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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Police and Crime Commissioner  
Elections (Amendment) Order 2014**

**Citation, commencement and transition**

1.—(1) This Order may be cited as the Police and Crime Commissioner Elections (Amendment) Order 2014.

(2) This article and article 2 (interpretation) come into force on the day after the day on which this Order is made.

(3) Article 3 (application of 2004 Regulations) comes into force on 22nd May 2014.

(4) Articles 4, 6(2)(b), 7(b), 9, 10 and 47(b) (amendments consequential on Part 1 of the Electoral Registration and Administration Act 2013) come into force on 10th June 2014.

(5) The remainder of the Order comes into force on 6th April 2014 but does not apply for the purposes of a PCC election in respect of which the date of the poll specified in the notice of election is on or before 21st May 2014.

**Interpretation**

2. In this Order—

“the 2004 Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(1);

“the 2012 Order” means the Police and Crime Commissioner Elections Order 2012(2) and, unless the context otherwise requires, a reference to a numbered article or Schedule is to the article or Schedule so numbered in the 2012 Order;

“the 2014 Regulations” means the Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2014(3);

“PCC 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;

“notice of election” means a notice given under rule 4 of Schedule 3 to the 2012 Order.

**Application of 2004 Regulations to PCC elections**

3.—(1) The amendments made by the 2014 Regulations to the 2004 Regulations have effect in relation to a PCC election as they have effect in relation to an election or referendum within paragraphs (a) to (d) of the definition of “relevant election or referendum” in paragraph 2 of Schedule 2 to the 2004 Regulations.

(2) Accordingly, the amendments made by the 2012 Order to the 2004 Regulations have effect in relation those Regulations as amended by the 2014 Regulations.

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(1) [S.I. 2004/294](#), as amended by [S.I. 2006/3278](#), [2007/1025](#) and [2012/1917](#).

(2) [S.I. 2012/1917](#), to which there are amendments not relevant to this Order.

(3) S.I. xxxx/yyyy.

### Amendments to the 2012 Order

- 4.—(1) In article 4 (effect of register of electors), in paragraph (4)—
- (a) in sub-paragraph (b), for the words from “is not” to “was not” substitute “is not or was not at any particular time”;
  - (b) in sub-paragraph (c), for the words from “is, or” to “was,” substitute “is or was at any particular time”.
- (2) In that article, omit paragraph (5).
5. In article 8(2) (effect of registration appeals), after “13A(2)” insert “, 13AB(2)”.

### Amendments to Schedule 1 to the 2012 Order

- 6.—(1) In Schedule 1 (supply of register), in paragraph 1 (supply of free copy of register for electoral purposes and restrictions on use), in sub-paragraph (1)(a), after “1983 Act” insert “or under the Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013(4)”.
- (2) In that paragraph, in sub-paragraph (1)(b)—
- (a) after “section 13A(2)” insert “, 13AB(2)”;
  - (b) for “13B(3), (3B) or (3D) or 13BB(4) or (5)” substitute “13B(3), (3B) or (3D)”.
7. In Schedule 1, in paragraph 2(1)(b) (supply on request and specific restrictions) —
- (a) after “section 13A(2)” insert “, 13AB(2)”;
  - (b) for “13B(3), (3B) or (3D) or 13BB(4) or (5)” substitute “13B(3), (3B) or (3D)”.

### Amendments to Schedule 2 to the 2012 Order

8. In Schedule 2 (absent voting), in paragraph 1 (manner of voting at PCC elections), after sub-paragraph (5), insert—
- “(5A) In sub-paragraph (5), a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for civilian staff)(5).”
9. In Schedule 2, in paragraph 5 (proxies at PCC elections: appointment), for sub-paragraph (3) (b) substitute—
- “(b) the person is or will be registered in the register of electors(6) for any area of Great Britain or Northern Ireland.”
10. In Schedule 2, in paragraph 6 (proxies at PCC elections: entitlement to vote), for sub-paragraph (3)(b) substitute—
- “(b) the person is or will be registered in the register of electors for any area of Great Britain or Northern Ireland.”
- 11.—(1) In Schedule 2, paragraph 14 (additional requirements: applications for the appointment of a proxy in respect of a particular PCC election) is amended as follows.
- (2) In sub-paragraph (4), for “paragraph 3” substitute “paragraph 3(2)”.
  - (3) After sub-paragraph (5) insert—

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(4) [S.I. 2013/794](#).

