local elections) of the 1983 Act⁽²³⁾.

(2) It is the counting officer's general duty at the referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by these Regulations.

(3) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation ("polling observers").

Hours of polling

12.—(1) Subject to paragraph (2), the hours of polling shall be between 8 a.m. and 9 p.m. on the day of the referendum.

(2) Paragraph (1) shall not apply in relation to a referendum—

- (a) as regards which a determination under regulation 10(1) has effect; or
- (b) at which the poll is taken together with the poll at a parliamentary or European Parliamentary election.

(3) The hours of polling in a referendum to which paragraph (2)(b) applies shall be those applicable to the election concerned.

Counting of votes etc.

13.—(1) The counting officer—

- (a) shall appoint and pay such persons as may be necessary for the purpose of the counting of the votes; and
- (b) shall appoint persons to observe the counting of the votes and the verification of the ballot paper account ("counting observer").

(2) For the purpose of assisting the counting officer in the discharge of his functions under paragraph (1)(b), a petition organiser may, not less than the fifth day before the date of the poll,

(23) Section 35 was amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 3.

by notice in writing to the counting officer, nominate persons who, in the opinion of the petition organiser, are suitable for appointment as counting observers; and the notice shall also contain the address of each nominee.

(3) Subject to paragraph (4) of rule 24 of the LGA Referendum Rules, the counting officer shall not, without good cause, decline to appoint as a counting observer a person nominated by a petition organiser.

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

(5) Subject to regulations 15(9) and 17(9), no person may attend the counting of votes for any voting area unless he is—

- (a) the counting officer for that area;
- (b) a person appointed by him under paragraph (1);
- (c) the elected mayor, if any, of the council in respect of which the referendum is held;
- (d) a petition organiser; or
- (e) permitted by the counting officer for that area to attend the count.

(6) The counting officer shall give the counting observers such reasonable facilities for observing the proceedings at the counting of votes, and all such reasonable information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Combination of polls: general

14.—(1) Where, but for this paragraph, the poll at a referendum would be taken on a day that falls within the period beginning 28 days before the day on which the poll is to be taken at an election of a description mentioned in paragraph (2) and ending 28 days after the day on which the poll is to be taken at any such election, the poll at the referendum shall, subject to paragraphs (3) and (5), be taken on the day on which the poll is to be taken at the election; and the polls shall be taken together.

(2) The descriptions of election referred to in paragraph (1) are—

- (a) an ordinary election of councillors for a county electoral division or, as the case may be, a district or London borough ward of the local authority by which, or as regards which, the referendum is to be held;
- (b) an ordinary election of councillors for a county electoral division or, as the case may be, a district or London borough ward of any other local authority, where that division or ward is wholly or partly within the area of the local authority by which, or as regards which, the referendum is to be held;
- (c) a parliamentary general election;
- (d) an election to fill a vacancy in a parliamentary constituency that is wholly or partly within the area of the local authority by which, or as regards which, the referendum is to be held;
- (e) a European Parliamentary general election within the meaning of the Representation of the People Act 1985⁽²⁴⁾;
- (f) a European Parliamentary election within the meaning of that Act⁽²⁵⁾;

⁽²⁴⁾ See the definition in section 27(1).

⁽²⁵⁾ See the definition in section 27(1).

- (g) an ordinary election within the meaning of Part I (the Greater London Authority) of the Greater London Authority Act 1999⁽²⁶⁾;
- (h) an election (other than an ordinary election) of the Mayor of London under subsection (2) of section 16 (filling a vacancy in the office of Mayor) of the Greater London Authority Act 1999.

(3) Where, but for this paragraph, the poll at a referendum would be taken together with the poll at an election of a description specified in paragraph (2)(c), (d), (f) or (h), paragraph (1) shall not apply where—

- (a) notice of the date of the referendum is given under regulation 4 before the date on which notice is given of the date of the election; and the date of the referendum is not the same as that of the election; or
- (b) a determination has been made under paragraph (1) of regulation 10.

(4) In a case to which paragraph (3) applies, the poll at the referendum shall be taken on the day of which notice has been given under regulation 4.

(5) Nothing in paragraph (1) shall require the poll at a referendum to be taken together with the poll at an election where, but for this paragraph, the day on which those polls would be taken falls within the period beginning five months after the date that, in relation to the referendum, is the petition date or, as the case may be, the direction date, and ending six months after the petition date or, as the case may be, the direction date.

(6) In paragraph (5)—

“petition date” has the same meaning as in Part II (Petitions and Referendums) of the Petitions and Directions Regulations⁽²⁷⁾; and

“direction date” means the date on which the Secretary of State gives a direction under regulation 18 (circumstances in which Secretary of State may require referendum) of those Regulations.

(7) The poll at a referendum may be taken together with the poll at an election under section 89 (filling of casual vacancies in case of councillors) of the Local Government Act 1972⁽²⁸⁾ or under section 10 (filling a vacancy in an Assembly constituency) of the Greater London Authority Act 1999—

- (a) where the referendum is to be held in compliance with a direction of the Secretary of State, if he so determines;
- (b) in any other case, if the authority by whom the referendum is to be held so determines.

(8) Notice of a determination under paragraph (7) shall be given in writing—

- (a) where the determination is made by the Secretary of State, to the authority or, as the case may be, the authorities by which the election and the referendum concerned are to be held;
- (b) where the determination is made by an authority, to the authority (other than itself) by which the election concerned is to be held.

(9) Subject to paragraph (10), where an authority (“the first authority”) have given notice under regulation 4(1) of the date on which a referendum will be held in their area, no other authority—

- (a) whose area includes that of the first authority; or
- (b) whose area is part of that of the council of the same county as that of the first authority,

⁽²⁶⁾ 1999 c. 29. See, in particular, sections 3 and 4 of that Act and section 203(1) of the Representation of the People Act 1983 as amended by the Greater London Authority Act 1999, Schedule 3, paragraph 39(2).

⁽²⁷⁾ See the definition in regulation 3 of S.I. 2000/2852.

⁽²⁸⁾ 1972 c. 70.

may hold a referendum in their area within the period beginning 28 days before the date of the first authority's referendum and ending 28 days after that date unless the polls at the referendums are combined.

(10) Where the date on which a referendum is to be held in a county is the same as that on which a referendum is to be held in any district within that county, the polls shall be taken together.

(11) Where, in accordance with any of the preceding paragraphs, the poll at a referendum is required to be taken together with, and on the same day as—

- (a) the poll at an election; and
- (b) the poll at another referendum,

the polls shall all be taken together on that day.

Combination of referendum and election polls: supplementary provisions relating to referendums

15.—(1) Paragraphs (2) to (9) of this regulation shall apply, in relation to the referendum, where polls are taken together in accordance with regulation 14(1) or (7).

(2) The ballot papers shall be of a different colour from that of any ballot papers used at the election.

(3) The polling stations shall be the polling places or, as the case may be, polling stations designated for the purposes of the election.

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

(5) The functions in relation to the referendum specified in rules 18(3), 19, 20, 21, to the extent that that rule concerns the appointment of presiding officers and clerks to assist them, 23, 25(a), 26(3), 27(2)(b) and 39(1) and (5) of the LGA Referendum Rules shall be discharged—

- (a) where the election with which the poll at the referendum is combined is a European Parliamentary election, by the local returning officer;
- (b) where the election with which the poll at the referendum is combined is a GLA election, by the constituency returning officer;
- (c) in any other case, by the returning officer at the election with which the poll at the referendum is combined.

(6) The back of the ballot papers (the form of which is set out in Part III of Schedule 1) may include a reference to the name of the electoral division or ward for the purposes of the election.

(7) If the counting officer and the returning officer at the election or, where the poll at the referendum is to be taken with the poll at more than one election, the returning officers at those elections, think fit, one ballot box may be used at the referendum and the election or elections; but if separate boxes are used, no vote at the referendum shall be rendered invalid by the ballot paper being placed in the ballot box intended for the ballot papers at the election.

(8) Where a person applies under the RPA 2000 to vote by post, or to vote by proxy, at the election, he shall be treated as applying also to vote by post, or to vote by proxy, at the referendum.

(9) Nothing in regulation 13(5) shall preclude the attendance at the counting of the votes of a person who would be entitled to attend for that purpose in relation to the election at which the poll is taken together with that at the referendum.

Combination of referendum and election polls: supplementary provisions relating to elections

16.—(1) The following paragraphs of this regulation shall apply, in relation to the election or, as the case may be, the elections, where polls are taken together in accordance with regulation 14(1), (7) or (11).

(2) Where a person applies under the RPA 2000 or the Elections Regulations (as applied, with modifications, by regulation 8) to vote by post, or to vote by proxy, at the referendum, he shall be treated as applying also to vote at the election by post or by proxy.

(3) The ballot papers at the election shall be of a different colour from that of any ballot papers used at the referendum.

(4) The functions specified in regulation 98 of the 1986 Regulations shall be discharged—

- (a) where the election is a European Parliamentary election, by the local returning officer;
- (b) where the election is a GLA election, by the constituency returning officer;
- (c) in any other case, by the returning officer at the election.

(5) If the returning officer at the election or, where the poll at more than one election is to be taken with the poll at the referendum, the returning officers at those elections, and the counting officer think fit, one ballot box may be used at the election (or elections) and the referendum; but if separate boxes are used, no vote at the election (or elections) shall be rendered invalid by the ballot paper being placed in the ballot box intended for the ballot papers at the referendum.

(6) The 1985 Act, the RPA 2000, the 1986 Regulations and the Elections Regulations shall have effect subject to the modifications provided for in Part I of Schedule 5.

(7) In relation to an election to which the Principal Areas Rules apply, in rule 4 (interpretation)(29) of those Rules, there shall be inserted, at the appropriate place, the following definition—

““referendum” means a referendum to which the Local Authorities (Conduct of Referendums) (England) Regulations 2001 apply;”.

(8) The Parliamentary Elections Rules, the European Parliamentary Elections Rules, the Principal Areas Rules, and the GLA Elections Rules, shall have effect subject to the modifications set out in Part II, Part II, Part III, and Part IV, respectively, of Schedule 5.

Combination of polls: supplementary

17.—(1) Paragraphs (2) to (8) of this regulation shall apply where polls at referendums are taken together in accordance with regulation 14(9) or (10).

(2) The functions specified in rules 18(3), 19, 20, 21, to the extent that that rule concerns the appointment of presiding officers and clerks to assist them, 23, 25(a), 26(3), 27(2)(b), and 39(1) and (5) of the LGA Referendum Rules shall be functions of such one of the counting officers for the referendums as may be agreed between them.

(3) The polling stations at the combined poll shall be those that would have been used at the single poll at which the person by whom the functions specified in paragraph (2) are to be discharged, in accordance with the agreement under that paragraph, would have been the counting officer.

(4) Schedule 2 to the Principal Areas Rules, as modified by Schedule 4 to those Rules (modifications where polls at local government elections are combined), shall have effect in relation to the combination of polls at referendums as it has effect in relation to the combination of polls at elections, subject to the further modifications set out in Part V of Schedule 5; and a provision set out in column (1) of that Part and expressed to apply only in circumstances there mentioned, and

(29) Rule 4 was amended by S.I. 2000/427, Schedule 7, Part I, paragraph 1.

any modification shown in column (2) as applicable to any such provision, shall have effect only in those circumstances.

(5) The cost of taking the combined poll (excluding any cost solely attributable to one referendum) and any cost attributable to the combination shall be apportioned equally among the referendums.

(6) The ballot papers at each referendum shall be of a different colour.

(7) The back of the ballot papers (the form of which is set out in Part III of Schedule 1) may include a reference to the name of the electoral division or ward.

(8) If separate boxes are used for the ballot papers at each referendum, no vote at a referendum shall be rendered invalid by the ballot paper being placed in the ballot box intended for the ballot papers at another referendum.

(9) Nothing in regulation 13(5) shall preclude the attendance at the counting of the votes of a person who would be entitled to attend for that purpose in relation to a referendum at which the poll is taken together with that at another referendum or at an election.

Result of referendum or further referendum

18.—(1) Subject to regulations 20 and 21, if the majority of the votes cast in a referendum other than a further referendum are “yes” votes, the result of the referendum is—

- (a) for the purposes of section 27(7), to approve the authority’s proposals under section 25;
- (b) for the purposes of regulation 23 (action where referendum proposals approved) of the Petitions and Directions Regulations or, as the case may be, the comparable provisions of any other regulations or order made under any provision of Part II of the 2000 Act, to approve the proposals that were the subject of the referendum.

(2) Subject to regulations 20 and 21, if the majority of the votes cast in a referendum other than a further referendum are “no” votes, the result of the referendum is—

- (a) for the purposes of section 27(8), to reject the authority’s proposals under section 25;
- (b) for the purposes of regulation 24 (action where referendum proposals rejected) of the Petitions and Directions Regulations or, as the case may be, the comparable provisions of any other regulations or order made under any provision of Part II of the 2000 Act, to reject the proposals that were the subject of the referendum.

(3) Subject to regulations 20 and 21, if the majority of the votes cast in a further referendum are “yes” votes, the result of the referendum is to approve the continuation of the authority’s existing executive arrangements or, as the case may be, their existing alternative arrangements.

(4) Subject to regulations 20 and 21, if the majority of the votes cast in a further referendum are “no” votes, the result of the referendum is to reject the continuation of the authority’s existing executive arrangements or, as the case may be, their existing alternative arrangements.

(5) In a case to which paragraph (4) applies, subsections (8) to (12) of section 27 shall then apply as if the result of the further referendum were the rejection of the authority’s proposals under section 25, but subject—

- (a) in subsection (8)(b), to the insertion, after “outline fall-back proposals”, of “that were proposed at the time of the referendum”;
- (b) in subsection (9), to the omission of “outline fall-back proposals or”;
- (c) in subsection (10), to the substitution, for “Outline fall-back proposals and detailed”, of “Detailed”.

Procedures for questioning a referendum

19.—(1) A referendum under these Regulations may be questioned by petition (“referendum petition”)—

- (a) on the ground that the result of the referendum was not in accordance with the votes cast;
- (b) on the ground that the referendum was avoided by such corrupt or illegal practices, within the meaning of the 1983 Act, as are relevant to referendums by virtue of regulation 8 or paragraph (8) below;
- (c) on the grounds provided by section 164 (avoidance of election for general corruption etc.) of the 1983 Act, as applied for the purposes of these Regulations by paragraph (8) below; or
- (d) subject to paragraph (3), on the ground that a payment of money or other reward has been made or promised since the referendum in pursuance of a corrupt or illegal practice relevant to referendums by virtue of regulation 8 or paragraph (8) below.

(2) A referendum petition on any of the grounds specified in paragraph (1)(a) to (c) shall be presented within 21 days after the day on which the referendum was held.

(3) A referendum petition on the ground mentioned in paragraph (1)(d) may be presented only with the leave of the High Court.

(4) An application for leave shall be made, not later than 28 days after the date of the alleged payment or promise, by application notice to the court at such time and place as the court may appoint.

(5) Not less than seven days before the day so appointed the applicant shall—

- (a) serve the application notice on the respondent and the Director of Public Prosecutions and lodge a copy in the election petitions office; and
- (b) publish notice of the intended application in at least one newspaper circulating in the voting area for the referendum to which the application relates.

(6) The application notice shall state the grounds on which the application is made.

(7) A referendum petition shall be tried by an election court, that is to say, a court constituted under section 130 (election court for local election in England and Wales, and place of trial) of the 1983 Act for the trial of an election petition, as applied by paragraph (8) below.

(8) The provisions set out in column (1) of Schedule 6 shall have effect in relation to the questioning of a referendum as they have effect in relation to the questioning of an election under the Local Government Act 1972⁽³⁰⁾ subject to—

- (a) the modifications set out in sub-paragraphs (a) to (p) of paragraph (1) of regulation 8;
- (b) the substitution, for “an election petition”, wherever that term appears, of “a referendum petition under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and
- (c) the further modifications set out in column (2) of Schedule 6.

(9) The Election Petition Rules 1960⁽³¹⁾ shall have effect in relation to a referendum petition as they have effect in relation to a local election petition within the meaning of those Rules subject to the modifications set out in Schedule 7.

⁽³⁰⁾ 1972 c. 70.

⁽³¹⁾ S.I. 1960/543, amended by S.I. 1985/1278 and 1999/1352.

Immediate consequences of referendum petitions

20.—(1) Where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 19, or leave is granted for the presentation of a referendum petition—

- (a) in relation to a referendum—
 - (i) at which the question asked was in the form set out in paragraph 3 of Part I of Schedule 1; and
 - (ii) in which the majority of the votes cast are “yes” votes; and
- (b) before the authority have passed a resolution under section 29,

the authority shall take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(2) Where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 19, or leave is granted for the presentation of a referendum petition—

- (a) in relation to a referendum—
 - (i) at which the question asked was in the form set out in paragraph 3 of Part I of Schedule 1; and
 - (ii) in which the majority of the votes cast are “yes” votes; and
- (b) after the authority have passed a resolution under section 29,

the authority shall continue to operate the executive arrangements that are the subject of that resolution.

