

### SCHEDULE 3 CONDUCT RULES

#### *Appointment of polling and counting agents*

- 14 (1) A referendum agent may appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation,
  - (b) counting agents to attend at the counting of the votes.
- (2) The counting officer may limit the number of counting agents that may be appointed, so long as—
- (a) the number that may be appointed by each referendum agent is the same, and
  - (b) the number that may be appointed by each referendum agent is not less than the number obtained by dividing the number of clerks employed on the counting by the number of referendum agents.
- (3) For the purposes of paragraph (2)(b), a counting agent appointed by more than one referendum agent is to be treated as a separate agent for each of them.
- (4) A referendum agent who appoints a polling or counting agent must give the counting officer notice of the appointment no later than the fifth day before the date of the referendum.
- (5) For the purposes of paragraph (4), the following days are to be disregarded—
- (a) a Saturday or Sunday,
  - (b) Christmas Eve or Christmas Day,
  - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971,
  - (d) a day appointed for public thanksgiving or mourning.
- (6) If a polling agent or counting agent dies or becomes unable to perform the agent's functions, the referendum agent may appoint another agent and must give the counting officer notice of the new appointment as soon as practicable.
- (7) A notice under paragraph (4) or (6)—
- (a) must be given in writing,
  - (b) must give the name and address of the person appointed,
  - (c) in the case of a polling agent, must set out which polling stations the agent may attend,
  - (d) in the case of a counting agent, must set out which counts the agent may attend.
- (8) In schedule 2 and these conduct rules, references to polling agents and counting agents are to agents appointed under paragraph (1) or (6)—
- (a) whose appointments have been duly made and notified, and
  - (b) where the number of agents is restricted, who are within the permitted numbers.
- (9) Any notice required to be given to a counting agent by the counting officer may be delivered at, or sent by post to, the address stated in the notice under paragraph (4) or (6).

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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Appointment of polling and counting agents. (See end of Document for details)

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- (10) A referendum agent may do (or assist in doing) anything that a polling or counting agent appointed by that referendum agent is authorised to do.
- (11) Anything required or authorised by schedule 2 or these conduct rules to be done in the presence of polling or counting agents may be done instead in the presence of the referendum agent who appointed the polling or counting agents.
- (12) Where in schedule 2 or these conduct rules anything is required or authorised to be done in the presence of polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not invalidate the thing (if the thing is otherwise duly done).

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Appointment of polling and counting agents.