

SCHEDULE

Rule 2(7)

REPLACEMENT FOR SCHEDULE 3 TO THE PARISHES AND COMMUNITIES RULES

“SCHEDULE 3

Rule 6

RULES FOR CONDUCT OF AN ELECTION OF COUNCILLORS OF A PARISH OR COMMUNITY WHERE THE POLL IS TAKEN TOGETHER WITH THE POLL AT A RELEVANT ELECTION OR REFERENDUM

ARRANGEMENT OF RULES

PART I

Provisions as to time

1. Timetable
2. Computation of time

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

3. Notice of election

Nomination

4. Nomination of candidates
- 4A. Nomination papers: name of registered political party
5. Subscription of nomination paper
6. Consent to nomination
7. Decisions as to validity of nomination papers
8. Publication of statement of persons nominated
9. Inspection of nomination papers and consents to nomination
10. Withdrawal of candidates
11. Nomination in more than one ward
12. Method of election

PART III

CONTESTED ELECTIONS

General provisions

13. Poll to be taken by ballot
14. The ballot papers
15. The official mark

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

16. Prohibition of disclosure of vote
17. Use of schools and public rooms

Action to be taken before poll

18. Notice of poll
19. Postal ballot papers
20. Provision of polling stations
21. Appointment of presiding officers and clerks
22. Issue of official poll cards
23. Equipment of polling stations
24. Appointment of polling and counting agents
25. Notification of requirement of secrecy

The poll

26. Admission to polling station
27. Keeping of order in station
28. Sealing of ballot boxes
29. Questions to be put to voters
30. Challenge of voter
31. Voting procedure
32. Votes marked by presiding officer
33. Voting by persons with disabilities
34. Tendered ballot papers
35. Spoilt ballot papers
36. Adjournment of poll in case of riot
37. Procedure on close of poll

Counting of votes

38. Attendance at counting of votes
39. The count
40. Re-count
41. Rejected ballot papers
42. Decisions on ballot papers
43. Equality of votes

PART IV

Final proceedings in contested and uncontested elections

44. Declaration of result

PART V

Disposal of documents

45. Sealing up of ballot papers
46. Delivery of documents
47. Orders for production of documents
48. Retention and public inspection of documents

PART VI

Death of candidate

49. Countermand or abandonment of poll on death of candidate

APPENDIX OF — FORMS

- Form of nomination paper.
- Form of candidate's consent to nomination.
- Form of ballot paper.
- Directions as to printing the ballot paper.
- Form of declaration of identity.
- Form of elector's official poll card. Form of proxy's official poll card.
- Form of directions for guidance of the voters in voting.
- Form of certificate of employment.
- Form of declaration to be made by the companion of a voter with disabilities.

PART I

Provisions as to time

Timetable

1. The proceedings at the election shall be conducted in accordance with the following Table.

TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election.
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election, except that where the poll at the parish or community election is combined with the poll at a European Parliamentary election, nomination papers may be delivered until 4 in the afternoon.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Proceeding</i>	<i>Time</i>
Publication of statement as to persons nominated	Not later than noon on the seventeenth day before the day of election.
Delivery of notices of withdrawals of candidature	Not later than noon on the sixteenth day before the day of election.
Notice of poll	Not later than the sixth day before the day of election.
Polling	Between the hours of 8 in the morning and 9 at night on the day of election, except where the polling at any relevant election or referendum is to take place between the hours of 7 in the morning and 10 at night, in which case the polling at the parish or community election shall also take place during those hours.

Computation of time

2.—(1) In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in England and Wales.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

Notice of election

3.—(1) The returning officer shall publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration office in order that they may be effective for the election.

(1) 1971 c. 80.

Nomination

Nomination of candidates

4.—(1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix, delivered at the place fixed for the purpose by the returning officer, which shall be at the offices of the council of the district in which the electoral area wholly or mainly lies.

(2) The nomination paper shall state the candidate's—

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of names.

(3) The description (if any) must not exceed six words in length and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

Nomination papers: name of registered political party

4A.—(1) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral area and the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the returning officer before the last time for the delivery of nomination papers.

(2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party's nominating officer.

(3) For the purposes of the application of this rule in relation to an election "registered political party" means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of election is required to be published.

Subscription of nomination paper

5.—(1) The nomination paper shall be subscribed by two electors as proposer and seconder.

