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STATUTORY INSTRUMENTS

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**2013 No. 2876**

**The European Parliamentary Elections  
(Amendment) Regulations 2013**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Amendment) Regulations 2013.

(2) These Regulations come into force on 1st January 2014.

(3) Subject to paragraphs (4) and (5), these Regulations extend to England, Wales, Scotland and Gibraltar.

(4) This regulation and regulations 2 and 3 extend throughout the United Kingdom and to Gibraltar.

(5) Regulations 4 and 5 extend throughout the United Kingdom.

**Interpretation**

2. In these Regulations—

“the 2001 Franchise Regulations” means the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001(1),

“the 2002 Act” means the European Parliamentary Elections Act 2002,

“the 2004 Regulations” means the European Parliamentary Elections Regulations 2004(2),

and, unless the context otherwise requires, a reference to a numbered regulation or Schedule means the regulation or Schedule so numbered in the 2004 Regulations.

**Amendments to the 2002 Act**

3.—(1) In section 10 of the 2002 Act (disqualification)(3), in subsection (5), for the words from “criminal law or civil law decision” (the first time they appear) to the end substitute “relevant disqualifying decision under the law of the member state of which he is a national.”

(2) In that section, after subsection (5) insert—

“(5A) In this section “relevant disqualifying decision” means, in accordance with Article 6(1) of Council Directive 93/109/EC(4)—

(a) a judicial decision, or

(b) an administrative decision that can be subject to a judicial remedy.”

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(1) [S.I. 2001/1184](#), amended by [S.I. 2009/726](#); there is another amending instrument but it is not relevant.

(2) [S.I. 2004/293](#), amended by [S.I. 2009/186](#), [S.I. 2009/848](#) and [S.I. 2011/2085](#); there are other amending instruments but none is relevant.

(3) Section 10 was amended by section 21 of the European Parliament (Representation) Act 2003, Schedules 17 and 18 to the Constitutional Reform Act 2005 (c.4), Schedule 1 to the Electoral Administration Act 2006 (c.22), [S.I. 2004/1374](#) and [S.I. 2011/1043](#).

(4) O.J. L 329 30.12.1993 page 34; the Directive was amended by Council Directive 2013/1/EU, O.J. L 026 26.01.2013 page 27.

### **Amendments to the 2001 Franchise Regulations**

**4.** In regulation 8 of the 2001 Franchise Regulations (copies of certain applications and declarations), for the words “the Lord Chancellor” (each time they appear) substitute “the Secretary of State or the Lord President of the Council”.

**5.** In the Schedule to the 2001 Franchise Regulations (application with modifications of the Representation of the People Act 1983 etc)<sup>(5)</sup>, in Part 1, after the entry in the table for section 13A (alteration of registers)—

(a) in column 1 (provision applied) insert—

“Section 13AB (alteration of registers: interim publication dates)”; and

(b) in column 2 (modification) insert—

“For subsection (8) substitute—

“(8) This section applies to elections to the European Parliament in England, Wales and Scotland.””

### **Amendments to the 2004 Regulations**

**6.** In regulation 2 (interpretation)<sup>(6)</sup>, in paragraph (1)—

(a) for the definition of “local counting area” substitute—

““local counting area” means any of the following as it exists on the day of an election—

- (a) a district in England for which there is a district council,
- (b) a county in England in which there are no districts with councils,
- (c) a London borough,
- (d) the City of London (including the Inner and Middle Temples),
- (e) the Isles of Scilly,
- (f) a county or county borough in Wales,
- (g) a local government area in Scotland, or
- (h) Gibraltar;”;

(b) after the definition of “registration officer” insert—

““relevant disqualifying decision” has the meaning given by section 10(5A) of the 2002 Act;”;

(c) in the definition of “relevant registration officer” omit sub-paragraph (b).

**7.—(1)** In regulation 5 (general application to Gibraltar)<sup>(7)</sup>, in paragraph (3)(a), for “section 189 of, and Schedule 6 to, the Criminal Procedure Act” substitute “section 550 of, and Part A of Schedule 9 to, the Criminal Procedure and Evidence Act 2011”.

(2) In that regulation, in paragraph (3)(b), for “section 189 of, and Schedule 6 to, that Act” substitute “section 550 of, and Part A of Schedule 9 to, that Act”.

**8.** In regulation 6 (conduct of poll and count in each local counting area)<sup>(8)</sup>, for paragraphs (2) and (2A) substitute—

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(5) The Schedule was substituted by [S.I. 2009/726](#).

(6) Regulation 2 was substituted by [S.I. 2009/186](#) and amended by [S.I. 2011/2085](#).

(7) Regulation 5 was amended by [S.I. 2009/186](#).

(8) Regulation 6 was amended by [S.I. 2009/186](#).

“(2) The local returning officer for a local counting area that is—

- (a) a district in England,
- (b) a county in England,
- (c) a London borough, or
- (d) a county or county borough in Wales,

shall be the person who, by virtue of section 35 of the 1983 Act<sup>(9)</sup>, is the returning officer for elections of councillors for the district, county, borough or county borough.