(5) [2002 c.30](#); section 38 was amended by section 120 of, paragraphs 179 and 181 of Schedule 4 to, and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 ([c.15](#)), section 7 of and paragraphs 1 and 2 of Schedule 5 to the Police and Justice Act 2006 ([c.48](#)), paragraph 125 of Schedule 7 and Part 13 of Schedule 8 to the Policing and Crime Act 2009 ([c.26](#)) and paragraphs 277 and 292 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 ([c.13](#)).

(6) “register of electors” is defined in article 2 of [S.I. 2012/1917](#).

“(5A) Where an application under paragraph 3(2)—

- (a) is made on grounds relating to the applicant’s occupation, service or employment; and
- (b) is made after 5 p.m. on the sixth day before the date of the poll at the PCC election for which it is made,

the requirements of paragraph 15A apply to the matters to be specified and as to attestation.”

(4) In sub-paragraph (6), for “paragraph 3” substitute “paragraph 3(2)”.

12. In Schedule 2, after paragraph 15 insert—

**“Additional requirements referred to in paragraph 14(5A)**

**15A.**—(1) This paragraph applies to an application to vote by proxy which is made in the circumstances set out in paragraph 14(5A).

(2) The application must (in addition to providing the information required by paragraph 14(2) and (3)) state—

- (a) where the applicant is self-employed, that fact;
- (b) where the applicant is employed, the name of the applicant’s employer;
- (c) that the reason provided in accordance with paragraph 14(3) relates to the applicant’s occupation, service or employment; and
- (d) the date on which the applicant became aware of that reason.

(3) Sub-paragraphs (4), (5) and (6) apply unless the applicant is or will be registered as a service voter.

(4) The application must be attested and signed—

- (a) where the applicant is self-employed, by a person who—
  - (i) is aged 18 years or over;
  - (ii) knows the applicant; and
  - (iii) is not related to the applicant,
- (b) where the applicant is not self-employed, by the applicant’s employer or by another employee to whom this function is delegated by the employer.

(5) The person attesting an application under sub-paragraph (4) (the “attestor”) must certify that the statements required by sub-paragraph (2) and the information required by paragraph 14(3) are true to the best of the attestor’s knowledge and belief.

(6) The attestor must also state—

- (a) the attestor’s name and address; and
- (b) if the attestor is attesting where the applicant is self-employed, that the attestor is aged 18 years or over, and that the attestor knows, but is not related to, the applicant; or
- (c) if the attestor is attesting as or on behalf of the employer of the applicant, that the attestor is the employer or the position the attestor holds in the employment of that employer.

(7) For the purposes of this paragraph—

- (a) one person (‘A’) is related to another (‘B’) if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B;

- (b) “service voter” means a person who has made a service declaration in accordance with section 15 of the 1983 Act<sup>(7)</sup> and is registered or entitled to be registered in pursuance of it.”

**13.—**(1) In Schedule 2, paragraph 16 (closing date for applications) is amended as follows.

- (2) In sub-paragraph (1), omit “or (5)”.
- (3) In sub-paragraph (2) omit “or (5)(b)”.
- (4) After sub-paragraph (2)(a) insert—
- “(aa) on grounds relating to the applicant’s occupation, service or employment and the applicant became aware of those grounds after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, or”.
- (5) In sub-paragraph (3), after “3(1)”, insert “, 3(5)”.
- (6) After sub-paragraph (4) insert—
- “(4A) Sub-paragraph (4B) applies to—
- (a) any application or notice mentioned in sub-paragraphs (1) to (4);
- (b) any application or notice mentioned in regulation 56 of the 2001 Regulations<sup>(8)</sup> or paragraph 26 of Schedule 2 to the European Parliamentary Elections Regulations 2004<sup>(9)</sup>, that would otherwise have effect in relation to a PCC election by virtue of paragraphs 2 and 4(2)(a) or 4(3)(a).

