

## SCHEDULE 2

Regulation 8

### MODIFICATIONS TO PARLIAMENTARY ELECTIONS RULES

1. In the circumstances set out in regulation 8 of these Regulations, the parliamentary election rules in Schedule 1 to the 1983 Act shall have effect subject to the following modifications.

#### Commencement Information

**I1** Sch. 2 para. 1 in force at 23.3.2004, see [reg. 1\(1\)](#)

2. In this Schedule, and in any provision modified by this Schedule—

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

“GLRO” means the Greater London Returning Officer, being the person who is for the time being the proper officer of the Greater London Authority for the purposes of section 35(2C) of the Representation of the People Act 1983(1);

“mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(2);

“referendum” means a referendum conducted under the Local Authorities (Conduct of Referendums)(England) Regulations 2001(3); and

“relevant election or referendum” means one or more of the following—

- (a) a European parliamentary election,
- (b) a local government election,
- (c) a mayoral election,
- (d) a referendum,

the poll at which is taken together with the poll at the parliamentary election.

#### Commencement Information

**I2** Sch. 2 para. 2 in force at 23.3.2004, see [reg. 1\(1\)](#)

3. In this Schedule, and in any provision modified by this Schedule, in the case of a referendum a reference to—

(a) an election agent or counting agent shall be construed as a reference to a counting observer, within the meaning of regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

(b) a polling agent shall be construed as a reference to a polling observer, within the meaning of that regulation; and

(c) a returning officer shall be construed as a reference to a counting officer, within the meaning of that regulation.

(1) Subsection (2C) was inserted by paragraphs 1 and 3 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

(2) S.I.2002/185; which was amended by S.I. 2004/225.

(3) S.I. 2001/1298; which was amended by S.I. 2004/226.

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**Commencement Information**

**I3** Sch. 2 para. 3 in force at 23.3.2004, see [reg. 1\(1\)](#)

4. At the end of paragraph (2) of rule 19(4) (the ballot papers) the following sub-paragraph shall be inserted—

“(e) shall be of a different colour from that of any ballot papers used at any relevant election or referendum”.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 23.3.2004, see [reg. 1\(1\)](#)

5. At the end of rule 23(5) (notice of poll) the following paragraph shall be inserted—

“(3) The notice published under paragraph (2) above shall—

- (a) state that the poll at the parliamentary election is to be taken together with the poll at a relevant election or referendum;
- (b) specify the relevant local counting area, local authority or, as the case may be, voting area and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
- (c) where the polls are to be taken together in part of the constituency only, specify that part.”

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 23.3.2004, see [reg. 1\(1\)](#)

6. At the end of rule 28(6) (issue of official poll cards) the following paragraph shall be inserted—

“(5) If the returning officer for each relevant election or referendum agrees, an official poll card issued under this rule may be combined with an official poll card issued at each relevant election or referendum, with necessary adaptations.”

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 23.3.2004, see [reg. 1\(1\)](#)

7. After paragraph (1) of rule 29 (equipment of polling stations) there shall be inserted the following paragraphs—

“(1A) The same ballot box may be used for the poll at the parliamentary election and the poll at each relevant election or referendum.

(1B) Where the same ballot box is not used under paragraph (1A), each ballot box shall be clearly marked with—

(4) Rule 19(2) was amended by paragraph 76 of Schedule 4 to the Representation of the People Act 1985 (c. 50). Paragraphs (2A) and (2B) were inserted by paragraph 4 of Schedule 2 to the Registration of Political Parties Act 1998 (c. 48)

(5) Subsection (2) was amended and subsection (3), as originally enacted, was repealed by paragraph 7 of Schedule 4, and Schedule 5 to the Representation of the People Act 1985 (c. 50).

(6) Rule 28 was amended by paragraph 6 of Part 1 of Schedule 2 to the Representation of the People Act 1985 (c. 50).

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- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum; and
- (b) the words “Please insert the [*specify colour of ballot papers in question*] coloured ballot papers in here.””