(2A) The local returning officer for the City of London shall be the person who, by virtue of that section, is the returning officer for elections of councillors for the London borough of Westminster.

(2B) The local returning officer for the Isles of Scilly shall be the person who, by virtue of that section, is the returning officer for elections to the Council of the Isles of Scilly.

(2C) The local returning officer for a local government area in Scotland shall be the person who, by virtue of section 41 of the 1983 Act, is the returning officer for elections of councillors for the local authority for that local government area.”

9. In regulation 15 (payments by and to returning officers and local returning officers)<sup>(10)</sup>, at the beginning of paragraph (1) insert “Subject to regulation 15A,”.

10. After regulation 15 insert—

**“Inadequate performance of returning officer or local returning officer: reduction of charges**

**15A.**—(1) This regulation applies to a service rendered by a returning officer or a local returning officer (referred to in this regulation as the “relevant officer”) for or in connection with a European Parliamentary election which, in the opinion of the Electoral Commission, was inadequately performed.

(2) The Commission may recommend to the Secretary of State<sup>(11)</sup> that the relevant officer is entitled under regulation 15(1) to no more than a specified amount (which may be nil) in respect of that service.

(3) In making a recommendation under paragraph (2), the Commission must have regard to—

- (a) if the election concerned is a general election of MEPs, any report prepared under section 5 of the 2000 Act<sup>(12)</sup> on the administration of that election;
- (b) any assessment of the level of performance of the relevant officer in relation to that election under section 9B(4) of the 2000 Act<sup>(13)</sup>;
- (c) any representations made to the Commission by the relevant officer in respect of the performance of the service; and

(9) “1983 Act” is defined in regulation 2 of the 2004 Regulations to mean the Representation of the People Act 1983 (c.2); section 35 of the 1983 Act was amended by Schedules 16 and 18 to the Local Government (Wales) Act 1994 (c.19), Schedules 9, 16 and 17 to the Local Government Act 1985 (c.51), Schedules 12 and 13 to the Education Reform Act 1988 (c.40) and Schedule 3 to the Greater London Authority Act 1999 (c.29).

(10) Regulation 15 was amended by S.I. 2009/186.

(11) The Secretary of State’s functions under the 2004 Regulations were made exercisable concurrently by the Lord President of the Council and the Secretary of State by S.I. 2010/1837.

(12) “2000 Act” is defined in regulation 2 of the 2004 Regulations to mean the Political Parties Elections and Referendums Act 2000 (c.41); section 5 of the 2000 Act was amended by section 28 of the Electoral Administration Act 2006 (c.22), section 10 of the Local Electoral Administration (Scotland) Act 2011 (2011 asp 10), Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13) and S.I. 2007/1388.

(13) Section 9B was inserted by section 67 of the Electoral Administration Act 2006 (c.22).

(d) any other information relating to the performance of the service by the relevant officer that has been provided to the Commission.

(4) Where the Commission makes a recommendation under paragraph (2), the relevant officer is entitled under regulation 15(1) to no more than the amount (which may be nil) determined by the Secretary of State, having regard to the recommendation by the Commission.”

11. In regulation 25 (breach of official duty)(14) omit paragraph (3)(ba).

12. In regulation 28 (offences in connection with candidature)(15), in paragraph (1)—

(a) for “rule 9(2)” substitute “rule 9(4)”; and

(b) omit “or, in Gibraltar, not exceeding £1000”.

13. In regulation 68 (disturbances at election meetings), in paragraph (3) omit “or, in Gibraltar, not exceeding £200”.

14. In regulation 69 (officials not to act for candidates), in paragraph (2) omit “or, in Gibraltar, not exceeding £2500”.

15. In regulation 70 (illegal canvassing by police officers), in paragraph (2) omit “or, in Gibraltar, not exceeding £1000”.

16. In regulation 114 (time limit for prosecutions)(16), in paragraph (1), for “Criminal Procedure Act” substitute “Criminal Procedure and Evidence Act 2011”.

17. After regulation 125 (application of Local Government Finance Act 1988) insert—

**“Requirement to provide information about candidate standing in other Member State**

**125A.**—(1) This regulation applies when the Secretary of State receives a notice from another Member State in accordance with Article 6 of Council [Directive 93/109/EC](#) that a person who falls to be treated as a national of the United Kingdom for the purposes of the EU treaties has made a declaration in that Member State under Article 10 of that Directive.

(2) The Secretary of State must, within the period specified in paragraph (3), provide the Member State with any information that is available to the Secretary of State as to whether the person has been deprived of the right to stand as a candidate at European Parliamentary elections through a relevant disqualifying decision in the United Kingdom.

(3) The period referred to in paragraph (2) is five days calculated in accordance with rule 2 of Schedule 1 and beginning with the day the notice is received by the Secretary of State, or such shorter period as is requested by the Member State if it is possible for the Secretary of State to provide the information within that period.”

