
STATUTORY INSTRUMENTS

2014 No. 921

**The Police and Crime Commissioner
Elections (Amendment) Order 2014**

Amendments to Schedule 2 to the 2012 Order

19. In Schedule 2, after paragraph 42 insert—

“Cancellation of postal ballot papers

42A.—(1) Where, after the nineteenth day before the date of the poll at a PCC election the registration officer grants a relevant application or receives a relevant notice, and the application or notice is not to be disregarded for the purposes of that election under paragraph 16, 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 3(5)(a) or 7(6) (postal ballot paper to be sent to different address), 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 36 (except sub-paragraph (2)), 38, 39 and 40 apply to a replacement postal ballot paper issued under sub-paragraph (1).

(5) For the purposes of this paragraph—

- (a) a relevant application is an application under—
 - (i) paragraph 3(5)(a) (postal ballot paper to be sent to different address),
 - (ii) paragraph 3(5)(b) (voting by proxy by person recorded as voting by post),
 - (iii) paragraph 5(4) (appointment of proxy),
 - (iv) paragraph 7(6) (application from postal proxy voter for postal ballot paper to be sent to different address),
 - (v) a provision mentioned in regulation 78A(1)(a) to (g) of the 2001 Regulations⁽¹⁾ that would otherwise have effect in relation to the PCC election by virtue of paragraph 4, or
 - (vi) a provision mentioned in paragraph 54A(1)(a) to (g) of Schedule 2 to the European Parliamentary Elections Regulations 2004⁽²⁾ that would otherwise have effect in relation to the PCC election by virtue of paragraph 4,
 - (b) a relevant notice is a notice under—
 - (i) paragraph 5(6) (cancellation of proxy appointment), or
 - (ii) paragraph 6(10) of Schedule 4 to the Representation of the People Act 2000⁽³⁾ or paragraph 6(9) of Schedule 2 to the European Parliamentary Elections Regulations 2004 that would otherwise have effect in relation to a PCC election by virtue of paragraph 4 of this Schedule.
 - (6) In computing the period of nineteen days for the purposes of sub-paragraph (1)—
 - (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
 - (c) a date appointed for public thanksgiving or mourning,
- is to be disregarded.”

⁽¹⁾ Regulation 78A was inserted by [S.I. 2013/3198](#).
⁽²⁾ Paragraph 54A was inserted by [S.I. 2013/2876](#).
⁽³⁾ [2000 c.2](#).