

Status: Point in time view as at 30/04/2012.

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SCHEDULES

SCHEDULE 1

Modifications etc. (not altering text)

- C1 Parliamentary election rules modified (N.I.) (*prosp.*) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 10, [Sch. 1 paras. 8–23](#)
- C1 [Paras. 3–7](#) of Pt. II of Sch. 1 to [Representation of the People Act 1985 \(c. 50, SIF 42\)](#) have effect (N.I.) (*prosp.*) by virtue of s. 10 of, and Sch. 1 para. 2 to, that Act as additional rules in Sch. 1 to this Act
- C1 [Sch. 1](#) applied with modifications (S.) by [S.I. 1986/2213](#), [Rules 2, 5](#)
[Sch. 1](#) applied (with modifications) (E.W.S.) (28.4.1999) by [1985 c. 50, s. 15\(1\)\(2\)](#) (as applied (with modifications) (28.4.1999) by [S.I. 1999/1214](#), [reg. 8](#), [Sch. 3](#)) (which S.I. was revoked (23.3.2004) by [S.I. 2004/293](#), [reg. 126](#))
- C1 [Sch. 1](#) modified (E.W.) by [S.I. 1986/1081](#), [regs. 2, 97, 98, 100](#) (which S.I. was revoked (23.3.2004) by [S.I. 2004/294](#), [reg. 3](#))
- C1 [Sch. 1](#) modified (S.) by [S.I. 1986/1111](#), [regs. 2, 95, 96, 98\(1\)](#)
[Sch. 1](#) modified (10.4.2001) by [2001 c. 7, s. 4](#), [Sch. para. 1](#)
[Sch. 1](#) modified (E.W.) (23.3.2004) by [The Representation of People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), [reg. 8](#), [Sch. 2](#)
- C1 [Sch. 1](#) extended (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 6\(1\)-\(4\)](#)

PART III

CONTESTED ELECTIONS

COUNTING OF VOTES

The count

- 45 [F1(1) The returning officer shall—
- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
 - (b) in the presence of the election agents verify each ballot paper account; and
 - (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (1A) The returning officer shall not count the votes given on any ballot papers until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.]

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- [^{F2}(1B) A postal ballot paper shall not, in England, Wales or Scotland, be taken to be duly returned unless—
- (a) it is returned in the prescribed manner and reaches the returning officer or a polling station in the constituency before the close of the poll, ^{F3} . . .
 - (b) [^{F4}the postal voting statement], duly signed ^{F5} . . . is also returned in the prescribed manner and reaches him or such a polling station before that time.]
 - [^{F6}(c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
 - (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).]
- (2) A postal ballot paper shall not [^{F7}, in Northern Ireland,] be deemed to be duly returned unless
- [^{F8}(a)] it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated [^{F9}, and
 - (b) in the case of an elector, that declaration of identity states the date of birth of the elector and the returning officer is satisfied that the date stated corresponds with the date supplied as the date of the elector's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of this Act.]
- [^{F10}(2A) In the case of an elector, unless section 10(4B), 10A(1B) or 13A(2B) of this Act applies, the declaration of identity referred to in paragraph (2) shall be taken not to be duly signed unless the returning officer is satisfied that the signature on the declaration corresponds with the signature supplied as the elector's signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of this Act.]
- (3) The returning officer shall not count any tendered ballot paper.
- [^{F11}(3A) The returning officer shall take reasonable steps to begin counting the votes given on the ballot papers as soon as practicable within the period of four hours starting with the close of the poll.]
- (4) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers [^{F12}or other unique identifying marks] printed on the back of the papers.
 - (5) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.
 - (6) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.

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For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

- (7) During the time so excluded the returning officer shall—
- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
 - (b) otherwise take proper precautions for the security of the papers and documents.

[^{F13}(8) The Electoral Commission shall issue guidance to returning officers on the duty imposed by paragraph (3A) above.]

Textual Amendments

- F1** Sch. 1 rule 45(1)(1A) substituted for rule 45(1) by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 82**
- F2** Sch. 1 rule 45(1B) inserted (16.2.2001) by 2000 c. 2, s. 15(1)(4), **Sch. 6 para. 10(1)(4)(a)**; S.I. 2001/116, **art. 2(1)** (with art. 2(4))
- F3** Word in Sch. 1 rule 45(1B) omitted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by virtue of Electoral Administration Act 2006 (c. 22), ss. 47, 74(2), 77, **Sch. 1 para. 73(3)(a)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F4** Words in Sch. 1 rule 45(1B)(b) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 73(2)(a)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F5** Words in Sch. 1 rule 45(1B)(b) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 74(2), 77, Sch. 1 para. 73(2)(b), **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F6** Sch. 1 rule 45(1B)(c)(d) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 73(3)(b)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F7** Words in Sch. 1 rule 45(2) inserted (16.2.2001) by 2000 c. 2, s. 15(1), **Sch. 6 para. 10(1)(4)(b)**; S.I. 2001/116, **art. 2(1)** (with art. 2(4))
- F8** Words in Sch. 1 rule 45(2) renumbered (N.I.) (1.12.2002) as Sch. 1 rule 45(2)(a) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 3(4)(c)(i); S.I. 2002/1648, {art. 4(1)} (with saving in art. 4(2))
- F9** Sch. 1 rule 45(2)(b) and preceding word inserted (N.I.) (1.12.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 3(4)(c)(i); S.I. 2002/1648, **art. 4(1)** (with saving in art. 4(2))
- F10** Sch. 1 rule 45(2A) inserted (N.I.) (1.12.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 3(4)(c)(ii); S.I. 2002/1648, **art. 4(1)** (with saving in art. 4(2))
- F11** Sch. 1 rule 45(3A) inserted (8.4.2010) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 48(3)(a), 52
- F12** Words in Sch. 1 rule 45(4) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 91**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F13** Sch. 1 rule 45(8) inserted (8.4.2010) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 48(3)(b), 52

Modifications etc. (not altering text)

- C1** Sch. 1 rule 45 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
Sch. 1 rule 45 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
Sch. 1 rule 45 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

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Sch. 1 rule 45 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

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