

SCHEDULE 1

Regulations 3 and 9

PART I

STATEMENTS AND QUESTIONS TO BE ASKED IN A REFERENDUM

1. At the moment *[insert name of local authority]* works under "[executive]* [alternative]* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the Council's cabinet]* [council leader and the members of the Council's cabinet are chosen by the councillors]* [mayor is chosen by the electorate and the mayor then selects other council members to become members of the Council's cabinet]* [mayor is chosen by the electorate and the council manager is appointed by the councillors]* [council is run by a politically balanced board]*. The [Council leader and cabinet]* [elected mayor and cabinet]* [elected mayor and council manager]* [Board]* are responsible for making decisions about local council services.

[A]* [An]* [petition has been received making a proposal]* [direction from the National Assembly for Wales has been received and it is proposed]* [Order has been made by the National Assembly for Wales and it is proposed]* to change this so that, in future, a mayor directly elected by voters in the [county]* [county borough]* would lead the council. The mayor would appoint two or more council members to become members of a cabinet, and the mayor and cabinet would be responsible for making decisions about local council services.

**delete as appropriate*

.....

Question

Do you support the proposal for a directly elected mayor for *[insert name of local authority]*?

2. At the moment *[insert name of local authority]* works under "[executive]* [alternative]* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the Council's cabinet]* [council leader and the members of the Council's cabinet are chosen by the councillors]* [mayor is chosen by the electorate and the mayor then

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selects other council members to become members of the Council's cabinet]* [mayor is chosen by the electorate and the council manager is appointed by the councillors]* [council is run by a politically balanced board]*. The [Council leader and cabinet]* [elected mayor and cabinet]* [elected mayor and council manager]* [Board]* are responsible for making decisions about local council services.

[A]* [An]* [petition has been received making a proposal]* [direction from the National Assembly for Wales has been received and it is proposed]* [Order has been made by the National Assembly for Wales and it is proposed]* to change this so that, in future, a mayor directly elected by voters in the [county]* [county borough]* would lead the council. The councillors would appoint an officer of [insert name of local authority] to act as council manager, and the mayor and council manager would be responsible for making decisions about local council services.

**delete as appropriate*

.....

Question

Do you support the proposal for a directly elected mayor for [insert name of local authority]?

3. At the moment [insert name of local authority] works under "[executive]* [alternative]* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the Council's cabinet]* [council leader and the members of the Council's cabinet are chosen by the councillors]* [mayor is chosen by the electorate and the mayor then selects other council members to become members of the Council's cabinet]* [mayor is chosen by the electorate and the council manager is appointed by the councillors]* [council is run by a politically balanced board]*. The [Council leader and cabinet]* [elected mayor and cabinet]* [elected mayor and council manager]* [Board]* are responsible for making decisions about local council services.

[A]* [An]* [direction from the National Assembly for Wales has been received]* [Order has been made by the National Assembly for Wales]* and it is proposed to change this so that, in future, a council leader chosen by the councillors of the [county]* [county borough]* would lead the council. The council leader would select other council members to become members of the Council's cabinet, and the council leader and cabinet would be responsible for making decisions about local council services.

**delete as appropriate*

.....

Question

Do you support the proposal for a council leader chosen by councillors for [insert name of local authority]?

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PART II

FORM OF FRONT OF BALLOT PAPER

FFURF A			
FORM A			
<p><i>[mewnosodwch destun priodol y datganiad a'r cwestiwn fel a bennir yn mhparagraff 1 o Ran 1 o Atodlen 1 i'r Rheoliadau hyn]</i></p> <p>Rhowch groes (X) yn y blwch sydd i'r dde i'r ateb yr ydych am bleidleisio drosto. Peidiwch â rhoi marc arall ar y papur pleidleisio neu efallai na chairf eich pleidlais ei chyfrif.</p>		<p><i>[insert appropriate text of statement and question as specified in paragraph 1 of Part 1 of Schedule 1 to these Regulations]</i></p> <p>Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p>	
YDW		YES	
NAC YDW		NO	
FFURF B			
FORM B			
<p><i>[mewnosodwch destun priodol y datganiad a'r cwestiwn fel a bennir yn mhparagraff 2 o Ran 1 o Atodlen 1 i'r Rheoliadau hyn]</i></p> <p>Rhowch groes (X) yn y blwch sydd i'r dde i'r ateb yr ydych am bleidleisio drosto. Peidiwch â rhoi marc arall ar y papur pleidleisio neu efallai na chairf eich pleidlais ei chyfrif.</p>		<p><i>[insert appropriate text of statement and question as specified in paragraph 2 of Part 1 of Schedule 1 to these Regulations]</i></p> <p>Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p>	
YDW		YES	
NAC YDW		NO	
FFURF C			
FORM C			
<p><i>[mewnosodwch destun priodol y datganiad a'r cwestiwn fel a bennir yn mhparagraff 3 o Ran 1 o Atodlen 1 i'r Rheoliadau hyn]</i></p> <p>Rhowch groes (X) yn y blwch sydd i'r dde i'r ateb yr ydych am bleidleisio drosto. Peidiwch â rhoi marc arall ar y papur pleidleisio neu efallai na chairf eich pleidlais ei chyfrif.</p>		<p><i>[insert appropriate text of statement and question as specified in paragraph 3 of Part 1 of Schedule 1 to these Regulations]</i></p> <p>Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p>	
YDW		YES	
NAC YDW		NO	

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PART III

FORM OF BACK OF BALLOT PAPER

Rhif
Refferendwm y Cyngor a- [rhwyb y dyddiad]:
[rhwyb eaw'r ardal bleidleisio]
*Noder: Bydd y rhif ar y papur pleidleisio'n cyfateb i'r
un ar yr wrthdalen a dylid ei brintio mewn
Hythvennau bach.*

Nn
Council referendum on [insert date]:
[insert name of voting area]
*Note: The number on the ballot paper is to correspond
with that on the counterfoil and is to be printed in small
characters.*

SCHEDULE 2

Regulation 6(1) definition of "referendum
expenses"

MATTERS RELEVANT TO REFERENDUM EXPENSES

- (a) (a) Advertising of any nature (whatever the medium used).

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

- (b) Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area or areas).

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

- (c) Any material of a description referred to in regulation 5(1) of these Regulations.
(d) Market research or canvassing conducted for the purpose of ascertaining voting intentions.
(e) The provision of any services or facilities in connection with press conferences or other dealings with the media.
(f) Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign.

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the referendum period.

- (g) Rallies and other events, including public meetings organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.

Expenses in respect of such events include costs in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

2. Nothing in paragraph 1 shall be taken as extending to —

- (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
(b) any expenses incurred in respect of the remuneration or allowances payable to any member of the staff of the campaign organiser;

- (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for that person's accommodation or other personal needs to the extent that the expenses are paid by the individual from their own resources and are not reimbursed to them.

