

## SCHEDULE 2

Regulation 1(7)

### Transitional provisions and savings

## PART 1

### Introduction

#### Interpretation

1. In this Schedule “EA 2022” means the Elections Act 2022<sup>(1)</sup>.

## PART 2

### Provisions related to the 2001 Regulations and related to Parliamentary elections

#### Interpretation

2. In this Part—

“the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001;

“ongoing parliamentary election” means a relevant parliamentary election for which the date of poll as stated in the notice of election is on or after 31st January 2024;

“relevant parliamentary election” means a parliamentary election for which the notice of election is published in accordance with rule 5 of Schedule 1 to the Representation of the People Act 1983<sup>(2)</sup> on or before 30th January 2024.

#### **Requirement to notify that postal vote entitlement is to end where entitlement altered by paragraph 4 of Schedule 3 to EA 2022**

3. Regulation 60ZA of the 2001 Regulations (as inserted by regulations 5<sup>(10)</sup> or 10<sup>(10)</sup>) applies in respect of a postal vote entitlement to which the transitional provision in paragraph 4 of Schedule 3 to EA 2022 applies as it applies to a postal vote entitlement which was granted for the maximum period.

#### **Poll card forms for certain parliamentary elections**

4.—(1) The amendments made by regulations 6<sup>(b)</sup> and 11<sup>(b)</sup> do not apply in respect of an ongoing parliamentary election.

- (2) In respect of a relevant parliamentary election—

- (a) Form A (official poll card to be sent to an elector voting in person) and Form B (official proxy poll card to be sent to an appointed proxy voting in person) in Schedule 3 to the 2001 Regulations apply as if, on the front of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”;

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(1) 2022 c. 37.

(2) Rule 5 was amended by Part 1 of Schedule 2 and paragraph 74 of Schedule 4 to the Representation of the People Act 1985 (c. 50), by paragraph 10 of Schedule 6 to the Representation of the People Act 2000 (c. 2) and by section 19(3) of the Electoral Administration Act 2006 (c. 22).

- (b) Form A1 (official postal poll card (to be sent to an elector voting by post)) and Form B1 (official proxy postal poll card (to be sent to an appointed proxy voting by post) in Schedule 3 to the 2001 Regulations apply as if, on the back of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

### **Proxy paper form for certain proxy appointments**

5.—(1) This paragraph applies where a proxy appointment is made during the period—

- (a) beginning with 31st October 2023, and  
(b) ending with 5th March 2024.

(2) Form E1 (proxy paper), as inserted into Schedule 3 to the 2001 Regulations by regulation 6(d) or 11(d) applies as if, on the last page, in note 1, before “on behalf of more than four electors” there were inserted “(in relation to an election or referendum for which the poll is on or after 5th March 2024)”.

(3) In this paragraph, “proxy appointment” has the same meaning as in paragraph 8(8) of Schedule 4 to EA 2022.

### **Savings for certain parliamentary elections combined with other elections or referendums**

6. The amendments made by regulations 12 and 13 do not apply in respect of an ongoing parliamentary election.

## **PART 3**

### **Local authority mayoral elections**

#### **Interpretation**

7. In this Part—

“mayoral election rules” means the rules set out in Schedules 1 and 3 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007;

“ongoing local authority mayoral election” means a relevant local authority mayoral election for which the date of poll as specified in the notice of election is on or after 31st January 2024;

“relevant local authority mayoral election” means an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000<sup>(3)</sup> for which the notice of election is published in accordance with rule 5 of the mayoral election rules on or before 30th January 2024.

#### **Questions for proxies at certain local authority mayoral elections**

8.—(1) The amendments made by regulation 14(3) and (7) do not apply in respect of an ongoing local authority mayoral election.

(2) Rule 35 of the mayoral election rules applies in respect of a relevant local authority mayoral election as if—

- (a) in the table following paragraph (1)—  
(i) in entry 2 (proxy), in the column headed “Question”—

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(3) Section 9H was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20).

- (aa) after question (b) there were inserted—
    - “(ba) At a mayoral election held in England: “Were you appointed as proxy on behalf of CD before 31st October 2023?” [R]”;
  - (bb) in question (c), after “in Wales” there were inserted “in all cases, and at a mayoral election in England where the person answers question (ba) in the positive”;
- (ii) in entry 3 (proxy for an anonymous elector), in the column headed “Question”—
- (aa) after question (b) there were inserted—
    - “(ba) At a mayoral election held in England: “Were you appointed as proxy on behalf of the person whose number on the register of elections is (*read out the number from the register*) before 31st October 2023?” [R]”;
  - (bb) in question (c), after “in Wales” there were inserted “in all cases, and at a mayoral election in England where the person answers question (ba) in the positive”;
- (b) in paragraph (2), after “3(a), (b)” there were inserted “, (ba)”.

### **Poll card forms for certain local authority mayoral elections**

9.—(1) The amendments made by regulation 14(5) and (9) do not apply in respect of an ongoing local authority mayoral election.