(4B) An application or notice to which this sub-paragraph applies must be disregarded for the purposes of the particular PCC election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the local returning officer (except where it has been returned in accordance with paragraph 41 or 42 (spoilt and lost postal ballot papers)).”

**14.—**(1) In Schedule 2, in paragraph 20 (absent voting lists: supply of copies etc), after sub-paragraph (5), insert—

“(5A) The registration officer must, on a request made at any time, supply a relevant returning officer (within the meaning of paragraph 1 of Schedule 1) with a copy of the postal voters list, the list of proxies or the proxy postal voters list.”

- (2) In that paragraph, in sub-paragraph (6), omit “(a) or (b)”.

**15.** In Schedule 2, in paragraph 26 (the personal identifiers record), in sub-paragraph (3)(a), for “paragraph 50” substitute “paragraph 51”.

**16.** In Schedule 2, in paragraph 28 (interpretation), in the definition of “valid postal voting statement” omit “50 or”.

**17.—**(1) Schedule 2, paragraph 30 (form of postal voting statement) is amended as follows.

- (2) Omit sub-paragraph (3).
- (3) In sub-paragraph (4)—
- (a) for “In any other case where” substitute “Where”;
- (b) at the end insert “, with the addition of the appropriate voting instructions for PCC elections.”

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(7) “the 1983 Act” is defined in article 2 of [S.I. 2012/1917](#).

(8) “the “2001 Regulations” is defined in article 2 of [S.I. 2012/1917](#); regulation 56 was amended by [S.I. 2001/1700](#), [2006/752](#), [2006/2910](#) and [2013/3198](#).

(9) [S.I. 2004/293](#); Schedule 2 was substituted by [S.I. 2009/186](#) and paragraph 26 was amended by [S.I. 2013/2876](#).

(4) For sub-paragraph (6)(b) substitute—

“(b) the “appropriate voting instructions for PCC elections” are—

(i) where there are three or more candidates—

“Vote by putting a cross [X] in the box

In column 1 next to your first choice candidate

In column 2 next to your second choice candidate

Your first and second choices should be different.”

(ii) where there are two candidates—

“Vote for only one candidate by putting a cross [X] in the box next to your choice.””

(5) In the heading, omit “: poll taken alone or combined with mayoral election only”.

18. In Schedule 2, for paragraph 35 (time when postal ballot papers are to be issued) substitute—

**“Time when postal ballot papers etc. are to be issued**

35. Postal ballot papers and postal voting statements must be issued by the local returning officer as soon as it is practicable to do so.”

19. In Schedule 2, after paragraph 42 insert—

**“Cancellation of postal ballot papers**

42A.—(1) Where, after the nineteenth day before the date of the poll at a PCC election the registration officer grants a relevant application or receives a relevant notice, and the application or notice is not to be disregarded for the purposes of that election under paragraph 16, the registration officer must notify the local returning officer who must immediately cancel any postal ballot paper issued to the elector or proxy and, in the case of an application under paragraph 3(5)(a) or 7(6) (postal ballot paper to be sent to different address), must issue a replacement postal ballot paper.

(2) Where a person returns a postal ballot paper that has been or is to be cancelled in accordance with sub-paragraph (1) (whether to the registration officer or the local returning officer), it must be dealt with as follows—

(a) the ballot paper, together with any other ballot papers, postal voting statements or covering envelopes which are returned to the registration officer, must be given by the registration officer to the local returning officer;

(b) any document returned in accordance with this sub-paragraph but not cancelled in accordance with sub-paragraph (1) must be immediately cancelled;

(c) the local returning officer, as soon as practicable after receiving and cancelling those documents, must make up those documents in a separate packet and must seal the packet, and if on any subsequent occasion documents are returned in accordance with this sub-paragraph, the sealed packet must be opened, the additional cancelled documents included in it and the packet must be again made up and sealed.

