Draft Order laid before Parliament under section 154(2)(b) of the Police Reform and Social Responsibility Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

POLICE, ENGLAND AND WALES

The Police and Crime Commissioner Elections (Amendment) Order 2014

Made - - - - ***

Coming into force in accordance with article 1

The Lord President of the Council makes this Order in exercise of the powers conferred by sections 58(1) and (5) and 154(5) of the Police Reform and Social Responsibility Act 2011(**1**).

In accordance with section 7(1) and (2)(hc) of the Political Parties, Elections and Referendums Act 2000(**2**), the Lord President of the Council has consulted the Electoral Commission.

In accordance with section 154(2)(b) of the Police Reform and Social Responsibility Act 2011, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and transition

1.—(1) This Order may be cited as the Police and Crime Commissioner Elections (Amendment) Order 2014.

(2) This article and article 2 (interpretation) come into force on the day after the day on which this Order is made.

(3) Article 3 (application of 2004 Regulations) comes into force on 22nd May 2014.

(4) Articles 4, 6(2)(b), 7(b), 9, 10 and 47(b) (amendments consequential on Part 1 of the Electoral Registration and Administration Act 2013) come into force on 10th June 2014.

(5) The remainder of the Order comes into force on 6th April 2014 but does not apply for the purposes of a PCC election in respect of which the date of the poll specified in the notice of election is on or before 21st May 2014.

Interpretation

2. In this Order—

(**1**) 2011 c.13; sections 58 and 154 were amended by the Transfer of Functions (Elections) Order 2014 (S.I. 2014/268).
(**2**) 2000 c.41; section 7(2)(hc) was inserted by paragraphs 8 and 11 of Schedule 10 to the Police Reform and Social Responsibility Act 2011.

"the 2004 Regulations" means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(**3**);

"the 2012 Order" means the Police and Crime Commissioner Elections Order 2012(**4**) and, unless the context otherwise requires, a reference to a numbered article or Schedule is to the article or Schedule so numbered in the 2012 Order;

"the 2014 Regulations" means the Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2014(**5**);

"PCC election" means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011;

"notice of election" means a notice given under rule 4 of Schedule 3 to the 2012 Order.

Application of 2004 Regulations to PCC elections

3.—(1) The amendments made by the 2014 Regulations to the 2004 Regulations have effect in relation to a PCC election as they have effect in relation to an election or referendum within paragraphs (a) to (d) of the definition of "relevant election or referendum" in paragraph 2 of Schedule 2 to the 2004 Regulations.

(2) Accordingly, the amendments made by the 2012 Order to the 2004 Regulations have effect in relation those Regulations as amended by the 2014 Regulations.

Amendments to the 2012 Order

4.—(1) In article 4 (effect of register of electors), in paragraph (4)—

(a) in sub-paragraph (b), for the words from "is not" to "was not" substitute "is not or was not at any particular time";

(b) in sub-paragraph (c), for the words from "is, or" to "was," substitute "is or was at any particular time".

(2) In that article, omit paragraph (5).

5. In article 8(2) (effect of registration appeals), after "13A(2)" insert ", 13AB(2)".

Amendments to Schedule 1 to the 2012 Order

6.—(1) In Schedule 1 (supply of register), in paragraph 1 (supply of free copy of register for electoral purposes and restrictions on use), in sub-paragraph (1)(a), after "1983 Act" insert "or under the Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013(**6**)".

(2) In that paragraph, in sub-paragraph (1)(b)—

(a) after "section 13A(2)" insert ", 13AB(2)";

(b) for "13B(3), (3B) or (3D) or 13BB(4) or (5)" substitute "13B(3), (3B) or (3D)".

7. In Schedule 1, in paragraph 2(1)(b) (supply on request and specific restrictions) —

(a) after "section 13A(2)" insert ", 13AB(2)";

(b) for "13B(3), (3B) or (3D) or 13BB(4) or (5)" substitute "13B(3), (3B) or (3D)".