**Omission of Schedule A1 to the 2004 Regulations**

18. Omit Schedule A1 (designation of local returning officers in Scotland)(17).

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(14) Regulation 25 was amended by [S.I. 2009/186](#).

(15) Regulation 28 was amended by [S.I. 2009/186](#).

(16) Regulation 114 was substituted by [S.I. 2009/186](#).

(17) Schedule A1 was inserted by [S.I. 2009/186](#).

## Amendments to Schedule 1 to the 2004 Regulations

19. In Schedule 1 (European Parliamentary elections rules)(18), for rule 9 (candidature by relevant citizen of the Union) substitute—

### “Candidature by relevant citizen of the Union

9.—(1) A candidate who is a relevant citizen of the Union is not validly nominated as an individual candidate or as a candidate on a registered party’s list unless one of Conditions A and B is met.

(2) Condition A is that a declaration under paragraph (4) is delivered to the returning officer, whether before or after the notice of election is published, but not later than 4 p.m. on the twenty-fourth day before the date of the poll.

(3) Condition B is that a declaration under paragraph (4) and information under paragraph (5) are delivered at the place and within the time for the delivery of nomination papers.

(4) The declaration referred to in paragraphs (2) and (3) must be made by the candidate and must state, in addition to the candidate’s name—

- (a) the candidate’s nationality, date and place of birth, last address in the Member State of which the candidate is a national and home address in the United Kingdom or Gibraltar;
- (b) that the candidate is not standing for election to the European Parliament in any other Member State;
- (c) where the candidate’s name has been entered on an electoral roll in a locality or constituency in the Member State of which the candidate is a national, the name of the locality or constituency where, so far as the candidate knows, the candidate’s name was last entered; and
- (d) that the candidate has not been deprived of the right to stand as a candidate through a relevant disqualifying decision in the Member State of which the candidate is a national.

(5) The information referred to in paragraph (3) is information which—

- (a) has been provided to the candidate by the designated contact point in the Member State of which the candidate is a national; and
- (b) states either that the candidate has not been deprived of the right to stand as a candidate in that State through a relevant disqualifying decision or that no such disqualification is known to the designated contact point.

(6) Where the returning officer receives a declaration under paragraph (4) delivered in accordance with Condition A or B, the returning officer must send a copy to the Secretary of State as soon as practicable after the declaration is received.

(7) In this rule and in rule 9A, “electoral roll” and “locality or constituency” have the same meaning as they have in Council Directive 93/109/EC, and “designated contact point” means a contact point designated by a Member State in accordance with Article 6(3) of that Directive.”

20. In Schedule 1, after rule 9 insert—

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(18) Schedule 1 was substituted by S.I. 2009/186.

**“Request for information where candidate is relevant citizen of the Union**

**9A.**—(1) This rule applies where the candidate is a relevant citizen of the Union and the Secretary of State has received a copy of a declaration in accordance with rule 9(6).

(2) The Secretary of State must send a notice to the designated contact point in the Member State of which the candidate is a national.

(3) The notice referred to in paragraph (2)—

- (a) must notify the Member State of the declaration made by the candidate under rule 9(4);
- (b) must ask whether the candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in that Member State; and
- (c) may request a response by a specified date.

(4) The Secretary of State must send to the returning officer a copy of any response to the notice as soon as practicable after the response is received.”

**21.**—(1) In Schedule 1, in rule 13 (decisions as to validity of nomination papers), in paragraph (1), for “a declaration and certificate under rule 9(2) and (3)” substitute “a declaration under rule 9(4) or, as the case may be, a declaration under rule 9(4) and information under rule 9(5)”.

(2) In paragraph (3) of that rule, at the end insert—

- “(c) the candidate is a relevant citizen of the Union and the returning officer has received, under rule 9A(4), information that the candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in the Member State of which the candidate is a national.”

(3) In paragraph (5) of that rule—

- (a) at the end of sub-paragraph (b) omit the word “or”;
- (b) in sub-paragraph (c), for “a declaration and certificate under paragraphs (2) and (3) of rule 9 have not been delivered in accordance with that rule” substitute “neither Condition A nor Condition B in rule 9 has been met in relation to that candidate”; and
- (c) at the end of sub-paragraph (c) insert—
  - “; or
  - (d) any such candidate is a relevant citizen of the Union and the returning officer has received, under rule 9A(4), information that the candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in the Member State of which the candidate is a national.”

**22.** In Schedule 1, in rule 32 (equipment of polling stations), for paragraph (7) substitute—

“(7) In every compartment of every polling station there must be exhibited the notice “Vote only once by putting a cross [X] in the box next to your choice. Put no other mark on the ballot paper, or your vote may not count.”

**23.** In Schedule 1, in rule 34 (notification of requirement of secrecy), make the existing provision paragraph (1) and after that paragraph insert—

“(2) In the application of this rule to an election in England or Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for civilian staff)(**19**).”

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(19) 2002 c.30; section 38 was amended by section 120 of and Schedules 4 and 17 to the Serious Organised Crime and Police Act 2005 (c.15), section 7 of and Schedule 5 to the Police and Justice Act 2006 (c.48), Schedules 7 and 8 to the Policing and Crime Act 2009 (c.26) and Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13).

