Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014 ISBN 978-0-11-111066-9*

Draft Regulations laid before Parliament under section 105(6) of the Local Government Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014

Made - - - - 2014

Coming into force in accordance with regulation 1

The Lord President of the Council makes these Regulations in exercise of the powers conferred by sections 9MG and 105 of the Local Government Act 2000(**1**).

In accordance with section 105(6) of that Act, a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2014.

(2) This regulation and regulations 2 (interpretation) and 3 (relevant register for the purposes of referendum expenditure) come into force on the day after the day on which these Regulations are made.

(3) The remainder of these Regulations come into force on 6th April 2014.

(4) Regulations 4 to 19 do not apply for the purposes of a referendum in respect of which the date of the poll specified in the statement published under regulation 4(1)(c) of the 2012 Regulations is on or before 21st May 2014.

(5) Regulation 3 does not apply for the purposes of a referendum in respect of which the referendum period begins on or before the day on which these Regulations are made.

(6) In paragraph (5) "referendum period" has the meaning given by regulation 2 of the 2012 Regulations.

(**1**) 2000 c.22. Section 9MG was inserted by section 22 of, and paragraph 1 of Schedule 1 to, the Localism Act 2011 (c.20). Relevant amendments were made to section 105(6) by section 22 of, and paragraphs 8 and 70 of Schedule 3 to, the Localism Act 2011. The power conferred on the Secretary of State by section 9MG was made exercisable concurrently by the Lord President of the Council and the Secretary of State by S.I. 2013/2597.

Interpretation

2. In these Regulations "the 2012 Regulations" means the Local Authorities (Conduct of Referendums) (England) Regulations 2012(**2**) and, unless the context otherwise requires, a reference to a numbered regulation or Schedule is to the regulation or Schedule so numbered in those Regulations.

Amendments to the 2012 Regulations

3. In regulation 6 (general restriction on referendum expenses), in paragraph (1), for the definition of "the relevant register" substitute—

> ""the relevant register" means the register or registers of local government electors kept in accordance with section 9 of the 1983 Act(**3**) which has or have effect in the area of the local authority by which or as regards which the referendum is held on the day on which the referendum period begins (whether or not the persons to whom the entries relate are entitled to vote in the referendum."

4. In Schedule 3 (the Local Government Act Referendum Rules), in rule 12(1)(b) (notice of poll), after "referendum" insert ", using the words in the relevant paragraph in Schedule 1 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012".

5. In Schedule 3, in rule 19 (notification of requirement of secrecy), after paragraph (1) insert—

> "(2) In this rule, 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 employees)(**4**)."

6. In Schedule 3, in rule 21 (admission to polling station), after paragraph (4) insert—

> "(5) In this rule, 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 employees)."

7. In Schedule 3, in rule 26 (voting procedure), after paragraph (5) insert—

> "(6) A voter or proxy who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter or proxy accordingly."

8. In Schedule 3, in rule 36 (the count), after paragraph (3) insert—

> "(3A) A postal ballot paper or postal voting statement that reaches the counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (3) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it."

9. In Schedule 3, in the Appendix of Forms, for the forms with the following headings substitute the corresponding forms in Schedule 1 to these Regulations—

(a) Form of Postal Voting Statement;

(b) Official Poll Card (to be sent to a voter voting in person);

(**2**) S.I. 2012/323.

(**3**) Regulation 2 of the 2012 Regulations defines "the 1983 Act" as the Representation of the People Act 1983 (c.2). Section 9 was substituted by paragraphs 1 and 3 of Schedule 1 to the Representation of the People Act 2000 (c.2).

(**4**) 2002 c.30; section 38 was amended by section 120 of, and paragraphs 179 and 181 of Schedule 4 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).

(c) Official Postal Poll Card (to be sent to a voter voting by post);

(d) Official Proxy Poll Card (to be sent to an appointed proxy voting in person);

(e) Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post);

(f) Form of directions for the guidance of the voters and proxies in voting;

(g) Form of Certificate of Employment;

(h) Form of declaration to be made by the companion of a voter or proxy with disabilities.

10. In Schedule 4 (application, with modifications, of Acts and subordinate legislation), in table 1 (Representation of the People Act 1983), before the entry for section 13B insert—

"Section 13AB (alteration of registers: interim publication dates)(**5**)	After "election", in each place, insert "or referendum"
	In subsection (5), for the words from "is the last day" to the end, substitute "is the 19th working day before the day of the referendum; and in this subsection "working day" means a day which is not a day mentioned in regulation 18(2) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012." After subsection (8) insert— "(8A) This section also applies to referendums.""

