

## SCHEDULES

### SCHEDULE 4

#### Combination of polls

### PART 3

#### Modifications to PCC elections rules

**13.**—(1) The PCC election rules are modified in accordance with paragraphs 14 to 45.

(2) In this Part of this Schedule and in any provision of the PCC elections rules modified by this Part—

“combined polls” means the polls to be taken together by virtue of provisions applied by article 13;

“relevant election or referendum” means an election or local referendum the poll for which is, by virtue of provisions applied by article 13, to be taken together with the poll for a PCC election;

“the relevant returning or counting officer” means the returning or counting officer discharging functions under regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004, as that regulation has effect in relation to PCC elections by virtue of provisions applied by article 13.

(3) In relation to a referendum under Part 1A of the Local Government Act 2000<sup>M1</sup>, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012;

“counting officer” means a person referred to in regulation 9 of those Regulations;

“polling agent” means a polling observer as defined by regulation 2(1) of those Regulations;

“elector” means voter as defined by rule 2(1) of the Local Government Act Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.

(4) In relation to a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992<sup>M2</sup>, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2(1) of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012;

“counting officer” means a person referred to in regulation 15 of those Regulations;

“polling agent” means a polling observer as defined by regulation 2(1) of those Regulations;

“elector” means voter as defined by rule 2(1) of the Local Government Finance Act Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.

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#### Modifications etc. (not altering text)

- C1** Sch. 4 para. 13 modified (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 13, **Sch. 4 Pt. 2 para. 39**

#### Marginal Citations

- M1** 2000 (c.22). Part 1A of the Local Government Act 2000 was inserted by section 21 of, and Schedule 2 to, the [Localism Act 2011 \(c.20\)](#).
- M2** 1992 (c.14). Chapter 4ZA of Part 1 of that Act was inserted by section 72 of, and Schedule 5 to, the Localism Act 2011.

## GENERAL PROVISIONS

### Computation of time

- 14.** In rule 3, after “nor is” insert “the relevant returning or counting officer or”.

#### CONTESTED PCC ELECTIONS: GENERAL PROVISIONS

### The ballot papers

- 15.** In rule 19(3)—
- (a) omit “and” at the end of sub-paragraph (b); and
  - (b) at the end of sub-paragraph (c) insert—
    - “and
    - (d) be of a different colour from the ballot papers used for any relevant election or referendum.”

### Corresponding number lists: proceedings on issue and receipt of ballot papers combined

- 16.** After rule 19 insert—

#### “Corresponding number lists: proceedings on issue and receipt of ballot papers combined

**19A.—(1)** This rule applies where proceedings on the issue and receipt of ballot papers at combined polls are taken together by virtue of [F1paragraph 29(1)] of Schedule 2 to this Order and regulation 65 of the 2001 Regulations.

(2) The relevant returning or counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers which are to be issued by the officer in pursuance of rule 25 or provided by the officer in pursuance of rule 29(1).

(3) The corresponding number list to be prepared for the purpose of rule 24(1) (postal ballot papers) and of paragraph 37(1) of Schedule 2 (procedure on issue of postal ballot paper) must be in Form 19 set out in Part 4 of Schedule 4 to this Order or a form to like effect.

(4) The corresponding number list to be prepared for the purpose of rule 29(3)(d) (equipment of polling stations) and of rule 39(2)(b) (voting procedure) must be in Form 20 set out in Part 4 of Schedule 4 to this Order or a form to like effect.”

### Textual Amendments

- F1** Words in [Sch. 4 para. 16](#) substituted (4.3.2016) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2016 \(S.I. 2016/300\)](#), arts. 1(2), **12(2)** (with art. 1(3))

### Corresponding number lists: proceedings on issue and receipt of ballot papers not combined

17.—(1) Rule 20 is modified as follows.

(2) For the title substitute “ Corresponding number lists: proceedings on issue and receipt of ballot papers not combined ”.

(3) Before paragraph (1) insert—

“(A1) This rule applies where proceedings on the issue and receipt of ballot papers are not taken together by virtue of [<sup>F2</sup>paragraph 29(1)] of Schedule 2 to this Order and regulation 65 of the 2001 Regulations.”

