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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](#)
- C2** [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
- C3** [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(as applied (with modifications) (28.4.1999) by [S.I. 1999/1214](#), [reg. 8](#), [Sch. 3](#)) (which S.I. was revoked (23.3.2004) by [S.I. 2004/293](#), [reg. 126](#))
- C4** [Sch. 1](#) modified (E.W.) by [S.I. 1986/1081](#), [regs. 2, 97, 98, 100](#) (which S.I. was revoked (23.3.2004) by [S.I. 2004/294](#), [reg. 3](#))
- C5** [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](#)
- C6** [Sch. 1](#) extended (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 6\(1\)-\(4\)](#)

PART III

CONTESTED ELECTIONS

GENERAL PROVISIONS

Poll to be taken by ballot

- 18 The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes have been given shall be declared to have been elected.

Modifications etc. (not altering text)

- C7** [Sch. 1 rule 18](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)
- C8** [Sch. 1 rule 18](#) applied (E.W.S.) by [S.I. 1986/2209](#), [regs. 2, 3, 5\(1\)\(6\)–\(8\)](#), [Sch. 1 Pt. I](#)
- C9** [Sch. 1 rule 18](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 3\(1\)\(5\)–\(8\)](#), [Sch. 1](#)
[Sch. 1 rule 18](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), [arts. 1\(2\), 3](#), [Sch. 1](#))

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The ballot papers

- 19 (1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.
- (2) Every ballot paper shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix, and—
- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
 - (b) shall be capable of being folded up;
 - (c) shall have a number [^{F1}and other unique identifying mark] printed on the back;
 - (d) ^{F2}
- [^{F3}(2A) If a candidate who is the subject of a party's authorisation under rule 6A(1) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).
- (2B) The request must—
- (a) be made in writing to the returning officer, and
 - (b) be received by him during the period for delivery of nomination papers set out in the Table in rule 1.]
- (3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.
- [^{F4}(4) The Secretary of State may in regulations—
- (a) prescribe a different form of ballot paper from that in the Appendix;
 - (b) amend or replace the directions as to printing the ballot paper in the Appendix;
 - (c) in consequence of anything done for the purposes of paragraph (a) or (b), amend or replace the Form of directions for the guidance of the voters in voting in the Appendix.]

Textual Amendments

- F1** Words in [Sch. 1 rule 19\(2\)\(c\)](#) 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. 87](#); [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](#)
- F2** [Sch. 1 rule 19\(2\)\(d\)](#) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 30(2)(a), 74(2), 77, [Sch. 2](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(n\)\(aa\)\(cc\)\(v\)](#) (subject to transitional provisions in [art. 6, Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 4](#)
- F3** [Sch. 1 rule 19\(2A\)\(2B\)](#) inserted (24.3.1999) by [1998 c. 48, s. 13](#), [Sch. 2 para. 4](#); [S.I. 1999/393](#), [art. 2](#)
- F4** [Sch. 1 rule 19\(4\)](#) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 30(2)(b), 77; [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(n\)](#) (subject to transitional provisions in [art. 6, Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 4](#)

Modifications etc. (not altering text)

- C10** [Sch. 1 rule 19](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)
- C11** [Sch. 1 rule 19](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)
- C12** [Sch. 1 rule 19](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 3\(1\)\(5\)–\(8\)](#), [Sch. 1](#)

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Sch. 1 rule 19 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

[^{F5}Corresponding number list

Textual Amendments

F5 Sch. 1 rule 19A inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(2), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(o) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3

19A (1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 24(1) or provided by him in pursuance of rule 29(1).

(2) The list shall be in such form as the Secretary of State in regulations prescribes.]

Modifications etc. (not altering text)

C13 Sch. 1 rule 19A applied (with modifications) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

The official mark

20 [^{F6}(1) Every ballot paper must contain an appropriate security marking (the official mark).]

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency.

[^{F7}(3) The returning officer may use a different official mark for different purposes at the same election.]

Textual Amendments

F6 Sch. 1 rule 20(1) 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. 88(2); 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 Sch. 1 rule 20(3) 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. 88(3); 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

Modifications etc. (not altering text)

C14 Sch. 1 rules 20, 21 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

C15 Sch. 1 rules 20, 21 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

C16 Sch. 1 rule 20 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1 Sch. 1 rule 20 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

C17 Sch. 1 rule 20 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2 Sch. 1 rule 20 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

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Prohibition of disclosure of vote

- 21 No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state for whom he voted.