(**3**) S.I. 2004/294, as amended by S.I. 2006/3278, 2007/1025 and 2012/1917.
(**4**) S.I. 2012/1917, to which there are amendments not relevant to this Order.
(**5**) S.I. xxxx/yyyy.
(**6**) S.I. 2013/794.

Amendments to Schedule 2 to the 2012 Order

8. In Schedule 2 (absent voting), in paragraph 1 (manner of voting at PCC elections), after sub-paragraph (5), insert—

"(5A) In sub-paragraph (5), a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for civilian staff)(**7**)."

9. In Schedule 2, in paragraph 5 (proxies at PCC elections: appointment), for sub-paragraph (3)(b) substitute—

"(b) the person is or will be registered in the register of electors(**8**) for any area of Great Britain or Northern Ireland."

10. In Schedule 2, in paragraph 6 (proxies at PCC elections: entitlement to vote), for sub-paragraph (3)(b) substitute—

"(b) the person is or will be registered in the register of electors for any area of Great Britain or Northern Ireland."

11.—(1) In Schedule 2, paragraph 14 (additional requirements: applications for the appointment of a proxy in respect of a particular PCC election) is amended as follows.

(2) In sub-paragraph (4), for "paragraph 3" substitute "paragraph 3(2)".

(3) After sub-paragraph (5) insert—

"(5A) Where an application under paragraph 3(2)—

(a) is made on grounds relating to the applicant's occupation, service or employment; and

(b) is made after 5 p.m. on the sixth day before the date of the poll at the PCC election for which it is made,

the requirements of paragraph 15A apply to the matters to be specified and as to attestation."

(4) In sub-paragraph (6), for "paragraph 3" substitute "paragraph 3(2)".

12. In Schedule 2, after paragraph 15 insert—

"**Additional requirements referred to in paragraph 14(5A)**

15A.—(1) This paragraph applies to an application to vote by proxy which is made in the circumstances set out in paragraph 14(5A).

(2) The application must (in addition to providing the information required by paragraph 14(2) and (3)) state—

(a) where the applicant is self-employed, that fact;

(b) where the applicant is employed, the name of the applicant's employer;

(c) that the reason provided in accordance with paragraph 14(3) relates to the applicant's occupation, service or employment; and

(d) the date on which the applicant became aware of that reason.

(3) Sub-paragraphs (4), (5) and (6) apply unless the applicant is or will be registered as a service voter.

(**7**) 2002 c.30; section 38 was amended by section 120 of, paragraphs 179 and 181 of Schedule 4 to, and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c.15), section 7 of and paragraphs 1 and 2 of Schedule 5 to the Police and Justice Act 2006 (c.48), paragraph 125 of Schedule 7 and Part 13 of Schedule 8 to the Policing and Crime Act 2009 (c.26) and paragraphs 277 and 292 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13).

(**8**) "register of electors" is defined in article 2 of S.I. 2012/1917.

(4) The application must be attested and signed—

(a) where the applicant is self-employed, by a person who—

(i) is aged 18 years or over;

(ii) knows the applicant; and

(iii) is not related to the applicant,

(b) where the applicant is not self-employed, by the applicant's employer or by another employee to whom this function is delegated by the employer.

(5) The person attesting an application under sub-paragraph (4) (the "attestor") must certify that the statements required by sub-paragraph (2) and the information required by paragraph 14(3) are true to the best of the attestor's knowledge and belief.

(6) The attestor must also state—

(a) the attestor's name and address; and

(b) if the attestor is attesting where the applicant is self-employed, that the attestor is aged 18 years or over, and that the attestor knows, but is not related to, the applicant; or

(c) if the attestor is attesting as or on behalf of the employer of the applicant, that the attestor is the employer or the position the attestor holds in the employment of that employer.