(3) Where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 19, or leave is granted for the presentation of a referendum petition—

- (a) in relation to a referendum—
 - (i) at which the question asked was in the form set out in paragraph 1 or 2 of Part I of Schedule 1; and
 - (ii) in which the majority of the votes cast are “yes” votes; and
- (b) without an election for the return of an elected mayor having taken place in consequence of the referendum,

the authority shall take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(4) Where leave is granted for the presentation of a referendum petition—

- (a) in relation to a referendum—
 - (i) at which the question asked was in the form set out in paragraph 1 or 2 of Part I of Schedule 1; and
 - (ii) in which the majority of the votes cast are “yes” votes; and
- (b) after an election for the return of an elected mayor has taken place in consequence of the referendum,

the elected mayor shall continue in office.

(5) Where—

- (a) a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 19, or leave is granted for the presentation of a

referendum petition in relation to a referendum in which the majority of the votes cast are “no” votes; and

- (b) the authority’s outline fall-back proposals are based on the executive or alternative arrangements which they were operating at the date of the referendum,

they shall continue to operate those arrangements.

(6) Except in a case to which paragraph (5) applies, where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 19, or leave is granted for the presentation of a referendum petition—

- (a) in relation to a referendum in which the majority of the votes cast are “no” votes; and
- (b) before the authority have passed a resolution under section 29 (operation of, and publicity for, executive arrangements) or section 33 (operation of alternative arrangements),

the authority shall take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(7) Where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 19, or leave is granted for the presentation of a referendum petition—

- (a) in relation to a referendum in which the majority of the votes cast are “no” votes; and
- (b) after the authority have passed a resolution under section 29 or section 33,

the authority shall continue to operate the executive arrangements or, as the case may be, the alternative arrangements that are the subject of that resolution.

Determination of referendum petitions, and subsequent procedures

21.—(1) Where an election court certifies, as its determination of a referendum petition, that the result of the referendum declared under regulation 18 is or, as the case may be, is not in accordance with the votes cast, any reference (in whatever terms) in the timetable—

- (a) included in the authority’s proposals under section 25;
- (b) included in their proposals under regulation 17(3)(a) or 19(1)(c) of the Petitions and Directions Regulations⁽³²⁾;
- (c) prepared pursuant to section 27(4), regulation 17(7)(a)(ii), or 20(3)(a)(iii) of those Regulations; or
- (d) prepared pursuant to any other regulations or an order made under any provision of Part II (arrangements with respect to executives etc.) of the 2000 Act,

to the date of the result of the referendum shall be construed as a reference to the date on which the election court certifies its determination.

(2) Where an election court certifies, as its determination of a referendum petition specifying any of the grounds mentioned in regulation 19(1)(b) to (d), that the referendum was avoided, the authority concerned shall, not earlier than two months, and not later than three months, after the election court has certified its determination in the matter of the referendum petition, hold another referendum.

(3) On the substantive hearing of a referendum petition for which leave has been granted where the circumstances are as mentioned in regulation 20(4)(a) and (b), the election court shall either—

- (a) dismiss the petition; or
- (b) allow the petition,

(32) See, in particular, regulations 17(5)(b) and 20(2)(b).

and, where the court allows the petition, it shall declare the referendum to be tainted, and order that a further referendum be held.

(4) Where an election court makes such an order as is mentioned in paragraph (3), subject to regulation 14(1), the authority shall hold the further referendum as soon as reasonably practicable after the expiration of the period of five years beginning with the date on which the tainted referendum was held.

(5) If the majority of the votes cast in a further referendum are “yes” votes—

- (a) where the authority are operating executive arrangements, they shall continue to operate those arrangements unless and until they are authorised or required to operate different executive arrangements or authorised to operate alternative arrangements in place of their existing executive arrangements; and
- (b) where the authority are operating alternative arrangements, they shall continue to operate those arrangements unless and until they are authorised to operate different alternative arrangements or authorised or required to operate executive arrangements in place of their existing alternative arrangements⁽³³⁾.

(6) If the majority of the votes cast in the further referendum are “no” votes, the authority shall implement the proposals that were their outline fall-back proposals at the time of the tainted referendum; and, subject to paragraphs (7) and (8), subsection (13) of section 27 (referendum in case of proposals involving elected mayor) shall apply to the implementation of detailed fall-back proposals as if those outline fall-back proposals were outline fall-back proposals in the event that proposals under section 25 (proposals) are rejected in a referendum under section 27.

(7) Where the authority’s outline fall-back proposals are the executive or alternative arrangements which they were operating at the date of the tainted referendum, subsection (13) of section 27 shall apply (as mentioned in paragraph (6)) as if, for “in accordance with the timetable mentioned in subsection (4)”, there were substituted “as soon as reasonably practicable”.

(8) Where the authority’s outline fall-back proposals are executive arrangements which involve a form of executive for which a referendum is not required⁽³⁴⁾—

- (a) subsection (1) of section 29 (operation of, and publicity for, executive arrangements) shall apply for the purpose of enabling the authority to operate the executive arrangements set out in their detailed fall-back proposals as it applies for the purpose of enabling an authority to operate executive arrangements in other circumstances; and
- (b) subsection (2) of that section shall apply as if, in paragraph (b), for sub-paragraph (i), there were substituted “(i) states that, in consequence of the rejection in a further referendum of the authority’s existing executive arrangements, the authority have resolved to operate the different executive arrangements that were described in their outline fall-back proposals at the time of the referendum,”.

(9) These Regulations, except where the context otherwise requires, shall apply (so far as relevant), to the conduct of the further referendum as they apply to the conduct of any other referendum, subject to—

(a) in regulation 4—

- (i) in paragraph (1), the omission of sub-paragraph (a);
- (ii) in sub-paragraph (b) of that paragraph, the substitution, for “the proposals”, of “the authority’s existing executive arrangements”;

⁽³³⁾ See, in particular, sections 30 and 33 to 36 of the Local Government Act 2000.

⁽³⁴⁾ See section 26 of the Local Government Act 2000.

- (iii) in paragraph (viii) of sub-paragraph (c), the substitution, for “a copy of the proposals”, of “a document in which are set out the main features of the authority’s existing executive arrangements”;
 - (iv) in paragraph (ix) of that sub-paragraph, the substitution, for “the proposals and”, of “that document and those”;
 - (v) after paragraph (x) of that sub-paragraph the insertion of the following paragraph—
 - “(xi) if it be the case, that the referendum is being held in consequence of the determination of an election court that the referendum last held in the authority’s area was void or, as the case may be, declared to be tainted by reason of a payment of money or other reward made or promised since the referendum in pursuance of a corrupt or illegal practice.”;
 - (vi) in paragraph (6), the substitution, for “a copy of their proposals”, of “a document in which are set out the main features of the authority’s current executive arrangements”; and
 - (vii) in paragraph (7), the substitution, for “the proposals”, of “the main features of the authority’s current executive arrangements”; and
 - (b) in paragraphs 1 and 2 of Part I of Schedule 1, and in Forms A and B in Part II of that Schedule—
 - (i) the omission of “the proposal for”; and
 - (ii) the substitution, for “to be run in a new way”, of “continuing to be run in a way”.
- (10) On the substantive hearing of a referendum petition for which leave has been granted where the circumstances are as mentioned in any paragraph of regulation 20 other than paragraph (4), the election court shall either—
- (a) dismiss the petition; or
 - (b) allow the petition,
- and, where the court allows the petition, it shall declare the referendum avoided.

Time

- 22.** In calculating any period for the purposes of—
- (a) any provision of the LGA Referendum Rules; or
 - (b) regulation 4(1) of these Regulations,
- the following days shall be disregarded—
- (i) a Saturday or Sunday,
 - (ii) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽³⁵⁾ in England, and
 - (iii) any day appointed as a day of public thanksgiving or mourning.

Advertisements

- 23.** The Town and Country Planning (Control of Advertisements) Regulations 1992⁽³⁶⁾ shall have effect in relation to the display on any site in a voting area of an advertisement relating

⁽³⁵⁾ 1971 c. 80.

⁽³⁶⁾ S.I. 1992/666; see regulation 3(2) and Class F in Schedule 2.

specifically to the referendum as they have effect in relation to the display of an advertisement relating specifically to a local government election.

Non-domestic rating: premises used for referendum purposes

24. In relation to premises in a voting area, section 56(6) of the Local Government Finance Act 1988 (occupation for election meetings and polls)⁽³⁷⁾ shall have effect as if—

- (a) the reference to public meetings in furtherance of a person’s candidature at an election included a reference to public meetings promoting a particular result in the referendum; and
- (b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a person exercising functions of a returning officer in accordance with regulation 11 for the purpose of taking the poll in the referendum.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

2001

(37) 1988 c. 41.

SCHEDULE 1

regulations 3 and 9

PART I

QUESTIONS TO BE ASKED IN A REFERENDUM

1. Are you in favour of the proposal for *[insert name of local authority]* to be run in a new way, which includes a mayor, who will be elected by the voters of that *[insert “borough”, “city”, “county” or “district”, as appropriate]*, to be in charge of the Council’s services and to lead *[insert name of local authority]* and the community which it serves?
2. Are you in favour of the proposal for *[insert name of local authority]* to be run in a new way, which includes a mayor, who will be elected by the voters of that *[insert “borough”, “city”, “county”, or “district”, as appropriate]*, to lead *[insert name of local authority]* and the community which it serves?
3. Are you in favour of the proposal for *[insert name of local authority]* to be run in a new way, which includes a councillor, who will be elected by the councillors of *[insert name of local authority]*, to lead the Council and the community which it serves?

PART II

FORM OF FRONT OF BALLOT PAPER

FORM A

<p>Are you in favour of the proposal for <i>[insert name of local authority]</i> to be run in a new way, which includes a mayor, who will be elected by the voters of the <i>[insert “borough”, “city”, “county” or “district”, as appropriate]</i>, to be in charge of the Council’s services and to lead <i>[insert name of local authority]</i> and the community which it serves?</p> <p>Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p>					
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding: 5px;">YES</td> <td style="width: 40px; height: 30px;"></td> </tr> <tr> <td style="padding: 5px;">NO</td> <td style="width: 40px; height: 30px;"></td> </tr> </table>	YES		NO	
YES					
NO					

FORM B

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a mayor, who will be elected by the voters of the [insert "borough", "city", "county" or "district", as appropriate], to lead [insert name of local authority] and the community which it serves?

Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.

YES	
NO	

FORM C

Are you in favour of the proposal for [insert name of local authority] to be run in a new way, which includes a councillor, who will be elected by the councillors of [insert name of local authority], to lead the Council and the community which it serves?

Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.

YES	
NO	

PART III

FORM OF BACK OF BALLOT PAPER

No.

Council referendum on [insert date]: [insert name of voting area]

Note: The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.

SCHEDULE 2

regulation 6(1) definition of “referendum expenses”

MATTERS RELEVANT TO REFERENDUM EXPENSES

1

- (a) Advertising of any nature (whatever the medium used).
Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- (b) Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area or areas).
Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- (c) Any material of a description referred to in regulation 5(1) of these Regulations.
- (d) Market research or canvassing conducted for the purpose of ascertaining voting intentions.
- (e) The provision of any services or facilities in connection with press conferences or other dealings with the media.
- (f) Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign.
Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the referendum period.
- (g) Rallies and other events, including public meetings organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.
Expenses in respect of such events include costs in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

2. Nothing in paragraph 1 shall be taken as extending to—

- (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
- (b) any expenses incurred in respect of the remuneration or allowances payable to any member of the staff of the campaign organiser;
- (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for his accommodation or other personal needs to the extent that the expenses are paid by the individual from his own resources and are not reimbursed to him.

SCHEDULE 3

regulation 8

APPLICATION, WITH MODIFICATIONS, OF ACTS AND STATUTORY INSTRUMENTS

TABLE 1

REPRESENTATION OF THE PEOPLE ACT 2000

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1), at the end insert “; and as regards referendums under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Schedule 4 (absent voting in Great Britain)	<p>In paragraph 1, in sub-paragraph (1)—</p> <p>(a) in the definition of “the appropriate rules”, at the end of paragraph (b), insert “and (c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”;</p> <p>(b) after the definition of “local government election”, insert the following definition—</p> <p style="padding-left: 40px;">““referendum” means a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001” .</p> <p>In paragraphs 2 to 7, except in paragraphs 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum”, “or referendums”, or “or the referendum”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i), after “or both,”, insert “or referendums”.</p> <p>In paragraphs 6(7) and 7(4)(a), after “or at both,”, insert “or at referendums”.</p>

TABLE 2

REPRESENTATION OF THE PEOPLE ACT 1983

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 13B (alteration of registers: pending elections)(38)	<p>After “election”, in each place, insert “or referendum”.</p> <p>In subsection (1), for “the final nomination day”, substitute “the nineteenth day before the date of the poll at the referendum”.</p> <p>After subsection (4), insert “(4A) This section also applies to referendums.”</p>
Section 31(1) and (3) (polling districts and stations at local government elections)	<p>In subsection (1)—</p> <p>(a) for “elections of county councillors” substitute “referendums by or in respect of a county”; and</p> <p>(b) for “elections of London borough or district councillors”, substitute “referendums held under those Regulations by or in respect of a London borough or a district”.</p> <p>In subsection (3), for “local government elections” substitute “referendums”.</p> <p>Omit “mentioned in subsections (1) to (3) above”.</p>
Section 35(4) (appointments by returning officers)	For “subsections (1) to (3)”, substitute “subsection (1) or (3)”.
Section 36(4) and (6) (returning officer’s expenditure at local election)(39)	<p>In subsection (4), for the words from “by a returning officer” to “London borough” substitute “by the counting officer for a voting area in relation to the holding of a referendum”.</p> <p>In subsection (6), for the words from the beginning to “councillor, the council”, substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the authority”.</p> <p>Regulation 8(1)(b) shall not apply in relation to the first reference in subsection (6) to the returning officer.</p>

(38) Section 13B was inserted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6.

(39) Section 36(4) was amended by the Local Government Act 1985 (c. 51), Schedule 17 and the Local Government (Wales) Act 1994 (c. 19), Schedule 16.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 47 (loan of equipment for local elections)(40)	In subsection (1), for “the returning officer at a local government election”, substitute “the counting officer at a referendum”. In subsection (2)— (a) omit the words from “, or”, at the end of paragraph (a), to “as the case may be,”; (b) for “an election held under those Acts” substitute “a referendum held under the Referendums Regulations”.
Section 49(4) and (5) (effect of registers)(41)	In subsection (4), omit “parliamentary or”. In subsection (5), omit “parliamentary or” and “prevent the rejection of the vote on a scrutiny or”.
Section 60 (personation)	Omit “parliamentary or”.
Section 61 (other voting offences)(42)	In subsection (1), after “local government election” and “local government elections”, in each place, insert “or referendum” and “or referendums”, respectively. For subsections (2) to (4) substitute— “(2) A person shall be guilty of an offence if— (a) he votes on his own behalf otherwise than by proxy— (i) more than once in the same voting area; (ii) in more than one voting area; or (iii) in any voting area where there is in force an appointment of a person to vote as his proxy in the referendum in another voting area, or (b) he votes on his own behalf in person and is entitled to vote by post, or (c) he votes on his own behalf in person knowing that a person appointed to vote as his proxy has already voted in person or is entitled to vote by post, or or

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

(41) Section 49(5) was substituted by S.I. 1995/1948, Schedule 2 and amended by the Representation of the People Act 2000, Schedule 1, paragraph 12.

(42) Amended by the Representation of the People Act 1985, Schedules 2 and 5, and by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 10.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>(d) he applies for a person to be appointed as his proxy to vote for him without applying for the cancellation of a previous appointment of a third person then in force or without withdrawing a pending application for such an appointment.</p> <p>(3) A person shall be guilty of an offence if—</p> <p>(a) he votes as proxy for the same person either—</p> <p style="padding-left: 40px;">(i) more than once in the same voting area, or</p> <p style="padding-left: 40px;">(ii) in more than one voting area, or</p> <p>(b) he votes in person as proxy for a person and is entitled to vote by post as proxy for that person, or</p> <p>(c) he votes in person as proxy for someone whom he knows already to have voted in person.</p> <p>(4) A person shall also be guilty of an offence if he votes as proxy in any voting area for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.”.</p> <p>In subsection (7), omit paragraph (b) and the word “and” immediately preceding it.</p>
Section 65 (tampering with papers)(43)	<p>In subsection (1)—</p> <p>(a) after “election”, in the first place where it appears, insert “or referendum”; and</p> <p>(b) omit paragraph (a).</p> <p>In subsection (3), for “clerk”, substitute “person”.</p>
Section 66 (requirement of secrecy)(44)	<p>For subsection (1)(b) substitute—</p> <p style="padding-left: 40px;">“(b) every polling observer, so attending,”.</p>
Section 66A (prohibition on publication of exit polls)(45)	<p>In subsection (2)—</p> <p>(a) in paragraph (b), after “Wales” insert “; and”;</p>

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

(44) Subsection (6) was amended by the Representation of the People Act 1985, Schedule 3. There are other amendments not relevant to these Regulations.