Modifications etc. (not altering text)

- C18** Sch. 1 rules 20, 21 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
C19 Sch. 1 rules 20, 21 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
C20 Sch. 1 rule 21 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
 Sch. 1 rule 21 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

Use of schools and public rooms

- 22 (1) The returning officer may use, free of charge, for the purpose of taking the poll—
- (a) a room in a school to which this rule applies;
 - (b) a room the expense of maintaining which is payable out of any rate.
- This rule applies—
- (i) in England and Wales, to a school maintained or assisted by a local education authority^{F8} . . . or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
 - (ii) in Scotland, to a school other than an independent school within the meaning of the^{M1} Education (Scotland) Act 1980;
 - (iii) in Northern Ireland, to a school in receipt of a grant out of moneys appropriated by Measure of the Northern Ireland Assembly.
- (2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll.
- [^{F9}(3) The use of a room in an unoccupied house for that purpose does not render a person liable to be rated or to pay any rate for the house.]
- (4) In Northern Ireland this rule does not apply to any school adjoining or adjacent to any church or other place of worship nor to any school connected with a nunnery or other religious establishment.

Textual Amendments

- F8** Words in Sch. 1 rule 22(1)(i) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
F9 Sch. 1 rule 22(3) repealed (E.W.S.) by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 149, **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C21** Sch. 1 rule 22 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
C22 Sch. 1 rule 22 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
C23 Sch. 1 rule 22 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**
 Sch. 1 rule 22 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

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- C24** Sch. 1 rule 22 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C25** Sch. 1 rule 22(1)(2) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

Marginal Citations

- M1** 1980 c. 44.

ACTION TO BE TAKEN BEFORE THE POLL

Notice of poll

- 23 (1) The returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and hours during which the poll will be taken.
- (2) The returning officer shall also give public notice (which may be combined with the statement of persons nominated) of—
- (a) the situation of each polling station;
 - (b) the description of voters entitled to vote there; ^{F10}
 - ^{F11}(c)
- [^{F12}and he shall as soon as practicable after giving such a notice give a copy of it to each of the election agents]
- ^{F13}(3)

Textual Amendments

- F10** Word repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 77(a), Sch. 5
- F11** Sch. 1 rule 23(2)(c) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 77(a), Sch. 5
- F12** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 77(a)
- F13** Sch. 1 rule 23(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 77(b), Sch. 5

Modifications etc. (not altering text)

- C26** Sch. 1 rule 23 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C27** Sch. 1 rule 23 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C28** Sch. 1 rule 23 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1
Sch. 1 rule 23 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2
- C29** Sch. 1 rule 23 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C30** Sch. 1 rule 23(1) applied (with modifications) (31.7.1997) by S.I. 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

Postal ballot papers

- [^{F14}^{F15}2(4)] The returning officer shall, in accordance with regulations, issue to those entitled to vote by post—
- (a) a ballot paper;

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- (b) at an election held in England and Wales or Scotland, a postal voting statement in the prescribed form;
 - (c) at an election held in Northern Ireland, a declaration of identity in the prescribed form;
- together with such envelopes for their return as may be prescribed.
- (2) The returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—
- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
 - (b) a translation into Braille of such directions or guidance;
 - (c) graphical representations of such directions or guidance;
 - (d) the directions or guidance in any other form (including any audible form).
- (3) The prescribed form shall include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).
- (4) In the case of a ballot paper issued to a person resident in the United Kingdom, the returning officer must ensure that the return of the ballot paper and postal voting statement or declaration of identity is free of charge to the voter.
- (5) In any other case, regulations may provide that the returning officer must so ensure.]

Textual Amendments

F14 Sch. 1 rule 24 substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), [ss. 37, 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(r\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 3](#)

F15 Sch. 1 rule 24 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2](#), [s. 15\(1\)](#), [Sch. 6 para. 10\(1\)\(3\)](#); [S.I. 2001/116](#), [art. 2\(1\)\(2\)](#) (with [art 2\(4\)](#))

Modifications etc. (not altering text)

C31 Sch. 1 rule 24 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), [arts. 1\(2\), 3](#), [Sch. 1](#))

Provision of polling stations

- 25 (1) The returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.
- (2) One or more polling stations may be provided in the same room.
- (3) the polling station allotted to electors from any polling district shall be in the polling place for that district.
- (4) In a constituency in Scotland comprising the whole or any part of more [^{F16}local government areas] than one, there shall be at least one polling station in each of those [^{F16}local government areas].
- (5) the returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

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Textual Amendments

F16 Words in [Sch. 1 rule 25\(4\)](#) substituted (1.4.1996) by [S.I. 1996/739](#), art. 7(1), [Sch. 1 Pt. I para. 5\(5\)\(b\)](#)

Modifications etc. (not altering text)

C32 [Sch. 1 rule 25](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

C33 [Sch. 1 rule 25](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

C34 [Sch. 1 rule 25](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)
[Sch. 1 rule 25](#) applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)

C35 [Sch. 1 rule 25](#) applied (with modifications) (31.7.1997) by [S.I. 1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 2
[Sch. 1 rule 25](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3, [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, [Sch. 1](#))

Appointment of presiding officers and clerks

- 26 (1) The returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.
- (2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.
- (3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station [^{F17}or refuse to deliver a ballot paper under paragraph (1C) of rule 37 (including that paragraph as applied by rule 38, 39 or 40)].