(7) For the purposes of this paragraph—

(a) one person ('A') is related to another ('B') if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B;

(b) "service voter" means a person who has made a service declaration in accordance with section 15 of the 1983 Act(**9**) and is registered or entitled to be registered in pursuance of it."

13.—(1) In Schedule 2, paragraph 16 (closing date for applications) is amended as follows.

(2) In sub-paragraph (1), omit "or (5)".

(3) In sub-paragraph (2) omit "or (5)(b)".

(4) After sub-paragraph (2)(a) insert—

"(aa) on grounds relating to the applicant's occupation, service or employment and the applicant became aware of those grounds after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, or".

(5) In sub-paragraph (3), after "3(1)", insert ", 3(5)".

(6) After sub-paragraph (4) insert—

"(4A) Sub-paragraph (4B) applies to—

(a) any application or notice mentioned in sub-paragraphs (1) to (4);

(b) any application or notice mentioned in regulation 56 of the 2001 Regulations(**10**) or paragraph 26 of Schedule 2 to the European Parliamentary Elections Regulations 2004(**11**), that would otherwise have effect in relation to a PCC election by virtue of paragraphs 2 and 4(2)(a) or 4(3)(a).

(**9**) "the 1983 Act" is defined in article 2 of S.I. 2012/1917.

(**10**) "the "2001 Regulations" is defined in article 2 of S.I. 2012/1917; regulation 56 was amended by S.I. 2001/1700, 2006/752, 2006/2910 and 2013/3198.

(**11**) S.I. 2004/293; Schedule 2 was substituted by S.I. 2009/186 and paragraph 26 was amended by S.I. 2013/2876.

(4B) An application or notice to which this sub-paragraph applies must be disregarded for the purposes of the particular PCC election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the local returning officer (except where it has been returned in accordance with paragraph 41 or 42 (spoilt and lost postal ballot papers)).”

14.—(1) In Schedule 2, in paragraph 20 (absent voting lists: supply of copies etc), after sub-paragraph (5), insert—

“(5A) The registration officer must, on a request made at any time, supply a relevant returning officer (within the meaning of paragraph 1 of Schedule 1) with a copy of the postal voters list, the list of proxies or the proxy postal voters list.”

(2) In that paragraph, in sub-paragraph (6), omit “(a) or (b)”.

15. In Schedule 2, in paragraph 26 (the personal identifiers record), in sub-paragraph (3)(a), for “paragraph 50” substitute “paragraph 51”.

16. In Schedule 2, in paragraph 28 (interpretation), in the definition of “valid postal voting statement” omit “50 or”.

17.—(1) Schedule 2, paragraph 30 (form of postal voting statement) is amended as follows.

(2) Omit sub-paragraph (3).

(3) In sub-paragraph (4)—

(a) for “In any other case where” substitute “Where”;

(b) at the end insert “, with the addition of the appropriate voting instructions for PCC elections.”

(4) For sub-paragraph (6)(b) substitute—

“(b) the “appropriate voting instructions for PCC elections” are—

(i) where there are three or more candidates—

“Vote by putting a cross [X] in the box

In column 1 next to your first choice candidate

In column 2 next to your second choice candidate

Your first and second choices should be different.”

(ii) where there are two candidates—

“Vote for only one candidate by putting a cross [X] in the box next to your choice.””

(5) In the heading, omit “: poll taken alone or combined with mayoral election only”.

18. In Schedule 2, for paragraph 35 (time when postal ballot papers are to be issued) substitute—

“**Time when postal ballot papers etc. are to be issued**

35. Postal ballot papers and postal voting statements must be issued by the local returning officer as soon as it is practicable to do so.”

19. In Schedule 2, after paragraph 42 insert—

“**Cancellation of postal ballot papers**

42A.—(1) Where, after the nineteenth day before the date of the poll at a PCC election the registration officer grants a relevant application or receives a relevant notice, and the application or notice is not to be disregarded for the purposes of that election under