

## [<sup>F1</sup>SCHEDULE 7

Regulation 17

### THE NEIGHBOURHOOD PLANNING BUSINESS REFERENDUMS RULES

#### Textual Amendments

- F1** Sch. 7 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, 7, [Sch. 2](#)

## PART 1

### Citation and Interpretation

#### Citation

1. These Rules may be cited as the Neighbourhood Planning Business Referendums Rules.

#### Interpretation

- 2.—(1) In these Rules—

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in rule 20;

“business registration officer” has the same meaning as in Schedule 6;

“business vote holder” has the same meaning as in Schedule 6;

“business voting register” has the same meaning as in Schedule 6, and references to the business voting register include any copies of that register or of any part of it;

“counting observer” means a counting observer duly appointed under rule 47;

“corresponding residential referendum” means the other referendum required to be held on the same plan or order as the business referendum conducted under these Rules;

[<sup>F2</sup>“left behind postal voting document” is a postal voting document that is left behind at a polling station or left for the returning officer without being handed in and for which no return of postal voting documents form has been completed;]

“named voter” means a person whose details appear on the business voting register as a named voter on behalf of a business vote holder in accordance with Schedule 6;

“number on the register” means the number allotted to an entry on the business voting register under paragraph 15(1)(e) of Schedule 6;

“polling observer” means a polling observer duly appointed under rule 47;

“postal ballot box” means the ballot box referred to in rule 29(1)(b);

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means a named voter who has chosen to vote by post;

“postal voters’ ballot box” means the ballot box referred to in rule 29(1)(a);

[<sup>F2</sup>“postal voting document” means a postal ballot paper, postal voting statement or other document that has been issued to a person for the purpose of enabling the person to vote by post in a business referendum;]

[<sup>F2</sup>“relevant officer” means—

- (a) where a postal voting document is handed in at a polling station—

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- (i) the person presiding at the polling station, or
- (ii) a clerk at the polling station;
- (b) where a postal voting document is handed into the counting officer, a person acting under the authority of that officer;]

[<sup>F2</sup>“return of postal voting documents form” has the meaning given in rule 27A;]

“valid postal voting statement” means a postal voting statement which, in accordance with rule 34 or 35, the counting officer is satisfied has been duly completed;

“voters list” has the same meaning as in Schedule 6, and references to the voters list include any copies of that list or of any part of it;

“universal postal service provider” has the meaning given in Part 3 of the Postal Services Act 2011 to a “universal service provider”.

(2) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

#### Textual Amendments

- F2** Words in [Sch. 7 rule 2\(1\)](#) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(a\)](#)

## PART 2

### Provisions as to Time

#### Timetable

3. The proceedings at the business referendum are to be conducted in accordance with the following Timetable.

#### Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of business referendum	Not later than the twenty-fifth day before the day of the business referendum.
Notice of poll	Not later than the sixth day before the day of the business referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of the business referendum.

#### Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 4(5) are to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the counting officer obliged to proceed with the counting of the votes on such a day.

## PART 3

### General Provisions

#### Consistency of ballot papers and documents

5. The counting officer, and, where there is one, the Chief Counting Officer, must ensure, as far as practicable, that any ballot paper or other document issued in relation to the business referendum is in the same form (except for necessary changes) as for the corresponding residential referendum.

#### Notice of business referendum

6. The counting officer must publish notice of the business referendum, stating the date of the poll.

#### Poll to be taken by ballot

7. A poll must be taken at the business referendum and the votes at the poll must be given by ballot.

#### The ballot papers

- 8.—(1) The ballot of every named voter in the business referendum must consist of a ballot paper.
- (2) Every ballot paper to be used in the business referendum must be in the form set out in Form 1 or 2 in the Appendix of Forms at Part 10 of this Schedule (as the case may be).
- (3) The ballot paper must be of a colour different from that of the ballot papers used for—
- (a) the corresponding residential referendum; and
  - (b) any poll combined with the corresponding residential referendum.
- (4) Every ballot paper—
- (a) must be capable of being folded up; and
  - (b) must have a number and other unique identifying mark printed on the back.

#### The corresponding number list

- 9.—(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by the counting officer in pursuance of rule 14(1) or provided by that person in pursuance of rule 46(1).
- (2) The list must be in the form set out in Form 3 in the Appendix or a form to like effect.

#### The official mark

- 10.—(1) Every ballot paper must contain an appropriate security marking (the official mark).
- (2) The official mark must be kept secret.
- (3) The counting officer may use a different official mark for different purposes at the same business referendum.

#### Prohibition of disclosure of vote

11. No named voter who has voted at the business referendum is, in any legal proceeding to question the business referendum, to be required to state for which answer the named voter has voted.

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### Use of schools and public rooms

**12.—(1)** The counting officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) The counting officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

### Cross-boundary referendum areas

**13.—(1)** This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where this rule applies, the Chief Counting Officer must ensure, as far as practicable, that any ballot paper or other document issued in relation to the business referendum is in the same form (except for necessary changes) and is issued on the same date in respect of each relevant council.

## PART 4

### Action to be Taken Before the Poll

#### Notice of poll

**14.—(1)** The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the question to be asked in the business referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the business referendum.

(3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the location of each polling station; and
- (b) the description of named voters entitled to vote there.

## PART 5

### Postal voting

#### Modifications etc. (not altering text)

- C1** Sch. 7 Pt. 5 excluded (22.9.2020) by The Postponed Elections and Referendums (Coronavirus) and Policy Development Grants (Amendment) Regulations 2020 (S.I. 2020/926), regs. 1(2), **4(2)(b)**, 6(1)(2)(4)

## **Postal ballot papers**

**15.**—(1) The counting officer must issue to postal voters a ballot paper and a postal voting statement in the form set out in Form 4 in the Appendix, or a form to like effect, together with envelopes for their return, in the form set out in rule 20.

(2) The counting officer must also issue to postal voters such information as the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for named voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the named voter.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the named voter.

## **Persons entitled to be present at proceedings on issue and receipt of postal ballot papers**

**16.** No person may be present at the proceedings on the issue of postal ballot papers or at the proceedings on the receipt of postal ballot papers, other than a person entitled to attend at the counting of votes under rule 63.

## **Notification of requirement of secrecy**

**17.** The counting officer must make such arrangements as the counting officer thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act, as applied by Schedule 8.

## **Time when postal ballot papers are issued**

**18.** Postal ballot papers and postal voting statements must be issued as soon as practicable after the publication of the business voting register in accordance with paragraph 30(1) of Schedule 6.

## **Refusal to issue postal ballot paper**

**19.** Where a counting officer is satisfied that two or more entries in the voters list relate to the same business vote holder, the counting officer must not issue more than one postal ballot paper in respect of that business vote holder.

## **Procedure on issue of ballot paper**

**20.**—(1) The number of the business vote holder as stated in the business voting register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that business vote holder.

(2) A mark shall be placed in the business voting register against the number of the business vote holder to denote that a ballot paper has been issued to the business vote holder or named voter, but without showing the particular ballot paper issued.

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(3) The number of a postal ballot paper shall be marked on the postal voting statement sent with that paper.

(4) The address to which the postal ballot paper, postal voting statement and the envelopes referred to in rule 21 below are to be sent is the address shown on the voters list.

### **Envelopes**

**21.**—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and postal voting statement.

(2) There must be issued an envelope for the return of the postal ballot paper and the postal voting statement (referred to as a “covering envelope”) which must be marked with the letter “B”.

(3) There must also be issued a smaller envelope (referred to as a “ballot paper envelope”) which must be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) unless the envelope has a window through which the number on the ballot paper can be displayed, the number of the ballot paper.

(4) The envelopes issued under this rule may be a different colour to those issued in respect of the corresponding residential referendum.

### **Sealing up of completed corresponding number lists and security of special lists**

**22.**—(1) As soon as practicable after the issue of each batch of postal ballot papers, the counting officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

(2) The counting officer must take proper precautions for the security of the marked copy of the voters list until a marked copy of that list is made up into a packet under rule 31(10).

