
STATUTORY INSTRUMENTS

2001 No. 1298

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

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⁽¹⁾ or as proxy, may only vote by post; and
- (c) the references in these Regulations⁽²⁾ 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
 - (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).

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

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