
STATUTORY INSTRUMENTS

2023 No. 1147

The Representation of the People (Postal and Proxy Voting etc.) (Amendment) Regulations 2023

PART 4

Other amendments

The Local Authorities (Conduct of Referendums) (England) Regulations 2012

15.—(1) The Local Authorities (Conduct of Referendums) (England) Regulations 2012⁽¹⁾ are amended as follows.

(2) Schedule 3 (local government act referendum rules) is amended in accordance with paragraphs (3) and (4).

(3) In rule 24 (questions to be put to voters and proxies)—

(a) in paragraph (1)(b), after “put if” insert “the person has answered the previous question in the manner indicated (where applicable), and”;

(b) in the table following paragraph (1)—

(i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—

“(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of four or more voters? [R]

(d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of two or more voters?” [R]

(e) If the person answers question (d) in the affirmative: “Were two or more of the voters on whose behalf you have voted in this referendum, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]

(f) If the person answers question (e) in the affirmative: “Is the voter (or are the voters) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;

(ii) omit entry 4;

⁽¹⁾ S.I. 2012/323; relevant amending instruments are: S.I. 2014/924, 2022/1382.

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(c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.

(4) In Part 8 (appendix of forms), for the form of the Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding forms in Part 1 of Schedule 6.

(5) In Schedule 4 (application, with modifications, of Acts and subordinate legislation)—

(a) in Table 1 (Representation of the People Act 1983), in the entry for section 61 (other voting offences)(2), in the second column—

(i) after the modifications for subsection (1) insert—

“In subsection (1A)—

(a) omit paragraphs (a), (b), (e) and (f);

(b) after “local government election” and “local government elections” in each place they occur, insert “or referendum” or “or referendums” respectively;

(c) in paragraph (d)(ii), after “that election” insert “or referendum”.”;

(ii) in the modifications for subsections (2) to (4)—

(aa) for “subsections (2) to (4)” substitute “subsections (2) to (3A)”;

(bb) omit the text of substituted subsection (4);

(iii) after those modifications insert—

“In subsection (3B)—

(a) omit paragraphs (a)(i) and (ii) and (b);

(b) after “local government election” and “local government elections” in each place they occur, insert “or referendum” or “or referendums” respectively;

(c) in paragraph (a)(iv) and (c)(ii), after “those elections” insert “or referendums”.”;

(b) in Table 3 (Representation of the People Act 2000), in the entry for Schedule 4, in the second column—

(i) in the modifications to paragraphs 2 to 7, 7C and 7D(3)—

(aa) after “3(4)(a)(i),” insert “3(4)(aa), 3(5)(ca),”;

(bb) for “and 7(6)(a)(i)” substitute “, 7(6)(a)(i), 7(6)(aa) and 7(9)(ca)”;

(ii) after the modification for paragraphs 3(4)(a)(i) and 7(6)(a)(i) insert—

“In paragraphs 3(4)(aa), 3(5)(ca), 7(6)(aa) and 7(9)(ca), for “(or both)” substitute “or referendums, or at any combination of such polls”.”;

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- (2) Section 61 was amended by paragraph 2 of Schedule 2 and Schedule 5 to the Representation of the People Act 1985 (c. 50), by paragraph 10 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), by paragraph 83 of Schedule 27 to the Civil Partnership Act 2004 (c. 33), by section 38(3) of the Electoral Administration Act 2006 (c. 22), by section 27(1) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), by section 5(3) of the Scottish Elections (Reform) Act 2020 (asp 12) and by paragraph 8 of Schedule 1 and paragraph 2 of Schedule 4 to the Elections Act 2022 (c. 37).
- (3) Paragraph 2 was amended by sections 35 and 38(6)(a) of, and paragraph 137(3) of Schedule 1 to, the Electoral Administration Act 2006, by sections 27(2)(a) and 32 of the Local Electoral Administration and Registration Services (Scotland) Act 2006, by section 21(3) of the Electoral Registration and Administration Act 2013 (c. 6), by paragraph 12 of Schedule 12 to the Policing and Crime Act 2017 (c. 3) and by section 9(2) of the Scottish Elections (Franchise and Representation) Act 2020 (asp 6). Paragraph 5 was amended by paragraphs 22 and 137(5) and (6) of Schedule 1 to the Electoral Administration Act 2006. Paragraph 6 was amended by paragraph 164(3) of Schedule 27 to the Civil Partnership Act 2004 (c. 33), by section 3 of the Electoral Registration and Administration Act 2013, by section 16 of the Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), by section 9(4) of the Scottish Elections (Franchise and Representation) Act 2020, by paragraph 8(3)(b) of Schedule 2 to the Local Government and Elections (Wales) Act 2021 (asc 1), and by paragraph 7 of Schedule 4 to the Elections Act 2022. Paragraphs 7C and 7D were inserted by section 14(4) and (8) of the Electoral Administration Act 2006.