Textual Amendments

F17 Words inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985](#) (c. 2, SIF 42), s. 2(2)

Modifications etc. (not altering text)

C36 [Sch. 1 rule 26](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

C37 [Sch. 1 rule 26](#) applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

C38 [Sch. 1 rule 26](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)
[Sch. 1 rule 26](#) applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)

C39 [Sch. 1 rule 26](#) applied (with modifications) (31.7.1997) by [S.I. 1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 2
[Sch. 1 rule 26](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3, [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, [Sch. 1](#))

Special lists

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Textual Amendments

F18 Sch. 1 rule 27 repealed S.I. 1986/1080, arts. 3, 4(2)(c), Sch. by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, Sch. 5

Issue of official poll cards

- 28 ^{F19}(1) The returning officer shall as soon as practicable after the publication of notice of the election send to electors and their proxies an official poll card.
- (1A) An official poll card shall not be sent to a person registered, or to be registered, in pursuance of an overseas elector's declaration.]
- (2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.
- (3) The official poll card shall be in the prescribed form and shall set out—
- (a) the name of the constituency;
 - (b) the elector's name, qualifying address and number on the register;
 - (c) the date and hours of the poll and the situation of the elector's polling station.
- ^{F20}(d) such other information as is prescribed;
- (e) such other information as the returning officer thinks appropriate, and different information may be provided in pursuance of sub-paragraph (d) and (e) to different electors or descriptions of elector.]
- ^{F21}(3A) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b) above the polling card shall contain such matter as is prescribed.]
- (4) Paragraph (6) of rule 7 above applies for the interpretation of this rule.

Textual Amendments

- F19** Sch. 1 rule 28(1)(1A) substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) for Sch. 1 rule 28(1) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 70(2); 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, 3
- F20** Sch. 1 rule 28(3)(d)(e) and words inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 70(3); 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, 3
- F21** Sch. 1 rule 28(3A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, Sch. 1 para. 14(3); S.I. 2006/3412, art. 3, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)

Modifications etc. (not altering text)

- C40** Sch. 1 rule 28 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C41** Sch. 1 rule 28 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C42** Sch. 1 rule 28 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1 Sch. 1 rule 28 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2 Sch. 1 rule 28 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C43** Sch. 1 rule 28(1)–(3) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

Status: Point in time view as at 01/07/2008.

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Equipment of polling stations

- 29 (1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.
- (2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked.
- (3) The returning officer shall provide each polling station with—
- (a) materials to enable voters to mark the ballot papers;
 - (b) ^{F22}
 - (c) copies of the register of electors or such part of it as contains the [^{F23}entries relating to] the electors allotted to the station;
 - (d) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under subparagraph (c) above.
 - [^{F24}(e) a list consisting of that part of the list prepared under rule 19A which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.]
- [^{F25}(3A) The returning officer shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and
 - (b) a device of such description as may be prescribed for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 39(1)).]
- (4) A notice in the form in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.
- (5) In every compartment of every polling station there shall be exhibited [^{F26}the notice "Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted."]
- [^{F27}(6) The reference in paragraph (3)(c) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of this Act in respect of alterations to the register.]

Appointment of polling and counting agents

- 30 (1) Each candidate may, before the commencement of the poll, appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
 - (b) counting agents to attend at the counting of the votes.
- (2) The returning officer may limit the number of counting agents, so however that—
- (a) the number shall be the same in the case of each candidate; and
 - (b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.
- (3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be

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- so given not later than the second day (computed like any period of time in the Timetable) before the day of the poll.
- (4) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.
 - (5) ^{F28} . . . any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.
 - (6) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents—
 - (a) whose appointments have been duly made and notified; and
 - (b) where the number of agents is restricted, who are within the permitted number.
 - (7) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment.
 - (8) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
 - (9) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling agent or counting agents.
 - (10) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Textual Amendments

F28 Words in [Sch. 1 rule 30\(5\)](#) repealed (16.2.2001) by [2000 c. 41, s. 158\(2\)](#), [Sch. 22](#) (with [s. 156\(6\)](#)); [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

Modifications etc. (not altering text)

C49 [Sch. 1 rule 30](#) applied with modifications (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)

C50 [Sch. 1 rule 30](#) applied with modifications (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\)](#), [Sch. 1 Pt. I](#)

C51 [Sch. 1 rule 30](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)–\(8\)](#), [Sch. 1](#)
[Sch. 1 rule 30](#) applied (with modifications) (25.4.1998) by [S.I. 1998/1126, art. 6](#), [Sch. 2](#)

C52 [Sch. 1 rule 30](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599, art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256, arts. 1\(2\), 3](#), [Sch. 1](#))

C53 [Sch. 1 rule 30\(2\)\(9\)](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(b\)\(6\)\(d\)](#) (7)

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[^{F29} Notification of requirement of secrecy]

Textual Amendments

F29 Sch. 1 rule 31 substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 80

- ^{F30}31 The returning officer shall make such arrangements as he thinks fit to ensure that—
- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of this Act; and
 - (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.]