(2) Where a nomination paper has the signatures of more than the required number of persons as proposing or seconding the nomination of a candidate, the signature or signatures appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

(3) The nomination paper shall give the electoral number of each person subscribing it.

(4) The returning officer—

- (a) shall supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and
- (b) shall at any elector's request prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.

(5) A person shall not subscribe more nomination papers than there are vacancies to be filled in the electoral area; nor subscribe any nomination paper in respect of an election in any other ward of the same parish or community whilst the election in the first-mentioned ward is taking place:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.

(6) If a person subscribes any nomination paper in contravention of paragraph (5) above, his signature shall be inoperative on all but those papers (up to the permitted number) which are first delivered.

(7) In this rule “elector”—

- (a) means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election; and
- (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

Consent to nomination

6. A person shall not be validly nominated unless his consent to nomination—

- (a) is given in writing in the form in the Appendix, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
- (b) is attested by one witness, and
- (c) is delivered at the place and within the time for the delivery of nomination papers.

Decisions as to validity of nomination papers

7.—(1) Where a nomination paper and the candidate’s consent to it are delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid; or
- (b) proof is given to the returning officer’s satisfaction of the candidate’s death; or
- (c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and
- (b) that the paper is not subscribed as so required.

(3) Subject to paragraph (3A), as soon as practicable after each nomination paper has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.

(3A) If in the returning officer’s opinion a nomination paper breaks rule 4A(1), he shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers.

(4) Where the returning officer decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(5) The returning officer shall send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

(6) The returning officer’s decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(7) Subject to paragraph (6) above, nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

8.—(1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

Inspection of nomination papers and consents to nomination

9. During ordinary office hours on any day, other than a day specified in rule 2(1) above, after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal of candidates

10.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom; or
- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Nomination in more than one ward

11. A candidate who is validly nominated for more than one ward of the same parish or community must withdraw from his candidature in all those wards except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those wards.

Method of election

12.—(1) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these rules exceeds the number of councillors to be elected, a poll shall be taken in accordance with Part III of these rules.

(2) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these rules does not exceed the number of councillors to be elected, such person or persons shall be declared to be elected in accordance with Part IV of these rules.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART III

CONTESTED ELECTIONS

General provisions

Poll to be taken by ballot

13. 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 or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, shall be declared to have been elected.

The ballot papers

14.—(1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated for the electoral area after any withdrawals under these rules, 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 printed on the back;
- (d) shall have attached a counterfoil with the same number printed on it; and
- (e) shall be of a different colour from that of any ballot papers used at any relevant election or referendum.

(2A) If a candidate who is the subject of a party's authorisation under rule 4A(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 before the last time for the delivery of nomination papers.

(3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

The official mark

15.—(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 for the same parish or community.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

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

Use of schools and public rooms

17.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local education authority 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;
- (b) a room the expense of maintaining which is payable out of any rate.

(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 person of its being used for the purpose of taking the poll or counting the votes.

Action to be taken before the poll

Notice of poll

18.—(1) The returning officer shall publish notice of the poll stating—

- (a) the day and hours fixed for the poll;
- (b) the number of councillors to be elected;
- (c) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated); and
- (d) the names of all the proposer and seconder signing a candidate's nomination paper.

(2) Where a candidate is nominated by more than one nomination paper, the nomination paper referred to in paragraph (1)(d) above shall be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken.

(3) The returning officer shall, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station; and
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(4) The notice published under paragraph (3) above shall—

- (a) state that the poll at the parish or community election is to be taken together with the poll at a relevant election or referendum;
- (b) specify the parliamentary constituency⁽²⁾, local counting area, voting area or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election is held; and
- (c) where any of the polls are to be taken together in part of the local government area only, specify that part.

Postal ballot papers

19. The returning officer shall, in accordance with regulations made under the Representation of the People Act 1983, issue to those entitled to vote by post a postal ballot paper and a declaration of identity in the forms set out in the Appendix, or forms to the like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by such regulations.

(2) For the meaning of "parliamentary constituency", see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provision of polling stations

20.—(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 parliamentary polling district wholly or partly within the electoral area shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

(4) 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.

Appointment of presiding officers and clerks

21.—(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.

Issue of official poll cards

22.—(1) The council of the parish or community may, not later than noon on the nineteenth day before the day of the election, request the returning officer to issue official poll cards for that election.

