

SCHEDULE 1

THE REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUM RULES

PART 6

Disposal of Documents

Orders for production of documents

64.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the proper officer; or
- (b) for the opening of a sealed packet containing the list of ballot numbers issued, list of spoiled ballot papers, list of lost ballot papers or list of ballots received; or
- (c) the inspection of any counted ballot papers in the custody of the proper officer,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(2) An order under this rule may be subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet mentioned in paragraph (1) or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular voter has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(3) An appeal lies to the High Court from any order of a county court under this rule.

(4) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(5) Where an order is made for the production by the proper officer of any document in his possession relating to any specified referendum—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(6) The production from proper custody of a ballot paper purporting to have been used at any referendum and of the list of ballot numbers issued, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person to whom, at the referendum, had been allocated the ballot number marked on the ballot paper, as shown in the list of ballot numbers issued.

(7) No person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer or open any sealed packets containing the list of ballot numbers issued, lists

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of spoilt or lost ballot papers, or list of ballots received except in accordance with this rule or by order of a competent court.