(2) Form 8A (elector’s official poll card (for use at mayoral elections in England)) and Form 10A (official proxy poll card (for use at mayoral elections in England)) in the mayoral election rules apply in respect of a relevant local authority mayoral election as if, on the front of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(3) Form 9 (official postal poll card) and Form 11 (official proxy postal poll card) in the mayoral election rules apply in respect of a relevant local authority mayoral election as if on the back of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

## **PART 4**

### **Referendums under Part 1A of the Local Government Act 2000**

#### **Interpretation**

10. In this Part—

“2012 Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2012;

“ongoing referendum” means a relevant referendum for which the date of poll as specified in the notice of referendum is on or after 31st January 2024;

“referendum” means a referendum under Part 1A of the Local Government Act 2000(4);

“referendum rules” means the rules set out in Schedules 3 and 5 to the 2012 Regulations;

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(4) Part 1A was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20) and was amended by section 190(10) of the Health and Social Care Act 2012 (c. 7), by section 20 of the Cities and Local Government Devolution Act 2016 (c. 1) and by S.I. 2013/594, 2597, 2021/1265.

“relevant referendum” means a referendum for which the notice of referendum is published in accordance with rule 5 of the referendum rules on or before 30th January 2024.

### Questions for proxies at certain referendums

**11.**—(1) The amendments made by regulation 15(3) and (7) do not apply in respect of an ongoing referendum.

(2) Rule 24 of Schedule 3 and rule 26 of Schedule 5 to the 2012 Regulations (questions to be put to voters and proxies) apply in respect of a relevant referendum subject to the modifications in sub-paragraph (3).

(3) The rule applies as if—

(a) in the table following paragraph (1)—

(i) in entry 2 (proxy), in the column headed “Question”—

(aa) after question (b) there were substituted—

“(ba) “Were you appointed as proxy on behalf of CD before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;

(ii) in entry 3 (proxy for a voter with an anonymous entry), in the column headed “Question”—

(aa) after question (b) there were inserted—

“(ba) “Were you appointed as proxy on behalf of the person whose number on the register of electors is (*read out the number*) before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;

(b) in paragraph (2), after “(3)(a), (b)” there were inserted “, (ba)”.

### Disapplication of amendments to the modifications of section 61 of the Representation of the People Act 1983 in respect of an ongoing referendum

**12.**—(1) The amendments made by regulation 15(5)(a)(ii) and (iii) to Table 1 (modifications to the Representation of the People Act 1983) in Schedule 4 to the 2012 Regulations do not apply in respect of a person voting by virtue of a proxy appointment at an ongoing referendum.

(2) In sub-paragraph (1), “proxy appointment” has the same meaning as in paragraph 8(8) of Schedule 4 to EA 2022.

### Poll card forms for certain referendums

**13.**—(1) The amendments made by regulation 15(4) and (8) do not apply in respect of an ongoing referendum.

(2) The form of the Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) in the referendum rules apply in respect of a relevant referendum as if, on the front of the form, before the text that begins “vote as a proxy at this referendum” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(3) The form of the Official Postal Poll Card (to be sent to a voter voting by post) and the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) in the referendum rules

apply in respect of a relevant referendum as if, on the back of the form, before the text that begins “vote as a proxy at the same referendum” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

## PART 5

### Referendums under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992

#### Interpretation

**14.** In this Part—

“2012 Regulations” means the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012;

“ongoing referendum” means a relevant referendum for which the date of poll as specified in the notice of referendum is on or after 31st January 2024;

“referendum” means a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992<sup>(5)</sup>;

“referendum rules” means the rules set out in Schedules 3 and 5 to the 2012 Regulations;

“relevant referendum” means a referendum for which the notice of referendum is published in accordance with rule 5 of the referendum rules on or before 30th January 2024.

#### Questions for proxies at certain referendums

**15.—**(1) The amendments made by regulation 16(3) and (7) do not apply in respect of an ongoing referendum.

(2) Rule 24 of Schedule 3 and rule 26 of Schedule 5 to the 2012 Regulations (questions to be put to voters and proxies) apply in respect of a relevant referendum subject to the modifications in sub-paragraph (3).

(3) The rule applies as if—

(a) in the table following paragraph (1)—

(i) in entry 2 (proxy), in the column headed “Questions”—

(aa) after question (b) there were substituted—

“(ba) “Were you appointed as proxy on behalf of CD before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;

(ii) in entry 3 (proxy for a voter with an anonymous entry), in the column headed “Questions”—

(aa) after question (b) there were inserted—

“(ba) “Were you appointed as proxy on behalf of the person whose number on the register of electors is (*read out the number*) before 31st October 2023?” [R]”;

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<sup>(5)</sup> Chapter 4ZA was inserted by Schedule 5 to the Localism Act 2011 (c. 20) and was amended by section 3(5) to (7) of the Local Government Finance Act 2012 (c. 17), by section 41 of the Local Audit and Accountability Act 2014 (c. 2) and by S.I. 2013/733, 2021/1265.

