
STATUTORY INSTRUMENTS

2001 No. 341

**The Representation of the People
(England and Wales) Regulations 2001**

Issue of Postal Ballot Papers

Lost postal ballot papers

78.—^[F1](1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper, or
- (b) the declaration of identity, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, he may apply (whether or not in person) to the returning officer for a replacement ballot paper.]

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

^[F2](2A) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall return—

- (a) the documents referred to in paragraph (1)(a) to (c); and
- (b) where postal ballot papers for more than one election have been issued together under regulation 65, all other ballot papers so issued,

which he has received and which have not been lost.

(2B) Any postal ballot paper or declaration of identity returned in accordance with paragraph (2A) shall be immediately cancelled.

(2C) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.]

(3) ^[F3]Subject to paragraph (3A)] where the application is received by the returning officer before ^[F4]5pm on the day of the poll] and the returning officer—

- (a) is satisfied as to the voter's identity, and
- ^[F5](b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the declaration of identity or one or more of the envelopes provided for their return.]

he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

^[F6](3A) Where the application is received by the returning officer after 5pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, other ballot papers if the postal voter applied in person.]

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

Status: Point in time view as at 01/04/2006. This version of this provision has been superseded.

Changes to legislation: The Representation of the People (England and Wales) Regulations 2001, Section 78 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the name and number of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this regulation; and

[^{F7}(c) where the postal voter is a proxy, his name and address.]

(5) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (6) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

[^{F8}(6) Where a postal voter applies in person—

- (a) by 5pm on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5pm on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.]

Textual Amendments

- F1** Reg. 78(1) substituted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **10(2)**
- F2** Reg. 78(2A)-(2C) inserted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **10(3)**
- F3** Words in reg. 78(3) inserted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **10(4)(a)**
- F4** Words in reg. 78(3) substituted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **10(4)(b)**
- F5** Reg. 78(3)(b) substituted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **10(4)(c)**
- F6** Reg. 78(3A) inserted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **10(5)**
- F7** Reg. 78(4)(c) substituted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **10(6)**
- F8** Reg. 78(6) substituted (23.3.2006) by The Representation of the People (England and Wales) (Amendment) Regulations 2006 (S.I. 2006/752), regs. 1(1), **10(7)**

Commencement Information

- I1** Reg. 78 in force at 16.2.2001, see **reg. 1(1)**

Status:

Point in time view as at 01/04/2006. This version of this provision has been superseded.

Changes to legislation:

The Representation of the People (England and Wales) Regulations 2001, Section 78 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.