

## SCHEDULE 3

### THE LOCAL GOVERNMENT ACT REFERENDUMS RULES

#### PART 4

##### Action to be Taken Before the Poll

###### Notice of poll

12.—(1) The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the question to be asked in the referendum<sup>F1</sup>, using the words in the relevant paragraph in Schedule 1 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012].

(2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

(3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

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

###### Textual Amendments

**F1** Words in Sch. 3 rule 12(1)(b) inserted (6.4.2014) by [The Local Authorities \(Conduct of Referendums\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/924\)](#), regs. 1(3), 4 (with reg. 1(4))

###### Postal ballot papers

13.—(1) The counting officer must, in accordance with regulations made under the 1983 Act<sup>F2</sup>, issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) The counting officer must also issue to those entitled to vote by post such information as he or she thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters and proxies 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 voter or proxy.

(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 voter or proxy.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Local Authorities (Conduct of Referendums)(England) 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

#### Textual Amendments

**F2** See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) (amended by [S.I. 2001/1700](#), [2002/1871](#), [2004/226](#), [2006/752](#) and [2006/2910](#)).

#### Provision of polling stations

**14.—(1)** The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the voters to the polling stations in such manner as he or she thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to voters from any parliamentary polling district wholly or partly within the voting area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

(4) The counting officer must provide each polling station with such number of compartments as may be necessary in which the voters and proxies can mark their votes screened from observation.

[<sup>F3</sup>(5) The counting officer must ensure that each polling station contains an area in which voters and proxies can produce proof of identity in private.]

#### Textual Amendments

**F3** [Sch. 3 rule 14\(5\)](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), [regs. 1\(3\)](#), [48\(4\)](#) (with [reg. 1\(6\)\(7\)](#))

#### Appointment of presiding officers and polling clerks

**15.—(1)** The counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

(2) The counting officer may, if he or she thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(3) A presiding officer may do, by the clerks appointed to assist him or her, any act (including the asking of questions) which he or she is required or authorised by these Rules to do at a polling station [<sup>F4</sup>except—

- (a) order the arrest, exclusion or removal of any person from the polling station,
- (b) refuse to deliver a ballot paper under rule 24(3) or rule 26(1E) (including that rule as applied by rule 27, 28 or 29), or
- (c) resolve doubts over identity as mentioned in rule 26(1F) (including that paragraph as applied by rule 27, 28 or 29).]

#### Textual Amendments

**F4** Words in [Sch. 3 rule 15\(3\)](#) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), [regs. 1\(3\)](#), [48\(5\)](#) (with [reg. 1\(6\)\(7\)](#))

### Issue of official poll cards

16.—(1) The counting officer must as soon as practicable after the publication of the notice of the referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

- (a) in the case of a voter, to his or her qualifying address; and
- (b) in the case of a proxy, to his or her address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form in the Appendix, or a form to the like effect, and must set out—

- (a) the name of the council and of the voting area;
- (b) the name of the voter, his or her qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different voters or to different descriptions of voter.

(4) In the case of a voter who has an anonymous entry in the register, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

- (a) are to a person who is registered in the register of local government electors for the voting area in question on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that he or she will be of voting age on the day fixed for the poll.

### Equipment of polling stations

17.—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer's opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of the register of electors for the voting area or such part of it as contains the names of the voters allotted to the station;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors for the voting area or the part of it provided under sub-paragraph (b);
- (d) a list, in the form L2 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act<sup>F5</sup> in respect of alterations to the register.

(5) The counting officer must also provide each polling station with—

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- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters and proxies who are partially sighted; <sup>F6</sup>...
- [<sup>F7</sup>(aa) a ballot paper refusal list, in the form in the Appendix or a form to like effect, on which entries are to be made as mentioned in rule 30A (refusal to deliver ballot paper); and]
- [<sup>F8</sup>(b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote independently in the manner directed by rule 26 (voting procedure), including in relation to voting secretly; and for this purpose “relevant persons” means persons who find it difficult or impossible to vote in that manner because of—
  - (i) blindness or partial sight; or
  - (ii) another disability.]
- [<sup>F9</sup>(5A) Paragraph (10) of rule 29 of Schedule 1 to the 1983 Act (Parliamentary elections rules: guidance to returning officers) applies for the purposes of paragraph (5)(b) of this rule as it applies for the purposes of that rule, but as if—
  - (a) the reference in that paragraph to the returning officer were a reference to the counting officer, and
  - (b) the reference in that paragraph to paragraph (3A)(b) were a reference to paragraph (5)(b) of this rule.]
- (6) A notice in the form in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- [<sup>F10</sup>(6A) A large notice must be displayed inside each polling station containing—
  - (a) details of the documents the voter or proxy needs to produce when applying for a ballot paper, namely—
    - (i) in the case of a voter (other than a voter with an anonymous entry) or a proxy, any of the forms of identification for the time being referred to in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary elections rules);
    - (ii) in the case of a voter with an anonymous entry, the voter’s official poll card and an anonymous elector’s document showing the same electoral number as the electoral number shown on the official poll card; and
  - (b) a statement that further proof of identity may be required to resolve any discrepancy between the name of the holder of a form of identification and the name of the voter or proxy that the voter or proxy claims to be.]
- (7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as he or she considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.
- (8) In every compartment of every polling station there must be exhibited the notice “[Specify name of council....] REFERENDUM. Mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only. Put no other mark on the ballot paper, or your vote may not be counted.”.

<sup>F11</sup>(9) .....