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

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	(b) after paragraph (b) insert “(c) any referendum.”.
	In subsection (4), omit the words after the definition of “publish”.
Section 92 (broadcasting from outside the United Kingdom)(46)	In subsection (1), after “local government election” insert “or referendum”.
Section 94 (imitation of poll cards)(47)	In subsection (2), after “section 42 above” insert “or to any referendum in relation to which any rules under section 36, as applied for the purposes of that referendum,”.
Section 96 (schools and rooms for local election meetings)(48)	For subsection (1) substitute— “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in the referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (1A) In subsection (1), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”.
	Omit subsection (2).
	In subsection (3)—
	(a) for “electoral area for which the candidate is standing or in a parish or community, as the case may be, in part comprised in that electoral area”, substitute “voting area”; and
	(b) omit paragraph (b).
	In subsection (4)—
	(a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”;
	(b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “candidate” of the word “person””; and
	(c) omit the words from “and any person” to the end.

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

(47) Amended by the Representation of the People Act 1985, Schedule 4.

(48) Subsection (1) was amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 29. Subsection (2) was amended by the Representation of the People Act 1985, Schedule 4. Subsection (4) was amended by the Police and Criminal Evidence Act 1984 (c. 60), Schedule 7.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	After subsection (4) insert— <p>“(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”.</p>
Section 97 (disturbances at election meetings)(49)	For subsection (2), substitute— <p>“(2) This section applies to a meeting in connection with a referendum held during the campaign period.</p> <p>(2A) In subsection (2), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”.</p>
Section 100(1) and (2) (illegal canvassing by police officers)(50)	In subsection (1), for the words from “from giving his vote” to the end, substitute “from giving his vote in the referendum in a voting area wholly or partly within the police area”.
Section 109 (payments for exhibition of election notices)	
Section 110 (printer’s name and address on election publications)(51)	Omit subsection (12).
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Sections 113 to 115 (bribery, treating and undue influence)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part II), the definitions of “money”, “pecuniary reward” and “payment”	
Section 119 (computation of time for purposes of Part II)	In subsection (1), in paragraph (b), after “disregarded”, insert <p>“; and</p> <p>(c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a</p>

(49) Subsection (2) was amended by the Representation of the People Act 1985, Schedule 3.

(50) Section 103(2) was repealed, and section 104(b) amended, by the Representation of the People Act 1985, Schedule 5.

(51) Section 110 was substituted by the Political Parties, Elections and Referendums Act 2000, Schedule 18, paragraph 14.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	referendum, any of the days so mentioned shall be disregarded”.”.
Section 167 (application for relief)(52)	
Sections 168 to 170 (prosecutions for corrupt and illegal practices)(53)	
Subsections (1)(a)(i), (2) and (3) of section 173 (incapacities on conviction of corrupt or illegal practice)(54)	In subsection (1)(a)(i), after “Great Britain”, insert “or at any referendum”.
Section 174 (mitigation and remission etc.)(55)	
Section 175 (illegal payments etc.)(56)	Omit subsection (2).
Section 176 (time limit for prosecutions)(57)	
Section 177 (summary trial)	For “the local government Act”, substitute “the Referendums Regulations”.
	In paragraph (a), for “in the county in which the local government area for which the election was held is situated or which it adjoins” substitute “for the voting area in which, the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom)(58)	
Section 179 (offences by associations)	
Section 181(1) (Director of Public Prosecutions)(59)	
In section 185 (interpretation of Part III)(60), the definitions of “judicial office”, “money” and “pecuniary reward”, “payment” and “public office”	
Section 200(1) and (2) (public notices, and declarations)(61)	
Section 202 (interpretation), the definitions in subsection (1) of “the absent voters' list”, “citizen of the Union” and “relevant citizen	In the definition of “voter”, after “42 above”, insert “and such of those rules as are applied,

(52) Subsection (1A) was inserted by the Representation of the People Act 1985, Schedule 4, paragraph 56.

(53) Sections 168 and 169 were amended by the Representation of the People Act 1985, Schedules 3, 4 and 5.

(54) Section 173 was substituted by the Political Parties, Elections and Referendums Act 2000, section 136.

(55) Section 174 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 18, paragraph 18(1)(g).

(56) Section 175 was amended by the Representation of the People Act 1985, Schedule 3 and by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 6(6).

(57) Section 176 was amended by Schedules 4 and 5 to the Representation of the People Act 1985.

(58) Amended by the Representation of the People Act 1985, Schedule 4.

(59) Subsection (1) was substituted by the Representation of the People Act 1985, Schedule 4.

(60) To which there are amendments not relevant to these Regulations.

(61) The definitions of “the absent voters' list” and “the list of proxies” were inserted by the Representation of the People Act 1985, Schedule 2, and amended by the Representation of the People Act 2000, Schedule 6, paragraph 9. The definition of “relevant citizen of the Union” was inserted by S.I. 1995/1948.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
of the Union”, “elector”, “legal incapacity”, “the list of proxies”, “person” and “voter” and subsection (2)(62)	in relation to a referendum, by any provision of the Referendums Regulations”.
Section 203(1) (local government provisions as to England and Wales)(63)	In subsection (1), insert at the end— ““the Referendums Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.

TABLE 3

THE LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 1986: SCHEDULE 2(**64**)

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 1 (timetable)	Omit the words from “Delivery” in the first place where that word appears to “day of election” in the fourth place where those words appear. Omit the item “Polling”.
Rule 2 (computation of time)	See regulation 22.
Rule 3 (notice of election)	For paragraph (1), substitute “(1) The counting officer shall publish notice of the referendum, stating the date of the poll.”
Rule 13 (poll to be taken by ballot)	Omit the words from “, the result” to the end.
Rule 15 (the official mark)	For paragraph (2) substitute— “(2) The official mark shall be kept secret”. In paragraph (3) omit “at the same election”.
Rule 16 (prohibition of disclosure of vote)	
Rule 17 (use of schools and public rooms)(65)	
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraphs (b) to (d), substitute— “and (b) the question to be asked in the referendum.”. For paragraph (2) substitute—

(62) Amended by the Representation of the People Act 1985, Schedule 4, the Local Government Act 1985 (c. 51) and the Education Reform Act 1988 (c. 40), Schedule 13.

(63) Amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 39.

(64) S.I. 1986/2214; amended by S.I. 1987/261, 1990/158, 1995/1948, 2000/427 and 2001/81.

(65) Rule 17(1)(a) was amended by S.I. 2001/81, rule 6.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>“(2) The notice of poll shall be published not later than the sixth day before the date of the referendum.”</p> <p>.</p> <p>In paragraph (3), omit the words from “and he shall” to the end.</p>
Rule 19 (postal ballot papers)(66)	
Rule 20 (provision of polling stations)	In paragraph (3), omit “unless that place is outside the electoral area”.
Rule 21 (appointment of presiding officers and clerks)	In paragraph (1), omit the words from “but he shall not appoint” to the end.
Rule 22(1) to (4) (issue of official poll cards)	For paragraph (3)(a) substitute— “(a) the name of the council and of the voting area;”.
Rule 23 (equipment of polling stations)(67)	For paragraph (5) substitute— “(5) In every compartment of every polling station there shall be exhibited the following notice— [INSERT NAME OF COUNCIL] REFERENDUM Mark one box only. Put no other mark on the ballot paper or your vote may not be counted.”.
	In paragraph (8), for “particulars of the candidate”, substitute “the answer”.
	In paragraph (9)— (a) for “numbered” and “number of”, substitute “worded” and “word on”, respectively; and (b) for “the candidate whose particulars are”, substitute “the answer which is”.
	In paragraph (10), for “Each number on the”, substitute “The word on each”.
Rule 24 (appointment of polling and counting agents)	Omit paragraphs (1) to (3). In paragraph (4)— (a) for “counting agents”, “counting agent” and “agent”, substitute “counting

(66) Rule 19 was substituted by S.I. 2001/81, rule 7.

(67) Rule 23 was amended by S.I. 2001/81, rule 8.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>observers”, “counting observer” and “observer”, respectively;</p> <p>(b) for “candidate” and “candidates”, substitute “petition organiser” and “petition organisers”, respectively; and</p> <p>(c) for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively.</p> <p>Omit paragraph (5).</p> <p>For paragraph (6) substitute—</p> <p>“(6) If a counting observer dies, or becomes incapable of acting, the counting officer may appoint another counting observer in his place.”.</p> <p>Omit paragraph (7).</p> <p>In paragraph (8)—</p> <p>(a) omit “polling agents and”;</p> <p>(b) for “counting agents” and “agents”, substitute “counting observers”; and</p> <p>(c) in sub-paragraph (a), omit “and notified”.</p> <p>In paragraph (9)—</p> <p>(a) for “a counting agent by the returning officer”, substitute “a counting observer by the counting officer”; and</p> <p>(b) for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In paragraph (10)—</p> <p>(a) for “candidate” substitute “petition organiser”;</p> <p>(b) for “polling or counting agent” substitute “counting observer”; and</p> <p>(c) for “agent” substitute “counting observer”.</p> <p>Omit paragraph (11).</p> <p>In paragraph (12)—</p> <p>(a) for “these rules” substitute “the LGA Referendum Rules”;</p> <p>(b) for “polling or counting agents” substitute “counting observers”; and</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 25 (notification of requirement of secrecy)	
Rule 26(1), (3) and (4) (admission to polling station) (68)	In paragraph (1)— (a) omit sub-paragraph (a); (b) in sub-paragraph (b), for “the polling agents”, substitute “the polling observers”; (c) at the end of sub-paragraph (d), omit “and”; and (d) at the end of sub-paragraph (e) insert— “(f) the elected mayor, if any, of the council in respect of which the referendum is held; and (g) any petition organiser.” (69)
Rule 27 (keeping of order in station)	
Rule 28 (sealing of ballot boxes)	
Rule 29 (questions to be put to voters)	For paragraphs (1) and (2) substitute— “(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions. (2) In the case of a person applying to vote on his own behalf, the relevant questions are— (a) “Are you the person registered in the register of local government electors for this voting area as follows?” (<i>read the whole entry from the register.</i>) (b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?” (2A) In the case of a person applying as proxy, the relevant questions are— (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.?” (b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of C.D.?”

(68) Rule 26 was amended by S.I. 2001/81, rule 9.

(69) The definitions of “elected mayor” and “petition organiser”, as applied for the purposes of this rule, are to be found in regulation 2(1).

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question— “Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?” and, if that question is not answered in the affirmative, the following question— “Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”.”
Rule 30 (challenge of voters)	In paragraph (1), for “a candidate or his election or polling agent”, substitute “any petition organiser or polling observer permitted to be present in accordance with rule 26, as modified”.
Rule 31 (voting procedure)	
Rule 32 (votes marked by presiding officer)	In paragraph (1), for “polling agents”, substitute “polling observers (if any)”.
Rule 33 (voting by persons with disabilities)(70)	
Rule 34 (tendered ballot papers)	
Rule 35 (spoilt ballot papers)	
Rule 36 (adjournment of poll in case of riot)	
Rule 37 (procedure on close of poll)(71)	In paragraph (1), for “polling agents” (in both places) substitute “polling observers (if any)”.
Rule 39 (the count)(72)	In paragraph (1)(a), for “counting agents” substitute “counting observers”. In paragraph (1)(b), for “election agents” substitute “counting observers”, In paragraph (6), for “election agent” substitute “counting observer present at the verification”. In paragraph (7), omit “so far as he and the agents agree” and from “For the purposes” to the end.

(70) Rule 33 was substituted by S.I. 2001/81, rule 10.

(71) Rule 37 was amended by S.I. 2001/81, rule 11.

(72) Rule 39 was amended by S.I. 2001/81, rule 12.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 40 (re-count)	In paragraph (8), omit the words from “–a place” to “(b) otherwise”.
Rule 41(1), (3) to (5) (rejected ballot papers)	<p>In paragraph (1), for “candidate or his election agent”, substitute “petition organiser”.</p> <p>In paragraph (2), for “the candidates and election agents”, substitute “such petition organisers as are”.</p> <p>In paragraph (1)—</p> <ul style="list-style-type: none">(a) for sub-paragraph (b), substitute “(b) on which votes are given for more than one answer,”; and(b) for “paragraphs (2) and (3)”, substitute “paragraph (3)”. <p>In paragraph (4)—</p> <ul style="list-style-type: none">(a) omit sub-paragraph (b); and(b) for “counting agent”, substitute “counting observer”. <p>In paragraph (5)—</p> <ul style="list-style-type: none">(a) omit “including those rejected in part,”;(b) for sub-paragraph (b), substitute—<ul style="list-style-type: none">“(b) voting for more than one answer;” and(c) omit the words from “and the statement” to the end.
Rule 42 (decisions on ballot papers)	For the words from “an equality” to the end, substitute—
Rule 43 (equality of votes)	“an equality of YES and NO votes is found, the counting officer shall forthwith decide the referendum by lot.”.
Rule 44 (declaration of result)	<p>Substitute—</p> <p>“The counting officer shall forthwith—</p> <ul style="list-style-type: none">(a) declare the result of the referendum;(b) inform the proper officer of the authority by or in respect of which the referendum was held of the result of the referendum; and(c) give public notice of—<ul style="list-style-type: none">(i) the result of the referendum,(ii) the number of ballot papers counted,

<i>(1)</i> Provision	<i>(2)</i> Modification (if any)
	(iii) the total number of votes cast for each answer, and (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.”.
Rule 45 (sealing up of ballot papers)	In paragraph (1), omit “contested” and “, including ballot papers rejected in part”.
Rule 46 (delivery of documents)(73)	For “the returning officer”, substitute “the counting officer”. For the words from “the date of the election” to the end, substitute “and the name of the voting area”.
Rule 47 (orders for production of documents)	In paragraph (1), omit “, including ballot papers rejected in part”.
Rule 48 (retention and public inspection of documents)	
The Appendix of Forms: Form of declaration of identity	On the front of the form, for “REPRESENTATION OF THE PEOPLE ACTS” substitute— “ <i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”. On the back of the form— (a) in paragraph 2, for “[(Vote for no more than ... candidates.) (Vote for one candidate only.)]”, substitute “Vote for one answer only.”; (b) in paragraph 5, for “the same election” substitute “the referendum”; and (c) in paragraph 6, for “election” substitute “referendum”.
Electors’ official poll card	On the front of the card— (a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute— “ <i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”; and (b) for “Electoral division/ward” substitute “Voting area”. On the back of the card— (a) for the heading substitute— “ <i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”;

(73) Rule 46 was amended by S.I. 2001/81, rule 13.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Proxy's official poll card	<p>(b) in the third paragraph—</p> <ul style="list-style-type: none">(i) for “the name(s) of the candidate(s)”, substitute “the answer”; and(ii) at the end insert “Put no other mark on the ballot paper, or your vote may not be counted.”; <p>(c) omit the fifth paragraph; and</p> <p>(d) in the seventh and final paragraphs, for “this election” substitute “the referendum”.</p> <p>On the front of the card—</p> <ul style="list-style-type: none">(a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute— “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”; <p>and</p> <ul style="list-style-type: none">(b) for “LOCAL GOVERNMENT ELECTION”, “[... .. Council]” and “ Electoral division/ward” substitute “<i>[insert name of voting area]</i>”. <p>On the back of the card, in the penultimate and final paragraphs, for “this election”, substitute “the referendum”.</p>
Form of directions for guidance of the voters in voting	<p>In paragraph 2—</p> <ul style="list-style-type: none">(a) for “the name(s) of the candidate(s)”, substitute “the answer”; and(b) at the end, insert “Put no other mark on the ballot paper, or your vote may not be counted.”.
Form of certificate of employment	<p>Omit paragraph 4 and renumber paragraph 5.</p> <p>For “REPRESENTATION OF THE PEOPLE ACTS” and “ELECTION IN THE” substitute— “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.</p> <p>and for “ ELECTORAL DIVISION/ WARD of ” substitute “<i>[insert name of voting area]</i>”.</p> <p>For “electoral area” in each place substitute “voting area”.</p> <p>For “election” in each place substitute “referendum”.</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Form of declaration to be made by the companion of a voter with disabilities ⁽⁷⁴⁾	For “election now being held in this electoral area” substitute “referendum now being held in this voting area”. For “the said election” in each case substitute “that referendum”. For “for the Electoral division/ward of”, substitute “in the [insert name of voting area]”.

TABLE 4

THE REPRESENTATION OF THE PEOPLE
(ENGLAND AND WALES) REGULATIONS 2001⁽⁷⁵⁾

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
In paragraph (1) of regulation 3 (interpretation), the definitions of “1983 Act”, “1985 Act”, “2000 Act”, “available for inspection”, “register” and “registration officer”.	
Paragraph (2) of regulation 3	At the end of sub-paragraph (b), insert “, or (c) in the case of a referendum, such of those rules made under section 36 of the 1983 Act as are applied (with or without modification) by the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Paragraphs (3) and (4) of regulation 3.	
Sub-paragraph (b) of paragraph (1) of regulation 4 (forms) and, to the extent of Form E in Schedule 3, paragraph (2) of that regulation.	
Regulation 5 (communication of applications, notices, etc.)	
Regulation 6 (electronic signatures and related certificates)	
Regulation 7 (copies of documents)	
Regulation 8 (time)	

⁽⁷⁴⁾ The form was amended by S.I. 2001/81, rule 15.

