

## SCHEDULE 1

### THE REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUM RULES

## PART 6

### *Disposal of Documents*

#### **Sealing up of ballot papers**

**62.**—(1) On the completion of the counting at a referendum the counting officer shall seal up in separate packets—

- (a) the counted ballot papers; and
- (b) the rejected ballot papers.

(2) A combined ballot paper which is rejected in part shall be sealed up in the packet of counted ballot papers.

(3) A completed statement in the form set out Form 8 in the Appendix, or a form to the like effect, shall be provided by the counting officer to the Chief Counting Officer.

(4) The statement shall identify the voting area within the referendum area for which it is prepared.

(5) Where at combined polls a combined ballot paper is used, the statement shall be combined for those referendums.

#### **Delivery of documents**

**63.**—(1) The counting officer shall then forward to the proper officer, within the meaning of section 270(3) of the Local Government Act 1972<sup>(1)</sup>, of the local authority for each voting area for which he is the counting officer, the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the statements of rejected ballot papers,
- (c) the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities, and the list of voters requesting assistance to vote,
- (d) any packets referred to in rule 53 (sealing of lists and contents of receptacles),

endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area to which each packet relates.

(2) Where—

- (a) any covering envelopes or ballot papers are received by the counting officer after the close of the poll, or
- (b) any envelopes addressed to voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt ballot papers are returned too late to enable replacement ballot papers to be issued,

the counting officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

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(1) 1972 c. 70.

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

## **Retention and public inspection of documents**

65.—(1) The proper officer of the council shall retain for twelve months all documents relating to a referendum forwarded to him in pursuance of these Rules by a counting officer, and then, unless otherwise directed by an order of a competent court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, the list of ballot numbers issued, the list of spoiled ballot papers, the list of lost ballot papers and the list of ballots received shall, subject to paragraph (4), be open to public inspection at such time and in such manner as the proper officer may determine.

(3) The proper officer of the council shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as he may determine, provided that he does not supply copies of or extracts from the marked copies of the register of electors, other than for purposes connected with the referendum.

(4) A person inspecting marked copies of the register of electors may not—

- (a) make copies of any part of them, or
- (b) record any particulars included in them,

otherwise than by means of hand-written notes.

(5) A person who inspects marked copies of the register of electors and makes a copy of them or records any particulars in them otherwise than by means of hand-written notes shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.