

[^{F1}SCHEDULE 7

THE NEIGHBOURHOOD PLANNING BUSINESS REFERENDUMS RULES

Textual Amendments

- F1** Sch. 7 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, 7, **Sch. 2**

PART 5

Postal voting

Modifications etc. (not altering text)

- C1** Sch. 7 Pt. 5 excluded (22.9.2020) by [The Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020 \(S.I. 2020/926\)](#), regs. 1(2), **4(2)(b)**, 6(1)(2)(4)

Postal ballot papers

15.—(1) The counting officer must issue to postal voters a ballot paper and a postal voting statement in the form set out in Form 4 in the Appendix, or a form to like effect, together with envelopes for their return, in the form set out in rule 20.

(2) The counting officer must also issue to postal voters such information as the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for named voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the named voter.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the named voter.

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers

16. No person may be present at the proceedings on the issue of postal ballot papers or at the proceedings on the receipt of postal ballot papers, other than a person entitled to attend at the counting of votes under rule 63.

Notification of requirement of secrecy

17. The counting officer must make such arrangements as the counting officer thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act, as applied by Schedule 8.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Neighbourhood Planning (Referendums) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Time when postal ballot papers are issued

18. Postal ballot papers and postal voting statements must be issued as soon as practicable after the publication of the business voting register in accordance with paragraph 30(1) of Schedule 6.

Refusal to issue postal ballot paper

19. Where a counting officer is satisfied that two or more entries in the voters list relate to the same business vote holder, the counting officer must not issue more than one postal ballot paper in respect of that business vote holder.

Procedure on issue of ballot paper

20.—(1) The number of the business vote holder as stated in the business voting register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that business vote holder.

(2) A mark shall be placed in the business voting register against the number of the business vote holder to denote that a ballot paper has been issued to the business vote holder or named voter, but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper shall be marked on the postal voting statement sent with that paper.

(4) The address to which the postal ballot paper, postal voting statement and the envelopes referred to in rule 21 below are to be sent is the address shown on the voters list.

Envelopes

21.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and postal voting statement.

(2) There must be issued an envelope for the return of the postal ballot paper and the postal voting statement (referred to as a “covering envelope”) which must be marked with the letter “B”.

(3) There must also be issued a smaller envelope (referred to as a “ballot paper envelope”) which must be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) unless the envelope has a window through which the number on the ballot paper can be displayed, the number of the ballot paper.

(4) The envelopes issued under this rule may be a different colour to those issued in respect of the corresponding residential referendum.

Sealing up of completed corresponding number lists and security of special lists

22.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the counting officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

(2) The counting officer must take proper precautions for the security of the marked copy of the voters list until a marked copy of that list is made up into a packet under rule 31(10).

Delivery of postal ballot papers

23.—(1) For the purposes of delivering postal ballot papers, the counting officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed by the counting officer pursuant to these Regulations.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters must be counted and delivered to that provider or firm by the counting officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) applies).

(4) Return postage must be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of postal ballot papers is within the United Kingdom.

Cancellation of postal ballot papers

24.—(1) Where a named voter or the business vote holder has given notice in writing to the business registration officer in accordance with paragraph 21(1) of Schedule 6 and the original named voter's completed postal ballot paper and postal voting statement have not already been returned, the counting officer shall—

- (a) immediately cancel the postal ballot paper and postal voting statement issued to the original named voter; and
- (b) as soon as practicable after cancelling those documents, make any uncompleted postal ballot papers or postal voting statements which are returned up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(2) Where possible, the original named voter should, when giving notice in writing in accordance with paragraph 21(1) of Schedule 6, also return the uncompleted postal ballot paper and postal voting statement to the counting officer, but the cancellation of these documents in accordance with subparagraph (1)(a) above shall not be dependent upon the return of these uncompleted documents.