⁽⁷⁵⁾

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
Regulation 11 (interference with notices)	
Regulation 50 (interpretation of Part IV)	
Regulation 51 (general requirements for applications for an absent vote)	In paragraph (4), in sub-paragraph (b)— (a) after “for” insert “all or any of”; (b) after “elections” insert “and referendums, identifying those in respect of which it is made”; and (c) omit “or both”.
Regulation 52 (additional requirements for applications for the appointment of a proxy)	In paragraph (5)— (a) after “election”, in each place, insert “or referendum”; and (b) omit “elections”.
Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)	In paragraphs (1) to (5), after “election”, in each place, insert “or referendum”.
Regulation 56 (closing dates for applications)	In paragraph (7)(b), after “election” insert “or referendum”.
Regulation 57 (grant or refusal of applications)	Omit paragraph (6).
Regulation 58 (notice of appeal)	
Regulation 59 (cancellation of proxy appointment)	
Regulation 61 (records and lists kept under Schedule 4)	Omit paragraph (1). In paragraph (3), omit sub-paragraph (b) and the word “and” immediately preceding it.
Regulation 62 (marked register for polling stations)	
Regulation 64 (interpretation of Part V) other than the definition of “agent”	
Regulation 65 (combination of polls), where polls are combined in accordance with regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001.	After “polls at elections” insert “or polls at an election and a referendum”; After “each election” insert “or, as the case may be, the election and the referendum”; and

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
	After “returning officers” insert “or, as the case may be, the returning officers and the counting officer at the referendum”.
Regulation 66 (forms of declaration of identity)	Omit “in Form G at a parliamentary election taken alone;”.
Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers)	
Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)	For sub-paragraphs (a) to (d) substitute— (a) the counting officer and his clerks; (b) persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes.”
Regulation 70 (notification of requirement of secrecy)	
Regulation 71 (time when postal ballot papers are to be issued)	
Paragraphs (1) to (4) of regulation 72 (procedure on issue of postal ballot papers) and, where polls are combined in accordance with regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, paragraphs (5) and (6)	In paragraph (5)— (a) after “one election”, insert “or referendum, or for an election combined with a referendum”; (b) in sub-paragraph (a)— (i) after “elections”, insert “or referendums”; and (ii) after “election”, insert “or referendum”; and (c) in sub-paragraph (b), for “election”, in each place, substitute “election or referendum”.
Regulation 73 (refusal to issue postal ballot paper)	In paragraph (6), for “the poll at one election is taken with the poll at another election”, substitute “polls are taken together”.
Paragraphs (1) to (3) of regulation 74 (envelopes) and, where polls are combined in accordance with regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, paragraph (4)	In paragraph (4), for “(under the provisions referred to in regulation 65 above)”, substitute “(under regulation 14(1), (7) or 11)) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
Regulation 75 (sealing up of counterfoils and security of special lists)	
Regulation 76 (delivery of postal ballot papers to post office)	
Paragraphs (1) and (3) to (8) of regulation 77 (spoilt ballot papers) and, where polls are combined in accordance with regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, paragraph (2)	In paragraph (2), for “more than one election have been issued together under regulation 65 above”, substitute “more than one poll have been issued together”.
Regulation 78 (lost ballot papers)	
Regulation 79 (alternative means of returning postal ballot paper or declaration of identity)	For paragraphs (1) and (2), substitute— “ <i>(1)</i> The manner in which any postal ballot paper or declaration of identity may be returned— <i>(a)</i> to the returning officer, is by hand or by post; <i>(b)</i> to a polling station, is by hand.”.
Regulation 80 (notice of opening of postal ballot paper envelopes)	In paragraph (1), for “each candidate” substitute “those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes”. In paragraph (2), omit sub-paragraph (b).
Regulation 81 (postal ballot boxes and receptacles)	In paragraphs (3) and (4), for “the agents”, substitute “those”.
Regulation 82 (receipt of covering envelope)	
Regulation 83 (opening of postal voters' ballot box)	In paragraph (1), for “the agents” substitute “the counting observers”.
Regulation 84 (opening of covering envelopes)	
Regulation 85 (procedure in relation to declarations of identity)	In paragraph (3), for “agents” substitute “counting observers”.
Regulation 86 (opening of ballot paper envelopes)	
Regulation 87 (lists of rejected postal ballot papers)	
Regulation 88 (checking of lists kept under regulation 87)	
Regulation 89 (sealing of receptacles)	

(1) Provision and, if of limited application, relevant circumstances	(2) Modification (if any)
<p>Paragraphs (1) to (4) of regulation 91 (forwarding of documents)</p>	<p>In paragraph (1)—</p> <ul style="list-style-type: none"> (a) omit the words “, in the case of a parliamentary election to the Clerk of the Crown in Chancery and”; (b) in sub-paragraph (a), omit the words “, subject to regulation 90 above,”; and (c) omit sub-paragraph (b) and the word immediately preceding it. <p>In paragraph (2)—</p> <ul style="list-style-type: none"> (a) for “In the case of a local government election, the” substitute “The”; (b) omit the words from “except that” to the end.
<p>In Schedule 3, Form E (proxy paper).</p>	<p>For “REPRESENTATION OF THE PEOPLE ACTS” substitute “[insert name of council] REFERENDUM”.</p> <p>Omit “Constituency” and “Polling district”.</p> <p>For “Parliamentary electoral area”, substitute “referendum voting area”.</p> <p>For the words from “*[who qualifies” to “electoral region].]”, substitute “to vote for him/her at the referendum on (insert date)”.</p> <p>Omit “*[This proxy appointment is not valid until]”.</p> <p>For paragraph 2 of the note substitute—</p> <p style="padding-left: 40px;">“2. Your appointment as proxy will be for the referendum only. You have the right to vote as proxy only at the referendum specified in the proxy paper.”</p>
<p>Form H (declaration of identity for use when postal ballots are combined)</p>	<p>In paragraph 2 of the Instructions to Voters, after “candidates.]”, insert—</p> <p>“At the referendum, vote either “YES” or “NO”.”.</p> <p>In the direction to returning officers after paragraph 2, after “election”, insert “or referendum”.</p> <p>In paragraph 3 of the Instructions to Voters, after “voting for.”, insert “For the referendum, mark a cross (X) in the box on the right hand</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
Form J (declaration of identity for use when polls are combined but the postal ballots are not combined)	<p>side of the ballot paper opposite the answer you are voting for.”</p> <p>In paragraph 5 of those Instructions, after “election”, insert “referendum”.</p> <p>In paragraph 6 of those Instructions, after “elections”, insert “referendums”.</p> <p>On the front of the form, after “REPRESENTATION OF THE PEOPLE ACTS”, insert “[<i>insert name of council</i>] REFERENDUM”.</p> <p>On the back of the form, in the Instructions to Voters—</p> <p>(a) in paragraph 1, after “election” insert “or referendum”;</p> <p>(b) in paragraph 4, after “election”, insert “and referendum”; and</p> <p>(c) in paragraph 5, after “<i>election</i>”, insert “<i>or referendum</i>”.</p>

SCHEDULE 4

regulation 10

ADDITIONAL MODIFICATIONS AS REGARDS REFERENDUM AT WHICH VOTING TO BE BY POST ONLY

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The 1983 Act</i>	
Section 47 (loan of equipment for local elections)	In subsections (1) and (2), omit “fittings and compartments”.
Section 60 (personation)	In subsection (2), in paragraphs (a) and (b), omit “in person or”.
	In subsection (3), omit the words from “who has applied” to “person or”.
Section 61 (other voting offences) (see the modifications in Table 2 of Schedule 3)	Omit subsections (2)(b) and (c) and (3)(b) and (c).
Section 66 (requirement of secrecy)	Omit subsection (1).
Section 66A (prohibition on publication of exit polls)	In subsection (1), for “the poll is closed”, substitute “9 p.m. on the day of the referendum”.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The Elections Regulations</i>	
Regulation 50 (interpretation of Part IV)	Omit the definition of “allotted polling station”.
Regulation 51 (general requirements for applications for an absent vote)	Omit paragraph (5).
Regulation 72 (procedure on issue of postal ballot paper)	<p>For paragraph (1) substitute—</p> <p>“(1) First, the counting officer at the referendum shall issue postal ballot papers to those persons entitled to vote in the referendum who are included as voting by post in the absent voters list for the referendum, and shall place a mark in that list and the register of electors against the number of that person to denote that a ballot paper has been issued to him but without showing the particular ballot paper issued.</p> <p>(1A) Secondly, he shall issue postal ballot papers to those proxies included in the list kept under paragraph 7(8) of Schedule 4 to the 2000 Act, as applied for the purposes of the referendum, and shall place a mark—</p> <ul style="list-style-type: none"> (a) in that list against the name of the proxy; and (b) in the register of electors against the number of the person for whom the proxy is appointed, <p>to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.</p> <p>(1B) Thirdly, he shall issue postal ballot papers to those proxies included in the absent voters list for the referendum and shall place a mark—</p> <ul style="list-style-type: none"> (a) in that list against the name of the proxy; and (b) in the register of electors against the number of the person for whom the proxy is appointed, <p>to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.</p> <p>(1C) Finally, he shall issue postal ballot papers to every person entitled to vote in the referendum against whose number in the register of electors no mark has been placed, and shall then place a mark against that person’s number to denote that a ballot paper has been issued</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	but without showing the particular ballot paper issued. (1D) Each postal ballot paper issued shall be stamped with the official mark. (1E) The address to which a postal ballot paper is to be sent shall be determined in accordance with rule 19 of the rules set out in Schedule 2 to the Local Elections (Principal Areas) Rules 1986, as substituted.”. Omit paragraphs (5) and (6).
<i>The Principal Areas Rules</i>	
Rule 1 (timetable)	In the timetable, omit the entry in respect of polling.
Rule 3 (notice of election)	In paragraph 1, for “poll” substitute “referendum”. In paragraph (2)— (a) omit sub-paragraph (a) and the word “and” following it; and (b) in sub-paragraph (b), omit “other”.
Rule 13 (poll to be taken by ballot)	After “given by”, insert “postal”.
Rule 15 (ballot papers: official mark)	Omit paragraph (3).
Rule 17 (use of schools and public rooms)(76)	In paragraphs (1) and (2), omit “taking the poll or”.
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraph (a) substitute— “(a) that the poll at the referendum is to be taken only by post;”. Omit paragraph (3).
Rule 19 (postal ballot papers)(77)	Substitute— “Postal ballot papers 19.—(1) The counting officer shall as soon as reasonably practicable issue to— (a) each person entitled to vote in the referendum for whom a proxy has not been appointed; and

(76) Rule 17 was amended by S.I. 2001/81, rule 6.

(77) Rule 19 was substituted by S.I. 2001/81, rule 7.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(b) each proxy appointed by a person entitled to vote in the referendum, at the address determined in accordance with this rule, a postal ballot paper and a declaration of identity in the forms set out in the Appendix, or forms to the like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by regulations made under the 1983 Act.</p> <p>(2) In the case of a person entitled to vote in the referendum whose name is shown in the absent voters' list for the referendum, the address referred to in paragraph (1) is that shown in that list.</p> <p>(3) Subject to paragraph (4), in the case of a person entitled to vote in the referendum whose name is not shown in the absent voters' list for the referendum, the address referred to in paragraph (1) is his qualifying address as shown in the register of electors.</p> <p>(4) In the case of a person entitled to vote in the referendum—</p> <p style="padding-left: 40px;">(a) whose name is not shown in the absent voters' list for the referendum; and</p> <p style="padding-left: 40px;">(b) whose qualifying address is not shown in the register of electors,</p> <p>the address referred to in paragraph (1) is—</p> <p style="padding-left: 80px;">(i) the address given in accordance with regulation 15 of the Elections Regulations (if that address is within the United Kingdom) in the case of a service voter; or</p> <p style="padding-left: 80px;">(ii) the address given in accordance with section 7(4)(d)(iii) of the 1983 Act in the case of</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	a person registered in pursuance of a patient’s declaration.
	(5) In the case of a proxy, the address referred to in paragraph (1) is—
	(a) in the case of a proxy whose name is included in the special list kept under paragraph 7(8) of Schedule 4 to the RPAct 2000 for the referendum, the address recorded in that list; or
	(b) in the case of any other proxy, the address of the proxy as given under regulation 52 of the Elections Regulations.”.
Rules 20 to 23 (provision of polling stations, appointment of presiding officers and clerks, issue of official poll cards and equipment of polling stations)	Omit.
Rule 25 (notification of requirement of secrecy)	Omit paragraph (a).
Rules 26 to 37 (admission to polling stations, keeping of order in station, sealing of ballot boxes, questions to be put to voters, challenge of voters, voting procedure, votes marked by presiding officer, voting by blind persons, tendered ballot papers, spoilt ballot papers, adjournment of poll in case of riot and procedure on close of poll)	Omit.
Rule 39 (the count)(78)	In paragraph (1), omit sub-paragraphs (a) and (b) and the words “and (c)”.
	Omit paragraphs (2), (4) and (6).
Rule 46 (delivery of documents)(79)	In paragraph (1)—
	(a) for sub-paragraph (b) substitute—
	“(b) the statements of rejected ballot papers;”
	(b) omit sub-paragraph (c); and
	(c) in sub-paragraph (d), omit from “and” to the end.
Rule 47	In paragraph (1)(b) omit “and certificates as to employment on duty on the day of the poll”.

(78) Paragraph (3) of rule 39 was substituted by S.I. 2001/81, rule 12.

(79) Rule 46 was amended by S.I. 2001/81, rule 13.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Rule 48	In paragraphs (2) and (3), omit “and certificates”.
The Appendix of Forms	In the back of the form of the declaration of identity omit note 6. Omit the forms of— (a) an elector’s official poll card; (b) a proxy’s official poll card; (c) directions for guidance of the voters in voting; (d) certificate of employment; and (e) declaration to be made by the companion of a voter with disabilities.

SCHEDULE 5

regulations 15, 16 and 17

COMBINATION OF POLLS

PART I

General provisions

1. For the purposes of combining the poll at one or more of—
 - (a) a Parliamentary general election,
 - (b) a European Parliamentary general election,
 - (c) an ordinary local government election, or
 - (d) a Greater London Authority election, with the poll at a referendum, the provisions specified in column (1) of the Table below shall be modified as specified in column (2).
2. In relation to the application of provisions of the European Parliamentary Elections Rules for the purposes referred to in paragraph 1, references to the returning officer at a European Parliamentary general election shall be taken to include references to the local returning officer.

TABLE

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The 1985 Act</i>	
Section 15 (combination of polls at parliamentary, European Parliamentary and local elections)	In subsection (1), at the end of paragraph (c), insert “or (d) a referendum under the Local Authorities (Conduct

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>of Referendums) (England) Regulations 2001 and—</p> <ul style="list-style-type: none"> (i) a parliamentary election, (ii) a European Parliamentary election, or (iii) an ordinary local government election,”(80). <p>In subsection (2), after “related areas”, insert “or the polls at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas”.</p> <p>In subsection (4)—</p> <ul style="list-style-type: none"> (a) after “elections” (in the first place where that word appears) insert “or, as the case may be, elections and a referendum”; (b) after “one election” insert “or the referendum”; (c) after “elections” (in the second place where that word appears) insert “or, as the case may be, the elections and the referendum”. <p>In subsection (5), after “any elections” insert “or at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
<i>The RPAct 2000</i> (81)	
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1), at the end insert “; and as regards referendums under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Schedule 4 (absent voting in Great Britain)	In paragraph 1, in sub-paragraph (1)—
	<ul style="list-style-type: none"> (a) in the definition of “the appropriate rules”, at the end of paragraph (b), insert “and (c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”;

(80) For the definition of “parliamentary election” see the Interpretation Act 1978 (c. 30), Schedule 1. For the definition of “European Parliamentary election” see the Representation of the People Act 1985, section 27(1). For the definition of “local government election” see the Representation of the People Act 1983, section 203(1), amended by the Greater London Authority Act 1999 (c. 29). Schedule 3, paragraph 39(1) and (4). As to ordinary elections, see the Local Government Act 1972 (c. 70), section 7(1) and (2) and Schedule 2, paragraph 6 and, as to the Greater London Authority, section 2(7) of the Greater London Authority Act 1999.

