

SCHEDULES

SCHEDULE 4

Article 13

Combination of polls

PART 1

Application to PCC elections of existing provisions in Acts Representation of the People Act 1985

1.—(1) Section 15 of the Representation of the People Act 1985 (combination of polls at parliamentary, European Parliamentary and local elections)(1) applies for the purposes of PCC elections.

(2) In its application by virtue of this paragraph, that section has effect as if it provided—

“Combination of polls at parliamentary, European Parliamentary, local elections, mayoral elections, referendums and elections of police and crime commissioners

15.—(1) Where the polls at—

- (a) a parliamentary general election and a European Parliamentary general election;
- (b) an ordinary local government election and a parliamentary general election;
- (c) an ordinary local government election and a European Parliamentary general election;
- (d) an ordinary election in England or Wales of police and crime commissioners and one or more of the following—
 - (i) a parliamentary general election,
 - (ii) a European Parliamentary general election,
 - (iii) an ordinary local government election in England or Wales,
 - (iv) an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000(2),
 - (v) an election in Wales for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000,

are to be taken on the same date, they shall be taken together.

(2) Where the polls at elections for related areas are to be taken on the same date but are not required by subsection (1) above or section 36 of the principal Act to be taken together, they may nevertheless be so taken if the returning officer for each election thinks fit.

(1) Section 15 has effect in relation to mayoral elections in England and Wales by virtue of regulation 3 of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024). It also has effect in relation to referendums in England by virtue of Schedule 4 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323) and Schedule 4 to the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444).

(2) 2000 c.22. Section 9H was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20).

- (3) In subsection (2) above and subsection (4) below, a reference to elections—
- (a) includes—
- (i) European Parliament elections,
 - (ii) ordinary elections in England or Wales of police and crime commissioners,
 - (iii) elections for police areas in England or Wales held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner),
 - (iv) a referendum in England under Part 1A of the Local Government Act 2000⁽³⁾,
 - (v) a referendum in Wales under Part 2 of the Local Government Act 2000,
 - (vi) a referendum in England or Wales under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992⁽⁴⁾, but
- (b) does not include elections under the local government Act which are not local government elections.
- (3A) For the purposes of subsection (2) above—
- (a) two areas are related if one is coterminous with or situated wholly or partly within the other, and
- (b) the reference to the returning officer for an election includes the counting officer for a referendum listed in subsection (3)(a)(iv), (v) or (vi) above.
- (4) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.”

PART 2

Amendment of existing provisions in secondary legislation

The European Parliamentary Elections Regulations 2004

- 2.—(1) The European Parliamentary Elections Regulations 2004⁽⁵⁾ are amended as follows.
- (2) In paragraph 40(1) of Schedule 2 (interpretation of Part 4 of that Schedule), in the definition of “relevant election or referendum”, after paragraph (c) insert—
- “(ca) an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011;”.
- (3) In paragraph 2(1) of Schedule 3 (definitions for the purposes of modifications of the European Parliamentary elections rules set out in Schedule 1 to the European Parliamentary Elections Regulations 2004)⁽⁶⁾—
- (a) after “any provision of the European Parliamentary Elections rules modified by this Schedule—” insert—

(3) 2000 (c.22). Part 1A of the Local Government Act 2000 was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011. Police and crime commissioner elections are already listed in the definition of “relevant election or referendum” in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323).

(4) 1992 (c.14). Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 was inserted by section 72 of, and Schedule 5 to, the Localism Act 2011. Police and crime commissioner elections are already listed in the definition of “relevant election or referendum” in regulation 2(1) of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444).

(5) S.I. 2004/293.

(6) Schedule 3 to the European Parliamentary Elections Regulations 2004 modifies the European Parliamentary elections rules in their application to combined polls by virtue of regulation 11 of those Regulations (combination of polls).

““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011;”;

(b) in the definition of “relevant election or referendum”, after paragraph (d) insert—

“(e) a police and crime commissioner election.”

The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004

3. The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(7) are amended in accordance with paragraphs 4 to 9.

4. In regulation 2 (interpretation)—

(a) after the definition of “2002 Act” insert—

““2011 Act” means the Police Reform and Social Responsibility Act 2011;”;

(b) after the definition of “mayoral election” insert—

““PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”.

5.—(1) Regulation 4 (returning officers and polling stations) is amended as follows.

(2) In paragraphs (1)(a), (2)(a), (3)(a) and (4)(a), for “local government area or voting area” substitute “local government area, voting area or police area”.

(3) In paragraphs (5)(a) and (6)(a) for “the electoral region or local government area” substitute “the electoral region, local government area or police area”.