(3) Where a named voter or a business vote holder has applied for a new named voter for the business referendum in accordance with [F²paragraph 23(1)] of Schedule 6 and the original named voter's completed postal ballot paper and postal voting statement have not already been returned, the counting officer shall—

- (a) immediately cancel the postal ballot paper and postal voting statement issued to the original named voter; and
- (b) as soon as practicable after cancelling those documents, make any uncompleted postal ballot papers or postal voting statements which are returned up in a packet (which may be the same packet as that referred to in paragraph 24(1)(b)) which must be kept sealed except to put new cancelled documents in it.

(4) Where a business vote holder has ceased to be liable to pay non-domestic rates on a hereditament in the referendum area and the business registration officer has, in accordance with [F³paragraph 25] of Schedule 6, removed that person's name from the business voting register, any postal ballot paper and valid postal voting statement returned in respect of that business vote holder shall be immediately cancelled.

[
F⁴(5) The counting officer must keep a list of the postal ballot papers cancelled under this rule, including—

- (a) the number of each cancelled postal ballot paper;
- (b) the name of the postal voter to whom it was issued;

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- (c) the name and number on the business voting register of the business vote holder on whose behalf the postal voter would have voted; and
- (d) the number of any postal ballot paper issued to any other postal voter on behalf of that business vote holder.]

Textual Amendments

- F2** Words in Sch. 7 rule 24(3) substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), **20(1)(a)** (with reg. 1(7))
- F3** Words in Sch. 7 rule 24(4) substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), **20(1)(b)** (with reg. 1(7))
- F4** Sch. 7 rule 24(5) inserted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), **20(2)** (with reg. 1(7))

Spoilt postal ballot papers

25.—(1) If a postal voter has inadvertently dealt with that person’s postal ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper or, as the case may be, a postal voting statement, the postal voter may return (either by hand or by post) to the counting officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), the postal voter must also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not; and
- (b) the envelopes supplied for the return of those documents.

(3) Where the counting officer receives the documents referred to in paragraph (1) and, where applicable, paragraph (2)—

- (a) by 5 pm on the day before the date of the business referendum, the counting officer shall issue another postal ballot paper, and may hand it to a postal voter who applies in person;
- (b) after 5 pm on the day before the date of the business referendum but by 5 pm on the day of the business referendum, the counting officer must only issue another postal ballot paper if the postal voter returned the documents by hand and applies in person, and may only hand a replacement ballot paper to that postal voter.

(4) Paragraphs 20 (except paragraph (2)), 21, 22 and 23 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(5) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with paragraph (1) or (2) must be immediately cancelled.

(6) The counting officer must, as soon as practicable after cancelling those documents, make them up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(7) The counting officer must keep a list of the name of any postal voter and the corresponding number on the business voting register and the number of the postal ballot paper (or papers) issued under this rule.

Lost postal ballot papers

26.—(1) Where a postal voter claims either to have lost or not to have received—

- (a) their postal ballot paper, or
- (b) their postal voting statement, or

(c) one or more of the envelopes supplied for their return, by the fourth day before the date of the business referendum, the postal voter may apply (whether or not in person) to the counting officer for a replacement ballot paper.

(2) Such an application must include evidence of the postal voter's identity.

(3) Where a postal voter exercises the entitlement conferred by paragraph (1), the postal voter must return the documents referred to in paragraph (1)(a) to (c) which have been received and not lost.

(4) Where the counting officer—

(a) is satisfied as to the postal voter's identity;

(b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return; and

(c) receives the documents referred to in paragraph (2) by 5 pm on the day before the date of the business referendum,

the counting officer shall issue another postal ballot paper, and may hand it to a postal voter who applies in person.

(5) Where the counting officer—

(a) is satisfied as to the postal voter's identity;

(b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return; and

(c) receives the documents referred to in paragraph (2) after 5 pm on the day before the date of the business referendum but by 5 pm on the day of the business referendum,

the counting officer must only issue another postal ballot paper if the postal voter returned the documents by hand and applies in person, and may only hand a replacement ballot paper to that postal voter.

(6) Paragraphs 20 (except paragraph (2)), 21, 22 and 23 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(7) Any postal ballot paper or postal voting statement returned in accordance with paragraph (3) must be immediately cancelled.

(8) The counting officer must, as soon as practicable after cancelling those documents, make them up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(9) The counting officer must keep a list of the name and number on the register of any postal voter and the number of the postal ballot paper (or papers) issued under this rule.