(81) 2000 c. 2.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(b) after the definition of “local government election”, insert the following definition—</p> <p style="padding-left: 40px;">““referendum” means a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In paragraphs 2 to 7, except in paragraphs 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum,” “or referendums”, or “or the referendum”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i), after “or both,”, insert “or referendums”.</p> <p>In paragraphs 6(7) and 7(4)(a), after “or at both,”, insert “or at referendums”.</p>
<i>The 1986 Regulations</i>	
Regulation 97(4)	<p>For “elections for related areas” substitute “elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas”.</p> <p>After “the Act of 1985”, insert “, as applied by those Regulations”.</p> <p>In sub-paragraph (a)—</p> <p>(a) insert at the beginning “the returning officer for that election or, if there is more than one election,”; and</p> <p>(b) after “regulation 98 below”, insert “and the functions of the counting officer in relation to the referendum”(82).</p>
Regulation 98	<p>For “regulation 78” substitute “regulation 65 of the Representation of the People (England and Wales) Regulations 2001”.</p>
<i>The Elections Regulations</i>	
Paragraph (2) of regulation 3	<p>At the end of sub-paragraph (b), insert—</p> <p>“, or</p> <p style="padding-left: 40px;">(c) in the case of a referendum, such of those rules made under section 36 of the 1983 Act as are applied</p>

(82) The definitions of “counting officer” and “referendum” will be found in regulation 2(1).

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 51	<p>(with or without modification) by the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In paragraph (4), in sub-paragraph (b)—</p> <ul style="list-style-type: none">(a) after “for” insert “all or any of”;(b) after “elections” insert “and referendums, identifying those in respect of which it is made”; and(c) for “both”, substitute “referendums, or any combination”.
Regulation 56	<p>In paragraph (5)—</p> <ul style="list-style-type: none">(a) after “election”, in each place, insert “or referendum”; and(b) for “elections”, substitute “polls”. <p>In paragraphs (1) to (5), after “election”, in each place, insert “or referendum”.</p>
Regulation 65	<p>In paragraph (7)(b), after “election” insert “or referendum”.</p> <p>After “polls at elections” insert “or polls at an election and a referendum”.</p>
Regulation 68	<p>After “each election” insert “or, as the case may be, the election and the referendum”.</p> <p>After “returning officers” insert “or, as the case may be, the returning officers and the counting officer at the referendum”.</p> <p>For sub-paragraph (a) substitute “(a) the counting officer and his clerks;”.</p> <p>In sub-paragraph (b), after “candidate”, insert “or those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes.”.</p>
Regulation 72	<p>Omit sub-paragraphs (c) and (d).</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none">(a) after “one election”, insert “or referendum, or for an election combined with a referendum”;(b) in sub-paragraph (a)—<ul style="list-style-type: none">(i) after “elections”, insert “or referendums”; and

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(ii) after “election”, insert “or referendum”; and</p> <p>(c) in sub-paragraph (b), for “election”, in each place, substitute “election or referendum”.</p>
Regulation 74	<p>In paragraph (6), for “the poll at one election is taken with the poll at another election”, substitute “polls are taken together”.</p> <p>In paragraph (4), after “65 above”, insert “or under regulation 14(1), (7) or (11) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
Regulation 77	<p>In paragraph (2), for “more than one election have been issued together under regulation 65 above”, substitute “more than one poll have been issued together”.</p>
Regulation 80	<p>In paragraph (1), after “each candidate”, insert “or those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, are entitled to attend at the counting of the votes”.</p>
Regulation 83	<p>In paragraph (1), after “the agents”, insert “or the counting observers for the referendum”.</p>
Regulation 85	<p>In paragraph (3), after “the agents”, insert “or the counting observers for the referendum”.</p>
Regulation 91	<p>In paragraph (1)—</p> <p>(a) after “returning officer”, insert “or in the case of a referendum, the counting officer,”;</p> <p>(b) after “local government election”, insert “or referendum”;</p> <p>(c) after “the date of the election”, insert “or referendum”;</p> <p>(d) after “electoral area”, insert “or voting area”; and</p> <p>(e) for “election (or elections)”, substitute “ballot (or ballots)”.</p> <p>In paragraph (2), after “election”, in the first two places where that word appears, insert “or referendum”.</p>
Schedule 3, Form E	<p>After “REPRESENTATION OF THE PEOPLE ACTS” insert “[<i>insert name of council</i>] REFERENDUM”.</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>After “Parliamentary electoral area”, insert “and referendum voting area”.</p> <p>After “electoral region].]”, insert “and/or to vote for him/her at the referendum on (<i>insert date</i>)”.</p> <p>In paragraph 2 of the note, after “election”, in each place, insert “or referendum”.</p>

PART II

Modifications of the Parliamentary Elections Rules and the European Parliamentary Elections Rules

Note: unless otherwise indicated, the numbered rules specified in column (1) are those of that number in the Parliamentary Elections Rules and in the European Parliamentary Elections Rules: and are to be applied, with the relevant modification, as the particular circumstances require.

TABLE

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 5 (notice of election)(83)	<p>After paragraph (1) insert—</p> <p>“(1A) The notice published under paragraph (1) shall—</p> <p style="padding-left: 40px;">(a) state that the poll is to be taken together with the poll at the referendum; and</p> <p style="padding-left: 40px;">(b) where the polls are to be taken together in part of the constituency only, specify that part.”.</p>
<p>Rule 23 (notice of poll)(84)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>In paragraph (1), after “taken”, insert “and that the poll will be taken together with the poll at the referendum; and where the polls are to be taken together in part of the constituency only, specifying that part”.</p> <p>In paragraph (2), after sub-paragraph (b), insert—</p> <p style="padding-left: 40px;">“(c) the taking of the poll together with the poll at the referendum; and</p>

(83) Rule 5 was amended by the Representation of the People Act 1985, sections 11, 24 and 28(1), Schedule 2, Part I, paragraph 4, Schedule 4, paragraph 74 and Schedule 5, and by the Representation of the People Act 2000, Schedule 6, paragraph 10(2).

(84) Rule 23 was amended by the Representation of the People Act 1985, sections 24 and 28(1), Schedule 4, paragraph 77 and Schedule 5.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
<p>Rule 23 (notice of poll)(85)</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p>	<p>(d) if the polls are to be taken together in part of the constituency only, the part in which the polls are to be taken together.”.</p> <p>In paragraph (1), after “taken”, insert “and that the poll will be taken together with the poll at the referendum; and where the polls are to be taken together in part of the constituency only, specifying that part”.</p> <p>In paragraph (2), after sub-paragraph (b), insert—</p> <p>“(c) the taking of the poll together with the poll at the referendum; and</p> <p>(d) if the polls are to be taken together in part of the constituency only, the part in which the polls are to be taken together.”.</p>
<p>Rule 28 (issue of official poll cards)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>In paragraph (3)—</p> <p>(a) in sub-paragraph (a), after “government election”, insert “or referendum”; and</p> <p>(b) in sub-paragraph (b), after “the election”, insert “or referendum”.</p> <p>Add, at the end—</p> <p>“(5) A single official poll card may be issued in respect of both the election and the referendum.”.</p>
<p>Rule 28 (issue of official poll cards)(86)</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p>	<p>In paragraph (5), insert, at the end, “or referendum”.</p>
<p>Rule 29 (equipment of polling stations)(87)</p> <p><i>The modification to paragraph (5) applies only where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>In paragraph (4)—</p> <p>(a) for “the form in the Appendix”, substitute “in the following form”; and</p> <p>(b) after “polling station” insert—</p> <p style="padding-left: 40px;">“GUIDANCE FOR VOTERS</p> <p style="padding-left: 80px;">1. When you are given ballot papers, make sure they are stamped with the official mark.</p>

(85) Rule 23 was amended by the Representation of the People Act 1985, sections 24 and 28(1), Schedule 4, paragraph 77 and Schedule 5. Paragraph (3) was inserted by S.I. 1999/1214, Schedule 3, paragraph 3.

(86) Paragraph (5) was inserted by S.I. 1999/1214, Schedule 3, paragraph 4.

(87) Paragraph (3A) was inserted by the Representation of the People Act 2000, section 13(2). Rule 29 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraphs 5 and 6.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>2. Go to one of the voting compartments. 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. Vote only for the number of candidates specified on the ballot paper for the election.</p> <p>3. Put no other mark on the ballot paper or your vote may not be counted.</p> <p>4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.</p> <p>5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.</p>

In paragraph (5) after “exhibited” insert “, on paper of the same colour as that of the ballot papers for use at the election,”.

After paragraph (5) insert—

“(5A) In every compartment of every polling station there shall be exhibited, on paper of the same colour as that of the ballot papers for use at the referendum, the notice “Mark one box only. Put no other mark on the ballot paper, or your vote may not be counted.””.

In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.

After paragraph (9), insert—

“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.

In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab,”.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 32 (admission to polling station)(88)	<p>In paragraph (1), in sub-paragraph (b), after “agents appointed”, insert “, and any person appointed under regulation 11(3) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, or rule 26(1) of the Local Elections (Principal Areas) Rules 1986, as applied for the purposes of referendums under those Regulations.”(89).</p> <p>In paragraph (3) after “the prescribed form” insert “with the following modifications—</p> <ul style="list-style-type: none"> (a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “[PARLIAMENTARY] [EUROPEAN PARLIAMENTARY] ELECTION AND LOCAL AUTHORITY REFERENDUM”; (b) after “at the election” insert “and referendum”; and (c) after “with the election” insert “and referendum””.
<p>Rule 37 (voting procedure)(90)</p> <p><i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>Add at the end—</p> <p>“(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum and one mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1)(e), to denote that a ballot paper has been received in respect of both polls; except that, where a ballot paper has been issued in respect of one poll only, a different mark shall be placed in the register or in the list of proxies so as to identify the poll in respect of which the ballot paper was issued.”</p>
<p>Rule 38 (votes marked by presiding officer)(91)</p> <p><i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>At the end of paragraph (2) add—</p> <p>“The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list identifies the poll at which the ballot paper was so marked.”</p>

(88) Paragraph (1)(e) was amended by the Representation of the People Act 2000, section 13(4).

(89) The persons referred to are polling observers, the elected mayor (if any) and petition organisers. Rule 26(1) of the Principal Areas Rules is applied, with modifications, in relation to petition organisers, by regulation 8 of, and Table 3 of Schedule 3 to these Regulations.

(90) Rule 37 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraph 11.

(91) Rule 38 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraph 12.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
<p>Rule 39 (voting by persons with disabilities)(92)</p> <p><i>The modification to paragraph (4) and the insertion of paragraph (4A) apply only where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>In paragraph (2)—</p> <p>(a) in sub-paragraph (b)(ii), after “the election”, insert “or the referendum”; and</p> <p>(b) for “his vote”, substitute “his votes”.</p> <p>In paragraph (3)(a), after “the election”, insert “or the referendum”.</p> <p>In paragraph (4), for “whose vote is given”, substitute “whose votes are given”.</p> <p>After paragraph (4) insert—</p> <p>“(4A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”</p>
<p>Rule 40 (tendered ballot papers)</p> <p><i>The modification applies only where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>After paragraph (3) add—</p> <p>“(3A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the list identifies the poll at which a tendered ballot paper was marked.”</p>
<p>Rule 43 (procedure on close of poll) of the Parliamentary Elections Rules(93)</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>After paragraph (1) insert—</p> <p>“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined with the statement prepared under that paragraph of those Rules.”</p>
<p>Rule 43 (procedure on close of poll) of the European Parliamentary Elections Rules(94)</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p>	<p>In rule 43—</p> <p>(a) for paragraph (1A), substitute—</p> <p>“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined</p>

(92) Rule 39 was substituted by the Representation of the People Act 2000, section 13(3). Rule 39 of the European Parliamentary Elections Rules was amended by S.I. 1999/1214, paragraph 13.

(93) Paragraph (1)(f) was amended by the Representation of the People Act 2000, section 13(4).

(94) Rule 43 was amended by S.I. 1999/1214, Schedule 3, paragraph 16.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>with the statement prepared under that paragraph of those Rules.”.</p> <p>After rule 43, insert rules 43A (attendance at verification of ballot paper accounts) and 43B (procedure at verification of ballot paper accounts), as set out in Schedule 1 to the European Parliamentary Elections Regulations 1999(95).</p> <p>In rule 43B (as so inserted)—</p> <p>(a) after paragraph (5), insert—</p> <p style="padding-left: 40px;">“(5A) The returning officer shall separate the ballot papers relating to the European Parliamentary election from those relating to the referendum.”; and</p> <p>(b) after paragraph (8), insert—</p> <p style="padding-left: 40px;">“(8A) Where the poll at the European Parliamentary election is taken, not only with the poll at the referendum, but also with the poll at a local government election or a parliamentary election, the returning officer shall—</p> <p style="padding-left: 80px;">(a) make up into packets the ballot papers for the referendum and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;</p> <p style="padding-left: 80px;">(b) deliver or cause to be delivered to the counting officer—</p> <p style="padding-left: 120px;">(i) those containers, together with a list of them and of the contents of each; and</p> <p style="padding-left: 120px;">(ii) the ballot paper accounts, together with a copy of the statement as to the result of their verification in respect of that referendum; and</p> <p style="padding-left: 80px;">(c) at the same time deliver or cause to be delivered to that officer packets that so relate containing—</p> <p style="padding-left: 120px;">(i) the unused and spoilt ballot papers,</p>

(95) S.I. 1999/1214.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<ul style="list-style-type: none"> (ii) the tendered ballot papers, and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty at the poll.”
<p>Rule 44 (attendance at counting of votes) of the Parliamentary Elections Rules</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>In paragraph (1), after “returning officer” insert “who is discharging the functions specified in regulation 98 of the Representation of the People Regulations 1986”.</p>
<p>Rule 44 (attendance at counting of votes) of the European Parliamentary Elections Rules⁽⁹⁶⁾</p> <p><i>For use where the referendum poll is taken together with that at a European Parliamentary election</i></p>	<p>In paragraph (1), for sub-paragraphs (a) and (b), substitute “the material time”.</p>
<p>Rule 45 (the count) of the Parliamentary Elections Rules⁽⁹⁷⁾</p> <p><i>For use where the referendum poll is taken together with that at a parliamentary election</i></p>	<p>For paragraph (1) substitute—</p> <p>“(1) The returning officer shall—</p> <ul style="list-style-type: none"> (a) in the presence of the counting agents and the counting observers open each ballot box and record the number of ballot papers in it; (b) in the presence of the election agents and the counting observers verify each ballot paper account in accordance with paragraph (5) below; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each poll; and (d) separate the ballot papers relating to the parliamentary election from the ballot papers relating to the referendum.” <p>Omit paragraph (2).</p> <p>In paragraph (5), for the words from “a statement” to the end, substitute—</p>

⁽⁹⁶⁾ Rule 44 was amended by S.I. [1999/1214](#), Schedule 3, paragraph 18.

⁽⁹⁷⁾ Paragraphs (1) and (1A) were substituted by the Representation of the People Act 1985, Schedule 4 paragraph 82. Paragraph (1B) was inserted by the Representation of the People Act 2000, Schedule 6, paragraph 10(4).

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>“a statement as to the result of the verification—</p> <ul style="list-style-type: none">(a) in relation to the election; and(b) in relation to the referendum.”.<p>After paragraph (5), insert—</p><p>“(5A) Any election agent may copy the statement referred to in paragraph (5)(a) and any counting observer may copy the statement referred to in paragraph (5)(b).</p><p>(5B) The returning officer shall—</p><ul style="list-style-type: none">(a) make up into packets the ballot papers for each referendum and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;(b) deliver or cause to be delivered to the counting officer at the referendum to which the ballot papers relate—<ul style="list-style-type: none">(i) those containers, together with a list of them and of the contents of each; and(ii) the ballot paper accounts, together with a copy of the statement as to the result of their verification in respect of that referendum; and(c) at the same time deliver or cause to be delivered to that officer packets that so relate containing—<ul style="list-style-type: none">(i) the unused and spoilt ballot papers,(ii) the tendered ballot papers, and(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty at the poll.<p>(5C) The returning officer shall mix together all of the ballot papers used at the election and proceed in accordance with the parliamentary election rules.</p><p>(5D) The counting officer shall mix together all of the ballot papers used at the referendum and proceed in accordance with the LGA Referendum Rules.”.</p>

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 45 (the count) of the European Parliamentary Elections Rules(98) <i>For use where the referendum poll is taken together with that at a European Parliamentary election</i>	In paragraph (7), in sub-paragraph (a), after “election”, insert “and the referendum”. For paragraph (1), as substituted by paragraph 19 of Schedule 3 to the European Parliamentary Elections Regulations 1999, substitute— “(1) The local returning officer shall open the packets referred to in rule 43B(8) above and mix together all of the ballot papers.”.
Rule 60 (countermand or abandonment of poll on death of candidate)	Add at the end of paragraph (1)— “Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.”. Substitute for paragraph (2)— “(2) (3) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but— (a) it shall not be necessary for any ballot paper account to be prepared or verified; and (b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and (c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”

(98) Rule 45 was amended by S.I. [1999/1214](#), Schedule 3, paragraphs 19 and 20.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
In the Appendix of Forms	<p>In the form of declaration to be made by the companion of a voter with disabilities⁽⁹⁹⁾—</p> <p>(a) after “this constituency” insert “and the referendum now being held in that area”; and</p> <p>(b) after “said election” in each place insert “and that referendum”.</p>

PART III

Modifications of the Principal Areas Rules

TABLE

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 18 (notice of poll)	<p>Add at the end—</p> <p>“(4) The notice published under paragraph (3) shall—</p> <p>(a) state that the poll is to be taken together with the poll at the referendum; and</p> <p>(b) where the polls are to be taken together in part of the local authority area only, specify that part.”</p>
Rule 22 (issue of official poll cards)	<p>Add at the end—</p> <p>“(5) A single official poll card may be issued in respect of both the election and the referendum.”</p>
Rule 23 (equipment of polling stations)	<p>For paragraph (4) substitute—</p> <p>“(4) A notice in the following form shall be printed in conspicuous characters and exhibited inside and outside every polling station—</p> <p>“GUIDANCE FOR VOTERS</p> <p style="padding-left: 40px;">1. When you are given ballot papers, make sure they are stamped with the official mark.</p> <p style="padding-left: 40px;">2. Go to one of the voting compartments. 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. Vote only for the number of candidates</p>

⁽⁹⁹⁾ The form was amended by the Representation of the People Act 2000, section 13(5).