### Textual Amendments

- F2** Words in [Sch. 4 para. 17](#) substituted (4.3.2016) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2016 \(S.I. 2016/300\)](#), arts. 1(2), **12(3)** (with art. 1(3))

### Use of schools and public rooms

18. For rule 23 substitute—

“**23.**—(1) The local returning officer and the relevant returning or counting officer may use, free of charge, for relevant purposes—

- (a) a room in a school maintained or assisted by—
  - (i) in relation to England, a county council in England, a metropolitan district council, a non-metropolitan district council for an area for which there is no county council or the Council of the Isles of Scilly, or
  - (ii) in relation to Wales, a county council or a county borough council in Wales;
- (b) a room in a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (c) a room the expense of maintaining which is met by—
  - (i) in relation to England, a county council in England, a district council, a parish council or the Council of the Isles of Scilly, or
  - (ii) in relation to Wales, a county council or a county borough council in Wales or a community council.

(2) That officer must make good—

- (a) any damage done to any such room, and
- (b) defray any expense incurred by the persons having control over any such room, by reason of its being used for the relevant purpose.

(3) In paragraphs (1) and (2) “relevant purposes” means—

- (a) in the case of the local returning officer, the counting of votes, and

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- (b) in the case of the relevant returning or counting officer, the taking of the poll and the discharging of the functions under rule 49.”

#### ACTION TO BE TAKEN BEFORE THE POLL

### Notice of poll

**19.** In rule 24, for paragraph (3) substitute—

“(3) No later than the time of publication of the notice of poll, the relevant returning or counting officer must give public notice of—

- (a) the situation of each polling station;
- (b) the description of voters entitled to vote there.

(3A) A notice published under paragraph (3) must, in addition—

- (a) state that the poll for the PCC election is to be taken together with the poll for each relevant election or referendum;
- (b) specify—
  - (i) the parliamentary constituency, <sup>F3</sup>... voting area or, as the case may be, the relevant local authority for which the election is held, and
  - (ii) in the case of an election to fill a casual vacancy, the electoral area for which the election is held;
- (c) where polls for two or more elections are to be taken together in part only of the voting area, specify that part.”

#### Textual Amendments

**F3** Words in Sch. 4 para. 19 revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 2](#) Table 1 (as amended by [S.I. 2019/1389](#), regs. 1, [2\(2\)](#))

### Postal ballot papers

**20.** In rule 25, after paragraph (3) insert—

“(4) Where proceedings on the issue and receipt of postal ballot papers are taken together in respect of combined polls, references in this rule to “local returning officer” are to be read as references to “relevant returning or counting officer”.”

### Provision of polling stations

**21.** In rule 26, in paragraphs (1) [<sup>F4</sup>, (4) and (5)], for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

#### Textual Amendments

**F4** Words in [Sch. 4 para. 21](#) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), [61\(2\)](#) (with [reg. 1\(6\)\(7\)](#))

## Appointment of presiding officers and polling clerks

22. In rule 27, in paragraphs (1) to (4), for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

## Issue of official poll cards

23. In rule 28, after paragraph (4) insert—

“(5) [<sup>F5</sup>Subject to paragraph (5A), if] the local returning officer and the returning officer or counting officer for each relevant election or referendum thinks fit, an official poll card issued under this rule may be combined with an official poll card issued at each relevant election or referendum.

[<sup>F6</sup>(5A) Paragraph (5) does not apply in respect of the official poll card for—

- (a) a local government election in Wales,
- (b) an election in Wales for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000, or
- (c) a referendum in Wales under Part 2 of the Local Government Act 2000.]

(6) Where official poll cards are combined under paragraph (5), the form to be used is the form of the official poll card which is required to be used at the relevant election or referendum with such adaptations as are necessary to enable it to be used in relation to the PCC election.”

### Textual Amendments

- F5** Words in [Sch. 4 para. 23](#) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **61(3)(a)** (with reg. 1(6)(7))
- F6** Words in [Sch. 4 para. 23](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **61(3)(b)** (with reg. 1(6)(7))

## Equipment of polling stations

24.—(1) Rule 29 is modified as follows.