**Commencement Information**

**17** Sch. 2 para. 7 in force at 23.3.2004, see [reg. 1\(1\)](#)

**8.** After paragraph (3A) of rule 29 (equipment of polling stations) insert the following paragraph—

“(3B) The large version of the ballot paper referred to in paragraph (3A)(a) above shall be printed on paper of the same colour as that of the ballot papers for use at the parliamentary election.”

**Commencement Information**

**18** Sch. 2 para. 8 in force at 23.3.2004, see [reg. 1\(1\)](#)

**9.** For paragraph (5) of rule 29 (equipment of polling stations) there shall be substituted the following paragraph—

“(5) In every compartment of every polling station there shall be exhibited the notice—

PARLIAMENTARY ELECTION  
([*Specify colour*] ballot paper)  
Vote for ONE candidate only

\*EUROPEAN PARLIAMENTARY ELECTION  
([*Specify colour*] ballot paper)  
Vote for ONE party or individual candidate only

\* [*Specify name of council*] COUNCIL ELECTION  
([*Specify colour*] ballot paper)  
\*[Vote for no more than ....candidates]  
\*[Vote for ONE candidate only]

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**\*[ELECTION OF THE MAYOR OF LONDON**

*([Specify colour] ballot paper)*

**#On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.]**

**\*[ELECTION OF THE LONDON ASSEMBLY**

**#On the constituency members ballot paper *(specify colour)* vote for ONE candidate only.**

**#On the London members ballot paper *(specify colour)* vote for ONE party or individual candidate only.]**

**\*[Specify other] ELECTION/REFERENDUM**

*([Specify colour] ballot paper)*

**\*[Vote for ONE candidate only]**

**\*[Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE]**

**PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT BE COUNTED**

**\*[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR *[specify the election(s) at which the votes are to be counted electronically]* \*Post them, face downwards, in the [\*appropriate] ballot box.]**

*[Include the words in the brackets if the votes at some of the polls are to be counted electronically.]*

*\*Complete or omit as necessary*

*#Alternatively, insert such information as the GLRO may provide*

**Commencement Information**

**19** Sch. 2 para. 9 in force at 23.3.2004, see [reg. 1\(1\)](#)

**10.** At the end of paragraph (3) of rule 30 (appointment of polling and counting agents) there shall be inserted the following—

“Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraphs (4) and (5)(7) below to be given to the returning officer shall be given to the returning officer who discharges the functions specified in Regulation 5 of the Combination of Polls Regulations.”

**Commencement Information**

**110** Sch. 2 para. 10 in force at 23.3.2004, see [reg. 1\(1\)](#)

**11.** At the end of paragraph (1)(e) of rule 32(8) (admission to polling stations) insert—

“(f) persons entitled to be admitted to the polling station at a relevant election or referendum.”

(7) Paragraph (5) was amended by Schedule 22 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(8) Amended by section 13(1) and (4) of the Representation of the People Act 2000 (c. 2).

**Commencement Information**

**I11** Sch. 2 para. 11 in force at 23.3.2004, see [reg. 1\(1\)](#)

**12.** In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 35 (questions to be put to voters) and in the second question in paragraph (2) of that rule, after the words “at this” there shall be inserted the word “parliamentary”.

**Commencement Information**

**I12** Sch. 2 para. 12 in force at 23.3.2004, see [reg. 1\(1\)](#)

**13.** At the end of rule 37(9) (voting procedure) there shall be inserted the following paragraph—

“(4) The same copy of the register of electors may be used under paragraph (1) above for a relevant election or referendum and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph 1(e) above to denote that a ballot paper has been issued in respect of each election or referendum; except that, where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark shall be placed in the register or, as the case may be, list so as to identify each election or referendum in respect of which the ballot paper was issued.”

