
STATUTORY INSTRUMENTS

2023 No. 1225

The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023

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

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

(2) In Schedule 3 (the Local Government Act referendums rules)—

(a) in rule 21 (admission to polling station), in paragraph (1) after sub-paragraph (b) insert—

“(ba) persons aged 18 or over returning a postal ballot paper or postal voting statement by hand in accordance with rule 36(4)(b).”;

(b) in rule 36 (the count), in paragraph (3)—

(i) omit the “and” at the end of sub-paragraph (c);

(ii) after sub-paragraph (d) insert—

“and

(e) the postal ballot paper is not one that falls to be rejected in accordance with regulation 79B, 79D, 82B or 82D of the Representation of the People (England and Wales) Regulations 2001.”;

(c) in Part 8 (appendix of forms), for the form of postal voting statement, the form of the official postal poll card (to be sent to a voter voting by post) and the form of the official proxy postal poll card (to be sent to an appointed proxy voting by post) substitute the corresponding forms set out in Part 1 of Schedule 4 to these Regulations.

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

(a) in Table 1 (Representation of the People Act 1983)—

(i) in the entry for section 66 (requirement of secrecy)⁽²⁾, in the second column after the modification already listed insert—

“In subsection (6A), in the definition of “relevant election” (in which all references to “election” are modified to be construed as references to “referendum” by paragraph 1(2)(a) of this Schedule)—

(a) omit paragraph (a), and

(b) in paragraph (b) omit “under the local government Act”.”;

(ii) after the entry for section 112 insert the following entry—

(1) [S.I. 2012/323](#), amended by [S.I. 2014/924](#); there are other amending instruments but none is relevant.

(2) Section 66 was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50), by paragraph 11 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), by paragraphs 82, 86 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), by section 34(1)(b) of, and paragraph 2 of Schedule 2 to, the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), by section 7(1) to (5) of the Elections Act 2022 (c. 37) and by [S.I. 2012/31](#).

“Section 112A (handling of postal voting documents by political campaigners) In subsection (7)—

(a) omit paragraphs (a) to (d),

(b) in paragraph (g) for “any of paragraphs (a) to (f)” substitute “paragraph (e) or (f)”, and

(c) after paragraph (h) insert—

“(i) a person involved in the conduct or management of a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in the relevant referendum.”.

In subsection (8), in the definition of “relevant election” (in which all references to “election” are modified to be construed as references to “referendum” by paragraph 1(2)(a) of this Schedule)—

(a) omit paragraph (a), and

(b) in paragraph (b) for “local government election” substitute “referendum”.”;

(b) in Table 6 (the Representation of the People (England and Wales) Regulations 2001)(3)—

(i) in the entry which begins “regulation 4(1)(b)”, for “K” substitute “K1”;

(ii) in the entry for regulation 61C after “statement” insert “or document”;

(iii) for the entry for regulation 79(3) to (5) substitute—

“Regulation 79(2A), (2B), (4) and (4A) In paragraph (4A) for “polling agents” (alternative means of returning postal ballot paper or postal voting statement) substitute “polling observers (if any)”.

Regulation 79A (requirements of return of postal voting documents form)

Regulation 79B (rejection of postal voting documents handed in at a polling station)

Regulation 79C (procedure for dealing with rejected postal voting documents handed in at a polling station) In paragraph (2) for “polling agents” substitute “polling observers (if any)”.

Regulation 79D (postal voting documents left behind at a polling station)”;

(iv) after the entry for regulation 82 insert—

“Regulation 82A (postal voting documents handed in to the returning officer) In paragraph (1), for the words from “in accordance with” to the end substitute “in accordance with rule 36(4)(a) of the Local Government Act Referendums Rules or rule 38(6)(a) of the Local Government Act Referendums (Combination of Polls) Rules”.

Regulation 82B (rejection of postal voting documents handed in to the returning officer)

Regulation 82C (procedure for dealing with rejected postal voting documents handed in to the returning officer)

Regulation 82D (postal voting documents left behind with the returning officer)

Regulation 82E (opening of delivered or collected packets of postal voting documents)”;

(v) in the entry for regulation 87, in the first column after “ballot papers” insert “or postal voting documents”;

(vi) in the entry for Schedule 3, Form K, for “Form K” substitute “Form K1”.

(4) In Schedule 5 (the Local Government Act referendums (combination of polls) rules)—

(a) in rule 17 (equipment of polling stations), in paragraph (10), for the voting instructions for election of the mayor of London (which begins “#On the ballot paper”) substitute—

“#Vote for ONLY ONE candidate by putting a cross [X] in the box next to your choice.”;

(b) in rule 23 (admission to polling station), in paragraph (1) after sub-paragraph (b) insert—

“(ba) persons aged 18 or over returning a postal ballot paper or postal voting statement by hand in accordance with rule 38(6)(b);”;

(c) in rule 38 (the count), in paragraph (5)—

(i) omit the “and” at the end of sub-paragraph (c);

(ii) after sub-paragraph (d) insert—

“and

(e) the postal ballot paper is not one that falls to be rejected in accordance with regulation 79B, 79D, 82B or 82D of the Representation of the People (England and Wales) Regulations 2001.”;

(d) in Part 8 (appendix of forms), for the form of postal voting statement (for use where there is joint issue and receipt of postal ballot papers), the form of postal voting statement (for use when a referendum poll is combined with another poll but the postal ballot papers are not combined), the form of the official postal poll card (to be sent to a voter voting by post) and the form of the official proxy postal poll card (to be sent to an appointed proxy voting by post) substitute the corresponding forms set out in Part 2 of Schedule 4 to these Regulations.