(4) For paragraph (7), substitute —

“(7) Where none of the above paragraphs applies and the poll at an ordinary parish or community council election is taken together with the poll at another election under a relevant enactment—

(a) those functions of the returning officer at the other election which are specified in regulation 5 shall be discharged by the returning officer at the parish or community council election for such part of the electoral region or police area as is situated in the area of the parish or community council; and

(b) only polling stations used for the parish or community council election shall be used for the poll at the other election.”

(5) After paragraph (7) insert—

“(7A) Where none of the above paragraphs applies and the poll at a PCC election is taken together with the poll at a European Parliamentary election under a relevant enactment—

(a) those functions of the returning officer at the European Parliamentary election which are specified in regulation 5 shall be discharged by the returning officer at the PCC election for such part of the electoral region as is situated in the police area; and

(b) only polling stations used for the PCC election shall be used for the European Parliamentary election.”

(6) In paragraph (8), for “(including by virtue of section 15(2) and (3) as applied by regulations made under sections 44 and 105 or 45 and 105 of the 2000 Act)” substitute “(including by virtue of section 15(2) and (3) as applied by orders or regulations made under any of the listed provisions)”.

(7) In paragraph (9), for “paragraphs (1) to (7) above” substitute “paragraphs (1) to (7A) above”.

(7) [S.I. 2004/294](#). The regulations are modified in relation to certain referendums by regulations made under sections 52ZQ and 113 of the Local Government Finance Act 1992 (see Schedule 4 to [S.I. 2012/444](#)).

(8) In paragraph (10)—

(a) after the definition of “county council election” insert—

““the listed provisions” means—

- (a) sections 52ZQ and 113 of the Local Government Finance Act 1992,
- (b) sections 9HE and 105, 9MG and 105, 44 and 105 or 45 and 105 of the 2000 Act,
- (c) sections 58 and 154 of the 2011 Act;

“police area” means a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London);”;

(b) in the definition of “relevant enactment”, for the words from “and includes” to the end substitute “and includes a reference to each section as applied in orders or regulations made under any of the listed provisions;”.

(9) In paragraph (11), after sub-paragraph (b) insert—

“(c) the returning officer at a PCC election, shall be construed as including a reference to the police area returning officer.”

6.—(1) Regulation 5 (functions at combined polls) is amended as follows.

(2) In paragraph (1), after sub-paragraph (e) insert—

“(f) at a PCC election, by those rules in an Order made under sections 58 and 154 of the 2011 Act which correspond to the rules specified in paragraph (2);”.

(3) In paragraph (3)—

(a) omit “and” at the end of sub-paragraph (a);

(b) after sub-paragraph (b) insert—

“; and

(c) the provisions in an Order made under sections 58 and 154 of the 2011 Act which correspond to that regulation and that Part.”

7. In regulation 6(5) (modification of provisions about expenses in the 1983 Act)—

(a) omit “and” at the end of sub-paragraph (a);

(b) after sub-paragraph (a) insert—

“(ab) any provision in Chapter 6 of Part 1 of the 2011 Act which corresponds to that provision; and”;

(c) in sub-paragraph (b), for the words from “regulations made under” to the end substitute “orders or regulations made under any of the listed provisions.”

8. In regulation 8 (modification of parliamentary elections rules)—

(a) omit “or” at the end of sub-paragraph (a);

(b) after sub-paragraph (b) insert—

“or

(c) the poll at a mayoral election, referendum or PCC election in accordance with orders or regulations made under any of the listed provisions.”

9. In paragraph 2 of Schedule 2 (definitions for the purposes of modifications of the parliamentary elections rules set out in Schedule 1 to the 1983 Act)(**8**)—

(8) Schedule 2 to the Representation of the People (Combination of Polls) (England Wales) Regulations 2004 modifies the parliamentary elections rules in their application to combined polls by virtue of regulation 8 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (combination of polls).

(a) after the definition of “mayoral election” insert—

““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”.

(b) in the definition of “relevant election or referendum”, after paragraph (d) insert—

“(e) a police and crime commissioner election.”.

The Local Elections (Principal Areas) (England and Wales) Rules 2006

10.—(1) The Local Elections (Principal Areas) (England and Wales) Rules 2006(9) are amended as follows.

(2) In rule 2 (interpretation)—

(a) in paragraph (1), after the definition of “petition organiser” insert—

““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”;

(b) in paragraph (2), after paragraph (e) of the definition of “relevant election or referendum” insert—

“(f) a police and crime commissioner election.”.

The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

11.—(1) The Local Elections (Parishes and Communities) (England and Wales) Rules 2006(10) are amended as follows.