Textual Amendments

F30 Sch. 1 rule 31 substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 80

Modifications etc. (not altering text)

- C54** Sch. 1 rule 31 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C55** Sch. 1 rule 31 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C56** Sch. 1 rule 31 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1 Sch. 1 para. 31 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2
- C57** Sch. 1 rule 31 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2
Sch. 1 rule 31 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

[^{F31} Return of postal ballot papers]

Textual Amendments

F31 Sch. 1 rule 31A inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 45(2), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(u) (subject to transitional provisions in art. 6, Sch. 2)S. 61(6A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 38(3), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(s) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts 2, 4

- 31A (1) Where—
- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
 - (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,
- the returning officer must mark the list in the prescribed manner.
- (2) For the purposes of paragraph (1) above, regulations may prescribe the circumstances in which a postal vote or a proxy postal vote (as the case may be) is or is not to be treated as having been returned.

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- (3) Rule 45(1B) and (2) below does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.]

Modifications etc. (not altering text)

C58 Sch. 1 rule 31A(1)(3) applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

THE POLL

Admission to polling station

- 32 ^{F32}(1) The presiding officer shall exclude all persons from the polling station except—
- (a) voters;
 - (b) persons under the age of 18 who accompany voters to the polling station;
 - (c) the candidates and their election agents;
 - (d) the polling agents appointed to attend at the polling station;
 - (e) the clerks appointed to attend at the polling station;
 - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
 - (g) the constables on duty; and
 - (h) the companions of voters with disabilities.
- (1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.]
- (2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.
- (3) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of this Act, except on production and surrender of a certificate as to his employment, which shall be in the prescribed form and signed by the prescribed officer of police or by the returning officer, as the case may be.
- (4) Any certificate surrendered under this rule shall forthwith be cancelled.

Textual Amendments

F32 Sch. 1 rule 32(1)(1A) substituted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) for Sch. 1 rule 32(1) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 84; S.I. 2006/3412, art. 5; S.I. 2008/1316, arts. 2, 4

Modifications etc. (not altering text)

C59 Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

C60 Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

C61 Sch. 1 rule 32 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1
Sch. 1 rule 32 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

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- C62** Sch. 1 rule 32 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as amended (13.11.2003) by S.I. 2003/2989, art. 2(2) and as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C63** Sch. 1 rule 32(2) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(6)(d)(7)
- C64** Sch. 1 rule 32(1)(3)(4) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

Keeping of order in station

- 33 (1) It is the presiding officer's duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—
- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the returning officer to remove him,
- and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Modifications etc. (not altering text)

- C65** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C66** Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C67** Sch. 1 rule 33 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1 Sch. 1 rule 33 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2
- C68** Sch. 1 rule 33 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2 Sch. 1 rule 33 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

Sealing of ballot boxes

- 34 Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Modifications etc. (not altering text)

- C69** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C70** Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C71** Sch. 1 rule 34 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1 Sch. 1 rule 34 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

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C72 Sch. 1 rule 34 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
Sch. 1 rule 34 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

Questions to be put to voters

[^{F33}35 (1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) shall be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put:

<i>Person applying for ballot paper</i>	<i>Questions</i>
1 A person applying as an elector.	(a) “Are you the person registered in the register of parliamentary electors for this election as follows (<i>read out the whole entry from the register</i>)” R (b) “Have you already voted, here or elsewhere, at this election, otherwise than as proxy for some other person” R (c) At an election held in Northern Ireland, “What is your date of birth”
2 A person applying as proxy.	(a) “Are you the person whose name appears as A.B. in the list of proxies for this election (b) “Have you already voted here or elsewhere at this election, as proxy on behalf of C.D.” R as entitled to vote as proxy on behalf of C.D.” R (c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C.D.” R
3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2 above).	(a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)” R (b) “Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)” R (c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number from the register</i>)” R

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4 Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative.	“Have you at this election already voted in this constituency on behalf of two persons of whom you are not the spouse, civil partner, parent, grand-parent, brother/sister, child or grandchild?” [R]
5 A person applying as an elector in relation to whom there is an entry in the postal voters list.	(a) “Did you apply to vote by post” (b) “Why have you not voted by post”
6 A person applying as proxy who is named in the proxy postal voters list.	(a) “Did you apply to vote by post as proxy” (b) “Why have you not voted by post as proxy”

- (2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D).
- [^{F34}(2A) In the case of an elector in respect of whom a notice has been issued under section 13BA(9), the reference in the question at entry 1(a) to reading from the register must be taken as a reference to reading from the notice issued under section 13BA(9).]
- (3) A ballot paper shall not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.
- (4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.]