### **Delivery of postal ballot papers**

**23.**—(1) For the purposes of delivering postal ballot papers, the counting officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed by the counting officer pursuant to these Regulations.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters must be counted and delivered to that provider or firm by the counting officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) applies).

(4) Return postage must be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of postal ballot papers is within the United Kingdom.

### **Cancellation of postal ballot papers**

**24.**—(1) Where a named voter or the business vote holder has given notice in writing to the business registration officer in accordance with paragraph 21(1) of Schedule 6 and the original named voter’s completed postal ballot paper and postal voting statement have not already been returned, the counting officer shall—

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- (a) immediately cancel the postal ballot paper and postal voting statement issued to the original named voter; and
- (b) as soon as practicable after cancelling those documents, make any uncompleted postal ballot papers or postal voting statements which are returned up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(2) Where possible, the original named voter should, when giving notice in writing in accordance with paragraph 21(1) of Schedule 6, also return the uncompleted postal ballot paper and postal voting statement to the counting officer, but the cancellation of these documents in accordance with sub-paragraph (1)(a) above shall not be dependent upon the return of these uncompleted documents.

(3) Where a named voter or a business vote holder has applied for a new named voter for the business referendum in accordance with [<sup>F3</sup>paragraph 23(1)] of Schedule 6 and the original named voter's completed postal ballot paper and postal voting statement have not already been returned, the counting officer shall—

- (a) immediately cancel the postal ballot paper and postal voting statement issued to the original named voter; and
- (b) as soon as practicable after cancelling those documents, make any uncompleted postal ballot papers or postal voting statements which are returned up in a packet (which may be the same packet as that referred to in paragraph 24(1)(b)) which must be kept sealed except to put new cancelled documents in it.

(4) Where a business vote holder has ceased to be liable to pay non-domestic rates on a hereditament in the referendum area and the business registration officer has, in accordance with [<sup>F4</sup>paragraph 25] of Schedule 6, removed that person's name from the business voting register, any postal ballot paper and valid postal voting statement returned in respect of that business vote holder shall be immediately cancelled.

[<sup>F5</sup>(5) The counting officer must keep a list of the postal ballot papers cancelled under this rule, including—

- (a) the number of each cancelled postal ballot paper;
- (b) the name of the postal voter to whom it was issued;
- (c) the name and number on the business voting register of the business vote holder on whose behalf the postal voter would have voted; and
- (d) the number of any postal ballot paper issued to any other postal voter on behalf of that business vote holder.]

#### Textual Amendments

- F3** Words in Sch. 7 rule 24(3) substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), **20(1)(a)** (with reg. 1(7))
- F4** Words in Sch. 7 rule 24(4) substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), **20(1)(b)** (with reg. 1(7))
- F5** Sch. 7 rule 24(5) inserted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), **20(2)** (with reg. 1(7))

#### Spoilt postal ballot papers

**25.**—(1) If a postal voter has inadvertently dealt with that person's postal ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper or, as the

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case may be, a postal voting statement, the postal voter may return (either by hand or by post) to the counting officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), the postal voter must also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not; and
- (b) the envelopes supplied for the return of those documents.

(3) Where the counting officer receives the documents referred to in paragraph (1) and, where applicable, paragraph (2)—

- (a) by 5 pm on the day before the date of the business referendum, the counting officer shall issue another postal ballot paper, and may hand it to a postal voter who applies in person;
- (b) after 5 pm on the day before the date of the business referendum but by 5 pm on the day of the business referendum, the counting officer must only issue another postal ballot paper if the postal voter returned the documents by hand and applies in person, and may only hand a replacement ballot paper to that postal voter.

(4) Paragraphs 20 (except paragraph (2)), 21, 22 and 23 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(5) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with paragraph (1) or (2) must be immediately cancelled.

(6) The counting officer must, as soon as practicable after cancelling those documents, make them up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(7) The counting officer must keep a list of the name of any postal voter and the corresponding number on the business voting register and the number of the postal ballot paper (or papers) issued under this rule.

### **Lost postal ballot papers**

**26.—**(1) Where a postal voter claims either to have lost or not to have received—

- (a) their postal ballot paper, or
- (b) their postal voting statement, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the date of the business referendum, the postal voter may apply (whether or not in person) to the counting officer for a replacement ballot paper.

(2) Such an application must include evidence of the postal voter's identity.

(3) Where a postal voter exercises the entitlement conferred by paragraph (1), the postal voter must return the documents referred to in paragraph (1)(a) to (c) which have been received and not lost.

(4) Where the counting officer—

- (a) is satisfied as to the postal voter's identity;
- (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return; and
- (c) receives the documents referred to in paragraph (2) by 5 pm on the day before the date of the business referendum,

the counting officer shall issue another postal ballot paper, and may hand it to a postal voter who applies in person.



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(5) Where the counting officer—

- (a) is satisfied as to the postal voter's identity;
- (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return; and
- (c) receives the documents referred to in paragraph (2) after 5 pm on the day before the date of the business referendum but by 5 pm on the day of the business referendum,

the counting officer must only issue another postal ballot paper if the postal voter returned the documents by hand and applies in person, and may only hand a replacement ballot paper to that postal voter.

(6) Paragraphs 20 (except paragraph (2)), 21, 22 and 23 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(7) Any postal ballot paper or postal voting statement returned in accordance with paragraph (3) must be immediately cancelled.

(8) The counting officer must, as soon as practicable after cancelling those documents, make them up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(9) The counting officer must keep a list of the name and number on the register of any postal voter and the number of the postal ballot paper (or papers) issued under this rule.

#### **Alternative means of returning postal ballot paper or postal voting statement**

**27.**—(1) A postal ballot paper or postal voting statement may be returned by hand to a polling station being used either in the business referendum or in the corresponding residential referendum.

(2) A postal ballot paper or postal voting statement may be returned to the counting officer by post or by hand.

(3) Subject to [F6 paragraphs (3A) and (4)] the presiding officer of the polling station must deliver, or cause to be delivered, any postal ballot paper or postal voting statement returned to that station [F7 and any return of postal voting documents form] to the counting officer in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, the packets referred to in rule 62.

[F8 (3A) A postal ballot paper or postal voting statement may only be delivered to the counting officer in accordance with paragraph (3) if the requirements of rule 27A are met and the paper and statement are not rejected in accordance with rule 27B or 27D.]

(4) The counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement [F9 and any return of postal voting documents form] which by virtue of paragraph (3) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to the counting officer.

[F10 (5) Where the counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement or return of postal voting documents form in accordance with paragraph (4) the presiding officer must first make up into separate packets sealed with the presiding officer's own seal and the seals of such polling observers as are present and desire to affix their seals with a description of its contents written on each packet—

- (a) the postal ballot papers and postal voting statements; and
- (b) the return of postal voting documents forms for those postal ballot papers and postal voting statements.]

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### Textual Amendments

- F6** Words in [Sch. 7 rule 27\(3\)](#) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(b\)\(i\)\(aa\)](#)
- F7** Words in [Sch. 7 rule 27\(3\)](#) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(b\)\(i\)\(bb\)](#)
- F8** [Sch. 7 rule 27\(3A\)](#) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(b\)\(ii\)](#)
- F9** Words in [Sch. 7 rule 27\(4\)](#) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(b\)\(iii\)](#)
- F10** [Sch. 7 rule 27\(5\)](#) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(b\)\(iv\)](#)

### [<sup>F11</sup>Requirements of return of postal voting documents form

**27A.** The requirements of this rule are—

- (a) the person handing in a postal voting document (“P”) completes a form containing the following information (a “return of postal voting documents form”)—
  - (i) P’s name and address,
  - (ii) whether P is handing in P’s own postal voting documents,
  - (iii) the number of other named voters for whom P is handing in postal voting documents,
  - (iv) the total number of envelopes containing postal ballot papers P is handing in, including P’s own,
  - (v) the reason P is handing in postal voting documents for other named voters,
  - (vi) a declaration by P that P has not handed in postal voting documents at any polling station or to the counting officer for a total of more than the number of named voters other than P set out in rule 27B(1)(c) or 30B(1)(c), including those being handed in at that time and that to the best of P’s knowledge, P is not a political campaigner for whom it is an offence to handle the postal voting documents concerned in accordance with section 112A of the 1983 Act;
- (b) the relevant officer has endorsed the return of postal voting documents form returned by P to confirm the relevant officer’s name and that—
  - (i) the relevant officer is satisfied that the form has been completed properly and provides the information required by paragraph (a),
  - (ii) the relevant officer does not suspect that the number of named voters other than P for whom P is handing in postal voting documents exceeds the number of named voters specified in rule 27B(1)(b) or (c), or rule 30B(1)(b) or (c),
  - (iii) the relevant officer does not suspect that P is a political campaigner who is committing an offence under section 112A of the 1983 Act, and
  - (iv) the postal voting documents to which the form relates are not rejected.

