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WELSH STATUTORY INSTRUMENTS

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**2004 No. 870 (W.85)**

**LOCAL GOVERNMENT, WALES**

**The Local Authorities (Conduct of  
Referendums) (Wales) Regulations 2004**

*Made* - - - - 23rd March 2004  
*Coming into force* - - 24th March 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by section 26 of the Welsh Language Act 1993<sup>(1)</sup> and sections 13(3), 45 and 105 of the Local Government Act 2000<sup>(2)</sup>, having consulted the Electoral Commission pursuant to section 45(8A) to (8D) of that Act and having satisfied the requirements as to laying in section 45(8B) and (8D), makes the following Regulations:

**Name, commencement and application**

- 1.—(1) These Regulations are called The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 and shall come into force on 24th March 2004.
- (2) These Regulations apply to the holding of referendums by local authorities in Wales.

**Interpretation**

- 2.—(1) In these Regulations, and in any provision as applied by these Regulations —
- “the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000;
  - “the Elections Act” (“*Deddf yr Etholiadau*”) means the Political Parties, Elections and Referendums Act 2000<sup>(3)</sup>;
  - “the RP Act 2000” (“*Deddf CB*”) means the Representation of the People Act 2000<sup>(4)</sup>;
  - “the 1985 Act” (“*Deddf 1985*”) means the Representation of the People Act 1985<sup>(5)</sup>;
  - “the 1983 Act” (“*Deddf 1983*”) means the Representation of the People Act 1983<sup>(6)</sup>;

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(1) 1993 c. 38.  
(2) 2000 c. 22. For the application of that Act to Wales, *see* section 106. Section 45 is amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), section 158(1), Schedule 21, paragraph 18.  
(3) 2000 c. 41.  
(4) 2000 c. 2.  
(5) 1985 c. 50.  
(6) 1983 c. 2.

“the Elections Regulations” (“*Rheoliadau Etholiadau*”) means the Representation of the People (England and Wales) Regulations 2001(7);

“the LGA Referendum Rules” (“*Rheoliadau Refferendwm LGA*”) means so much of the Principal Areas Rules as are applied, with or without modification(8), in relation to a referendum by regulation 8 of these Regulations;

“the National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“the Parliamentary Elections Rules” (“*Rheoliadau Etholiadau Seneddol*”) means the rules set out in Schedule 1 to the 1983 Act;

“the Petitions and Directions Regulations” (“*Rheoliadau Deisebau a Chyfarwyddiadau*”) means the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001(9);

“the Principal Areas Rules” (“*Rheolau'r Prif Ardaloedd*”) means the Local Elections (Principal Areas) Rules 1986(10);

“counting observer” (“*arsylwr cyfrif*”) means a person appointed by a counting officer under regulation 13(1)(b);

“counting officer” (“*swyddog cyfrif*”) means a person referred to in regulation 11(1);

“elected mayor” (“*maer etholedig*”), in relation to a local authority, means an individual elected as mayor of the local authority by the local government electors for the local authority’s area in accordance with provisions made by or under Part II of the 2000 Act;

“further referendum” (“*refferendwm pellach*”) means a referendum held in pursuance of an order under regulation 17(3);

“outline fall-back proposals” (“*cynigion amlinellol wrth gefn*”) —

- (a) in relation to proposals under regulation 17 (action before referendum) or regulation 19 (action following direction) of the Petitions and Directions Regulations, means an outline of the proposals that a local authority intend to implement if proposals that are to be the subject of a referendum under Part II or Part III of those Regulations are rejected in that referendum;
- (b) in relation to proposals under an order under section 36 (referendum following order) of the 2000 Act, means —
  - (i) if the local authority are then operating executive or alternative arrangements, a summary of those arrangements;
  - (ii) in any other case, an outline of the proposals specified in the order that the local authority are to implement if proposals that are to be the subject of a referendum are rejected in that referendum;

“petition organiser” (“*trefnydd deiseb*”), in relation to a referendum, means a person who is treated for the purposes of paragraph (4) or, as the case may be, paragraph (5) of regulation 10 (formalities of petition) of the Petitions and Directions Regulations, as the petition organiser of any valid petition (whether an amalgamated petition, a constituent petition or a post-announcement petition) received by the local authority by or in respect of which the referendum is held(11);

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(7) S.I.2001/341, amended by S.I. 2001/1149, 2001/1700, 2002/881, 2002/1871, 2003/1899.

(8) See, in particular, Table 3 in Schedule 3.

(9) S.I. 2001/2292 (W.180) as amended by S.I. 2003/398 (W.55).

(10) S.I. 1986/2214; amended by S.I. 1987/261, 1990/158, 1995/1948, 1998/578, 2000/247, 2001/81 and 2002/185.

(11) S.I. 2001/2292 as amended by S.I. 2003/398. The definition of “petition organiser” is to be found in regulation 3 of the Petitions and Directions Regulations. As to the validity of petitions, see regulation 9(1) of those Regulations. As to amalgamated, constituent and post-announcement petitions, relevant definitions are to be found in regulation 3 of those Regulations.

“polling observer” (“*arsylwr y pŵl*”) means a person appointed by a counting officer under regulation 11(3);

“proper officer” (“*swyddog priodol*”) has the meaning given by section 270(3) of the Local Government Act 1972(12);

“proposals date” (“*dyddiad cynigion*”) —

- (a) in relation to a referendum, other than a further referendum, means the date on which proposals —
  - (i) under regulation 17 or 19 of the Petitions and Directions Regulations; or
  - (ii) under an order under section 36 of the 2000 Act are sent to the National Assembly; and
- (b) in relation to a further referendum, means the day which falls 2 months before the day on which the further referendum is held;

“referendum” (“*refferendwm*”) means a referendum held by virtue of regulations or an order made under any provision of Part II (arrangements with respect to executives etc.) of the 2000 Act;

“referendum period” (“*cyfnod y refferendwm*”), in relation to a referendum (including a further referendum), means the period beginning with —

- (a) where the proposals date precedes the coming into force of these Regulations, the date on which these Regulations come into force;
- (b) in any other case, the proposals date, and ending on the date of the referendum; and

“voting area” (“*ardal y bleidlais*”) means the area in which a referendum is held.

(2) Any reference in the following provisions of these Regulations to a section followed by a number is, unless the context otherwise requires, a reference to the section of the 2000 Act that bears that number.

### **The statement and the question to be asked in a referendum**

3.—(1) Where the proposals in relation to which a referendum is to be held involve a mayor and cabinet executive(13), the statement to precede the question (“the statement”) and the question to be asked in that referendum shall be in the form set out in paragraph 1 of Part I of Schedule 1 to these Regulations.

(2) Where the proposals in relation to which a referendum is to be held involve a mayor and council manager executive(14), the statement and the question to be asked in that referendum shall be in the form set out in paragraph 2 of Part I of Schedule 1.

(3) Where the proposals in relation to which a referendum is to be held involve a leader and cabinet executive(15), the statement and the question to be asked in that referendum shall be in the form set out in paragraph 3 of Part I of Schedule 1.

### **Publicity and other information in connection with referendums**

4.—(1) The proper officer shall, as soon as reasonably practicable after the proposals date, publish, in at least one newspaper circulating in the local authority’s area, a notice which contains —

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(12) 1972 c. 70.

(13) See section 11(2) of the Local Government Act 2000.

(14) See section 11(4) of the Local Government Act 2000.

(15) See section 11(3) of the Local Government Act 2000.

- (a) a statement that, as the case may be —
    - (i) proposals under regulation 17(3) or 19(1) of the Petitions and Directions Regulations, or
    - (ii) proposals under an order under section 36, have been sent to the National Assembly;
  - (b) a description of the main features of the proposals and of the outline fall-back proposals;
  - (c) a statement —
    - (i) that a referendum will be held,
    - (ii) of the date on which the referendum will be held,
    - (iii) of the question to be asked in the referendum,
    - (iv) where the local authority have made a determination under regulation 10(1), that the votes in the referendum may be cast only by postal ballot,
    - (v) where no such determination has been made, that save for extended hours of polling the referendum will be conducted in accordance with procedures similar to those used at local government elections,
    - (vi) of the referendum expenses limit (as defined in regulation 6(1)) that will apply in relation to the referendum, and of the number of local government electors by reference to which that limit has been calculated,
    - (vii) of the address and times at which a copy of the proposals, and of the local authority's outline fall-back proposals, may be inspected, and
    - (viii) of the procedures for obtaining a copy of the proposals and outline fall-back proposals.
- (2) Unless the notice required to be published by paragraph (1) (“the first notice”) is published less than 56 days before the date of the referendum, the proper officer shall publish a second notice containing the particulars specified in paragraphs (i) to (viii) of sub-paragraph (c) of paragraph (1).
- (3) The second notice shall be published —
- (a) in the same newspaper or newspapers as were used for the publication of the first notice, and
  - (b) not more than 55 days before the date of the referendum and not less than 28 days before that date.
- (4) The local authority shall make available for inspection throughout the referendum period, at the address and times stated in the notice, and free of charge, a copy of the proposals and outline fall-back proposals, and shall secure that sufficient copies are available for persons who wish to obtain copies.
- (5) The authority may provide (whether or not in pursuance of any duty to do so) any other factual information relating to the proposals, the outline fall-back proposals and the referendum so far as it is presented fairly.
- (6) In determining for the purposes of paragraph (5) whether any information is presented fairly, regard shall, in accordance with section 38, be had to any guidance for the time being issued by the National Assembly under section 38.

### **Restriction on publication etc. of promotional material**

- 5.—(1) This regulation applies to any material which —
- (a) provides general information about the referendum;
  - (b) deals with any of the issues raised by the question to be asked in the referendum; or

(c) puts any arguments for or against a particular answer to that question.

(2) Subject to paragraph (3), no material to which this regulation applies shall be published by or on behalf of a local authority during the period of 28 days ending with the date of the poll at the referendum.

(3) Paragraph (2) does not apply to —

- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it;
- (b) the publication of information relating to the holding of the poll at the referendum; or
- (c) the publication of press notices containing factual information where the sole purpose of publication is to refute or correct any inaccuracy in material published by a person other than the local authority.

(4) In this regulation “publish” means make available to the public at large, or to any section of the public, in whatever form and by whatever means (including, in particular, by inclusion in any programme included in a programme service within the meaning of the Broadcasting Act 1990(16)); and “publication” shall be construed accordingly.

### **General restriction on referendum expenses**

6.—(1) In this regulation and regulation 7 —

“campaign organiser” (“*trefnydd yr ymgyrch*”) means the individual or body by whom, or on whose behalf, referendum expenses are incurred (including expenses treated as incurred) in connection with a referendum campaign;

“referendum campaign” (“*ymgyrch refferendwm*”) means a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in a referendum;

“referendum expenses” (“*treuliau refferendwm*”) means expenses incurred by or on behalf of any individual or body during the referendum period for referendum purposes in respect of any of the matters set out in paragraph 1 of Schedule 2 to these Regulations, as read with paragraph 2 of that Schedule;

“referendum expenses limit” (“*cyfyngiadau treuliau'r refferendwm*”) means the aggregate of £2,000 and such amount as is found by multiplying by five pence the number of entries in the relevant register;

“for referendum purposes” (“*at ddibenion y refferendwm*”) means —

- (a) in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to the question asked in the referendum; or
- (b) otherwise in connection with promoting or procuring any such outcome; and

“the relevant register” (“*y gofrestr berthnasol*”) means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act (as substituted) after the conclusion of the canvass conducted under section 10 of that Act in the year immediately preceding that in which the referendum is held, which has (or have) effect in the area of the local authority by which, or as regards which, the referendum is held (whether or not the persons to whom those entries relate are entitled to vote in the referendum).

(2) The total referendum expenses incurred or, in accordance with regulation 7, treated as incurred, by or on behalf of any individual or body shall not exceed the referendum expenses limit.

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(16) 1990 c. 42. The definition of “programme service” is to be found in section 201.

(3) Where any referendum expenses are incurred in excess of the referendum expenses limit, a person who knew or reasonably ought to have known that that limit would be exceeded, or who, without reasonable excuse, authorises another person to exceed that limit, is guilty of an offence.