SCHEDULE 3

Regulation 8

APPLICATION, WITH MODIFICATIONS, OF ACTS AND STATUTORY INSTRUMENTS

TABLE 1**REPRESENTATION OF THE PEOPLE ACT 2000**

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 10 (pilot schemes for elections in England and Wales) Government	<p>In subsection (2) —</p> <p>(a) after “Representation of the People Acts”, insert “or the Local Act 2000”; and</p> <p>(b) in paragraph (c), for “candidates”, substitute “any campaign organiser within the meaning of regulations 6 and 7 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p> <p>In subsection (3) —</p> <p>(a) in paragraph (b), for “candidates” substitute “campaign organisers”; and</p> <p>(b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)”, substitute “regulations 6 and 7 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p> <p>Omit subsection (4).</p> <p>In subsection (7) at the end of paragraph (a), insert “or the Local Government Act 2000”.</p> <p>In subsection (11), for the words after “means” substitute “a county or county borough council”.</p>
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1), at the end insert “; and as regards referendums under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.
Schedule 4 (absent voting in Great Britain)	In paragraph 1, in sub-paragraph (1) —
	(a) in the definition of “the appropriate rules”, at the end of paragraph (b), insert

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>“and</p> <p>(c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”;</p> <p>(b) after the definition of “local government election”, insert the following definition —</p> <p>““referendum” means a referendum under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004” .</p> <p>In paragraphs 2 to 7, except in paragraphs 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum”, “or referendums”, or “or the referendum”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i), after “or both,”, insert “or referendums”.</p> <p>In paragraphs 6(7) and 7(4)(a), after “or at both,”, insert “or at referendums”.</p>

TABLE 2
REPRESENTATION OF THE PEOPLE ACT 1983

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 13B (alteration of registers: pending elections)(1)	<p>After “election”, in each place, insert “or referendum”.</p> <p>In subsection (1), for “the final nomination day”, substitute “the nineteenth day before the date of the poll at the referendum”.</p> <p>After subsection (4), insert</p> <p>“(4A) This section also applies to referendums.”.</p>

(1) Section 13B was inserted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 31(1) and (3) (polling districts and stations at local government elections)	<p>In subsection (1) —</p> <p>(a) for “elections of county councillors” substitute “referendums by or in respect of a county or county borough”.</p> <p>In subsection (3), for “local government elections” substitute “referendums”.</p> <p>Omit “mentioned in subsections (1) to (3) above”.</p>
Section 35(4) (appointments by returning officers)	<p>For “subsections (1) to (3)”, substitute “subsection (1) or (3)”.</p>
Section 36(4) and (6) (returning officer’s expenditure at local election)(2)	<p>In subsection (6), for the words from the beginning to “councillor, the council”, substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the local authority”.</p> <p>Regulation 8(1)(b) shall not apply in relation to the first reference in subsection (6) to the returning officer.</p>
Section 47 (loan of equipment for local elections)(3)	<p>In subsection (1), for “the returning officer at a local government election”, substitute “the counting officer at a referendum”.</p> <p>In subsection (2) —</p> <p>(a) omit the words from “, or”, at the end of paragraph (a), to “as the case may be,”;</p> <p>(b) for “an election held under those Acts” substitute “a referendum held under the Referendums Regulations”.</p>
Section 49(4) and (5) (effect of registers)(4)	<p>In subsection (4), omit “parliamentary or”.</p> <p>In subsection (5), omit “parliamentary or” and “prevent the rejection of the vote on a scrutiny or”.</p>
Section 60 (personation)	<p>Omit “parliamentary or”.</p>
Section 61 (other voting offences)(5)	<p>In subsection (1), after “local government election” and “local government elections”, in each place, insert “or referendum” and “or referendums”, respectively. voting area, or for</p>

(2) Section 36(4) was amended by the Local Government Act 1985 (c. 51), Schedule 17 and the Local Government (Wales) Act 1994 (c. 19), Schedule 16.

(3) Section 47(1) was amended by S.I. 1991/1728, regulation 4.

(4) Section 49(5) was substituted by S.I. 1995/1948, Schedule 2 and amended by the Representation of the People Act 2000, Schedule 1, paragraph 12.

(5) Amended by the Representation of the People Act 1985, Schedules 2 and 5, and by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 10.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>them without applying for the cancellation of a previous pending application for such an appointment. to vote by post as proxy for that other person, or</p> <p>For subsections (2) to (4) substitute —</p> <p>“(2) A person shall be guilty of an offence if —</p> <ul style="list-style-type: none"> (a) that person votes on their own behalf otherwise than by proxy — <ul style="list-style-type: none"> (i) more than once in the same voting area; (ii) in more than one voting area; or (iii) in any voting area where there is in force an appointment of a person to vote as that person’s proxy in the referendum in another (b) that person votes on their own behalf in person and is entitled to vote by post, or (c) that person votes on their behalf in person knowing that a person appointed to vote as their proxy has already voted in person or is entitled to vote by post, or (d) that person applies for a person to be appointed as their proxy to vote appointment of a third person then in force or without withdrawing a <p>(3) A person shall be guilty of an offence if —</p> <ul style="list-style-type: none"> (a) that person votes as proxy for the same person either — <ul style="list-style-type: none"> (i) more than once in the same voting area, or (ii) in more than one voting area, or (b) that person votes in person as proxy for another person and is entitled (c) that person votes in person as proxy for someone whom that person knows already to have voted in person. <p>(4) A person shall also be guilty of an offence if that person votes as proxy in any voting area for more than two persons of whom that person</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.”.
	In subsection (7), omit paragraph (b) and the word “and” immediately preceding it.
Section 65 (tampering with papers)(6)	In subsection (1) — (a) after “election”, in the first place where it appears, insert “or referendum”; and (b) omit paragraph (a).
	In subsection (3), for “clerk”, substitute “person”.
Section 66 (requirement of secrecy)(7)	For subsection (1)(b) substitute — “(b) every polling observer, so attending.”.
Section 66A (prohibition on publication of exit polls)(8)	In subsection (2) — (a) in paragraph (b), after “Wales” insert “; and”; and (b) after paragraph (b) insert “(c) any referendum.”.
	In subsection (4), omit the words after the definition of “publish”.
Section 92 (broadcasting from outside the United Kingdom)(9)	In subsection (1), after “local government election” insert “or referendum”.
Section 94 (imitation of poll cards)(10)	In subsection (2), after “section 42 above” insert “or to any referendum in relation to which any rules under section 36, as applied for the purposes of that referendum.”.
Section 96 (schools and rooms for local election meetings)(11)	For subsection (1) substitute — “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in the referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (1A) In subsection (1), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”.