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>specified on the ballot paper for the election.</p> <p>3. Put no other mark on the ballot paper or your vote may not be counted.</p> <p>4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.</p> <p>5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.”</p> <p>For paragraph (5) substitute—</p> <p>“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate form, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or referendum to which the notice in question relates.”</p> <p>In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.</p> <p>After paragraph (9), insert—</p> <p>“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.</p> <p>In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab,”.</p>
Rule 26 (admission to polling station)(100)	In paragraph (1), after sub-paragraph (e), insert “(f) any person entitled under regulation 11(3) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001, or rule 26(1) of the Local Elections (Principal Areas) Rules 1986, as applied for the purposes of referendums under those Regulations,”(101)

(100) Rule 26 was amended by S.I. 2001/81, rule 9.

(101) The persons referred to are polling observers and petition organisers. Rule 26(1) of the Principal Areas Rules is applied, with modifications, in relation to petition organisers, by regulation 8 of, and Table 3 of Schedule 3 to these Regulations.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>In paragraph (3) after “Appendix” insert “with the following modifications—</p> <ul style="list-style-type: none"> (a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND REFERENDUM”; (b) after “at the election” insert “and referendum”; and (c) after “with the election” insert “and referendum”.”.
Rule 31 (voting procedure)	<p>After paragraph (3) insert—</p> <p>“(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum and one mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1)(e), to denote that a ballot paper has been received in respect of both polls; except that, where a ballot paper has been issued in respect of one poll only, a different mark shall be placed in the register or in the list of proxies so as to identify the poll in respect of which the ballot paper was issued.”</p>
Rule 32 (votes marked by presiding officer)	<p>At the end of paragraph (2) add—</p> <p>“The same list may be used for the poll at the election and the poll at the referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list identifies the poll at which the ballot paper was so marked.”</p>
Rule 33 (voting by persons with disabilities)(102)	<p>After paragraph (4) insert—</p> <p>“(4A) The same list may be used for the poll at the election and the poll at the referendum and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”</p>
Rule 34 (tendered ballot papers)	<p>At the end of paragraph (3) add—</p> <p>“The same list may be used for the poll at the election and the poll at the referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the</p>

(102)Rule 33 was substituted by S.I. 2001/81, rule 10.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
Rule 37 (procedure on close of poll)	list identifies the poll at which a tendered ballot paper was marked.” After paragraph (1) insert— “(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under those sub-paragraphs of the LGA Referendum Rules; nor shall the statement prepared under paragraph (3) be combined with the statement prepared under that paragraph of those Rules.”
Rule 38 (attendance at counting of votes)	In paragraph (2), after sub-paragraph (d), insert— “(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”(103).
Rule 39 (the count)(104)	For paragraphs (1) and (2) substitute— “(1) The returning officer shall— (a) in the presence of the counting agents and the counting observers open each ballot box and record separately the number of ballot papers used in each poll; (b) in the presence of the election agents and the counting observers verify each ballot paper account in accordance with paragraph (2) below; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each poll; and (d) separate the ballot papers relating to the referendum from the ballot papers relating to the parliamentary election, the European Parliamentary election or, as the case may be, the ordinary election. (1A) The returning officer shall— (a) make up into packets the ballot papers for the referendum, and seal them up in separate containers,

(103) The persons referred to are the counting officer, counting observers, petition organisers and others permitted by the counting officer to attend for the purposes of the referendum.

(104) Rule 39 was amended by S.I. 2001/81, rule 12.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>endorsing on each a description of the area to which the ballot papers relate;</p> <p>(b) deliver, or cause to be delivered, to the counting officer for the referendum—</p> <ul style="list-style-type: none"> (i) the container of ballot papers relating to the referendum; and (ii) the ballot paper account relating to the referendum, and a copy of the statement as to its verification; and <p>(c) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—</p> <ul style="list-style-type: none"> (i) the unused and spoilt ballot papers; (ii) the tendered ballot papers; and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll. <p>(2) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent or counting observer present at the verification may copy.”</p> <p>For paragraph (6) substitute—</p> <p>“(6) The returning officer shall mix together all of the ballot papers used at the election and proceed in accordance with the election rules.</p> <p>(6A) The counting officer shall mix together all of the ballot papers used at the referendum and proceed in accordance with the LGA Referendum Rules.”.</p>
Rule 49 (countermand or abandonment of poll)	<p>Add at the end of paragraph (1)—</p> <p>“Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.</p> <p>Substitute for paragraph (2)—</p>

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	<p>“(2) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—</p> <ul style="list-style-type: none">(a) it shall not be necessary for any ballot paper account to be prepared or verified; and(b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and(c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”
<p>In the Appendix</p> <p><i>Form of declaration of identity for use where postal votes are combined</i></p>	<p>In the Form of declaration of identity—</p> <ul style="list-style-type: none">(a) after “REPRESENTATION OF THE PEOPLE ACTS”, insert “[<i>name of Council</i>] REFERENDUM”;(b) for “Ballot Paper No.”, substitute “Ballot Paper Nos.”;(c) for “the ballot paper numbered as above was sent”, substitute “the ballot papers numbered as above were sent”;(d) in paragraph 2 of the Instructions to the Voter, after “one candidate only.)]”, insert “In the referendum, vote once only.”;(e) in paragraph 3 of those Instructions, for “the ballot paper”, substitute “each ballot paper”; and(f) in paragraph 7 of those Instructions, for “With your application you must return”, substitute “If you do this you MUST RETURN ALL THE BALLOT PAPERS YOU HAVE RECEIVED, together with the spoilt paper. In addition, in your

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
<i>Form of declaration of identity for use where there are separate postal votes</i>	<p>application for fresh postal ballot papers you MUST RETURN”.</p> <p>In the Form of declaration of identity—</p> <ul style="list-style-type: none"> (a) after “REPRESENTATION OF THE PEOPLE ACTS”, insert “To be returned with the <i>[insert colour of ballot paper]</i> coloured ballot paper No.”; (b) after “the person to whom”, insert “<i>[insert colour of ballot paper]</i>”; (c) in paragraph 1 of the Instructions to the Voter, after “known to you.”, insert “<i>You are required to do this even if you have already signed a declaration of identity in respect of another election or referendum to be held on the same day.</i>”; (d) in paragraph 2 of those Instructions, omit “[Vote for one candidate only]”; and (e) for paragraph 4 of those Instructions, substitute— <ul style="list-style-type: none"> “4. Different colours are used for the ballot papers for [each] [the] election and 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 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: <ul style="list-style-type: none"> (a) place [each][the] 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;

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
	(c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.”.
<i>Form of declaration to be made by the companion of a voter with disabilities</i> (105)	After “this electoral area” insert “and the referendum now being held in that area”.
	After “said election” in each place insert “and that referendum”.

PART IV

APPLICATION, WITH MODIFICATIONS, OF THE GLA ELECTIONS RULES

In this Part—

“GLA constituency” means an area for the time being specified in an order made by the Secretary of State under section 2(4) of the Greater London Authority Act 1999**(106)**;

“GLA election” means an election under one or more of—

- (a) the Constituency Members Election Rules,
- (b) the London Members Election Rules,
- (c) the Mayoral Elections Rules, and
- (d) the Ordinary Elections rules;

and expressions used in both this Part and in any of Schedules 1, 2 and 3 to the GLA Elections Rules have the same meaning for the purposes of this Part as they have for the purposes of that Schedule.

TABLE

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
CMER 15 (107)	Add at the end of paragraph (2)—
LMER 16 (108)	“(e) shall be of a different colour from that of any ballot papers used at the referendum the poll at which is taken together with the poll at the GLA election”
MER 16 (109) (the ballot papers)	
CMER 19	Add at the end—

(105) The form was amended by S.I. 2001/81, rule 15.

(106) 1999 c. 29.

(107) The Constituency Members Election Rules set out in Schedule 1 to the GLA Elections Rules (S.I. 2000/427, amended by S.I. 2000/1040).

(108) The London Members Election Rules set out in Schedule 2 to the GLA Elections Rules.

(109) The Mayoral Election Rules set out in Schedule 3 to the GLA Elections Rules.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
LMER 20	“(4) The notice published under paragraph (3) shall—
MER 20 (notice of poll)	<ul style="list-style-type: none"> (a) state that the poll at the GLA election is to be taken together with the poll at a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001; and (b) specify the area in which the referendum is held.”
CMER 23	In paragraph (4), for “or, as the case may be, a London borough election”, substitute “a
LMER 24	London borough election or, as the case may be, a referendum”.
MER 24 (issue of official poll cards)	
CMER 24	For paragraph (2), substitute—
LMER 25	“(2) The ballot papers shall, as the returning officer may decide, be placed—
MER 25 (equipment of polling stations)	<ul style="list-style-type: none"> (a) in a single ballot box; or (b) in separate ballot boxes according to whether the votes given on them are cast in the election or the referendum.”
	For paragraph (4) in the CMER and LMER, substitute—
	“(4) In every compartment of every polling station there shall be exhibited notices in the appropriate forms, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or the referendum to which the notice in question relates.”
	For paragraph (5) in the MER, substitute—
	“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate forms, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or the referendum to which the notice in question relates.”
CMER 32	Add at the end—

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
LMER 33	“(4) The same copy of the register of electors may be used under paragraph (1) for the election and the referendum.
MER 33 (voting procedure)	(5) One mark may be placed in that register under paragraph (1)(d) to denote that a ballot paper has been received in respect of both the election and the referendum; except that, where a ballot paper has been issued in respect of either the election only, or the referendum only, a different mark shall be placed in the register so as to identify that the ballot paper was issued in respect of the election or, as the case may be, the referendum.”
CMER 39(1) (attendance at counting of votes)	For paragraph (1) substitute— “(1) As soon as practicable after the close of the polls, the CRO shall make arrangements for counting the votes at the election and the referendum in the presence of—
LMER 40(1) (attendance at local count)	(a) the counting agents appointed for the purposes of the GLA election; and
MER 40(1) (attendance at local count)	(b) the counting observers appointed for the purposes of the referendum, and he shall give to those counting agents and counting observers notice in writing of the time and place at which he will begin to count the votes.”
CMER 39(2) to (5)	In paragraph (2), after subparagraph (d), insert— “(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at the counting of the votes at the referendum.” In paragraph (3)(a), before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”. In paragraph (4), after “counting agents”, insert “and the counting observers”.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
LMER 40(2) to (5)	<p>In paragraph (5)—</p> <ul style="list-style-type: none"> (a) after “the candidate for whom”, insert “or the answer for which”; (b) after “each candidate”, insert “or each answer”; and (c) after “counting agents”, insert “and the counting observers”. <p>In paragraph (2), after sub-paragraph (d), insert—</p> <ul style="list-style-type: none"> “(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at the counting of the votes at the referendum.”. <p>In paragraph (3)(a), before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”.</p> <p>In paragraph (4), after “counting agents”, insert “and the counting observers”.</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none"> (a) after “for whom”, insert “, or the answer for which,”; (b) after “or party”, insert “or answer”; and (c) after “counting agents”, insert “and the counting observers”.
MER 40(2) to (5)	<p>In paragraph (2), after sub-paragraph (d), insert—</p> <ul style="list-style-type: none"> “(e) any person entitled under regulation 13(5) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 to attend at the counting of the votes at the referendum,”. <p>In paragraph (4), after “counting agents”, insert “and the counting observers”.</p> <p>In paragraph (5)—</p> <ul style="list-style-type: none"> (a) after “the candidate for whom”, insert “or the answer for which”;

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	(b) after “each candidate”, insert “or each answer”; and
	(c) after “counting agents”, insert “and the counting observers”.
CMER 40	In paragraph (1)—
LMER 41	(a) after “returning officer”, insert “who is discharging the functions specified in regulation 98 of the Representation of the People Regulations 1986”;
MER 41	(b) for the words after “shall” substitute—
(the count)	<p>“(a) in the presence of the counting agents appointed for the purposes of the GLA election and the counting observers appointed for the purposes of the referendum, open each ballot box and record separately the number of ballot papers used in the election and in the referendum;</p> <p>(b) in the presence of the election agents appointed for the purposes of the GLA election and the counting observers appointed for the purposes of the referendum, verify each ballot paper account;</p> <p>(c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and the referendum;</p> <p>(d) separate the ballot papers relating to the GLA election from the ballot papers relating to the referendum;</p> <p>(e) make up into packets the ballot papers relating to the referendum and seal them up in a container endorsing on it a description of the area to which the ballot papers relate;</p>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums) (England) Regulations 2001 No. 1298*

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<ul style="list-style-type: none"> (f) deliver or cause to be delivered to the counting officer for the referendum to which the ballot papers relate— <ul style="list-style-type: none"> (i) the container, together with a list of its contents; and (ii) the ballot paper account together with a copy of the statement as to the result of its verification in respect of the referendum; and (g) at the same time deliver to that officer packets that so relate containing— <ul style="list-style-type: none"> (i) the unused and spoilt ballot papers, (ii) the tendered ballot papers, and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.”.

For paragraph (2), substitute—

“(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the GLA election and count the votes given on them.

(2A) Paragraph (6) does not apply to proceedings under paragraph (1) or (2).”.

CMER 50

LMER 51

MER 51

(delivery of documents)

CMER 51

Add at the end of paragraph (1)—

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
LMER 58	“Provided that neither the countermand of the poll at the GLA election nor the direction that that poll be abandoned shall affect the poll at the referendum.”
MER 56 (countermand or abandonment of poll) In Schedule 5 (forms), Form 8 (declaration of identity—constituency and mayoral elections otherwise than at ordinary elections) and Form 9 (declaration of identity—ordinary elections)	
	(a) (a) For “Ballot Paper No.” or, as the case may be, “Ballot Paper Nos.”, substitute “Ballot Paper No(s).” (b) In paragraph 2 of the section entitled “INSTRUCTIONS TO THE VOTER”, for the words from the beginning to the end of the bracket substitute “*[At the election vote for one candidate only.] [At the election vote for no more than candidates.] [At the Mayoral election, vote once for your first choice and once for your second choice.] [At the referendum, vote “yes” or “no” by putting a cross (X) in one box only.] *complete or omit as appropriate.”

PART V

COMBINED POLLS AT REFERENDUMS: MODIFICATIONS OF THE RULES IN SCHEDULE 2 TO THE PRINCIPAL AREAS RULES, AS MODIFIED BY SCHEDULE 4 TO THOSE RULES

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 1 (timetable)	Omit the words from “Delivery” in the first place where that word appears to “day of election” in the fourth place where those words appear.
Rule 2	Omit the item “Polling”.
Rule 3 (notice of referendum)	Omit For paragraph (1), substitute “(1) The counting officer shall publish notice of the referendum stating the date of the poll.”

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rules 4 to 12	In paragraph (2), substitute “referendum” for “election”, in both places.
Rule 13 (poll to be taken by ballot)	Omit.
Rule 14	Omit the words from “the result” to the end.
Rule 15 (the official mark)	Omit.
	For paragraph (2) substitute— “ <i>(2)</i> The official mark shall be kept secret.”
Rule 16 (prohibition of disclosure of vote)	In paragraph (3) omit “at the same election”. For “election”, in both places, substitute “referendum”.
Rule 17 (use of schools and public rooms)	
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraphs (b) to (d), substitute— “and (b) the question to be asked in the referendum.”
	For paragraph (2) substitute— “ <i>(2)</i> The notice of poll shall be published not later than the sixth day before the date of the referendum.”
	In paragraph (3), omit the words from “and he shall” to the end.
	In paragraph (4)— (a) for sub-paragraph (a), substitute— “ <i>(a)</i> state that the poll at the referendum is to be taken together with the poll at another referendum or, as the case may be, an election or elections;”; and (b) omit sub-paragraph (b).
Rule 19 (postal ballot papers)	For “returning officer” substitute “counting officer”.
Rule 20 (provision of polling stations)	
In paragraph (1)—	
(a) for “returning officer”, substitute “counting officer”; and	
(b) for “electors”, substitute “voters”.	