#### Textual Amendments

- F11** Sch. 7 rules 27A-27D inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(c)

### Rejection of postal voting documents handed in at a polling station

#### 27B.—(1) A relevant officer must reject—

- (a) all postal voting documents handed in by P where P fails to fully complete the return of postal voting documents form with the required information;
- (b) all postal voting documents handed in by P other than P's own postal voting documents where the relevant officer has reasonable cause to suspect that the documents are handed in on behalf of more than five other named voters; and
- (c) a postal voting document handed in by P or all postal voting documents handed in together by P (other than P's own postal voting documents) where the relevant officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by P on any previous occasion in respect of the same referendum, or in respect of an election or referendum for which the day of poll is the same as the referendum to which the documents relate (whether at a polling station or to the counting officer and disregarding any that were rejected), P has handed in postal voting documents on behalf of more than five other named voters.

(2) Where P hands in one or more proxy postal ballot papers completed by P as proxy for another named voter, for “five” in paragraphs (1)(b) and (c), substitute the number that is five minus the number of proxy postal ballot papers P hands in.

(3) A relevant officer may reject a postal voting document handed in by P where the relevant officer knows or has reasonable cause to suspect that, in handing in the document, P is committing an offence under section 112A of the 1983 Act.

#### Textual Amendments

- F11** Sch. 7 rules 27A-27D inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(c)

### Procedure for dealing with rejected postal voting documents handed in at a polling station

**27C.—(1)** Where any postal voting document has been rejected in accordance with rule 27B the relevant officer must indicate this, together with the reason or reasons for the rejection and the relevant officer's name, on the return of postal voting documents form and attach the form to the postal voting documents concerned.

(2) The presiding officer must make up a packet (or packets) of the rejected postal voting documents and the accompanying return of postal voting documents forms, sealed with the presiding officer's own seal and the seals of such polling observers as are present and desire to affix their seals with a description of its contents written on each packet.

(3) Where a return of postal voting documents form relates to postal voting documents which have not all been rejected, that form must be dealt with as if it related just to rejected postal voting documents, and the postal voting documents which have been rejected must be noted on it.

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(4) The presiding officer must deliver, or cause to be delivered, to the counting officer, those packets in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, to the counting officer, the packets referred to in rule 62.

#### Textual Amendments

**F11** Sch. 7 rules 27A-27D inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(c)

### Postal voting documents left behind at a polling station

**27D.**—(1) Where a person leaves a left behind postal voting document at a polling station, the relevant officer must reject that left behind postal voting document.

(2) The relevant officer must—

- (a) write on a return of postal voting documents form to confirm that the postal voting document is a left behind postal voting document,
- (b) write the relevant officer's name on that form, and
- (c) attach that form to the left behind postal voting document.

(3) Left behind postal voting documents and the attached return of postal voting documents forms must be included in the packet of rejected postal voting documents and forms made up in accordance with rule 27C(2).]

#### Textual Amendments

**F11** Sch. 7 rules 27A-27D inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(c)

### Notice of opening of postal ballot paper envelopes

**28.**—(1) The counting officer must give to those persons who are entitled to attend at the counting of votes not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice must specify the time and place at which such an opening is to take place.

### Postal ballot boxes and receptacles

**29.**—(1) The counting officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters ("postal voters' ballot box"), and
- (b) postal ballot papers ("postal ballot box").

(2) Each such ballot box must be marked "postal voters' ballot box", or "postal ballot box", as the case may be, and with the date of the business referendum, the words "neighbourhood planning business referendum" and the name of the neighbourhood area to which the business referendum relates.

(3) The postal ballot box must be shown to those present on the occasion of opening the first postal voters' ballot box as being empty.

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(4) The counting officer must then lock the ballot box and apply the counting officer's seal in such a manner as to prevent its being opened without breaking the seal.

(5) The counting officer must provide the following—

(a) the receptacle for rejected votes;

<sup>F12</sup>(b) . . . . .

(c) the receptacle for ballot paper envelopes;

(d) the receptacle for rejected ballot paper envelopes;

(e) the receptacle for rejected votes after verification procedure;

(f) the receptacle for postal voting statements after verification procedure.

(6) The counting officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this rule.

#### Textual Amendments

**F12** Sch. 7 rule 29(5)(b) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **21** (with reg. 1(7))

### Receipt of covering envelope

**30.**—(1) The counting officer must, immediately on receipt [<sup>F13</sup>by post] of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the counting officer—

(a) has been opened, and

(b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope, together with its contents, must be placed in a postal voters' ballot box.

#### Textual Amendments

**F13** Words in [Sch. 7 rule 30](#) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(d\)](#)

### [<sup>F14</sup>Postal voting documents handed in to the counting officer

**30A.**—(1) Subject to paragraphs (2) and (3), the relevant officer must deliver to the counting officer—

(a) any postal voting document handed in under rule 64(4)(a) before the close of the poll, and

(b) the return of postal voting documents form completed in respect of it.

(2) A postal voting document may only be delivered to the counting officer in accordance with paragraph (1) if the requirements of rule 27A are met and the document is not rejected in accordance with rule 30B or 30D.

(3) Before delivering them to the counting officer in accordance with paragraph (1), the relevant officer must first make up into separate packets with a description of its contents written on each packet which is then sealed up—

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- (a) the postal voting documents;
- (b) the return of postal voting documents forms for those postal voting documents.

#### Textual Amendments

**F14** Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)

### Rejection of postal voting documents handed in to the counting officer

**30B.**—(1) The relevant officer must reject—

- (a) all postal voting documents handed in by P where P fails to fully complete the return of postal voting documents form with the required information;
- (b) all postal voting documents handed in by P other than P's own postal voting documents where the relevant officer has reasonable cause to suspect that the documents are handed in on behalf of more than five other named voters;
- (c) a postal voting document handed in by P or all postal voting documents handed in together by P (other than P's own postal voting documents) where the relevant officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by P on any previous occasion in respect of the same business referendum, or in respect of an election or referendum for which the day of poll is the same as the referendum to which the documents relate (whether to a polling station or to the counting officer and disregarding any that were rejected), P has handed in postal voting documents on behalf of more than five other named voters.

(2) Where P hands in one or more proxy postal ballot papers completed by P as proxy for another named voter, for “five” in paragraphs (1)(b) and (c), substitute the number that is five minus the number of proxy postal ballot papers P hands in.

(3) The relevant officer may reject a postal voting document handed in by P where the relevant officer knows or has reasonable cause to suspect that, in handing in the document, P is committing an offence under section 112A of the 1983 Act.

#### Textual Amendments

**F14** Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)

### Procedure for dealing with rejected postal voting documents handed in to the counting officer

**30C.**—(1) Where any postal voting document has been rejected in accordance with rule 30B the relevant officer must indicate this, together with the reason or reasons for the rejection and the relevant officer's name, on the return of postal voting documents form and attach the form to the postal voting documents concerned.

(2) The relevant officer must make up a packet (or packets) of the rejected postal voting documents and the accompanying return of postal voting documents forms which must be sealed up with a description of its contents written on each packet.

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(3) Where a return of postal voting documents form relates to postal voting documents which have not all been rejected, that form must be dealt with as if it related just to rejected postal voting documents, and the postal voting documents which have been rejected must be noted on it.

(4) The relevant officer must deliver those packets to the counting officer before the close of the poll.