(3) The local returning officer must enter in a list kept for the purpose of recording postal ballot papers cancelled under this paragraph (“the list of cancelled postal ballot papers”)—

(a) the name and number of the elector as stated in the register of electors (or, in the case of an elector who has an anonymous entry, their electoral number alone);

(b) the number of the cancelled postal ballot paper;

- (c) the number of any replacement postal ballot paper issued under sub-paragraph (1); and
  - (d) where the postal voter is a proxy, their name and address.
- (4) Paragraphs 36 (except sub-paragraph (2)), 38, 39 and 40 apply to a replacement postal ballot paper issued under sub-paragraph (1).
- (5) For the purposes of this paragraph—
- (a) a relevant application is an application under—
    - (i) paragraph 3(5)(a) (postal ballot paper to be sent to different address),
    - (ii) paragraph 3(5)(b) (voting by proxy by person recorded as voting by post),
    - (iii) paragraph 5(4) (appointment of proxy),
    - (iv) paragraph 7(6) (application from postal proxy voter for postal ballot paper to be sent to different address),
    - (v) a provision mentioned in regulation 78A(1)(a) to (g) of the 2001 Regulations<sup>(10)</sup> that would otherwise have effect in relation to the PCC election by virtue of paragraph 4, or
    - (vi) a provision mentioned in paragraph 54A(1)(a) to (g) of Schedule 2 to the European Parliamentary Elections Regulations 2004<sup>(11)</sup> that would otherwise have effect in relation to the PCC election by virtue of paragraph 4,
  - (b) a relevant notice is a notice under—
    - (i) paragraph 5(6) (cancellation of proxy appointment), or
    - (ii) paragraph 6(10) of Schedule 4 to the Representation of the People Act 2000<sup>(12)</sup> or paragraph 6(9) of Schedule 2 to the European Parliamentary Elections Regulations 2004 that would otherwise have effect in relation to a PCC election by virtue of paragraph 4 of this Schedule.
- (6) In computing the period of nineteen days for the purposes of sub-paragraph (1)—
- (a) a Saturday or Sunday,
  - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
  - (c) a date appointed for public thanksgiving or mourning,
- is to be disregarded.”

**20.** In Schedule 2, in paragraph 45 (postal ballot boxes and receptacles) omit sub-paragraph (5) (b).

**21.—**(1) In Schedule 2, paragraph 48 (opening of covering envelopes) is amended as follows.

(2) Omit sub-paragraphs (2) and (7).

(3) For sub-paragraph (4) substitute—

“(4) The procedure in paragraph 51 applies where a covering envelope (including an envelope to which paragraph 46(2) applies) contains a postal voting statement.”

(4) For sub-paragraph (6) substitute—

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<sup>(10)</sup> Regulation 78A was inserted by [S.I. 2013/3198](#).

<sup>(11)</sup> Paragraph 54A was inserted by [S.I. 2013/2876](#).

<sup>(12)</sup> 2000 c.2.

“(6) Where a covering envelope does not contain a postal voting statement (whether separately or not) the local returning officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.”

**22.** In Schedule 2, omit paragraph 50 (procedure in relation to postal voting statements).

**23.—(1)** In Schedule 2, in paragraph 51 (procedure in relation to postal voting statements: personal identifier verification) for sub-paragraph (1) substitute—

“(1) This paragraph applies in the circumstances described in paragraph 48(4).”

(2) In that paragraph, in sub-paragraph (3), after “if there is no such envelope” insert “but there is a ballot paper”.