(2) In rule 2 (interpretation)—

(a) in paragraph (1), after the definition of “petition organiser” insert—

““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”;

(b) in paragraph (2), in the definition of “relevant election or referendum”, after paragraph (e) insert—

“(f) a police and crime commissioner election.”.

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

12.—(1) The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(11) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “local government election” insert—

““police and crime commissioner election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;”;

(b) in the definition of “relevant election or referendum”, after paragraph (e) insert—

“(f) a police and crime commissioner election.”.

(3) In Form 7(1) of the Appendix to Schedule 3, in the form of postal voting statement for use where there is a joint issue and receipt of ballot papers, after paragraph 6 insert—

“6A. [*When you are voting in a police and crime commissioner election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) in the box on the right hand side of the name of the candidate of your choice. [Vote for ONE candidate only]* [Vote ONCE (X) in Column One for your First Choice and ONCE (X) in Column Two for your Second Choice.]*”.

(9) [S.I. 2006/3304](#).

(10) [S.I. 2006/3305](#).

(11) [S.I. 2007/1024](#).

PART 3

Modifications to PCC elections rules

13.—(1) The PCC election rules are modified in accordance with paragraphs 14 to 45.

(2) In this Part of this Schedule and in any provision of the PCC elections rules modified by this Part—

“combined polls” means the polls to be taken together by virtue of provisions applied by article 13;

“relevant election or referendum” means an election or local referendum the poll for which is, by virtue of provisions applied by article 13, to be taken together with the poll for a PCC election;

“the relevant returning or counting officer” means the returning or counting officer discharging functions under regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004, as that regulation has effect in relation to PCC elections by virtue of provisions applied by article 13.

(3) In relation to a referendum under Part 1A of the Local Government Act 2000⁽¹²⁾, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012;

“counting officer” means a person referred to in regulation 9 of those Regulations;

“polling agent” means a polling observer as defined by regulation 2(1) of those Regulations;

“elector” means voter as defined by rule 2(1) of the Local Government Act Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.

(4) In relation to a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992⁽¹³⁾, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2(1) of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012;

“counting officer” means a person referred to in regulation 15 of those Regulations;

“polling agent” means a polling observer as defined by regulation 2(1) of those Regulations;

“elector” means voter as defined by rule 2(1) of the Local Government Finance Act Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.

GENERAL PROVISIONS

Computation of time

14. In rule 3, after “nor is” insert “the relevant returning or counting officer or”.

CONTESTED PCC ELECTIONS: GENERAL PROVISIONS

The ballot papers

15. In rule 19(3)—

(a) omit “and” at the end of sub-paragraph (b); and

⁽¹²⁾ 2000 (c.22). Part 1A of the Local Government Act 2000 was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20).

⁽¹³⁾ 1992 (c.14). Chapter 4ZA of Part 1 of that Act was inserted by section 72 of, and Schedule 5 to, the Localism Act 2011.

(b) at the end of sub-paragraph (c) insert—

“and

(d) be of a different colour from the ballot papers used for any relevant election or referendum”

Corresponding number lists: proceedings on issue and receipt of ballot papers combined

16. After rule 19 insert—

“Corresponding number lists: proceedings on issue and receipt of ballot papers combined

19A.—(1) This rule applies where proceedings on the issue and receipt of ballot papers at combined polls are taken together by virtue of paragraph 29 of Schedule 2 to this Order and regulation 65 of the 2001 Regulations.

(2) The relevant returning or counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers which are to be issued by the officer in pursuance of rule 25 or provided by the officer in pursuance of rule 29(1).

(3) The corresponding number list to be prepared for the purpose of rule 24(1) (postal ballot papers) and of paragraph 37(1) of Schedule 2 (procedure on issue of postal ballot paper) must be in Form 19 set out in Part 4 of Schedule 4 to this Order or a form to like effect.

(4) The corresponding number list to be prepared for the purpose of rule 29(3)(d) (equipment of polling stations) and of rule 39(2)(b) (voting procedure) must be in Form 20 set out in Part 4 of Schedule 4 to this Order or a form to like effect.”

Corresponding number lists: proceedings on issue and receipt of ballot papers not combined

17.—(1) Rule 20 is modified as follows.

(2) For the title substitute “Corresponding number lists: proceedings on issue and receipt of ballot papers not combined”.

(3) Before paragraph (1) insert—

“(A1) This rule applies where proceedings on the issue and receipt of ballot papers are not taken together by virtue of paragraph 29 of Schedule 2 to this Order and regulation 65 of the 2001 Regulations.”