(6) Subsections (3) and (4) were substituted by the Representation of the People Act 1985, Schedule 3.

(7) Subsection (6) was amended by the Representation of the People Act 1985, Schedule 3. There are other amendments not relevant to these Regulations.

(8) Section 66A was inserted by the Representation of the People Act 2000 (c. 2), Schedule 6, paragraph 6.

(9) Subsection (1) was substituted by the Broadcasting Act 1990 (c. 42), Schedule 20.

(10) Amended by the Representation of the People Act 1985, Schedule 4.

(11) Subsection (1) was amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 29.

Subsection (2) was amended by the Representation of the People Act 1985, Schedule 4. Subsection (4) was amended by the Police and Criminal Evidence Act 1984 (c. 60), Schedule 7.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>Omit subsection (2).</p> <p>In subsection (3) —</p> <p>(a) for “electoral area for which the candidate is standing or in a parish or community, as the case may be, in part comprised in that electoral area”, substitute “voting area”; and</p> <p>(b) omit paragraph (b).</p> <p>In subsection (4) —</p> <p>(a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”;</p> <p>(b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “candidate” of the word “person””; and</p> <p>(c) omit the words from “and any person” to the end.</p> <p>After subsection (4) insert —</p> <p>“(5) The lists maintained by a county council or county borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”.</p>
<p>Section 97 (disturbances at election meetings)(12)</p>	<p>For subsection (2), substitute —</p> <p>“(2) This section applies to a meeting in connection with a referendum held during the campaign period.</p> <p>(2A) In subsection (2), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”.</p>
<p>Section 100(1) and (2) (illegal canvassing by police officers)(13)</p>	<p>In subsection (1), for the words from “from giving his vote” to the end, substitute “from giving his vote in the referendum in a voting area wholly or partly within the police area”.</p>
<p>Section 109 (payments for exhibition of election notices)</p>	

(12) Subsection (2) was amended by the Representation of the People Act 1985, Schedule 3.

(13) Section 103(2) was repealed, and section 104(b) amended, by the Representation of the People Act 1985, Schedule 5.

<i>(1)</i> Provision	<i>(2)</i> Modification (if any)
Section 110 (printer’s name and address on election publications)(14)	Omit subsection (12).
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Sections 113 to 115 (bribery, treating and undue influence)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part II), the definitions of “money”, “pecuniary reward” and “payment”	
Section 119 (computation of time for purposes of Part II)	In subsection (1), in paragraph (b), after “disregarded”, insert — “ ; and (c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a referendum, any of the days so mentioned shall be disregarded.”.
Section 167 (application for relief)	
Sections 168 to 170 (prosecutions for corrupt and illegal practices)	
Subsections (1)(a)(i), (2) and (3) of section 173 (incapacities on conviction of corrupt or illegal practice)(15)	In subsection (1)(a)(i), after “Great Britain”, insert “or at any referendum”.
Section 174 (mitigation and remission etc.)	
Section 175 (illegal payments etc.)(16)	Omit subsection (2).
Section 176 (time limit for prosecutions)	
Section 177 (summary trial)	For “the local government Act”, substitute “the Referendums Regulations”. In paragraph (a), for “in the county in which the local government area for which the election was held is situated or which it adjoins” substitute “for the voting area in which, the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom)	

(14) Section 110 was substituted by the Political Parties, Elections and Referendums Act 2000, Schedule 18, paragraph 14.

(15) Section 173 was substituted by the Political Parties, Elections and Referendums Act 2000, section 136.

(16) Section 175 was amended by the Representation of the People Act 1985, Schedule 3 and by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 6(6).

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 179 (offences by associations)	
Section 181(1) (Director of Public Prosecutions)	
In section 185 (interpretation of Part III), the definitions of “judicial office”, “money” and “pecuniary reward”, “payment” and “public office”	
Section 200(1) and (2) (Public notices, and declarations)	
Section 202 (interpretation), the definitions in subsection (1) of “the absent voters' list”, “citizen of the Union” and “relevant citizen of the Union”, “elector”, “legal incapacity”, “the list of proxies”, “person” and “voter” and subsection (2)(17)	In the definition of “voter”, after “42 above”, insert “and such of those rules as are applied, in relation to a referendum, by any provision of the Referendums Regulations”.
Section 203(1) (local government provisions as to England and Wales)(18)	In subsection (1), insert at the end — ““the Referendums Regulations” means the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.

TABLE 3

THE LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 1986: SCHEDULE 2(19)

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 1 (timetable)	Omit the words from “Delivery” in the first place where that word appears to “day of election” in the fourth place where those words appear.
Rule 2 (computation of time)	Omit the item “Polling”.
Rule 3 (notice of election)	See regulation 18.
Rule 13 (poll to be taken by ballot)	For paragraph (1), substitute “(1) The counting officer shall publish notice of the referendum, stating the date of the poll.”
Rule 15 (the official mark)	Omit the words from “, the result” to the end.
	For paragraph (2) substitute —

(17) Amended by the Representation of the People Act 1985, Schedule 4, the Local Government Act 1985 (c. 51) and the Education Reform Act 1988 (c. 40), Schedule 13.

(18) Amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 39.

(19) S.I. 1986/2214; amended by S.I. 1987/261, 1990/158, 1995/1948, 2000/427 and 2001/81.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 16 (prohibition of disclosure of vote) Rule 17 (use of schools and public rooms) Rule 18 (notice of poll)	“(2) The official mark shall be kept secret”. In paragraph (3) omit “at the same election”. In paragraph (1), for sub-paragraphs (b) to (d), substitute — “and (b) the statement and the question to be asked in the referendum.”. For paragraph (2) substitute — “(2) The notice of poll shall be published not later than the sixth day before the date of the referendum.” In paragraph (3), omit the words from “and he shall” to the end.
Rule 19 (postal ballot papers) Rule 20 (provision of polling stations)	In paragraph (3), omit “unless that place is outside the electoral area”.
Rule 21 (appointment of presiding officers and clerks)	In paragraph (1), omit the words from “but he shall not appoint” to the end.
Rule 22(1) to (4) (issue official poll cards)	For paragraph (3)(a) substitute — “(a) the name of the council and of the voting of area;”.
Rule 23 (equipment of polling stations)(20)	For paragraph (5) substitute — “(5) In every compartment of every polling station there shall be exhibited the following notice — [INSERT NAME OF COUNCIL] REFERENDUM Mark one box only. Put no other mark on the ballot paper or your vote may not be counted.”. In paragraph (8), for “particulars of the candidates”, substitute “the answer”. In paragraph (9) —

