

^{F1}SCHEDULE 5

The Local Government Act Referendums (Combination of Polls) Rules

Textual Amendments

F1 Sch. 5 Pt. 8 Forms substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(17)** (with reg. 1(6)(7))

PART 5

The Poll

Voting procedure

28.—(1) [^{F1}Subject to rule 26(3) and to paragraphs (1A) to (1M), a] ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- ^{F2}(a)
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 17(4)(d) beside the number of the ballot paper to be issued to him or her;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his or her name in the list of proxies.

[^{F3}(1A) A ballot paper must not be delivered to a voter or proxy unless the voter or proxy produces a specified document to the presiding officer or a clerk.

(1B) The presiding officer or clerk must arrange for the voter or proxy to produce any document in a private area of the polling station if the voter or proxy so requests, and, in such a case, must ensure that no other persons witness the production except as permitted by the voter or proxy.

(1C) Paragraph (1D) applies in relation to a voter or proxy where—

- (a) the voter or proxy produces a specified document to a clerk and the clerk decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to a clerk that the clerk reasonably suspects to be a forged document.

(1D) Where this paragraph applies, the clerk must refer the matter and produce the document to the presiding officer, who must proceed as if the voter or proxy had produced the document to the presiding officer in the first place.

(1E) The presiding officer must refuse to deliver a ballot paper to a voter or proxy where—

- (a) the voter or proxy produces a specified document to the officer and the officer decides that the document raises a reasonable doubt as to whether the voter or proxy is the voter or proxy that the voter or proxy claims to be, or
- (b) the voter or proxy produces a document to the officer that the officer reasonably suspects to be a forged document.

(1F) Paragraph (1E)(a) does not apply where—

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- (a) a discrepancy between the name of the holder of a specified document and the name of the voter or proxy that the voter or proxy claims to be is resolved to the presiding officer’s satisfaction at the time of the application by the voter or proxy producing further proof of identity, and
- (b) the presiding officer has no other reason (arising from any document produced by the voter or proxy) to doubt that the voter or proxy is the voter or proxy that the voter or proxy claims to be.

(1G) The refusal to deliver a ballot paper to a voter or proxy under paragraph (1E) does not prevent the voter or proxy making a further application under paragraph (1), and paragraphs (1A) to (1F) apply on any further application.

(1H) In this rule, a “forged document” means a false document made to resemble a specified document.

(1I) In this rule, a “specified document”—

- (a) except in the case of a voter or proxy who has an anonymous entry in the register of electors, is one which for the time being falls within the list specified in rule 37(1H) of Schedule 1 to the 1983 Act (parliamentary election rules);
- (b) in the case of a voter or proxy who has an anonymous entry in the register of electors, means an anonymous elector’s document which—
 - (i) was issued by the registration officer for the local authority in whose area the referendum is held, and
 - (ii) contains the number—
 - (aa) allocated to the voter or proxy as stated in the copy of the register of electors, or
 - (bb) where an entry relating to the voter or proxy is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, as stated in the copy of that notice.

(1J) Subject to paragraph (1K), a reference in this rule to a document that is a specified document is a reference to the document regardless of any expiry date relating to it.

(1K) Paragraph (1J) does not apply to a temporary electoral identity document where the date of the poll for the referendum is after the date for which the document is issued.

(1L) No person other than the presiding officer or a clerk may inspect a document produced as proof of a voter’s or proxy’s identity, except as permitted by the voter or proxy.

(1M) References in this rule to producing a document are to producing it for inspection.]

(2) In the case of a voter who has an anonymous entry, that person must show the presiding officer his or her official poll card ^{F4}....

(3) In the case of a voter or proxy who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act ^{F5}, paragraph (1) is modified as follows—

- ^{F6}(a)
- (b) in sub-paragraph (b), for “in the register” substitute “ on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
- (c) in sub-paragraph (c), for “in the copy of the register of electors” substitute “ on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”.

(4) The voter or proxy, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his or her paper and fold it up so as to conceal his or her vote, and must then show to the presiding officer the back of the paper, so as to

disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(5) The voter or proxy must vote without undue delay, and must leave the polling station as soon as he or she has put his or her ballot paper into the ballot box.

[^{F7}(5A) A voter or proxy who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter or proxy accordingly.]

(6) The same copy of the register of electors which is used under paragraph (1) for the referendum or, where paragraph (3) 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—

- (a) one mark may be placed in that copy of the register or on that notice under paragraph (1) (c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each 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 election or referendum in respect of which a ballot paper was issued.

Textual Amendments

- F1** Words in Sch. 5 rule 28(1) substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(a)(i)** (with reg. 1(6)(7))
- F2** Sch. 5 rule 28(1)(a) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(a)(ii)** (with reg. 1(6)(7))
- F3** Sch. 5 rule 28(1A)-(1M) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(b)** (with reg. 1(6)(7))
- F4** Words in Sch. 5 rule 28(2) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(c)** (with reg. 1(6)(7))
- 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 \(c.22\)](#).
- F6** Sch. 5 rule 28(3)(a) omitted (16.1.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **50(8)(d)** (with reg. 1(6)(7))
- F7** Sch. 5 rule 28(5A) inserted (6.4.2014) by [The Local Authorities \(Conduct of Referendums\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/924\)](#), regs. 1(3), **17** (with reg. 1(4))

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\(4\)\(a\)](#)