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;

(b) in paragraph (2), after “(3)(a), (b)” there were inserted “, (ba)”.

### **Disapplication of amendments to the modifications of section 61 of the Representation of the People Act 1983 in respect of an ongoing referendum**

16.—(1) The amendments made by regulation 16(5)(a)(ii) and (iii) to Table 1 (modifications to the Representation of the People Act 1983) in Schedule 4 to the 2012 Regulations do not apply in respect of a person voting by virtue of a proxy appointment at an ongoing referendum.

(2) In sub-paragraph (1), “proxy appointment” has the same meaning as in paragraph 8(8) of Schedule 4 to EA 2022.

### **Poll card forms for certain referendums**

17.—(1) The amendments made by regulation 16(4) and (8) do not apply in respect of an ongoing referendum.

(2) The Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) in the referendum rules apply in respect of a relevant referendum as if, on the front of the form, before the text that begins “vote as a proxy at this referendum” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(3) The form of the Official Postal Poll Card (to be sent to a voter voting by post) and the Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post) in the referendum rules apply in respect of a relevant referendum as if, on the back of the form, before the text that begins “vote as a proxy at the same referendum” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

## **PART 6**

### **Police and Crime Commissioner elections: general**

#### **Interpretation**

18. In this Part—

“2012 Order” means the Police and Crime Commissioner Elections Order 2012;

“ongoing PCC election” means a relevant PCC election for which the date of poll as specified in the notice of election is on or after 31st January 2024;

“PCC election” has the meaning given in article 2(1) of the 2012 Order;

“relevant PCC election” means a PCC election for which the notice of election is published in accordance with rule 4 of Schedule 3 to the 2012 Order on or before 30th January 2024;

“transitional period” means the period—

(a) beginning with 31st October 2023, and

(b) ending with—

(i) for the purposes of an ongoing PCC election, the day after the day of poll for that election;

(ii) for all other purposes, 31st January 2024.

### **Proxy voting offences and restrictions for certain proxy appointments**

19.—(1) Article 18(4) of, and paragraph 6(5) of Schedule 2 to, the 2012 Order do not apply in respect of a post-commencement proxy appointment during the transitional period.

(2) The amendments made by regulation 17(3)(b) and (5)(c) do not apply in respect of a person voting by virtue of a proxy appointment at an ongoing PCC election.

(3) In this paragraph—

“post-commencement proxy appointment” means a proxy appointment as a result of an application made on or after 31st October 2023;

“proxy appointment” means—

- (a) an appointment resulting from an application under paragraph 3(2) of Schedule 4 to the Representation of the People Act 2000 by which, by virtue of paragraphs 2 and 4(3) of Schedule 2 to the 2012 Order, a person is entitled to vote at a PCC election by proxy;
- (b) an appointment resulting from an application under paragraph 3(2), (3) or (5)(b) of Schedule 2 to the 2012 Order.

### **Saving for certain postal and proxy voting entitlements at ongoing PCC elections in Wales**

20. The amendments made by regulation 17(5)(a) and (b), other than regulation 17(5)(b)(i)(bb), do not apply in respect of an ongoing PCC election in Wales.

### **Questions for proxies at certain PCC elections**

21.—(1) The amendments made by regulations 17(7) and 21(a) do not apply to an ongoing PCC election.

(2) Sub-paragraphs (3) and (4) apply in respect of a relevant PCC election.

(3) Rule 37 of Schedule 3 to the 2012 Order applies as if in the Table after paragraph (1)—

(a) in entry 2 (proxies), in the column headed “Questions”—

(i) after question (b) there were inserted—

“(ba) “Were you appointed as proxy on behalf of CD before 31st October 2023?” [R]”;

(ii) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative:”;

(b) in entry 3 (proxy for an elector with an anonymous entry), in the column headed “Questions”—

(i) after question (b) there were inserted—

“(ba) “Were you appointed as proxy on behalf of the person whose number on the register of electors is (*read out the number*) before 31st October 2023?” [R]”;

(ii) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative:”.

(4) Schedule 1 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 applies as if for Part 2 there were substituted Part 2 as set out in Part 7 of this Schedule.

### **Proxy paper form for certain proxy appointments**

22.—(1) This paragraph applies where a proxy appointment is made during the period—

(a) beginning with 31st October 2023, and

(b) ending with 5th March 2024.

(2) Form 1 (proxy paper), as inserted into Part 4 of Schedule 2 to the 2012 Order by regulation 17(5)(k) applies as if before “on behalf of more than four electors” there were inserted “(in relation to an election for which the poll is on or after 5th March 2024)”.