**Commencement Information**

**I13** Sch. 2 para. 13 in force at 23.3.2004, see [reg. 1\(1\)](#)

**14.** At the end of paragraph (2) of rule 38 (votes marked by presiding officer) there shall be inserted—

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

**Commencement Information**

**I14** Sch. 2 para. 14 in force at 23.3.2004, see [reg. 1\(1\)](#)

**15.** At the end of paragraph (4) of rule 39(10) (voting by person with disabilities) there shall be inserted—

“The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean the votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.”

**Commencement Information**

**I15** Sch. 2 para. 15 in force at 23.3.2004, see [reg. 1\(1\)](#)

(9) To which there were amendments not relevant to these Regulations.

(10) Rule 39 was substituted by section 13(1) and (2) of the Representation of the People Act 2000 (c. 2).

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16. At the end of paragraph (3) of rule 40(11) (tendered ballot papers) there shall be inserted—
- “The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.”

**Commencement Information**

I16 Sch. 2 para. 16 in force at 23.3.2004, see [reg. 1\(1\)](#)

17. At the end of paragraph (1) of rule 42 (adjournment of poll in case of riot) there shall be inserted “who discharges the functions specified in regulation 5 of the Combination of Polls Regulations”.

**Commencement Information**

I17 Sch. 2 para. 17 in force at 23.3.2004, see [reg. 1\(1\)](#)

18. In paragraph (1) of rule 43(12) (procedure on close of poll), after the words “polling agents”, in the first place where they occur, insert “appointed for the purposes of the parliamentary election and for each relevant election or referendum”.

**Commencement Information**

I18 Sch. 2 para. 18 in force at 23.3.2004, see [reg. 1\(1\)](#)

19. After paragraph (1) of rule 43 (procedure on close of poll) there shall be inserted the following paragraphs—

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of packets made under the corresponding rule that applies at each relevant election or referendum; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in Regulation 5 of the Combination of Polls Regulations.”

**Commencement Information**

I19 Sch. 2 para. 19 in force at 23.3.2004, see [reg. 1\(1\)](#)

20. For paragraph (1) of rule 44 (attendance at counting of votes) there shall be substituted the following paragraphs—

“(1) Where the returning officer at the parliamentary election discharges the functions specified in Regulation 5 of the Combination of Polls Regulations, he shall—

- (a) make arrangements for—

(11) Rule 40 was amended by paragraph 7 of Part I of Schedule 2, and Schedule 5 to the Representation of the People Act 1985 (c. 50).

(12) Rule 43 was amended by section 13(1) and (4) of the Representation of the People Act 2000 (c. 2).

- (i) discharging the functions under rule 45(1)(13) below (as substituted by Regulation 8 of those Regulations) in the presence of the counting agents appointed for the purposes of the parliamentary election and for each relevant election or referendum, as soon as practicable after the close of the poll; and
  - (ii) thereafter counting the votes at the parliamentary election in the presence of the counting agents appointed for the purposes of that election; and
- (b) he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1) below (as so substituted).
- (1A) Where the returning officer at the parliamentary election does not discharge the functions specified in Regulation 5 of the Combination of Polls Regulations, he shall—
- (a) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and
  - (b) give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.
- (1B) No person other than a person entitled to be present at the counting of the votes at each relevant election or referendum may be present at the proceedings under rule 45(1) (as so substituted).”

**Commencement Information**

**I20** Sch. 2 para. 20 in force at 23.3.2004, see [reg. 1\(1\)](#)

**21.** In paragraph (3) of rule 44 (attendance at counting of votes) before the words “counting of votes”, in the first place where they occur, there shall be inserted the words “proceedings under rule 45(1) below (as so substituted) or the” and before the words “the efficient” there shall be inserted the words “the efficient separating of the ballot papers or, as the case may be”.