#### Textual Amendments

**F14** Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)

### Postal voting documents left behind with the counting officer

**30D.**—(1) This rule applies to a postal voting document to which rule 64(4)(a) applies and which is a left behind postal voting document.

(2) The relevant officer must—

- (a) reject the left behind postal voting document,
- (b) write on a return of postal voting documents form to confirm that the postal voting document is a left behind postal voting document,
- (c) write the relevant officer's name on that form, and
- (d) attach that form to the left behind postal voting document.

(3) Left behind postal voting documents and the attached return of postal voting documents forms must be included in the packet of rejected postal voting documents and forms made up in accordance with regulation 30C(2).

#### Textual Amendments

**F14** Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)

### Opening of delivered or collected packets of postal voting documents

**30E.**—(1) Paragraph (2) applies to the packets of postal voting documents delivered to or collected by the returning officer in accordance with rule 27(3) or (4) or 30A(1).

(2) Rules 28, 29(6), 31(1) and 32 apply to a packet to which this paragraph applies as if that packet were a postal voters' ballot box.]

#### Textual Amendments

**F14** Sch. 7 rules 30A-30E inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), reg. 9(5)(e)



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### Opening of postal voters' ballot box

**31.—**(1) Each postal voters' ballot box must be opened by the counting officer in the presence of such of those entitled to attend who are present.

(2) So long as the counting officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by the counting officer.

(3) The last postal voters' ballot box and the postal ballot box must be opened at the counting of the votes.

### Opening of covering envelopes

**32.—**(1) When a postal voters' ballot box is opened, the counting officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph (2) of rule 30).

<sup>F15</sup>(2) .....

(3) The counting officer must open separately each covering envelope (including an envelope described in paragraph (2) of rule 30).

[<sup>F16</sup>(4) The procedure in rule 35 applies where a covering envelope (including an envelope described in paragraph (2) of rule 30) contains a postal voting statement.]

(5) Where the covering envelope does not contain the postal voting statement separately, the counting officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

[<sup>F17</sup>(6) Where a covering envelope does not contain a postal voting statement (whether separately or not) the counting officer must mark the covering envelope "provisionally rejected", attach its contents (if any) and place it in the receptacle for rejected votes.]

(7) In carrying out the procedure in this rule and rules 34 to 40, the counting officer—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(8) Where an envelope opened in accordance with paragraph (3) contains a postal voting statement, the counting officer must place a mark in the marked copy of the voters list in a place which corresponds to the named voter's corresponding number on the register to denote that a postal vote has been returned.

(9) A mark made under paragraph (8) must be distinguishable from and must not obscure any other mark.

(10) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the marked voters list and must seal such a packet.

(11) Rule 64(3) does not apply for the purposes of determining whether, for the purposes of this rule, a postal vote is returned.

#### Textual Amendments

**F15** Sch. 7 rule 32(2) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(1)** (with reg. 1(7))

**F16** Sch. 7 rule 32(4) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(2)** (with reg. 1(7))



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**F17** Sch. 7 rule 32(6) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(3)** (with reg. 1(7))

### Confirming receipt of postal voting statements

**33.—**(1) A named voter who is shown in the voters list as voting by post may make a request, at any time between the first issue of postal ballots and the close of the poll, that the counting officer confirm—

- (a) whether a mark is shown in the marked copy of the voters list to denote that a postal vote has been returned, and
- (b) whether the number of the ballot paper issued to the named voter has been recorded on either of the lists of provisionally rejected votes kept by the counting officer under paragraphs (2) and (3) of rule 39.

(2) A request under paragraph (1) must be made by any method specified, and include any evidence of the named voter's identity requested, by the counting officer.

(3) Where a request is received in accordance with paragraph (2) the counting officer shall satisfy himself that the request has been made by the named voter and where the counting officer is so satisfied provide confirmation of the matters under paragraph (1).

#### Modifications etc. (not altering text)

**C2** Sch. 7 rule 33 excluded (22.9.2020) by [The Postponed Elections and Referendums \(Coronavirus\) and Policy Development Grants \(Amendment\) Regulations 2020 \(S.I. 2020/926\)](#), regs. 1(2), **3(5)**, 6(1)-(3)

### Procedure in relation to postal voting statements

**F18** **34.** . . . . .

#### Textual Amendments

**F18** Sch. 7 rule 34 omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **23** (with reg. 1(7))

### Procedure in relation to postal voting statements: personal identifier verification

**35.—**[<sup>F19</sup>(1) This rule applies in the circumstances described in rule 32(4).]

(2) The counting officer must be satisfied that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is not so satisfied, the counting officer must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope [<sup>F20</sup>but there is a ballot paper], the ballot paper, and, subject to paragraph (4) place it in the receptacle for rejected votes after verification procedure.

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the counting officer must show it to the counting observers and must permit them to view the entries in the identifier record which relate to the person to whom the postal ballot paper

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was addressed, and if any of them object to the counting officer's decision, must add the words "rejection objected to".

(5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements after verification procedure and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it,

the counting officer must open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope, or
- (b) the ballot paper envelope has been opened under rule 32(5) or paragraph (6).

(8) Where this paragraph applies, the counting officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes after verification procedure, any other ballot paper, with the valid postal voting statement attached and marked "provisionally rejected";
- (c) in the receptacle for rejected votes after verification procedure, any valid postal voting statement marked "provisionally rejected" where there is no ballot paper;
- (d) in the receptacle for postal voting statements after verification procedure, any valid statement not disposed of under sub-paragraph (b) or (c).

#### Textual Amendments

- F19** Sch. 7 rule 35(1) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **24(1)** (with reg. 1(7))
- F20** Words in Sch. 7 rule 35(3) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **24(2)** (with reg. 1(7))

#### Postal voting statements: additional personal identifier verification

<sup>F21</sup>**36.** . . . . .

#### Textual Amendments

- F21** Sch. 7 rule 36 omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **25** (with reg. 1(7))

#### Opening of ballot paper envelopes

**37.—**(1) The counting officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) The counting officer must place—

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- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which must be marked “provisionally rejected” and to which must be attached the ballot paper envelope;
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must be marked “provisionally rejected” because it does not contain a ballot paper.

### Retrieval of cancelled postal ballot papers

**38.**—(1) Where it appears to the counting officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters’ ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

the counting officer must proceed as follows.

(2) The counting officer must, on at least one occasion on which a postal voters’ ballot box is opened in accordance with rule 31, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the polling observers;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements [<sup>F22</sup>after verification procedure];
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by rule 25(6); and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes, re-lock (if it has a lock) and re-seal the postal ballot box in the presence of the counting observers.

(3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the counting officer and the counting officer’s staff—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

### Textual Amendments

**F22** Words in [Sch. 7 rule 38\(2\)\(c\)](#) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 26 (with reg. 1(7))

### Lists of rejected postal ballot papers

**39.**—(1) The counting officer must keep two separate lists of rejected postal ballot papers.

(2) In the first list, the counting officer must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

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(3) In the second list, the counting officer must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

### Checking of lists kept under rule 39

**40.**—(1) Where the counting officer receives a valid postal voting statement without the postal ballot paper to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under rule 39 to see whether the number of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the counting officer receives a postal ballot paper without the postal voting statement to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under rule 39 to see whether the number of that ballot paper is entered in that list.

(3) The counting officer must conduct the checks required by paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station being used for the purposes of the business referendum.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the counting officer must retrieve that statement or paper.

(5) The counting officer must then take the appropriate steps under this Part of these Rules as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

### Sealing of receptacles

**41.**—(1) As soon as practicable after the completion of the procedure under paragraphs (1), (2) and (4) of rule 40, the counting officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- <sup>F23</sup>(b) .....
- (c) the receptacle of rejected ballot paper envelopes,
- (d) the lists of [<sup>F24</sup>spoilt, lost and cancelled] postal ballot papers,
- (e) the receptacle of rejected votes after verification procedure, and
- (f) the receptacle of postal voting statements after verification procedure,
- [<sup>F25</sup>(g) the packets of rejected postal voting documents and accompanying return of postal voting documents forms made up in accordance with rules 27C(2) and 30C(2),]

and must seal up such packets.

(2) Any document in those packets marked “provisionally rejected” must be deemed to be marked “rejected”.

