Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 and section 105(6) of the Local Government Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

REPRESENTATION OF THE PEOPLE

The Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2006

Made - - - - date

Coming into force in accordance with regulation 1

These Regulations are made in exercise of the powers conferred by section 36(3C) of the Representation of the People Act 1983(**1**), section 15(5) of the Representation of the People Act 1985(**2**) and sections 44 and 45 of the Local Government Act 2000(**3**).

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with sections 44(3A) and 45(8A) of the Local Government Act 2000 and section 7(2)(e) of the Political Parties, Elections and Referendums Act 2000(**4**).

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

Accordingly, the Secretary of State makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2006 and subject to paragraph (2) shall come into force on 1 January 2007 or on the fourteenth day after they are made, whichever is later.

(**1**) 1983 c. 2; subsection (3C) of section 36 was inserted by section 17 of the Representation of the People Act 1985 (c. 50).
(**2**) 1985 c. 50; section 15 was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 55) and by Schedule 7 to the Local Government Act 2003 (c. 26).
(**3**) 2000 c. 22; sections 44 and 45 were amended by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
(**4**) 2000 c. 41.
(**5**) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and article 5(b) of S.I. 1991/1728.
(**6**) Section 105(6) was amended by Schedule 3 to the Local Government Act 2003 (c. 26).

(2) These Regulations shall not have effect in relation to any election or referendum for which the date of the poll for that election or referendum is on or before 2 May 2007.

(3) These Regulations do not extend to Scotland or Northern Ireland.

(4) In these Regulations, unless otherwise stated, a reference to a numbered regulation or schedule is a reference to the regulation or schedule bearing that number in the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(**7**).

Revocations

2. Regulations 7 and 9 and Schedules 1 and 3 are revoked.

Amendment of regulation 5

3.—(1) Paragraph (2) of regulation 5 is amended as follows.

(2) Before sub-paragraph (a) insert—

"(za) unless sub-paragraph (zb) applies, rule 19A (corresponding number list)(**8**), to the extent that it relates to ballot papers to be provided in pursuance of rule 29(1);

(zb) where the proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together under regulation 65 of the 2001 Regulations(**9**), rule 19A (corresponding number list);".

(3) After sub-paragraph (f) insert—

"(fa) where the proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together under regulation 65 of the 2001 Regulations, rule 31A (return of postal ballot papers)(**10**);".

(4) After sub-paragraph (i) add—

"(j) where the proceedings on the issue and receipt of postal ballot papers at more than one election or referendum are taken together under regulation 65 of the 2001 Regulations, rule 45(1B)(d) (the count)(**11**).".

Amendment of Schedule 2

4.—(1) Schedule 2 is amended as follows.

(2) For paragraph 4 substitute—

"**4.** At the end of paragraph (2) of rule 19 (the ballot papers) insert—

"(d) shall be of a different colour from that of any ballot papers used at any relevant election or referendum(**12**).".".

(3) For paragraph 11 substitute—

"**11.** At the end of paragraph (1)(h) of rule 32 (admission to polling stations) insert—

(**7**) S.I. 2004/294.
(**8**) In these Regulations a reference to a numbered rule is a reference to the rule so numbered in the parliamentary elections rules as set out in Schedule 1 to the Representation of the People Act 1983 (c.2); rule 19A was inserted by section 31 of the Electoral Administration Act 2006 (c. 22).
(**9**) The meaning of the "2001 Regulations" is set out in regulation 2 of S.I. 2004/294.
(**10**) Rule 31A was inserted by section 45 of the Electoral Administration Act 2006 (c. 22).
(**11**) Sub-paragraph (d) of rule 45(1B) was inserted by paragraph 73(3) of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
(**12**) The meaning of "relevant election or referendum" is set out in paragraph 2 of Schedule 2 to S.I. 2004/294; rule 19 was amended by section 30 of the Electoral Administration Act 2006 (c. 22).

"(i) persons entitled to be admitted to the polling station at a relevant election or referendum(**13**).".".

(4) For paragraph 12 substitute the following—

"**12.**—(1) Rule 35 (questions to be put to voters)(**14**) is amended as follows.

(2) In the questions specified in the second column of the table set out in rule 35—

(a) for the words "at this election", wherever they appear, substitute "at this Parliamentary election";

(b) in question 3(b) after the words "here or elsewhere" insert "at this Parliamentary election"."

(5) For paragraph 13 substitute the following—

"**13.** After paragraph (3) of rule 37 (voting procedure)(**15**) insert the following—

"(3A) The same copy of the register of electors or where paragraph (3) applies, the same copy of the notice issued under section 13B(3B) or (3D) of this Act(**16**) may be used under paragraph (1) for each relevant election or referendum and—

(a) one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been issued in respect of each election or referendum; and

(b) where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark shall be placed in the register, on the notice or in the list, so as to identify each election or referendum in respect of which the ballot paper was issued.".".

(6) After paragraph 16 insert the following—

"**16A.** At the end of rule 41A (correction of errors on day of the poll)(**17**) insert the following—

"The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.".".

(7) In paragraph 22, for the reference to "counterfoils" in paragraph (1)(g)(iii) of rule 45 as substituted, substitute—"completed corresponding number lists".

(8) For paragraph 25 substitute—

"**25.** For paragraph (2) of rule 54 (sealing up of ballot papers)(**18**) substitute—

"(2) The returning officer shall not open the sealed packets of—

(a) tendered ballot papers, or

(b) certificates as to employment on duty on the day of the poll.

(3) Where he is the returning officer who discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, the returning officer shall not open the sealed packets of—

(**13**) Rule 32 was amended by Schedule 1 to the Electoral Administration Act 2006 (c. 22).
(**14**) Rule 35 was amended by Schedule 1 to the Electoral Administration Act 2006 (c. 22).
(**15**) Rule 37 was amended by Schedule 1 to the Electoral Administration Act 2006 (c. 22).
(**16**) The Act referred to is the Representation of the People Act 1983 (c. 2); section 13B was inserted by Schedule 1 of the Representation of the People Act 2000 (c. 2); subsections (3B) and (3D) of section 13B were inserted by section 11 of the Electoral Administration Act 2006 (c. 22).
(**17**) Rule 41A was inserted by Schedule 1 to the Electoral Administration Act 2006 (c. 22).
(**18**) Rule 54 was amended by section 31 of the Electoral Administration Act 2006 (c. 22).