

SCHEDULE

Article 10

Combination of polls

Modification of the Local Elections Rules

1. Schedule 5 to the 1962 Act (local elections rules) applies with the modifications in paragraphs 2 to 23.

2. The Schedule applies as if after rule 3A there were inserted—

“Meaning of European Parliamentary election

3B. In this Schedule, “the European Parliamentary election” means the European Parliamentary election the poll at which is taken together with the poll at the local election.”.

3. Rule 16 (ballot papers)(1) applies as if in paragraph (2), after sub-paragraph (c) there were inserted—

“(ca) must be of a different colour from that of any ballot paper used at the European Parliamentary election;”.

4. Rule 20 (notice of poll)(2) applies as if after paragraph (2) there were inserted—

“(3) The notice published under paragraph (2) must state that the poll at the local election is to be taken together with the poll at the European Parliamentary election.”

5. Rule 21 (postal ballot papers)(3) applies as if in paragraph (1), after “identity in the” there were inserted “relevant”.

6. Rule 25 (issue of official poll cards)(4) applies as if after paragraph (3) there were inserted—

“(3A) An official poll card issued under this rule may be combined with an official poll card issued at the European Parliamentary election, with necessary adaptation.”.

7. Rule 26 (equipment of polling stations)(5) applies as if—

(a) after paragraph (1) there were inserted—

“(1A) The same ballot box may be used for the poll at the local election and the poll at the European Parliamentary election.

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

(a) the election to which it relates, as shown on the ballot papers for that election; and

(b) the words “Please insert the *[specify colour of ballot papers in question]* coloured ballot papers in here.”.”;

(b) after paragraph (3A) there were inserted—

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- (1) Rule 16 was amended by [S.I. 1987/168](#); [S.I. 2001/417](#); Schedule 1 to the Electoral Administration Act 2006 (c. 22); and [S.I. 2010/2977](#). Note that paragraph (2)(d) was omitted by [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.
- (2) Rule 20 was amended by [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.
- (3) Rule 21 was amended by [S.I. 1972/1264](#); [S.I. 1987/168](#); and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.
- (4) Rule 25 was amended by [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.
- (5) Rule 26 was amended by [S.I. 2001/417](#); Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

“(3B) The large version of the ballot paper referred to in paragraph (3A)(a) above must be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) for use at the local election.”; and

(c) after paragraph (4) there were inserted—

“(4A) The notice referred to in paragraph (4) must—

(a) clearly indicate the election to which it relates; and

(b) be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) for use at the local election.”.

8. Rule 29 (admission to polling station)(6) applies as if in paragraph (1), after sub-paragraph (f) there were inserted—

“(fa) persons entitled to be admitted at the European Parliamentary election;”.

9. Rule 32 (questions to be put to voters)(7) applies as if in question (ii) of each of paragraphs (1) (a) and (1)(b) and in the second question in paragraph (2), after “at this” there were inserted “local”.

10. Rule 34 (voting procedure) applies as if after paragraph (9) there were inserted—

“(10) The same copy of the register of electors (or as the case may be the notice issued under section 13BA(9) of the 1983 Act(8)) may be used under paragraph (1) for the local election and the European Parliamentary election.

(11) One mark may be placed in that register (or on that notice) 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 election.

(12) If a ballot paper is issued in respect of only one election, a different mark must be placed in the register (or on the notice) or list, as the case may be, so as to identify the election in respect of which the ballot paper is issued.”.

11. Rule 35 (votes marked by presiding officer)(9) applies as if after paragraph (7) there were inserted—

“(8) The same list may be used under paragraph (3) for the local election and the European Parliamentary election and, where it is so used, an entry in that list must be taken to mean that the ballot papers were marked in pursuance of this rule in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

12. Rule 36 (voting by persons with disabilities)(10) applies as if after paragraph (4A) there were inserted—

“(4B) The same list may be used under paragraph (4) for the local election and the European Parliamentary election and, where it is so used, an entry in that list must be taken to mean that the votes were given in accordance with this rule in respect of each election, unless the list identifies the election at which the vote was so given.”.

(6) Rule 29 was amended by [S.I. 1987/168](#); [S.I. 2001/417](#); [S.I. 2005/863](#); Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)); and [S.I. 2010/2977](#).

(7) Rule 32 was amended by Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)); [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 ([c. 7](#)) made a non-textual amendment when local elections are combined with parliamentary elections.

(8) Rule 26(3ZB) defines “section 13BA(9) of the 1983 Act” as meaning “section 13BA(9) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989)”. Section 13BA was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 ([c. 33](#)).

(9) Rule 35 was amended by Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)) and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 ([c. 33](#)). In addition, section 4 of, and the Schedule to, the Elections Act 2001 ([c. 7](#)) made a non-textual amendment when local elections are combined with parliamentary elections.

(10) Rule 36 was amended by [S.I. 2001/417](#); [S.I. 2002/2835](#); Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)); and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 ([c. 33](#)). In addition, section 4 of, and the Schedule to, the Elections Act 2001 ([c. 7](#)) made a non-textual amendment when local elections are combined with parliamentary elections.