(2) In paragraphs (1), (3), (5), (8) and (9), for “local returning officer” (in each place) substitute “relevant returning or counting officer”.

(3) After paragraph (1) insert—

“(1A) The ballot box used for the poll for the PCC election may, if the relevant returning or counting officer thinks fit, be the same as that used for each other relevant election or referendum.

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

- (a) the poll to which it relates, and
- (b) the colour of ballot papers that should be placed in it.”

[<sup>F7</sup>(3A) Omit paragraph (5)(ba).]

(4) After paragraph (5) insert—

[<sup>F8</sup>“(5ZA)] The versions of the ballot paper referred to in paragraph (5)(a) and (b) must be printed on paper of the same colour as that of the ballot papers for use at the PCC election.

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[<sup>F9</sup>(5ZB) The local returning officer must provide each polling station with a ballot paper refusal list, in Form 14A or a form to like effect, on which entries are to be made as mentioned in rule 43A (refusal to deliver ballot paper).”]

(5) For paragraph (7) substitute—

“(7) The relevant returning or counting officer must also provide each polling station with notices for the guidance of voters which are in the appropriate form and—

- (a) notices which are for exhibition in voting compartments at polling stations must be so exhibited, and
- (b) notices for exhibition outside and in the communal areas inside polling stations must be so exhibited.”

Textual Amendments	
<b>F7</b>	Sch. 4 para. 24(3A) inserted (16.1.2023) by <a href="#">The Voter Identification Regulations 2022 (S.I. 2022/1382)</a> , regs. 1(3), <b>61(4)(a)</b> (with reg. 1(6)(7))
<b>F8</b>	Word in Sch. 4 para. 24(4) substituted (29.12.2022) by <a href="#">The Assistance with Voting for Persons with Disabilities (Amendments) Regulations 2022 (S.I. 2022/1309)</a> , regs. 1(3), <b>10(5)</b> (with reg. 1(4))
<b>F9</b>	Words in Sch. 4 para. 24(4) inserted (16.1.2023) by <a href="#">The Voter Identification Regulations 2022 (S.I. 2022/1382)</a> , regs. 1(3), <b>61(4)(b)</b> (with reg. 1(6)(7))

**Notices for the guidance of voters**

25. For rule 30 substitute—

**“Appropriate form for notice for the guidance of voters**

**30.**—(1) The appropriate form for the notices for the guidance of voters to be provided under rule 29 is the form specified in paragraph [<sup>F10</sup>(3)].

<sup>F11</sup>(2) .....

(3) Where the poll at the PCC election and the poll at another election or referendum are taken together <sup>F12</sup>...—

- (a) the appropriate form for notices for exhibition in voting compartments at polling stations is the form which is required for notices that are exhibited in the compartments of polling stations at that other election or referendum [<sup>F13</sup>, with the addition of the <sup>F14</sup>... voting instructions for PCC elections], and
- (b) the appropriate form for notices for exhibition outside and in the communal areas inside polling stations is the form known as “directions for the guidance of the voters in voting” which is required to be exhibited inside and outside polling stations at that other election or referendum.

[<sup>F15</sup>(3A) For the purposes of this rule, “the voting instructions for PCC elections” are—“Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.”]

(4) The relevant returning or counting officer may also provide versions of the notice in such other form described in article 85(2) or (3) as the officer thinks appropriate.

<sup>F16</sup>(5) .....

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### Textual Amendments

- F10** Word in Sch. 4 para. 25 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(2)** (with art. 1(5))
- F11** Words in Sch. 4 para. 25 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(3)** (with art. 1(5))
- F12** Words in Sch. 4 para. 25 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(4)(a)** (with art. 1(5))
- F13** Words in Sch. 4 para. 25 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **40(4)(b)** (with art. 1(5))
- F14** Word in Sch. 4 para. 25 omitted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), **art. 6(2)(a)**
- F15** Words in Sch. 4 para. 25 substituted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), **art. 6(2)(b)**
- F16** Words in Sch. 4 para. 25 omitted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), **art. 6(2)(c)**

### Appointment of polling and counting agents

**26.** In rule 31, after paragraph (7), insert—

“(7A) Notices of the appointment of polling agents and counting agents which are required by paragraphs (7) and (8) to be given to the local returning officer must be given to the relevant returning or counting officer.”

