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STATUTORY INSTRUMENTS

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**2016 No. 300**

**The Police and Crime Commissioner  
Elections (Amendment) Order 2016**

**PART 2**

**Combination of polls at police and crime commissioner  
and National Assembly for Wales elections**

**Amendment of the 2012 Order**

2. The 2012 Order is amended in accordance with articles 3 to 6.

**Interpretation**

- 3.—(1) Amend article 2 (interpretation) as follows.

- (2) In paragraph (1)—

- (a) in the appropriate places insert—

““the 2007 Order” means the National Assembly for Wales (Representation of the People) Order 2007(1);”,

““the Assembly” means the National Assembly for Wales;”,

““Assembly election” means an election to return a member of the Assembly for an Assembly constituency or an election to return members of the Assembly for an Assembly electoral region (or both);”,

- (b) in the definition of “local returning officer”, at the end insert “(but see paragraph (2B)(b))”; and

- (c) in the definition of “voting area” for “paragraph (2)” substitute “paragraph (2) or, where it applies, paragraph (2B)”.

- (3) In paragraph (2), at the beginning, insert “Subject to paragraphs (2A) and (2B)(a),”.

- (4) After paragraph (2) insert—

“(2A) Paragraph (2B) applies where the poll at a PCC election is required to be taken together with the poll at an Assembly election by virtue of article 16A(1) of the 2007 Order.

(2B) At an election mentioned in paragraph (2A)—

- (a) an Assembly constituency as it exists on the day of the PCC election (and not a county or county borough) is a voting area for the purposes of this Order;

- (b) a reference in this Order to the local returning officer for a voting area is a reference to the local returning officer exercising functions in relation to that

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(1) S.I. 2007/236 as amended by S.I. 2009/1182; S.I. 2010/1142; S.I. 2010/2931; S.I. 2011/1441; S.I. 2011/2085; S.I. 2012/1479; S.I. 2013/388; S.I. 2013/591; S.I. 2015/664; S.I. 2016/272; and section 3 of the Wales Act 2014 (c. 29).

voting area pursuant to regulation 2A of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(2); and

- (c) the definition of “relevant registration officer” has effect as if at the end there were inserted “(but where a voting area comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered)”.

(2C) In paragraph (2B)(a) “Assembly constituency” means an Assembly constituency as provided by section 2 of the Government of Wales Act 2006 (Assembly constituencies and electoral regions)(3).”.

### **Combination of polls**

4. After article 13 (combination of polls) insert—

#### **“Combination of polls: National Assembly for Wales**

**13A.** Where the poll at a PCC election is to be taken together with the poll at an Assembly election under article 16A of the 2007 Order(4), the modifications to the PCC elections rules set out in Part 3, and the forms in Part 4, of Schedule 4 have effect subject to the modifications and exceptions set out in Part 5 of that Schedule.”.

### **Issue and receipt of postal ballot papers**

- 5.—(1) Amend Schedule 2 (absent voting in PCC elections) as follows.

- (2) In paragraph 29 (combination of polls)—

- (a) in sub-paragraph (2), at the beginning insert “In sub-paragraph (1),”; and  
 (b) after sub-paragraph (2) insert—

“(3) Where the poll at a PCC election is to be taken together with the poll at an Assembly election under article 16A of the 2007 Order, the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers concerned agree, be taken together.”.

- (3) In paragraph 59 (forwarding of documents), after sub-paragraph (2) insert—

“(2A) Where the poll at a PCC election is taken together with the poll at an Assembly election under article 16A of the 2007 Order, a separate statement in the form described in sub-paragraph (1)(b) must be completed for the PCC election.”.

### **Application of Part 3 of Schedule 4**

- 6.—(1) Amend Schedule 4 (combination of polls)(5) as follows.

- (2) In the shoulder reference, for “article 13” substitute “articles 13 and 13A”.  
 (3) After Part 4 (forms referred to in Part 3 of Schedule 4) insert—

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(2) Regulation 2A is inserted by article 9 of this Order.  
 (3) 2006 c. 32; section 2 has been amended by section 13 of the Parliamentary Voting Systems and Constituencies Act 2011 (c. 1).  
 (4) By virtue of article 16A of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) where the polls at a general election of the National Assembly for Wales and an ordinary election of police and crime commissioners are to be taken on the same day, they must be taken together. Article 16A is inserted by S.I. 2016/272.  
 (5) Parts 3 and 4 of Schedule 4 have been amended by S.I. 2014/921.

## “PART 5

### Application of Parts 3 and 4 to PCC elections combined with Assembly elections

#### **Introduction**

**46.**—(1) In the application of Part 3 to a combined election—

- (a) a reference to a relevant election is to be construed as a reference to an Assembly election;
- (b) a reference to a counting officer or a relevant referendum is to be disregarded; and
- (c) a provision having effect only in relation to England is to be disregarded.

(2) In paragraph (1) the reference to a “combined election” is a reference to a PCC election taken together with an Assembly election.