Alternative means of returning postal ballot paper or postal voting statement

27.—(1) A postal ballot paper or postal voting statement may be returned by hand to a polling station being used either in the business referendum or in the corresponding residential referendum.

(2) A postal ballot paper or postal voting statement may be returned to the counting officer by post or by hand.

(3) Subject to [^{F5}paragraphs (3A) and (4)] the presiding officer of the polling station must deliver, or cause to be delivered, any postal ballot paper or postal voting statement returned to that station [^{F6}and any return of postal voting documents form] to the counting officer in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, the packets referred to in rule 62.

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[^{F7}(3A) A postal ballot paper or postal voting statement may only be delivered to the counting officer in accordance with paragraph (3) if the requirements of rule 27A are met and the paper and statement are not rejected in accordance with rule 27B or 27D.]

(4) The counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement [^{F8}and any return of postal voting documents form] which by virtue of paragraph (3) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to the counting officer.

[^{F9}(5) Where the counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement or return of postal voting documents form in accordance with paragraph (4) the presiding officer must first make up into separate packets sealed with the presiding officer's own seal and the seals of such polling observers as are present and desire to affix their seals with a description of its contents written on each packet—

- (a) the postal ballot papers and postal voting statements; and
- (b) the return of postal voting documents forms for those postal ballot papers and postal voting statements.]

Textual Amendments

- F5** Words in Sch. 7 rule 27(3) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(b)(i)(aa)
- F6** Words in Sch. 7 rule 27(3) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(b)(i)(bb)
- F7** Sch. 7 rule 27(3A) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(b)(ii)
- F8** Words in Sch. 7 rule 27(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(b)(iii)
- F9** Sch. 7 rule 27(5) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(b)(iv)

[^{F10}Requirements of return of postal voting documents form

27A. The requirements of this rule are—

- (a) the person handing in a postal voting document (“P”) completes a form containing the following information (a “return of postal voting documents form”)—
 - (i) P’s name and address,
 - (ii) whether P is handing in P’s own postal voting documents,
 - (iii) the number of other named voters for whom P is handing in postal voting documents,
 - (iv) the total number of envelopes containing postal ballot papers P is handing in, including P’s own,
 - (v) the reason P is handing in postal voting documents for other named voters,
 - (vi) a declaration by P that P has not handed in postal voting documents at any polling station or to the counting officer for a total of more than the number of named voters

other than P set out in rule 27B(1)(c) or 30B(1)(c), including those being handed in at that time and that to the best of P's knowledge, P is not a political campaigner for whom it is an offence to handle the postal voting documents concerned in accordance with section 112A of the 1983 Act;

- (b) the relevant officer has endorsed the return of postal voting documents form returned by P to confirm the relevant officer's name and that—
 - (i) the relevant officer is satisfied that the form has been completed properly and provides the information required by paragraph (a),
 - (ii) the relevant officer does not suspect that the number of named voters other than P for whom P is handing in postal voting documents exceeds the number of named voters specified in rule 27B(1)(b) or (c), or rule 30B(1)(b) or (c),
 - (iii) the relevant officer does not suspect that P is a political campaigner who is committing an offence under section 112A of the 1983 Act, and
 - (iv) the postal voting documents to which the form relates are not rejected.

Textual Amendments

F10 Sch. 7 rules 27A-27D inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(c\)](#)

Rejection of postal voting documents handed in at a polling station

27B.—(1) A relevant officer must reject—

- (a) all postal voting documents handed in by P where P fails to fully complete the return of postal voting documents form with the required information;
- (b) all postal voting documents handed in by P other than P's own postal voting documents where the relevant officer has reasonable cause to suspect that the documents are handed in on behalf of more than five other named voters; and
- (c) a postal voting document handed in by P or all postal voting documents handed in together by P (other than P's own postal voting documents) where the relevant officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by P on any previous occasion in respect of the same referendum, or in respect of an election or referendum for which the day of poll is the same as the referendum to which the documents relate (whether at a polling station or to the counting officer and disregarding any that were rejected), P has handed in postal voting documents on behalf of more than five other named voters.