Use of schools and public rooms

18. For rule 23 substitute—

“23.—(1) The local returning officer and the relevant returning or counting officer may use, free of charge, for relevant purposes—

(a) a room in a school maintained or assisted by—

(i) in relation to England, a county council in England, a metropolitan district council, a non-metropolitan district council for an area for which there is no county council or the Council of the Isles of Scilly, or

(ii) in relation to Wales, a county council or a county borough council in Wales;

(b) a room in a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;

- (c) a room the expense of maintaining which is met by—
 - (i) in relation to England, a county council in England, a district council, a parish council or the Council of the Isles of Scilly, or
 - (ii) in relation to Wales, a county council or a county borough council in Wales or a community council.
- (2) That officer must make good—
 - (a) any damage done to any such room, and
 - (b) defray any expense incurred by the persons having control over any such room, by reason of its being used for the relevant purpose.
- (3) In paragraphs (1) and (2) “relevant purposes” means—
 - (a) in the case of the local returning officer, the counting of votes, and
 - (b) in the case of the relevant returning or counting officer, the taking of the poll and the discharging of the functions under rule 49.”

ACTION TO BE TAKEN BEFORE THE POLL

Notice of poll

- 19.** In rule 24, for paragraph (3) substitute—

- “(3) No later than the time of publication of the notice of poll, the relevant returning or counting officer must give public notice of—
- (a) the situation of each polling station;
 - (b) the description of voters entitled to vote there.
- (3A) A notice published under paragraph (3) must, in addition—
- (a) state that the poll for the PCC election is to be taken together with the poll for each relevant election or referendum;
 - (b) specify—
 - (i) the parliamentary constituency, local counting area, voting area or, as the case may be, the relevant local authority for which the election is held, and
 - (ii) in the case of an election to fill a casual vacancy, the electoral area for which the election is held;
 - (c) where polls for two or more elections are to be taken together in part only of the voting area, specify that part.”

Postal ballot papers

- 20.** In rule 25, after paragraph (3) insert—

- “(4) Where proceedings on the issue and receipt of postal ballot papers are taken together in respect of combined polls, references in this rule to “local returning officer” are to be read as references to “relevant returning or counting officer”.”

Provision of polling stations

- 21.** In rule 26, in paragraphs (1) and (4), for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

Appointment of presiding officers and polling clerks

22. In rule 27, in paragraphs (1) to (4), for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

Issue of official poll cards

23. In rule 28, after paragraph (4) insert—

“(5) If the local returning officer and the returning officer or counting officer for each relevant election or referendum thinks fit, an official poll card issued under this rule may be combined with an official poll card issued at each relevant election or referendum.

(6) Where official poll cards are combined under paragraph (5), the form to be used is the form of the official poll card which is required to be used at the relevant election or referendum with such adaptations as are necessary to enable it to be used in relation to the PCC election.”

Equipment of polling stations

24.—(1) Rule 29 is modified as follows.

(2) In paragraphs (1), (3), (5), (8) and (9), for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

(3) After paragraph (1) insert—

“(1A) The ballot box used for the poll for the PCC election may, if the relevant returning or counting officer thinks fit, be the same as that used for each other relevant election or referendum.

(1B) Where separate ballot boxes are used, each must be clearly marked to show—

- (a) the poll to which it relates, and
- (b) the colour of ballot papers that should be placed in it.”

(4) After paragraph (5) insert—

“(5A) The versions of the ballot paper referred to in paragraph (5)(a) and (b) must be printed on paper of the same colour as that of the ballot papers for use at the PCC election.”

(5) For paragraph (7) substitute—

“(7) The relevant returning or counting officer must also provide each polling station with notices for the guidance of voters which are in the appropriate form and—

- (a) notices which are for exhibition in voting compartments at polling stations must be so exhibited, and
- (b) notices for exhibition outside and in the communal areas inside polling stations must be so exhibited.”

Notices for the guidance of voters

25. For rule 30 substitute—

“Appropriate form for notice for the guidance of voters

30.—(1) The appropriate form for the notices for the guidance of voters to be provided under rule 29 is the form specified in paragraph (2) or (3) (as the case may be).