**Commencement Information**

**I21** Sch. 2 para. 21 in force at 23.3.2004, see [reg. 1\(1\)](#)

**22.** For paragraphs (1) to (1A) of rule 45 (the count) there shall be substituted the following paragraphs—

- “(1) Where the returning officer at the parliamentary election discharges the functions specified in Regulation 5 of the Combination of Polls Regulations, he shall—
- (a) in the presence of the counting agents appointed for the purposes of the parliamentary election and each relevant election or referendum, open each ballot box and record separately the number of ballot papers used in each election or referendum;
  - (b) in the presence of the election agents appointed for the purposes of the parliamentary election and each relevant election or referendum verify each ballot paper account;

(13) Paragraphs (1) and (1A) were substituted for paragraph (1), as originally enacted, by paragraph 82 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

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- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each relevant election or referendum;
- (d) separate the ballot papers relating to the parliamentary election from the ballot papers relating to each relevant election or referendum;
- (e) make up into packets the ballot papers for each relevant election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate; and
- (f) deliver or cause to be delivered to the returning officer at the relevant election or referendum to which the ballot papers relate—
  - (i) those containers, together with a list of them and of the contents of each;
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election or referendum; and
- (g) at the same time deliver or cause to be delivered to that officer packets that so relate containing—
  - (i) the unused and spoiled ballot papers,
  - (ii) the tendered ballot papers, and
  - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(1AA) Where separate ballot boxes have been used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.

(1AB) After completion of the proceedings under paragraph (1) above, the returning officer shall mix together all of the ballot papers used at the parliamentary election and count the votes given on them.

(1AC) Where the returning officer at the parliamentary election does not discharge the functions specified in Regulation 5 of the Combination of Polls Regulations, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(1A) above (as substituted by Regulation 8 of those Regulations) in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the 2001 Regulations (including that regulation as applied by regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000(14), count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (5) below does not apply to these proceedings.”

#### Commencement Information

**I22** Sch. 2 para. 22 in force at 23.3.2004, see [reg. 1\(1\)](#)



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**23.** In paragraph (1B) of rule 45 (the count) the reference to the constituency shall be construed as a reference to—

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

**Commencement Information**

**I23** Sch. 2 para. 23 in force at 23.3.2004, see [reg. 1\(1\)](#)

**24.** In paragraph (6) of rule 45 (the count) omit the words “, in so far as he and the agents agree,” and the words from “For the purposes” to the end.

**Commencement Information**

**I24** Sch. 2 para. 24 in force at 23.3.2004, see [reg. 1\(1\)](#)

**25.** In paragraph (2) of rule 54 (sealing up of ballot papers) after the words “poll, or” insert “where he is the returning officer who discharges the functions referred to in Regulation 5 of the Combination of Polls Regulations,”.

**Commencement Information**

**I25** Sch. 2 para. 25 in force at 23.3.2004, see [reg. 1\(1\)](#)

**26.** At the end of paragraph (1) of rule 55(15) (delivery of documents to the Clerk of the Crown) there shall be inserted—

“At an election where the returning officer does not discharge the functions referred to in Regulation 5 of the Combination of Polls Regulations, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.”

**Commencement Information**

**I26** Sch. 2 para. 26 in force at 23.3.2004, see [reg. 1\(1\)](#)

**27.** In rule 60 (countermand or abandonment of poll on death of candidate)—

- (a) at the end of paragraph (1) there shall be inserted—

“Provided that neither the countermand of the poll at the parliamentary election nor the direction that that poll be abandoned shall affect the poll at each relevant election or referendum”; and

- (b) for paragraph (2) there shall substituted the following paragraph—

“(2) Where the poll at the parliamentary election is abandoned by reason of a candidate’s death, no further ballot papers at that election shall be issued in any polling station and, at the close of the poll for each relevant election or referendum the presiding officer at any polling station shall take the like steps for the delivery to the returning officer

(15) Amended by section 13(1) and (4) of the Representation of the People Act 2000 (c. 2) and paragraph 57(1) and (6)(a) and (b) of Schedule 1 to S.I. 2001/1149.