**24.** In Schedule 2, omit paragraph 52 (postal voting statements: additional personal identifier verification).

**25.** In Schedule 2, in paragraph 54(2) (retrieval of cancelled postal ballot papers) —

(a) at the end of paragraph (c) insert “(verification procedure)”;

(b) in paragraph (e), after “41(7)” insert “or 42A(2)”.

**26.—(1)** In Schedule 2, in paragraph 55 (lists of rejected postal ballot papers), in sub-paragraph (1), for “two separate lists of rejected postal ballot papers” substitute “lists relating to rejected postal ballot papers as required by this paragraph”.

(2) In that paragraph, after sub-paragraph (3) insert—

“(4) In the third list, the officer must record, for every postal voting statement in the receptacle for rejected votes (verification procedure) immediately prior to sealing—

(a) the elector’s name and address (and the name and address of the proxy if the elector has a proxy);

(b) the elector’s number on the register of electors (and that of the proxy if the elector has a proxy);

(c) the specified reason or reasons for the rejection of the postal voting statement; and

(d) any other information relating to the rejection that the officer considers appropriate, but not the ballot paper number.

(5) The specified reasons that may be given under sub-paragraph (4)(c) for the rejection of a postal voting statement are as follows—

(a) the signature does not match the example held on the personal identifiers record;

(b) the date of birth does not match the one held on the personal identifiers record;

(c) the signature field is blank; or

(d) the date of birth field is blank.”

**27.** In Schedule 2, in paragraph 57(1) (sealing of packets) —

(a) omit paragraph (b);

(b) in paragraph (d), for “spoilt and lost” substitute “spoilt, lost and cancelled”.

**28.—(1)** In Schedule 2, paragraph 59 (forwarding of documents) is amended as follows.

(2) In sub-paragraph (1)—

(a) in paragraph (a), after “42(5)” insert “, 42A(2)”;

(b) in paragraph (a), at the end, omit “and”;

(c) after paragraph (b) insert—

“(c) any list compiled under paragraph 55(4).”

(3) In sub-paragraph (4), at the end insert “except that in applying those rules the list compiled under paragraph 55(4) must be treated in the same manner as a counted ballot paper”.

**29.** In Schedule 2, after paragraph 59 insert—

**“Notification of a rejected postal voting statement**

**59A.**—(1) Where a relevant absent voter appears on the list compiled under paragraph 55(4)—

- (a) the registration officer responsible for the personal identifiers record that contains information in respect of the absent voter must notify the absent voter (and the elector if the absent voter is a proxy) that the ballot paper concerned was rejected because the local returning officer was not satisfied that the postal voting statement was duly completed;
- (b) the registration officer must send the notification within the period of three months beginning with the date of the poll at which the ballot paper was rejected; and
- (c) the notification must include information as to which of the specified reasons referred to in paragraph 55(5) applied to the postal voting statement.

(2) The registration officer is not obliged to send a notification—

- (a) to any person who is no longer shown as voting by post in the relevant record at the time the registration officer proposes to send the notification; or
- (b) where the registration officer suspects that an offence may have been committed in relation to the postal ballot paper, the postal voting statement or the absent voter’s registration as an elector.

(3) A notification issued under sub-paragraph (1) may also include any other information that the registration officer considers appropriate, but a notification must not include information held on the personal identifiers record.

(4) For the purposes of this paragraph and paragraph 59B, a “relevant absent voter” means an absent voter who—

- (a) appears on the postal voters list by virtue of paragraph 4(2)(a), or
- (b) appears as a proxy on the list of proxies by virtue of paragraph 4(3)(a).

**Requirement to provide fresh signatures following rejection of a postal voting statement**

**59B.**—(1) This paragraph applies where a relevant absent voter is notified under paragraph 59A that the signature does not match the example held on the personal identifiers record, and the absent voter continues to be shown on the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000<sup>(13)</sup> or paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 as voting by post.