### Notification of requirement of secrecy

**27.** For rule 32 substitute—

“**32.**—(1) The relevant returning or counting officer must make such arrangements as the officer thinks appropriate to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 22(1), (4) and (7);
- (b) every person attending at the verification of ballot paper accounts (other than any constable on duty there) has been given a copy in writing of the provisions of article 22(2), (3) and (7).

(2) The local returning officer must make such arrangements as the officer thinks appropriate to ensure that every person attending at the counting of the votes (other than any constable on duty there) has been given a copy in writing of the provisions of article 22(2) and (7).

[<sup>F17</sup>(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).”]

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### Textual Amendments

**F17** Words in Sch. 4 para. 27 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **41** (with art. 1(5))

### Return of postal ballot papers

**28.**—(1) Rule 33 is modified as follows.

(2) For paragraph (1) substitute—

“(1) Where proceedings on the issue and receipt of postal ballot papers are taken together in respect of combined polls and—

(a) a postal vote has been returned in respect of a person who is entered in the postal voters list, or

(b) a proxy postal vote has been returned in respect of a proxy who is entered in the proxy postal voters list,

the relevant returning or counting officer must mark the list in the manner specified in paragraph 48 of Schedule 2.”

(3) After that paragraph insert—

“(1A) Where proceedings on the issue and receipt of postal ballot papers are not taken together in respect of combined polls, the reference in paragraph (1) to “the relevant returning or counting officer” is to be read as a reference to “the local returning officer”.”

### CONTESTED PCC ELECTIONS: THE POLL

### Admission to polling station

**29.**—(1) Rule 34 is modified as follows.

(2) In paragraph (1)—

(a) omit “and” at the end of paragraph (h);

(b) after sub-paragraph (i) insert—

“and

(j) persons who would be entitled to be admitted to the polling station at a relevant election or referendum if the poll for that election or referendum were held on its own.”

(3) In paragraph (4), after “local returning officer” (in each place) insert “ or relevant returning or counting officer ”.

### Keeping of order in polling station

**30.** In rule 35, in paragraph (2)(b) for “local returning officer” substitute “ relevant returning or counting officer ”.

### Voting procedure

**31.** In rule 39, [<sup>F18</sup>after paragraph (7)] insert—

[<sup>F19</sup>“(8)] The same copy of the register of electors or, where paragraph (4) applies, the same copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act, may be used for each relevant election or referendum, and—



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- (a) one mark may be placed in that copy of the register or on that notice under paragraph (2)(c) or in the list of proxies under paragraph (2)(d) to denote that a ballot paper has been issued in respect of each relevant election or referendum; but
- (b) where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark must be placed in the copy of that register or, as the case may be, on that notice or in that list so as to identify each relevant election or referendum in respect of which a ballot paper was issued.”

**Textual Amendments**

- F18** Words in Sch. 4 para. 31 substituted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **42(a)** (with art. 1(5))
- F19** Words in Sch. 4 para. 31 renumbered (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **42(b)** (with art. 1(5))

**Votes marked by the presiding officer**

**32.** In rule 40, after paragraph (5) insert—

“(6) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that the ballot papers were marked by the presiding officer in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which the ballot paper was so marked.”

**Voting by persons with disabilities**

**33.—**(1) Rule 41 is modified as follows.

(2) In paragraph (4), for sub-paragraph (a) substitute—

“(a) must be in the appropriate form, as specified in paragraph<sup>F20</sup>... (4B) (as the case may be),”.

(3) After paragraph (4) insert—

<sup>F21</sup>“(4A) .....

(4B) Where the poll at the PCC election and another election or referendum are taken together<sup>F22</sup>..., the appropriate form for the declaration is the form which is required for declarations made by the companion of a voter with disabilities at that other election or referendum.”

(4) After paragraph (9) insert—

“(9A) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that the votes were given in accordance with this rule in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which the vote was so given.”