(3) Form 1, as inserted into Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 by regulation 21(b) applies as if—

(a) before “on behalf of more than four electors” there were inserted “(in relation to an election for which the poll is on or after 5th March 2024)”;

(b) before “an ran mwy na phedwar etholwr” there were inserted “(mewn perthynas ag etholiad y mae’r dyddiad pleidleisio ar ei gyfer ar neu ar ôl 5 Mawrth 2024)”.

(4) In this paragraph, “proxy appointment” means a proxy appointment under paragraph 3(2), (3) or (5)(b) of Schedule 2 to the 2012 Order.

### **Poll card forms for certain PCC elections**

23.—(1) The amendments made by regulation 17(8) and regulation 21(b), so far as substituting forms 11 and 13, do not apply in respect of an ongoing PCC election.

(2) Form 11 (official poll card) and form 13 (official proxy poll card) in rule 70 of Schedule 3 to the 2012 Order apply in respect of a relevant PCC election as if, on the front of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(3) Form 12 (official postal poll card) and form 14 (official postal proxy poll card) in rule 70 of Schedule 3 to the 2012 Order apply in respect of a relevant PCC election as if, on the back of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(4) Form 11 (official poll card) and form 13 (official proxy poll card) in Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 apply in respect of a relevant PCC election as if, on the front of the form—

(a) before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”;

(b) before the text that begins “I bleidleisio fel dirprwy yn yr etholiad” there were inserted “(yn achos dirprwy a benodwyd cyn 31 Hydref 2023)”.

(5) Form 12 (official postal poll card) and form 14 (official postal proxy poll card) in in Schedule 3 to the Police and Crime Commissioner Elections (Welsh Forms) Order 2021 apply in respect of a relevant PCC election as if, on the back of the form—

(a) before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”;

(b) before the text that begins “pleidleisio fel dirprwy i fwy na” there were inserted “(yn achos dirprwy a benodwyd cyn 31 Hydref 2023)”.

### **Termination of certain proxy appointments**

24.—(1) This paragraph applies where a proxy appointment is in force immediately before 31st January 2024 as the result of an application made before 31st October 2023.

(2) The proxy appointment ceases to have effect on 31st January 2024.

(3) The registration officer must, before 31st January 2024, send the person who is entitled to vote by proxy by means of the proxy appointment—

- (a) a notice informing the person that the appointment ceases to have effect as mentioned in sub-paragraph (1)(b) on 31st January 2024, and
  - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after 31st January 2024, the registration officer must alter the record kept under paragraph 3(8) of Schedule 2 to the 2012 Order as necessary to reflect the change to the proxy appointment resulting from sub-paragraph (2).
- (5) In this paragraph, “proxy appointment” means a proxy appointment under paragraph 3(2), (3) or (5)(b) of Schedule 2 to the 2012 Order.

#### **Termination of applications for certain proxy appointments**

- 25.**—(1) An application for a proxy appointment that is made before, but not determined by, 31st October 2023 is to be treated as not having been made.
- (2) The registration officer must, as soon as practicable, send each person whose application is affected by sub-paragraph (1) information about how to make a fresh application to vote by proxy.
- (3) In sub-paragraph (1), “proxy appointment” means a proxy appointment under paragraph 3(2), (3) or (5)(b) of Schedule 2 to the 2012 Order.

#### **Saving for certain proxy appointments at ongoing PCC elections**

- 26.**—(1) This paragraph applies where—
- (a) a proxy appointment ceases to have effect in accordance with paragraph 8 of Schedule 4 to EA 2022 or paragraph 24 of this Schedule, and
  - (b) ignoring the effect of that paragraph, a person would have been entitled by virtue of that appointment to vote as proxy at an ongoing PCC election.
- (2) Despite the effect of paragraph 8(2) of Schedule 4 to EA 2022 or paragraph 22(2) of this Schedule, the proxy appointment continues to have effect for the purposes of the ongoing PCC election.
- (3) In this paragraph, “proxy appointment” has the meaning given in paragraph 19(3).

## **PART 7**

### **Police and Crime Commissioner Elections: Welsh form of statutory questions for elections held on or before 30th January 2024**

#### **“PART 2**

#### **Welsh version of questions to be put to voters**

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*Person sy'n gwneud cais am bapur Cwestiynau pleidleisio*

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- |                                       |  |
|---------------------------------------|--|
| 1 Person sy'n gwneud cais fel etholwr | (za) Beth yw'ch enw?   |
|                                       | (zb) Beth yw'ch cyfeiriad?   |
|                                       | (a) Ai chi yw'r person sydd wedi'i gofrestru ar y gofrestr etholwyr fel a ganlyn ( <i>rhaid i chi ddarllen yn uchel y cofnod cyfan o'r gofrestr</i> )? [R] |

