

SCHEDULE

Article 14(1)

PARAGRAPHS SUBSTITUTED FOR PARAGRAPHS 13 TO
17 OF PART III OF SCHEDULE 2 TO THE 1985 ORDER

For paragraphs 13 to 17 of Part III of Schedule 2 to the 1985 Order, there is substituted—

“Receipt of Postal Ballot Papers

Notice of opening of postal ballot paper envelopes

13.—(1) The returning officer shall give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under paragraph 3(2) to attend each opening.

Postal ballot boxes and receptacles

14.—(1) The returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the district electoral area for which the election is held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity; and
- (c) the receptacle for ballot paper envelopes.

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

Receipt of covering envelope

15. The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box.

Opening of postal voters' ballot box

16.—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, Local Elections (Northern Ireland) (Amendment) Order 2002 ISBN 0-11-042458-1

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal ballot voters' ballot box and the postal ballot box shall be opened at the proceedings under rule 45 of the elections rules.

Opening of covering envelopes

17.—(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope separately.

(2) The procedure in paragraph 17A applies where a covering envelope contains both—

- (a) a declaration of identity; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(3) Where the covering envelope does not contain the declaration of identity separately, the returning officer shall open the ballot paper envelope to ascertain whether the declaration is inside.

(4) Where a covering envelope does not contain both—

- (a) a declaration of identity (whether separately or not), and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,

the returning officer shall mark the covering envelope “rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

Procedure in relation to declarations of identity

17A.—(1) A declaration of identity is a valid declaration of identity for the purposes of this Part if—

- (a) it is duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address, and
- (b) in the case of an elector, the requirements of rule 45(2)(b) and (2A) of the elections rules⁽¹⁾ are satisfied.

(2) The returning officer must satisfy himself that the declaration of identity is a valid declaration of identity.

(3) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach it to the ballot paper envelope, or if there is no such envelope, the ballot paper and, subject to paragraph (4), place it in the receptacle for rejected votes.

(4) Before placing the declaration in the receptacle, is for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The returning officer shall then examine the number on the declaration of identity against the number on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid declaration of identity is not the same as the number on the ballot paper envelope, or

(1) Paragraph (2)(b) and (2A) of rule 45 were inserted by article 8 of this Order.

(b) that envelope has no number on it,
the returning officer shall open the envelope.

(7) Paragraph (8) applies here—

- (a) there is a valid declaration of identity but no ballot paper envelope, or
- (b) the ballot paper envelope has been opened under paragraph 17(3) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the returning officer shall place—

- (a) in the postal ballot box any ballot paper the number on which is the same as the number on the valid declaration of identity;
- (b) in the receptacle for rejected votes any other ballot paper, with the valid declaration of identity attached and marked “rejected”;
- (c) in the receptacle for rejected votes any valid declaration of identity marked “rejected” where there is no ballot paper;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under paragraph (b) or (c).

Opening of ballot paper envelopes

17B.—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place

- (a) in the postal box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected votes any ballot paper envelope which shall be marked “rejected” because it does not contain a ballot paper.

Sealing of receptacles

17C. As soon as practicable after the completion of the procedure under paragraph 17B, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes, and
- (b) the receptacle of declarations of identity,

and shall seal up the packets.”.