(2) Where P hands in one or more proxy postal ballot papers completed by P as proxy for another named voter, for “five” in paragraphs (1)(b) and (c), substitute the number that is five minus the number of proxy postal ballot papers P hands in.

(3) A relevant officer may reject a postal voting document handed in by P where the relevant officer knows or has reasonable cause to suspect that, in handing in the document, P is committing an offence under section 112A of the 1983 Act.

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Textual Amendments

F10 Sch. 7 rules 27A-27D inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(c)

Procedure for dealing with rejected postal voting documents handed in at a polling station

27C.—(1) Where any postal voting document has been rejected in accordance with rule 27B the relevant officer must indicate this, together with the reason or reasons for the rejection and the relevant officer’s name, on the return of postal voting documents form and attach the form to the postal voting documents concerned.

(2) The presiding officer must make up a packet (or packets) of the rejected postal voting documents and the accompanying return of postal voting documents forms, sealed with the presiding officer’s own seal and the seals of such polling observers as are present and desire to affix their seals with a description of its contents written on each packet.

(3) Where a return of postal voting documents form relates to postal voting documents which have not all been rejected, that form must be dealt with as if it related just to rejected postal voting documents, and the postal voting documents which have been rejected must be noted on it.

(4) The presiding officer must deliver, or cause to be delivered, to the counting officer, those packets in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, to the counting officer, the packets referred to in rule 62.

Textual Amendments

F10 Sch. 7 rules 27A-27D inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(c)

Postal voting documents left behind at a polling station

27D.—(1) Where a person leaves a left behind postal voting document at a polling station, the relevant officer must reject that left behind postal voting document.

(2) The relevant officer must—

- (a) write on a return of postal voting documents form to confirm that the postal voting document is a left behind postal voting document,
- (b) write the relevant officer’s name on that form, and
- (c) attach that form to the left behind postal voting document.

(3) Left behind postal voting documents and the attached return of postal voting documents forms must be included in the packet of rejected postal voting documents and forms made up in accordance with rule 27C(2).]

Textual Amendments

F10 Sch. 7 rules 27A-27D inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(c)

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Notice of opening of postal ballot paper envelopes

28.—(1) The counting officer must give to those persons who are entitled to attend at the counting of votes not less than 48 hours’ notice in writing of each occasion on which a postal voters’ ballot box and the envelopes contained in it is to be opened.

(2) Such a notice must specify the time and place at which such an opening is to take place.

Postal ballot boxes and receptacles

29.—(1) The counting officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters’ ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box must be marked “postal voters’ ballot box”, or “postal ballot box”, as the case may be, and with the date of the business referendum, the words “neighbourhood planning business referendum” and the name of the neighbourhood area to which the business referendum relates.

(3) The postal ballot box must be shown to those present on the occasion of opening the first postal voters’ ballot box as being empty.

(4) The counting officer must then lock the ballot box and apply the counting officer’s seal in such a manner as to prevent its being opened without breaking the seal.

(5) The counting officer must provide the following—

- (a) the receptacle for rejected votes;
- ^{F11}(b)
- (c) the receptacle for ballot paper envelopes;
- (d) the receptacle for rejected ballot paper envelopes;
- (e) the receptacle for rejected votes after verification procedure;
- (f) the receptacle for postal voting statements after verification procedure.

(6) The counting officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this rule.

Textual Amendments

F11 Sch. 7 rule 29(5)(b) omitted (6.4.2014) by virtue of The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 21 (with reg. 1(7))

Receipt of covering envelope

30.—(1) The counting officer must, immediately on receipt [^{F12}by post] of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters’ ballot box.

(2) Where an envelope, other than a covering envelope issued by the counting officer—

- (a) has been opened, and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope, together with its contents, must be placed in a postal voters’ ballot box.

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Textual Amendments

F12 Words in [Sch. 7 rule 30](#) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(d\)](#)

[^{F13}Postal voting documents handed in to the counting officer

30A.—(1) Subject to paragraphs (2) and (3), the relevant officer must deliver to the counting officer—

- (a) any postal voting document handed in under rule 64(4)(a) before the close of the poll, and
- (b) the return of postal voting documents form completed in respect of it.