<i>Person sy'n gwneud cais am bapur pleidleisio</i>	<i>Cwestiynau</i>
	(b) A ydych eisoed wedi pleidleisio yn yr etholiad hwn ar gyfer comisiynydd yr heddlu a throseddau, naill ai yma neu rywle arall, ac eithrio fel dirprwy i rywun arall? [R]
2 Person sy'n gwneud cais fel dirprwy	<p>(za) Beth yw'ch enw?</p> <p>(zb) Beth yw'ch cyfeiriad?</p> <p>(a) Ai chi yw'r person y mae ei enw yn ymddangos fel A B ar y rhestr dirprwyon ar gyfer yr etholiad hwn ar gyfer comisiynydd yr heddlu a throseddau fel y person sydd â hawl i bleidleisio fel dirprwy ar ran C D? [R]</p> <p>(b) A ydych eisoed wedi pleidleisio yn yr etholiad hwn ar gyfer comisiynydd yr heddlu a throseddau, naill ai yma neu rywle arall, fel y person sydd â hawl i bleidleisio fel dirprwy ar ran C D? [R]</p> <p>(ba) A gawsoch eich penodi'n ddirprwy ar ran C D cyn 31 Hydref 2023? [R]</p> <p>(c) Os bydd yr unigolyn yn rhoi ateb cadarnhaol i gwestiwn (ba):</p> <p>Ai chi yw gŵr/gwraig, partner sifil, rhiant, tad-cu/mam-gu, brawd/chwaer, plentyn neu wŷr/wyres C D? [R]</p>
3 Person sy'n gwneud cais fel dirprwy ar gyfer etholwr â chofnod dienw (yn hytrach na'r cwestiynau yng nghofnod 2)	<p>(za) Beth yw'ch enw?</p> <p>(zb) Beth yw'ch cyfeiriad?</p> <p>(a) Ai chi yw'r person y mae hawl ganddo bleidleisio fel dirprwy ar ran yr etholwr sydd â'r rhif (<i>darllenwch yn uchel rif yr etholwr o'r gofrestr</i>) ar y gofrestr etholwyr? [R]</p> <p>(b) A ydych eisoed wedi pleidleisio yn yr etholiad hwn ar gyfer comisiynydd yr heddlu a throseddau, yma neu rywle arall, fel dirprwy ar ran yr etholwr sydd â'r rhif (<i>darllenwch yn uchel rif yr etholwr o'r gofrestr</i>) ar y gofrestr etholwyr? [R]</p> <p>(ba) A gawsoch eich penodi'n ddirprwy ar ran yr unigolyn y mae ei rif ar y gofrestr etholwyr wedi'i gofnodi fel (<i>darllenwch y rhif</i>) cyn 31 Hydref 2023? [R]</p> <p>(c) Os bydd yr unigolyn yn rhoi ateb cadarnhaol i gwestiwn (ba):</p>

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*Person sy'n gwneud cais am bapur Cwestiynau pleidleisio*

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A ydych yn ŵr/gwraig, yn bartner sifil, yn rhiant, yn dad-cu/mam-gu, yn frawd/chwaer, yn blentyn neu'n ŵyr/wyres i'r etholwr sydd â'r rhif (*darllenwch yn uchel rif yr etholwr o'r gofrestr*) ar y gofrestr etholwyr? [R]

4 Person sy'n gwneud cais fel dirprwy os na roddir ateb cadarnhaol i'r cwestiwn yng nghofnod 2(c) neu 3(c) (os ydynt yn berthnasol) A ydych eisoes wedi pleidleisio yn yr etholiad hwn ar gyfer comisiynydd yr heddlu a throseddu, yma neu rywle arall, ar ran dau berson nad ydych yn ŵr/gwraig, yn bartner sifil, yn rhiant, yn dad-cu/mam-gu, yn frawd/chwaer, yn blentyn neu'n ŵyr/wyres iddynt? [R]

5 Person sy'n gwneud cais fel etholwr y mae cofnod ganddo ar y rhestr pleidleiswyr post (za) Beth yw'ch enw?

(zb) Beth yw'ch cyfeiriad?

(a) A wnaethoch gais i bleidleisio drwy'r post?

(b) Pam nad ydych wedi pleidleisio drwy'r post?

6 Person sy'n gwneud cais fel dirprwy y mae cofnod ganddo ar y rhestr dirprwyon sy'n pleidleisio drwy'r post (za) Beth yw'ch enw?

(zb) Beth yw'ch cyfeiriad?

(a) A wnaethoch gais i bleidleisio drwy'r post fel dirprwy?

(b) Pam nad ydych wedi pleidleisio drwy'r post fel dirprwy?"

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## PART 8

### Referendums under Schedule 4B to the Town and Country Planning Act 1990

#### Interpretation

27. In this Part—

“2012 Regulations” means the Neighbourhood Planning (Referendums) Regulations 2012;

“ongoing referendum” means a relevant referendum for which the date of poll as specified in the notice of referendum is on or after 31st January 2024;

“referendum” means a referendum under Schedule 4B to the Town and Country Planning Act 1990;

“referendum rules” means the rules set out in Schedules 3 and 5 to the 2012 Regulations;

“relevant referendum” means a referendum for which the notice of referendum is published in accordance with rule 5 of the referendum rules on or before 30th January 2024.

