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STATUTORY INSTRUMENTS

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**2016 No. 272**

The National Assembly for Wales (Representation of the People) (Amendment) Order 2016

PART 3

Other amendments

**Amendment of Schedule 3 (issue and receipt of postal ballot papers)**

- 16.**—(1) Amend Schedule 3 (issue and receipt of postal ballot papers) as follows.
- (2) For paragraph 8 (time when postal ballot papers are to be issued) substitute—
- “**8.** Postal ballot papers (and postal voting statements) must be issued by the constituency returning officer as soon as it is practicable to do so.”.
- (3) After paragraph 15 (lost postal ballot papers), insert—

**“Cancellation of postal ballot papers**

- 15A.**—(1) Where after the final nomination day an application under—
- (a) article 8(5)(a) (application to be removed from record of absent voters),
  - (b) article 8(6) or 9(3)(b) (application to vote by proxy by person recorded as voting by post),
  - (c) article 8(7) (application to vote by post by person recorded as voting by proxy),
  - (d) article 9(3)(a) (application for ballot paper to be sent to a different address),
  - (e) article 11(6) or (7) (application to vote by proxy),
  - (f) article 12(7) (application from postal proxy voter for postal ballot paper to be sent to a different address), or
  - (g) article 12(10)(a) (application from postal proxy voter to be removed from the record of postal proxies),

is granted or a notice under article 11(9) (cancellation of proxy appointment) is received, and the application or notice is not to be disregarded for the purposes of the election under paragraph 7 of Schedule 1 (closing dates for absent vote applications)(**1**), the registration officer must notify the constituency returning officer who must immediately cancel any postal ballot paper issued to the elector or proxy and, in the case of an application mentioned in paragraph (d) or (f), must issue a replacement ballot paper.

(2) Where a person returns a postal ballot paper that has been or is to be cancelled (whether to the registration officer or the returning officer(**2**)), it must be dealt with as follows—

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(1) Paragraph 7 has been amended by [S.I. 2010/2931](#).

(2) At a regional election the functions connected with the issue and receipt of postal ballot papers are exercised in relation to Assembly constituencies by the returning officer for that constituency – see paragraph 4 of Schedule 3 to the 2007 Order.

- (a) the ballot paper, together with any other ballot papers, postal voting statements or covering envelopes which are returned to the registration officer must be given by the registration officer to the constituency returning officer,
- (b) any document returned in accordance with this sub-paragraph but not cancelled in accordance with sub-paragraph (1) must be immediately cancelled,
- (c) the constituency returning officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet, and must seal the packet, and if on any subsequent occasion documents are returned in accordance with this sub-paragraph, the sealed packet must be opened and the additional cancelled documents included in it and the packet must be again made up and sealed.

(3) The constituency returning officer must enter in a list kept for the purpose of recording postal ballot papers cancelled under this paragraph (“the list of cancelled postal ballot papers”) —

- (a) the name and number of the elector as stated in the register,
- (b) the number of the cancelled postal ballot paper,
- (c) the number of any replacement ballot paper issued under sub-paragraph (1), and
- (d) where the postal voter is a proxy, the proxy’s name and address.

(4) Paragraphs 9 (except sub-paragraph (3)), 11, 12 and 13 of Schedule 3 apply to any replacement postal ballot paper issued under sub-paragraph (1).

(5) In this paragraph “the final nomination day” in relation to an election, means the last day on which nomination papers may be delivered to the constituency or (as the case may be) regional returning officer for the purposes of the election.”.

(4) In paragraph 20 (opening of covering envelopes)—

- (a) omit sub-paragraphs (2) and (7);
- (b) for sub-paragraph (4) substitute—

“(4) The procedure in paragraph 23 applies where a covering envelope (including an envelope to which paragraph 18(2) applies) contains a postal voting statement.”;

(c) for sub-paragraph (6) substitute—

“(6) Where a covering envelope does not contain a postal voting statement (whether separately or not) the constituency returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.”;

(d) in sub-paragraph (8), for “22” substitute “23”.

(5) Omit paragraph 22 (procedure in relation to postal voting statements)(3).

(6) In paragraph 23 (procedure in relation to postal voting statements: personal identifier verification)—

(a) for sub-paragraph (1) substitute—

“(1) This paragraph applies in the circumstances described in paragraph 20(4).”;

(b) in sub-paragraph (3), after “if there is no such envelope” insert “but there is a ballot paper”;

and

(c) after sub-paragraph (3) insert—

“(3A) Where the constituency returning officer is not satisfied as mentioned in sub-paragraph (3) but there is neither a ballot paper envelope nor a ballot paper, he shall,

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(3) Paragraph 22 was amended by [S.I. 2010/2931](#).

- subject to sub-paragraph (4), place the statement as it is in the receptacle for rejected votes (verification procedure).”
- (7) Omit paragraph 24 (postal voting statement: additional personal identifier verification).
- (8) In sub-paragraph (2) of paragraph 26 (retrieval of cancelled postal ballot papers)—
- (a) in paragraph (c), after “postal voting statements” insert “(verification procedure)”; and
  - (b) in paragraph (e), after “paragraph 14(7)” insert “or 15A”.
- (9) In paragraph 27 (list of rejected postal ballot papers)—
- (a) in sub-paragraph (1), for “two” substitute “three”;
  - (b) after sub-paragraph (3) insert—
    - “(4) In the third list, he shall record for every postal voting statement within the receptacle for rejected votes (verification procedure) immediately prior to sealing—
      - (a) the elector’s name and address (and the name and address of the proxy if the elector has a proxy),
      - (b) the elector’s number on the register of electors (and that of the proxy if the elector has a proxy),
      - (c) the specified reason or reasons for the rejection of the postal voting statement, and
      - (d) any other information relating to the rejection that the returning officer considers appropriate, but not the ballot paper number.    - (5) The specified reasons that may be given under sub-paragraph (4)(c) for the rejection of a postal voting statement are—
      - (a) the signature does not match the example held on the personal identifiers record,
      - (b) the date of birth does not match the one held on the personal identifiers record,
      - (c) the signature field is blank,
      - (d) the date of birth field is blank.”.
- (10) In paragraph 29(1) (sealing of receptacles)—
- (a) omit paragraph (b);
  - (b) in paragraph (d), for “spoilt and lost” substitute “spoilt, lost and cancelled”.
- (11) In paragraph 31 (forwarding of documents)—
- (a) in sub-paragraph (1), after “15(5)” insert “15A(2),”;
  - (b) after sub-paragraph (2) insert—
    - “(2A) A constituency returning officer shall, at the same time as forwarding the documents mentioned in paragraph (1),—
      - (a) forward the list required to be compiled under paragraph 27(4) to the relevant registration officer, and
      - (b) where the Assembly constituency or, as the case may be, the Assembly electoral region, comprises the area of more than one local authority, the constituency returning officer shall also forward a copy of such extracts of the lists required to be compiled under paragraph 27(4) as are relevant to each of the registration officers concerned.”;
- (c) in sub-paragraph (3), at the end, insert “except that in applying those rules to the list compiled under paragraph 27(4), the list and any extracts from it are to be treated in the same manner as a counted ballot paper”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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