

Status: Point in time view as at 01/01/2007.

Changes to legislation: Representation of the People Act 1983, Cross Heading: Votes marked by presiding officer is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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**
- C1** 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
- C1** 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1985 c. 50, s. 15(1)(2) (as applied (with modifications) (28.4.1999) by S.I. 1999/1214, reg. 8, **Sch. 3**) (which S.I. was revoked (23.3.2004) by S.I. 2004/293, **reg. 126**)
- C1** Sch. 1 modified (E.W.) by S.I. 1986/1081, **regs. 2, 97, 98, 100** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
- C1** 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**
- C1** Sch. 1 extended (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 6(1)-(4)**

PART III

CONTESTED ELECTIONS

THE POLL

Votes marked by presiding officer

- 38 (1) [^{F1}Subject to paragraph (1A) below, the] presiding officer, on the application of a voter—
- (a) who is incapacitated by blindness or other [^{F2}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.
- [^{F3}(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

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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.

- [^{F4}(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).]

Textual Amendments

- F1** Words substituted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\), s. 2\(3\)\(b\)](#)
- F2** Word in Sch. 1 rule 38(1)(a) substituted (1.1.2007 for E.W.S. and otherwise prosp.) 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)
- F3** Sch. 1 rule 38(1A) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\), s. 1\(3\)](#)
- F4** 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)

Modifications etc. (not altering text)

- C1** Sch. 1 rule 38 applied (with modifications) (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)
- C2** Sch. 1 rule 38 applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. I](#)
- C3** 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](#)
- C4** 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\(1\), Sch. 1](#)

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