(2) Where this paragraph applies, the registration officer may require the absent voter to provide a fresh signature for the personal identifiers record in accordance with regulation 60B(2) to (11) of the 2001 Regulations<sup>(14)</sup> or, as the case may be, paragraph

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<sup>(13)</sup> Paragraph 3 was amended by section 261 of and paragraph 164 of Schedule 27 to the Civil Partnership Act 2004 (c.33), sections 10, 14 and 74 of and paragraphs 19, 20 and 137 of Schedule 1 to the Electoral Administration Act 2006 (c.22) and sections 20 and 34 of the Local Electoral Administration and Registrations Services (Scotland) Act 2006 (2006 asp 14).

<sup>(14)</sup> Paragraph 60B was inserted by S.I. 2013/3198.



31B(2) to (11) of Schedule 2 to the European Parliamentary Elections Regulations 2004(15).”

**30.**—(1) In Schedule 2, paragraph 60 (forms) is amended as follows.

(2) For Form 2 (postal voting statement where PCC election taken alone) substitute Form 2 in Schedule 1 to this Order.

(3) Omit Form 3 (combination with mayoral election only: postal voting statement where proceedings on issue and receipt of postal ballot papers combined).

(4) For Form 4 (combination with mayoral election only: postal voting statement where proceedings on issue and receipt of postal ballot papers not combined) substitute Form 4 in Schedule 1 to this Order.

(5) In consequence of the changes made by paragraphs (3) and (4) of this article, in the list of forms at the beginning of paragraph 60—

(a) omit the description of Form 3;

(b) for the description of Form 4 substitute “Postal voting statement where polls are combined but proceedings on issue and receipt of postal ballot papers are not combined”.

(6) For Form 5 (statement of the number of postal ballot papers issued) substitute Form 5 in Schedule 1 to this Order.

#### **Amendments to Schedule 3 to the 2012 Order**

**31.**—(1) In Schedule 3 (the PCC election rules), in rule 1 (timetable), for “Subject to rule 2, the” substitute “The”.

(2) In that rule, for the table substitute—

<i>“Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the 25th day before the day of the election
Delivery of nomination papers	Not later than 4 p.m. on the 19th day before the day of the election
Delivery of notices of withdrawals of candidature	Not later than 4 p.m. on the 19th day before the day of the election
Publication of statement of persons nominated	Not later than 4 p.m. on the 18th day before the day of the election
Notice of poll	Not later than the 6th day before the day of the election
Polling	Between 7 a.m. and 10 p.m. on the day of the election”

**32.** In Schedule 3, omit rule 2 (modification of timetable for the ordinary election in 2012).

**33.** In Schedule 3, in rule 30 (notices for the guidance of voters), for paragraph (1)(a) substitute—

“(a) notices for the guidance of voters for exhibition in voting compartments at polling stations—

(i) in the form—

“Vote by putting a cross [X] in the box  
In column 1 next to your FIRST CHOICE candidate  
In column 2 next to your SECOND CHOICE candidate  
Your first and second choices should be different.”

in the case of an election with three or more candidates; or

(ii) in the form—

“Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.”

in the case of an election with two candidates only; and”.

**34.** In Schedule 3, in rule 32 (notification of requirement of secrecy), make the existing provision paragraph (1) and after that paragraph insert—

“(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).”

**35.** In Schedule 3, in rule 34 (admission to polling station), after paragraph (5) insert—

“(6) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).”

**36.** In Schedule 3, in rule 39 (voting procedure), after paragraph (6) insert—

“(7) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.”

**37.—(1)** In Schedule 3, in rule 49 (procedure at verification of ballot paper accounts), in paragraph (2)(d), omit the words from “in a case where” to “Schedule 2,”.

(2) In that rule, after paragraph (2) insert—

“(2A) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (2) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.”

**38.—(1)** In Schedule 3, in rule 70, for Forms 11 to 14 (poll cards), 16 (guidance for voters for exhibition in and outside polling station), 17 (certificate of employment on day of poll) and 18 (declaration by companion of voter with disabilities) substitute the corresponding forms in Schedule 2 to this Order.