(4) Where information is given to the Director of Public Prosecutions that an offence under paragraph (3) has been committed, it is the duty of the Director of Public Prosecutions to make such inquiries and institute such prosecutions as the circumstances of the case appear to the Director of Public Prosecutions to require.

(5) Where an offence under paragraph (3) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) A person who commits an offence under paragraph (3) shall be liable —

- (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months, or both; or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding one year, or both.

(7) Nothing in paragraph (2) affects the right of any creditor who, when the expense was incurred, was ignorant of that expense being in contravention of that paragraph.

### **Notional referendum expenses**

7.—(1) This regulation applies where —

- (a) property, services or facilities is or are provided for the use or benefit of any person either —
  - (i) free of charge; or
  - (ii) at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities; and
- (b) the property, services or facilities is or are made use of by or on behalf of that person in circumstances such that, if any expenses were to be (or are) actually incurred by that person or on their behalf in respect of that use, they would be (or are) referendum expenses incurred by that person or on that person's behalf.

(2) Subject to paragraph (5), where this regulation applies an amount of referendum expenses determined in accordance with paragraph (3) shall, unless it is not more than £200, be treated for the purposes of regulation 6 as incurred by that person during the period for which the property, services or facilities is or are made use of as mentioned in paragraph (1)(b).

(3) The amount mentioned in paragraph (2) is such proportion of either —

- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of that person in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (1)(b).

(4) Where the services of an employee are made available by that person's employer for the use or benefit of a person, the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to

the employee by the employer in respect of the period for which the employee's services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).

(5) No amount of referendum expenses shall be regarded as incurred by virtue of paragraph (1) in respect of the provision by any individual of their own services provided voluntarily in their own time and free of charge.

### **Application of provisions**

8.—(1) Subject to paragraph (2), and regulations 9, 10, 11, 12 and 15 the provisions set out in column (1) of Tables 1 to 4 in Schedule 3 shall have effect in relation to the referendum with the modifications shown in column (2) of those Tables and any other necessary modifications; and in particular, except where the context otherwise requires —

- (a) a reference to an election shall be construed as a reference to the referendum;
- (b) a reference to a returning officer shall be construed as a reference to the counting officer;
- (c) a reference to a constituency or an electoral division shall be construed as a reference to a voting area;
- (d) a reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, an answer;
- (e) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, shall be construed as a reference to promoting or procuring a particular result in the referendum;
- (f) references to nomination papers and, except as mentioned in sub-paragraphs (d) and (e), references to candidates, shall be ignored;
- (g) a reference to the return of a person shall be construed as a reference to a particular result in the referendum;
- (h) a reference to a person voting as an elector shall be construed as a reference to a person voting on their own behalf;
- (i) a reference to a person's entitlement as an elector to an absent vote shall be construed as a reference to a person's entitlement to vote by post on their own behalf or to vote by proxy;
- (j) where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents shall be ignored;
- (k) a reference to anything being prescribed shall be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;
- (l) a form which is required to be used may be used with such variations as the circumstances may require;
- (m) a reference to the registration officer, in relation to a local authority, is a reference to the relevant registration officer appointed under section 8 of the 1983 Act; and for the purpose of the exercise of a registration officer's functions in relation to the referendum, sections 52(1) to (4) (discharge of registration duties) and 54(1), (3) and (4) (payment of expenses of registration) of that Act shall have effect;
- (n) a reference to an election petition shall be construed as a reference to a referendum petition;
- (o) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by these Regulations; and
- (p) so much of any provision as applies only in relation to England, Scotland or Northern Ireland, shall be ignored.

(2) A provision set out in column (1) of Table 4 in Schedule 3 and expressed to apply only in circumstances there mentioned, and any modification shown in column (2) as applicable to any such provision, shall have effect only in those circumstances.

### **Ballot papers**

**9.—**(1) Where the statement and the question to be asked in the referendum is that set out in paragraph 1 of Part I of Schedule 1, the front of the ballot papers to be used in that referendum shall be in Form A set out in Part II of that Schedule.

(2) Where the statement and the question to be asked in the referendum is that set out in paragraph 2 of Part I of Schedule 1, the front of the ballot papers to be used in that referendum shall be in Form B set out in Part II of that Schedule.

(3) Where the statement and the question to be asked in the referendum is that set out in paragraph 3 of Part I of Schedule 1, the front of the ballot papers to be used in that referendum shall be in Form C set out in Part II of that Schedule.

(4) The back of the ballot papers to be used in any referendum shall be in the form set out in Part III of that Schedule.

(5) Every ballot paper —

- (a) shall be capable of being folded up;
- (b) shall have a number printed on the back; and
- (c) shall have attached a counterfoil with the same number printed on it.

### **Postal ballots and postal votes**

**10.—**(1) Subject to paragraph (2), a local authority may determine, in relation to a referendum which they are to hold, that the votes in the referendum shall be cast only by postal ballot; and where such a determination is made —

- (a) no polling station shall be used at the referendum;
- (b) any person who, but for the determination, may vote in person, either as a person entitled to vote in the referendum<sup>(17)</sup> or as proxy, may only vote by post; and
- (c) the references in these Regulations<sup>(18)</sup> and any reference in the Elections Act, the RP Act 2000, the 1983 Act, rules under section 36 of the 1983 Act, the Elections Regulations, or any enactment relating to the qualification or disqualification for election to, or membership of, a local authority —
  - (i) to polling day, the day or date of the poll or the date fixed for the poll, shall continue to have effect, in respect of that referendum, as a reference to the date of the referendum; and
  - (ii) to the close of the poll, shall continue to have effect, in respect of that referendum, as a reference to 10 p.m. on the day of the referendum.

(2) Where a determination under paragraph (1) has effect, the provisions (as applied by regulation 8) of the 1983 Act, with the exception of section 31, the 1985 Act, the Elections Act, the RP Act 2000, the Elections Regulations, with the exception of regulations 55, 62 and 79, and the Principal Areas Rules shall apply, as regards the referendum; but the provisions set out in column (1) of Schedule 4 shall apply subject to the further modifications set out in relation to them in column (2) of that Schedule (in addition to the modifications having effect by virtue of regulation 8).

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<sup>(17)</sup> For the persons entitled to vote in a referendum *see* section 45(4) of the Local Government Act 2000.

<sup>(18)</sup> *See* regulation 5(2) the definition of “the relevant register” in regulation 6(1), and paragraphs (2) and (4) of regulation 13.

(3) The function of making a determination under paragraph (1) shall not be the responsibility of an executive of a local authority operating executive arrangements<sup>(19)</sup>.

### **Counting officer's functions, and assistance for counting officers**

**11.**—(1) Functions conferred by these Regulations on the counting officer shall be exercised in each voting area by the person who is for the time being the returning officer at elections of councillors for that area under subsection (1A)(a) of section 35 (returning officers: local elections) of the 1983 Act.

(2) It is the counting officer's general duty at the referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by these Regulations.

(3) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation ("polling observers").

### **Hours of polling**

**12.**—(1) Subject to paragraph (2), the hours of polling shall be between 7 a.m. and 10 p.m. on the day of the referendum.

(2) Paragraph (1) shall not apply in relation to a referendum as regards which a determination under regulation 10(1) has effect.

### **Counting of votes etc.**

**13.**—(1) The counting officer —

- (a) shall appoint and pay such persons as may be necessary for the purpose of the counting of the votes; and
- (b) shall appoint persons to observe the counting of the votes and the verification of the ballot paper account ("counting observer").

(2) For the purpose of assisting the counting officer in the discharge of that person's functions under paragraph (1)(b), a petition organiser may, not less than the fifth day before the date of the poll, by notice in writing to the counting officer, nominate persons who, in the opinion of the petition organiser, are suitable for appointment as counting observers; and the notice shall also contain the address of each nominee.

(3) Subject to paragraph (4) of rule 24 of the LGA Referendum Rules, the counting officer shall not, without good cause, decline to appoint as a counting observer a person nominated by a petition organiser.

(4) The counting officer shall, as soon as practicable after the close of the poll, make arrangements for counting the votes in the presence of the counting observers, and shall give those observers notice in writing of the time and place at which the count of the votes will begin.

(5) No person may attend the counting of votes for any voting area unless that person is —

- (a) the counting officer for that area;
- (b) a person appointed by the counting officer under paragraph (1);
- (c) the elected mayor, if any, of the local authority in respect of which the referendum is held;
- (d) a petition organiser; or
- (e) permitted by the counting officer for that area to attend the count.

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<sup>(19)</sup> See section 13(2) of the Local Government Act 2000.

(6) The counting officer shall give the counting observers such reasonable facilities for observing the proceedings at the counting of votes, and all such reasonable information with respect to them, as can be given to them consistently with the orderly conduct of the proceedings and the discharge of the counting officer's duties in connection with them.

### **Result of referendum or further referendum**

**14.**—(1) Subject to regulations 16 and 17, if the majority of the votes cast in a referendum other than a further referendum are “yes” votes, the result of the referendum is, for the purposes of regulation 23 (action where referendum proposals approved) of the Petitions and Directions Regulations or, as the case may be, the comparable provisions of any other regulations or order made under any provision of Part II of the 2000 Act, to approve the proposals that were the subject of the referendum.

(2) Subject to regulations 16 and 17, if the majority of the votes cast in a referendum other than a further referendum are “no” votes, the result of the referendum is, for the purposes of regulation 24 (action where referendum proposals rejected) of the Petitions and Directions Regulations or, as the case may be, the comparable provisions of any other regulations or order made under any provision of Part II of the 2000 Act, to reject the proposals that were the subject of the referendum.

(3) Subject to regulations 16 and 17, if the majority of the votes cast in a further referendum are “yes” votes, the result of the referendum is to approve the continuation of the local authority's existing executive arrangements.

(4) Subject to regulations 16 and 17, if the majority of the votes cast in a further referendum are “no” votes, the result of the referendum is to reject the continuation of the local authority's existing executive arrangements.

### **Procedures for questioning a referendum**

**15.**—(1) A referendum under these Regulations may be questioned by petition (“referendum petition”) —

- (a) on the ground that the result of the referendum was not in accordance with the votes cast;
- (b) on the ground that the referendum was avoided by such corrupt or illegal practices, within the meaning of the 1983 Act, as are relevant to referendums by virtue of regulation 8 or paragraph (8) below;
- (c) on the grounds provided by section 164 (avoidance of election for general corruption etc.) of the 1983 Act, as applied for the purposes of these Regulations by paragraph (8) below; or
- (d) subject to paragraph (3), on the ground that a payment of money or other reward has been made or promised since the referendum in pursuance of a corrupt or illegal practice relevant to referendums by virtue of regulation 8 or paragraph (8) below.

(2) A referendum petition on any of the grounds specified in paragraph (1)(a) to (c) shall be presented within 21 days after the day on which the referendum was held.

(3) A referendum petition on the ground mentioned in paragraph (1)(d) may be presented only with the leave of the High Court.

(4) An application for leave shall be made, not later than 28 days after the date of the alleged payment or promise, by application notice to the court at such time and place as the court may appoint.

(5) Not less than seven days before the day so appointed the applicant shall —

- (a) serve the application notice on the respondent and the Director of Public Prosecutions and lodge a copy in the election petitions office; and

(b) publish notice of the intended application in at least one newspaper circulating in the voting area for the referendum to which the application relates.

(6) The application notice shall state the grounds on which the application is made.

(7) A referendum petition shall be tried by an election court, that is to say, a court constituted under section 130 (election court for local election in England and Wales, and place of trial) of the 1983 Act for the trial of an election petition, as applied by paragraph (8) below.

(8) The provisions set out in column (1) of Schedule 5 shall have effect in relation to the questioning of a referendum as they have effect in relation to the questioning of an election under the Local Government Act 1972(20) subject to —

- (a) the modifications set out in sub-paragraphs (a) to (p) of paragraph (1) of regulation 8;
- (b) the substitution, for “an election petition”, wherever that term appears, of “a referendum petition under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”; and
- (c) the further modifications set out in column (2) of Schedule 5.