(2) Where the returning officer receives a request under paragraph (1) above, he shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

(a) as an elector if he is placed on the absent voters list for the election; or

(b) as a proxy if he is entitled to vote by post as proxy at the election.

(3) 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.

(4) The official poll card shall be in the form in the Appendix, or a form to the like effect, and shall set out—

(a) the name of the council and of the electoral division or ward to which councillors are to be elected;

(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.

(5) Paragraph (7) of rule 5 above shall apply for the interpretation of this rule.

(6) If the returning officer and the returning officer for each relevant election or referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election or referendum.

Equipment of polling stations

23.—(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.

(1A) The same ballot box may be used for the poll at the parish or community election and the poll at every relevant election or referendum, if the returning officer thinks fit.

(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 or, where the box has no lock, the seal being broken.

(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 electors for the electoral area or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral area or the part of it provided under sub-paragraph (c) above.

(3A) The returning officer shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be printed on the same colour paper as the ballot papers and displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) a device of such description as is set out in paragraph (6) below 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 33(1)).

(3B) Where notwithstanding paragraph (1A) above separate ballot boxes are to be used, each ballot box shall be clearly marked with—

- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum; and
- (b) the words “Place the [specify colour of ballot papers in question] ballot papers in here”.

(4) A notice in the form in the Appendix, giving directions for the guidance of voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(4A) The returning officer may also provide copies of the notice mentioned in paragraph (4) in Braille or translated into languages other than English as he considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(5) In every compartment of every polling station there shall be exhibited the notice—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

***PARLIAMENTARY ELECTION**

(*Specify colour*) ballot paper)

vote for ONE candidate only

***EUROPEAN PARLIAMENTARY ELECTION**

(*Specify colour*) ballot paper)

vote for one party or individual candidate only

****Specify name of council. . . .* COUNCIL ELECTION**

(*Specify colour*) ballot paper)

*vote for no more than candidates

*vote for ONE candidate only

****Specify other* ELECTION/REFERENDUM**

(*Specify colour*) ballot paper)

***[vote for one candidate /answer only]*/[vote ONCE for your first choice and ONCE for your second choice]**

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED.

**Complete or omit as necessary.*

- (6) The device referred to in paragraph (3A)(b) above must—
 - (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
 - (b) hold the ballot paper firmly in place during use; and
 - (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the registered party or individual candidate to which each such space refers; and
 - (iii) mark his vote on the space he has chosen.

Appointment of polling and counting agents

24.—(1) Subject to paragraphs (3) and (4) below, 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 same person may be appointed as a polling agent or counting agent by more than one candidate.

(3) Not more than four polling agents, or such greater number as the returning officer may by notice allow, shall be permitted to attend at any particular polling station and if the number of such agents appointed to attend at a particular polling station exceeds that number, the returning officer shall determine which agents are permitted to attend by lot and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(4) 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.

For the purposes of the calculations required by this paragraph, a counting agent who has been appointed for more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(5) 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 so given not later than the fifth day (computed like any period of time in the Timetable) before the day of the poll.

Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraph (6) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(6) 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.

(7) In the following provisions of these rules references to polling agents 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 numbers.

(8) 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.

(9) 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.

(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 agent or agents 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.

Notification of requirement of secrecy

25. 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 voter with disabilities 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 the Representation of the People Act 1983(3); 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.

The poll

Admission to polling station

26.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

(3) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the candidates and their election agents (where applicable);
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty;
- (e) the companions of voters with disabilities;
- (f) persons entitled to be admitted to the polling station at a relevant election or referendum; and
- (g) any person authorised by the Electoral Commission⁽⁴⁾ to attend at polling stations as a representative of the Commission.

(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 allotted to him under these rules, except on production and surrender of a certificate as to his employment which shall be in the form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

27.—(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.

Sealing of ballot boxes

28. 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, if it has a lock and (in any case) 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 or sealed (as the case may be).