#### **Modification of paragraph 13 (interpretation)**

**47.**—(1) In paragraph 13—

- (a) for sub-paragraph (2) substitute—

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

- (a) “Assembly constituency” and “Assembly electoral region” mean an Assembly constituency or (as the case may be) electoral region as provided by section 2 of the Government of Wales Act 2006;
- (b) “combined polls” means the polls to be taken together by virtue of article 16A of the 2007 Order; and
- (c) a reference to the relevant returning officer is a reference to the returning officer exercising functions by virtue of paragraph 2 of Schedule 4 to the 2007 Order (as it applies to combined polls by virtue of paragraph 1 of Schedule 4A to that Order).”;

- (b) omit sub-paragraphs (3) and (4).

#### **Modification of paragraphs 16 and 17 (corresponding number lists)**

**48.**—(1) In paragraph 16, in paragraph (1) of inserted rule 19A (corresponding number lists: proceedings on issue and receipt of ballot papers combined) for “paragraph 29 of Schedule 2 to this Order and regulation 65 of the 2001 Regulations” substitute “paragraph 29(3) of Schedule 2 to this Order and paragraph 2 of Schedule 3 to the 2007 Order”.

(2) In paragraph 17, in inserted paragraph (A1) of rule 20 (corresponding number lists: proceedings on issue and receipt of ballot papers not combined) for “paragraph 29 of Schedule 2 to this Order and regulation 65 of the 2001 Regulations” substitute “paragraph 29(3) of Schedule 2 to this Order and paragraph 2 of Schedule 3 to the 2007 Order”.

#### **Modification of paragraph 19 (notice of poll)**

**49.** In paragraph 19, for inserted paragraph (3A) of rule 24 (notice of poll) substitute—

“(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 the Assembly election;

- (b) specify the Assembly constituency or electoral region for which the Assembly election is held;
- (c) where polls for the elections are to be taken together in only part of the voting area, specify that part.”.

#### **Modification of paragraph 35 (correction of errors on day of the poll)**

**50.** In paragraph 35—

- (a) for inserted paragraph (2) of rule 45 (correction of errors on day of poll) substitute—

“(2) Where the poll at a PCC election is taken together with an Assembly election the same list may be used for each election 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 election, unless the list identifies the election for which a ballot paper was issued.”;
- (b) omit paragraph (3)(6).

#### **Modification of paragraph 42 (the first count)**

**51.** In paragraph 42 (the first count), in inserted paragraph (1C) of rule 52 after “parliamentary constituency” insert “Assembly constituency,”.

#### **Countermand or abandonment of poll on death of candidate**

**52.** After paragraph 44 (rule 66: delivery of documents) insert—

##### **“Countermand or abandonment of poll on death of candidate**

**44A.** In rule 69 (countermand or abandonment of poll on death of candidate) after paragraph (5) insert—

“(5A) Neither the countermand of the notice of the poll at the PCC election nor the direction that the poll be abandoned affects the poll at the Assembly election.”””

#### **Amendment of the 2012 Regulations**

7. The 2012 Regulations are amended in accordance with articles 8 and 9.

#### **Voting areas**

**8.—**(1) Amend regulation 2 (interpretation) as follows.

(2) In paragraph (1)—

(a) after the definition of “the 1983 Act” insert—

““the 2007 Order” means the National Assembly for Wales (Representation of the People) Order 2007;”;

(b) in the definition of “voting area” for “paragraph (2)” substitute “paragraphs (2) and (4)”.

(3) In paragraph (2), at the beginning, insert “Subject to paragraph (4),”.

(4) After paragraph (2) insert—

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(6) Paragraph (3) is inserted by article 12 of this Order.

“(3) This paragraph applies to a PCC election, the date of the poll for which is on or after 1st May 2016 and which is required, by virtue of article 16A of the 2007 Order, to be taken together with the poll at an Assembly election.

(4) Where paragraph (3) applies, an Assembly constituency as it exists on the day of the PCC election mentioned in that paragraph (and not a county or county borough) is a “voting area” for the purposes of these Regulations.

(5) In this regulation—

“the Assembly” means the National Assembly for Wales;

“Assembly constituency” and “Assembly electoral region” mean an Assembly constituency or (as the case may be) electoral region as provided by section 2 of the Government of Wales Act 2006; and

“Assembly election” means an election to return a member of the Assembly for an Assembly constituency or an election to return members of the Assembly for an Assembly electoral region (or both).”

### **Local returning officer where PCC and Assembly elections are combined**

9. After regulation 2 insert—

#### **“Local returning officer where PCC and Assembly elections are combined**

**2A.**—(1) Where paragraph (3) of regulation 2 applies, the local returning officer for a voting area for the purposes of the PCC election is to be the local returning officer who is the constituency returning officer for that voting area for the purposes of the Assembly election; and a reference in these Regulations to a “local returning officer” is to be construed accordingly.

(2) In paragraph (1) “constituency returning officer” means the constituency returning officer for an Assembly constituency by virtue of article 18 of the 2007 Order<sup>(7)</sup>.”

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(7) A constituency returning officer is the person appointed under section 35(1A) of the Representation of the People Act 1983 (c. 2) to be the returning officer for councillors of a county or county borough situated wholly or partly within the Assembly constituency and, where there is more than one, for the time being designated by Welsh Ministers as constituency returning officer.