(2) In that rule, in Form 8B (ballot paper (2 candidates)), omit direction 6 from the directions for printing.

(3) In that rule, omit Form 15 (notice for guidance for voters for exhibition in voting compartment) and omit the description of that form from the list of forms at the beginning of the rule.

#### **Amendments to Schedule 4 to the 2012 Order**

**39.** In Schedule 4 (combination of polls), in paragraph 12 (amendment to Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007) omit sub-paragraph (3).

**40.**—(1) In Schedule 4, in paragraph 25 (notices for the guidance of voters), the substituted rule 30 is amended as follows.

- (2) In paragraph (1) for “(2) or (3) (as the case may be)” substitute “(3)”.
- (3) Omit paragraph (2).
- (4) In paragraph (3)—
  - (a) omit “in circumstances other than those described in paragraph (2)”;
  - (b) in sub-paragraph (a), after “other election or referendum” insert “, with the addition of the appropriate voting instructions for PCC elections”.
- (5) After paragraph (3) insert—
  - “(3A) For the purposes of this rule, the “appropriate voting instructions for PCC elections” are—
    - (a) where there are three or more candidates—

“Vote by putting a cross [X] in the box  
In column 1 next to your FIRST CHOICE candidate  
In column 2 next to your SECOND CHOICE candidate  
Your first and second choices should be different.”;
    - (b) where there are two candidates—

“Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.””

**41.** In Schedule 4, in paragraph 27 (notification of requirement of secrecy), in the substituted rule 32, after paragraph (2) insert—

“(3) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).”

**42.** In Schedule 4, in paragraph 31 (voting procedure)—

- (a) for “after paragraph (6)” substitute “after paragraph (7)”;
- (b) renumber the substituted paragraph (7) as paragraph (8).

**43.**—(1) In Schedule 4, in paragraph 33 (voting by persons with disabilities), in sub-paragraph (2) omit “(4A) or”.

- (2) In that paragraph, in sub-paragraph (3)—
  - (a) omit the inserted paragraph (4A);
  - (b) in the inserted paragraph (4B) omit “in circumstances other than those described in paragraph (4A)”.

**44.**—(1) In Schedule 4, in paragraph 39 (procedure at verification of ballot paper accounts), in the substituted rule 49(2)(d), omit the words from “in a case where” to “Schedule 2,”.

(2) In that paragraph, after the substituted rule 49(2) insert—

“(2A) A postal ballot paper or postal voting statement that reaches the relevant returning or counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (2) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.”

**45.**—(1) In Schedule 4, in paragraph 42 (the first count), in sub-paragraph (3), in the substituted rule 52(1B)(d), omit the words from “in a case where” to “Schedule 2,”.

(2) In that sub-paragraph, after the substituted rule 52(1B), insert—

“(1BA) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (2) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.”

**46.** In Schedule 4, in paragraph 45 (forms), omit Forms 21 (guidance for voters for display in voting compartment), 22 (guidance for voters for display inside and outside polling stations) and 23 (declaration of companion of voter with disabilities), and omit the descriptions of those forms from the list of forms at the beginning of the paragraph.

#### **Amendments to Schedule 10 to the 2012 Order**

**47.** In Schedule 10 (access to marked registers and other documents open to public inspection after an election), in paragraph 1(1)(b) (interpretation of Schedule)—

(a) after “sections 13A(2)” insert “, 13AB(2)”;

(b) for “13B(3), (3B) or (3D) or 13BB(4) or (5)” substitute “13B(3), (3B) or (3D)”.

**48.** In Schedule 10, in paragraph 3 (inspection of documents open to public inspection), after sub-paragraph (1)(b)(iii) insert—

“(iv) the list required to be compiled under paragraph 55(4) of Schedule 2.”

Signed by authority of the Lord President of the Council

Date

Minister of State  
Cabinet Office