(9) The Election Petition Rules 1960(21) shall have effect in relation to a referendum petition as they have effect in relation to a local election petition within the meaning of those Rules subject to the modifications set out in Schedule 6.

### **Immediate consequences of referendum petitions**

**16.**—(1) Where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 15, or leave is granted for the presentation of a referendum petition —

- (a) in relation to a referendum —
  - (i) at which the statement and the question asked was in the form set out in paragraph 3 of Part I of Schedule 1; and
  - (ii) in which the majority of the votes cast are “yes” votes; and

(b) before the local authority have passed a resolution under section 29,

the local authority shall take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(2) Where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 15, or leave is granted for the presentation of a referendum petition —

- (a) in relation to a referendum —
  - (i) at which the statement and the question asked was in the form set out in paragraph 3 of Part I of Schedule 1; and
  - (ii) in which the majority of the votes cast are “yes” votes; and

(b) after the local authority have passed a resolution under section 29,

the local authority shall continue to operate the executive arrangements that are the subject of that resolution.

(3) Where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 15, or leave is granted for the presentation of a referendum petition —

- (a) in relation to a referendum —

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(20) 1972 c. 70.

(21) S.I. 1960/543, amended by S.I. 1985/1278 and 1999/1352.

- (i) at which the statement and the question asked was in the form set out in paragraph 1 or 2 of Part I of Schedule 1; and
  - (ii) in which the majority of the votes cast are “yes” votes; and
- (b) without an election for the return of an elected mayor having taken place in consequence of the referendum,

the local authority shall take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

- (4) Where leave is granted for the presentation of a referendum petition —
- (a) in relation to a referendum —
    - (i) at which the statement and the question asked was in the form set out in paragraph 1 or 2 of Part I of Schedule 1; and
    - (ii) in which the majority of the votes cast are “yes” votes; and
  - (b) after an election for the return of an elected mayor has taken place in consequence of the referendum,

the elected mayor shall continue in office.

- (5) Where —
- (a) a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 15, or leave is granted for the presentation of a referendum petition in relation to a referendum in which the majority of the votes cast are “no” votes; and
  - (b) the local authority’s outline fall-back proposals are based on the executive or alternative arrangements which they were operating at the date of the referendum,

they shall continue to operate those arrangements.

- (6) Except in a case to which paragraph (5) applies, where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 15, or leave is granted for the presentation of a referendum petition —
- (a) in relation to a referendum in which the majority of the votes cast are “no” votes; and
  - (b) before the local authority have passed a resolution under section 29 (operation of, and publicity for, executive arrangements) or section 33 (operation of alternative arrangements),

the local authority shall take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

- (7) Where a referendum petition is presented on any of the grounds specified in sub-paragraphs (a) to (c) of paragraph (1) of regulation 15, or leave is granted for the presentation of a referendum petition —
- (a) in relation to a referendum in which the majority of the votes cast are “no” votes; and
  - (b) after the local authority have passed a resolution under section 29 or section 33,

the local authority shall continue to operate the executive arrangements or, as the case may be, the alternative arrangements that are the subject of that resolution.

### **Determination of referendum petitions, and subsequent procedures**

**17.—**(1) Where an election court certifies, as its determination of a referendum petition, that the result of the referendum declared under regulation 14 is or, as the case may be, is not in accordance with the votes cast, any reference (in whatever terms) in the timetable —

- (a) included in their proposals under regulation 17(3)(a) or 19(1)(c) of the Petitions and Directions Regulations<sup>(22)</sup>;
- (b) regulation 17(7)(a)(ii), or 20(3)(a)(iii) of those Regulations; or
- (c) prepared pursuant to any other regulations or an order made under any provision of Part II (arrangements with respect to executives etc.) of the 2000 Act,

to the date of the result of the referendum shall be construed as a reference to the date on which the election court certifies its determination.

(2) Where an election court certifies, as its determination of a referendum petition specifying any of the grounds mentioned in regulation 15(1)(b) to (d), that the referendum was avoided, the local authority concerned shall, not earlier than two months, and not later than three months, after the election court has certified its determination in the matter of the referendum petition, hold another referendum.

(3) On the substantive hearing of a referendum petition for which leave has been granted where the circumstances are as mentioned in regulation 16(4)(a) and (b), the election court shall either —

- (a) dismiss the petition; or
- (b) allow the petition,

and, where the court allows the petition, it shall declare the referendum to be tainted, and order that a further referendum be held.

(4) Where an election court makes such an order as is mentioned in paragraph (3), the local authority shall hold the further referendum as soon as reasonably practicable after the expiration of the period of five years beginning with the date on which the tainted referendum was held.

(5) If the majority of the votes cast in a further referendum are “yes” votes where the local authority are operating executive arrangements, they shall continue to operate those arrangements unless and until they are authorised or required to operate different executive arrangements or authorised to operate alternative arrangements in place of their existing executive arrangements.

(6) Subject to paragraphs (7), (8) and (9), if the majority of the votes cast in the further referendum are “no” votes, the local authority shall implement the proposals that were their outline fall-back proposals at the time of the tainted referendum.

(7) Where the local authority’s outline fall-back proposals are the executive or alternative arrangements which they were operating at the date of the tainted referendum, subsection (13) of section 27 shall apply to the implementation of detailed fall-back proposals as if, for “in accordance with the timetable mentioned in subsection (4)” there were substituted “as soon as reasonably practicable”.

(8) Where the local authority’s outline fall-back proposals are executive arrangements which involve a form of executive for which a referendum is not required<sup>(23)</sup> —

- (a) subsection (1) of section 29 (operation of, and publicity for, executive arrangements) shall apply for the purpose of enabling the local authority to operate the executive arrangements set out in their detailed fall-back proposals as it applies for the purpose of enabling a local authority to operate executive arrangements in other circumstances; and
- (b) subsection (2) of that section shall apply as if, in paragraph (b), for sub-paragraph (i), there were substituted “(i) states that, in consequence of the rejection in a further referendum of the local authority’s existing executive arrangements, the local authority have resolved to operate the different executive arrangements that were described in their outline fall-back proposals at the time of the referendum,”.

(9) Where the local authority’s outline fall-back proposals are alternative arrangements —

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<sup>(22)</sup> See, in particular, regulations 17(5)(b) and 20(2)(b).

<sup>(23)</sup> See section 26 of the Local Government Act 2000.

- (a) subsection (2) of section 33 (operation of alternative arrangements) shall apply for the purpose of enabling the local authority to operate the alternative arrangements set out in their detailed fall-back proposals as it applies for the purpose of enabling a local authority to operate alternative arrangements in other circumstances; and
  - (b) subsection (2) of section 29(24) shall apply as if, in paragraph (b), for sub-paragraph (i) there were substituted “(i) states that, in consequence of the rejection in a further referendum of the local authority’s existing executive arrangements the local authority have resolved to operate the alternative arrangements that were described in their outline fall-back proposals at the time of the referendum.”.
- (10) These Regulations, except where the context otherwise requires, shall apply (so far as relevant), to the conduct of the further referendum as they apply to the conduct of any other referendum, subject to —
- (a) in regulation 4 —
    - (i) in paragraph (1), the omission of sub-paragraph (a);
    - (ii) in sub-paragraph (b) of that paragraph, the substitution, for “the proposals”, of “the local authority’s existing executive arrangements”;
    - (iii) in paragraph (vii) of sub-paragraph (c), the substitution, for “a copy of the proposals”, of “a document in which are set out the main features of the local authority’s existing executive arrangements”;
    - (iv) in paragraph (viii) of that sub-paragraph, the substitution, for “the proposals and”, of “that document and those”;
    - (v) after paragraph (viii) of that sub-paragraph the insertion of the following paragraph —
      - “(ix) that the referendum is being held in consequence of the determination of an election court that the referendum last held in the local authority’s area was tainted by reason of a payment of money or other reward made or promised since the referendum in pursuance of a corrupt or illegal practice.”;
    - (vi) in paragraph (4), the substitution, for “a copy of their proposals”, of “a document in which are set out the main features of the local authority’s current executive arrangements”; and
    - (vii) in paragraph (5), the substitution, for “the proposals”, of “the main features of the local authority’s current executive arrangements”; and
  - (b) the substitution of paragraph 1 of Part I of Schedule 1, by —

At the mayoral referendum held on *[insert date as appropriate]* the electorate for *[insert name of local authority]* approved the proposal that a mayor should lead that *[insert "county" or "county borough" as appropriate]* and be responsible for making decisions about council services together with a "cabinet" of elected councillors appointed by that mayor. On *[insert date as appropriate]* the Election Court declared that mayoral referendum to be tainted. The Election Court ordered that a further referendum be held.

Should the majority of votes cast in this further referendum be "no" votes, *[insert name of local authority]* will implement *[executive]\* [alternative]\** arrangements consisting of *[a leader elected by the authority and a cabinet of elected councillors]\* [an elected mayor and council manager appointed as such by the authority]\* [a politically balanced board]\** responsible for making decisions about local council services.

*\*delete as appropriate*

.....  
Question

Are you in favour of *[insert name of local authority]* continuing to be led by a mayor together with a cabinet of elected councillors?

(c) the substitution of paragraph 2 of Part I of Schedule 1 by —

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At the mayoral referendum held on *[insert date as appropriate]* the electorate for *[insert name of local authority]* approved the proposal that a mayor should lead that *[insert "county" or "county borough" as appropriate]* and be responsible for making decisions about council services together with an officer of that *[insert "county" or "county borough" as appropriate]* appointed as "council manager" by elected councillors. On *[insert date as appropriate]* the Election Court declared that mayoral referendum to be tainted. The Election Court ordered that a further referendum be held.

Should the majority of votes cast in this further referendum be "no" votes, *[insert name of local authority]* will implement *[executive]\* [alternative]\** arrangements consisting of *[an elected mayor and a cabinet of elected councillors appointed by the mayor]\* [a leader elected by the authority and a cabinet of elected councillors]\* [a politically balanced board]\** responsible for making decisions about local council services.

*\*delete as appropriate*

.....  
**Question**

Are you in favour of *[insert name of local authority]* continuing to be led by a mayor together with a council manager?

(11) On the substantive hearing of a referendum petition for which leave has been granted where the circumstances are as mentioned in any paragraph of regulation 16 other than paragraph (4), the election court shall either —

- (a) dismiss the petition; or
- (b) allow the petition,

and, where the court allows the petition, it shall declare the referendum avoided.

**Time**

18. In calculating any period for the purposes of

- (a) any provision of the LGA Referendum Rules; or
- (b) regulation 4(1) of these Regulations,

the following days shall be disregarded —

- (i) a Saturday or Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(25) in Wales, and

- (ii) any day appointed as a day of public thanksgiving or mourning.

### **Advertisements**

**19.** The Town and Country Planning (Control of Advertisements) Regulations 1992<sup>(26)</sup> shall have effect in relation to the display on any site in a voting area of an advertisement relating specifically to the referendum as they have effect in relation to the display of an advertisement relating specifically to a local government election.

### **Non-domestic rating: premises used for referendum purposes**

**20.** In relation to premises in a voting area, section 65(6) of the Local Government Finance Act 1988 (occupation for election meetings and polls)<sup>(27)</sup> shall have effect as if —

- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result in the referendum; and
- (b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a person exercising functions of a returning officer in accordance with regulation 11 for the purpose of taking the poll in the referendum.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(28)</sup>

23rd March 2004

*John Marek*  
Deputy Presiding Officer of the National  
Assembly

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<sup>(26)</sup> S.I. 1992/666; see regulation 3(2) and Class F in Schedule 2. S.I. 1992/666 amended by 1994/2351. There are other amendments to S.I. 1992/666 which are not relevant to these regulations.

<sup>(27)</sup> 1988 c. 41.

<sup>(28)</sup> 1998 c. 38.

