

SCHEDULE 2

Transitional provisions and savings

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(1);

“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

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.”;

(1) 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.

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

(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)”.