(2) A postal voting document may only be delivered to the counting officer in accordance with paragraph (1) if the requirements of rule 27A are met and the document is not rejected in accordance with rule 30B or 30D.

(3) Before delivering them to the counting officer in accordance with paragraph (1), the relevant officer must first make up into separate packets with a description of its contents written on each packet which is then sealed up—

- (a) the postal voting documents;
- (b) the return of postal voting documents forms for those postal voting documents.

Textual Amendments

F13 [Sch. 7 rules 30A-30E](#) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(e\)](#)

Rejection of postal voting documents handed in to the counting officer

30B.—(1) The relevant officer must reject—

- (a) all postal voting documents handed in by P where P fails to fully complete the return of postal voting documents form with the required information;
- (b) all postal voting documents handed in by P other than P’s own postal voting documents where the relevant officer has reasonable cause to suspect that the documents are handed in on behalf of more than five other named voters;
- (c) a postal voting document handed in by P or all postal voting documents handed in together by P (other than P’s own postal voting documents) where the relevant officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by P on any previous occasion in respect of the same business referendum, or in respect of an election or referendum for which the day of poll is the same as the referendum to which the documents relate (whether to a polling station or to the counting officer and disregarding any that were rejected), P has handed in postal voting documents on behalf of more than five other named voters.

(2) Where P hands in one or more proxy postal ballot papers completed by P as proxy for another named voter, for “five” in paragraphs (1)(b) and (c), substitute the number that is five minus the number of proxy postal ballot papers P hands in.

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(3) The relevant officer may reject a postal voting document handed in by P where the relevant officer knows or has reasonable cause to suspect that, in handing in the document, P is committing an offence under section 112A of the 1983 Act.

Textual Amendments

F13 Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)

Procedure for dealing with rejected postal voting documents handed in to the counting officer

30C.—(1) Where any postal voting document has been rejected in accordance with rule 30B the relevant officer must indicate this, together with the reason or reasons for the rejection and the relevant officer's name, on the return of postal voting documents form and attach the form to the postal voting documents concerned.

(2) The relevant officer must make up a packet (or packets) of the rejected postal voting documents and the accompanying return of postal voting documents forms which must be sealed up with a description of its contents written on each packet.

(3) Where a return of postal voting documents form relates to postal voting documents which have not all been rejected, that form must be dealt with as if it related just to rejected postal voting documents, and the postal voting documents which have been rejected must be noted on it.

(4) The relevant officer must deliver those packets to the counting officer before the close of the poll.

Textual Amendments

F13 Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)

Postal voting documents left behind with the counting officer

30D.—(1) This rule applies to a postal voting document to which rule 64(4)(a) applies and which is a left behind postal voting document.

(2) The relevant officer must—

- (a) reject the left behind postal voting document,
- (b) write on a return of postal voting documents form to confirm that the postal voting document is a left behind postal voting document,
- (c) write the relevant officer's name on that form, and
- (d) attach that form to the left behind postal voting document.

(3) Left behind postal voting documents and the attached return of postal voting documents forms must be included in the packet of rejected postal voting documents and forms made up in accordance with regulation 30C(2).

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Textual Amendments
F13 Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)

Opening of delivered or collected packets of postal voting documents

30E.—(1) Paragraph (2) applies to the packets of postal voting documents delivered to or collected by the returning officer in accordance with rule 27(3) or (4) or 30A(1).

(2) Rules 28, 29(6), 31(1) and 32 apply to a packet to which this paragraph applies as if that packet were a postal voters’ ballot box.]

Textual Amendments
F13 Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)

Opening of postal voters’ ballot box

31.—(1) Each postal voters’ ballot box must be opened by the counting officer in the presence of such of those entitled to attend who are present.

(2) So long as the counting officer ensures that there is at least one sealed postal voters’ ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters’ ballot boxes may previously be opened by the counting officer.

(3) The last postal voters’ ballot box and the postal ballot box must be opened at the counting of the votes.