Textual Amendments

- F33** Sch. 1 rule 35 substituted (1.1.2007 for E.W.S, 1.7.2008 for N.I. for certain purposes) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 74**; 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**
- F34** Sch. 1 rule 35(2A) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(3)**; S.I. 2008/1318, **art. 2**

Modifications etc. (not altering text)

- C73** Sch. 1 rule 35 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C74** Sch. 1 rule 35 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C75** Sch. 1 rule 35 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
Sch. 1 rule 35 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C76** Sch. 1 rule 35 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
Sch. 1 rule 35 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

Challenge of voter

- [^{F35}36 A person shall not be prevented from voting by reason only that—
- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or

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- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.]

Textual Amendments

F35 Sch. 1 rule 36 substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77, [Sch. 1 para. 132](#); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 14(aa)(bb)(v) (subject to transitional provisions in [art. 6](#), Sch. 2); S.I. 2008/1316, [arts. 2, 4](#)

Modifications etc. (not altering text)

C77 Sch. 1 rule 36 applied (N.I.) by S.I. 1986/2250, [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)

C78 Sch. 1 rule 36 applied (E.W.S.) by S.I. 1986/2209, [regs. 2, 3, 5\(1\)\(6\)–\(8\)](#), [Sch. 1 Pt. I](#)

C79 Sch. 1 rule 36 was prospectively repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. I](#) but before that repeal was brought into force, the relevant repealing provision was itself repealed (16.7.1985) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, [Sch. 5](#)

C80 Sch. 1 rule 36 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(b\)\(5\)–\(8\)](#), [Sch. 1](#)

Sch. 1 rule 36 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, [art. 6](#), [Sch. 2](#)

C81 Sch. 1 rule 36 applied (with modifications) (31.7.1997) by [1997 c. 61, s. 3](#), [Sch. 3 para. 13](#) Table 2

Sch. 1 rule 36 applied (with modifications) (1.8.2001) by S.I. 2001/2599, [art. 3](#), Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, [arts. 1\(2\), 3](#), [Sch. 1](#))

Voting procedure

- [^{F36}37] (1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors shall be called out;
 - (b) the number of the elector shall be marked on the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him;
 - (c) a mark shall be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;
 - (d) the voter shall sign the list mentioned in rule 29(3)(e) beside the number of the elector marked on the list in accordance with sub-paragraph (b) above; and
 - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
- (2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).
- (3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), paragraph (1) above is modified as follows—
- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of this Act”;
 - (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of this Act”.
- (4) Paragraph (1)(d) above does not apply to a voter to whom rule 38 or 39 applies.

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- (5) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (6) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.]

Votes marked by presiding officer

- 38 (1) [^{F37}Subject to paragraph (1A) below, the] presiding officer, on the application of a voter—
- (a) who is incapacitated by blindness or other [^{F38}disability] from voting in manner directed by these rules, or
 - (b) who declares orally that he is unable to read,
- shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

[^{F39}(1A) Paragraphs (1A) to (1G) of rule 37 shall apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but reading references to delivering a ballot paper to a voter as references to causing a voter's vote to be marked on a ballot paper.]

- (2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

[^{F40}(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, paragraph (2) above applies as if for "on the register of electors of every voter" there were substituted relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D).]

[^{F41}(4) In the case of a person in respect of whom a notice has been issued under section 13BA(9), paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13BA(9)".]

Textual Amendments

- F37** Words substituted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), **s. 2(3)(b)**
- F38** Word in Sch. 1 rule 38(1)(a) 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. 77**; 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**
- F39** Sch. 1 rule 38(1A) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), **s. 1(3)**
- F40** Sch. 1 rule 38(3) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 11(6), 77, **Sch. 1 para. 35**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)

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F41 Sch. 1 rule 38(4) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(5)**; S.I. 2008/1318, **art. 2**

Modifications etc. (not altering text)

C84 Sch. 1 rule 38 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

C85 Sch. 1 rule 38 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

C86 Sch. 1 rule 38 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
Sch. 1 rule 38 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

C87 Sch. 1 rule 38 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
Sch. 1 rule 38 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

[^{F42} Voting by persons with disabilities]

Textual Amendments

F42 Sch. 1 rule 39 and preceding cross-heading substituted (16.2.2001) by 2000 c. 2, s. **13(1)(3)**; S.I. 2001/116, **art. 2(1)**

^{F43}[39 (1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other physical incapacity, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person shall be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered

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on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

- (5) The declaration made by the companion—
- (a) shall be in the form in the Appendix; and
 - (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.
- (6) No fee or other payment shall be charged in respect of the declaration.]