### Questions for proxies at certain referendums

**28.**—(1) The amendments made by regulation 18(3) and (7) do not apply in respect of an ongoing referendum.

(2) Rule 25 of Schedule 3 and rule 25 of Schedule 5 to the 2012 Regulations apply in respect of a relevant referendum subject to the modifications in sub-paragraph (3).

(3) The rule applies as if—

(a) in the table following paragraph (1)—

(i) in entry 2 (proxy), in the column headed “Question”—

(aa) after question (b) there were substituted—

“(ba) “Were you appointed as proxy on behalf of CD before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;

(ii) in entry 3 (proxy for a voter with an anonymous entry), in the column headed “Question”—

(aa) after question (b) there were inserted—

“(ba) “Were you appointed as proxy on behalf of the person whose number on the register of electors is (*read out the number*) before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;

(b) in paragraph (2), after “(3)(a), (b)” there were inserted “, (ba)”.

### Disapplication of amendments to the modifications of section 61 of the Representation of the People Act 1983 in respect of an ongoing referendum

**29.**—(1) The amendments made by regulation 18(5)(a)(ii) and (iii) to Table 1 (modifications to the Representation of the People Act 1983) in Schedule 4 to the 2012 Regulations do not apply in respect of a person voting by virtue of a proxy appointment at an ongoing referendum.

(2) In sub-paragraph (1), “proxy appointment” has the same meaning as in paragraph 8(8) of Schedule 4 to EA 2022.

### Poll card forms for certain referendum

**30.**—(1) The amendments made by regulation 18(4) and (8) do not apply in respect of an ongoing referendum.

(2) The following apply in respect of a relevant referendum subject to the modification in sub-paragraph (3)—

(a) form 7 (official poll card (to be sent to a voter voting in person)) and form 9 (official proxy poll card (to be sent to an appointed proxy voting in person)) in Schedule 3 to the 2012 Regulations;

(b) form 8 (official poll card (to be sent to a voter voting in person)) and form 10 (official proxy poll card (to be sent to an appointed proxy voting in person)) in Schedule 5 to the 2012 Regulations.

(3) The form applies as if, on the front of the form, before the text that begins “vote as a proxy at this referendum” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

(4) The following apply in respect of a relevant referendum subject to the modification in subparagraph (5)—

- (a) form 8 (official postal poll card (to be sent to a voter voting by post)) and form 10 (official proxy postal poll card (to be sent to an appointed proxy voting by post) in Schedule 3 to the 2012 Regulations;
- (b) form 9 (official postal poll card (to be sent to a voter voting by post)) and form 11 (official proxy postal poll card (to be sent to an appointed proxy voting by post) in Schedule 5 to the 2012 Regulations;.

(5) The form applies as if, on the back of the form, before the text that begins “vote as a proxy at the same referendum” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

## PART 9

### Recall petitions

#### Interpretation

**31.** In this Part—

“2016 Regulations” means the Recall of MPs Act 2015 (Recall Petition) Regulations 2016;

“ongoing recall petition” means a relevant recall petition for which at least part of the signing period is on or after 31st January 2024;

“recall petition” has the meaning given in section 1(2) of the Recall of MPs Act 2015;

“relevant recall petition” means a recall petition for which the Speaker’s notice is given in accordance with section 5(1) and (5)(a) of the Recall of MPs Act 2015 on or before 30th January 2024;

“signing period” has the meaning given by section 9(2) of the Recall of MPs Act 2015;

“transitional period” means the period—

- (a) beginning with 31st October 2023, and
- (b) ending with—
  - (i) for the purposes of an ongoing recall petition, the day after the last day of the signing period for that petition;
  - (ii) for all other purposes, 31st January 2024.

#### Questions for proxies at certain recall petitions

**32.**—(1) The amendments made by regulation 19(4) do not apply to an ongoing recall petition.

(2) Regulation 25 of the 2016 Regulations applies in respect of a relevant recall petition as if in the Table after paragraph (1)—

(a) in entry 2 (proxies), in the column headed “Questions”—

(i) after question (b) there were inserted—

“(ba) “Were you appointed as proxy on behalf of CD before 31st October 2023?””;

- (ii) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”;
- (b) in entry 3 (proxy for an elector with an anonymous entry), in the column headed “Questions”—
  - (i) after question (b) there were inserted—
    - “(ba) “Were you appointed as proxy on behalf of the person whose number on the register of electors is (*read out the number*) before 31st October 2023?””;
  - (ii) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative.”.