24. In Schedule 1, in rule 36 (admission to polling station), after paragraph (5) insert—  
“(6) In the application of this rule to an election in England or Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for civilian staff).”

25. In Schedule 1, in rule 41 (voting procedure), after paragraph (5) insert—  
“(6) A 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 is (despite the close of the poll) entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.”

26.—(1) In Schedule 1, in rule 51 (procedure at verification of ballot paper accounts), paragraph (2)—

- (a) at the beginning of sub-paragraph (a) insert “subject to paragraph (2A),”; and
- (b) for sub-paragraph (d) substitute—

“(d) the local returning officer verifies the date of birth and the signature of the elector or proxy (as the case may be) under paragraph 63 of Schedule 2.”

(2) In that rule, after paragraph (2) insert—

“(2A) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of poll is treated for the purposes of this rule 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.”

27. In Schedule 1, in rule 59 (allocation of seats), in paragraph (2), for “and rule 60” substitute “, rule 60 and rule 60A”.

28. In Schedule 1, after rule 60 (equality of seats) insert—

**“Disqualification in home Member State**

**60A.**—(1) This rule applies where a candidate is a relevant citizen of the Union and, after the publication of the statement of parties and individual candidates standing nominated, the returning officer receives, under rule 9A(4), information that the candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in the Member State of which the candidate is a national.

(2) Any votes given to the candidate are to be disregarded for the purpose of applying—

- (a) rules 59 and 60, and
- (b) subsections (5) to (9) of section 2 to the 2002 Act (voting system in Great Britain and Gibraltar).

(3) For the purpose of subsections (7) and (8) of section 2 of the 2002 Act, the candidate is to be treated as being omitted from a party’s list of candidates.”

29. In Schedule 1, in rule 61 (declaration of result), in paragraph (1)(a), for “rules 59 and 60” substitute “rules 59, 60 and 60A”.

30. In Schedule 1, in rule 69 (inspection of documents open to public inspection), in paragraph (1) (b)—

- (a) at the end of paragraph (ii) omit “and”; and
- (b) at the end of paragraph (iv) insert—  
“; and

(v) any list produced under paragraph 67(4) of Schedule 2 (reasons for rejection of postal voting statements).”

**31.**—(1) In Schedule 1, in the Appendix of Forms, for the words “Form A: Form of Front of Ballot Paper and Form of Back of Ballot Paper together with the Directions for printing the ballot paper” substitute—  
“Form A: Form of Ballot Paper

*Directions as to printing the ballot paper”.*

(2) In that Appendix, for Forms A, F, G, H, J, K, L and M (ballot paper, poll cards, guidance for voters, certificate of employment and companion declaration) substitute the corresponding forms in Schedule 1 to these Regulations.

(3) In that Appendix, after Form A insert the directions as to printing the ballot paper in Schedule 2 to these Regulations.

#### **Amendments to Schedule 2 to the 2004 Regulations**

**32.** In Schedule 2 (absent voting)(20), in paragraph 1(1) (interpretation), in the definition of “absent voter” omit the words after “entitled to vote by post,”.

**33.** In Schedule 2, in paragraph 2 (manner of voting at European Parliamentary elections), after sub-paragraph (5) insert—

“(5A) In the application of sub-paragraph (5) to an election in England or Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for civilian staff).”

**34.** In Schedule 2, in paragraph 5 (absent voters list), in sub-paragraph (5)—

- (a) after “special lists,” insert “or at any time at the request of the local returning officer,”; and
- (b) omit “wholly or partly”.

**35.** In Schedule 2, in paragraph 25 (additional requirements for applications for a proxy vote in respect of a particular election), after sub-paragraph (3) insert—

“(3A) Where an application under paragraph 4(2) is made—

- (a) on grounds relating to the applicant’s occupation, service or employment; and
- (b) after 5 p.m. on the sixth day before the date of the poll at the election for which it is made,

the requirements of paragraph 25A as to the matters to be specified and the attestation shall apply.”

**36.** In Schedule 2, after paragraph 25 insert—

**“Additional requirements for application for an emergency proxy vote in respect of a particular election based on occupation, service or employment**

**25A.**—(1) This paragraph sets out the requirements referred to in paragraph 25(3A).

(2) The application must (in addition to providing the information required by paragraph 25(1)) state—