- 13.** Rule 37 (tendered ballot papers)(**11**) applies as if after paragraph (6) there were inserted—
- “(6A) The same list may be used under paragraph (6) for the local election and the European Parliamentary election and, where it is so used, an entry in the list must be taken to mean that the tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.
- 14.** Rule 39A (correction of errors on day of poll)(**12**) applies as if the existing text became paragraph (1), and after paragraph (1) there were inserted—
- “(2) The same list may be used under paragraph (1) for the local election and the European Parliamentary election and, where it is so used, an entry in that list must be taken to mean that ballot papers were issued in respect of each election unless the list identifies the election for which a ballot paper was issued.”.
- 15.** Rule 41 (procedure on close of poll)(**13**) applies as if—
- (a) in paragraph (1) after “polling agents”, where those words first appear, there were inserted “appointed for the purposes of the local election and those appointed for the purposes of the European Parliamentary election”;
- (b) after paragraph (1) there were inserted—
- “(1A) Separate packets must be made up in respect of the local election and the European Parliamentary election for the purpose of each of sub-paragraphs (b), (c) and (e) of paragraph (1).”; and
- (c) in paragraph (3), after “presiding officer” there were inserted “separately for the purposes of the local election and the European Parliamentary election”.
- 16.** Rule 44 (attendance at counting of votes)(**14**) applies as if in paragraph (1), after sub-paragraph (f), there were inserted—
- “(g) a person who falls within sub-paragraphs (a) to (e) of rule 49(2) of Schedule 1 to the European Parliamentary Elections (Northern Ireland) Regulations 2004 (European Parliamentary elections rules)(**15**),”.
- 17.** Rule 45 (preliminary proceedings and conduct of the count)(**16**) applies as if—
- (a) in paragraph (1)—
- (i) before sub-paragraph (a) there were inserted—
- “(za) where separate ballot boxes have been used for the poll at the local election and the poll at the European Parliamentary election, in the presence of the counting agents for each such election—
- (i) open each ballot box for the local election and for the European Parliamentary election;
- (ii) from each ballot box for the local election, take out any ballot papers for the European Parliamentary election and place them in a ballot box for the European Parliamentary election, and

(11) Rule 37 was amended by [S.I. 1987/168](#); [S.I. 2002/2835](#); Schedule 1 to the Electoral Administration Act 2006 (c. 22); and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

(12) Rule 39A was inserted by Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(13) Rule 41 was amended by [S.I. 2001/417](#); Schedule 1 to the Electoral Administration Act 2006 (c. 22); Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

(14) Rule 44 was amended by paragraph 58 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and [S.I. 2010/2977](#).

(15) [S.I. 2004/1267](#); Schedule 1 was substituted by [S.I. 2009/813](#).

(16) Rule 45 was amended by [S.I. 1972/1264](#); [S.I. 2002/2835](#); and [S.I. 2010/2977](#).

- (iii) from each ballot box for the European Parliamentary election, take out any ballot papers for the local election and place them in a ballot box for the local election;”, and
- (ii) in sub-paragraph (a), after “each ballot box” there were inserted “(if not already opened in accordance with sub-paragraph (za))”; and
- (b) after paragraph (1) there were inserted—
- “(1A) Where separate ballot boxes have been used, no ballot paper marked in respect of the local election is rendered invalid by the ballot paper being placed in the ballot box used at the European Parliamentary election.”.
- 18.** Rule 58 (forwarding of documents)(**17**) applies as if after paragraph (4) there were inserted—
- “(5) Where the same copy of the register, the same notice or the same list has been used for the local election and the European Parliamentary election under rules 16A(**18**), 34, 35, 36, 37 or 39A, paragraph (3) does not apply to that copy of the register, or that notice or list, as the case may be.”.
- 19.** Rule 59 (orders for production of documents)(**19**) applies as if in paragraphs (1)(a), (5) and (7), after “proper officer of the council” there were inserted “or the returning officer”.
- 20.** Rule 60 (retention of documents)(**20**) applies as if—
- (a) in paragraph (1), for “to which rule 58 applies” there were substituted “forwarded to him in pursuance of rule 58(3)”; and
- (b) after paragraph (1) there were inserted—
- “(1A) The returning officer shall retain for 12 months the documents mentioned in rule 58(5) and then, unless otherwise directed by an order under rule 59, shall cause them to be destroyed.”.
- 21.** Rule 63 (party candidate)(**21**) applies as if—
- (a) after paragraph (2) there were inserted—
- “(2A) Neither the countermand of the poll at the local election nor the direction that that poll be abandoned affects the poll at the European Parliamentary election.”;
- (b) in paragraph (3), after “with respect to the” there were inserted “local”.
- 22.** Rule 64 (abandoned poll) applies as if for paragraphs (2) to (6) there were substituted—
- “(2) No further ballot papers at the local election must be delivered in any polling station.
- (3) At the close of poll for the European Parliamentary election, the presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery of ballot boxes and ballot papers and other documents as he would be required to take if the local election had not been abandoned.
- (4) It is not necessary for a ballot paper account for the local election to be prepared or verified.
- (5) Having separated the ballot papers relating to the European Parliamentary election, the returning officer must take no step or further step for the counting of the ballot papers used at the local election or of the votes.