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SCHEDULE 1

Regulations 3 and 9

**PART I**

**STATEMENTS AND QUESTIONS TO BE ASKED IN A REFERENDUM**

1. At the moment *[insert name of local authority]* works under "[executive]\* [alternative]\* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the Council's cabinet]\* [council leader and the members of the Council's cabinet are chosen by the councillors]\* [mayor is chosen by the electorate and the mayor then selects other council members to become members of the Council's cabinet]\* [mayor is chosen by the electorate and the council manager is appointed by the councillors]\* [council is run by a politically balanced board]\*. The [Council leader and cabinet]\* [elected mayor and cabinet]\* [elected mayor and council manager]\* [Board]\* are responsible for making decisions about local council services.

[A]\* [An]\* [petition has been received making a proposal]\* [direction from the National Assembly for Wales has been received and it is proposed]\* [Order has been made by the National Assembly for Wales and it is proposed]\* to change this so that, in future, a mayor directly elected by voters in the [county]\* [county borough]\* would lead the council. The mayor would appoint two or more council members to become members of a cabinet, and the mayor and cabinet would be responsible for making decisions about local council services.

*\*delete as appropriate*

.....

**Question**

Do you support the proposal for a directly elected mayor for *[insert name of local authority]*?

2. At the moment *[insert name of local authority]* works under "[executive]\* [alternative]\* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the Council's cabinet]\* [council leader and the members of the Council's cabinet are chosen by the councillors]\* [mayor is chosen by the electorate and the mayor then

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selects other council members to become members of the Council's cabinet]\* [mayor is chosen by the electorate and the council manager is appointed by the councillors]\* [council is run by a politically balanced board]\*. The [Council leader and cabinet]\* [elected mayor and cabinet]\* [elected mayor and council manager]\* [Board]\* are responsible for making decisions about local council services.

[A]\* [An]\* [petition has been received making a proposal]\* [direction from the National Assembly for Wales has been received and it is proposed]\* [Order has been made by the National Assembly for Wales and it is proposed]\* to change this so that, in future, a mayor directly elected by voters in the [county]\* [county borough]\* would lead the council. The councillors would appoint an officer of [insert name of local authority] to act as council manager, and the mayor and council manager would be responsible for making decisions about local council services.

*\*delete as appropriate*

.....  
**Question**

Do you support the proposal for a directly elected mayor for [insert name of local authority]?

3. At the moment [insert name of local authority] works under "[executive]\* [alternative]\* arrangements". The [council leader is chosen by the councillors, and the council leader then selects other council members to become members of the Council's cabinet]\* [council leader and the members of the Council's cabinet are chosen by the councillors]\* [mayor is chosen by the electorate and the mayor then selects other council members to become members of the Council's cabinet]\* [mayor is chosen by the electorate and the council manager is appointed by the councillors]\* [council is run by a politically balanced board]\*. The [Council leader and cabinet]\* [elected mayor and cabinet]\* [elected mayor and council manager]\* [Board]\* are responsible for making decisions about local council services.

[A]\* [An]\* [direction from the National Assembly for Wales has been received]\* [Order has been made by the National Assembly for Wales]\* and it is proposed to change this so that, in future, a council leader chosen by the councillors of the [county]\* [county borough]\* would lead the council. The council leader would select other council members to become members of the Council's cabinet, and the council leader and cabinet would be responsible for making decisions about local council services.

*\*delete as appropriate*

.....  
**Question**

Do you support the proposal for a council leader chosen by councillors for [insert name of local authority]?

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## PART II

### FORM OF FRONT OF BALLOT PAPER

<b>FFURF A</b>			
<b>FORM A</b>			
<p><i>[mewnosodwch destun priodol y datganiad a'r cwestiwn fel a bennir yn mhparagraff 1 o Ran 1 o Atodlen 1 i'r Rheoliadau hyn]</i></p> <p>Rhowch groes (X) yn y blwch sydd i'r dde i'r ateb yr ydych am bleidleisio drosto. Peidiwch â rhoi marc arall ar y papur pleidleisio neu efallai na chairf eich pleidlais ei chyfrif.</p>		<p><i>[insert appropriate text of statement and question as specified in paragraph 1 of Part 1 of Schedule 1 to these Regulations]</i></p> <p>Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p>	
YDW		YES	
NAC YDW		NO	
<b>FFURF B</b>			
<b>FORM B</b>			
<p><i>[mewnosodwch destun priodol y datganiad a'r cwestiwn fel a bennir yn mhparagraff 2 o Ran 1 o Atodlen 1 i'r Rheoliadau hyn]</i></p> <p>Rhowch groes (X) yn y blwch sydd i'r dde i'r ateb yr ydych am bleidleisio drosto. Peidiwch â rhoi marc arall ar y papur pleidleisio neu efallai na chairf eich pleidlais ei chyfrif.</p>		<p><i>[insert appropriate text of statement and question as specified in paragraph 2 of Part 1 of Schedule 1 to these Regulations]</i></p> <p>Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p>	
YDW		YES	
NAC YDW		NO	
<b>FFURF C</b>			
<b>FORM C</b>			
<p><i>[mewnosodwch destun priodol y datganiad a'r cwestiwn fel a bennir yn mhparagraff 3 o Ran 1 o Atodlen 1 i'r Rheoliadau hyn]</i></p> <p>Rhowch groes (X) yn y blwch sydd i'r dde i'r ateb yr ydych am bleidleisio drosto. Peidiwch â rhoi marc arall ar y papur pleidleisio neu efallai na chairf eich pleidlais ei chyfrif.</p>		<p><i>[insert appropriate text of statement and question as specified in paragraph 3 of Part 1 of Schedule 1 to these Regulations]</i></p> <p>Mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p>	
YDW		YES	
NAC YDW		NO	

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## PART III

### FORM OF BACK OF BALLOT PAPER

**Rhif**  
Refferendwm y Cyngor ar [rhwyb y dyddiad]:  
[rhwyb eaw'r ardal bleidleisio]  
*Noder: Bydd y rhif ar y papur pleidleisio'n cyfateb i'r  
un ar yr wrthdalen a dylid ei brintio mewn  
Hythvennau bach.*

**Nn**  
Council referendum on [insert date]:  
[insert name of voting area]  
*Note: The number on the ballot paper is to correspond  
with that on the counterfoil and is to be printed in small  
characters.*

#### SCHEDULE 2

Regulation 6(1) definition of "referendum  
expenses"

#### MATTERS RELEVANT TO REFERENDUM EXPENSES

- (a) (a) Advertising of any nature (whatever the medium used).

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

- (b) Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area or areas).

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

- (c) Any material of a description referred to in regulation 5(1) of these Regulations.
- (d) Market research or canvassing conducted for the purpose of ascertaining voting intentions.
- (e) The provision of any services or facilities in connection with press conferences or other dealings with the media.
- (f) Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign.

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the referendum period.

- (g) Rallies and other events, including public meetings organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.

Expenses in respect of such events include costs in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

2. Nothing in paragraph 1 shall be taken as extending to —

- (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
- (b) any expenses incurred in respect of the remuneration or allowances payable to any member of the staff of the campaign organiser;

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- (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for that person's accommodation or other personal needs to the extent that the expenses are paid by the individual from their own resources and are not reimbursed to them.

## SCHEDULE 3

Regulation 8

## APPLICATION, WITH MODIFICATIONS, OF ACTS AND STATUTORY INSTRUMENTS

**TABLE 1****REPRESENTATION OF THE PEOPLE ACT 2000**

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 10 (pilot schemes for elections in England and Wales) Government	<p>In subsection (2) —</p> <p>(a) after “Representation of the People Acts”, insert “or the Local Act 2000”; and</p> <p>(b) in paragraph (c), for “candidates”, substitute “any campaign organiser within the meaning of regulations 6 and 7 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p> <p>In subsection (3) —</p> <p>(a) in paragraph (b), for “candidates” substitute “campaign organisers”; and</p> <p>(b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)”, substitute “regulations 6 and 7 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p> <p>Omit subsection (4).</p> <p>In subsection (7) at the end of paragraph (a), insert “or the Local Government Act 2000”.</p> <p>In subsection (11), for the words after “means” substitute “a county or county borough council”.</p>
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1), at the end insert “; and as regards referendums under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.
Schedule 4 (absent voting in Great Britain)	<p>In paragraph 1, in sub-paragraph (1) —</p> <p>(a) in the definition of “the appropriate rules”, at the end of paragraph (b), insert</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>“and</p> <p>(c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”;</p> <p>(b) after the definition of “local government election”, insert the following definition —</p> <p>““referendum” means a referendum under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004” .</p> <p>In paragraphs 2 to 7, except in paragraphs 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum”, “or referendums”, or “or the referendum”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i), after “or both,”, insert “or referendums”.</p> <p>In paragraphs 6(7) and 7(4)(a), after “or at both,”, insert “or at referendums”.</p>

## TABLE 2

### REPRESENTATION OF THE PEOPLE ACT 1983

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 13B (alteration of registers: pending elections)( <b>29</b> )	<p>After “election”, in each place, insert “or referendum”.</p> <p>In subsection (1), for “the final nomination day”, substitute “the nineteenth day before the date of the poll at the referendum”.</p> <p>After subsection (4), insert</p> <p>“(4A) This section also applies to referendums.”.</p>

(29) Section 13B was inserted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 31(1) and (3) (polling districts and stations at local government elections)	In subsection (1) — (a) for “elections of county councillors” substitute “referendums by or in respect of a county or county borough”.  In subsection (3), for “local government elections” substitute “referendums”.  Omit “mentioned in subsections (1) to (3) above”.  For “subsections (1) to (3)”, substitute “subsection (1) or (3)”.  In subsection (6), for the words from the beginning to “councillor, the council”, substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the local authority”.  Regulation 8(1)(b) shall not apply in relation to the first reference in subsection (6) to the returning officer.
Section 35(4) (appointments by returning officers)	For “subsections (1) to (3)”, substitute “subsection (1) or (3)”.  In subsection (6), for the words from the beginning to “councillor, the council”, substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the local authority”.  Regulation 8(1)(b) shall not apply in relation to the first reference in subsection (6) to the returning officer.
Section 36(4) and (6) (returning officer’s expenditure at local election)(30)	In subsection (6), for the words from the beginning to “councillor, the council”, substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the local authority”.  Regulation 8(1)(b) shall not apply in relation to the first reference in subsection (6) to the returning officer.
Section 47 (loan of equipment for local elections)(31)	In subsection (1), for “the returning officer at a local government election”, substitute “the counting officer at a referendum”.  In subsection (2) — (a) omit the words from “, or”, at the end of paragraph (a), to “as the case may be,”; (b) for “an election held under those Acts” substitute “a referendum held under the Referendums Regulations”.
Section 49(4) and (5) (effect of registers)(32)	In subsection (4), omit “parliamentary or”.  In subsection (5), omit “parliamentary or” and “prevent the rejection of the vote on a scrutiny or”.
Section 60 (personation)	Omit “parliamentary or”.
Section 61 (other voting offences)(33)	In subsection (1), after “local government election” and “local government elections”, in each place, insert “or referendum” and “or referendums”, respectively. voting area, or for

(30) Section 36(4) was amended by the Local Government Act 1985 (c. 51), Schedule 17 and the Local Government (Wales) Act 1994 (c. 19), Schedule 16.

(31) Section 47(1) was amended by S.I. 1991/1728, regulation 4.

(32) Section 49(5) was substituted by S.I. 1995/1948, Schedule 2 and amended by the Representation of the People Act 2000, Schedule 1, paragraph 12.