Questions to be put to voters

29.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them—

(4) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in the case of a person applying as an elector—
 - (i) “Are you the person registered in the register of local government electors for this election as follows (*read the whole entry from the register*)?”; and
 - (ii) “Have you already voted at this election for this [* (parish) *(community) (*delete whichever is inapplicable*)] [*adding, in the case of an election for several wards, “in this or any other ward”*] otherwise than as proxy for some other person?”;
 - (b) in the case of a person applying as proxy—
 - (i) “Are you the person whose name appears as AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?”; and
 - (ii) “Have you already voted at this election for this [* (parish) *(community) (*whichever is inapplicable*)] [*adding, in the case of an election for several wards, “in this or any other ward”*] as proxy on behalf of CD?”.
- (2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question—
- “Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of CD?”, and if that question is not answered in the affirmative, the following question—
- “Have you already voted at this election, [*adding in the case of an election for several wards, “in this or any other ward”*] on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”.
- (3) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.
- (4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote in a parish or community election.

Challenge of voter

30.—(1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
- (b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

31.—(1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—

- (a) the ballot paper shall be stamped with the official mark;
- (b) the number and name of the elector as stated in the copy of the register of electors shall be called out;
- (c) the number of the elector shall be marked on the counterfoil;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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 issued but without showing the particular ballot paper which has been issued; and
- (e) in the case of a person applying for a ballot paper as proxy, a mark shall be placed against his name in the list of proxies.

(2) 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 official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(3) 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.

(4) The same copy of the register of electors which is used under paragraph (1) above for the parish or community election may be used for a relevant election or referendum and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph (1) (e) above to denote that a ballot paper has been issued in respect of each election or referendum; except that, where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark shall be placed in the register or, as the case may be, list so as to identify each election or referendum in respect of which a ballot paper was issued.

Votes marked by presiding officer

32.—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other physical cause 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.

(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.

(3) The same list may be used for the parish or community election and each relevant election and referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

Voting by persons with disabilities

33.—(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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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 these rules; 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 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.

(4A) The same list may be used for the parish or community election and each relevant election and referendum and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

(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.

Tendered ballot papers

34.—(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 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.

(2) A tendered ballot paper shall—

(a) be of a colour differing from the other ballot papers; and

(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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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”).

The same list may be used for the parish or community election and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

(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.

Spoilt ballot papers

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

Adjournment of poll in case of riot

36.—(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 who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(2) Where the poll is adjourned at any polling station—

- (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 these rules to the close of the poll shall be construed accordingly.

Procedure on close of poll

37.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents appointed for the purposes of the parish or community election and those appointed for the purposes of each relevant election or referendum, 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, if any, attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of 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 “physical incapacity” and “unable to read”, and the declarations made by the companions of 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.

(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election or referendum; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(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 counterfoils of the used ballot papers and 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, spoiled and tendered ballot papers.

Counting of votes

Attendance at counting of votes

38.—(1) Where the returning officer at the parish or community election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) make arrangements for—
 - (i) discharging the functions under rule 39(1) below in the presence of the counting agents appointed for the purposes of the parish or community election and those appointed for the purpose of each relevant election or referendum as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at that election in the presence of the agents appointed for the purpose of that election; and
- (b) give to the counting agents appointed for the purposes of the parish or community election and those appointed for the purpose of each relevant election or referendum notice in writing of the time and place at which he will begin to discharge the functions under rule 39(1).

(1A) Where the returning officer at the parish or community election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and
- (b) give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.

(1B) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates and their wives or husbands,
- (c) the election agents,
- (d) the counting agents for the candidates, and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(e) any person authorised by the Electoral Commission⁽⁵⁾ to attend at the counting of the votes as a representative of the Commission, may be present at the counting of the votes under rule 39, paragraphs (2) to (8), unless permitted by the returning officer.

(2) No person other than a person entitled to be present at the counting of the votes at the parish or community election under rule 39(2) to (8) or at a relevant election or referendum may be present at the proceedings under rule 39(1), unless permitted by the returning officer to attend.

(3) A person not entitled to attend at the proceedings under rule 39(1) or the counting of the votes shall not be permitted to do so by the returning officer unless he—

- (a) is satisfied that the efficient separation of the ballot papers or, as the case may be the efficient counting of the votes will not be impeded; 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.

The count

39.—(1) Where the returning officer at the parish or community election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the parish or community election and each relevant election or referendum open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the election agents appointed for the purposes of the poll at the parish or community election and each relevant election or referendum verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the poll at the parish or community election and each relevant election or referendum;
- (d) separate the ballot papers relating to the parish or community election from the ballot papers relating to each relevant election or referendum;
- (e) make up into packets the ballot papers for each relevant election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver or cause to be delivered to that officer packets that so relate containing—

(5) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) the unused and spoiled ballot papers,
- (ii) the tendered ballot papers, and
- (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(1A) Where separate ballot boxes are used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.