Textual Amendments

F43 Sch. 1 rule 39 and preceding cross-heading substituted (16.2.2001) by 2000 c. 2, s. 13(1)(3); S.I. 2001/116, art. 2(1)

Modifications etc. (not altering text)

C88 Sch. 1 rule 39 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

Tendered ballot papers

- 40 (1) If a person, representing himself to be—
- (a) a particular elector named on the register and not named in the absent voters list, or
 - (b) a particular person named in the list of proxies as proxy for an elector and not ^{F44} entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

[^{F45}(1ZA) Paragraph (1ZC) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(1ZB) Paragraph (1ZC) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(1ZC) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.]

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- [^{F46}(1ZD) Paragraph (1ZE) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—
- (a) a particular elector named on the register and who is also named in the postal voters list, or
 - (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,
- and claims that he has lost or has not received his postal ballot paper.
- (1ZE) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.]
- [^{F47}(1ZF) A person to whom a ballot paper is not delivered under paragraph (3) of rule 35 following his unsatisfactory answer to the question at entry 1(c) in the table in paragraph (1) of that rule shall, if he satisfactorily answers any other questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.]
- [^{F48}(1A) Paragraphs (1A) to (1G) of rule 37 shall apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1) above as they apply in the case of a voter who applies for a ballot paper under rule 37(1).
- (1B) Paragraph (1C) below applies where
- [^{F49}(a) under paragraph (3) of rule 35 a ballot paper is not delivered to a person following his unsatisfactory answer to the question in paragraph (1A) of that rule; or
 - (b)] a presiding officer refuses to deliver a ballot paper to a person under paragraph (1C) of rule 37 (including that paragraph as applied by rule 38 or 39 of this rule).
- (1C) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.]
- (2) A tendered ballot paper shall—
- (a) be of a colour differing from the other ballot papers;
 - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.
- (3) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the “tendered votes list”) [^{F50}and the voter must sign the list opposite the entry relating to him].
- (4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of that elector.
- [^{F51}(4A) This rule applies to an elector who has an anonymous entry subject to the following modifications—

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- (a) in paragraphs (2)(b) and (3) the references to the name of the voter must be ignored;
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears on the register or list (as the case may be).]

[^{F52}(4B) This rule applies in the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) as if—

- (a) in paragraphs (1)(a), (1ZA)(a) and (1ZD)(a) for “named on the register” there were substituted in respect of whom a notice under section 13B(3B) or (3D) of this Act has been issued;
- (b) in paragraph (2)(b) for “his number in the register of electors” there were substituted the number relating to him on a notice issued under section 13B(3B) or (3D) of this Act;
- (c) in paragraph (3) for “his number on the register of electors” there were substituted the number relating to him on a notice issued under section 13B(3B) or (3D) of this Act.]

[^{F53}(4C) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) as if—

- (a) in paragraphs (1)(a), (1ZA)(a) and (1ZD)(a) for “named on the register” there were substituted “in respect of whom a notice under section 13BA(9) has been issued”;
- (b) in paragraph (2)(b) for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9)”;
- (c) in paragraph (3) for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9)”.]

[^{F54}(5) A person who marks a tendered ballot paper under paragraph (1C) above shall sign the paper, unless it was marked after an application was refused under rule 38 or 39.

(6) A paper which is required to be signed under paragraph (5) above and is not so signed shall be void.]

Textual Amendments

F44 Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 11, 28, Sch. 2 para. 7, Sch. 5

F45 Sch. 1 rule 40(1ZA)-(1ZC) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 38(1), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(s) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4

F46 Sch. 1 rule 40(1ZD)(1ZE) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 38(2), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(s) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4

F47 Sch. 1 rule 40(1ZF) 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. 81(2); 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

F48 Sch. 1 rule 40(1A)-(1C) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 1(5)

F49 Words in Sch. 1 rule 40(1B) inserted (N.I.) (1.12.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 2(4); S.I. 2002/1648, art. 4

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- F50** Words in Sch. 1 rule 40(3) 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. 81(3)**; 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**
- F51** Sch. 1 rule 40(4A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, **Sch. 1 para. 14(5)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)
- F52** Sch. 1 rule 40(4B) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, **Sch. 1 para. 37**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)
- F53** Sch. 1 rule 40(4C) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(7)**; S.I. 2008/1318, **art. 2**
- F54** Sch. 1 rule 40(5)(6) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), **s. 1(6)**

Modifications etc. (not altering text)

- C89** Sch. 1 rule 40 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C90** Sch. 1 rule 40 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C91** Sch. 1 rule 40 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
Sch. 1 rule 40 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C92** Sch. 1 rule 40 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
Sch. 1 rule 40 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

[^{F55} Refusal to deliver ballot paper]

Textual Amendments

- F55** Sch. 1 rule 40A inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), **s. 2(4)**

[^{F56}40A(1) This rule applies where a presiding officer refuses to deliver a ballot paper under paragraph (1C) of rule 37 (including that paragraph as applied by rule 38, 39 or 40).