(20) Rule 23 was amended by S.I. [2001/81](#), rule 8.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 24 (appointment of polling and counting agents)	<p>(a) for “numbered” and “number of”, substitute “worded” and “word on”, respectively; and</p> <p>(b) for “the candidate whose particulars are”, substitute “the answer which is”.</p> <p>In paragraph (10), for “Each number on the”, substitute “The word on each”.</p> <p>Omit paragraphs (1) to (3).</p> <p>In paragraph (4) —</p> <p>(a) for “counting agents”, “counting agent” and “agent”, substitute “counting observers”, “counting observer” and “observer”, respectively;</p> <p>(b) for “candidate” and “candidates”, substitute “petition organiser” and “petition organisers”, respectively; and</p> <p>(c) for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively.</p> <p>Omit paragraph (5).</p> <p>For paragraph (6) substitute —</p> <p>“(6) If a counting observer dies, or becomes incapable of acting, the counting officer may appoint another counting observer in that person’s place.”.</p> <p>Omit paragraph (7).</p> <p>In paragraph (8) —</p> <p>(a) omit “polling agents and”;</p> <p>(b) for “counting agents” and “agents”, substitute “counting observers”; and</p> <p>(c) in sub-paragraph (a), omit “and notified”.</p> <p>In paragraph (9) —</p> <p>(a) for “a counting agent by the returning officer”, substitute “a counting observer by the counting officer”; and</p> <p>(b) for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p> <p>In paragraph (10) —</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>(a) for “candidate” substitute “petition organiser”;</p> <p>(b) for “polling or counting agent” substitute “counting observer”; and</p> <p>(c) for “agent” substitute “counting observer”.</p> <p>Omit paragraph (11).</p> <p>In paragraph (12) —</p> <p>(a) for “these rules” substitute “the LGA Referendum Rules”;</p> <p>(b) for “polling or counting agents” substitute “counting observers”; and</p> <p>(c) for “agents or agents” substitute “such observer or observers”.</p>
Rule 25 (notification of requirement of secrecy)	
Rule 26(1), (3) and (4) (admission to polling station)(21)	<p>In paragraph (1) —</p> <p>(a) omit sub-paragraph (a);</p> <p>(b) in sub-paragraph (b), for “the polling agents”, substitute “the polling observers”;</p> <p>(c) at the end of sub-paragraph (d), omit “and”; and</p> <p>(d) at the end of sub-paragraph (e) insert —</p> <p style="padding-left: 40px;">“(f) the elected mayor, if any, of the council in respect of which the referendum is held; and</p> <p style="padding-left: 40px;">(g) any petition organiser.”(22)</p>
Rule 27 (keeping of order in station)	
Rule 28 (sealing of ballot boxes)	
Rule 29 (questions to be put to voters) at —	<p>For paragraphs (1) and (2) substitute —</p> <p>“(1) The presiding officer may put to any person applying for a ballot paper the time of that person’s application, but not afterwards, one or both of the relevant questions.</p> <p>(2) In the case of a person applying to vote on their own behalf, the relevant questions are —</p> <p>(a) “Are you the person registered in the register of local government electors for this voting area as follows?” (<i>read the whole entry from the register.</i>)</p>

(21) Rule 26 was amended by S.I. 2001/81, rule 9.

(22) The definitions of “elected mayor” and “petition organiser”, as applied for the purposes of this rule, are to be found in regulation 2(1).

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<i>(1)</i> Provision	<i>(2)</i> Modification (if any)
	<p>(b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?”</p> <p>(2A) In the case of a person applying as proxy, the relevant questions are —</p> <p>(a) “Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?”</p> <p>(b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of C.D.?”</p> <p>(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question —</p> <p>“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”</p> <p>and, if that question is not answered in the affirmative, the following question</p> <p>“Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”.</p>
Rule 30 (challenge voters)	In paragraph (1), for “a candidate or his election or polling agent”, substitute “any petition organiser or polling observer permitted to be present in accordance with rule 26, as modified”.
Rule 31 (voting procedure)	
Rule 32 (votes marked by presiding officer)	In paragraph (1), for “polling agents” substitute “polling observers (if any)”.
Rule 33 (voting by persons with disabilities)	
Rule 34 (tendered ballot papers)	
Rule 35 (spoilt ballot papers)	
Rule 36 (adjournment of poll in case of riot)	
Rule 37 (procedure)	In paragraph (1), for “polling agents” (in both places) substitute “polling observers (if on close of poll)(23) any”.

(23) Rule 37 was amended by S.I. 2001/81, rule 11.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 39 (the count) (24)	<p>In paragraph (1)(a), for “counting agents” substitute “counting observers”.</p> <p>In paragraph (1)(b), for “election agents” substitute “counting observers”.</p> <p>In paragraph (6), for “election agent” substitute “counting observer present at the verification”.</p> <p>In paragraph (7), omit “so far as he and the agents agree” and from “For the purposes” to the end.</p> <p>In paragraph (8), omit the words from “—(a) place” to “(b) otherwise”.</p>
Rule 40 (re-count)	<p>In paragraph (1), for “candidate or his election agent”, substitute “petition organiser”.</p> <p>In paragraph (2), for “the candidates and election agents”, substitute “such petition organisers as are”.</p>
Rule 41(1), (3) to (5) (rejected ballot papers)	<p>In paragraph (1) —</p> <ul style="list-style-type: none">(a) for sub-paragraph (b), substitute “(b) on which votes are given for more than one answer,”; and(b) for “paragraphs (2) and (3)”, substitute “paragraph (3)”. <p>In paragraph (4) —</p> <ul style="list-style-type: none">(a) omit sub-paragraph (b); and(b) for “counting agent”, substitute “counting observer”. <p>In paragraph (5) —</p> <ul style="list-style-type: none">(a) omit “including those rejected in part,”;(b) for sub-paragraph (b), substitute — “(b) voting for more than one answer,”; and(c) omit the words from “and the statement” to the end.
Rule 42 (decisions on ballot papers)	
Rule 43 (equality of	<p>For the words from “an equality” to the end, substitute — “an equality of YES and NO votes is found, the counting officer shall forthwith decide the referendum by lot.”.</p>

(24) Rule 39 was amended by S.I. [2001/81](#), rule 12.