(2) After completion of the proceedings under paragraph (1) above, the returning officer shall mix together all of the ballot papers used at the parish or community election and count the votes given on them.

(2A) Where the returning officer at the parish or community election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 38(1A), in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People (England and Wales) Regulations 2001 or under that regulation as applied by regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000⁽⁶⁾, count such of the postal ballot papers as have been duly returned and record the number counted;
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,

and paragraph (6) below shall not apply to these proceedings.

(3) A postal ballot paper shall not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (3A) below and reaches the returning officer or any polling station in the appropriate electoral area (as defined in paragraph 3B) before the close of the poll; and
- (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (3A) below and reaches him or such a polling station before that time.

(3A) The manner in which any postal ballot paper or declaration of identity may be returned—

- (a) to the returning officer, is by hand or by post; and
- (b) to a polling station, is by hand.

(3B) The appropriate electoral area in respect of any voter shall be—

- (a) the area which is common to the parliamentary constituency⁽⁷⁾, electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the parish or community election and any relevant election or referendum are being taken together; and
- (b) in respect of which polls the postal voter has been issued with a ballot paper.

(4) The returning officer shall not count any tendered ballot papers.

(5) 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 printed on the back of the papers.

⁽⁶⁾ 2000 c. 22. See the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I.2002/185) under section 44 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) under section 45.

⁽⁷⁾ For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) 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 spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled 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.

(7) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.

(8) 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.

Re-count

40.—(1) A candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted 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 re-count 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.

Rejected ballot papers

41.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more candidates than the voter is entitled to vote for, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraphs (2) and (3) below, be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.

(3) 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 (either wholly or as respects that vote) 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.

(4) The returning officer shall—

- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and
- (b) in the case of a ballot paper on which any vote is counted under paragraph (2) above, endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted,

and shall add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to his decision.

(5) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

- (a) want of official mark;
- (b) voting for more candidates than voter is entitled to;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty,

and the statement shall record the number of ballot papers rejected in part.

Decisions on ballot papers

42. 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.

Equality of votes

43. Where, after the counting of the votes (including any re-count) 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.

PART IV

Final proceedings in contested and uncontested elections

Declaration of result

44.—(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—

- (a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected;
- (b) give notice of the name of each candidate to whom sub-paragraph (a) above applies to the proper officer of the council for which the election is held; and
- (c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the returning officer shall as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the person or persons remaining validly nominated;
- (b) give notice of the name of each person to whom sub-paragraph (a) above applies to the proper officer of the parish or community council, or, if there is no such officer, to the chairman of the council, or, if there is no such chairman, to the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate; and
- (c) give public notice of the name of each such person.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART V

Disposal of documents

Sealing up of ballot papers

45.—(1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Delivery of documents

46.—(1) The returning officer shall then forward to the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities,
- (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll,
- (e) the packets containing marked copies of registers and of lists of proxies,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the electoral area for which the election was held.

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) shall have effect as if subparagraphs (c) and (e) were omitted.

Orders for production of documents

47.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the proper officer for the council of the district in which the parish is situate or the county or county borough in which the community is situate, or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the proper officer referred to in paragraph (1) may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the proper officer referred to in paragraph (1) of any document in his possession relating to any specified election—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer referred to in paragraph (1) above or open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

48.—(1) The proper officer of the council for the council of the district in which the parish is situate or the county or county borough in which the community is situate shall retain for six months amongst the records of the council all documents relating to an election forwarded to him in pursuance of these rules by a returning officer, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and in such manner as the council may determine.

(3) The proper officer of the council may, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as may be determined by the council.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART VI

Death of candidate

Countermand or abandonment of poll on death of candidate

49.—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 of the Representation of the People Act 1983⁽⁸⁾ apply in respect of any vacancy which remains unfilled; but neither the countermand of the poll at the parish or community election nor the direction that that poll be abandoned shall affect the poll at any relevant election or referendum.

(2) Where the poll at the parish or community election is abandoned by reason of a candidate's death, no further ballot papers shall be delivered in any polling station and, at the close of the poll at any relevant election or referendum the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the parish or community election had not been abandoned.