**Textual Amendments**

**F5** Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the [Electoral Administration Act 2006 \(c.22\)](#).

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- F6** Word in Sch. 3 rule 17(5)(a) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **48(6)(a)(i)** (with reg. 1(6)(7))
- F7** Sch. 3 rule 17(5)(aa) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **48(6)(a)(ii)** (with reg. 1(6)(7))
- F8** Sch. 3 rule 17(5)(b) substituted (29.12.2022) by [The Assistance with Voting for Persons with Disabilities \(Amendments\) Regulations 2022 \(S.I. 2022/1309\)](#), regs. 1(3), **8(2)(a)(i)** (with reg. 1(4))
- F9** Sch. 3 rule 17(5A) inserted (29.12.2022) by [The Assistance with Voting for Persons with Disabilities \(Amendments\) Regulations 2022 \(S.I. 2022/1309\)](#), regs. 1(3), **8(2)(a)(ii)** (with reg. 1(4))
- F10** Sch. 3 rule 17(6A) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **48(6)(b)** (with reg. 1(6)(7))
- F11** Sch. 3 rule 17(9) omitted (29.12.2022) by virtue of [The Assistance with Voting for Persons with Disabilities \(Amendments\) Regulations 2022 \(S.I. 2022/1309\)](#), regs. 1(3), **8(2)(a)(iii)** (with reg. 1(4))

### Appointment of polling observers and counting observers

**18.—(1)** The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(3) For the purpose of assisting the counting officer in the discharge of his or her functions under paragraph (2), a petition organiser may nominate persons who in the opinion of the petition organiser are suitable for appointment as counting observers.

(4) A nomination under paragraph (3) must be made by notice in writing to the counting officer not later than the fifth day before the poll (disregarding any day which is to be disregarded by virtue of rule 4) and the notice must contain the address of each nominee.

(5) Subject to paragraph (6), the counting officer must not, without good cause, decline to appoint as a counting observer a person nominated by a petition organiser under paragraph (3).

(6) The counting officer may limit the number of counting observers, so however that—

- (a) the number must be the same in the case of each petition organiser; and
- (b) the number allowed to a petition organiser must not (except in special circumstances) be fewer than the number obtained by dividing the number of clerks employed on the counting by the number of petition organisers.

For the purposes of the calculations required by this paragraph, a counting observer who has been appointed on the nomination of more than one petition organiser is a separate counting observer for each of the petition organisers by whom he or she has been nominated.

(7) Where a counting observer appointed on the nomination of a petition organiser dies or becomes incapable of acting, the petition organiser who made the nomination may nominate another person to be appointed as a counting observer in his or her place by giving notice in writing to the counting officer.

(8) Paragraphs (4) and (5) apply to a nomination under paragraph (7), with the substitution in paragraph (4) for “fifth day” of “final day”.

(9) In the following provisions of these Rules references to polling observers and counting observers shall be taken as references to polling observers and counting observers whose appointments have been duly made.

(10) Any notice required to be given by the counting officer to a counting observer appointed on the nomination of a petition organiser may be delivered at, or sent by post to, the address stated in the notice of nomination.

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(11) A petition organiser may do any act or thing which any counting observer is authorised to do, or may assist any counting observer appointed on his or her nomination in doing any such act or thing.

(12) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

### Notification of requirement of secrecy

**19.**—(1) The counting officer must make such arrangements as he or she thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act <sup>F12</sup>, as applied by Schedule 4; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 4.

[<sup>F13</sup>(2) 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).]

#### Textual Amendments

**F12** Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#); subsection (6) was amended by paragraph 3 of Schedule 3 to the [Representation of the People Act 1985 \(c.50\)](#).

**F13** [Sch. 3 rule 19\(2\)](#) inserted (6.4.2014) by [The Local Authorities \(Conduct of Referendums\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/924\)](#), regs. 1(3), 5 (with reg. 1(4))

### Return of postal ballot papers

**20.**—(1) Where—

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

the counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act <sup>F14</sup>.

(2) Rule 36(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

#### Textual Amendments

**F14** See regulation 84A of the [Representation of the People \(England and Wales\) Regulations 2001 S.I. 2001/341](#) as amended by [S.I. 2006/2910](#).

**Changes to legislation:**

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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 21(1)(ba) inserted by [S.I. 2023/1225 reg. 6\(2\)\(a\)](#)
- Sch. 3 rule 36(3)(e) and word inserted by [S.I. 2023/1225 reg. 6\(2\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 11\(2\)\(3\)](#)
- Sch. 3 rule 36(3)(c) word omitted by [S.I. 2023/1225 reg. 6\(2\)\(b\)\(i\)](#)
- Sch. 3 rule 24(1)(b) words inserted by [S.I. 2023/1147 reg. 15\(3\)\(a\)](#)
- Sch. 3 rule 24 table words omitted by [S.I. 2023/1147 reg. 15\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 table words substituted by [S.I. 2023/1147 reg. 15\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 24(2) words substituted by [S.I. 2023/1147 reg. 15\(3\)\(c\)](#)
- Sch. 5 rule 23(1)(ba) inserted by [S.I. 2023/1225 reg. 6\(4\)\(b\)](#)
- Sch. 5 rule 38(5)(e) and word inserted by [S.I. 2023/1225 reg. 6\(4\)\(c\)\(ii\)](#)
- Sch. 5 rule 26 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 11\(2\)\(3\)](#)
- Sch. 5 rule 38(5)(c) word omitted by [S.I. 2023/1225 reg. 6\(4\)\(c\)\(i\)](#)
- Sch. 5 rule 26(1)(b) words inserted by [S.I. 2023/1147 reg. 15\(7\)\(a\)](#)
- Sch. 5 rule 26 table words omitted by [S.I. 2023/1147 reg. 15\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 26 table words substituted by [S.I. 2023/1147 reg. 15\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 26(2) words substituted by [S.I. 2023/1147 reg. 15\(7\)\(c\)](#)
- Sch. 5 rule 17(10) words substituted by [S.I. 2023/1225 reg. 6\(4\)\(a\)](#)