(2) Where the combined polls are the poll at the PCC election and the poll at a mayoral election and no others—

- (a) the appropriate form for notices for exhibition in voting compartments at polling stations is Form 21 set out in Part 4 of Schedule 4 to this Order, and
 - (b) the appropriate form for notices for exhibition outside and in the communal areas inside polling stations, is Form 22 set out in Part 4 of Schedule 4 to this Order.
- (3) Where the poll at the PCC election and the poll at another election or referendum are taken together in circumstances other than those described in paragraph (2)—
- (a) the appropriate form for notices for exhibition in voting compartments at polling stations is the form which is required for notices that are exhibited in the compartments of polling stations at that other election or referendum, and
 - (b) the appropriate form for notices for exhibition outside and in the communal areas inside polling stations is the form known as “directions for the guidance of the voters in voting” which is required to be exhibited inside and outside polling stations at that other election or referendum.
- (4) The relevant returning or counting officer may also provide versions of the notice in such other form described in article 85(2) or (3) as the officer thinks appropriate.
- (5) Where the Commission publishes information about the supplementary vote system to be used at PCC elections, the police area returning officer may provide each relevant returning or counting officer with a copy of that information for exhibition at a polling station.”

Appointment of polling and counting agents

26. In rule 31, after paragraph (7), insert—

“(7A) Notices of the appointment of polling agents and counting agents which are required by paragraphs (7) and (8) to be given to the local returning officer must be given to the relevant returning or counting officer.”

Notification of requirement of secrecy

27. For rule 32 substitute—

“**32.**—(1) The relevant returning or counting officer must make such arrangements as the officer thinks appropriate to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 22(1), (4) and (7);
- (b) every person attending at the verification of ballot paper accounts (other than any constable on duty there) has been given a copy in writing of the provisions of article 22(2), (3) and (7).

(2) The local returning officer must make such arrangements as the officer thinks appropriate to ensure that every person attending at the counting of the votes (other than any constable on duty there) has been given a copy in writing of the provisions of article 22(2) and (7).”

Return of postal ballot papers

28.—(1) Rule 33 is modified as follows.

(2) For paragraph (1) substitute—

“(1) Where proceedings on the issue and receipt of postal ballot papers are taken together in respect of combined polls and—

- (a) a postal vote has been returned in respect of a person who is entered in the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered in the proxy postal voters list,

the relevant returning or counting officer must mark the list in the manner specified in paragraph 48 of Schedule 2.”

(3) After that paragraph insert—

“(1A) Where proceedings on the issue and receipt of postal ballot papers are not taken together in respect of combined polls, the reference in paragraph (1) to “the relevant returning or counting officer” is to be read as a reference to “the local returning officer.”

CONTESTED PCC ELECTIONS: THE POLL

Admission to polling station

29.—(1) Rule 34 is modified as follows.

(2) In paragraph (1)—

- (a) omit “and” at the end of paragraph (h);
- (b) after sub-paragraph (i) insert—

“and

(j) persons who would be entitled to be admitted to the polling station at a relevant election or referendum if the poll for that election or referendum were held on its own.”

(3) In paragraph (4), after “local returning officer” (in each place) insert “or relevant returning or counting officer”.

Keeping of order in polling station

30. In rule 35, in paragraph (2)(b) for “local returning officer” substitute “relevant returning or counting officer”.

Voting procedure

31. In rule 39, after paragraph (6) insert—

“(7) The same copy of the register of electors or, where paragraph (4) applies, the same copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act, may be used for each relevant election or referendum, and—

- (a) one mark may be placed in that copy of the register or on that notice under paragraph (2)(c) or in the list of proxies under paragraph (2)(d) to denote that a ballot paper has been issued in respect of each relevant election or referendum; but
- (b) where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark must be placed in the copy of that register or, as the case may be, on that notice or in that list so as to identify each relevant election or referendum in respect of which a ballot paper was issued.”

Votes marked by the presiding officer

32. In rule 40, after paragraph (5) insert—

“(6) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that the ballot papers were marked by the presiding officer in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which the ballot paper was so marked.”

Voting by persons with disabilities

33.—(1) Rule 41 is modified as follows.

(2) In paragraph (4), for sub-paragraph (a) substitute—

“(a) must be in the appropriate form, as specified in paragraph (4A) or (4B) (as the case may be),”.

(3) After paragraph (4) insert—

“(4A) Where the combined polls are the poll at the PCC election and the poll at a mayoral election and no others, the appropriate form for the declaration is Form 23 set out in Part 4 of Schedule 4 to this Order.

“(4B) Where the poll at the PCC election and another election or referendum are taken together in circumstances other than those described in paragraph (4A), the appropriate form for the declaration is the form which is required for declarations made by the companion of a voter with disabilities at that other election or referendum.”

(4) After paragraph (9) insert—

“(9A) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that the votes were given in accordance with this rule in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which the vote was so given.”

Tendered ballot papers: general provisions

34. In rule 43, after paragraph (5) insert—

“(5A) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that tendered ballot papers were marked in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which a tendered ballot paper was marked.”