- (a) where the applicant is self-employed, that fact; and in any other case the name of the applicant's employer;
  - (b) that the reason provided in accordance with paragraph 25(1) relates to the applicant's occupation, service or employment; and
  - (c) the date on which the applicant became aware of that reason.
- (3) Sub-paragraphs (4), (5) and (6) apply unless the applicant is or will be registered as a service voter.
- (4) The application must be attested and signed—
- (a) where the applicant is self-employed, by a person who—
    - (i) is aged 18 years or over;
    - (ii) knows the applicant; and
    - (iii) is not related to the applicant,
  - (b) where the applicant is not self-employed, by the applicant's employer or by another employee to whom this function is delegated by the employer.
- (5) The person attesting an application under sub-paragraph (4) (the "attestor") must certify that the statements required by sub-paragraph (2) and the information required by paragraph 25(1) are true to the best of their knowledge and belief.
- (6) The attestor must also state—
- (a) the attestor's name and address; and
  - (b) if the attestor is attesting where the applicant is self-employed, that the attestor is aged 18 years or over, and that the attestor knows, but is not related to, the applicant; or
  - (c) if the attestor is attesting as or on behalf of the employer of the applicant, that the attestor is the employer or the position the attestor holds in the employment of that employer.
- (7) For the purposes of this paragraph, one person ('A') is related to another ('B') if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B."

**37.**—(1) In Schedule 2, in paragraph 26 (closing date for applications), after sub-paragraph (4) (a) insert—

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

(2) In that paragraph, after sub-paragraph (6) insert—

“(6A) Any application or notice mentioned in this paragraph must be disregarded for the purposes of a particular European Parliamentary election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the returning officer (except where it has been returned in accordance with paragraph 53 or 54 (spoilt and lost postal ballot papers)).”

**38.** In Schedule 2, in paragraph 27 (grant or refusal of applications), in sub-paragraph (8) omit “or part of such area”.

**39.** In Schedule 2, after paragraph 31 (requirement to provide fresh signatures at five-yearly intervals) insert—

### **“Notification of a rejected postal voting statement**

**31A.**—(1) Where an absent voter (whether an elector or proxy) appears on the list created under paragraph 67(4) then—

- (a) the registration officer responsible for the personal identifiers record that contains information in respect of the absent voter must notify the absent voter (and the elector if the absent voter is a proxy) that the ballot paper concerned was rejected because the returning officer was not satisfied that the postal voting statement was duly completed;
  - (b) the registration officer must send the notification within the period of three months beginning with the date of the poll at which the ballot paper was rejected; and
  - (c) the notification must include information as to which of the specified reasons referred to in paragraph 67(5) applied to the postal voting statement.
- (2) The registration officer is not obliged to send a notification—
- (a) to any person who is no longer shown as voting by post in the relevant record at the time the registration officer proposes to send the notification; or
  - (b) where the registration officer suspects that an offence may have been committed in relation to the postal ballot paper, the postal voting statement or the absent voter’s registration as an elector.

(3) A notification issued under paragraph (1) may also include any other information that the registration officer considers appropriate, but a notification must not include information held on the personal identifiers record.

### **Requirement to provide fresh signatures following rejection of a postal voting statement**

**31B.**—(1) Where an absent voter is notified under paragraph 31A that the signature does not match the example held on the personal identifiers record, and the absent voter continues to be shown on the relevant record as voting by post, the registration officer may require the absent voter to provide a fresh signature for the personal identifiers record.

- (2) In doing so, the registration officer must—
- (a) issue a notice in writing to the absent voter, requiring the provision of a fresh signature; and
  - (b) inform the absent voter of the date (six weeks from the sending of the notice) on which the absent voter would cease to be entitled to vote by post in the event of a failure or refusal to provide a fresh signature.

(3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to the absent voter.

(4) The notice and any copy must be sent by the registration officer to the current or last known address of the absent voter.

- (5) Where a notice or copy of a notice is sent by post, the registration officer may use—
- (a) a universal postal service provider; or
  - (b) a commercial delivery firm,

and postage must be prepaid.

(6) A notice or copy of a notice sent to an absent voter in accordance with sub-paragraph (2) or (3) must be accompanied by a pre-addressed reply envelope and, in the

case of any notice or copy of a notice sent to an address in the United Kingdom or Gibraltar, return postage must be prepaid.

(7) Following the date specified in the notice sent to the absent voter, the registration officer must determine whether the absent voter has failed or refused to provide a fresh signature.

(8) Where the registration officer determines that the absent voter has refused or failed to provide a fresh signature, the registration officer must remove that person's entry from the records kept pursuant to paragraph 3(4) or 7(6) and from the postal voters list or proxy postal voters list (as the case may be) kept under paragraph 5(2) or 7(8).

(9) Where a registration officer removes an absent voter's entry in the circumstances to which sub-paragraph (8) refers—

- (a) the registration officer must inform the absent voter, where appropriate, of the location of the absent voter's allotted polling station or the polling station to which the absent voter is likely to be allotted (as determined in accordance with the European Parliamentary elections rules);
- (b) paragraph 27(3) and paragraph 28 shall apply as if the registration officer were refusing an application under this Schedule; and
- (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.

(10) The registration officer must include in the notice to be sent to an absent voter regarding the removal from the records kept pursuant to paragraph 3(4) or 7(6) and from the postal voters list or proxy postal voters list (as the case may be) kept under paragraph 5(2) or 7(8), information—

- (a) explaining the effect of such removal; and
- (b) reminding the absent voter that they may make a fresh application under Part 2 to vote by post or by proxy (as the case may be).