Opening of covering envelopes

32.—(1) When a postal voters’ ballot box is opened, the counting officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph (2) of rule 30).

^{F14}(2)

(3) The counting officer must open separately each covering envelope (including an envelope described in paragraph (2) of rule 30).

[^{F15}(4) The procedure in rule 35 applies where a covering envelope (including an envelope described in paragraph (2) of rule 30) contains a postal voting statement.]

(5) Where the covering envelope does not contain the postal voting statement separately, the counting officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

[^{F16}(6) Where a covering envelope does not contain a postal voting statement (whether separately or not) the counting officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.]

(7) In carrying out the procedure in this rule and rules 34 to 40, the counting officer—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers; and

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(b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(8) Where an envelope opened in accordance with paragraph (3) contains a postal voting statement, the counting officer must place a mark in the marked copy of the voters list in a place which corresponds to the named voter's corresponding number on the register to denote that a postal vote has been returned.

(9) A mark made under paragraph (8) must be distinguishable from and must not obscure any other mark.

(10) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the marked voters list and must seal such a packet.

(11) Rule 64(3) does not apply for the purposes of determining whether, for the purposes of this rule, a postal vote is returned.

Textual Amendments

F14 Sch. 7 rule 32(2) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(1)** (with reg. 1(7))

F15 Sch. 7 rule 32(4) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(2)** (with reg. 1(7))

F16 Sch. 7 rule 32(6) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(3)** (with reg. 1(7))

Confirming receipt of postal voting statements

33.—(1) A named voter who is shown in the voters list as voting by post may make a request, at any time between the first issue of postal ballots and the close of the poll, that the counting officer confirm—

- (a) whether a mark is shown in the marked copy of the voters list to denote that a postal vote has been returned, and
- (b) whether the number of the ballot paper issued to the named voter has been recorded on either of the lists of provisionally rejected votes kept by the counting officer under paragraphs (2) and (3) of rule 39.

(2) A request under paragraph (1) must be made by any method specified, and include any evidence of the named voter's identity requested, by the counting officer.

(3) Where a request is received in accordance with paragraph (2) the counting officer shall satisfy himself that the request has been made by the named voter and where the counting officer is so satisfied provide confirmation of the matters under paragraph (1).

Modifications etc. (not altering text)

C2 Sch. 7 rule 33 excluded (22.9.2020) by [The Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020 \(S.I. 2020/926\)](#), regs. 1(2), **3(5)**, 6(1)-(3)

Procedure in relation to postal voting statements

^{F17}**34.**

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Textual Amendments

F17 Sch. 7 rule 34 omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **23** (with reg. 1(7))

Procedure in relation to postal voting statements: personal identifier verification

35.—^{F18}(1) This rule applies in the circumstances described in rule 32(4).]

(2) The counting officer must be satisfied that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is not so satisfied, the counting officer must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope ^{F19}but there is a ballot paper], the ballot paper, and, subject to paragraph (4) place it in the receptacle for rejected votes after verification procedure.

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the counting officer must show it to the counting observers and must permit them to view the entries in the identifier record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the counting officer’s decision, must add the words “rejection objected to”.

(5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements after verification procedure and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it,

the counting officer must open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope, or
- (b) the ballot paper envelope has been opened under rule 32(5) or paragraph (6).

(8) Where this paragraph applies, the counting officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes after verification procedure, any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes after verification procedure, any valid postal voting statement marked “provisionally rejected” where there is no ballot paper;
- (d) in the receptacle for postal voting statements after verification procedure, any valid statement not disposed of under sub-paragraph (b) or (c).

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Textual Amendments

- F18** Sch. 7 rule 35(1) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **24(1)** (with reg. 1(7))
- F19** Words in Sch. 7 rule 35(3) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **24(2)** (with reg. 1(7))

Postal voting statements: additional personal identifier verification

^{F20}**36.**

Textual Amendments

- F20** Sch. 7 rule 36 omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **25** (with reg. 1(7))

Opening of ballot paper envelopes

37.—(1) The counting officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

- (2) The counting officer must place—
 - (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
 - (b) in the receptacle for rejected votes, any other ballot paper which must be marked “provisionally rejected” and to which must be attached the ballot paper envelope;
 - (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must be marked “provisionally rejected” because it does not contain a ballot paper.