Correction of errors on the day of the poll

35. In rule 45—

- (a) renumber the existing provision as paragraph (1); and
- (b) after that paragraph insert—

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

Adjournment of poll in case of riot

36.—(1) Rule 46 is modified as follows.

(2) In paragraph (1), for “local returning officer” substitute “relevant returning or counting officer”.

(3) In paragraph (3), for “local returning officer” substitute “relevant returning or counting officer”.

Procedure on close of the poll

37.—(1) Rule 47 is modified as follows.

(2) In paragraph (1), for “in the presence of the polling agents” substitute “in the presence of the polling agents appointed for the purposes of the PCC election and for the purposes of each relevant election or referendum”.

(3) After paragraph (1) insert—

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) must not be combined with the contents of the packets made up under the corresponding rule that applies at any relevant election or referendum.”

(4) In paragraph (4), for “the local returning officer” substitute “the relevant returning or counting officer”.

(5) In paragraph (5), for “the local returning officer” (in both places) substitute “the relevant returning or counting officer”.

(6) After paragraph (6) insert—

“(7) The ballot paper account prepared under paragraph (6) in respect of the PCC election must not be combined with the ballot paper account for any relevant election or referendum.”

COUNTING OF VOTES

Attendance at verification

38. For rule 48 substitute—

“Attendance at verification

48.—(1) This rule and rules 49 and 50 do not apply where the local returning officer is not the relevant returning or counting officer.

(2) But where the local returning officer is the relevant returning or counting officer, the officer must—

(a) make arrangements for the verification of the ballot paper accounts to be carried out as soon as practicable after the close of the poll and in the presence of the counting agents appointed for the purposes of the PCC election and those appointed for the purposes of each relevant election or referendum, and

(b) give the counting agents appointed for the purposes of the PCC election and those appointed for the purposes of each relevant election or referendum notice in writing of the time and place at which the verification of the ballot paper accounts will begin.

(3) A person may be present at the verification of the ballot paper accounts only if—

(a) the person is entitled to be present at the first count of the votes for the PCC election or at the counting of the votes for a relevant election or referendum, or

(b) the person is permitted by the relevant returning or counting officer to attend.

(4) Permission under paragraph (3)(b) may be given only if the relevant returning or counting officer is satisfied that the person's attendance will not impede the efficient verification of the ballot paper accounts.

(5) The relevant returning or counting officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties."

Procedure at verification of ballot paper accounts

39. For rule 49 substitute—

“Procedure at verification of ballot paper accounts

49.—(1) Where the local returning officer is the relevant returning or counting officer, the officer must—

- (a) in the presence of the counting agents appointed for the purposes of the PCC election and the counting agents appointed for the purposes of each relevant election or referendum—
 - (i) open the ballot boxes from each polling station,
 - (ii) in relation to the PCC election and to each of the relevant elections or referendums, count and record separately the number of ballot papers relating to that election or referendum, and
 - (iii) verify each ballot paper account;
 - (b) where proceedings on the issue and receipt of postal ballot papers for the PCC election and each relevant election or referendum are taken together, count the postal ballot papers that have been duly returned and record separately the number counted at the PCC election and each relevant election or referendum;
 - (c) separate the ballot papers relating to the PCC election from the ballot papers relating to each relevant election or referendum;
 - (d) make up into packets the ballot papers for each relevant election or referendum and seal them up into separate containers endorsing on each a description of the area to which the ballot papers relate;
 - (e) deliver or cause to be delivered to the returning or counting officer for each relevant election or referendum to which the ballot papers relate—
 - (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 the election or referendum;
 - (f) at the same time deliver or cause to be delivered to that officer packets that relate to the relevant election or referendum containing—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers;
 - (iii) the certificates as to employment on duty on the day of the poll.
- (2) A postal ballot paper is not to be taken to be duly returned unless—

- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the relevant returning or counting officer or a polling station in the appropriate area (as defined in paragraph (3)),
 - (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the relevant returning or counting officer or a polling station in the appropriate area,
 - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
 - (d) in a case where an elector's or proxy's date of birth and signature are to be verified in accordance with paragraph 51 or 52 of Schedule 2, the relevant returning or counting officer verifies the date of birth and signature of the elector or proxy (as the case may be).
- (3) The "appropriate area" in respect of any voter is—
- (a) the area which is common to the areas in which the polls at the PCC election and the relevant election or referendum are being taken together, and
 - (b) in respect of which polls the voter has been issued with a ballot paper.
- (4) Where separate ballot boxes are used, no vote for any candidate is rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.
- (5) The relevant returning or counting officer, while counting and recording the number of postal ballot papers, must keep the ballot papers with their faces upwards and take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (6) Unless otherwise directed by the police area returning officer, the relevant returning or counting officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.
- (7) The relevant returning or counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the relevant returning or counting officer, and the unused and spoilt ballot papers in the relevant returning or counting officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification.
- (8) Any counting agent for a PCC election present at the verification may copy the statement drawn up under paragraph (7).
- (9) Any counting agent for a relevant election or referendum present at the verification may copy the statement drawn up under paragraph (7).
- (10) Once the statement relating to the PCC election is drawn up, the relevant returning or counting officer must inform the police area returning officer of the contents of the statement."

Additional steps: verification and count carried out at different places

40.—(1) Rule 50 is modified as follows.

(2) For paragraph (1) substitute—

“(1) This rule applies where—

- (a) the local returning officer is the relevant returning or counting officer, and

(b) the votes at the PCC election are to be counted at a place other than that at which the procedures for the verification of the ballot paper accounts are carried out.”

(3) In paragraphs (2), (3) and (4) (in each place), for “local returning officer” substitute “relevant returning or counting officer”.

Attendance at the first count

41.—(1) Rule 51 is modified as follows.

(2) For paragraph (1) substitute—

“(1) Where the local returning officer is the relevant returning or counting officer, the local returning officer must—

(a) make arrangements for the votes at the PCC election to be counted as soon as practicable after the close of the poll in the presence of the counting agents appointed for the purposes of that election, and

(b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.”

(3) For paragraph (2) substitute—

“(2) Where the local returning officer is not the relevant returning or counting officer, the local returning officer must—

(a) make arrangements for counting the votes at the PCC election in the presence of the counting agents appointed for the purposes of that election as soon as practicable after delivery to the local returning officer of the ballot papers for that election, and

(b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.”

The first count

42.—(1) Rule 52 is modified as follows.

(2) Before paragraph (1) substitute—

“(A1) Where the local returning officer is the relevant returning or counting officer, the officer must—

(a) on completion of the proceedings under rule 49, and

(b) if applicable, on receipt of the containers referred to in rule 50,

proceed to count the votes in accordance with paragraphs (1) and (2) to (7).”

(3) After paragraph (1) insert—

“(1A) Where the local returning officer is not the relevant returning or counting officer, the officer must, on receipt of the containers containing the ballot papers from the relevant returning or counting officer—

(a) open in the presence of the counting agents all the packets of ballot papers other than those containing unused, spoilt or tendered ballot papers,

(b) where the proceedings on the issue and receipt of postal ballot papers for the PCC election and each relevant election or referendum are not taken together, count the postal ballot papers that have been duly returned for the PCC election and record the number counted, and

(c) proceed to count the votes in accordance with paragraphs (1B), (1C) and (2) to (7).

(1B) For the purposes of paragraph (1A)(b), a postal ballot paper is not to be taken to be duly returned unless—

- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the appropriate area (as defined in paragraph (1C)),
- (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the appropriate area,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where an elector’s or proxy’s date of birth and signature are to be verified in accordance with paragraph 51 or 52 of Schedule 2, the local returning officer verifies the date of birth and signature of the elector or proxy (as the case may be).

(1C) The “appropriate area” in respect of any voter is the area—

- (a) which is common to the parliamentary constituency, electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the PCC election and any relevant election or referendum are being taken together, and
- (b) in respect of which polls the voter has been issued with a ballot paper.”

(4) In paragraph (5), after “while” insert “counting and recording the number of postal ballot papers and”.

Sealing up of ballot papers

43.—(1) Rule 65 is amended as follows.

(2) For paragraph (2) substitute—

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

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

(3) After that paragraph insert—

“(3) The relevant returning or counting officer may not open the sealed packets of —

- (a) the completed corresponding number lists, or
- (b) marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies”.

Delivery of documents

44. For rule 66 substitute—

“66.—(1) Where the local returning officer is the relevant returning or counting officer, the officer must—

- (a) endorse on each of the sealed packets a description of its contents, the date of the poll to which they relate and, in the case of a PCC election, the name of the police area for which that election was held, and
- (b) then forward the documents specified in paragraph (2) to the relevant registration officer.