- (2) The refusal shall be subject to review on an election petition but, subject to that, shall be final and shall not be questioned in any proceeding whatsoever.]

Textual Amendments

- F56** Sch. 1 rule 40A inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), **s. 2(4)**

Modifications etc. (not altering text)

- C93** Sch. 1 rule 40A applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C94** Sch. 1 rule 40A applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
Sch. 1 rule 40A applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
Sch. 1 rule 40A applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

Spoilt ballot papers

- 41 A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another

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ballot paper in the place of the ballot paper so delivered (in these rules referred to as “a spoiled ballot paper”), and the spoiled ballot paper shall be immediately cancelled.

Modifications etc. (not altering text)

- C95** Sch. 1 rules 41, 42 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C96** Sch. 1 rules 41, 42 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C97** Sch. 1 rule 41 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
Sch. 1 rule 41 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C98** Sch. 1 rule 41 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
Sch. 1 rule 41 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

^{F57} Correction of errors on day of poll

Textual Amendments

- F57** Sch. 1 rule 41A inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, **Sch. 1 para. 38**; S.I. 2006/3412, art. 3, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)

- 41A The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of this Act which takes effect on the day of the poll.]

^{F58} Correction of errors on day of poll: Northern Ireland

Textual Amendments

- F58** Sch. 1 rule 41B inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(8)**; S.I. 2008/1318, art. 2

- 41B The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) which takes effect on the day of the poll.]

Modifications etc. (not altering text)

- C99** Sch. 1 rule 41B applied (with modifications) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

Adjournment of poll in case of riot

- 42 (1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.
- (2) Where the poll is adjourned at any polling station—

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- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in this Act to the close of the poll shall be construed accordingly.

Modifications etc. (not altering text)

C100 Sch. 1 rules 41, 42 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

C101 Sch. 1 rules 41, 42 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

C102 Sch. 1 rule 42 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
Sch. 1 rule 42 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

C103 Sch. 1 rule 42 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
Sch. 1 rule 42 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

Procedure on close of poll

- 43 (1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—
- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
 - (b) the unused and spoilt ballot papers placed together,
 - (c) the tendered ballot papers,
 - (d) the marked copies of the register of electors [^{F59}(including any marked copy notices issued under section 13B(3B) or (3D) of this Act)] and of the list of proxies,
 - ^{F60}(da) the lists prepared under rule 19A, including the parts which were completed in accordance with rule 37(1)(b) and (d) (together referred to in these rules as “the completed corresponding number lists”);]
 - (e) ^{F61} . . . the certificates as to employment on duty on the day of the poll,
 - (f) the tendered votes list, the list of [^{F62}voters with disabilities] assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads [^{F63}“disability”] and “unable to read”, [^{F64}the list maintained under rule 41A,] and the declarations made by the companions of [^{F62}voters with disabilities],
- and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.
- (2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the [^{F65}completed corresponding number lists or] the certificates as to employment on duty on the day of the poll.
- (3) The packets shall be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

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- [^{F66}(4) This rule applies in relation to Northern Ireland as if—
- (a) the reference in paragraph (1)(d) to the marked copies of the register of electors included any marked copy notices issued under section 13BA(9), and
 - (b) paragraph (1)(f) referred to the list maintained under rule 41B.]

Textual Amendments

- F59** Words in Sch. 1 rule 43(1)(d) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, **Sch. 1 para. 39(a)**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)
- F60** Sch. 1 rule 43(1)(da) inserted (1.1.2007 for E.W.S. for certain purposes and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 31(4)(a), 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(p) (subject to transitional provisions in art. 6, Sch. 2)
- F61** Words in Sch. 1 rule 43(1)(e) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(4)(b), 74(2), 77, **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(p) (aa)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F62** Words in rule 43(1)(f) substituted (16.2.2001) by 2000 c. 2, s. 13(1)(4); S.I. 2001/116, **art. 2(1)**
- F63** Word in Sch. 1 rule 43(1)(f) 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. 79**; 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**
- F64** Words in Sch. 1 rule 43(1)(f) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, **Sch. 1 para. 39(b)**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)
- F65** Words in Sch. 1 rule 43(2) substituted (1.1.2007 for E.W.S. for certain purposes and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(4)(c), 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(p) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F66** Sch. 1 rule 43(4) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(9)**; S.I. 2008/1318, **art. 2**

Modifications etc. (not altering text)

- C104** Sch. 1 rules 43, 44 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C105** Sch. 1 rules 43, 44 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C106** Sch. 1 rule 43 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
Sch. 1 rule 43 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C107** Sch. 1 rule 43 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
Sch. 1 rule 43 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

COUNTING OF VOTES

Attendance at counting of votes

- 44 (1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

Status: Point in time view as at 01/07/2008.