#### Textual Amendments

- F23** Sch. 7 rule 41(1)(b) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014](#) (S.I. 2014/333), regs. 1(6), **27(a)** (with reg. 1(7))
- F24** Words in Sch. 7 rule 41(1)(d) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014](#) (S.I. 2014/333), regs. 1(6), **27(b)** (with reg. 1(7))
- F25** Sch. 7 rule 41(1)(g) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023](#) (S.I. 2023/1225), **reg. 9(5)(f)**

## Forwarding of documents

**42.—**(1) The counting officer must forward to the business registration officer at the same time as the counting officer forwards the documents mentioned in rule 72—

- (a) any packets referred to in rules 22(1), 24(1) and (3), 25(6), 26(8), [F2627(5)(b), 30A(3)(b),] 32(10), 41(1) and paragraph (2), endorsing on each packet a description of its contents, the date of the business referendum, the words “neighbourhood planning business referendum” and the name of the neighbourhood area to which the business referendum relates; and
  - (b) a completed statement of the number of postal ballot papers issued.
- (2) Where—
- (a) any covering envelopes are received by the counting officer after the close of the poll (apart from those delivered in accordance with rule 27(3));
  - (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
  - (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the counting officer must put them unopened in a separate packet, seal up such a packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

(3) A copy of the statement referred to in paragraph (1)(b) must be provided by the counting officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

### Textual Amendments

**F26** Words in [Sch. 7 rule 42\(1\)\(a\)](#) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(g\)](#)

## PART 6

### Polling stations

#### Provision of polling stations

**43.—**(1) The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the named voters to the polling stations in such manner as the counting officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The counting officer must provide each polling station with such number of compartments as may be necessary in which the named voters can mark their votes screened from observation.

(4) The polling station allotted to a named voter who is also voting in person at the corresponding residential referendum must as far as practicable be in the same polling place as the polling station allotted to that person for the corresponding residential referendum.

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### **The appointment of presiding officers and polling clerks**

**44.—**(1) The counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the business referendum.

(2) The counting officer may, if that officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**45.—**(1) The counting officer must as soon as practicable after each publication of the business voting register under paragraph 30(1) of Schedule 6 send an official poll card to each named voter who has chosen to vote in person.

(2) The official poll card must be sent or delivered to the address shown on the voters list.

(3) The official poll card must be in the form set out in Form 5 in the Appendix, or a form to like effect, and must set out—

- (a) the name of the relevant council and of the neighbourhood area;
- (b) the name of the named voter, the business vote holder on whose behalf they are voting and the number on the business voting register;
- (c) the date and hours of the poll and the situation of the named voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different named voters or to different descriptions of named voter.

### **Equipment of polling stations**

**46.—**(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer's opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The counting officer must provide each polling station with—

- (a) materials to enable named voters to mark the ballot papers;
- (b) copies of such part of the business voting register as contains the names of the named voters allotted to the station;
- (c) the parts of any voters list corresponding to the business voting register or the part of it provided under sub-paragraph (b);
- (d) a list, in the form set out in Form 6 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the business voting register includes any alterations made to that register under Schedule 6.

(5) The counting officer must also provide each polling station with—

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- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of named voters who are partially sighted; and
- [<sup>F27</sup>(b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote independently in the manner directed by rule 54 (voting procedure), including in relation to voting secretly; and for this purpose “relevant persons” means persons who find it difficult or impossible to vote in that manner because of—
  - (i) blindness or partial sight, or
  - (ii) another disability.]
- [<sup>F28</sup>(5A) Paragraph (10) of rule 29 of Schedule 1 to the 1983 Act (Parliamentary elections rules: guidance to returning officers) applies for the purposes of paragraph (5)(b) of this rule as it applies for the purposes of that rule, but as if—
  - (a) the reference in that paragraph to the returning officer were a reference to the counting officer, and
  - (b) the reference in that paragraph to paragraph (3A)(b) were a reference to paragraph (5)(b) of this rule.]
- (6) A notice in the form set out in Form 7 in the Appendix, giving directions for the guidance of named voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as the counting officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.
- (8) In every compartment of every polling station there must be exhibited the notice “BUSINESS REFERENDUM ON [specify: neighbourhood plan/neighbourhood development order] FOR [specify name of neighbourhood area]. Mark a cross (X) in the box next to the answer of your choice. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.”
- <sup>F29</sup>(9) .....

#### Textual Amendments

- F27** Sch. 7 rule 46(5)(b) substituted (29.12.2022) by [The Assistance with Voting for Persons with Disabilities \(Amendments\) Regulations 2022 \(S.I. 2022/1309\)](#), regs. 1(3), **11(4)(a)(i)** (with reg. 1(4))
- F28** Sch. 7 rule 46(5A) inserted (29.12.2022) by [The Assistance with Voting for Persons with Disabilities \(Amendments\) Regulations 2022 \(S.I. 2022/1309\)](#), regs. 1(3), **11(4)(a)(ii)** (with reg. 1(4))
- F29** Sch. 7 rule 46(9) omitted (29.12.2022) by virtue of [The Assistance with Voting for Persons with Disabilities \(Amendments\) Regulations 2022 \(S.I. 2022/1309\)](#), regs. 1(3), **11(4)(a)(iii)** (with reg. 1(4))

#### Appointment of polling observers and counting observers

- 47.—**(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).
- (2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).
- (3) In these Rules references to polling observers and counting observers are to be taken as references to polling observers and counting observers whose appointments have been duly made.
- (4) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time



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and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

### Notification of requirement of secrecy

**48.—**[<sup>F30</sup>(1)] The counting officer must make such arrangements as the counting officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a named voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act, as applied by Schedule 8; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 8.

[<sup>F31</sup>(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).]

#### Textual Amendments

- F30** Sch. 7 rule 48 renumbered as Sch. 7 rule 48(1) (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **28** (with reg. 1(7))
- F31** Sch. 7 rule 48(2) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **28** (with reg. 1(7))

## PART 7

### The Poll

#### Admission to polling station

**49.—**(1) The presiding officer must exclude all persons from the polling station except—

- (a) named voters;
- (b) persons under the age of 18 who accompany named voters to the polling station;

[ persons aged 18 or over returning a postal ballot paper or postal voting statement by hand  
<sup>F32</sup>(ba) in accordance with rule 64(4)(b);]

- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
- (f) the constables on duty; and
- (g) the companions of named voters with disabilities.

(2) The presiding officer must regulate the total number of named voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.



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(3) A constable or person employed by a counting officer must not be admitted to vote in person elsewhere than at the polling station allotted to them under these Rules, except on production and surrender of a certificate as to their employment which must be in the form set out in Form 8 in the Appendix, or a form to like effect, and signed by an officer of police of or above the rank of inspector or by the counting officer by whom the person is employed, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

<sup>F33</sup> (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).]

#### Textual Amendments

**F32** Sch. 7 rule 49(1)(ba) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(h\)](#)

**F33** Sch. 7 rule 49(5) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), [regs. 1\(6\), 29](#) (with [reg. 1\(7\)](#))

#### Keeping of order in polling station

**50.**—(1) It is the presiding officer's duty to keep order at the presiding officer's polling station.

(2) If a person misconducts themselves in a polling station, or fails to obey the presiding officer's lawful orders, that person may immediately, by the presiding officer's order, be removed from the polling station—

(a) by a constable in or near that station; or

(b) by any other person authorised in writing by the counting officer to remove the person, and the person so removed may not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a named voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

#### Sealing of ballot boxes

**51.** Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place the officer's seal on it in such a manner as to prevent the box being opened without breaking the seal and must place the box in the officer's view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

#### Questions to be put to named voters

**52.**—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the following Table—

(a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the Table; and

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- (b) must be put if the letter “R” appears after the question and a polling observer requires the question to be put:

**Table**

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a named voter	<p>(a)—Are you the person whose name appears as AB on the business voting register for this referendum area as named to vote on behalf of CD?</p> <p><i>(read the whole entry from the register)</i> [R]</p> <p>(b)—Have you already voted here or elsewhere at this business referendum on behalf of CD? [R]</p> <p>(c)—Have you already voted here or elsewhere at this business referendum on behalf of two persons (including yourself)?</p>
2	A person applying as a named voter who is shown on the voters list as entitled to vote by post	<p>(a)—Did you choose to vote by post?</p> <p>(b)—Why have you not voted by post?</p>

(2) A ballot paper must not be delivered to any person required to answer any of the above questions unless that person has answered each question satisfactorily.