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
In paragraph (3)— (a) for “electors”, substitute “voters”; (b) for “electoral area”, in the first place where those words appear, substitute “voting area”; and (c) omit “, unless that place is outside the electoral area”.	
In paragraph (4), for “returning officer” substitute “counting officer”.	
Rule 21 (appointment of presiding officers and clerks)	In paragraph (1)— (a) for “returning officer”, substitute “counting officer”; and (b) omit the words from “but he shall not appoint” to the end. In paragraph (2), for “returning officer”, substitute “counting officer”.
Rule 22 (issue of official poll cards)	In paragraph (1)— (a) for “returning officer”, substitute “counting officer”; (b) for “electors”, substitute “voters”; (c) for “an elector”, substitute “a voter”; and (d) for “election”, in both places, substitute “referendum”. In paragraph (2), for “An elector’s”, substitute “A voter’s”. In paragraph (3)— (a) for “the electoral division or ward to which councillors are to be elected”, substitute “the voting area.”; and (b) for “the elector’s”, in both places, substitute “the voter’s”.
Rule 23 (equipment of polling stations)	For paragraph (5) substitute— “(5) An official poll card issued under this rule may be combined with the official poll card issued at an election or, as the case may be, another referendum.”. In paragraph (1), for “returning officer”, in both places, substitute “counting officer”. For paragraph (1A), substitute— “(1A) The ballot papers shall, as the counting officer may decide, be placed—

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>(a) in a single ballot box; or</p> <p>(b) in separate ballot boxes according to the referendum in which the votes given on them are cast.”.</p> <p>In paragraph (3)—</p> <p>(a) for “returning officer”, substitute “counting officer”;</p> <p>(b) for “electoral area”, in both places, substitute “voting area”;</p> <p>(c) for “electors”, in the second place where that word appears, substitute “voters”;</p> <p>and</p> <p>(d) for “election”, substitute “referendum”.</p> <p>For paragraph (5) substitute—</p> <p>“(5) In every compartment of every polling station there shall be exhibited notices in the appropriate form, which shall be printed on paper of the same colour as that of the ballot papers for use at the referendum or election to which the notice in question relates.”.</p> <p>In paragraph (8), after “particulars of the candidate”, insert “, or the answer,”.</p> <p>After paragraph (9), insert—</p> <p>“(9A) In relation to the poll at a referendum, paragraph (9) shall have effect as if, for “numbered”, “number of” and “the candidate whose particulars are”, there were substituted “worded”, “word on” and “the answer which is”, respectively.”.</p> <p>In paragraph (10), after “tab”, insert “or, as the case may be, the word on each tab,”.</p>
<p>Rule 24 (appointment of polling and counting Agents)</p>	<p>Omit paragraphs (1) to (3), (5), (7) and (11).</p> <p>In paragraph (4)—</p> <p>(a) for “counting agents”, “counting agent” and “agent”, substitute “counting observers”, “counting observer” and “observer”, respectively;</p> <p>(b) for “candidate” and “candidates”, substitute “petition organiser” and “petition organisers”, respectively;</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>(c) for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively; and</p> <p>(d) for “returning officer”, substitute “counting officer”.</p>
	<p>In paragraph (6)—</p> <p>(a) for “an agent” (in the first place where those words appear), and “candidate”, substitute “a counting observer” and “counting officer”, respectively; and</p> <p>(b) omit the words from “and shall” to the end.</p>
	<p>After paragraph (6), insert—</p> <p>“(6A) Notice of the nomination of counting observers which is required by paragraph (6) to be given to the counting officer shall be given to the returning officer or counting officer who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986.”</p>
	<p>In paragraph (8)—</p> <p>(a) omit “polling agents and”;</p> <p>(b) for “counting agents” and “agents”, substitute “counting observers”; and</p> <p>(c) in sub-paragraph (a), omit “and notified”.</p>
	<p>In paragraph (9)—</p> <p>(a) for “a counting agent by the returning officer”, substitute “a counting observer by the counting officer”; and</p> <p>(b) for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
	<p>In paragraph (10)—</p> <p>(a) for “candidate” substitute “petition organiser”;</p> <p>(b) for “polling or counting agent” substitute “counting observer”; and</p> <p>(c) for “agent” substitute “counting observer”.</p>
	<p>In paragraph (12)—</p>

(1) Provision and, if of limited application, relevant circumstances	(2) Modification
	<ul style="list-style-type: none"> (a) for “these rules” substitute “the LGA Referendum Rules”; (b) for “polling or counting agents” substitute “counting observers”; and (c) for “agent or agents” substitute “such observer or observers”.
Rule 25 (notification of requirement of secrecy)	For “returning officer” substitute “counting officer”.
Rule 26 (admission to polling station)	<p>In paragraph (1), after sub-paragraph (e), insert “(f) the polling observers and petition organisers, and the elected mayor (if any) of the council in respect of which the referendum is held.”</p> <p>In paragraph (3) after “Appendix” insert “with the following modifications—</p> <ul style="list-style-type: none"> (a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND REFERENDUM”; (b) after “at the election” insert “and referendum”; and (c) after “with the election” insert “and referendum”. <p>Omit paragraph (2).</p>
Rule 27 (keeping of order in station)	
Rule 28 (sealing of ballot boxes)	
Rule 29 (questions to be put to voters)	<p>For paragraphs (1) and (2) substitute—</p> <p>“(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions.</p> <p>(2) In the case of a person applying to vote on his own behalf, the relevant questions are—</p> <ul style="list-style-type: none"> (a) “Are you the person registered in the register of local government electors for this electoral area as follows?” (<i>read the whole entry from the register.</i>) (b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?”.

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>(2A) In the case of a person applying as proxy, the relevant questions are—</p> <p>(a) “Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?”</p> <p>(b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of C.D.?”</p> <p>(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question—</p> <p>“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?” and, if that question is not answered in the affirmative, the following question—</p> <p>“Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”</p>
Rule 30 (challenge of voters)	In paragraph (1), for “a candidate or his election or polling agent”, substitute “any petition organiser or polling observer permitted to be present in accordance with rule 26, as modified”.
Rule 31 (voting procedure)	For paragraph (4), substitute— <p>“(4) The same copy of the register of electors may be used under paragraph (1) for each referendum or, as the case may be, the referendum and the election.</p> <p>(5) One mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each referendum or, as the case may be, the referendum and the election; except that—</p> <p>(a) where the polls at two referendums are taken together, and a ballot paper has been issued in respect of one referendum only, different marks shall be placed in the register or, as the case may be, the list, so as to identify the referendum in respect of which the ballot paper was issued; and</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 32 (votes marked by presiding officer)	<p>(b) where the polls at a referendum and an election are taken together, and ballot papers have been issued in respect of either the referendum only, or the election only, different marks shall be placed in the register or, as the case may be, the list, so as to indicate whether the ballot paper was issued in respect of the referendum or the election.”.</p> <p>For the words inserted by paragraph 10 of Schedule 4 to the Principal Areas Rules substitute— “The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list identifies the poll at which the ballot paper was so marked.”.</p>
Rule 33 (voting by persons with disabilities)(110)	<p>In paragraph (3), in sub-paragraph (a), for “an elector at the election”, substitute “a voter at the referendum”.</p> <p>After paragraph (4), insert— “(4A) The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”.</p>
Rule 34 (tendered ballot papers)	<p>For the words inserted by paragraph 12 of Schedule 4 to the Principal Areas Rules substitute— “The same list may be used for both polls, and where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the list identifies the poll at which a tendered ballot paper was marked.”.</p>
Rule 35 (spoilt ballot papers)	
Rule 36 (adjournment of poll in case of riot)	<p>In paragraph (1), after the words inserted by paragraph 13 of Schedule 4 to the Principal Areas Rules, insert— “or, where the polls at two referendums are taken together, the counting officer by whom</p>

(110) Rule 33 was substituted by S.I. 2001/81, rule 10.

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
Rule 37 (procedure on close of poll)	<p>the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 are to be discharged.”.</p> <p>For paragraph (1A), substitute the following—</p> <p>“(1A) As regards each referendum or, as the case may be, the referendum and the election, the contents of the packets referred to in subparagraphs (b), (c) and (e) of paragraph (1) shall be kept separate; and the statements prepared under paragraph (3) shall not be combined.”</p> <p>In paragraph (1B), (inserted by paragraph 14 of Schedule 4 to the Principal Areas Rules), at the end insert—</p> <p>“or, where the polls at two referendums are taken together, the counting officer by whom the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 are to be discharged.”.</p>
Rule 39 (the count), where the polls at two referendums are taken together.	<p>For paragraph (1), substitute—</p> <p>“(1) The counting officer who is discharging the functions specified in regulation 17(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 shall, in the presence of the counting observers—</p> <ul style="list-style-type: none">(a) open each ballot box and record separately the number of ballot papers used in each referendum;(b) count such of the postal ballot papers as have been duly returned and record separately the number counted in each referendum;(c) separate the ballot papers relating to each referendum;(d) verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list), and shall draw up a statement as to the result of the verification, which

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>any counting observer present at the verification may copy;</p> <p>(e) make up into packets the ballot papers for each referendum, and seal them up in separate containers, endorsing on each a description of the area to which the ballot papers relate;</p> <p>(f) deliver, or cause to be delivered, to the counting officer—</p> <p style="padding-left: 2em;">(i) the container of ballot papers relating to each referendum; and</p> <p style="padding-left: 2em;">(ii) the ballot paper account relating to each referendum, and a copy of the statement as to its verification; and</p> <p>(g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—</p> <p style="padding-left: 2em;">(i) the unused and spoilt ballot papers;</p> <p style="padding-left: 2em;">(ii) the tendered ballot papers; and</p> <p style="padding-left: 2em;">(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.”.</p>

For paragraph (2), substitute—

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

In paragraph (3)(111)—

- (a) in sub-paragraph (a)—
 - (i) for “returning officer”, substitute “counting officer”; and
 - (ii) for “electoral area”, substitute “voting area”.

(111) Paragraphs (3) and (3A) were substituted for paragraph (3) by S.I. 2001/81, rule 12.

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>In paragraph (3A), in sub-paragraph (a), for “returning officer”, substitute “counting officer”.</p> <p>In paragraphs (4) and (5), for “returning officer”, substitute “counting officer”.</p> <p>In paragraph (6)—</p> <ul style="list-style-type: none">(a) for “returning officer”, substitute “counting officer”; and(b) for “election agent”, substitute “counting observer present at the verification”. <p>In paragraph (7)—</p> <ul style="list-style-type: none">(a) for “returning officer”, substitute “counting officer”;(b) for “the agents”, substitute “the counting observers”; and(c) omit the words from “For the purposes” to “counting agents”. <p>In paragraph (8), for “returning officer”, substitute “counting officer”.</p>
Rule 39, where the polls at a referendum and an election are taken together.	For paragraphs (1) and (2), substitute— “(1) The returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of the election and the counting observers, open each ballot box and record separately the number of ballot papers used in the election and the referendum;
- (b) in the presence of the election agents appointed for the purposes of the election and the counting observers, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and the referendum;
- (d) separate the ballot papers relating to the election from the ballot papers relating to the referendum;
- (e) make up into packets the ballot papers for the election and the referendum, and seal them up in separate containers, endorsing on

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>each a description of the area to which the ballot papers relate;</p> <p>(f) deliver, or cause to be delivered, to the counting officer—</p> <ul style="list-style-type: none"> (i) the container of ballot papers relating to the referendum; and (ii) the ballot paper account relating to the referendum, and a copy of the statement as to its verification; and <p>(g) at the same time deliver, or cause to be delivered, to that officer, packets that so relate containing—</p> <ul style="list-style-type: none"> (i) the unused and spoilt ballot papers; (ii) the tendered ballot papers; and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll. <p>(2) After completion of the proceedings under paragraph (1), the counting officer shall mix together all of the ballot papers used at the referendum and count the votes given on them; and thereafter the proceedings in relation to the referendum shall be conducted in accordance with the LGA Referendum Rules.”.</p> <p>In paragraph (6), after “election agent”, insert “or counting observer present at the verification”.</p>
<p>Rule 49 (countermand or abandonment of poll)</p>	<p>Add at the end of paragraph (1)—</p> <p>“Provided that neither the countermand of the poll at the election nor the direction that the poll be abandoned shall affect the poll at the referendum.”</p> <p>Substitute for paragraph (2)—</p> <p>“(2) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at that election</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>had not been abandoned, and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes, but—</p> <ul style="list-style-type: none"><li data-bbox="869 622 1348 712">(a) it shall not be necessary for any ballot paper account to be prepared or verified; and<li data-bbox="869 728 1348 1010">(b) the returning officer, having, where necessary, separated the ballot papers relating to the referendum, shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up all of those ballot papers, whether the votes on them have been counted or not; and<li data-bbox="869 1025 1348 1115">(c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”
The Appendix of Forms:	On the front of the form, after
Form of declaration of identity for use where postal ballots are taken together	“REPRESENTATION OF THE PEOPLE ACTS”, insert— “ <i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.
	On the back of the form—
	<ul style="list-style-type: none"><li data-bbox="805 1426 1348 1453">(a) in paragraph 2—<ul style="list-style-type: none"><li data-bbox="869 1458 1348 1518">(i) after “candidates.]", insert “In the referendum, vote once only.”;<li data-bbox="869 1523 1348 1583">(ii) after “elections”, insert “or referendums”; and<li data-bbox="869 1588 1348 1648">(iii) for “regulation 78” substitute “regulation 66”; and<li data-bbox="805 1653 1348 1709">(b) in paragraph 3, after “candidates”, insert “and answers”.
The Appendix of Forms:	On the front of the form, for
Form of declaration of identity for use unless postal ballots are taken together	“REPRESENTATION OF THE PEOPLE ACTS” substitute— “ <i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.
	On the back of the form—

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
<p>The Appendix of Forms:</p> <p>Form of directions for the guidance of the voters in voting</p>	<p>(a) in paragraph 1, for “<i>another election</i>”, substitute “<i>an election</i>”;</p> <p>(b) in paragraph 2, for the first sentence, substitute “Vote either “YES” or “NO”.”</p> <p>(c) in paragraph 3—</p> <p>(i) for “Mark”, substitute “On the (<i>specify colour</i>) ballot paper, mark”;</p> <p>and</p> <p>(ii) for “candidate” substitute “answer”;</p> <p>(d) in paragraph 4, for “each election”, substitute “[the][each] referendum and election”;</p> <p>(e) in paragraph 5, for “<i>same election</i>”, substitute “<i>same referendum</i>”; and</p> <p>(f) in paragraph 6, for “At this election” substitute “At this referendum”.</p> <p>Substitute—</p> <p>“GUIDANCE FOR VOTERS</p> <p>1. When you are given ballot papers, make sure they are stamped with the official mark.</p> <p>2. Go to one of the voting compartments. 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. Vote only for the number of candidates specified on the ballot paper for the election.</p> <p>3. Put no other mark on the ballot paper or your vote may not be counted.</p> <p>4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.</p> <p>5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.</p>
<p>The Appendix of Forms:</p> <p>Form of declaration to be made by the companion of a voter with disabilities</p>	<p><i>Where the polls at two referendums are combined</i></p> <p>For “election now being held in this electoral area” substitute “referendums now being held in the county and the (<i>specify the relevant district or, as the case may be, the relevant districts</i>)”.</p>

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification</i>
	<p>For “said election”, in both places, substitute “the referendums”.</p> <p><i>Where the polls at two referendums are combined with the poll at an election</i></p> <p>After “election now being held in this electoral area” insert “and referendums now being held in (<i>specify the relevant county and district or, as the case may be, the relevant districts</i>)”.</p> <p>After “said election”, in both places, insert “and the referendums”.</p>

SCHEDULE 6

regulation 19(8)

APPLICATION, WITH FURTHER MODIFICATIONS, OF THE REPRESENTATION OF THE PEOPLE ACT 1983 IN RELATION TO REFERENDUM PETITIONS(112)

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
Section 128 (presentation of petition questioning local election)	<p>In subsection (1)—</p> <p>(a) for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and</p> <p>(b) omit “either” and the words from “, or by a person” to the end.</p> <p>In subsection (2), for the words from the beginning to “any”, substitute “Any”.</p> <p>In subsections (3) and (4), omit “and Wales”.</p>
Section 129 (time for presentation or amendment of petition questioning local election)	<p>In subsection (1), for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”;</p> <p>In subsection (2), in paragraph (b), for “a candidate elected at the election”, substitute “any person”.</p> <p>In subsection (3), in paragraph (b), for “the candidate elected at the election, or by an</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>agent of the candidate or with the privity of the candidate or his election agent”, substitute “any person”.</p> <p>Omit subsections (4) and (5).</p> <p>For subsection (7), substitute—</p> <p>“(7) Subsections (3) and (6) above apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.”</p> <p>In subsection (8), after “below” insert, “, as applied by regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001,”.</p> <p>Omit subsection (9).</p>
Section 130 (election court for local election in England and Wales, and place of trial)(113)	<p>In subsection (1), for “and Wales under the local government Act”, substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p> <p>In subsection (3), in paragraph (a), for “and Wales under the local government Act”, substitute “under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
Section 131 (accommodation of and attendance on court)	<p>In subsection (1)—</p> <p>(a) after “section 130 above” insert “as applied by regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”, and</p> <p>(b) after “section 132 below” insert “as so applied”.</p>
Section 132 (remuneration and allowances)	<p>In subsection (1), after “section 131 above”, insert “as applied by regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
Section 133 (repayments under section 131 and 132)	<p>In subsection (1)—</p> <p>(a) in paragraph (a), after “section 131 above”, insert “as applied by regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and</p>

(113) Section 130 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 50.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
Section 136 (security for costs)	(b) in paragraph (b), after “section 132 above”, insert “as so applied”. In subsection (2), in paragraph (b), for “a petition questioning an election under the local government Act” substitute “a referendum petition within the meaning of regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Section 137 (petition at issue)(114)	In subsection (1), in paragraph (a), for “all election petitions”, substitute “all referendum petitions within the meaning of regulation 19 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.
Section 138 (list of petitions)(115)	In subsection (3) for the words from the beginning to “candidates”, substitute “Two or more persons”. In subsection (4)— (a) for “the same election or to elections under the local government Act”, substitute “the same referendum or to referendums under the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and (b) for “the election list”, in both places, substitute “the list made out under subsection (1)”.
Section 139 (trial of petition)	In subsection (1) omit “, in the case of a parliamentary election petition, 14 days and in any other case.”. Omit subsection (3). For subsection (5) substitute— “(5) On the trial of a petition, the respondent may give evidence in the same manner as if he had presented a petition against the referendum.”. For subsection (6) substitute— “(6) Where the petition relates to a referendum as regards which, by reason of an equality of votes found at the count, the result

(114) Section 137 was substituted by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 3.