(33) Amended by the Representation of the People Act 1985, Schedules 2 and 5, and by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 10.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>them without applying for the cancellation of a previous pending application for such an appointment. to vote by post as proxy for that other person, or</p> <p>For subsections (2) to (4) substitute —</p> <p>“(2) A person shall be guilty of an offence if —</p> <ul style="list-style-type: none"><li>(a) that person votes on their own behalf otherwise than by proxy —<ul style="list-style-type: none"><li>(i) more than once in the same voting area;</li><li>(ii) in more than one voting area; or</li><li>(iii) in any voting area where there is in force an appointment of a person to vote as that person’s proxy in the referendum in another</li></ul></li><li>(b) that person votes on their own behalf in person and is entitled to vote by post, or</li><li>(c) that person votes on their behalf in person knowing that a person appointed to vote as their proxy has already voted in person or is entitled to vote by post, or</li><li>(d) that person applies for a person to be appointed as their proxy to vote appointment of a third person then in force or without withdrawing a</li></ul> <p>(3) A person shall be guilty of an offence if —</p> <ul style="list-style-type: none"><li>(a) that person votes as proxy for the same person either —<ul style="list-style-type: none"><li>(i) more than once in the same voting area, or</li><li>(ii) in more than one voting area, or</li></ul></li><li>(b) that person votes in person as proxy for another person and is entitled</li><li>(c) that person votes in person as proxy for someone whom that person knows already to have voted in person.</li></ul> <p>(4) A person shall also be guilty of an offence if that person votes as proxy in any voting area for more than two persons of whom that person</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.”.
	In subsection (7), omit paragraph (b) and the word “and” immediately preceding it.
Section 65 (tampering with papers)(34)	In subsection (1) — (a) after “election”, in the first place where it appears, insert “or referendum”; and (b) omit paragraph (a).
	In subsection (3), for “clerk”, substitute “person”.
Section 66 (requirement of secrecy)(35)	For subsection (1)(b) substitute — “(b) every polling observer, so attending,”.
Section 66A (prohibition on publication of exit polls)(36)	In subsection (2) — (a) in paragraph (b), after “Wales” insert “; and”; and (b) after paragraph (b) insert “(c) any referendum.”.
	In subsection (4), omit the words after the definition of “publish”.
Section 92 (broadcasting from outside the United Kingdom)(37)	In subsection (1), after “local government election” insert “or referendum”.
Section 94 (imitation of poll cards)(38)	In subsection (2), after “section 42 above” insert “or to any referendum in relation to which any rules under section 36, as applied for the purposes of that referendum,”.
Section 96 (schools and rooms for local election meetings)(39)	For subsection (1) substitute — “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in the referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (1A) In subsection (1), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”.

(34) Subsections (3) and (4) were substituted by the Representation of the People Act 1985, Schedule 3.

(35) Subsection (6) was amended by the Representation of the People Act 1985, Schedule 3. There are other amendments not relevant to these Regulations.

(36) Section 66A was inserted by the Representation of the People Act 2000 (c. 2), Schedule 6, paragraph 6.

(37) Subsection (1) was substituted by the Broadcasting Act 1990 (c. 42), Schedule 20.

(38) Amended by the Representation of the People Act 1985, Schedule 4.

(39) Subsection (1) was amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 29.

Subsection (2) was amended by the Representation of the People Act 1985, Schedule 4. Subsection (4) was amended by the Police and Criminal Evidence Act 1984 (c. 60), Schedule 7.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>Omit subsection (2).</p> <p>In subsection (3) —</p> <p>(a) for “electoral area for which the candidate is standing or in a parish or community, as the case may be, in part comprised in that electoral area”, substitute “voting area”; and</p> <p>(b) omit paragraph (b).</p> <p>In subsection (4) —</p> <p>(a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”;</p> <p>(b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “candidate” of the word “person””; and</p> <p>(c) omit the words from “and any person” to the end.</p> <p>After subsection (4) insert —</p> <p>“(5) The lists maintained by a county council or county borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”.</p>
Section 97 (disturbances at election meetings)( <b>40</b> )	<p>For subsection (2), substitute —</p> <p>“(2) This section applies to a meeting in connection with a referendum held during the campaign period.</p> <p>(2A) In subsection (2), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”.</p>
Section 100(1) and (2) (illegal canvassing by police officers)( <b>41</b> )	<p>In subsection (1), for the words from “from giving his vote” to the end, substitute “from giving his vote in the referendum in a voting area wholly or partly within the police area”.</p>
Section 109 (payments for exhibition of election notices)	

(40) Subsection (2) was amended by the Representation of the People Act 1985, Schedule 3.

(41) Section 103(2) was repealed, and section 104(b) amended, by the Representation of the People Act 1985, Schedule 5.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 110 (printer’s name and address on election publications)(42)	Omit subsection (12).
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Sections 113 to 115 (bribery, treating and undue influence)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part II), the definitions of “money”, “pecuniary reward” and “payment”	
Section 119 (computation of time for purposes of Part II)	In subsection (1), in paragraph (b), after “disregarded”, insert —  “ ; and  (c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a referendum, any of the days so mentioned shall be disregarded.”.
Section 167 (application for relief)	
Sections 168 to 170 (prosecutions for corrupt and illegal practices)	
Subsections (1)(a)(i), (2) and (3) of section 173 (incapacities on conviction of corrupt or illegal practice)(43)	In subsection (1)(a)(i), after “Great Britain”, insert “or at any referendum”.
Section 174 (mitigation and remission etc.)	
Section 175 (illegal payments etc.)(44)	Omit subsection (2).
Section 176 (time limit for prosecutions)	
Section 177 (summary trial)	For “the local government Act”, substitute “the Referendums Regulations”.  In paragraph (a), for “in the county in which the local government area for which the election was held is situated or which it adjoins” substitute “for the voting area in which, the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom)	

(42) Section 110 was substituted by the Political Parties, Elections and Referendums Act 2000, Schedule 18, paragraph 14.

(43) Section 173 was substituted by the Political Parties, Elections and Referendums Act 2000, section 136.

(44) Section 175 was amended by the Representation of the People Act 1985, Schedule 3 and by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 6(6).

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Section 179 (offences by associations)	
Section 181(1) (Director of Public Prosecutions)	
In section 185 (interpretation of Part III), the definitions of “judicial office”, “money” and “pecuniary reward”, “payment” and “public office”	
Section 200(1) and (2) (Public notices, and declarations)	
Section 202 (interpretation), the definitions in subsection (1) of “the absent voters' list”, “citizen of the Union” and “relevant citizen of the Union”, “elector”, “legal incapacity”, “the list of proxies”, “person” and “voter” and subsection (2)(45)	In the definition of “voter”, after “42 above”, insert “and such of those rules as are applied, in relation to a referendum, by any provision of the Referendums Regulations”.
Section 203(1) (local government provisions as to England and Wales)(46)	In subsection (1), insert at the end — ““the Referendums Regulations” means the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.

### TABLE 3

#### THE LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 1986: SCHEDULE 2(47)

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 1 (timetable)	Omit the words from “Delivery” in the first place where that word appears to “day of election” in the fourth place where those words appear.
Rule 2 (computation of time)	Omit the item “Polling”.
Rule 3 (notice of election)	See regulation 18.
Rule 13 (poll to be taken by ballot)	For paragraph (1), substitute “(1) The counting officer shall publish notice of the referendum, stating the date of the poll.”
Rule 15 (the official mark)	Omit the words from “, the result” to the end.
	For paragraph (2) substitute —

(45) Amended by the Representation of the People Act 1985, Schedule 4, the Local Government Act 1985 (c. 51) and the Education Reform Act 1988 (c. 40), Schedule 13.

(46) Amended by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 39.

(47) S.I. 1986/2214; amended by S.I. 1987/261, 1990/158, 1995/1948, 2000/427 and 2001/81.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	“(2) The official mark shall be kept secret”.
	In paragraph (3) omit “at the same election”.
Rule 16 (prohibition of disclosure of vote)	
Rule 17 (use of schools and public rooms)	
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraphs (b) to (d), substitute —  “and  (b) the statement and the question to be asked in the referendum.”
	For paragraph (2) substitute — “(2) The notice of poll shall be published not later than the sixth day before the date of the referendum.”
	In paragraph (3), omit the words from “and he shall” to the end.
Rule 19 (postal ballot papers)	
Rule 20 (provision of polling stations)	In paragraph (3), omit “unless that place is outside the electoral area”.
Rule 21 (appointment of presiding officers and clerks)	In paragraph (1), omit the words from “but he shall not appoint” to the end.
Rule 22(1) to (4) (issue official poll cards)	For paragraph (3)(a) substitute — “(a) the name of the council and of the voting of area;”.
Rule 23 (equipment of polling stations)(48)	For paragraph (5) substitute — “(5) In every compartment of every polling station there shall be exhibited the following notice — [INSERT NAME OF COUNCIL] REFERENDUM Mark one box only. Put no other mark on the ballot paper or your vote may not be counted.”
	In paragraph (8), for “particulars of the candidates”, substitute “the answer”.
	In paragraph (9) —

(48) Rule 23 was amended by S.I. 2001/81, rule 8.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 24 (appointment of polling and counting agents)	<p>(a) for “numbered” and “number of”, substitute “worded” and “word on”, respectively; and</p> <p>(b) for “the candidate whose particulars are”, substitute “the answer which is”.</p> <p>In paragraph (10), for “Each number on the”, substitute “The word on each”.</p> <p>Omit paragraphs (1) to (3).</p> <p>In paragraph (4) —</p> <p>(a) for “counting agents”, “counting agent” and “agent”, substitute “counting observers”, “counting observer” and “observer”, respectively;</p> <p>(b) for “candidate” and “candidates”, substitute “petition organiser” and “petition organisers”, respectively; and</p> <p>(c) for “appointed for” and “appointed”, substitute “nominated by” and “nominated”, respectively.</p> <p>Omit paragraph (5).</p> <p>For paragraph (6) substitute —</p> <p>“(6) If a counting observer dies, or becomes incapable of acting, the counting officer may appoint another counting observer in that person’s place.”.</p> <p>Omit paragraph (7).</p> <p>In paragraph (8) —</p> <p>(a) omit “polling agents and”;</p> <p>(b) for “counting agents” and “agents”, substitute “counting observers”; and</p> <p>(c) in sub-paragraph (a), omit “and notified”.</p> <p>In paragraph (9) —</p> <p>(a) for “a counting agent by the returning officer”, substitute “a counting observer by the counting officer”; and</p> <p>(b) for “the notice of appointment”, substitute “the nomination under regulation 13(2) of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p> <p>In paragraph (10) —</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>(a) for “candidate” substitute “petition organiser”;</p> <p>(b) for “polling or counting agent” substitute “counting observer”; and</p> <p>(c) for “agent” substitute “counting observer”.</p> <p>Omit paragraph (11).</p> <p>In paragraph (12) —</p> <p>(a) for “these rules” substitute “the LGA Referendum Rules”;</p> <p>(b) for “polling or counting agents” substitute “counting observers”; and</p> <p>(c) for “agents or agents” substitute “such observer or observers”.</p>
Rule 25 (notification of requirement of secrecy)	
Rule 26(1), (3) and (4) (admission to polling station) <sup>(49)</sup>	<p>In paragraph (1) —</p> <p>(a) omit sub-paragraph (a);</p> <p>(b) in sub-paragraph (b), for “the polling agents”, substitute “the polling observers”;</p> <p>(c) at the end of sub-paragraph (d), omit “and”; and</p> <p>(d) at the end of sub-paragraph (e) insert —</p> <p style="padding-left: 40px;">“(f) the elected mayor, if any, of the council in respect of which the referendum is held; and</p> <p style="padding-left: 40px;">(g) any petition organiser.”<sup>(50)</sup></p>
Rule 27 (keeping of order in station)	
Rule 28 (sealing of ballot boxes)	
Rule 29 (questions to be put to voters) at —	<p>For paragraphs (1) and (2) substitute —</p> <p>“(1) The presiding officer may put to any person applying for a ballot paper the time of that person’s application, but not afterwards, one or both of the relevant questions.</p> <p>(2) In the case of a person applying to vote on their own behalf, the relevant questions are —</p> <p>(a) “Are you the person registered in the register of local government electors for this voting area as follows?” (<i>read the whole entry from the register.</i>)</p>

<sup>(49)</sup> Rule 26 was amended by S.I. 2001/81, rule 9.

<sup>(50)</sup> The definitions of “elected mayor” and “petition organiser”, as applied for the purposes of this rule, are to be found in regulation 2(1).