(11) Where an absent voter has provided a registration officer with a fresh signature in response to a notice issued by the registration officer under this paragraph, or in response to a notice issued by the registration officer under any other enactment following the rejection of the absent voter's postal voting statement at an election or referendum, the registration officer may use that signature and enter it in the records kept in accordance with paragraphs 3(9), 4(7), 7(13) and 18."

**40.** In Schedule 2, in paragraph 32 (records and lists), in sub-paragraph (6)(b) omit "or part of a local counting area".

**41.** In Schedule 2, omit Part 3 (absent voting: transitional provision).

**42.** In Schedule 2, for paragraph 47 (time when postal ballot papers are to be issued) substitute—

**"Time when postal ballot papers are to be issued**

**47.** Postal ballot papers (and postal voting statements) must be issued by the local returning officer as soon as it is practicable to do so."

**43.** In Schedule 2, after paragraph 54 (lost postal ballot papers) insert—

**"Cancellation of postal ballot papers**

**54A.—**(1) Where, after the nineteenth day before the date of the poll at an election, an application under—

- (a) paragraph 3(5)(a) (application to be removed from record of absent voters),
- (b) paragraph 3(6) or 4(4)(b) (application to vote by proxy by person recorded as voting by post),
- (c) paragraph 3(7) (application to vote by post by person recorded as voting by proxy),
- (d) paragraph 4(4)(a) (application for postal ballot paper to be sent to different address),
- (e) paragraph 6(7) (appointment of proxy),
- (f) paragraph 7(7) (application from postal proxy voter for postal ballot paper to be sent to different address), or
- (g) paragraph 7(10)(a) (application by proxy to be removed from record of postal proxies),

is granted or a notice under paragraph 6(9) (cancellation of proxy appointment) is received, and the application or notice is not to be disregarded for the purposes of that election under paragraph 26, the registration officer must notify the local returning officer who must immediately cancel any postal ballot paper issued to the elector or proxy and, in the case of an application under paragraph 4(4)(a) or 7(7), must issue a replacement postal ballot paper.

(2) Where a person returns a postal ballot paper that has been or is to be cancelled in accordance with sub-paragraph (1) (whether to the registration officer or the local returning officer), it must be dealt with as follows—

- (a) the ballot paper, together with any other ballot papers, postal voting statements or covering envelopes which are returned to the registration officer, must be given by the registration officer to the local returning officer;
- (b) any document returned in accordance with this sub-paragraph but not cancelled in accordance with sub-paragraph (1) must be immediately cancelled;
- (c) the local returning officer, as soon as practicable after receiving and cancelling those documents, must make up those documents in a separate packet and must seal the packet, and if on any subsequent occasion documents are returned in accordance with this sub-paragraph, the sealed packet must be opened, the additional cancelled documents included in it and the packet must be again made up and sealed;

(3) The local returning officer must enter in a list kept for the purpose of recording postal ballot papers cancelled under this paragraph (“the list of cancelled postal ballot papers”)—

- (a) the name and number of the elector as stated in the register of electors (or, in the case of an elector who has an anonymous entry, their electoral number alone);
- (b) the number of the cancelled postal ballot paper;
- (c) the number of any replacement postal ballot paper issued under sub-paragraph (1); and
- (d) where the postal voter is a proxy, their name and address.

(4) Paragraphs 48 (except sub-paragraph (2)), 50, 51 and 52 apply to a replacement postal ballot paper issued under sub-paragraph (1).”

