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STATUTORY INSTRUMENTS

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**2020 No. 926**

**The Postponed Elections and Referendums (Coronavirus) and  
Policy Development Grants (Amendment) Regulations 2020**

**PART 2**

Provision relating to polls postponed due to coronavirus

**CHAPTER 1**

Postal ballots

**Postal ballots: retention, production and destruction of documents by the relevant registration officer**

5.—(1) The relevant registration officer must—

- (a) retain the documents forwarded to the officer in accordance with regulation 4(4) for the period of one year, and
- (b) after that period, cause those documents to be destroyed, unless otherwise directed by an order of a county court, a Crown Court or a magistrates' court.

(2) A person must not be allowed to inspect any of the documents described in regulation 4(4)(a)(i) to (iii) and (v) to (vii) and (b)(ii) in the possession of the relevant registration officer, except in accordance with an order made by a court for the inspection or production of any document for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(3) The following provisions apply to an order described in paragraph (2) as they apply to an order under the rule to which those provisions relate, reading references in those provisions to counted ballot papers as references to the documents described in regulation 4(4)(a)(i) to (iii) and (v) to (vii) and (b)(ii)—

- (a) in respect of a relevant by-election—
  - (i) where the election was for a councillor to fill a casual vacancy in the office of councillor for any principal area in England, paragraphs (3) to (7) of rule 53 of Schedule 2 or (as the case may be) of Schedule 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006;
  - (ii) where the election was for a councillor to fill a casual vacancy in the office of parish councillor, paragraphs (3) to (7) of rule 53 of Schedule 2 or (as the case may be) of Schedule 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006;
- (b) in respect of a relevant referendum, paragraphs (3) to (8) of rule 46 of Schedule 3 or (as the case may be) of Schedule 5 to the 2012 Regulations.

- (4) Section 176 of the 1983 Act (time limit for prosecutions)(1) applies in respect of documents retained by the relevant registration officer under paragraph (1) as if—
- (a) in subsection (2C), the reference to rule 57 of the parliamentary elections rules were a reference to paragraph (1);
  - (b) in subsection (2D)(a) the reference to rule 57 were a reference to paragraph (1).
- (5) In paragraph (4), references to section 176 of the 1983 Act in relation to—
- (a) a relevant referendum the poll for which was not due to be taken together with the poll for a relevant by-election or relevant referendum, are to that section as applied by regulation 8 of, and Schedule 4 to, the 2012 Regulations;
  - (b) a relevant referendum the poll for which was due to be taken together with the poll for a relevant by-election or another relevant referendum, are to that section as applied by regulation 12 of, and Schedule 4 to, the 2012 Regulations;
  - (c) a relevant by-election the poll for which was due to be taken together with the poll for a relevant referendum, are to that section as applied by regulation 13 of, and Schedule 4 to, the 2012 Regulations.
- (6) Section 54 of the 1983 Act (payments of expenses of registration)(2) applies to the exercise of functions of the relevant registration officer under this regulation as it applies to the exercise of functions of the registration officer under the 1983 Act.

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(1) Section 176 was amended by the Representation of the People Act 1985 (c. 50), sections 24 and 28, Schedule 4, paragraph 61 and Schedule 5.

(2) Section 54 was amended by the Representation of the People Act 1985, Schedule 4, paragraph 14; and by the Electoral Administration Act 2013 (c. 22), Schedule 4, paragraphs 1 and 17.