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<i>(1)</i> Provision	<i>(2)</i> Modification (if any)
Rule 44 (declaration of result)	Substitute — “The counting officer shall forthwith — (a) declare the result of the referendum; (b) inform the proper officer of the local authority by or in respect of which the referendum was held of the result of the referendum; and (c) give public notice of — (i) the result of the referendum, (ii) the number of ballot papers counted, (iii) the total number of votes cast for each answer, and (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.”.
Rule 45 (sealing up of ballot papers)	In paragraph (1), omit “contested” and “, including ballot papers rejected in part”.
Rule 46 (delivery of documents)(25)	For “the returning officer”, substitute “the counting officer”. For the words from “the date of the election” to the end, substitute “and the name of the voting area”.
Rule 47 (orders for production of documents)	In paragraph (1), omit “, including ballot papers rejected in part”.
Rule 48 (retention and public inspection of documents)	
The Appendix of Forms: Form of declaration of identity	On the front of the form, for “REPRESENTATION OF THE PEOPLE ACTS” substitute — “[<i>INSERT NAME OF COUNCIL</i>] REFERENDUM”. On the back of the form — (a) in paragraph 2, for “(Vote for no more than...candidates.) (Vote for one candidate only.)”, substitute “Vote for one answer only.”; (b) in paragraph 5, for “the same election” substitute “the referendum”; and (c) in paragraph 6, for “election” substitute “referendum”.
Elector’s official poll card	On the front of the card —

(25) Rule 46 was amended by S.I. 2001/81, rule 13.

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<i>(1)</i> Provision	<i>(2)</i> Modification (if any)
	<p>(a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute — “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”; and</p> <p>(b) for “Electoral division/ward” substitute “Voting area”; and</p> <p>(c) for “8am to 9pm”, substitute “7am to 10pm”.</p> <p>On the back of the card —</p> <p>(a) for the heading substitute — “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”;</p> <p>(b) in the third paragraph —</p> <p>(i) for “the name(s) of the candidate(s)”, substitute “the answer”; and</p> <p>(ii) at the end insert “Put no other mark on the ballot paper, or your vote may not be counted.”;</p> <p>(c) omit the fifth paragraph; and</p> <p>(d) in the seventh and final paragraphs, for “this election” substitute “the referendum”.</p>
Proxy’s official poll card	<p>On the front of the card —</p> <p>(a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute — “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”;</p> <p>(b) for “LOCAL GOVERNMENT ELECTION”, “[Council]” and “Electoral division/ward” substitute “<i>[insert name of voting area]</i>”; and</p> <p>(c) for “8am to 9pm”, substitute “7am to 10pm”.</p> <p>On the back of the card, in the penultimate and final paragraphs, for “this election”, substitute “the referendum”.</p>
Form of directions for guidance of the voters in voting	<p>In paragraph 2 —</p> <p>(a) for “the name(s) of the candidate(s)”, substitute “the answer”; and</p> <p>(b) at the end, insert “Put no other mark on the ballot paper, or your vote maynot be counted.”.</p> <p>Omit paragraph 4 and renumber paragraph 5.</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Form of certificate of employment	For “REPRESENTATION OF THE PEOPLE ACTS” and “ELECTION IN THE” substitute — “ <i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”. and for “ ELECTORAL DIVISION/ WARD of” substitute “ <i>[insert name of voting area]</i> ”. For “electoral area” in each place substitute “voting area”. For “election” in each place substitute “referendum”. Form of declaration to be made by the companion of a voter with disabilities(26)
	For “election now being held in this electoral area” substitute “referendum now being held in this voting area”. For “the said election” in each case substitute “that referendum”. For “for the Electoral division/ ward of”, substitute “in the <i>[insert name of voting area]</i> ”.

TABLE 4
THE REPRESENTATION OF THE PEOPLE
(ENGLAND AND WALES) REGULATIONS 2001(27)

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
In paragraph (1) of regulation 3 (interpretation), the definitions of “1983 Act”, “1985 Act”, “2000 Act”, “available for inspection”, “register” and “registration officer”	
Paragraph (2) of regulation 3	At the end of sub-paragraph (b), insert — “ , or (c) in the case of a referendum, such of those rules made under section 36

(26) The form was amended by S.I. 2001/81, rule 15.
(27)

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
<p>Paragraphs (3) and (4) of regulation 3</p> <p>Sub-paragraph (b) of paragraph (1) of regulation 4 (forms) and, to the extent of Form E in Schedule 3, paragraph (2) of that regulation</p> <p>Regulation 5 (communication of applications, notices, etc)</p> <p>Regulation 6 (electronic signatures and related certificates)</p> <p>Regulation 7 (copies of documents)</p> <p>Regulation 8 (time)</p> <p>Regulation 11 (interference with notices)</p> <p>Regulation 50 (interpretation of Part IV)</p>	<p>of the 1983 Act as are applied (with or without modification) by the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p>
<p>Regulation 51 (general requirements for applications for an absent vote)</p> <p>Regulation 52 (additional requirements for applications for the appointment of a proxy)</p> <p>Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)</p>	<p>In paragraph (4), in sub-paragraph (b) —</p> <p>(a) after “for” insert “all or any of”;</p> <p>(b) after “elections” insert “and referendums, identifying those in respect of which it is made”; and</p> <p>(c) omit “or both”.</p> <p>In paragraph (5) —</p> <p>(a) after “election”, in each place, insert “or referendum”; and</p> <p>(b) omit “elections”.</p>
<p>Regulation 56 (closing dates for applications)</p>	<p>In paragraphs (1) to (5), after “election”, in each place, insert “or referendum”.</p> <p>In paragraph (7)(b), after “election” insert “or referendum”.</p>
<p>Regulation 57 (grant or refusal of applications)</p>	<p>Omit paragraph (6).</p>
<p>Regulation 58 (notice of appeal)</p>	

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
Regulation 59 (cancellation of proxy appointment)	
Regulation 61 (records and lists kept under Schedule 4)	Omit paragraph (1).
Regulation 62 (marked register for polling stations)	In paragraph (3), omit sub-paragraph (b) and the word “and” immediately preceding it.
Regulation 64 (interpretation of Part V) other than the definition of “agent”	
Regulation 66 (forms of declaration of identity)	Omit “in Form G at a parliamentary election taken alone;”.
Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers)	
Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)	For sub-paragraphs (a) to (d) substitute —
	“(a) the counting officer and that officer’s clerks;
	(b) persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004, are entitled to attend at the counting of the votes.”
Regulation 70 (notification of requirement of secrecy)	
Regulation 71 (time when postal ballot papers are to be issued)	
Paragraphs (1) to (4) of regulation 72 (procedure on issue of postal ballot papers)	
Regulation 73 (refusal to issue postal ballot paper)	
Paragraphs (1) to (3) of regulation 74 (envelopes)	
Regulation 75 (sealing up of counterfoils and security of special lists)	
Regulation 76 (delivery of postal ballot papers to post office)	
Paragraphs (1) and (3) to (8) of regulation 77 (spoilt ballot papers)	
Regulation 78 (lost ballot papers)	