### **Limitation of certain pre-commencement postal signing entitlements**

- 33.**—(1) This paragraph applies where, immediately before 31st October 2023, a person—
- (a) has a relevant postal vote entitlement lasting for—
    - (i) an indefinite period, or
    - (ii) a period that would expire after 31st January 2026, and
  - (b) is registered as an elector otherwise than in pursuance of an overseas elector’s declaration.
- (2) A “relevant postal signing entitlement” means an entitlement to sign by post at recall petitions in England, Wales or Scotland resulting from the grant of an application under regulation 51(1) or (7) or 58(5) of the 2016 Regulations.
- (3) The person’s relevant signing entitlement ends on 31st January 2026 (unless it ends sooner).
- (4) As soon as practicable after 31st October 2023, the registration officer must alter the record kept under regulation 51(4) or 58(7) of the 2016 Regulations (as the case may be) to reflect any change resulting from sub-paragraph (3) in the period for which the person’s relevant postal signing entitlement lasts.
- (5) The registration officer must, before 31st January 2026, send the person—
- (a) a notice informing the person of the date on which the person’s relevant postal signing entitlement is to end, and
  - (b) information about how to make a fresh application to sign recall petitions by post (as elector or, as the case may be, as proxy).
- (6) In this paragraph, “overseas elector’s declaration” has the meaning given in regulation 3(1) of the 2016 Regulations.

### **Proxy signing offences and restrictions for certain proxy appointments**

- 34.**—(1) Regulations 57(5) and 119(4) of the 2016 Regulations do not apply in respect of a post-commencement proxy appointment during the transitional period.
- (2) The amendments made by regulation 19(7)(b) and (16)(b) do not apply in respect of a person voting by virtue of a proxy appointment at an ongoing recall petition.
- (3) In this paragraph—
- “post-commencement proxy appointment” means a proxy appointment as a result of an application made on or after 31st October 2023;
- “proxy appointment” means—
- (a) an appointment resulting from an application under paragraph 3(2) of Schedule 4 to the Representation of the People Act 2000 or section 6(1) of the Representation of the People

Act 1985(6) by which, by virtue of regulation 50(2) or (3) of the 2016 Regulations a person is entitled to sign a recall petition by proxy;

- (b) an appointment resulting from an application under regulation 51(2) or (6), 52(1) or (7), 53(2), (3) or (4)(b) or 54(1) or (4)(b) of the 2016 Regulations.

### **Termination of certain proxy appointments**

**35.**—(1) This paragraph applies where—

- (a) a proxy appointment is in force immediately before 31st January 2024 as the result of an application made before 31st October 2023, and
- (b) the appointment has effect immediately before 31st January 2024 in relation to recall petitions or a particular recall petition.

(2) On 31st January 2024, the proxy appointment ceases to have effect as mentioned in sub-paragraph (1)(b).

(3) The registration officer must, before 31st January 2024, send the person who is entitled to sign by proxy by means of the proxy appointment—

- (a) a notice informing the person that the appointment ceases to have effect as mentioned in sub-paragraph (1)(b) on 31st January 2024, and
- (b) information about how to make a fresh application to sign by proxy.

(4) As soon as practicable after 31st January 2024, the registration officer must alter the relevant absent signing records as necessary to reflect the change to the proxy appointment resulting from sub-paragraph (2).

(5) In sub-paragraph (4), “the relevant absent signing records” means the records kept under regulations 51(4), 52(5), 55, 56 and 59 of the 2016 Regulations.

(6) In this paragraph, “proxy appointment” means an appointment resulting from an application under regulation 51(2) or (6) or 52(1) or (7) of the 2016 Regulations.

### **Termination of applications for certain proxy appointments**

**36.**—(1) An application for a proxy appointment under regulation 51(2) or (6), 52(1) or (7), 53(2), (3) or (4)(b) or 54(1) or (4)(b) of the 2016 Regulations that is made before, but not determined by, 31st October 2023 is to be treated as not having been made.

(2) The registration officer must, as soon as practicable, send each person whose application is affected by sub-paragraph (1) information about how to make a fresh application to sign by proxy.

### **Official petition notice forms for certain recall petitions**

**37.**—(1) The amendments made by regulation 19(18), so far as they substitute forms D and F in Parts 1 and 3 of Schedule 2 to the 2016 Regulations, do not apply in respect of an ongoing recall petition.

(2) Form D (official petition notice for an elector who may sign the petition in person), form F (official petition notice for a proxy who may sign the petition in person) and form G (official petition notice for a proxy who may sign the petition by post) in Part 1 of Schedule 2 to the 2016 Regulations apply in respect of a relevant recall petition as if, on the third page of the form, in the text that begins “Sign the petition as a proxy for more than two people”, for “Sign” there were substituted “(In the case of a proxy appointed before 31st October 2023) sign”.

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(6) Section 6 was repealed, in relation to England, Wales and Scotland, by section 12(2) of the Representation of the People Act 2000 (c. 2). Subsection (1) was amended by paragraph 14(2) of Schedule 6 to the Representation of the People Act 2000, by section 3(2) of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13) and by S.I. 2018/699.

(3) Form E (official petition notice for an elector who may sign the petition by post) in Part 1 of Schedule 2 to the 2016 Regulations apply in respect of a relevant recall petition as if, on the second page of the form, in the text that begins “Sign the petition as a proxy for more than two people”, for “Sign” there were substituted “(In the case of a proxy appointed before 31st October 2023) sign”.