(3) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

### **Challenge of named voter**

**53.** A person must not be prevented from voting by reason only that—

- (a) any polling observer permitted to be present in accordance with rule 49(1) declares that the polling observer has reasonable cause to believe that the person has committed an offence of personation; or
- (b) the person is arrested on the grounds that the person is suspected of committing or of being about to commit such an offence.

### **Voting procedure**

**54.—(1)** A ballot paper must be delivered to a named voter who applies for one, and immediately before delivery—

- (a) the number on the register and name of the named voter must be called out;
- (b) the number on the register must be marked on the list mentioned in rule 46(3)(d) beside the number of the ballot paper to be issued; and
- (c) a mark must be placed in the copy of the business voting register against the number on the register to note that a ballot paper has been received but without showing the particular ballot paper which has been received.

(2) The named voter, on receiving their ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark the ballot paper and fold it up so as to conceal their vote, and must then show to the presiding officer the back of the paper, so as to disclose

the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(3) The named voter must vote without undue delay, and must leave the polling station as soon as the named voter has put the named voter's ballot paper into the ballot box.

<sup>F34</sup> (4) A named voter 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 accordingly.]

#### Textual Amendments

**F34** [Sch. 7 rule 54\(4\)](#) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), [regs. 1\(6\), 30](#) (with [reg. 1\(7\)](#))

#### Votes marked by presiding officer

**55.**—(1) The presiding officer, on the application of a named voter—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
- (b) who declares orally that the named voter is unable to read,

must, in the presence of the polling observers (if any), cause that person's vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number in the business voting register of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

#### Voting by persons with disabilities

**56.**—(1) If a named voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the named voter is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the named voter to declare, orally or in writing, whether the named voter is so incapacitated by blindness or other disability, or by the named voter's inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the named voter is so incapacitated or unable to read; and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as "the declaration made by the companion of a named voter with disabilities") that the companion—
  - (i) is a qualified person within the meaning of this rule; and
  - (ii) has not previously assisted more than one named voter with disabilities to vote at the business referendum,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that named voter in connection with the giving of their vote may be done to, or with the assistance of, the companion.

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(3) For the purposes of these Rules, a person is a named voter with disabilities if that person has made such a declaration as is mentioned in paragraph (1), and a person is qualified to assist a named voter with disabilities to vote [<sup>F35</sup>if that person is aged 18 or over.]

(4) The name and number in the register of every person whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of named voters with disabilities assisted by companions”).

(5) The declaration made by the companion of a named voter—

- (a) must be in the form set out in Form 9 in the Appendix;
- (b) must be made before the presiding officer at the time when the named voter applies to vote with the assistance of a companion; and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

(6) No fee or other payment may be charged in respect of the declaration.

#### Textual Amendments

**F35** Words in [Sch. 7 rule 56\(3\)](#) substituted (29.12.2022) by [The Assistance with Voting for Persons with Disabilities \(Amendments\) Regulations 2022 \(S.I. 2022/1309\)](#), regs. 1(3), **11(4)(b)** (with reg. 1(4))

#### Tendered ballot papers: circumstances where available

**57.—**(1) If a person, representing themselves to be a particular named voter named on the business voting register, and not shown on the voters list as entitled to vote by post, applies for a ballot paper after another person has voted in person as the named voter, the applicant is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other named voter.

(2) Paragraph (3) applies if—

- (a) a person applies for a ballot paper representing themselves to be a particular named voter named on the business voting register;
- (b) that person is also shown in the voters list as having chosen to vote by post; and
- (c) that person claims that that person did not choose to vote by post at the business referendum.

(3) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other named voter.

(4) Paragraph (5) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents themselves to be a particular named voter named on the business voting register who is also shown in the voters list as having chosen to vote by post, and claims that the person has lost or has not received their postal ballot paper.

(5) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other named voter.

#### Tendered ballot papers: general provisions

**58.—**(1) A tendered ballot paper must—

- (a) be of a colour differing from that of the other ballot papers;

- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the officer with the name of the person who has marked a tendered ballot paper and their number in the register of electors, and set aside in a separate packet.
- (2) The name of the person who has marked a tendered ballot paper and their number in the business voting register must be entered on a list (in these Rules referred to as the “tendered votes list”).

### **Spoilt ballot papers**

**59.** A named voter who has inadvertently dealt with their ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer’s satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

### **Alterations of register on day of poll**

**60.** The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made—

- (a) by virtue of paragraph 23 or 24 of Schedule 6, or
  - (b) as a result of a decision on appeal under paragraph 29 of Schedule 6,
- which takes effect on the day of the poll.

### **Adjournment of poll in case of riot**

**61.—**(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice to the counting officer.

- (2) Where the poll is adjourned at any polling station—
  - (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
  - (b) references in these Rules to the close of the poll are construed accordingly.

### **Procedure on close of poll**

**62.—**(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any), make up into separate packets, sealed with the presiding officer’s own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the business voting register;
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 54(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of named voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of named voters whose votes

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are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 56, and the declarations made by the companions of named voters,

and must deliver the packets or cause them to be delivered to the counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery require the counting officer’s approval.

(2) The marked copies of the business voting register must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to that officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

## PART 8

### Counting of Votes

#### Attendance at counting of votes

**63.**—(1) The counting officer must make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the close of the poll, and must give to the counting observers notice in writing of the time and place at which the counting officer will begin to count the votes.

(2) No person other than—

- (a) the Chief Counting Officer, the counting officer and the counting officer’s clerks;
- (b) the counting observers; and
- (c) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(3) A person not entitled to attend at the counting of the votes is not permitted to do so by the counting officer unless the counting officer is satisfied that the efficient counting of the votes will not be impeded.

(4) The counting officer must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistent with the orderly conduct of the proceedings and the discharge of the officer’s duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers are entitled to satisfy themselves that the ballot papers are correctly sorted.

#### The count

**64.**—(1) The counting officer must—

- (a) in the presence of the counting observers open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the counting observers verify each ballot paper account; and

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- (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (2) The counting officer must not count the votes given on any ballot papers until—
  - (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
  - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box (if there is another ballot box).
- (3) A postal ballot paper must not be taken to be duly returned unless—
  - (a) it is returned in the manner set out in paragraph (4) and reaches the counting officer or any polling station used at the business referendum in question before the close of the poll;
  - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches the counting officer or such a polling station before that time;
  - (c) the postal voting statement also states the date of birth of the named voter; <sup>F36</sup>...
- [<sup>F37</sup>(d) the counting officer verifies the date of birth and signature of the named voter.][<sup>F38</sup>and
- (e) the postal ballot paper is not one that falls to be rejected in accordance with rule 27B, 27D, 30B or 30D.]
- [
- <sup>F39</sup>(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.]
- (4) The manner in which any postal ballot paper or postal voting statement may be returned—
  - (a) to the counting officer, is by hand or by post;
  - (b) to a polling station, is by hand.
- (5) The counting officer must not count any tendered ballot paper.
- (6) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (7) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.
- (8) Where the referendum area comprises any part of the area of more than one relevant council, as soon as is practicable after the counting officer has drawn up the statement as to the result of the verification, the counting officer must inform the Chief Counting Officer of its content.
- (9) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the counting officer may exclude the hours between 7 in the evening and 9 on the following morning.
- (10) During the time so excluded the counting officer must—
  - (a) place the ballot papers and other documents relating to the business referendum under the counting officer's own seal and the seals of such counting observers as desire to affix their seals; and

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- (b) otherwise take proper precautions for the security of the papers and documents.