11. In Schedule 4, in table 6 (Representation of the People (England and Wales) Regulations 2001(**6**)—

(a) in the appropriate places, insert the entries in the table in Schedule 2 to these Regulations;

(b) in the entry for regulation 4 (forms)(**7**), for the words in the first column substitute "Regulation 4(1)(b) (forms) and, in so far as it gives effect to Forms E and K in Schedule 3, regulation 4(2)";

(c) in the entry for regulation 56 (closing date for applications)(**8**), in the second column, opposite that enty, for "(5)" substitute "(5A)";

(d) omit the entries for regulations 85 (procedure in relation to postal voting statements) and 85B (postal voting statements: additional personal identifier verification)(**9**);

(e) in the entry for regulation 91 (forwarding of documents)(**10**), in the second column, opposite that entry, for the modification that inserts paragraph (2A) substitute—

"After paragraph (3A) insert—

"(3B) In the case of a referendum, the documents to be forwarded under paragraphs (1) and (3A)(a) are to be forwarded to the registration officer of the local authority by or in respect of which the referendum is to be held.""

(**5**) Section 13AB was inserted by section 16 of the Electoral Registration and Administration Act 2013 (c.6).
(**6**) S.I. 2001/341.
(**7**) Regulation 4 of the Representation of the People (England and Wales) Regulations 2001 was amended by S.I. 2013/3198.
(**8**) Regulation 56 was amended by S.I. 2001/1700, 2006/752, 2006/2910 and 2013/3198.
(**9**) Regulations 85 and 85B were revoked by S.I. 2013/3198.
(**10**) Regulation 91 was amended byS.I. 2006/752, 2006/2910 and 2013/3198.

12. In Schedule 5 (the Local Government Act Referendums (Combination of Polls) Rules), in rule 12(1)(b) (notice of poll), after "referendum" insert ", using the words in the relevant paragraph in Schedule 1 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012".

13. In Schedule 5, in rule 17 (equipment of polling stations), for paragraph (10) substitute—

"(10) In every compartment of every polling station there must be exhibited the notice—

"*PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote for ONLY ONE CANDIDATE by putting a cross [X} in the box next to your choice.

*EUROPEAN PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote ONLY ONCE by putting a cross [X} in the box next to your choice.

*[*Specify name of council*] COUNCIL ELECTION

([*Specify colour*] ballot paper)

*[Vote for NO MORE THAN … CANDIDATES by putting a cross [X] in the box next to EACH of your choices]

*[Vote ONLY ONCE by putting a cross [X] in the box next to your choice].

*ELECTION OF THE MAYOR OF LONDON

([*Specify colour*] ballot paper

#On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.

*ELECTION OF THE LONDON ASSEMBLY

#On the constituency members ballot paper [(*specify colour*)] vote for ONE candidate only.

#On the London members ballot paper [(*specify colour*)] vote for ONE party or individual candidate only.

*REFERENDUM ON HOW [*specify name of Council*] COUNCIL IS RUN.

([*Specify colour*] ballot paper)

Vote ONLY ONCE by putting a cross [X] in the box next to your choice.

*[*Specify other*] ELECTION/REFERENDUM

([*Specify colour*] ballot paper)

*[*Specify voting instructions in accordance with the legislation governing the election or referendum*]

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT COUNT

*[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR [*specify the election(s) and/or referendum(s) at which the votes are to be counted electronically*]. Post them, face downwards, in the [*appropriate] ballot box.]

**Complete or omit as necessary.*

#Alternatively, insert such information as the GLRO may decide.""

14. In Schedule 5, make the existing rule 20 (notification of requirement of secrecy in respect of polling stations) paragraph (1) of that rule and after it insert—

"(2) In this rule, 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 employees)."

15. In Schedule 5, make the existing rule 21 (notification of requirement of secrecy in respect of the count) paragraph (1) of that rule and after it insert—

"(2) In this rule, 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 employees)."

16. In Schedule 5, in rule 23 (admission to polling station), after paragraph (4) insert—

"(5) In this rule, 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 employees)."

17. In Schedule 5, in rule 28 (voting procedure), after paragraph (5) insert—

"(5A) A voter or proxy who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter or proxy accordingly."

18. In Schedule 5, in rule 38 (the count), after paragraph (5) insert—

"(5A) A postal ballot paper or postal voting statement that reaches the relevant returning or counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (5) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it."

19. In Schedule 5, in the Appendix of Forms—

(a) for the forms with the following headings, substitute the corresponding forms in Schedule 3 to these Regulations—

(i) Form of Postal Voting Statement (for use where there is a joint issue and receipt of postal ballot papers);

(ii) Form of Postal Voting Statement (for use when a referendum poll is combined with another poll but the postal ballot papers are not combined);

(iii) Form of directions for the guidance of the voters and proxies in voting;

(iv) Form of declaration to be made by the companion of a voter or proxy with disabilities;

(b) for the forms with the following headings substitute the corresponding forms in Schedule 1 to these Regulations—

(i) Official Poll Card (to be sent to a voter voting in person);

(ii) Official Postal Poll Card (to be sent to a voter voting by post);

(iii) Official Proxy Poll Card (to be sent to an appointed proxy voting in person);

(iv) Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post);

(v) Form of Certificate of Employment.