(115) Section 138 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 4.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>was determined by lot, that determination shall be effective also for the purposes of the petition unless subsection (6A) applies.</p> <p>(6A) This subsection applies where the court disallows any vote cast in the referendum; and in any such case—</p> <ul style="list-style-type: none"> (a) the determination referred to in subsection (6) above shall have no effect; and (b) the court shall declare the result of the referendum. <p>(6B) Where—</p> <ul style="list-style-type: none"> (a) the petition relates to a referendum at which no equality of votes was found at the count; and (b) the court— <ul style="list-style-type: none"> (i) disallows any vote cast in the referendum; and (ii) determines that an equality of votes was cast in the referendum, <p>the result of the referendum shall be determined by the court by lot.”.</p>
Section 140 (witnesses)	In subsection (1), omit “, but this subsection does not apply to Scotland in relation to an election of councillors”.
Section 141 (duty to answer relevant questions)(116)	
Section 143 (expenses of witnesses)	In subsection (2)— <ul style="list-style-type: none"> (a) after “section 140(2) above”, insert “as applied for the purposes of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”; and (b) after “subsection (1) above”, insert “as so applied”.
Section 145 (conclusion of trial of local election petition)	For subsection (1), substitute the following subsections—
<i>Subsection (1), as substituted, is not to apply where a referendum petition has been presented with the leave of the High Court (see regulation 19(3))</i>	“(1) At the conclusion of the trial of a petition questioning a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001, the election court shall determine—

(116) Subsections (3) and (4) were repealed by the Representation of the People Act 1985, Schedule 4, paragraph 50 and Schedule 5.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>(a) in the case of a petition presented on the ground mentioned in subparagraph (a) of paragraph (1) of regulation 19 of those Regulations, whether the result of the referendum was, or was not, in accordance with the votes cast in the referendum;</p> <p>(b) in the case of a petition presented on the ground mentioned in subparagraph (b) or (c) of that paragraph, whether the referendum was void.</p> <p>(1A) Where the election court makes such a determination as is referred to in subsection (1) (a), it shall, as the circumstances require—</p> <p style="padding-left: 40px;">(a) confirm the result of the referendum; or</p> <p style="padding-left: 40px;">(b) reverse the result of the referendum.”.</p> <p>In subsection (3)—</p> <p>(a) for “sections 158 and”, substitute “section”; and</p> <p>(b) for the words from “for which” to the end, substitute “by which or in respect of which the referendum was held.”.</p> <p>In subsection (6), for “for which the election was held”, substitute “by which or in respect of which the referendum was held.”.</p>
Section 146 (special case for determination of High Court)	<p>Omit subsection (2).</p> <p>In subsection (3), for the words from the beginning to “local government Act”, substitute—</p> <p>“(3) In the case of a referendum petition under the Local Authorities (Conduct of Referendums) (England) Regulations 2001,”.</p>
Section 147 (withdrawal of petition)	
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	<p>In subsection (1) omit paragraph (a).</p> <p>In subsection (2) after “this Act”, insert “as applied for the purposes of the referendum petition”.</p>
Section 156 (further provision as to costs)	

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
Section 157 (appeals and jurisdiction)(117)	Omit subsection (4).
Section 160(1) and (3) (persons reported personally guilty of corrupt practices)(118)	In subsection (1), omit paragraph (b).
Section 161 (Justice of the Peace)	
Section 162 (member of legal and certain other professions)	
Section 163 (holder of licence or certificate under Licensing Acts)	
Section 164(1) and (2) (avoidance of election for general corruption etc.)	<p>In subsection (1)—</p> <p>(a) for “election”, in the first two places where that word appears, substitute “referendum”;</p> <p>(b) for “the election of any person at that election”, substitute “a particular outcome in relation to the question asked in the referendum”; and</p> <p>(c) for paragraphs (a) and (b), substitute “, the referendum, if that outcome was achieved, shall be void.”.</p> <p>In subsection (2), for “An election”, substitute “A referendum”.</p>
Section 167 (application for relief)	
Section 180 (evidence by certificate of holding of election)	Omit sub-paragraph (ii) and the word immediately preceding it.
Section 183 (costs)	
Section 184 (service of notices)	
In section 185 (interpretation of Part III), the definitions of “appropriate officer”, “costs”, “Licensing Acts” and “payment”.	

SCHEDULE 7

regulation 19(9)

MODIFICATIONS OF THE ELECTION PETITION RULES 1960(**119**)

<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
Rule 2(2)	After the definition of “the Act” insert—

(**117**) Section 157 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 6.

(**118**) Subsection (1) was amended, subsection (2) repealed, and subsection (3) substituted, by the Representation of the People Act 1985, Schedule 4, paragraph 52 and Schedule 5.

(**119**) S.I. 1960/543, amended by S.I. 1985/1248 and 1999/1352.

<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
	<p>“the 2001 Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2001;”.</p> <p>After the definition of “local election petition” insert—</p> <p>““referendum petition” means a petition under the 2001 Regulations;”.</p> <p>In the definition of “petition”, insert at the end “or a referendum petition”.</p> <p>For the definition of “constituency”, substitute—</p> <p>““constituency”—</p> <p>(a) in relation to a local election petition, means the local government area to which the petition relates;</p> <p>(b) in relation to a referendum petition, means the local government area in which the referendum is held;”.</p> <p>After the definition of “returning officer” insert “and, in relation to a referendum petition, any reference to a provision of the Act shall be construed as a reference to that provision as applied by the 2001 Regulations.”</p>
Rule 2(3)	After “local government Act”, insert “and referendums under the 2001 Regulations”
Rule 4(1)	Omit paragraph (a).
	For paragraph (b), substitute—
	“(b) the date and result of the referendum to which the petition relates;”.
	In paragraph (c), for the words from “petition” to “the Act” substitute “referendum petition”.
Rule 10	Omit
Rule 12(3)	For “the election” substitute “the referendum”.
Rule 14(2)	For “the election may” substitute “the referendum may”.
Rule 16(3)	For “the election may” substitute “the referendum may”.
Rule 18	After “local election petition” insert “or a referendum petition”.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums) (England) Regulations 2001 No. 1298*

<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
The Schedule	<p>For “a Parliamentary (or Local Government) Election for <i>(state place)</i>”, insert “a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (“the 2001 Regulations”) in <i>(state area)</i>”.</p> <p>In paragraph 1—</p> <p>(a) for election, in the first place where that word appears, substitute “referendum”;</p> <p>(b) omit “(or was a candidate at the above election) (or in the case of a parliamentary election claims to have had a right to be elected or returned at the above election)”.</p> <p>For paragraph 2 substitute—</p> <p style="padding-left: 40px;">“2. That the referendum was held on the ... day of ... 20 ...”</p> <p>In paragraph 4, omit “in the case of a petition mentioned in section 122(2) or (3) or”.</p> <p>For paragraph (1) of the Prayer substitute—</p> <p style="padding-left: 40px;">“(1) That it may be determined [that the result of the referendum was not in accordance with the votes cast]* [that the referendum is avoided]* [that the referendum is tainted as mentioned in regulation 21(3) of the 2001 Regulations]*.</p> <p style="padding-left: 80px;">* <i>include or omit, as the circumstances require.</i>”.</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only in relation to England, make provision for the conduct of referendums to be held under section 27 of the Local Government Act 2000 (“the 2000 Act”), or by virtue of regulations or an order made under any provision of Part II of the 2000 Act.

The referendums will relate to the question whether a county, district or London borough council should adopt executive arrangements that include a mayor and cabinet executive, a mayor and council manager executive or a leader and cabinet executive.

Regulation 3, to which Part I of Schedule 1 is relevant, prescribes the form of words of the question to be asked in the referendum.

Regulation 4 requires public notice to be given of the authority's proposals under section 25 of the 2000 Act or, as the case may be, under regulation 17 or 19 of the Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 ("the Petitions and Direction Regulations"), under regulations under section 30 or 33 of the 2000 Act, or an order under section 36 of that Act. The notice must specify the date of the referendum, various matters relating to the conduct of the referendum, and of the availability for public inspection of the authority's proposals. Regulation 4 also allows authorities to provide factual information about their proposals, outline fall-back proposals and the referendum, so long as the information is presented fairly.

Regulation 5 imposes restrictions on the material that may be published, displayed or distributed by or on behalf of the authority during the period of 28 days before the date of the referendum.

Regulation 6 imposes a "referendum expenses limit" on the amount that may be incurred by way of "referendum expenses" (both terms are defined in regulation 6(1)). An offence is created for expenditure in excess of the referendum expenses limit.

Regulation 7, to which Schedule 2 is relevant, provides for amounts relevant to the use of certain property, services and facilities to be treated as incurred by way of referendum expenses for the purposes of regulation 6.

Regulation 8 applies the provisions set out in column (1) of the Tables in Schedule 3 with the modifications (if any) shown in column (2) of those Tables, and makes some general modifications to those provisions.

Regulation 9, to which Parts II and III of Schedule 1 are relevant, makes provision in respect of the wording of referendum ballot papers.

Unless, in accordance with regulation 14(1), (7) or (11), the poll at the referendum is to be taken together with the poll at a local government election, a parliamentary election, a European Parliamentary election, or another referendum, regulation 10(1) allows a county, district or London borough council to decide that voting at the referendum shall be conducted solely by post. It also makes some general modifications which apply where such a determination has been made.

Regulation 10(4) applies where a determination has been made under regulation 10(1). It provides for the provisions set out in column (1) of Schedule 4 to apply with the modifications (if any) shown in column (2).

Regulation 11 makes provision for the functions of counting officers, and for the appointment of persons to act as observers at referendum polls ("polling observers").

Regulation 12 provides that, unless the poll at the referendum is to be conducted by post or taken together with the poll at a parliamentary or European Parliamentary election, the hours of polling shall be between 8 am and 9 pm. Where the polls at a referendum and a parliamentary or European Parliamentary election are taken together, the hours of polling are those applicable to the election.

Regulation 13 makes provision in relation to the counting of votes at the referendum.

Subject to exceptions, regulation 14(1) requires the poll at the referendum to be taken together with the poll at specified elections, where the polling date is the same.

The first exception (regulation 14(3)) applies where public notice of the date of the referendum has been given (under regulation 4 of these Regulations) before an announcement has been made as to the date of—

a parliamentary (general) election,

a European Parliamentary election,

an election to fill a vacancy in a parliamentary constituency that is wholly or partly within the area of the local authority by which, or as regards which, the referendum is to be held, or

an election (other than an ordinary election) of the Mayor of London under subsection (2) of section 16 (filling a vacancy in the office of Mayor) of the Greater London Authority Act ,

and the date of the referendum is not the same as that of the election, or where a determination has been made under regulation 10(1) that the poll at the referendum should be conducted by post.

In these cases, the referendum is to be held on the date of which notice has been given under regulation 4 of these Regulations.

The second exception (regulation 14(5)) applies where the combination of polls in accordance with regulation 14(1) would result in the poll at the referendum being held between 5 and 6 months after the date that is determined for the purposes of Part II of the Petitions and Directions Regulations as the “petition date” or, in a case in which the Secretary of State has directed that a referendum be held, the date of his direction. In such a case the referendum may be (but need not be) held in the period provided by regulation 16 or, as the case may be, regulation 21 of the Petitions and Directions Regulations.

Regulation 15 specifies modifications that are to have effect in relation to the referendum where polls are combined in accordance with regulation 14(1) or (7). These modifications include those set out in Part V of Schedule 5.

Regulation 16 specifies modifications that are to have effect in relation to the election or, as the case may be, the elections, where polls are combined in accordance with regulation 14(1) or (7). These modifications include those set out in Parts II to IV of Schedule 5.

Regulation 17 specifies modifications that are to have effect in relation to the referendums where polls at more than one referendum are combined in accordance with regulation 14(11). These modifications include those set out in Part V of Schedule 5.

Regulation 18, which is subject to regulations 20 and 21, deals with the result of referendums and further referendums. It specifies what authorities are to do in the event of a majority of “yes” votes (paragraphs (1) and (3)) and a majority of “no” votes (paragraphs (2) and (4)).

Regulations 19 to 21 make provision for the result of referendums and further referendums to be challenged.

Regulation 19 specifies the grounds of challenge and the period within which an application (a “referendum petition”) must be made. It also sets out the procedures applicable to referendum petitions, and applies, through Schedules 6 and 7, provisions of the Representation of the People Act 1983 and the Election Petitions Rules 1960. In the case mentioned in paragraph (1)(d), a referendum petition cannot be brought unless leave has been obtained from the High Court.

Regulation 20 deals with the immediate consequences of the presentation of a referendum petition.

Regulation 21 makes provision for the situation after an election court has determined a referendum petition.

Regulation 22 provides for certain days to be ignored in computing periods under regulation 4(1) and under certain provisions applied by the Regulations.

Regulation 23 exempts advertisements relating specifically to the referendum from regulations under the Town and Country Planning Act 1990 controlling the display of advertisements.

Regulation 24 provides that premises used in relation to the referendum for public meetings or the taking of the poll shall be treated as unoccupied for rating purposes.

Schedule 1 sets out—

- in Part I, the form of the question to be asked in the referendum,
- in Part II, the form of the front of referendum ballot papers, and
- in Part III, the form of the back of referendum ballot papers.

Schedule 2 specifies the matters relevant for the purposes of the definition of “referendum expenses” in regulation 6(1). (These matters are similar to those set out in Schedule 13 to the Political Parties, Elections and Referendums Act 2000.)

Schedule 3 identifies the provisions of Acts, Regulations and Rules that are applied, with or without modification, in relation to the referendum—

Table 1 applies the provisions of the Representation of the People Act 2000 relating to voting by post or proxy.

Table 2 applies provisions in the Representation of the People Act 1983, including provision in respect of personation and other voting offences and corrupt and illegal practices.

Table 3 applies provisions in Schedule 2 to the Local Elections (Principal Areas) Rules 1986, which contain the rules (“the Principal Areas Rules”) applicable to the conduct of elections of the council of a principal area, including a county council, a district council and a London borough council.

Table 4 applies provisions of the Representation of the People (England and Wales) Regulations 2001 (“the Elections Regulations”) relating to applications for a postal or proxy vote and the proceedings on the issue and receipt of postal ballot papers.

Schedule 4 identifies the provisions that are applied, with or without modification, in relation to the referendum where the authority have determined under regulation 10(1) that voting in the referendum is to be conducted solely by post.

Schedule 5 makes provision in respect of combined polls for the referendum and elections—

Part I contains general modifications and, in the Table, particular modifications of the Representation of the People Act 1985, the Representation of the People Act 2000, the Representation of the People Regulations 1986 and the Elections Regulations.

Part II modifies the parliamentary elections rules and the European Parliamentary elections rules, and applies where the poll at such an election is combined with that at a referendum.

Part III modifies the Rules in Schedule 2 to the Principal Areas Rules, and applies to local government elections at which the poll is combined with the poll at a referendum.

Part IV enables the proceedings on the issue and receipt of postal ballot papers in respect of the local government election and the referendum to be taken together, and makes provision for cases where those proceedings are taken together and where they are not.

Part V modifies the Rules in Schedule 2 to the Principal Areas Rules, as modified by Schedule 4 to those Rules, and applies where the poll at a referendum is combined with the poll at another referendum in the circumstances specified in regulation 14(9) or (10).

Schedule 6 applies provisions of the Representation of the People Act 1983 for the purposes of referendum petitions.

Schedule 7 modifies the Election Petition Rules 1960 for the purpose of their application to referendum petitions.