Retrieval of cancelled postal ballot papers

38.—(1) Where it appears to the counting officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters’ ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

the counting officer must proceed as follows.

(2) The counting officer must, on at least one occasion on which a postal voters’ ballot box is opened in accordance with rule 31, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the polling observers;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements [^{F21}after verification procedure];
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by rule 25(6); and

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- (f) unless the postal ballot box has been opened for the purposes of the counting of votes, re-lock (if it has a lock) and re-seal the postal ballot box in the presence of the counting observers.
- (3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the counting officer and the counting officer’s staff—
 - (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers, and
 - (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

Textual Amendments

F21 Words in [Sch. 7 rule 38\(2\)\(c\)](#) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), [regs. 1\(6\)](#), [26](#) (with [reg. 1\(7\)](#))

Lists of rejected postal ballot papers

- 39.**—(1) The counting officer must keep two separate lists of rejected postal ballot papers.
- (2) In the first list, the counting officer must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.
- (3) In the second list, the counting officer must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

Checking of lists kept under rule 39

- 40.**—(1) Where the counting officer receives a valid postal voting statement without the postal ballot paper to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under rule 39 to see whether the number of a postal ballot paper to which the statement relates is entered in that list.
- (2) Where the counting officer receives a postal ballot paper without the postal voting statement to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under rule 39 to see whether the number of that ballot paper is entered in that list.
- (3) The counting officer must conduct the checks required by paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station being used for the purposes of the business referendum.
- (4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the counting officer must retrieve that statement or paper.
- (5) The counting officer must then take the appropriate steps under this Part of these Rules as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

Sealing of receptacles

- 41.**—(1) As soon as practicable after the completion of the procedure under paragraphs (1), (2) and (4) of rule 40, the counting officer must make up into separate packets the contents of—
- (a) the receptacle of rejected votes,
 - ^{F22}(b)

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- (c) the receptacle of rejected ballot paper envelopes,
- (d) the lists of [^{F23}spoilt, lost and cancelled] postal ballot papers,
- (e) the receptacle of rejected votes after verification procedure, and
- (f) the receptacle of postal voting statements after verification procedure,

[the packets of rejected postal voting documents and accompanying return of postal voting
^{F24}(g) documents forms made up in accordance with rules 27C(2) and 30C(2),]

and must seal up such packets.

(2) Any document in those packets marked “provisionally rejected” must be deemed to be marked “rejected”.

Textual Amendments

- F22** Sch. 7 rule 41(1)(b) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **27(a)** (with reg. 1(7))
- F23** Words in Sch. 7 rule 41(1)(d) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **27(b)** (with reg. 1(7))
- F24** Sch. 7 rule 41(1)(g) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), **reg. 9(5)(f)**

Forwarding of documents

42.—(1) The counting officer must forward to the business registration officer at the same time as the counting officer forwards the documents mentioned in rule 72—

- (a) any packets referred to in rules 22(1), 24(1) and (3), 25(6), 26(8), [^{F25}27(5)(b), 30A(3) (b),] 32(10), 41(1) and paragraph (2), endorsing on each packet a description of its contents, the date of the business referendum, the words “neighbourhood planning business referendum” and the name of the neighbourhood area to which the business referendum relates; and
- (b) a completed statement of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the counting officer after the close of the poll (apart from those delivered in accordance with rule 27(3));
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the counting officer must put them unopened in a separate packet, seal up such a packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

(3) A copy of the statement referred to in paragraph (1)(b) must be provided by the counting officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.]

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Textual Amendments

- F25** Words in [Sch. 7 rule 42\(1\)\(a\)](#) inserted (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(g\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(3\)\(a\)](#)
- Sch. 3 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(3\)\(c\)](#)
- Sch. 5 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(7\)\(a\)](#)
- Sch. 5 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(7\)\(c\)](#)