#### Textual Amendments

- F36** Word in [Sch. 7 rule 64\(3\)\(c\)](#) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(i\)](#)
- F37** [Sch. 7 rule 64\(3\)\(d\)](#) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), [regs. 1\(6\)](#), [31\(1\)](#) (with [reg. 1\(7\)](#))
- F38** [Sch. 7 rule 64\(3\)\(e\)](#) and word inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Representation of the People \(Postal Vote Handling and Secrecy\) \(Amendment\) Regulations 2023 \(S.I. 2023/1225\)](#), [reg. 9\(5\)\(ii\)](#)
- F39** [Sch. 7 rule 64\(3A\)](#) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), [regs. 1\(6\)](#), [31\(2\)](#) (with [reg. 1\(7\)](#))

#### Re-count

**65.—(1)** The counting officer may have the votes re-counted or again re-counted.

(2) Paragraphs (3) to (7) apply where the referendum area comprises any part of the area of more than one relevant council.

(3) As soon as practicable after the conclusion of the count (which includes any re-count whether or not directed under this rule), the counting officer must draw up a provisional statement showing—

- (a) the number of ballot papers counted by the counting officer;
- (b) the number of votes cast in favour of each answer to the question asked in the business referendum.

(4) As soon as possible after completion of the provisional statement, the counting officer must inform the Chief Counting Officer of its contents.

(5) Once the Chief Counting Officer has received the report of any counting officer on the contents of that counting officer's provisional statement prepared under paragraph (3) and under rule 66(5), the Chief Counting Officer may direct the counting officer to re-count (or further re-count) the votes.

(6) A re-count directed by the Chief Counting Officer under paragraph (5) may be of the votes in the whole referendum area, or in the areas of such of the relevant councils falling within the referendum area as the Chief Counting Officer considers reasonable.

(7) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith must notify those counting observers entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

#### Rejected ballot papers

**66.—(1)** Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more than one answer; or
- (c) on which anything is written or marked by which the named voter or business vote holder can be identified except the printed number and other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,



is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

is not for such reason deemed to be void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the named voter or business vote holder and it is not shown that the named voter or business vote holder can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to the counting officer’s decision.

(4) Subject to paragraph (5), the counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the named voter or business vote holder could be identified;
- (d) unmarked or void for uncertainty.

(5) Where the referendum area comprises any part of the area of more than one relevant council, the statement referred to in paragraph (4) above is to be a provisional statement and as soon as practicable after the completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

### **Decisions on ballot papers**

**67.** The decision of the counting officer on any question arising in respect of a ballot paper is final.

### **Equality of votes**

**68.** Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers, the result is that there is no majority in favour of the making of the plan or order.

## **PART 9**

### **Declaration of Result and Disposal of Documents**

#### **Declaration of result**

**69.—**(1) This rule applies where rule 70 does not apply.

(2) When the result of the poll has been ascertained, the counting officer must forthwith—

- (a) declare the result of the business referendum;
- (b) inform the proper officer of the relevant council of the result of the business referendum;
- (c) give public notice of—
  - (i) the result of the business referendum;
  - (ii) the number of ballot papers counted;

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- (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.

### **Declaration of result: cross-boundary referendum areas**

**70.—**(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) When the Chief Counting Officer is satisfied the result of the poll has been ascertained, the Chief Counting Officer must direct the counting officers to draw up a final statement of the matters referred to in rule 65(3) and to provide final versions of their statements of rejected ballot papers.

(3) The counting officer, having drawn up the final statement, must—

- (a) forthwith inform the Chief Counting Officer of its contents; and
- (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) When authorised by the Chief Counting Officer to do so, each counting officer must—

- (a) make a declaration of the matters referred to in the final statement; and
- (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(5) The Chief Counting Officer, having received notification of the final statement from each counting officer referred to in paragraph (2) must—

- (a) draw up a statement of—
  - (i) the total number of ballot papers counted, and
  - (ii) the total number of votes cast in favour of each answer to the question asked, in respect of the business referendum;
- (b) declare the result of the business referendum;
- (c) inform the proper officer of each relevant council of the result of the business referendum;
- (d) give public notice of—
  - (i) the result of the business 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.

### **Sealing up of ballot papers**

**71.—**(1) On the completion of the counting at a business referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

(2) The counting officer must not open the sealed packets of—

- (a) tendered ballot papers;
- (b) the completed corresponding number lists;
- (c) certificates as to employment on duty on the day of the poll; or
- (d) marked copies of the business voting register.

## **Delivery of documents to business registration officer**

**72.** The counting officer must then forward to the business registration officer the following documents—

- (a) the packets of ballot papers in the counting officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of named voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 60, and the declarations made by the companions of named voters with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of business voting registers and voters lists,

endorsing on each packet a description of its contents, the date of the business referendum, the words "neighbourhood planning business referendum" and the name of the neighbourhood area to which the business referendum relates.

## **Orders for production of documents**

**73.—**(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the business registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the business registration officer's custody,

may be made by a county court or the High Court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act.

(2) An order under this rule may be made subject to such conditions as to—

- (a) persons;
- (b) time;
- (c) place and mode of inspection;
- (d) production or opening,

as the court making the order may think expedient.

(3) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular named voter or business vote holder has been given is not disclosed until it has been proved—

- (a) that their vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

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(6) Where an order is made for the production by the business registration officer of any document in the business registration officer's possession relating to any specified business referendum—

- (a) the production by the business registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified business referendum; and
- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any business referendum; and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the business voting register at the time of the business referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(8) Save as by this rule provided, no person is to be allowed to inspect any rejected or counted ballot papers in the possession of the business registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

#### **Retention of documents**

**74.** The business registration officer must retain for one year all documents relating to a business referendum forwarded to that officer in pursuance of these Rules by a counting officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

## **PART 10**

### **Appendix of Forms**

*Note:*—The forms contained in this Appendix may be adapted so far as circumstances require.

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Form 3 - Corresponding Number List L1

Form 4 - Form of Business Referendum Postal Voting Statement

Form 5 - Official Poll Card (to be sent to a named voter voting in person)

Form 6 - Corresponding Number List L2

Form 7 - Form of directions for the guidance of the named voters in voting

Form 8 - Form of Certificate of Employment

Form 9 - Form of declaration to be made by the companion of a named voter with disabilities

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Form 1 – form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

**Front of ballot paper**

<b>Business Referendum on the Neighbourhood Plan for [insert name of neighbourhood area]</b>	
Do you want [insert name of local planning authority] to use the <b>Neighbourhood Plan for [insert name of neighbourhood area]</b> to help it decide planning applications in the neighbourhood area?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
<b>Yes</b>	
<b>No</b>	

**Back of ballot paper**

Ballot Paper Number
Other Unique Identifying Mark
Business Referendum on the Neighbourhood Plan for [insert name of neighbourhood area] on [insert date]

**Directions as to printing the ballot paper**

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

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*Form 2 – form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1*

Front of ballot paper	
Business Referendum on the Neighbourhood Development Order for [insert name of neighbourhood area]	
Do you want the type of development in the <b>Neighbourhood Development Order</b> for [insert name of neighbourhood area] to have planning permission?	
Vote only ONCE by making a cross (X) in the box next to your choice	
Yes	
No	
Back of ballot paper	
Ballot Paper Number	
Other Unique Identifying Mark	
Business Referendum on the Neighbourhood Development Order for [insert name of neighbourhood area] on [insert date]	
Directions as to printing the ballot paper	
Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.	