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
Regulation 79 (alternative means of returning postal ballot paper or declaration of identity)	For paragraphs (1) and (2), substitute — “(1) The manner in which any postal ballot paper or declaration of identity may be returned — (a) to the returning officer, is by hand or by post; (b) to a polling station, is by hand.”.
Regulation 80 (notice of opening of postal ballot paper envelopes)	In paragraph (1), for “each candidate” substitute “those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004, are entitled to attend at the counting of the votes”. In paragraph (2), omit sub-paragraph (b).
Regulation 81 (postal ballot boxes and receptacles)	In paragraphs (3) and (4), for “the agents”, substitute “those”.
Regulation 82 (receipt of covering envelope)	
Regulation 83 (opening of postal voters' ballot box)	In paragraph (1), for “the agents” substitute “the counting observers”.
Regulation 84 (opening of covering envelopes)	
Regulation 85 (procedure in relation to declarations of identity)	In paragraph (3), for “agents” substitute “counting observers”.
Regulation 86 (opening of ballot paper envelopes)	
Regulation 87 (lists of rejected postal ballot papers)	
Regulation 88 (checking of lists kept under regulation 87)	
Regulation 89 (sealing of receptacles)	
Paragraphs (1) to (4) of regulation 91 (forwarding of documents)	In paragraph (1) — (a) omit the words “, in the case of a parliamentary election to the Clerk of the Crown in Chancery and”; (b) in sub-paragraph (a), omit the words “, subject to regulation 90 above,”; and (c) omit sub-paragraph (b) and the word immediately preceding it. In paragraph (2) — (a) for “In the case of a local government election, the” substitute “The”; and

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
In Schedule 3, Form E (proxy paper)	<p>(b) omit the words from “except that” to the end.</p> <p>For “REPRESENTATION OF THE PEOPLE ACTS” substitute “[insert name of council] REFERENDUM”.</p> <p>Omit “Constituency” and “Polling district”.</p> <p>For “Parliamentary electoral area”, substitute “referendum voting area”.</p> <p>For the words from “*[who qualifies” to “electoral region]]”, substitute “to vote for that person at the referendum on (insert date)”.</p> <p>Omit “*[This proxy appointment is not valid until ...]”.</p> <p>For paragraph 2 of the note substitute —</p> <p style="padding-left: 40px;">“2. Your appointment as proxy will be for the referendum only. You have the right to vote as proxy only at the referendum specified in the proxy paper.”</p>

SCHEDULE 4

Regulation 10

ADDITIONAL MODIFICATIONS AS REGARDS REFERENDUM AT WHICH VOTING TO BE BY POST ONLY

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The 1983 Act</i>	
Section 47 (loan of equipment for local elections)	In subsections (1) and (2), omit “fittings and compartments”.
Section 60 (personation)	In subsection (2), in paragraphs (a) and (b), omit “in person or”.
	In subsection (3), omit the words from “who has applied” to “person or”.
Section 61 (other voting offences) (see the modifications in Table 2 of Schedule 3)	Omit subsections (2)(b) and (c) and (3)(b) and (c).
Section 66 (requirement of secrecy)	Omit subsection (1).

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 66A (prohibition on publication of exit polls)	In subsection (1), for “the poll is closed”, substitute “10 p.m. on the day of the referendum”.
<i>The Elections Regulations</i>	
Regulation 50 (interpretation of Part IV)	Omit the definition of “allotted polling station”.
Regulation 51 (general requirements for applications for an absent vote)	Omit paragraph (5).
Regulation 72 (procedure on issue of postal ballot paper)	For paragraph (1) substitute — “ <p data-bbox="799 745 1350 1070">(1) First, the counting officer at the referendum shall issue postal ballot papers to those persons entitled to vote in the referendum who are included as voting by post in the absent voters list for the referendum, and shall place a mark in that list and the register of electors against the number of that person to denote that a ballot paper has been issued to that person but without showing the particular ballot paper issued.</p> <p data-bbox="799 1081 1350 1272">(1A) Secondly, the counting officer shall issue postal ballot papers to those proxies included in the list kept under paragraph 7(8) of Schedule 4 to the 2000 Act, as applied for the purposes of the referendum, and shall place a mark —</p> <ul data-bbox="863 1283 1350 1451" style="list-style-type: none"><li data-bbox="863 1283 1350 1350">(a) in that list against the name of the proxy; and<li data-bbox="863 1361 1350 1451">(b) in the register of electors against the number of the person for whom the proxy is appointed, <p data-bbox="799 1462 1350 1552">to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.</p> <p data-bbox="799 1563 1350 1686">(1B) Thirdly, the counting officer shall issue postal ballot papers to those proxies included in the absent voters list for the referendum and shall place a mark —</p> <ul data-bbox="863 1697 1350 1865" style="list-style-type: none"><li data-bbox="863 1697 1350 1765">(a) in that list against the name of the proxy; and<li data-bbox="863 1776 1350 1865">(b) in the register of electors against the number of the person for whom the proxy is appointed, <p data-bbox="799 1877 1350 1966">to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.</p> <p data-bbox="799 1977 1350 2036">(1C) Finally, the counting officer shall issue postal ballot papers to every person entitled to</p> ”

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>vote in the referendum against whose number in the register of electors no mark has been placed, and shall then place a mark against that person’s number to denote that a ballot paper has been issued but without showing the particular ballot paper issued.</p> <p>(1D) Each postal ballot paper issued shall be stamped with the official mark.</p> <p>(1E) The address to which a postal ballot paper is to be sent shall be determined in accordance with rule 19 of the rules set out in Schedule 2 to the Local Elections (Principal Areas) Rules 1986, as substituted.”.</p> <p>Omit paragraphs (5) and (6).</p>
<i>The Principal Areas Rules</i>	
Rule 1 (timetable)	In the timetable, omit the entry in respect of polling.
Rule 3 (notice of election)	In paragraph 1, for “poll” substitute “referendum”. In paragraph (2) — (a) omit sub-paragraph (a) and the word “and” following it; and (b) in sub-paragraph (b), omit “other”.
Rule 13 (poll to be taken by ballot)	After “given by”, insert “postal”.
Rule 15 (ballot papers: official mark)	Omit paragraph (3).
Rule 17 (use of schools and public rooms)(28)	In paragraphs (1) and (2), omit “taking the poll or”.
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraph (a) substitute — “(a) that the poll at the referendum is to be taken only by post;”.
	Omit paragraph (3).
Rule 19 (postal ballot papers)(29)	Substitute — “Postal ballot papers 19.—(1) The counting officer shall as soon as reasonably practicable issue to — (a) each person entitled to vote in the referendum for whom a proxy has not been appointed; and

(28) Rule 17 was amended by S.I. 2001/81, rule 6.