(2A) The returning officer shall dispose of ballot papers used at the parish or community election (at which a candidate has died) as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and
- (b) the returning officer having separated the ballot papers relating to each relevant election or referendum shall take no step or further step for the counting of the ballot papers used at the parish or community election (at which a candidate has died) or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

⁽⁸⁾ Subsection (1) of section 39 was amended by the Local Government Act 1985 (c. 51), Schedule 17, and the Representation of the People Act 1985 (c. 50), section 19(2).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

APPENDIX OF FORMS

Note:— The forms contained in this Appendix may be adapted so far as circumstances require.
Form of nomination paper

Rule 4

~~*ELECTION OF *PARISH/COMMUNITY COUNCILLORS~~ for the
ward of the ~~*Parish/Community~~ of

Day of election

**Delete whichever is inappropriate*

We, the undersigned, being local government electors for the said ~~*ward/parish/community~~ do hereby nominate the under-mentioned person as a candidate at the said election.

<i>Candidate's surname</i>	<i>Other names in full</i>	<i>Description (if any)</i>	<i>Home address in full</i>
----------------------------	----------------------------	-----------------------------	-----------------------------

Signatures (or marks)	Electoral number (see note 3) Distinctive letter(s)	Number
Proposer
Secunder

NOTE

- The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination papers contained in the elections rules in Schedule 3 to the Local Elections (Parish and Communities) Rules 1986.
- Where a candidate is commonly known by some title he may be described by his title as if it were his surname.
- An elector may not—
 - subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
 - subscribe a nomination paper for more than one ward in a parish or community divided into wards
- A person whose name is entered in the register may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

**Delete whichever is inappropriate*

Form of candidate's consent to nomination

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 6

Front of form

I (name in full) ... (give address in full) ... hereby consent to my nomination as a candidate for election as councillor for the (ward of the) *parish/community of ...

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 21 years and that

*Delete whichever is inappropriate

*(a) I am registered as a local government elector for the *parish/community of ... in respect of (qualifying address in full) ... and my electoral number (see Note below) is ...; or

*(b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant the following land or other premises in that *parish/community (description and address of land or premises) ...; or

*(c) my principal or only place of work during those 12 months has been in that *parish/community at (give address of place of work and, where appropriate, name of employer) ...; or

*(d) I have during the whole of those twelve months resided in that *parish/community at (give address in full) ...

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in section 80 of the Local Government Act 1972 or any decision made under section 79 of the Local Government Act 2000, copies of which are printed overleaf

Signature (or mark)

Date

Signed (or marked) in my presence

Signature (or mark) of witness

Name and address of witness

(WRITE CLEARLY)

Note: A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered) except that before publication of the register his number (if any) in the electors lists for that register shall be used instead.

Back of form

Set out sections 80 and 81 of the Local Government Act 1972(a) and section 79 of the Local Government Act 2000 (as amended from time to time)





Form of ballot paperForm of front of ballot paper

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

VOTE FOR NO MORE THAN CANDIDATES

Emblem (if any)

Counterfoil No
The counterfoil
is to have a
number to
correspond
with that on the
back of the
ballot paper

1	<p>BASWRA</p> <p>Paresh Baswra 20 Kincade Road, Small Heath, Birmingham B10 9JG</p>  <p>LIBERAL DEMOCRATS</p> <p>Liberal Democrat</p>	
2	<p>CRANLEY</p> <p>Alana Cranley 4 Kennil Road, Perry Barr, Birmingham B32 5JJ</p>  <p>Green Party</p>	
3	<p>EDGBASTON</p> <p>Richard Edgbaston 6 Tagwood Lane, Small Heath, Birmingham B10 0BH</p> <p>The Stop the By-Pass Candidate</p>	
4	<p>GUNNIL-WALKER</p> <p>Roger Gunnil-Walker 33 Horsemeadow Lane, Sheldon, Birmingham B25 3GD</p>  <p>Labour www.labour.org.uk</p> <p>The Labour Party Candidate</p>	
5	<p>SMITH</p> <p>CATHERINE ANGELINA Smith 21 Terminal Grove, Selly Oak, Birmingham B32 5JP</p> <p>Independent</p>	
6	<p>SMITH</p> <p>KEITH JAMES Smith The Links, 3 Kingsdown Road, Birmingham B44 4JN</p>  <p>The Conservative Party Candidate</p>	

Form of back of ballot paper

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

No

Election for the (.....) ward of the

Parish/Community of

on.....20

Note.— The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing the ballot paper