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- (2) No person other than—
- (a) the returning officer and his clerks,
 - (b) the candidates and [^{F67}one other person chosen by each of them] ,
 - (c) the election agents,
 - (d) the counting agents,
 - [^{F68}(e) 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 returning officer to attend.
- (3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he—
- (a) is satisfied that the efficient counting of the votes will not be impeded; and
 - (b) has either consulted the election agents or thought it impracticable to do so.
- (4) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.
- (5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

Textual Amendments

F67 Words in [Sch. 1 rule 44\(2\)\(b\)](#) substituted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 85\(2\)](#); S.I. 2006/3412, [art. 5](#); S.I. 2008/1316, [arts. 2, 4](#)

F68 [Sch. 1 rule 44\(2\)\(e\)](#) inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 85\(3\)](#); S.I. 2006/3412, [art. 5](#); S.I. 2008/1316, [arts. 2, 4](#)

Modifications etc. (not altering text)

C108 [Sch. 1 rules 43, 44](#) applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, [Sch. 1 Pt. I](#)

C109 [Sch. 1 rules 43, 44](#) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

C110 [Sch. 1 rule 44](#) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(5\)–\(8\)](#), [Sch. 1](#)
[Sch. 1 rule 44](#) applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, [art. 6](#), [Sch. 2](#)

C111 [Sch. 1 rule 44](#) applied (with modifications) (1.8.2001) by S.I. 2001/2599, [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by S.I. 2009/256, [arts. 1\(2\), 3](#), [Sch. 1](#))

C112 [Sch. 1 rule 44\(5\)](#) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(b\)\(6\)\(d\)\(7\)](#)

The count

- 45 [^{F69}(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

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- (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.]
- [^{F70}(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, ^{F71} . . .
 - (b) [^{F72}the postal voting statement], duly signed ^{F73} . . . is also returned in the prescribed manner and reaches him or such a polling station before that time.]
 - [^{F74}(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 [^{F75}, in Northern Ireland,] be deemed to be duly returned unless
- [^{F76}(a)] it is returned in the proper envelope [^{F76} 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]^{F77}, 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.]
- [^{F78}(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.
 - (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 [^{F79} 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.

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- (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.

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.

Textual Amendments

- F69** 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**
- F70** 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))
- F71** 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**
- F72** 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**
- F73** 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**
- F74** 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**
- F75** 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))
- F76** 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))
- F77** 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))
- F78** 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))
- F79** 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**

Modifications etc. (not altering text)

- C113** 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**
 Sch. 1 rule 45 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

Status: Point in time view as at 01/07/2008.

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Recount

- 46 (1) A candidate or his election agent may, if present when the counting or any recount of the votes is completed, require the returning officer to have the votes recounted or again recounted but the returning officer may refuse to do so if in his opinion the request is unreasonable.
- (2) No step shall be taken on the completion of the counting or any recount of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Modifications etc. (not altering text)

C114 Sch. 1 rules 46–49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

C115 Sch. 1 rule 46 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

Rejected ballot papers

- 47 (1) Any ballot paper—
- (a) which does not bear the official mark, or
 - (b) on which votes are given for more than one candidate, or
 - (c) on which anything is written or marked by which the voter can be identified except the printed number [^{F80}and other unique identifying mark] on the back, or
 - (d) which is unmarked or void for uncertainty,
- shall, subject to the provisions of the next following paragraph, be void and not counted.
- (2) A ballot paper on which the vote is marked—
- (a) elsewhere than in the proper place, or
 - (b) otherwise than by means of a cross, or
 - (c) by more than one mark,
- shall not for such reason be deemed to be void if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.
- (3) The returning officer shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if an objection is made by a counting agent to his decision.
- (4) The returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—
- (a) want of official mark;
 - (b) voting for more than one candidate;
 - (c) writing or mark by which voter could be identified;
 - (d) unmarked or void for uncertainty.

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Textual Amendments

F80 Words in Sch. 1 rule 47(1)(c) 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. 92**; 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**

Modifications etc. (not altering text)

C116 Sch. 1 rules 46–49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
C117 Sch. 1 rule 47 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
 Sch. 1 rule 47 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**
 Sch. 1 rule 47 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
C118 Sch. 1 rule 47 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

Decisions on ballot papers

48 The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

Modifications etc. (not altering text)

C119 Sch. 1 rules 46–49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
C120 Sch. 1 rule 48 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
 Sch. 1 rule 48 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 1**

Equality of votes

49 Where, after the counting of the votes (including any recount) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Modifications etc. (not altering text)

C121 Sch. 1 rules 46–49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
C122 Sch. 1 rule 49 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

Status:

Point in time view as at 01/07/2008.

Changes to legislation:

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