**44.** In Schedule 2, in paragraph 57 (postal ballot boxes and receptacles) omit sub-paragraph (5) (b).

**45.—(1)** In Schedule 2, in paragraph 60 (opening of covering envelopes) omit sub-paragraphs (2) and (7).

- (2) In that paragraph, for sub-paragraph (4) substitute—
- “(4) The procedure in paragraph 63 applies where a covering envelope (including an envelope to which paragraph 58(2) applies) contains a postal voting statement.”
- (3) In that paragraph, for sub-paragraph (6) substitute—
- “(6) Where a covering envelope does not contain a postal voting statement (whether separately or not) the local returning officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.”
- 46.** In Schedule 2, omit paragraph 62 (procedure in relation to postal voting statements).
- 47.**—(1) In Schedule 2, in paragraph 63 (procedure in relation to postal voting statements: personal identifier verification) for sub-paragraph (1) substitute—
- “(1) This paragraph applies in the circumstances described in paragraph 60(4).”
- (2) In that paragraph, in sub-paragraph (3), after “if there is no such envelope” insert “but there is a ballot paper”.
- 48.** In Schedule 2, omit paragraph 64 (postal voting statements: additional personal identifier verification).
- 49.**—(1) In Schedule 2, in paragraph 66 (retrieval of cancelled postal ballot papers), in sub-paragraph (1) for “or 54(4)” substitute “, 54(4), 54A(1) or (2)”.
- (2) In that paragraph, in sub-paragraph (2)—
- (a) at the end of paragraph (c) insert “(verification procedure)”; and
- (b) in paragraph (e), after “53(7)” insert “or 54A(2)”.
- 50.**—(1) In Schedule 2, in paragraph 67 (lists of rejected postal ballot papers), in sub-paragraph (1), for “two separate lists of rejected postal ballot papers” substitute “lists relating to rejected postal ballot papers as required by this paragraph”.
- (2) In that paragraph, after sub-paragraph (3) insert—
- “(4) In the third list, the local returning officer must record, for every postal voting statement in the receptacle for rejected votes (verification procedure) immediately prior to sealing—
- (a) the elector’s name and address (and the name and address of the proxy if the elector has a proxy);
- (b) the elector’s number on the register of electors (and that of the proxy if the elector has a proxy);
- (c) the specified reason or reasons for the rejection of the postal voting statement; and
- (d) any other information relating to the rejection that the returning officer considers appropriate, but not the ballot paper number.
- (5) The specified reasons that may be given under sub-paragraph (4)(c) for the rejection of a postal voting statement are as follows—
- (a) the signature does not match the example held on the personal identifiers record;
- (b) the date of birth does not match the one held on the personal identifiers record;
- (c) the signature field is blank; or
- (d) the date of birth field is blank.
- (6) Sub-paragraphs (4) and (5) do not apply to the local returning officer for Gibraltar.”
- 51.** In Schedule 2, in paragraph 69 (sealing of receptacles), in sub-paragraph (1)—

- (a) omit paragraph (b); and
- (b) in paragraph (d) for “spoilt and lost” substitute “spoilt, lost or cancelled”.

**52.**—(1) In Schedule 2, in paragraph 70 (forwarding of documents)(**21**), in sub-paragraph (1), for the words from “, the packets” to the end substitute—

“—

- (a) the packets referred to in paragraphs 51(1), 53(7), 54(5), 54A(2), 60(11) and 69, endorsing on each a description of the contents;
- (b) any list compiled under paragraph 67(4); and
- (c) a completed statement in Form R in the Appendix.”

(2) In that paragraph, in sub-paragraph (4), at the end insert “except that in applying those rules the list compiled under paragraph 67(4) must be treated in the same manner as a counted ballot paper”.

(3) In that paragraph, in sub-paragraph (7), after “the packets” insert “and documents”.

**53.** In Schedule 2, after paragraph 70, insert—

**“71 Forwarding copy of list of rejected postal voting statements in Scotland**

(1) As soon as practicable after the declaration of the result under rule 61 of the European Parliamentary elections rules, the local returning officer for each local government area in Scotland must send a copy of the list compiled under paragraph 67(4) (rejected postal voting statements) to the registration officer for that local government area.

(2) A registration officer may only use the copy of the list sent under sub-paragraph (1) for the purposes of notifying voters of rejected postal voting statements in accordance with paragraph 31A and requiring fresh signatures to be provided in accordance with paragraph 31B.

(3) Rule 65 (orders for the production of documents) of the European Parliamentary elections rules shall apply to the copy of the list sent in accordance with sub-paragraph (1) as if—

- (a) references to counted ballot papers in the custody of the relevant registration officer were references to the copy of the list sent to a registration officer in accordance with sub-paragraph (1); and
- (b) references to the relevant registration officer were references to the registration officer who was sent a copy of a list in accordance with sub-paragraph (1).

(4) Except as provided for by virtue of sub-paragraph (3), no other person may be allowed to inspect the copy of the list sent to a registration officer in accordance with sub-paragraph (1).

(5) The registration officer must cause the copy of the list sent in accordance with sub-paragraph (1) to be destroyed—

- (a) as soon as practicable after the registration officer has complied with the requirements of paragraph 31A and issued any notices under paragraph 31B in relation to the information provided in the copy of the list; and
- (b) in any event, within four months of receipt.”

**54.**—(1) In Schedule 2, in Part 5 (Appendix of Forms), in Form R—

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(21) Paragraph 70 (as substituted by S.I. 2009/186) was amended by S.I. 2009/848.

- (a) in entry 2 (total number of replacement postal ballot papers) for “and paragraph 54 (lost or not received)” substitute “, paragraph 54 (lost or not received) and paragraph 54A (cancelled due to change of address)”;
  - (b) after entry 4 (total number of postal ballot papers issued) insert—
    - “5. Total number of postal ballot papers cancelled under regulation 54A”; and
  - (c) omit entry 16 (number of postal voting statements not subject to verification procedure rejected as not completed).
- (2) In consequence of the amendments made by paragraph (1)—
- (a) re-number the existing entries 5 to 15 as 6 to 16 respectively;
  - (b) in entry 14 (as renumbered) for “5 to 12” substitute “6 to 13”; and
  - (c) in entry 20 (number of cases in which a covering envelope or its contents were marked “Rejected”) after “54” insert “, 54A”, and for “2, 3, 7, 8 and 9” substitute “2, 3, 5, 8, 9 and 10”.

**55.** In Schedule 2, in the Appendix of Forms, for Forms O, P and Q (postal voting statements) substitute the corresponding forms in Schedule 3 to these Regulations.