**Textual Amendments**

- F20** Words in Sch. 4 para. 33(2) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **43(1)** (with art. 1(5))
- F21** Words in Sch. 4 para. 33(3) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **43(2)(a)** (with art. 1(5))

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**F22** Words in Sch. 4 para. 33(3) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **43(2)(b)** (with art. 1(5))

### Tendered ballot papers: general provisions

**34.** In rule 43, after paragraph (5) insert—

“(5A) If the relevant returning or counting officer thinks fit, the same list may be used for each relevant election or referendum and, where it is so used, an entry in that list is to be taken to mean that tendered ballot papers were marked in respect of each relevant election or referendum, unless the list identifies the relevant election or referendum at which a tendered ballot paper was marked.”

### Correction of errors on the day of the poll

**35.** In rule 45—

- (a) renumber the existing provision as paragraph (1); and
- (b) after that paragraph insert—

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

[<sup>F23</sup>(3) In paragraph (2) a reference to a “relevant election” includes a reference to the PCC election.”]

### Textual Amendments

**F23** Words in [Sch. 4 para. 35](#) inserted (4.3.2016) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2016 \(S.I. 2016/300\)](#), arts. 1(2), **12(4)** (with art. 1(3))

### Adjournment of poll in case of riot

**36.**—(1) Rule 46 is modified as follows.

(2) In paragraph (1), for “local returning officer” substitute “relevant returning or counting officer”.

(3) In paragraph (3), for “local returning officer” substitute “relevant returning or counting officer”.

### Procedure on close of the poll

**37.**—(1) Rule 47 is modified as follows.

(2) In paragraph (1), for “in the presence of the polling agents” substitute “in the presence of the polling agents appointed for the purposes of the PCC election and for the purposes of each relevant election or referendum”.

(3) After paragraph (1) insert—

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) must not be combined with the contents of the packets made up under the corresponding rule that applies at any relevant election or referendum.”

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(4) In paragraph (4), for “the local returning officer” substitute “the relevant returning or counting officer”.

(5) In paragraph (5), for “the local returning officer” (in both places) substitute “the relevant returning or counting officer”.

(6) After paragraph (6) insert—

“(7) The ballot paper account prepared under paragraph (6) in respect of the PCC election must not be combined with the ballot paper account for any relevant election or referendum.”

## COUNTING OF VOTES

### Attendance at verification

**38.** For rule 48 substitute—

#### “Attendance at verification

**48.**—(1) This rule and rules 49 and 50 do not apply where the local returning officer is not the relevant returning or counting officer.

(2) But where the local returning officer is the relevant returning or counting officer, the officer must—

- (a) make arrangements for the verification of the ballot paper accounts to be carried out as soon as practicable after the close of the poll and in the presence of the counting agents appointed for the purposes of the PCC election and those appointed for the purposes of each relevant election or referendum, and
- (b) give the counting agents appointed for the purposes of the PCC election and those appointed for the purposes of each relevant election or referendum notice in writing of the time and place at which the verification of the ballot paper accounts will begin.

(3) A person may be present at the verification of the ballot paper accounts only if—

- (a) the person is entitled to be present at the <sup>F24</sup>... count of the votes for the PCC election or at the counting of the votes for a relevant election or referendum, or
- (b) the person is permitted by the relevant returning or counting officer to attend.

(4) Permission under paragraph (3)(b) may be given only if the relevant returning or counting officer is satisfied that the person's attendance will not impede the efficient verification of the ballot paper accounts.

(5) The relevant returning or counting officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.”

#### Textual Amendments

**F24** Word in [Sch. 4 para. 38](#) omitted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 6\(3\)](#)

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## Procedure at verification of ballot paper accounts

39. For rule 49 substitute—

### “Procedure at verification of ballot paper accounts

49.—(1) Where the local returning officer is the relevant returning or counting officer, the officer must—