(2) The documents referred to in paragraph (1) are—

- (a) the packets of ballot papers in the officer's possession;
 - (b) the ballot paper accounts and the statements of—
 - (i) rejected ballot papers, and
 - (ii) the result of the verification of the ballot paper accounts;
 - (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 45 and the declarations made by the companions of voters with disabilities;
 - (d) the packets of the completed corresponding number lists;
 - (e) the packets of certificates as to employment on duty on the day of the poll;
 - (f) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and marked copies of the postal voters list, of the lists of proxies and of the proxy postal voters list;
 - (g) any documents in the officer's possession which are to be forwarded under paragraph 59 of Schedule 2.
- (3) Where the local returning officer is not the relevant returning or counting officer, the local returning officer must take the steps set out in paragraph (1) in relation to all the documents listed in paragraph (2) apart from those listed in sub-paragraphs (c), (d) and (f)."

PART 4

Forms referred to in Part 3 of this Schedule

Forms

45. These are the forms referred to in Part 3 of this Schedule⁽¹⁴⁾.


Form 19	Corresponding number list for issue of postal ballot papers where proceedings on issue and receipt of ballot papers combined
Form 20	Corresponding number list for use in polling station when a PCC election is combined with another relevant election or referendum
Form 21	Notice for guidance of voters for display in voting compartment
Form 22	Notice for guidance of voters for display inside and outside of polling station
Form 23	Declaration to be made by companion of a voter with disabilities

⁽¹⁴⁾ Article 84 contains other provision about forms.

Form 21

Notice for guidance of voters for display in polling compartment

How to vote

1 Please follow the instructions below to mark your ballot papers. 
Do not mark them in any other way or your votes may not count.


**Election of the Police and Crime Commissioner for
(insert name of police area) police area**
(insert colour) ballot paper


- #[On this ballot paper you can vote twice. Vote by putting a cross in the box:
 - in column 1 next to your **first choice** candidate, and
 - in column two next to your **second choice** candidate.
- Your first and second choices should be different.]
[Vote once by putting a cross in the box next to your choice.]

Election of the Mayor for (insert name of authority)
(insert colour) ballot paper

- #[On this ballot paper you can vote twice. Vote by putting a cross in the box:
 - in column 1 next to your **first choice** candidate, and
 - in column two next to your **second choice** candidate.
- Your first and second choices should be different.]
[Vote once by putting a cross in the box next to your choice.]

#(Returning officer to amend as appropriate)

2 Fold your ballot paper so nobody can see how you have voted. 

3 Show the staff the **back** of the ballot papers. Then put them in #[the ballot box][the correct ballot box]. 
#(Returning officer to amend as appropriate)


i If you make a mistake or need some help, just ask the staff.


* (Returning officer to amend pictures as appropriate)

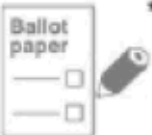
Form 22


Notice for guidance of voters for display inside and outside polling station


Voting on [day] [date] [name of month] [year]

1 Go to the desk and tell the staff your name and address.
They will give you your ballot papers.  *

2 Take your ballot papers to a voting booth.  *

3 Read the instructions in the booth and mark your ballot papers.  *

4 When you have marked your ballot papers, fold them so nobody can see how you have voted.  *

5 Show the staff the **back** of the ballot papers. Then put them in [the ballot box] [the correct ballot box].
(Returning officer to amend as appropriate) 

! Voting is secret. Do not let anyone see how you have voted.

i If you make a mistake or need some help, just ask the staff.

** (Returning officer to amend pictures as appropriate)*

Form 23

Declaration to be made by companion of a voter with disabilities

Election of Mayor/ Election of the Police and Crime Commissioner/ Referendum (delete whichever is inapplicable)	
Companion name	
Companion address	
Elector name	
Elector number	
[Only for use if the disabled elector is acting as a proxy] Elector is acting as proxy for:	
Companion declaration	
I, the companion named above, have been requested to assist the elector named above to record their vote at the election(s) named above	
I declare that I meet the statements below:	
Statement 1. I am entitled to vote as an elector at each election named above	
Statement 2. I am over 18 years old and that I have the following relationship to the elector: (circle appropriate relationship)	[father] [mother] [brother] [sister] [spouse] [civil partner] [son] [daughter]
Statement 3. I have not previously assisted more than one other voter with disabilities at the elections named above. If I have assisted one other person their details are:	
[Complete if appropriate] Name and address of other person assisted, and the name of the election	
NOTE—It is a criminal offence to make a false statement in this form.	
Companion signature	Date
Presiding officer declaration	
I, the undersigned, being the presiding officer for:	
Polling station	Local authority area/ voting area (insert name)
Hereby certify that the above declaration was signed in my presence	Presiding officer signature
Date	Time (exact)
<p>A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote without assistance.</p>	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Police and Crime Commissioner Elections Order 2012 No. 1917*