- (c) in Table 6 (Representation of the People (England and Wales) Regulations 2001)—
- (i) in the entry for regulation 3, in the second column, at the beginning insert—
- “In paragraph (1), for the definition of “relevant absent voting application” substitute—
- ““relevant absent voting application” means an application (including a partially completed application) under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000 as applied by the Local Authorities (Conduct of Referendums) (England) Regulations 2012;””;
- (ii) in the entry for regulation 4(1)(b), for “Forms E” substitute “Forms E1”;
- (iii) in the entry for regulation 52, in the second column insert—
- “In paragraphs (A1), (1A)(a) and (2), after “local government election” insert “or referendum”.”;
- (iv) in the entry for regulation 55B, in the first column, for “election” substitute “parliamentary election or local government election in England”;
- (v) in the entry for regulation 56, in the second column, after the modifications for paragraph (3D) insert—
- “In paragraph (3F)(a), after “election” in each place it occurs insert “or referendum”.”;
- (vi) after the entry for regulation 56A insert—

“Regulation 56B (verification of information provided in a relevant absent voting application)

Regulation 56C (power to request additional evidence in relation to relevant absent voting applications where registration officer considers it necessary)

Regulation 56D (processing of information provided in connection with a relevant absent voting application) ”;

- (vii) in the entry for regulation 57, for the second column substitute—
- “In paragraph (3A)(b)—
- (a) after “election” insert “or referendum”;
- (b) after “elections” insert “or referendums”.
- In paragraph (5) after “election” insert “or referendum”.
- In paragraph (7), after “local government election” insert “or referendum”.”;
- (viii) in the entry for Schedule 3, Form E, in the first column, for “Form E” substitute “Form E1”.
- (6) Schedule 5 (the local government act referendums (combination of polls) rules) is amended in accordance with paragraphs (7) and (8).
- (7) In rule 26 (questions to be put to voters and proxies)—
- (a) in paragraph (1)(b), after “put if” insert “(where applicable) the person has answered the previous question in the manner indicated, and”;

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- (b) in the table following paragraph (1)—
- (i) in entries 2 and 3, in the column headed “Question”, for question (c) substitute—
- “(c) Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of four or more voters? [R]
- (d) If the person answers question (c) in the negative: “Disregarding any parliamentary election or police and crime commissioner election, have you already voted as proxy at this referendum or any other election or referendum for which the day of poll is today, whether here or elsewhere in this voting area or anywhere else in England, on behalf of two or more voters?” [R]
- (e) If the person answers question (d) in the affirmative: “Were two or more of the voters on whose behalf you have voted in this referendum, or any other election or referendum for which the day of poll is today, registered in a register of electors otherwise than in pursuance of a service declaration?” [R]
- (f) If the person answers question (e) in the affirmative: “Is the voter (or are the voters) for whom you are voting today registered in a register of electors otherwise than in pursuance of a service declaration?” [R]”;
- (ii) omit entry 4;
- (c) in paragraph (2), for “3(a), (b) and (c)” substitute “3(a) and (b)”.
- (8) In Part 8 (appendix of forms), for the form of the Official Poll Card (to be sent to a voter voting in person) and the Official Proxy Poll Card (to be sent to an appointed proxy voting in person) substitute the corresponding forms in Part 2 of Schedule 6.

Commencement Information

- I1** Reg. 15(1)-(4)(5)(a)(ii)(iii)(6)-(8) in force at 31.1.2024, see [reg. 1\(3\)\(b\)](#)
- I2** Reg. 15(5)(a)(i)(b)(c) in force at 31.10.2023, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- reg. 15(1)-(4)reg. 15(5)(a)(ii)(iii)(6)-(8) coming into force by [S.I. 2023/1147 reg. 1\(3\)\(b\)](#)

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. 2 para. 4(3)(4) inserted by [S.I. 2024/99 reg. 2\(2\)](#)
- Sch. 2 para. 9(4)(5) inserted by [S.I. 2024/99 reg. 2\(3\)](#)
- Sch. 2 para. 13(4)(5) inserted by [S.I. 2024/99 reg. 2\(4\)](#)
- Sch. 2 para. 17(4)(5) inserted by [S.I. 2024/99 reg. 2\(5\)](#)
- Sch. 2 para. 30(6)(7) inserted by [S.I. 2024/99 reg. 2\(6\)](#)
- Sch. 2 para. 37(3A)(3B) inserted by [S.I. 2024/99 reg. 2\(7\)\(b\)](#)
- Sch. 2 para. 37(6)-(8) inserted by [S.I. 2024/99 reg. 2\(7\)\(d\)](#)
- Sch. 2 para. 42(4)(5) inserted by [S.I. 2024/99 reg. 2\(8\)](#)
- reg. 17(3)(b)reg. 17(5)(a)reg. 17(5)(b)(i)(aa)(ii)reg. 17(5)(b)(iii)(c)(6)-(8) coming into force by [S.I. 2023/1147 reg. 1\(3\)\(d\)](#)
- reg. 17(5)(ca) inserted by [S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- reg. 18(1)-(4)reg. 18(5)(a)(ii)reg. 18(5)(a)(iii)(b)(c)(6)-(8) coming into force by [S.I. 2023/1147 reg. 1\(3\)\(e\)](#)