- (a) in the presence of the counting agents appointed for the purposes of the PCC election and the counting agents appointed for the purposes of each relevant election or referendum—
    - (i) open the ballot boxes from each polling station,
    - (ii) in relation to the PCC election and to each of the relevant elections or referendums, count and record separately the number of ballot papers relating to that election or referendum, and
    - (iii) verify each ballot paper account;
  - (b) where proceedings on the issue and receipt of postal ballot papers for the PCC election and each relevant election or referendum are taken together, count the postal ballot papers that have been duly returned and record separately the number counted at the PCC election and each relevant election or referendum;
  - (c) separate the ballot papers relating to the PCC election from the ballot papers relating to each relevant election or referendum;
  - (d) make up into packets the ballot papers for each relevant election or referendum and seal them up into separate containers endorsing on each a description of the area to which the ballot papers relate;
  - (e) deliver or cause to be delivered to the returning or counting officer for each 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, and
    - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of the election or referendum;
  - (f) at the same time deliver or cause to be delivered to that officer packets that relate to the relevant election or referendum containing—
    - (i) the unused and spoilt ballot papers;
    - (ii) the tendered ballot papers;
    - (iii) the certificates as to employment on duty on the day of the poll.
- (2) A postal ballot paper is not to be taken to be duly returned unless—
- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the relevant returning or counting officer or a polling station in the appropriate area (as defined in paragraph (3)),
  - (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the relevant returning or counting officer or a polling station in the appropriate area,
  - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
  - (d) <sup>F25</sup>... the relevant returning or counting officer verifies the date of birth and signature of the elector or proxy (as the case may be).

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[<sup>F26</sup>(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.]

(3) The “appropriate area” in respect of any voter is—

- (a) the area which is common to the areas in which the polls at the PCC election and the relevant election or referendum are being taken together, and
- (b) in respect of which polls the voter has been issued with a ballot paper.

(4) Where separate ballot boxes are used, no vote for any candidate is rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.

(5) The relevant returning or counting officer, while counting and recording the number of postal ballot papers, must keep the ballot papers with their faces upwards and take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.

(6) Unless otherwise directed by the police area returning officer, the relevant returning or counting officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.

(7) The relevant returning or counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the relevant returning or counting officer, and the unused and spoilt ballot papers in the relevant returning or counting officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification.

(8) Any counting agent for a PCC election present at the verification may copy the statement drawn up under paragraph (7).

(9) Any counting agent for a relevant election or referendum present at the verification may copy the statement drawn up under paragraph (7).

(10) Once the statement relating to the PCC election is drawn up, the relevant returning or counting officer must inform the police area returning officer of the contents of the statement.”

#### Textual Amendments

**F25** Words in Sch. 4 para. 39 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **44(1)** (with art. 1(5))

**F26** Words in Sch. 4 para. 39 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **44(2)** (with art. 1(5))

#### Additional steps: verification and count carried out at different places

**40.**—(1) Rule 50 is modified as follows.

(2) For paragraph (1) substitute—

“(1) This rule applies where—

- (a) the local returning officer is the relevant returning or counting officer, and

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(b) the votes at the PCC election are to be counted at a place other than that at which the procedures for the verification of the ballot paper accounts are carried out.”

(3) In paragraphs (2), (3) and (4) (in each place), for “local returning officer” substitute “relevant returning or counting officer”.

#### **Attendance at the <sup>F27</sup> ... count**

**41.**—(1) Rule 51 is modified as follows.

(2) For paragraph (1) substitute—

“(1) Where the local returning officer is the relevant returning or counting officer, the local returning officer must—

(a) make arrangements for the votes at the PCC election to be counted as soon as practicable after the close of the poll in the presence of the counting agents appointed for the purposes of that election, and

(b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.”

(3) For paragraph (2) substitute—

“(2) Where the local returning officer is not the relevant returning or counting officer, the local returning officer must—

(a) make arrangements for counting the votes at the PCC election in the presence of the counting agents appointed for the purposes of that election as soon as practicable after delivery to the local returning officer of the ballot papers for that election, and

(b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.”

#### **Textual Amendments**

**F27** Word in [Sch. 4 para. 41](#) heading omitted (21.12.2022) with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 6\(4\)](#)

#### **The <sup>F28</sup> ... count**

**42.**—(1) Rule 52 is modified as follows.

(2) Before paragraph (1) substitute—

“(A1) Where the local returning officer is the relevant returning or counting officer, the officer must—

(a) on completion of the proceedings under rule 49, and

(b) if applicable, on receipt of the containers referred to in rule 50,

proceed to count the votes in accordance with paragraphs (1) and (2) to (7).”