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of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the parliamentary election had not been abandoned, and the returning officer shall dispose of ballot papers used at the parliamentary election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any parliamentary ballot paper account to be prepared or verified; and
- (b) the returning officer, having separated the ballot papers relating to each relevant election or referendum shall take no step or further step for the counting of the ballot papers used at the parliamentary election or of the votes and shall seal up all those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”

#### Commencement Information

**I27** Sch. 2 para. 27 in force at 23.3.2004, see [reg. 1\(1\)](#)

**28.** In the Appendix of forms for the form of directions for the guidance of the voters in voting(16) there shall be substituted—

*Form of directions for the guidance of the voters in voting*

#### GUIDANCE FOR VOTERS AT COMBINED POLLS

- 1.** Make sure the ballot papers you are given are [stamped with the official mark/have the official mark].
- 2.** Go to one of the compartments.
- 3.A** At the Parliamentary [local government election(s)\*] mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate for whom you are voting\*. Vote once only. [Vote for no more than ... candidates.\* ]
- B.** [At the European Parliamentary election, mark a cross (X) to the right of the name of the party or individual candidate for whom you are voting. Vote once only.\*]
- [#C.** At the Greater London Authority election—
  - [(i) in the election for the constituency members of the London assembly, vote for ONE candidate only]\*#
  - [(ii) in the election of the London members of the London Assembly, vote for ONE party or candidate only]\*#
  - [(iii) in the Mayoral election VOTE ONCE FOR YOUR FIRST CHOICE AND ONCE FOR YOUR SECOND CHOICE.\* ]]

(16) Amended by paragraph 86 of Schedule 4 to the Representation of the People 1985 (c. 50).

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D. [At the [*specify other*] election/referendum\* mark a cross (X) to the right of [the candidate/ the answer\*] for which you are voting.[\*Vote once only][\*VOTE ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]

4. [Please do not fold the ballot papers for the [*specify the election(s) at which the votes are to be counted electronically*]\*] [Fold [each/any other\*] ballot paper(s) in two and show the official mark on it to the presiding officer.\*] Do not let anyone see your vote. Put each ballot paper in the [\*appropriate ] ballot box and leave the polling station.

*Include the words in the first set of square brackets, and, if applicable, the following sentence with the corresponding amendment, if the votes are to be counted electronically at one or more of the elections.*

5. Vote only for the number of candidates specified on each ballot paper [and only one of the answers available in the referendum\*]. Put no other mark on the ballot papers, or your votes may not be counted.

6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

*\*Complete or omit as necessary*

*#Alternatively, insert such information as to the manner of voting as the GLRO may decide.*

#### **Commencement Information**

**I28** Sch. 2 para. 28 in force at 23.3.2004, see [reg. 1\(1\)](#)

**29.** In the Appendix of forms, for the form of declaration to be made by the companion of a voter with disabilities(17) substitute—

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(17) Amended by section 13(1) and (5)(a) of the Representation of the People Act 2000 (c. 2).

**Status:** Point in time view as at 23/03/2004.

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*Form of declaration to be made by the companion of a voter with disabilities*

I, A. B., of.....having been requested to assist C.D. (*in the case of a voter with disabilities voting as proxy add voting as proxy for M.N.*) whose number on the register is.....to record his vote at the election[s]\* and [\*referendum[s]]\* now being held in this \*parliamentary constituency/\*European Parliamentary electoral region/\*Greater London Authority constituency/\*district/\*London borough/\*parish or community/\*local government area (*\*delete those which are inappropriate*) hereby declare that (I am entitled to vote as an elector at the said election[s]\* \*[and referendum[s]] (I am the #.....of the said voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except E.F., of.....) to vote at the said elections.”

(Signed) AB, day of 20

# State the relationship of the companion to the voter.

I, the undersigned, being the presiding officer for the.....polling station for the.....constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) GH,

day of.....20..

minutes past.....o'clock (am) (pm)

**NOTE**

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under the European Parliamentary elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

**Commencement Information**  
**I29** Sch. 2 para. 29 in force at 23.3.2004, see [reg. 1\(1\)](#)

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