

SCHEDULE 1

Article 6.

RULES FOR ELECTION OF COMMISSIONERS

1. In this Schedule—

“electors” means the Padstow electors, the St. Minver electors or the Wadebridge electors, as the case may be;

“relevant area” means the Padstow area, the St. Minver area or the Wadebridge area, as the case may be.

2. The Clerk for the time being to the Commissioners shall be the returning officer for the election of Commissioners under the provisions of this Order and it shall be the duty of the returning officer to do all such acts and things as may be necessary for effectually conducting the elections in the manner provided by those rules.

3. The returning officer shall make arrangements for the nomination of candidates for the election in each relevant area, in the case of the first election, of three Commissioners and, in the case of subsequent elections, of one Commissioner and—

(a) as soon as maybe after the coming into force of the Padstow Harbour Revision Order 1987; and

(b) during every subsequent January,

shall publish notice by advertisement in one or more local newspapers circulating in the relevant area and by such other means as the Commissioners may think fit of the closing day fixed for the nomination of candidates for the election to be held that year. The day so fixed must be

(i) for the first election, not earlier than one week or later than three weeks after the first publication of the notice;

(ii) in subsequent years, not later than 14th February.

4. Any elector for a relevant area may nominate for election as a Commissioner any other such elector and such nomination must be seconded by another such elector to be a valid nomination. A person who is already an elected Commissioner may be nominated as aforesaid for election for a further term of office and a nominator or seconder shall not be disqualified from so nominating or seconding by reason of his being a Commissioner in office. A nominator must deliver his nomination to the returning officer together with a signed statement by the person nominated that he is willing to be nominated for election as a Commissioner.

5.—(1) At the first election, if no more than three candidates are duly nominated each shall be elected without a poll. If fewer than three candidates are duly nominated the Commissioners shall, as soon as practicable after the new constitution date, fill up each vacancy by appointing a person who must be an elector for the relevant area and consenting to be appointed.

(2) At any election after the first, if only one candidate is duly nominated he shall be elected without a poll. If no candidate is duly nominated the Commissioners shall, as soon as practicable after the 1st April in the year in question, fill up the vacancy by appointing a person who must be an elector for the relevant area and consenting to be appointed.

(3) A person who is appointed under sub-paragraph (1) and (2) above shall hold office from the date of his appointment.

6. At any election, if the number of candidates duly nominated exceeds the number of vacancies a poll shall be taken in accordance with the following provisions of this Schedule.

7. The votes at the poll shall be given by ballot and every elector shall be entitled to vote.

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8. The ballot of every elector shall consist of a ballot paper and the persons duly nominated for election and no others shall be entitled to have their names inserted in the ballot paper and each ballot paper shall—

- (a) contain the names and addresses of the candidates;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on the face.

9.—(1) Every ballot paper shall be marked with an official mark which shall perforate the ballot paper.

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

10. The Commissioners shall arrange for the poll to be taken at such place or places within the relevant area as they consider appropriate and between such hours and on such day in each area as they may appoint, being

- (a) for the first election, not earlier than fourteen or later than twenty-eight days after the nomination of candidates, and
- (b) in subsequent years, not later than 15th March.

11. At least one week before the day appointed for taking the poll the returning officer shall publish by advertisement in one or more local newspapers circulating in the relevant area and by such other means as the Commissioners think fit a public notice stating—

- (a) that a poll is to be taken for the election of Commissioners or a Commissioner as the case may be;
- (b) the situation of each polling station;
- (c) the description of electors entitled to vote there;
- (d) the mode in which electors are to vote; and
- (e) the names and addresses of the candidates for election.

12. The returning officer shall provide a sufficient number of polling stations and, if there is more than one in the relevant area, shall allot the electors to the polling stations in such manner as he thinks most convenient.

13. 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. Such presiding officer shall conduct the taking of votes at the polling station where he presides. The returning officer may, if he thinks fit, act as a presiding officer.

14.—(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) instruments for stamping on them the official mark;
- (c) copies of the register of parliamentary electors or such part of it as contains the names of the electors allotted to the station;

(4) A notice shall be printed in conspicuous characters and exhibited inside and outside every polling station stating—

- (a) in the case of the first election that an elector may vote for not more than three candidates and, in the case of subsequent electors, that an elector may only vote for one candidate; and
- (b) that an elector should indicate the candidates or, in the case of elections other than the first, the candidate, for whom he wishes to vote by marking a cross on the ballot paper against each of their names or, as the case may be, the name of that candidate.

15.—(1) A ballot paper shall be delivered to an elector who applies for one and immediately before delivery—

- (a) the ballot paper shall be stamped with the official mark;
- (b) the number, name and description of the elector as stated in the register of parliamentary electors shall be called out;
- (c) the number of the elector shall be marked on the counterfoil;
- (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received.

(2) The elector, 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 his paper, so as to disclose the official mark, and put the ballot paper into the ballot box in the presiding officer's presence.

16.—(1) The presiding officer, on the application of an elector—

- (a) who is incapacitated by blindness or other physical cause from voting in the manner directed by these rules, or
- (b) who declares orally that he is unable to read,

shall cause the elector's vote to be marked on the ballot paper to be placed in the ballot box.

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

17. An elector 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 ballot paper in the place of the ballot paper so delivered (in these rules referred to as "a spoilt paper"), and the spoilt paper shall be immediately cancelled.

18. As soon as practicable after the close of the poll, the presiding officer at each polling station shall deliver to the returning officer—

- (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;
- (c) the marked copy of the register of parliamentary electors;
- (d) the counterfoils of the used ballot papers;
- (e) the list of votes marked by the presiding officer.

19. The returning officer shall make arrangements for counting the votes and the count shall be proceeded with as expeditiously as possible. Any ballot paper on which the elector has voted for more than, in the case of the first election, three candidates or, in the case of subsequent elections, one

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candidate or which, in the opinion of the returning officer, has not been sufficiently clearly marked, shall be disregarded.

20. After the votes have been counted, in the case of the first election the three candidates having the largest number of votes shall be declared to have been elected and, in the case of subsequent elections, the candidate having the largest number of votes shall be declared to have been elected. In the case of a critical equality of votes the returning officer shall determine by lot which of the candidates in question shall be declared elected.

21. As soon as practicable after the conclusion of the procedure prescribed by the foregoing provisions of this Schedule the returning officer shall publish the names of the person or persons who has or have been elected as a Commissioner or Commissioners in at least one local newspaper circulating in the relevant area.

22. The returning officer's decision upon every question which may arise as respects the procedure at and the conduct of an election shall be final.