[illegible]

**Textual Amendments**

**F40** Sch. 7 Pt. 10 Form 4 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 (S.I. 2023/1225), **Sch. 7 Pt. 3**

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<b>Business Referendum</b>	[Space for barcode]																
<b>Postal voting statement</b>																	
Business Referendum on the [Neighbourhood Plan/ Neighbourhood Development Order] for [insert name of neighbourhood area]																	
Date of referendum [day] [date] [month] [year]																	
<p><b>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper number _____</p> <p>* Counting Officer to insert name but omit where sent to an anonymous elector</p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us <b>immediately</b> on [insert helpline number].</p>																	
<p><b>I am the person the ballot paper numbered above was sent to.</b></p> <p><b>My Date of Birth is:</b></p> <table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td colspan="2">Day</td> <td colspan="2">Month</td> <td colspan="4">Year</td> </tr> </table> <p>* <b>My Signature is:</b> (You must sign inside the box)</p> <p>* Counting Officer to indicate where the voter has been granted a waiver and that a signature is not required</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>										Day		Month		Year			
Day		Month		Year													
<p><b>We will check this information against our records for security.</b></p> <p><b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once at the same referendum (unless you are appointed as a proxy).</b></p> <p><i>Counting Officer to add pictorial guidance as appropriate.</i></p>																	



## Instructions for voting by post

Please read through carefully. If you need help, please call us on *[insert helpline number]*

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the date of birth *\*[and signature]* box[es] on this postal voting statement.  
*\*Counting Officer to indicate where the voter has been granted a waiver and that a signature is not required*
3. Mark a cross ☒ in the box next to the answer of your choice.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by 10pm on *[day] [date of poll]*.
6. If you miss the post, you can hand in your postal vote and/or the postal vote of others at the council office during office hours to a person authorised to receive postal votes or at any polling station used for the business referendum before 10pm on *[day] [date of poll]*.
7. You will be provided with a form which you must complete for the postal vote(s) you are handing in to be accepted.
8. You can hand in your own postal vote and postal votes for up to 5 other voters.
9. If you are a political campaigner - you can only hand in your own postal vote plus the votes of up to 5 family members or people for whom you provide regular care.
10. Do not put any postal votes in the letter box of the council office as they will be rejected.
11. If you would rather vote in person or ask someone else to vote on your behalf (if you are not already an appointed proxy) you must cancel your postal vote before 5pm on *[day/date of deadline]*. If you decide to cancel and vote in person, you will need to bring a form of accepted photographic identification. If a person is voting on your behalf as proxy they need to bring their own identification.
12. After we receive your postal voting statement and ballot paper, you cannot vote in person at a polling station in this referendum.

### Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as we can only issue a replacement before 5pm on *[day] [date] [month]*. If you apply after 5pm on *[day before poll]* we can only issue a replacement if you return this ballot pack in person.

Electoral fraud is a crime. It is an offence to vote more than once in this referendum (unless you are a named voter on behalf of another business at the referendum).

Whether you vote in person or via post, it is an offence for someone to try to find out how you are voting whilst you are putting your mark on your ballot paper, or to then reveal that information.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Neighbourhood Planning (Referendums) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

1

*<sup>F41</sup>Form 5: Official Poll Card (to be sent to a named voter voting in person)*

**Textual Amendments**

**F41** Sch. 7 Pt. 10 Form 5 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 32, [Sch. 5](#) (with reg. 1(7))

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Front of card

Business referendum poll card	
Business Referendum on the <i>[insert name of neighbourhood plan / neighbourhood development order]</i> for <i>[insert name of neighbourhood area]</i> (Relevant Council: <i>[insert name of relevant council]</i> )	
Date of referendum <i>[day] [date] [month] [year]</i>	
Voting information	
Polling day	
Voting hours	
Your polling station will be	

**Your details:**

Named voter's name and qualifying address details

Business vote holder's Number on register:

This card is to tell you that for this business referendum, the person shown on the back of this card has named you to vote on their behalf

You do not have to take this card with you in order to vote

Please turn over

Back of card

You have been named to vote on behalf of:

*[Name of business vote holder]*

If after 5pm on *[the eleventh day before the date of the poll]* you are unable to vote in person because you:

- Have a medical emergency, or
- Learn you cannot go to the polling station because of work reasons

The business vote holder can appoint someone else to vote on his or her behalf. Completed applications must reach us before 5pm on *[day] [date of deadline]*. To find out how to apply, call the helpline immediately.

The Counting Officer issued this card.

**📞 If you need information in another format, please call our helpline below.**

**📞 If you need help to vote, you can ask someone you know or get independent help by calling our helpline:**

*[insert helpline or other details including website]*

If you are away or cannot go to the polling station on *[day] [date of poll]* you can:

- Apply to vote by post. Completed applications must reach us before 5pm on *[day] [date of deadline]*. If you are given a postal vote, you will not be able to vote in person at this referendum.

It is an offence to:

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once on behalf of the same business vote holder

The Counting Officer issued this card.

**If undelivered return to:**

***[insert return address]***

[illegible]

## Textual Amendments

44

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Neighbourhood Planning (Referendums) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## How to vote at this Business Referendum

1

Go to the desk and tell the staff your name and address and on whose behalf you are voting.

They will give you your ballot paper.



2

Take your ballot paper to a voting booth.



3

Read the instructions in the booth and mark your ballot paper.



4

When you have marked your ballot paper, fold it so that nobody can see how you have voted.



5

Put your folded ballot paper into the ballot box.



**(!) Voting is secret. Do not let anyone see how you have voted.**

**🗣️ If you make a mistake or need some help, just ask the staff.**

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*<sup>F43</sup>Form 8: Form of Certificate of Employment*

**Textual Amendments**

**F43** Sch. 7 Pt. 10 Form 8 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 32, **Sch. 5** (with reg. 1(7))

<b>Certificate of Employment</b>
<b>Business Referendum on the [Neighbourhood Plan / Neighbourhood Development Order] for [insert name of neighbourhood area]</b>
Date of referendum [day] [date] [month] [year]
The person named below is entitled to vote at any polling station used for the referendum on production and surrender of this certificate to the Presiding Officer.
<p>I certify that _____ (name of Named Voter)</p> <p>who is voting on behalf of the business vote holder numbered* _____ in the business voting register, cannot reasonably be expected to go in person to the polling station allotted to the named voter at this business referendum by reason of his/her employment on the above date for a purpose connected with this referendum:</p> <p>– as a constable**</p> <p>– as a Police Community Support Officer**</p> <p>– by me (Only applies to Counting Officer's staff)**</p> <p>Signature _____ Counting Officer/Police Officer (Inspector or above)**</p> <p>Date _____</p> <p>* The business vote holder's number can be found on the poll card which was sent to them shortly after the election was announced, or can be checked by contacting the Business Registration Officer.</p> <p>** Person completing the form to delete whichever does not apply.</p>

1

*<sup>F44</sup>Form 9: declaration to be made by the companion of a named voter with disabilities*

**Textual Amendments**

**F44** Sch. 7 Form 9 substituted (29.12.2022) by The Assistance with Voting for Persons with Disabilities (Amendments) Regulations 2022 (S.I. 2022/1309), regs. 1(3), **11(4)(c)** (with reg. 1(4))

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<b>Declaration for the companion of a named voter with disabilities</b>	
<b>Business Referendum on the [Neighbourhood Plan / Neighbourhood Development Order] for [insert name of neighbourhood area]</b>	
Date of referendum [day] [date] [month] [year]	
A named voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote at this referendum without assistance.	
<b>Part 1 To be completed by the named voter's companion</b>	
Companion's name	
Companion's address	
Name of named voter	
Number on business voting register	
Name of business vote holder	
[Only for use if the disabled voter is acting as a proxy] Voter is acting as proxy for:	
Elector's number [If the disabled voter is acting as a proxy, this is the number of the person for whom the voter is acting]	
<p><b>I have been requested to assist the above named voter to record their vote at this referendum. I declare that:</b></p> <p>(1)</p> <ul style="list-style-type: none"> <li>I am aged 18 or over</li> </ul> <p><b>AND</b></p> <p>(2)</p> <ul style="list-style-type: none"> <li>I have not previously assisted more than one voter with disabilities at this referendum. If I have assisted one other voter their name and address is:</li> </ul>	
[Complete if appropriate] Name and address of other person assisted	

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<b>NOTE – It is a criminal offence to knowingly make a false statement in this form.</b>			
Companion's signature		Date	
<b>Part 2 To be completed by the Presiding Officer</b>			
I, the undersigned, being the Presiding Officer for:			
Polling station		Neighbourhood area of	
Hereby certify that the above declaration was signed in my presence.		Presiding Officer signature	
Date		Time (exact)	



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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(3\)\(a\)](#)
- Sch. 3 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(3\)\(c\)](#)
- Sch. 5 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(7\)\(a\)](#)
- Sch. 5 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(7\)\(c\)](#)