(3) After paragraph (1) insert—

“(1A) Where the local returning officer is not the relevant returning or counting officer, the officer must, on receipt of the containers containing the ballot papers from the relevant returning or counting officer—

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- (a) open in the presence of the counting agents all the packets of ballot papers other than those containing unused, spoiled or tendered ballot papers,
- (b) where the proceedings on the issue and receipt of postal ballot papers for the PCC election and each relevant election or referendum are not taken together, count the postal ballot papers that have been duly returned for the PCC election and record the number counted, and
- (c) proceed to count the votes in accordance with paragraphs (1B), (1C) and (2) to (7).

(1B) For the purposes of paragraph (1A)(b), a postal ballot paper is not to be taken to be duly returned unless—

- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the appropriate area (as defined in paragraph (1C)),
- (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the appropriate area,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) <sup>F29</sup>... the local returning officer verifies the date of birth and signature of the elector or proxy (as the case may be).

[<sup>F30</sup>(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.]

(1C) The “appropriate area” in respect of any voter is the area—

- (a) which is common to the parliamentary constituency, electoral area, <sup>F31</sup>... local authority area or voting area (as the case may be) in which the polls at the PCC election and any relevant election or referendum are being taken together, and
- (b) in respect of which polls the voter has been issued with a ballot paper.”

(4) In paragraph (5), after “while” insert “ counting and recording the number of postal ballot papers and ”.

#### Textual Amendments

- F28** Word in [Sch. 4 para. 42](#) heading omitted (21.12.2022) with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), **art. 6(5)**
- F29** Words in [Sch. 4 para. 42](#) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **45(1)** (with art. 1(5))
- F30** Words in [Sch. 4 para. 42](#) inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **45(2)** (with art. 1(5))
- F31** Words in [Sch. 4 para. 42\(3\)](#) revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 2** Table 1 (as amended by S.I. 2019/1389, regs. 1, **2(2)**)

#### Sealing up of ballot papers

43.—(1) Rule 65 is amended as follows.

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(2) For paragraph (2) substitute—

“(2) The local returning officer may not open the sealed packets of—

(a) tendered ballot papers, or

[<sup>F32</sup>(aa) the completed ballot paper refusal list, or]

(b) certificates as to employment on duty on the day of the poll.”

(3) After that paragraph insert—

“(3) The relevant returning or counting officer may not open the sealed packets of —

(a) the completed corresponding number lists, or

(b) marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies”.

#### Textual Amendments

**F32** Words in [Sch. 4 para. 43\(2\)](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **61(5)** (with reg. 1(6)(7))

#### Delivery of documents

44. For rule 66 substitute—

“66.—(1) Where the local returning officer is the relevant returning or counting officer, the officer must—

(a) endorse on each of the sealed packets a description of its contents, the date of the poll to which they relate and, in the case of a PCC election, the name of the police area for which that election was held, and

(b) then forward the documents specified in paragraph (2) to the relevant registration officer.

(2) The documents referred to in paragraph (1) are—

(a) the packets of ballot papers in the officer's possession;

(b) the ballot paper accounts and the statements of—

(i) rejected ballot papers, and

(ii) the result of the verification of the ballot paper accounts;

(c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 45 and the declarations made by the companions of voters with disabilities;

[<sup>F33</sup>(ca) the packet containing the completed ballot paper refusal list;]

(d) the packets of the completed corresponding number lists;

(e) the packets of certificates as to employment on duty on the day of the poll;

(f) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and marked copies of the postal voters list, of the lists of proxies and of the proxy postal voters list;

(g) any documents in the officer's possession which are to be forwarded under paragraph 59 of Schedule 2.



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(3) Where the local returning officer is not the relevant returning or counting officer, the local returning officer must take the steps set out in paragraph (1) in relation to all the documents listed in paragraph (2) apart from those listed in sub-paragraphs (c), (d) and (f).”

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#### **Textual Amendments**

**F33** Words in [Sch. 4 para. 44](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **61(6)** (with [reg. 1\(6\)\(7\)](#))

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