

SCHEDULE 5

THE NEIGHBOURHOOD PLANNING REFERENDUMS (COMBINATION OF POLLS) RULES

PART 6

Counting of Votes

Attendance at counting of votes

36.—(1) Where the counting officer at the referendum is the relevant returning or counting officer, the officer must—

- (a) make arrangements for—
 - (i) discharging the functions under rule 37(1) in the presence of the counting observers appointed for the purposes of the referendum and the election agents or observers appointed for the purpose of each relevant election as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at the referendum in the presence of the counting observers appointed for the purpose of the referendum; and
- (b) give to the counting observers appointed for the purposes of the referendum and the election agents or observers appointed for the purposes of each relevant election notice in writing of the time and place at which the counting officer will begin to discharge the functions under rule 37(1).

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, the counting officer must—

- (a) make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the delivery of ballot papers to the officer by the relevant returning or counting officer; and
 - (b) give to the counting observers notice in writing of the time at which the counting officer will begin to count the votes if by then the officer has received the ballot papers and of the place at which the count will take place.
- (3) No person other than—
- (a) the Chief Counting Officer, the counting officer and the counting officer's clerks;
 - (b) the counting observers; and
 - (c) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(4) No person other than a person entitled to be present at the counting of the votes at the referendum or at a relevant election may be present at the proceedings under rule 37(1) unless permitted by the relevant returning or counting officer to attend.

- (5) A person not entitled to attend at—
- (a) the proceedings under rule 37(1); or
 - (b) the counting of the votes,

must not be permitted to do so by, respectively, the relevant returning or counting officer or counting officer unless the officer is satisfied that the efficient separation of the ballot papers or, as the case may be, the efficient counting of the votes will not be impeded.

(6) The—

- (a) relevant returning or counting officer, in respect of proceedings under rule 37(1); and
- (b) counting officer, in respect of the counting of the votes,

must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistent with the orderly conduct of the proceedings and the discharge of the officer's duties in connection with them.

(7) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers are entitled to satisfy themselves that the ballot papers are correctly sorted.