(4) Form D (official petition notice for an elector who may sign the petition in person), form F (official petition notice for a proxy who may sign the petition in person) and form G (official petition notice for a proxy who may sign the petition by post) in Part 3 of Schedule 2 to the 2016 Regulations apply in respect of a relevant recall petition as if, on the final page of the form, in the text that begins “Sign the petition as a proxy for more than two people”, for “Sign” there were substituted “(In the case of a proxy appointed before 31st October 2023) sign”.

(5) Form E (official petition notice for an elector who may sign the petition by post) in Part 3 of Schedule 2 to the 2016 Regulations apply in respect of a relevant recall petition as if, on the second page of the form, in the text that begins “Sign the petition as a proxy for more than two people”, for “Sign” there were substituted “(In the case of a proxy appointed before 31st October 2023) sign”.

### **Proxy paper form for certain proxy appointments**

**38.**—(1) This paragraph applies where a proxy appointment is made during the period—

- (a) beginning with 31st October 2023, and
- (b) ending with 25th March 2024.

(2) Form J (proxy paper), as inserted into Part 1 of Schedule 2 to the 2016 Regulations by regulation 19(18)(a) applies as if in note 2, before “on behalf of more than four electors” there were inserted “(in relation to a petition for which the end of the signing period is on or after 25th March 2024)”.

(3) Form J (proxy paper), as inserted into Part 3 of Schedule 2 to the 2016 Regulations by regulation 19(18)(b) applies as if before “on behalf of more than four electors” there were inserted “(at a petition for which the end of the signing period is on or after 25th March 2024)”.

(4) In this paragraph, “proxy appointment” means an appointment resulting from an application under regulation 51(2) or (6), 52(1) or (7), 53(2), (3) or (4)(b) or 54(1) or (4)(b) of the 2016 Regulations.

### **Saving for certain proxy appointments at ongoing recall petitions**

**39.**—(1) This paragraph applies where—

- (a) a proxy appointment ceases to have effect in accordance with paragraph 8 or 9 of Schedule 4 to EA 2022 or paragraph 35 of this Schedule, and
- (b) ignoring the effect of that paragraph, a person would have been entitled by virtue of that appointment to sign as proxy at an ongoing recall petition.

(2) Despite the effect of paragraph 8(2) or 9(2) of Schedule 4 to EA 2022 or paragraph 35(2) of this Schedule, the proxy appointment continues to have effect for the purposes of the ongoing recall petition.

(3) In this paragraph, “proxy appointment” has the meaning given in paragraph 34(3).

## PART 10

### Combined authority mayoral elections

#### Interpretation of Part 10

**40.** In this Part—

“mayoral election rules” means the rules set out in Schedules 1 and 3 to the Combined Authorities (Mayoral Elections) Order 2017;

“ongoing combined authority mayoral election” means a relevant combined authority mayoral election for which the date of poll as specified in the notice of election is on or after 31st January 2024;

“relevant combined authority mayoral election” means an election for the return of a mayor as provided for in an order made under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for which the notice of election is published in accordance with rule 5 of the mayoral election rules on or before 30th January 2024.

#### Questions for proxies at certain combined authority mayoral elections

**41.—**(1) The amendments made by regulation 20(3) and (7) do not apply in respect of an ongoing combined authority mayoral election.

(2) Rule 35 of the mayoral election rules applies in respect of a relevant combined authority mayoral election as if—

(a) in the Table after paragraph (1)—

(i) in entry 2 (proxies), in the column headed “Question”—

(aa) after question (b) there were inserted—

“(ba) “Were you appointed as proxy on behalf of CD before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative:”;

(ii) in entry 3 (proxy for an elector with an anonymous entry), in the column headed “Question”—

(aa) after question (b) there were inserted—

“(c) “Were you appointed as proxy on behalf of the person whose number on the register of electors is (*read out the number*) before 31st October 2023?” [R]”;

(bb) in question (c), at the beginning there were inserted “If the person answers question (ba) in the affirmative:”;

(b) in paragraph (2), after “3(a), (b)” there were inserted “, (ba)”.

#### Poll card forms for certain combined authority mayoral elections

**42.—**(1) The amendments made by regulation 20(4) and (8) do not apply in respect of an ongoing combined authority mayoral election.

(2) Form 8 (elector’s official poll card) and form 10 (official proxy poll card) in the mayoral elections rules apply in respect of a relevant combined authority mayoral election as if, on the front of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:  
*The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023 No. 1147*

(3) Form 9 (official postal poll card) and Form 11 (official proxy postal poll card) in the mayoral election rules apply in respect of a relevant combined authority mayoral election as if on the back of the form, before the text that begins “vote as a proxy at this election” there were inserted “(in the case of a proxy appointed before 31st October 2023)”.