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
	<p>(b) “Have you already voted, here or elsewhere, in this referendum, otherwise than as proxy for some other person?”</p> <p>(2A) In the case of a person applying as proxy, the relevant questions are —</p> <p>(a) “Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?”</p> <p>(b) “Have you already voted, here or elsewhere, at this referendum as proxy on behalf of C.D.?”</p> <p>(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question —</p> <p>“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”</p> <p>and, if that question is not answered in the affirmative, the following question</p> <p>“Have you already voted at this referendum on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”.</p>
Rule 30 (challenge voters)	In paragraph (1), for “a candidate or his election or polling agent”, substitute “any petition organiser or polling observer permitted to be present in accordance with rule 26, as modified”.
Rule 31 (voting procedure)	
Rule 32 (votes marked by presiding officer)	In paragraph (1), for “polling agents” substitute “polling observers (if any)”.
Rule 33 (voting by persons with disabilities)	
Rule 34 (tendered ballot papers)	
Rule 35 (spoilt ballot papers)	
Rule 36 (adjournment of poll in case of riot)	
Rule 37 (procedure)	In paragraph (1), for “polling agents” (in both places) substitute “polling observers (if on close of poll)( <b>51</b> ) any”.

(51) Rule 37 was amended by S.I. [2001/81](#), rule 11.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>
Rule 39 (the count)(52)	<p>In paragraph (1)(a), for “counting agents” substitute “counting observers”.</p> <p>In paragraph (1)(b), for “election agents” substitute “counting observers”.</p> <p>In paragraph (6), for “election agent” substitute “counting observer present at the verification”.</p> <p>In paragraph (7), omit “so far as he and the agents agree” and from “For the purposes” to the end.</p>
Rule 40 (re-count)	<p>In paragraph (8), omit the words from “—(a) place” to “(b) otherwise”.</p> <p>In paragraph (1), for “candidate or his election agent”, substitute “petition organiser”.</p> <p>In paragraph (2), for “the candidates and election agents”, substitute “such petition organisers as are”.</p>
Rule 41(1), (3) to (5) (rejected ballot papers)	<p>In paragraph (1) —</p> <p>(a) for sub-paragraph (b), substitute “(b) on which votes are given for more than one answer,”; and</p> <p>(b) for “paragraphs (2) and (3)”, substitute “paragraph (3)”.</p> <p>In paragraph (4) —</p> <p>(a) omit sub-paragraph (b); and</p> <p>(b) for “counting agent”, substitute “counting observer”.</p> <p>In paragraph (5) —</p> <p>(a) omit “including those rejected in part,”;</p> <p>(b) for sub-paragraph (b), substitute —</p> <p style="padding-left: 40px;">“(b) voting for more than one answer;” and</p> <p>(c) omit the words from “and the statement” to the end.</p>
Rule 42 (decisions on ballot papers)	
Rule 43 (equality of	<p>For the words from “an equality” to the end, substitute —</p> <p style="padding-left: 40px;">“an equality of YES and NO votes is found, the counting officer shall forthwith decide the referendum by lot.”.</p>

(52) Rule 39 was amended by S.I. [2001/81](#), rule 12.

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<i>(1)</i> Provision	<i>(2)</i> Modification (if any)
Rule 44 (declaration of result)	Substitute — “The counting officer shall forthwith — (a) declare the result of the referendum; (b) inform the proper officer of the local authority by or in respect of which the referendum was held of the result of the referendum; and (c) give public notice of — (i) the result of the 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.”.
Rule 45 (sealing up of ballot papers)	In paragraph (1), omit “contested” and “, including ballot papers rejected in part”.
Rule 46 (delivery of documents)(53)	For “the returning officer”, substitute “the counting officer”.  For the words from “the date of the election” to the end, substitute “and the name of the voting area”.
Rule 47 (orders for production of documents)	In paragraph (1), omit “, including ballot papers rejected in part”.
Rule 48 (retention and public inspection of documents)	
The Appendix of Forms: Form of declaration of identity	On the front of the form, for “REPRESENTATION OF THE PEOPLE ACTS” substitute — “[ <i>INSERT NAME OF COUNCIL</i> ] REFERENDUM”.  On the back of the form — (a) in paragraph 2, for “(Vote for no more than...candidates.) (Vote for one candidate only.)”, substitute “Vote for one answer only.”; (b) in paragraph 5, for “the same election” substitute “the referendum”; and (c) in paragraph 6, for “election” substitute “referendum”.
Elector’s official poll card	On the front of the card —

(53) Rule 46 was amended by S.I. 2001/81, rule 13.

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<i>(1)</i> Provision	<i>(2)</i> Modification (if any)
	<p>(a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute — “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”; and</p> <p>(b) for “Electoral division/ward” substitute “Voting area”; and</p> <p>(c) for “8am to 9pm”, substitute “7am to 10pm”.</p> <p>On the back of the card —</p> <p>(a) for the heading substitute — “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”;</p> <p>(b) in the third paragraph —</p> <p>(i) for “the name(s) of the candidate(s)”, substitute “the answer”; and</p> <p>(ii) at the end insert “Put no other mark on the ballot paper, or your vote may not be counted.”;</p> <p>(c) omit the fifth paragraph; and</p> <p>(d) in the seventh and final paragraphs, for “this election” substitute “the referendum”.</p>
Proxy’s official poll card	<p>On the front of the card —</p> <p>(a) for “REPRESENTATION OF THE PEOPLE ACTS” substitute — “<i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”;</p> <p>(b) for “LOCAL GOVERNMENT ELECTION”, “[Council]” and “Electoral division/ward” substitute “<i>[insert name of voting area]</i>”; and</p> <p>(c) for “8am to 9pm”, substitute “7am to 10pm”.</p> <p>On the back of the card, in the penultimate and final paragraphs, for “this election”, substitute “the referendum”.</p>
Form of directions for guidance of the voters in voting	<p>In paragraph 2 —</p> <p>(a) for “the name(s) of the candidate(s)”, substitute “the answer”; and</p> <p>(b) at the end, insert “Put no other mark on the ballot paper, or your vote maynot be counted.”.</p> <p>Omit paragraph 4 and renumber paragraph 5.</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification (if any)</i>	
Form of certificate of employment	For “REPRESENTATION OF THE PEOPLE ACTS” and “ELECTION IN THE” substitute — “ <i>[INSERT NAME OF COUNCIL]</i> REFERENDUM”.  and for “ ... .. ELECTORAL DIVISION/ WARD of ... ..”  substitute “ <i>[insert name of voting area]</i> ”.  For “electoral area” in each place substitute “voting area”.  For “election” in each place substitute “referendum”.  Form of declaration to be made by the companion of a voter with disabilities <sup>(54)</sup>	For “election now being held in this electoral area” substitute “referendum now being held in this voting area”.  For “the said election” in each case substitute “that referendum”.  For “for the ... .. Electoral division/ ward of ... ..”, substitute “in the ... .. <i>[insert name of voting area]</i> ”.

**TABLE 4**  
**THE REPRESENTATION OF THE PEOPLE**  
**(ENGLAND AND WALES) REGULATIONS 2001<sup>(55)</sup>**

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
In paragraph (1) of regulation 3 (interpretation), the definitions of “1983 Act”, “1985 Act”, “2000 Act”, “available for inspection”, “register” and “registration officer”	
Paragraph (2) of regulation 3	At the end of sub-paragraph (b), insert —  “ , or  (c) in the case of a referendum, such of those rules made under section 36

<sup>(54)</sup> The form was amended by S.I. 2001/81, rule 15.  
<sup>(55)</sup>

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
	of the 1983 Act as are applied (with or without modification) by the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.
Paragraphs (3) and (4) of regulation 3	
Sub-paragraph (b) of paragraph (1) of regulation 4 (forms) and, to the extent of Form E in Schedule 3, paragraph (2) of that regulation	
Regulation 5 (communication of applications, notices, etc)	
Regulation 6 (electronic signatures and related certificates)	
Regulation 7 (copies of documents)	
Regulation 8 (time)	
Regulation 11 (interference with notices)	
Regulation 50 (interpretation of Part IV)	
Regulation 51 (general requirements for applications for an absent vote)	<p>In paragraph (4), in sub-paragraph (b) —</p> <ul style="list-style-type: none"> <li>(a) after “for” insert “all or any of”;</li> <li>(b) after “elections” insert “and referendums, identifying those in respect of which it is made”; and</li> <li>(c) omit “or both”.</li> </ul>
	<p>In paragraph (5) —</p> <ul style="list-style-type: none"> <li>(a) after “election”, in each place, insert “or referendum”; and</li> <li>(b) omit “elections”.</li> </ul>
Regulation 52 (additional requirements for applications for the appointment of a proxy)	
Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)	
Regulation 56 (closing dates for applications)	<p>In paragraphs (1) to (5), after “election”, in each place, insert “or referendum”.</p>
	<p>In paragraph (7)(b), after “election” insert “or referendum”.</p>
Regulation 57 (grant or refusal of applications)	Omit paragraph (6).
Regulation 58 (notice of appeal)	

<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
Regulation 59 (cancellation of proxy appointment)	
Regulation 61 (records and lists kept under Schedule 4)	Omit paragraph (1).  In paragraph (3), omit sub-paragraph (b) and the word “and” immediately preceding it.
Regulation 62 (marked register for polling stations)	
Regulation 64 (interpretation of Part V) other than the definition of “agent”	
Regulation 66 (forms of declaration of identity)	Omit “in Form G at a parliamentary election taken alone;”.
Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers)	
Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)	For sub-paragraphs (a) to (d) substitute —  “ <i>(a)</i> the counting officer and that officer’s clerks;  <i>(b)</i> persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004, are entitled to attend at the counting of the votes.”
Regulation 70 (notification of requirement of secrecy)	
Regulation 71 (time when postal ballot papers are to be issued)	
Paragraphs (1) to (4) of regulation 72 (procedure on issue of postal ballot papers)	
Regulation 73 (refusal to issue postal ballot paper)	
Paragraphs (1) to (3) of regulation 74 (envelopes)	
Regulation 75 (sealing up of counterfoils and security of special lists)	
Regulation 76 (delivery of postal ballot papers to post office)	
Paragraphs (1) and (3) to (8) of regulation 77 (spoilt ballot papers)	
Regulation 78 (lost ballot papers)	

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
Regulation 79 (alternative means of returning postal ballot paper or declaration of identity)	For paragraphs (1) and (2), substitute — “(1) The manner in which any postal ballot paper or declaration of identity may be returned — (a) to the returning officer, is by hand or by post; (b) to a polling station, is by hand.”.
Regulation 80 (notice of opening of postal ballot paper envelopes)	In paragraph (1), for “each candidate” substitute “those persons who, in accordance with regulation 13(5) of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004, are entitled to attend at the counting of the votes”.  In paragraph (2), omit sub-paragraph (b).
Regulation 81 (postal ballot boxes and receptacles)	In paragraphs (3) and (4), for “the agents”, substitute “those”.
Regulation 82 (receipt of covering envelope)	
Regulation 83 (opening of postal voters' ballot box)	In paragraph (1), for “the agents” substitute “the counting observers”.
Regulation 84 (opening of covering envelopes)	
Regulation 85 (procedure in relation to declarations of identity)	In paragraph (3), for “agents” substitute “counting observers”.
Regulation 86 (opening of ballot paper envelopes)	
Regulation 87 (lists of rejected postal ballot papers)	
Regulation 88 (checking of lists kept under regulation 87)	
Regulation 89 (sealing of receptacles)	
Paragraphs (1) to (4) of regulation 91 (forwarding of documents)	In paragraph (1) — (a) omit the words “, in the case of a parliamentary election to the Clerk of the Crown in Chancery and”; (b) in sub-paragraph (a), omit the words “, subject to regulation 90 above,”; and (c) omit sub-paragraph (b) and the word immediately preceding it.  In paragraph (2) — (a) for “In the case of a local government election, the” substitute “The”; and

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<i>(1)</i> <i>Provision and, if of limited application, relevant circumstances</i>	<i>(2)</i> <i>Modification (if any)</i>
In Schedule 3, Form E (proxy paper)	<p>(b) omit the words from “except that” to the end.</p> <p>For “REPRESENTATION OF THE PEOPLE ACTS” substitute “[insert name of council] REFERENDUM”.</p> <p>Omit “Constituency” and “Polling district”.</p> <p>For “Parliamentary electoral area”, substitute “referendum voting area”.</p> <p>For the words from “*[who qualifies” to “electoral region]]”, substitute “to vote for that person at the referendum on (insert date)”.</p> <p>Omit “*[This proxy appointment is not valid until ...]”.</p> <p>For paragraph 2 of the note substitute —</p> <p style="padding-left: 40px;"><b>2.</b> Your appointment as proxy will be for the referendum only. You have the right to vote as proxy only at the referendum specified in the proxy paper.”</p>

SCHEDULE 4

Regulation 10

ADDITIONAL MODIFICATIONS AS REGARDS  
REFERENDUM AT WHICH VOTING TO BE BY POST ONLY

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The 1983 Act</i>	
Section 47 (loan of equipment for local elections)	In subsections (1) and (2), omit “fittings and compartments”.
Section 60 (personation)	In subsection (2), in paragraphs (a) and (b), omit “in person or”.
	In subsection (3), omit the words from “who has applied” to “person or”.
Section 61 (other voting offences) (see the modifications in Table 2 of Schedule 3)	Omit subsections (2)(b) and (c) and (3)(b) and (c).
Section 66 (requirement of secrecy)	Omit subsection (1).