### **Amendments to Schedule 3 to the 2004 Regulations**

**56.** In Schedule 3 (modification of European Parliamentary elections rules for combined polls)(22), for paragraph 8 of Part 1 (England and Wales), substitute—

“8. For paragraph (7) of rule 32 (equipment of polling stations) substitute the following—

“(7) In every compartment of every polling station there must be exhibited the notice:

\*PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

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

\*EUROPEAN PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

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

\*[Specify name of council] COUNCIL ELECTION

([Specify colour] ballot paper)

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

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

\*ELECTION OF THE MAYOR OF LONDON

([Specify colour] ballot paper)

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

\*ELECTION OF THE LONDON ASSEMBLY

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

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(22) Schedule 3 was substituted by [S.I. 2009/186](#). There is another amending instrument but it is not relevant.

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

\*[Specify other] ELECTION/REFERENDUM

([Specify colour] ballot paper)

\*[Vote for ONE candidate only]

\*Vote ONCE for your first choice and ONCE for your second choice]

\*[Mark ONE answer to the referendum question]

PUT NO OTHER MARK ON THE BALLOT PAPER(S)\*

OR YOUR VOTE(S)\* MAY NOT COUNT

\*[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR [specify the elections at which the votes are to be counted electronically]. \*Post them, face downwards, in the [\*appropriate] ballot box.]

\*Complete or omit as necessary

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

- 57.** In Schedule 3, in paragraph 11 of Part 1, for “rule 34(b)” substitute “rule 34(1)(b)”.
- 58.** In Schedule 3, in paragraph 24 of Part 1, for the substituted rule 53(1B)(d) substitute—
- “(d) the local returning officer verifies the date of birth and the signature of the elector or proxy (as the case may be) under paragraph 63 of Schedule 2.”
- 59.** In Schedule 3, for paragraphs 28 and 29 of Part 1 substitute—
- “**28.** In the Appendix of Forms, for Form K (form of directions for guidance of voters in voting) substitute Form K1 in the Appendix of Forms to this Schedule.
- 29.** In the Appendix of Forms, for Form M (form of declaration by companion of voter with disabilities) substitute Form M1 in the Appendix of Forms to this Schedule.”
- 60.** In Schedule 3, for paragraph 7 of Part 2 (Scotland) substitute—
- “**7.** For paragraph (7) of rule 32 (equipment of polling stations) substitute—
- “(7) In every compartment of every polling station there must be exhibited the notice:
- \*PARLIAMENTARY ELECTION
- ([Specify colour]) ballot paper)
- Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.
- EUROPEAN PARLIAMENTARY ELECTION
- ([Specify colour] ballot paper)
- Vote ONLY ONCE by putting a cross [X] in the box next to your choice.
- \*LOCAL GOVERNMENT ELECTION
- On the Local Government ballot paper (coloured [Specify colour]) you vote using numbers. Put the number 1 in the box next to the name of the candidate who is your first choice, then put the number 2 in the box next to the name of the candidate who is your second choice, the number 3 in the box next to your third choice, the number 4 in the box next to your fourth choice, and so on. You can mark as many choices as you wish.
- PUT NO OTHER MARK ON THE BALLOT PAPER(S)\*
- OR YOUR VOTE(S)\* MAY NOT COUNT
- \*Delete as necessary”.”



61. In Schedule 3, in paragraph 10 of Part 2, for “rule 34(b)” substitute “rule 34(1)(b)”.
62. In Schedule 3, in paragraph 23 of Part 2, for the substituted rule 53(1B)(c) substitute—
  - “(c) the local returning officer verifies the date of birth and the signature of the elector or proxy (as the case may be) under paragraph 63 of Schedule 2.”
63. In Schedule 3, for paragraphs 27 and 28 of Part 2 substitute—
  - “27. In the Appendix of Forms, for Form K (form of directions for the guidance of voters in voting) substitute Form K1 in the Appendix of Forms to this Schedule.
  28. In the Appendix of Forms, for Form M (form of declaration by companion of voter with disabilities) substitute Form M1 in the Appendix of Forms to this Schedule.”
64. In Schedule 3, at the end, insert the Appendix of Forms in Schedule 4 to these Regulations.

#### **Amendments to Schedule 4 to the 2004 Regulations**

65.—(1) In Schedule 4 (entitlement to registration and legal incapacity to vote in Gibraltar)(23), in paragraph 4 (legal incapacity to vote of offenders detained in mental hospitals), in sub-paragraph (2)(a), for “section 251, 252 or 256(1) of the Criminal Procedure Act” substitute “sections 662(2)(a) or (b) of the Criminal Procedure and Evidence Act 2011”.

(2) In that paragraph, in sub-paragraph (2)(b), for “section 257 of the Criminal Procedure Act” substitute “section 668 or 669 of the Criminal Procedure and Evidence Act 2011”.

Signed by authority of the Lord President of the Council

3rd November 2013

*Greg Clark*  
Minister of State  
Cabinet Office