(29) Rule 19 was substituted by S.I. 2001/81, rule 7.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(b) each proxy appointed by a person entitled to vote in the referendum, at the address determined in accordance with this rule, a postal ballot paper and a declaration of identity in the forms set out in the Appendix, or forms to the like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by regulations made under the 1983 Act.</p> <p>(2) In the case of a person entitled to vote in the referendum whose name is shown in the absent voters' list for the referendum, the address referred to in paragraph (1) is that shown in that list.</p> <p>(3) Subject to paragraph (4), in the case of a person entitled to vote in the referendum whose name is not shown in the absent voters' list for the referendum, the address referred to in paragraph (1) is that person's qualifying address as shown in the register of electors.</p> <p>(4) In the case of a person entitled to vote in the referendum —</p> <p>(a) whose name is not shown in the absent voters' list for the referendum; and</p> <p>(b) whose qualifying address is not shown in the register of electors, the address referred to in paragraph (1) is —</p> <p>(i) the address given in accordance with regulation 15 of the Elections Regulations (if that address is within the United Kingdom) in the case of a service voter; or</p> <p>(ii) the address given in accordance with section 7B(3)(a) of the 1983 Act in the case of a person registered in pursuance of a</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>declaration of local connection.</p> <p>(5) In the case of a proxy, the address referred to in paragraph (1) is —</p> <p>(a) in the case of a proxy whose name is included in the special list kept under paragraph 7(8) of Schedule 4 to the RPAct 2000 for the referendum, the address recorded in that list; or</p> <p>(b) in the case of any other proxy, the address of the proxy as given under regulation 52 of the Elections Regulations.”.</p>
Rules 20 to 23 (provision of polling stations, appointment of presiding officers and clerks, issue of official poll cards and equipment of polling stations)	Omit.
Rule 25 (notification of requirement of secrecy)	Omit paragraph (a).
Rules 26 to 37 (admission to polling stations, keeping of order in station, sealing of ballot boxes, questions to be put to voters, challenge of voters, voting procedure, votes marked by presiding officer, voting by persons with disabilities, tendered ballot papers, spoilt ballot papers, adjournment of poll in case of riot and procedure on close of poll)	Omit.
Rule 39 (the count)(30)	<p>In paragraph (1), omit sub-paragraphs (a) and (b) and the words “and (c)”.</p> <p>Omit paragraphs (2), (4) and (6).</p>
Rule 46 (delivery of documents)(31)	<p>In paragraph (1) —</p> <p>(a) for sub-paragraph (b) substitute —</p> <p style="padding-left: 40px;">“(b) the statements of rejected ballot papers;”</p> <p>(b) omit sub-paragraph (c); and</p> <p>(c) in sub-paragraph (d), omit from “and” to the end.</p>
Rule 47	<p>In paragraph (1)(b) omit “and certificates as to employment on duty on the day of the poll”.</p> <p>In paragraphs (2) and (3), omit “and certificates”.</p>

(30) Paragraph (3) of rule 39 was substituted by S.I. 2001/81, rule 12.

(31) Rule 46 was amended by S.I. 2001/81, rule 13.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Rule 48	In paragraph (2), for the words from “, counterfoils” to “poll” substitute “and counterfoils,”.
The Appendix of Forms	<p>In the back of the form of the declaration of identity omit note 6.</p> <p>Omit the forms of —</p> <ul style="list-style-type: none"> (a) an elector’s official poll card; (b) a proxy’s official poll card; (c) directions for guidance of the voters in voting; (d) certificate of employment; and (e) declaration to be made by the companion of a voter with disabilities.

SCHEDULE 5

Regulation 15(8)

APPLICATION, WITH FURTHER MODIFICATIONS, OF THE REPRESENTATION OF THE PEOPLE ACT 1983 IN RELATION TO REFERENDUM PETITIONS

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
Section 128 (presentation of petition questioning local election)	<p>In subsection (1) —</p> <ul style="list-style-type: none"> (a) for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”; and (b) omit “either” and the words from “, or by a person” to the end. <p>In subsection (2), for the words from the beginning to “any”, substitute “Any”.</p> <p>In paragraph (a) of subsection (3), omit “in England and Wales,”.</p> <p>In subsection (4), omit “In England and Wales.”.</p>
Section 129 (time for presentation or amendment of petition questioning local election).	<p>In subsection (1), for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”;</p> <p>In subsection (2), in paragraph (b), for “a candidate elected at the election”, substitute “any person”.</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>In subsection (3), in paragraph (b), for “the candidate elected at the election, or by an agent of the candidate or with the privity of the candidate or his election agent”, substitute “any person”.</p> <p>Omit subsections (4) and (5).</p> <p>For subsection (7), substitute —</p> <p>“(7) Subsections (3) and (6) above apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.”</p> <p>In subsection (8), after “below” insert, “, as applied by regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004,”.</p> <p>Omit subsection (9).</p>
<p>Section 130 (election court for local election in England and Wales, and place of trial)(32)</p>	<p>In subsection (1), for “in England and Wales under the local government Act”, substitute “in Wales under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004.”.</p> <p>In paragraph (a) of subsection (3), for “in England and Wales under the local government Act”, substitute “in Wales under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004.”.</p>
<p>Section 131 (accommodation of and attendance on court)</p>	<p>In subsection (1) —</p> <p>(a) after “section 130 above” insert “as applied by regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”, and</p> <p>(b) after “section 132 below” insert “as so applied”.</p>
<p>Section 132 (remuneration and allowances)</p>	<p>In subsection (1), after “section 131 above”, insert “as applied by regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p>
<p>Section 133 (repayments under section 131 and 132)</p>	<p>In subsection (1) —</p> <p>(a) in paragraph (a), after “section 131 above”, insert “as applied by regulation 15 of the Local Authorities</p>

(32) Section 130 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 50.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
Section 136 (security for costs)	(Conduct of Referendums) (Wales) Regulations 2004”; and (b) in paragraph (b), after “section 132 above”, insert “as so applied”. In subsection (2), in paragraph (b), for “a petition questioning an election under the local government Act” substitute “a referendum petition within the meaning of regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.
Section 137 (petition at issue)	
Section 138 (list of petitions)(33)	In subsection (1), in paragraph (a), for “all election petitions”, substitute “all referendum petitions within the meaning of regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”. In subsection (3) for the words from the beginning to “candidates”, substitute “Two or more persons”. In subsection (4) — (a) for “the same election or to elections under the local government Act”, substitute “the same referendum or to referendums under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”; and (b) for “the election list”, in both places, substitute “the list made out under subsection (1)”. In subsection (1) omit “, in the case of a parliamentary election petition, 14 days and in any other case.”. Omit subsection (3). For subsection (5) substitute — “(5) On the trial of a petition, the respondent may give evidence in the same manner as if that person had presented a petition against the referendum.”. For subsection (6) substitute — “(6) Where the petition relates to a referendum as regards which, by reason of an
Section 139 (trial of petition)	