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 66A (prohibition on publication of exit polls)	In subsection (1), for “the poll is closed”, substitute “10 p.m. on the day of the referendum”.
<i>The Elections Regulations</i>	
Regulation 50 (interpretation of Part IV)	Omit the definition of “allotted polling station”.
Regulation 51 (general requirements for applications for an absent vote)	Omit paragraph (5).
Regulation 72 (procedure on issue of postal ballot paper)	<p>For paragraph (1) substitute —</p> <p>“(1) First, the counting officer at the referendum shall issue postal ballot papers to those persons entitled to vote in the referendum who are included as voting by post in the absent voters list for the referendum, and shall place a mark in that list and the register of electors against the number of that person to denote that a ballot paper has been issued to that person but without showing the particular ballot paper issued.</p> <p>(1A) Secondly, the counting officer shall issue postal ballot papers to those proxies included in the list kept under paragraph 7(8) of Schedule 4 to the 2000 Act, as applied for the purposes of the referendum, and shall place a mark —</p> <p style="padding-left: 40px;">(a) in that list against the name of the proxy; and</p> <p style="padding-left: 40px;">(b) in the register of electors against the number of the person for whom the proxy is appointed,</p> <p>to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.</p> <p>(1B) Thirdly, the counting officer shall issue postal ballot papers to those proxies included in the absent voters list for the referendum and shall place a mark —</p> <p style="padding-left: 40px;">(a) in that list against the name of the proxy; and</p> <p style="padding-left: 40px;">(b) in the register of electors against the number of the person for whom the proxy is appointed,</p> <p>to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.</p> <p>(1C) Finally, the counting officer shall issue postal ballot papers to every person entitled to</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>vote in the referendum against whose number in the register of electors no mark has been placed, and shall then place a mark against that person's number to denote that a ballot paper has been issued but without showing the particular ballot paper issued.</p> <p>(1D) Each postal ballot paper issued shall be stamped with the official mark.</p> <p>(1E) The address to which a postal ballot paper is to be sent shall be determined in accordance with rule 19 of the rules set out in Schedule 2 to the Local Elections (Principal Areas) Rules 1986, as substituted.”.</p> <p>Omit paragraphs (5) and (6).</p>
<i>The Principal Areas Rules</i>	
Rule 1 (timetable)	In the timetable, omit the entry in respect of polling.
Rule 3 (notice of election)	In paragraph 1, for “poll” substitute “referendum”. In paragraph (2) — (a) omit sub-paragraph (a) and the word “and” following it; and (b) in sub-paragraph (b), omit “other”.
Rule 13 (poll to be taken by ballot)	After “given by”, insert “postal”.
Rule 15 (ballot papers: official mark)	Omit paragraph (3).
Rule 17 (use of schools and public rooms)(56)	In paragraphs (1) and (2), omit “taking the poll or”.
Rule 18 (notice of poll)	In paragraph (1), for sub-paragraph (a) substitute — “(a) that the poll at the referendum is to be taken only by post;”.
	Omit paragraph (3).
Rule 19 (postal ballot papers)(57)	Substitute —  <b>“Postal ballot papers</b>  <b>19.—(1)</b> The counting officer shall as soon as reasonably practicable issue to — (a) each person entitled to vote in the referendum for whom a proxy has not been appointed; and

(56) Rule 17 was amended by S.I. 2001/81, rule 6.

(57) Rule 19 was substituted by S.I. 2001/81, rule 7.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(b) each proxy appointed by a person entitled to vote in the referendum, at the address determined in accordance with this rule, a postal ballot paper and a declaration of identity in the forms set out in the Appendix, or forms to the like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by regulations made under the 1983 Act.</p> <p>(2) In the case of a person entitled to vote in the referendum whose name is shown in the absent voters' list for the referendum, the address referred to in paragraph (1) is that shown in that list.</p> <p>(3) Subject to paragraph (4), in the case of a person entitled to vote in the referendum whose name is not shown in the absent voters' list for the referendum, the address referred to in paragraph (1) is that person's qualifying address as shown in the register of electors.</p> <p>(4) In the case of a person entitled to vote in the referendum —</p> <p>(a) whose name is not shown in the absent voters' list for the referendum; and</p> <p>(b) whose qualifying address is not shown in the register of electors,</p> <p>the address referred to in paragraph (1) is —</p> <p>(i) the address given in accordance with regulation 15 of the Elections Regulations (if that address is within the United Kingdom) in the case of a service voter; or</p> <p>(ii) the address given in accordance with section 7B(3)(a) of the 1983 Act in the case of a person registered in pursuance of a</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	declaration of local connection.
	(5) In the case of a proxy, the address referred to in paragraph (1) is —
	(a) in the case of a proxy whose name is included in the special list kept under paragraph 7(8) of Schedule 4 to the RPAct 2000 for the referendum, the address recorded in that list; or
	(b) in the case of any other proxy, the address of the proxy as given under regulation 52 of the Elections Regulations.”.
Rules 20 to 23 (provision of polling stations, appointment of presiding officers and clerks, issue of official poll cards and equipment of polling stations)	Omit.
Rule 25 (notification of requirement of secrecy)	Omit paragraph (a).
Rules 26 to 37 (admission to polling stations, keeping of order in station, sealing of ballot boxes, questions to be put to voters, challenge of voters, voting procedure, votes marked by presiding officer, voting by persons with disabilities, tendered ballot papers, spoilt ballot papers, adjournment of poll in case of riot and procedure on close of poll)	Omit.
Rule 39 (the count)(58)	In paragraph (1), omit sub-paragraphs (a) and (b) and the words “and (c)”.
	Omit paragraphs (2), (4) and (6).
Rule 46 (delivery of documents)(59)	In paragraph (1) —
	(a) for sub-paragraph (b) substitute —
	“ (b) the statements of rejected ballot papers;”
	(b) omit sub-paragraph (c); and
	(c) in sub-paragraph (d), omit from “and” to the end.
Rule 47	In paragraph (1)(b) omit “and certificates as to employment on duty on the day of the poll”.
	In paragraphs (2) and (3), omit “and certificates”.

(58) Paragraph (3) of rule 39 was substituted by S.I. 2001/81, rule 12.

(59) Rule 46 was amended by S.I. 2001/81, rule 13.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Rule 48	In paragraph (2), for the words from “, counterfoils” to “poll” substitute “and counterfoils,”.
The Appendix of Forms	<p>In the back of the form of the declaration of identity omit note 6.</p> <p>Omit the forms of —</p> <ul style="list-style-type: none"> <li>(a) an elector’s official poll card;</li> <li>(b) a proxy’s official poll card;</li> <li>(c) directions for guidance of the voters in voting;</li> <li>(d) certificate of employment; and</li> <li>(e) declaration to be made by the companion of a voter with disabilities.</li> </ul>

SCHEDULE 5

Regulation 15(8)

APPLICATION, WITH FURTHER MODIFICATIONS, OF THE REPRESENTATION OF THE PEOPLE ACT 1983 IN RELATION TO REFERENDUM PETITIONS

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
Section 128 (presentation of petition questioning local election)	<p>In subsection (1) —</p> <ul style="list-style-type: none"> <li>(a) for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”; and</li> <li>(b) omit “either” and the words from “, or by a person” to the end.</li> </ul> <p>In subsection (2), for the words from the beginning to “any”, substitute “Any”.</p> <p>In paragraph (a) of subsection (3), omit “in England and Wales,”.</p> <p>In subsection (4), omit “In England and Wales.”.</p>
Section 129 (time for presentation or amendment of petition questioning local election).	<p>In subsection (1), for “under the local government Act” substitute “under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”;</p> <p>In subsection (2), in paragraph (b), for “a candidate elected at the election”, substitute “any person”.</p>

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>In subsection (3), in paragraph (b), for “the candidate elected at the election, or by an agent of the candidate or with the privity of the candidate or his election agent”, substitute “any person”.</p> <p>Omit subsections (4) and (5).</p> <p>For subsection (7), substitute —</p> <p>“(7) Subsections (3) and (6) above apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.”</p> <p>In subsection (8), after “below” insert, “, as applied by regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004,”.</p> <p>Omit subsection (9).</p>
Section 130 (election court for local election in England and Wales, and place of trial)(60)	<p>In subsection (1), for “in England and Wales under the local government Act”, substitute “in Wales under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004.”.</p> <p>In paragraph (a) of subsection (3), for “in England and Wales under the local government Act”, substitute “in Wales under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004.”.</p>
Section 131 (accommodation of and attendance on court)	<p>In subsection (1) —</p> <p>(a) after “section 130 above” insert “as applied by regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”, and</p> <p>(b) after “section 132 below” insert “as so applied”.</p>
Section 132 (remuneration and allowances)	<p>In subsection (1), after “section 131 above”, insert “as applied by regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.</p>
Section 133 (repayments under section 131 and 132)	<p>In subsection (1) —</p> <p>(a) in paragraph (a), after “section 131 above”, insert “as applied by regulation 15 of the Local Authorities</p>

(60) Section 130 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 50.

