

SCHEDULE 9

RULES FOR CONDUCT OF AN ELECTION OF LONDON MEMBERS OF THE LONDON ASSEMBLY WHERE THE POLL IS TAKEN TOGETHER WITH THE POLL AT ANY OTHER ELECTION OR REFERENDUM THE LONDON MEMBERS ELECTION RULES

PART VI

Disposal of Documents

Sealing up of ballot papers

52.—(1) On the completion of the counting at a contested election the CRO shall seal up in separate packets the counted and rejected ballot papers.

(2) The CRO 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 and retention of documents

53.—(1) The CRO shall then transfer control to the GLRO of 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, and
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

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

(2) The CRO shall retain the packets containing—

- (a) the marked copies of registers and of lists of proxies, and
- (b) 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.

(3) Any document which has been transferred to the control of the GLRO under this rule shall either—

- (a) be kept by the CRO on behalf of the GLRO; or
- (b) be forwarded by the CRO to the GLRO,

as the GLRO shall decide.

(4) At an election where the CRO does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (2) shall not apply.

Orders for production of documents

54.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers under the control of the GLRO; or

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(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 under his control, 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 GLRO 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,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order 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 GLRO of any document under his control relating to any specified election—

- (a) the production by him or his agent of the document ordered in such a 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 under the control of the GLRO or open any sealed packets of counterfoils and certificates.

Public inspection and destruction of documents

55.—(1) The GLRO shall retain or cause to be retained for six months all documents relating to an election placed under his control in pursuance of these Rules by a CRO, 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, until destroyed, be open to public inspection at such time and in such manner as the Authority may determine.

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(3) The CRO shall keep for six months the documents retained by him in accordance with rule 53 and then, unless otherwise directed by an order of a county or an election court, shall cause them to be destroyed.

(4) Those documents shall, until destroyed, be open to public inspection at all reasonable hours.

(5) The GLRO and the CRO may, on request, supply copies of or extracts from such of the documents in their possession or control as are open to public inspection on payment of such fees and subject to such conditions as may be determined by the Authority.