(33) Section 138 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 4.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>equality of votes found at the count, the result was determined by lot, that determination shall be effective also for the purposes of the petition unless subsection (6A) applies.</p> <p>(6A) This subsection applies where the court disallows any vote cast in the referendum; and in any such case —</p> <ul style="list-style-type: none"> (a) the determination referred to in subsection (6) above shall have no effect; and (b) the court shall declare the result of the referendum. <p>(6B) Where —</p> <ul style="list-style-type: none"> (a) the petition relates to a referendum at which no equality of votes was found at the count; and (b) the court — <ul style="list-style-type: none"> (i) disallows any vote cast in the referendum; and (ii) determines that an equality of votes was cast in the referendum, the result of the referendum shall be determined by the court by lot.”.
Section 140 (witnesses)	In subsection (1), omit “, but this subsection does not apply to Scotland in relation to an election of councillors”.
Section 141 (duty to answer relevant questions)	
Section 143 (expenses of witnesses)	<p>In subsection (2) —</p> <ul style="list-style-type: none"> (a) after “section 140(2) above”, insert “as applied for the purposes of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”; and (b) after “subsection (1) above”, insert “as so applied”.
Section 145 (conclusion of trial of local election petition)	<p>For subsection (1), substitute the following subsections —</p> <p>“(1) At the conclusion of the trial of a petition questioning a referendum under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004, the election court shall determine —</p>
<p><i>Subsection (1), as substituted, is not to apply where a referendum petition has been presented with the leave of the High Court (see regulation 15(3))</i></p>	<ul style="list-style-type: none"> (a) in the case of a petition presented on the ground mentioned in subparagraph (a) of paragraph (1) of

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>regulation 15 of those Regulations, whether the result of the referendum was, or was not, in accordance with the votes cast in the referendum;</p> <p>(b) in the case of a petition presented on the ground mentioned in subparagraph (b) or (c) of that paragraph, whether the referendum was void.</p> <p>(1A) Where the election court makes such a determination as is referred to in subsection (1) (a), it shall, as the circumstances require —</p> <p>(a) confirm the result of the referendum; or</p> <p>(b) reverse the result of the referendum.”.</p> <p>In subsection (3) —</p> <p>(a) for “sections 158 and”, substitute “section”; and</p> <p>(b) for the words from “for which” to the end, substitute “by which or in respect of which the referendum was held.”.</p> <p>In subsection (6), for “for which the election was held”, substitute “by which or in respect of which the referendum was held.”.</p>
Section 146 (special case for determination of High Court)	Omit subsection (2).
Section 147 (withdrawal of petition)	In subsection (3), for the words “In the case of a petition questioning an election in England and Wales under the local government Act,” substitute “In the case of a referendum petition under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004,”.
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	In subsection (1) omit paragraph (a).
	In subsection (2) after “this Act”, insert “as applied for the purposes of the referendum petition”.
Section 156 (further provision as to costs)	
Section 157 (appeals and jurisdiction)(34)	Omit subsection (4).

(34) Section 157 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 6.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
Section 160(1) and (3) (persons reported personally guilty of corrupt practices) (35)	In subsection (1), omit paragraph (b).
Section 161 (Justice of the Peace)	
Section 162 (member of legal and certain other professions)	
Section 163 (holder of licence or certificate under Licensing Acts)	
Section 164(1) and (2) (avoidance of election for general corruption etc.)	<p>In subsection (1) —</p> <p>(a) for “election”, in the first two places where that word appears, substitute “referendum”;</p> <p>(b) for “the election of any person at that election”, substitute “a particular outcome in relation to the question asked in the referendum”; and</p> <p>(c) for paragraphs (a) and (b), substitute “, the referendum, if that outcome was achieved, shall be void.”.</p> <p>In subsection (2), for “An election”, substitute “A referendum”.</p>
Section 167 (application for relief)	
Section 180 (evidence by certificate of holding of election)	Omit sub-paragraph (ii) and the word immediately preceding it.
Section 183 (costs)	
Section 184 (service of notices)	
In section 185 (interpretation of Part III), the definitions of “appropriate officer”, “costs”, “Licensing Acts” and “payment”.	

SCHEDULE 6

Regulation 15(9)

MODIFICATIONS OF THE ELECTION PETITION RULES 1960**(36)**

<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
Rule 2(2)	After the definition of “the Act” insert — ““the 2004 Regulations” means the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004;”.

(35) Subsection (1) was amended, subsection (2) repealed, and subsection (3) substituted, by the Representation of the People Act 1985, Schedule 4, paragraph 52 and Schedule 5.

(36) S.I. 1960/543, amended by S.I. 1985/1248 and 1999/1352.

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<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
	<p>After the definition of “local election petition” insert —</p> <p>““referendum petition” means a petition under the 2004 Regulations;”.</p> <p>In the definition of “petition”, insert at the end “or a referendum petition”.</p> <p>For the definition of “constituency”, substitute —</p> <p>““constituency” —</p> <p>(a) in relation to a local election petition, means the local government area to which the petition relates;</p> <p>(b) in relation to a referendum petition, means the local government area in which the referendum is held;”.</p> <p>After the definition of “returning officer” insert “and, in relation to a referendum petition, any reference to a provision of the Act shall be construed as a reference to that provision as applied by the 2004 Regulations.”</p>
Rule 2(3)	After “local government Act”, insert “and referendums under the 2004 Regulations”
Rule 4(1)	<p>Omit paragraph (a).</p> <p>For paragraph (b), substitute —</p> <p>“(b) the date and result of the referendum to which the petition relates;”.</p>
Rule 10	Omit.
Rule 12(3)	For “the election” substitute “the referendum”.
Rule 14(2)	For “the election may” substitute “the referendum may”.
Rule 16(3)	For “the election may” substitute “the referendum may”.
Rule 18	After “local election petition” insert “or a referendum petition”.
The Schedule	For “a Parliamentary (or Local Government) Election for (<i>state place</i>)”, insert “a referendum under the Local Authorities

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<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
	<p>(Conduct of Referendums) (Wales) Regulations 2004 (“the 2004 Regulations”) in <i>(state area)</i>”.</p> <p>In paragraph 1 —</p> <p>(a) for “election”, in the first place where that word appears, substitute “referendum”;</p> <p>(b) omit “(or was a candidate at the above election) (or in the case of a parliamentary election claims to have had a right to be elected or returned at the above election)”.</p> <p>For paragraph 2 substitute —</p> <p>“2. That the referendum was held on the day of 20</p> <p>In paragraph 4, omit “in the case of a petition mentioned in section 122(2) or (3) or”.</p> <p>For paragraph (1) of the Prayer substitute —</p> <p>“(1) That it may be determined [that the result of the referendum was not in accordance with the votes cast]* [that the referendum is avoided]* [that the referendum is tainted as mentioned in regulation 17(3) of the 2004 Regulations]*.</p> <p>* <i>include or omit, as the circumstances require.</i>”.</p>