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	(Conduct of Referendums) (Wales) Regulations 2004”; and
	(b) in paragraph (b), after “section 132 above”, insert “as so applied”.
Section 136 (security for costs)	In subsection (2), in paragraph (b), for “a petition questioning an election under the local government Act” substitute “a referendum petition within the meaning of regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.
Section 137 (petition at issue)	
Section 138 (list of petitions)(61)	In subsection (1), in paragraph (a), for “all election petitions”, substitute “all referendum petitions within the meaning of regulation 15 of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”.
	In subsection (3) for the words from the beginning to “candidates”, substitute “Two or more persons”.
	In subsection (4) —
	(a) for “the same election or to elections under the local government Act”, substitute “the same referendum or to referendums under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”; and
	(b) for “the election list”, in both places, substitute “the list made out under subsection (1)”.
Section 139 (trial of petition)	In subsection (1) omit “, in the case of a parliamentary election petition, 14 days and in any other case,”.
	Omit subsection (3).
	For subsection (5) substitute —
	“(5) On the trial of a petition, the respondent may give evidence in the same manner as if that person had presented a petition against the referendum.”.
	For subsection (6) substitute —
	“(6) Where the petition relates to a referendum as regards which, by reason of an

(61) Section 138 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 4.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>equality of votes found at the count, the result was determined by lot, that determination shall be effective also for the purposes of the petition unless subsection (6A) applies.</p> <p>(6A) This subsection applies where the court disallows any vote cast in the referendum; and in any such case —</p> <ul style="list-style-type: none"> <li>(a) the determination referred to in subsection (6) above shall have no effect; and</li> <li>(b) the court shall declare the result of the referendum.</li> </ul> <p>(6B) Where —</p> <ul style="list-style-type: none"> <li>(a) the petition relates to a referendum at which no equality of votes was found at the count; and</li> <li>(b) the court — <ul style="list-style-type: none"> <li>(i) disallows any vote cast in the referendum; and</li> <li>(ii) determines that an equality of votes was cast in the referendum,</li> </ul>                     the result of the referendum shall be determined by the court by lot.”.                 </li> </ul>
Section 140 (witnesses)	In subsection (1), omit “, but this subsection does not apply to Scotland in relation to an election of councillors”.
Section 141 (duty to answer relevant questions)	
Section 143 (expenses of witnesses)	<p>In subsection (2) —</p> <ul style="list-style-type: none"> <li>(a) after “section 140(2) above”, insert “as applied for the purposes of the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”; and</li> <li>(b) after “subsection (1) above”, insert “as so applied”.</li> </ul>
Section 145 (conclusion of trial of local election petition)	<p>For subsection (1), substitute the following subsections —</p> <p>“(1) At the conclusion of the trial of a petition questioning a referendum under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004, the election court shall determine —</p> <ul style="list-style-type: none"> <li>(a) in the case of a petition presented on the ground mentioned in subparagraph (a) of paragraph (1) of</li> </ul>
<i>Subsection (1), as substituted, is not to apply where a referendum petition has been presented with the leave of the High Court (see regulation 15(3))</i>	

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<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
	<p>regulation 15 of those Regulations, whether the result of the referendum was, or was not, in accordance with the votes cast in the referendum;</p> <p>(b) in the case of a petition presented on the ground mentioned in subparagraph (b) or (c) of that paragraph, whether the referendum was void.</p> <p>(1A) Where the election court makes such a determination as is referred to in subsection (1) (a), it shall, as the circumstances require —</p> <p>(a) confirm the result of the referendum; or</p> <p>(b) reverse the result of the referendum.”.</p> <p>In subsection (3) —</p> <p>(a) for “sections 158 and”, substitute “section”; and</p> <p>(b) for the words from “for which” to the end, substitute “by which or in respect of which the referendum was held.”.</p> <p>In subsection (6), for “for which the election was held”, substitute “by which or in respect of which the referendum was held.”.</p>
Section 146 (special case for determination of High Court)	Omit subsection (2).
Section 147 (withdrawal of petition)	In subsection (3), for the words “In the case of a petition questioning an election in England and Wales under the local government Act,” substitute “In the case of a referendum petition under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004,”.
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	<p>In subsection (1) omit paragraph (a).</p> <p>In subsection (2) after “this Act”, insert “as applied for the purposes of the referendum petition”.</p>
Section 156 (further provision as to costs)	
Section 157 (appeals and jurisdiction)(62)	Omit subsection (4).

(62) Section 157 was amended by the Political Parties, Elections and Referendums Act 2000, Schedule 17, paragraph 6.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Further Modifications (if any)</i>
Section 160(1) and (3) (persons reported personally guilty of corrupt practices) <b>(63)</b>	In subsection (1), omit paragraph (b).
Section 161 (Justice of the Peace)	
Section 162 (member of legal and certain other professions)	
Section 163 (holder of licence or certificate under Licensing Acts)	
Section 164(1) and (2) (avoidance of election for general corruption etc.)	In subsection (1) — (a) for “election”, in the first two places where that word appears, substitute “referendum”; (b) for “the election of any person at that election”, substitute “a particular outcome in relation to the question asked in the referendum”; and (c) for paragraphs (a) and (b), substitute “, the referendum, if that outcome was achieved, shall be void.”.  In subsection (2), for “An election”, substitute “A referendum”.
Section 167 (application for relief)	
Section 180 (evidence by certificate of holding of election)	Omit sub-paragraph (ii) and the word immediately preceding it.
Section 183 (costs)	
Section 184 (service of notices)	
In section 185 (interpretation of Part III), the definitions of “appropriate officer”, “costs”, “Licensing Acts” and “payment”.	

SCHEDULE 6

Regulation 15(9)

MODIFICATIONS OF THE ELECTION PETITION RULES 1960**(64)**

<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
Rule 2(2)	After the definition of “the Act” insert — ““the 2004 Regulations” means the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004;”.

**(63)** Subsection (1) was amended, subsection (2) repealed, and subsection (3) substituted, by the Representation of the People Act 1985, Schedule 4, paragraph 52 and Schedule 5.

**(64)** S.I. 1960/543, amended by S.I. 1985/1248 and 1999/1352.

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<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
	<p>After the definition of “local election petition” insert —</p> <p>““referendum petition” means a petition under the 2004 Regulations;”.</p> <p>In the definition of “petition”, insert at the end “or a referendum petition”.</p> <p>For the definition of “constituency”, substitute —</p> <p>““constituency” —</p> <p>(a) in relation to a local election petition, means the local government area to which the petition relates;</p> <p>(b) in relation to a referendum petition, means the local government area in which the referendum is held;”.</p> <p>After the definition of “returning officer” insert “and, in relation to a referendum petition, any reference to a provision of the Act shall be construed as a reference to that provision as applied by the 2004 Regulations.”</p>
Rule 2(3)	After “local government Act”, insert “and referendums under the 2004 Regulations”
Rule 4(1)	<p>Omit paragraph (a).</p> <p>For paragraph (b), substitute —</p> <p>“(b) the date and result of the referendum to which the petition relates;”.</p>
Rule 10	Omit.
Rule 12(3)	For “the election” substitute “the referendum”.
Rule 14(2)	For “the election may” substitute “the referendum may”.
Rule 16(3)	For “the election may” substitute “the referendum may”.
Rule 18	After “local election petition” insert “or a referendum petition”.
The Schedule	For “a Parliamentary (or Local Government) Election for ( <i>state place</i> ) ... ..”, insert “a referendum under the Local Authorities

<i>(1)</i> <i>Provision modified</i>	<i>(2)</i> <i>Modification</i>
	<p>(Conduct of Referendums) (Wales) Regulations 2004 (“the 2004 Regulations”) in <i>(state area)</i>”.</p> <p>In paragraph 1 —</p> <p>(a) for “election”, in the first place where that word appears, substitute “referendum”;</p> <p>(b) omit “(or was a candidate at the above election) (or in the case of a parliamentary election claims to have had a right to be elected or returned at the above election)”.</p> <p>For paragraph 2 substitute —</p> <p>“2. That the referendum was held on the ... .. day of ... .. 20 ... ..</p> <p>In paragraph 4, omit “in the case of a petition mentioned in section 122(2) or (3) or”.</p> <p>For paragraph (1) of the Prayer substitute —</p> <p>“(1) That it may be determined [that the result of the referendum was not in accordance with the votes cast]* [that the referendum is avoided]* [that the referendum is tainted as mentioned in regulation 17(3) of the 2004 Regulations]*.</p> <p>* include or omit, as the circumstances require.”.</p>

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply only in relation to Wales, make provision for the conduct of referendums to be held by virtue of regulations or an order made under any provision of Part II of the Local Government Act 2000 (“the 2000 Act”). The Regulations also prescribe certain forms for use at a referendum under the Welsh Language Act 1993.

The referendums will relate to the question whether a county or county borough council in Wales should adopt executive arrangements that include a mayor and cabinet executive, a mayor and council manager executive or a leader and cabinet executive.

Regulation 3, to which Part I of Schedule 1 is relevant, prescribes the statement and the form of words of the question to be asked in the referendum.

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Regulation 4 requires public notice to be given of the local authority's proposals under regulation 17 or 19 of the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001 ("the Petitions and Directions Regulations"), or an order under section 36 of the 2000 Act. The notice must specify the date of the referendum, various matters relating to the conduct of the referendum, and of the availability for public inspection of the local authority's proposals. Regulation 4 also allows authorities to provide factual information about their proposals, outline fall-back proposals and the referendum, so long as the information is presented fairly.

Regulation 5 imposes restrictions on the material that may be published, displayed or distributed by or on behalf of the local authority during the period of 28 days before the date of the referendum.

Regulation 6 imposes a "referendum expenses limit" on the amount that may be incurred by way of "referendum expenses" (both terms are defined in regulation 6(1)). An offence is created for expenditure in excess of the referendum expenses limit.

Regulation 7, to which Schedule 2 is relevant, provides for amounts relevant to the use of certain property, services and facilities to be treated as incurred by way of referendum expenses for the purposes of regulation 6.

Regulation 8 applies the legislative provisions set out in column (1) of the Tables in Schedule 3 with the modifications shown in column (2) of those Tables, and makes some general modifications to those provisions.

Regulation 9, to which Parts II and III of Schedule 1 are relevant, makes provision in respect of the wording of referendum ballot papers.

Regulation 10(1) allows a county or county borough council to decide that voting at the referendum shall be conducted solely by post. It also makes some general modifications which apply where such a determination has been made.

Regulation 10(2) applies where a determination has been made under regulation 10(1). It provides for the legislative provisions set out in column (1) of Schedule 4 to apply with the modifications shown in column (2).

Regulation 11 makes provision for the functions of counting officers, and for the appointment of persons to act as observers at referendum polls ("polling observers").

Regulation 12 provides that, unless the poll at the referendum is to be conducted by post in accordance with a determination made under Regulation 10(1) the hours of polling shall be between 7 am and 10 pm.

Regulation 13 makes provision in relation to the counting of votes at the referendum.

Regulation 14, which is subject to regulations 16 and 17, deals with the result of referendums and further referendums. It specifies what authorities are to do in the event of a majority of "yes" votes (paragraphs (1) and (3)) and a majority of "no" votes (paragraphs (2) and (4)).

Regulations 15 to 17 make provision for the result of referendums and further referendums to be challenged.

Regulation 15 specifies the grounds of challenge and the period within which an application (a "referendum petition") must be made. It also sets out the procedures applicable to referendum petitions, and applies, through Schedules 5 and 6, provisions of the Representation of the People Act 1983 and the Election Petitions Rules 1960. In the case mentioned in paragraph (1)(d), a referendum petition cannot be brought unless leave has been obtained from the High Court.

Regulation 16 deals with the immediate consequences of the presentation of a referendum petition.

Regulation 17 makes provision for the situation after an election court has determined a referendum petition.

Regulation 18 provides for certain days to be ignored in calculating periods under regulation 4(1) and under certain legislative provisions applied by the Regulations.

Regulation 19 exempts advertisements relating specifically to the referendum from regulations under the Town and Country Planning Act 1990 controlling the display of advertisements.

Regulation 20 provides that premises used in relation to the referendum for public meetings or the taking of the poll shall be treated as unoccupied for rating purposes.

Schedule 1 sets out —

in Part I, the statement and the form of the question to be asked in the referendum,

in Part II, the form of the front of referendum ballot papers, and

in Part III, the form of the back of referendum ballot papers.

Schedule 2 specifies the matters relevant for the purposes of the definition of “referendum expenses” in regulation 6(1). (These matters are similar to those set out in Schedule 13 to the Political Parties, Elections and Referendums Act 2000.)

Schedule 3 identifies the provisions of Acts, Regulations and Rules that are applied, with or without modification, in relation to the referendum —

*Table 1* applies the provisions of the Representation of the People Act 2000 relating to voting by post or proxy.

*Table 2* applies provisions in the Representation of the People Act 1983, including provision in respect of personation and other voting offences and corrupt and illegal practices.

*Table 3* applies provisions in Schedule 2 to the Local Elections (Principal Areas) Rules 1986, which contain the rules (“the Principal Areas Rules”) applicable to the conduct of elections of the council of a county and county borough.

*Table 4* applies provisions of the Representation of the People (England and Wales) Regulations 2001 (“the Elections Regulations”) relating to applications for a postal or proxy vote and the proceedings on the issue and receipt of postal ballot papers.

Schedule 4 identifies the legislative provisions that are applied in relation to the referendum where the local authority have determined under regulation 10(1) that voting in the referendum is to be conducted solely by post.

Schedule 5 applies provisions of the Representation of the People Act 1983 for the purposes of referendum petitions.

Schedule 6 modifies the Election Petition Rules 1960 for the purpose of their application to referendum petitions.