Rule 14(2)

- 1 Nothing is to be printed on the ballot paper except in accordance with these directions.
- 2 So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:—
 - (a) no word shall be printed on the face except the direction "VOTE FOR NO MORE THANCANDIDATES" or, where only one candidate is to be elected, "VOTE FOR ONE CANDIDATE ONLY", the particulars of the candidates and words forming part of emblems;
 - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked;
 - (c) the whole space between the top and the bottom of the paper shall be equally divided between the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above
- 3 The direction mentioned in paragraph 2(a) above shall be printed in large capitals.
- 4 The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—
 - (a) if his surname is the same as another candidate's, for his other names; and
 - (b) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
- 4A Where an emblem is to be printed against a candidate's particulars
 - (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's particulars from the spaces where the vote is to be marked, and
 - (b) its size as printed shall not exceed two centimetres square.
- 5 The number on the back of the ballot paper shall be printed in small characters.

Form of declaration of identity Form for use in cases of joint issue and receipt of postal ballot papers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper Nos

I hereby declare that I am the person to whom the ballot papers numbered as above were sent

Voter's signature (or mark).....

The voter, who is personally known to me, has signed (or marked) this declaration in my presence

Witness's signature (or mark)

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign (or mark) this declaration as a witness, and his or her name and address must be added. Without this the declaration will be invalid.

2. [*When you are voting in a Parliamentary/local government* election (insert colour of ballot paper) ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only/Vote for no more than candidates*.]

3. [*When you are voting in a European Parliamentary election (insert colour of ballot paper) ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.]

4. [*When you are voting in a (specify) election, mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only/Vote for no more thancandidates/Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE*.]

5. [*When you are voting in a referendum, mark a cross (X) to the right of the answer of your choice. Vote once only.]

6. Put no other mark on the ballot papers, or your votes may not be counted.

7. Mark all votes secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

8. Put the ballot papers in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with this declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot papers must be received by the returning officer not later than the close of the poll.

Alternatively they may be returned to any of the following polling stations on polling day:

[insert polling station(s)

or

*Alternatively they may be returned to any polling station in the following area:

[specify area]

9. If you receive more than one ballot paper relating to the same election or referendum, remember that it is illegal to vote more than once (otherwise than as proxy) at that election.

10. At these elections [*and referendum] you cannot vote in person at a polling station, even if you receive an official poll card.

11. If you inadvertently spoil a (y postal ballot) paper, you can apply to the returning officer for a new one. If you do this you MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you MUST RETURN the declaration of identity in your own envelope. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.

*To be omitted or completed as appropriate by the returning officer responsible for the issue and receipt of ballot papers.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form for use where there is separate issue and receipt of postal ballot papers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Front of form

REPRESENTATION OF THE PEOPLE ACT 1985

To be returned with [insert colour of ballot paper] coloured ballot paper

[insert colour of ballot paper] coloured Ballot Paper No.....

I hereby declare that I am the person to whom the [insert colour of ballot paper] ballot paper numbered as above was sent.

Voter's signature (or mark)

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature (or mark)

Name of witness.....

(WRITE CLEARLY)

Address of witness.....

WRITE CLEARLY).....

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. (You are required to do this even if you have already signed (or marked) a similar declaration of identity in respect of another election or referendum to be held on the same day.) The person known to you should then sign (or mark) this declaration as a witness, and his or her name and address must be added. Without this the declaration will be invalid.

2. Mark a cross (X) to the right of the name(s) of the candidate(s) of your choice. Vote for no more than [...] candidates.

3. Mark your vote secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put no other mark on the ballot papers, or your votes may not be counted.

5. Different colours are used for the ballot papers for each election [and referendum*]. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for each ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.

*Alternatively, they may be returned to any of the following polling stations on polling day:

* insert polling station(s)

or

*Alternatively they may be returned to any polling station in the following area:

* specify area/

If you receive more than one ballot paper relating to the same election or referendum, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election or the same referendum. You are entitled to vote at different elections and referendums which are held on the same day.

6. At this election [and referendum*] you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your postal ballot paper, you can apply to the returning officer for a new one. With your application you must return, in your own envelope, the spoiled ballot paper and the declaration of identity. Remember that there is little time available for a fresh postal ballot paper to be issued and counted.