(17) Rule 58 was amended by Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) and S.I. 2010/2977.

(18) Rule 16A (corresponding number list) was inserted by S.I. 2010/2977.

(19) Rule 59 was amended by S.I. 2010/2977.

(20) Rule 60 was amended by S.I. 2010/2977.

(21) Rules 63 and 64 were inserted by S.I. 2010/2977. In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7), as amended by S.I. 2010/2977, made a non-textual amendment when local elections are combined with parliamentary elections.

(6) The returning officer must seal up all of the ballot papers used at the local election whether the votes have been counted or not and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(6A) The returning officer must dispose of the ballot papers used at the local election and other documents in his possession as he is required to do on the completion in due course of the counting of the vote at the European Parliamentary election.”.

23.—(1) The Appendix of Forms applies as if—

- (a) in Form 3 (ballot paper)(**22**), on the front of the ballot paper, at the top of that form there were inserted the heading “Local Council Election”;
- (b) in Form 4 (directions as to printing the ballot paper)(**23**), in paragraph 2(a), after “apart from” there were inserted “the heading “Local Council Election” at the top of the ballot paper and”; and
- (c) after Form 5 (declaration of identity)(**24**) there were inserted—

“Declaration of Identity (combined polls) (rule 21)

5ZA *(for use when a local poll is to be combined with a European Parliamentary poll)*

Front of form

(22) This form was amended by [S.I. 2001/417](#) and paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c. 22)

(23) This form was amended by [S.I. 2001/417](#); paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); and [S.I. 2010/2977](#).

(24) Form 5A was inserted only for the purpose of a combined local and parliamentary election by paragraph 29 of the Schedule to the Elections Act 2001 (c. 7), and that inserted form was amended by [S.I. 2010/2977](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Elections (Northern Ireland) Order 2013 No. 3156

LOCAL COUNCIL ELECTION

DECLARATION BY VOTER

To be returned with the *[insert colour of ballot paper]* coloured ballot paper no.

I am the person to whom the *[insert colour of ballot paper]* coloured ballot paper numbered as above was sent.

My date of birth is [DD/MM/YYYY] (you are not required to give your date of birth if you are to vote as a proxy for someone else)

Voter's signature

CERTIFICATION BY WITNESS

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day. That person should then sign this declaration as a witness, adding his or her name and address. Unless you are voting as a proxy, you must also give your date of birth. Without all the above the declaration will be invalid and your vote will not be counted.

2. Mark your vote by putting "1" against the candidate of your first choice, "2" against the candidate of your second choice and so on. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted.

4. Different colours are used for the ballot papers for each election. 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 of identity for a particular declaration of identity 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-

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put the envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoilt ballot paper, the declaration of identity (make sure it is the correct one) and the envelopes marked "A" and "B" (again make sure they are the correct envelopes). Remember that there is little time available if a fresh ballot paper is to be issued and counted.

Modification of absent voting provisions

24. Part 3 of Schedule 2 to the 1985 Order (issue and receipt of ballot papers) applies as if—
- (a) in paragraph 1 (interpretation)(25), after the definition of “returning officer” there were inserted—
 - ““the European Parliamentary election” has the meaning given in rule 3B of the local elections rules.”;
 - (b) after paragraph 1 there were inserted—

“Combination of polls

- 1A. The proceedings on the issue and receipt of postal ballot papers in respect of the local election and the European Parliamentary election must be taken together.”;
- (c) in paragraph 6 (procedure on issue of postal ballot paper)(26), after sub-paragraph (2) there were inserted—
 - “(2A) The colour of the postal ballot paper must also be marked on the declaration of identity sent with that paper.”; and
 - (d) in paragraph 8 (ballot paper envelope)(27) after sub-paragraph (1B) there were inserted—
 - “(1C) The covering envelope must also be marked “Covering envelope for the *[insert colour of ballot paper]* coloured ballot paper”.
 - (1D) On the ballot paper envelope after the words “Ballot paper envelope” there must be added “for the *[insert colour of ballot paper]* coloured ballot paper”.”.

(25) Paragraph 1 was amended by [S.I. 1987/168](#) and [S.I. 2010/2977](#).

(26) Paragraph 6 was amended by [S.I. 1987/168](#) and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment to paragraph 6, inserting sub-paragraph (3) in cases where the polls at parliamentary elections and local elections are taken together.

(27) Paragraph 8 was amended by [S.I. 2005/2969](#) and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment to paragraph 8, inserting sub-paragraph (2), when local elections are combined with parliamentary elections.