STATUTORY INSTRUMENTS

2015 No. 654

REPRESENTATION OF THE PEOPLE, ENGLAND AND WALES

The Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2015

Made - - - -	*9th March 2015*
Coming into force - -	*7th May 2015*

The Lord President of the Council, in exercise of the powers conferred by section 15(5) of the Representation of the People Act 1985(**1**) and sections 9HE(1)(a), (2)(d) and (3)(a), 9MG(2) to (4) and 44(1)(a), (2)(d) and (3)(a) of the Local Government Act 2000(**2**), makes the following Regulations.

The Lord President of the Council has consulted the Electoral Commission as required by sections 9HE(4) and 44(3A)(**3**) of the Local Government Act 2000 and section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**4**).

Having regard to section 27(2) of the Representation of the People Act 1985 and in accordance with section 201(2) of the Representation of the People Act 1983(**5**) and section 105(6)(**6**) of the Local Government Act 2000, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

(**1**) 1985 c.50. The power conferred on the Secretary of State by section 15(5) was made exercisable concurrently by the Lord President of the Council and the Secretary of State by the Lord President of the Council Order 2010 (S.I. 2010/1837).

(**2**) 2000 c.22. Sections 9HE and 9MG were inserted by section 21 of and paragraph 1 of Schedule 2 to the Localism Act 2011 (c.20). The powers conferred on the Secretary of State were made exercisable concurrently by the Lord President of the Council and the Secretary of State by S.I. 2010/1837 and the Transfer of Functions (Elections and Referendums) Order 2013 (S.I. 2013/2597).

(**3**) Section 44(3A) was inserted by the Political Parties, Elections and Referendums Act 2000 (c.41), Schedule 21, paragraph 18(1) and (2).

(**4**) 2000 c.41.

(**5**) 1983 c.2. Section 201(2) was substituted by section 24 of and paragraph 69 of Schedule 4 to the Representation of the People Act 1985 and amended by section 158 of and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and S.I. 1991/222.

(**6**) Section 105(6) was amended by section 100 of and paragraphs 11 and 14 of Schedule 3 to the Local Government Act 2003 (c.26) and sections 22 and 237 of, paragraphs 8 and 70 of Schedule 3 to, paragraphs 7 and 52 of Schedule 4 to, and Schedule 25 to the Localism Act 2011.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2015 and come into force on 7th May 2015.

(2) These Regulations extend to England and Wales only.

Amendment to the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004

2.—(1) Paragraph 22 of Schedule 2 to the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(**7**) is amended as follows.

(2) For the substituted paragraph (1AB) for rule 45 of the parliamentary elections rules substitute —

"(1AB) The returning officer shall count the votes given on the ballot papers used at the parliamentary election, but shall not count—

(a) the votes given on postal ballot papers until the proceedings under paragraph (1)(c) and (d) above have been completed in relation to those papers and they have been mixed with the ballot papers from at least one ballot box; or

(b) the votes given on ballot papers from a ballot box until the proceedings under paragraph (1)(a), (b) and (d) have been completed in relation to those papers and they have been mixed with the ballot papers from at least one other box."

(3) For the substituted paragraph (1AC)(c) for rule 45 of the parliamentary elections rules substitute—

"(c) count the votes given on the ballot papers, but shall not count—

(i) the votes given on postal ballot papers until they have been mixed with the ballot papers from at least one ballot box; or

(ii) the votes given on ballot papers from a ballot box until they have been mixed with the ballot papers from at least one other ballot box."

3. After paragraph 24 of Schedule 2 to the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004, insert—

"**24A.** In rule 50 (declaration of result), after paragraph (2) insert—

"(3) But the returning officer shall not declare a candidate to be elected under paragraph (1) or (2)—

(a) in a case where the returning officer discharges the functions specified in Regulation 5 of the Combination of Polls Regulations, until after the returning officer has completed proceedings under rule 45(1) (as substituted by Regulation 8 of those Regulations);

(b) in a case where the returning officer does not discharge the functions specified in Regulation 5 of the Combination of Polls Regulations, until after proceedings corresponding to those mentioned in sub-paragraph (a) have been completed by the returning officer who does discharge those functions ("the other returning officer").

(4) The corresponding proceedings referred to in paragraph (3)(b) are proceedings under provision corresponding to rule 45(1) (as substituted by Regulation 8 of the Combination of Polls Regulations) made by or under any enactment in relation to the election or referendum at which the other returning officer has functions.""

(**7**) S.I. 2004/294; paragraph 22 was amended by S.I. 2006/3278 and S.I. 2014/920.