* Omit as appropriate

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

ELECTOR'S OFFICIAL POLL CARD

Rule 22

Front of card

REPRESENTATION OF THE PEOPLE ACTS

OFFICIAL POLL CARD

Parish/Community of

.....

(Ward) Number on register

Polling day..... Name.....

.....

Your polling station will be Address.....

.....

.....

Polling hours

*[7][5] a.m. to *[9][10] p.m.

*delete as appropriate

Back of card

LOCAL GOVERNMENT ELECTION

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.

When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The presiding officer will give you a ballot paper; see that he stamps the official mark on it before he gives it to you.

Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.

Hold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

The ballot paper tells you how many candidates you may vote for. Do not vote for more than that number. Put no other mark on the ballot paper, or your vote may not be counted.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

ISSUED BY THE RETURNING OFFICER

Proxy's official poll card

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

REPRESENTATION OF THE PEOPLE ACTS
PROXY'S OFFICIAL POLL CARD

Proxy's name
Proxy's address
.....

LOCAL GOVERNMENT ELECTION
..... Parish/Community

(..... Ward)
Polling day
The poll will be open from *[7][8] a.m. to *[9][10] p.m.

**delete as appropriate*

Back of card

The elector named below whose proxy you are is entitled to vote at the polling station
.....
.....

To vote as proxy you must go to that polling station. Tell the clerk that you wish to vote as proxy; give the name and qualifying address of the elector, as follows:

Number on Register.....
Name
Address
.....

The presiding officer will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes, to do so and if he votes before you, vote on his behalf.

ISSUED BY THE RETURNING OFFICER

Form of directions for guidance of the voters in voting

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 23(4)

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Make sure the ballot papers you are given [are stamped with the official mark/have the official mark*].
2. Go to one of the compartments.
3. A. At the [Parliamentary/local government election(s)*] mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate for whom you are voting*. [Vote once only/Vote for no more than..... candidates.]
- B. At the European Parliamentary election, mark a cross (X) to the right of the name of the party or individual candidate for whom you are voting*. Vote once only.
- C. At the [specific/other] election/referendum* [mark a cross (X) to the right of the candidate/the answer* for which you are voting][vote once only][vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]
4. Fold each ballot paper in two and show the official mark on it to the presiding officer*. Do not let anyone see your vote. Put each ballot paper in the [appropriate] ballot box and leave the polling station.
5. Vote only for the number of candidates specified on each ballot paper [and only one of answers available in the referendum*]. Put no other mark on the ballot papers, or your votes may not be counted.
6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

* Complete or omit as necessary; and remember paragraphs as necessary.

Form of certificate of employment

Rule 26(3)

REPRESENTATION OF THE PEOPLE ACTS

Election/referendum in the ward of the Parish/Community of

I certify that (name) who is numbered in the register of electors for the electoral area named above can not reasonably be expected to go in person to the polling station allotted to him or her at the *election/referendum on (date of poll) by reason of the particular circumstances of his or her employment on that date for a purpose connected with the election

*Delete whichever is inappropriate (a) as a constable (b) by me.

Signature.....

*Returning officer/police officer (inspector or above).

Date:

Note: The person named above is entitled to vote at any polling station of the above electoral area/ voting area on production and surrender of this certificate to the presiding officer.

Form of declaration to be made by the companion of a voter with disabilities

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 33(5)

I, **A. B.**, of having been requested to assist C.D. (*in the case of a voter with disabilities voting as proxy add voting as proxy for M.N.*) whose number on the register is to record his vote at the *election[s] and *referendum[s] now being held in this *electoral/*voting area of this *county/*district and the *election/*referendum now being held in this *parliamentary constituency/*European Parliamentary constituency/*local government area/*electoral area of this *district/*parish/*community (**delete those which are inappropriate*) hereby declare that (I am entitled to vote as an elector at the said election[s] *and referendum[s] (I am the # of the said voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except E.F., of to vote at the said elections.

#State the relationship of the companion to the voter.

(Signed, (or marked)) **A.B.**

day of

20

I, the undersigned, being the presiding officer for the polling station for the electoral division/ward of hereby certify that the above declaration, having been first read to the above-named declarant, was signed or marked by the declarant in my presence

(Signed) **G.H.**

day of

20

minutes past

o'clock [a.m.][p.m.]

NOTE

1. If the person making the above declaration knowingly and willfully makes therein a statement false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under the local elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.