

[^{F1}SCHEDULE 1

EUROPEAN PARLIAMENTARY ELECTIONS RULES

Textual Amendments

- F1** Sch. 1 substituted (30.1.2009) by [The European Parliamentary Elections \(Amendment\) Regulations 2009 \(S.I. 2009/186\)](#), regs. 1(2), 39, **Sch. 2**

Modifications etc. (not altering text)

- C1** Sch. 1 applied (with modifications) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 27)

PART 3

CONTESTED ELECTIONS

CHAPTER 1

General Provisions

Poll to be taken by ballot

21. The votes at the poll must be given by ballot in accordance with subsection (4) of section 2 of the 2002 Act and the seats must be allocated in accordance with subsections (5) to (9) of that section.

The ballot papers

22.—(1) The ballot of every voter must consist of a ballot paper, and the registered parties, together with their candidates shown in the statement of parties and individual candidates nominated and the individual candidates shown as standing nominated, and no others, are entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in Form A in the Appendix, and must be printed in accordance with the directions in that Appendix, and—

- (a) must contain the names followed by the descriptions, if any, of the registered parties shown in the statement of parties and individual candidates nominated, together with the names of the candidates of those parties and the names, followed by the descriptions if any, of any individual candidate so shown;
- (b) must be capable of being folded up; and
- (c) must have a number and other unique identifying mark printed on the back.

(3) If a request is made by or on behalf of a nominating officer of a registered party, the ballot paper must contain adjacent to the party's name the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) 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 set out in the Timetable in rule 1.

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

(5) The order of the names of the registered parties, together with their candidates, and of the individual candidates in the ballot paper must be the same as in the statement of parties and individual candidates nominated.

The corresponding number list

23.—(1) The local returning officer must prepare a list (“the corresponding number list”) containing the numbers and other unique identifying marks of all the ballot papers to be issued by him in pursuance of rule 28(1) or provided by him in pursuance of rule 32(1).

(2) The form of corresponding number list to be prepared by a local returning officer for the purpose of rule 28(1) and paragraph 48(1) of Schedule 2 must be in Form B in the Appendix.

(3) The form of corresponding number list to be prepared by the local returning officer for the purposes of rule 32(3)(d) and 41(1)(b) must be in Form C in the Appendix.

(4) The form of corresponding number list to be prepared by the local returning officer for the purpose of rule 28(1) and paragraph 48(1) of Schedule 2 when the poll at a European Parliamentary election is to be taken with—

- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), or
- (b) the poll at a mayoral election or a referendum in accordance with regulations made under sections ^{F2}9HE and 105, 9MG and 105 or 44 and 105] of the Local Government Act 2000, ^{F3}or
- (c) the poll at a combined authority mayoral election in accordance with the Combined Authorities (Mayoral Elections) Order 2017],

must be in Form D in the Appendix.

(5) The form of corresponding number list to be prepared by the local returning officer for the purposes of rules 32(3)(d) and 41(1)(b) when the poll at a European Parliamentary election is to be taken with—

- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), or
- (b) the poll at a mayoral election or referendum in accordance with regulations made under sections ^{F2}9HE and 105, 9MG and 105 or 44 and 105] of the Local Government Act 2000, ^{F4}or
- (c) the poll at a combined authority mayoral election in accordance with the Combined Authorities (Mayoral Elections) Order 2017],

must be in Form E in the Appendix.

Textual Amendments

- F2** Words in Sch. 1 para. 23(4)(5) substituted (4.4.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2014 \(S.I. 2014/923\)](#), regs. 1(2), **2(b)**
- F3** Sch. 1 rule 23(4)(c) and preceding word inserted (31.1.2017) by [The Combined Authorities \(Mayoral Elections\) Order 2017 \(S.I. 2017/67\)](#), reg. 1, **Sch. 4 para. 1(4)**
- F4** Sch. 1 rule 23(5)(c) and preceding word inserted (31.1.2017) by [The Combined Authorities \(Mayoral Elections\) Order 2017 \(S.I. 2017/67\)](#), reg. 1, **Sch. 4 para. 1(4)**

Modifications etc. (not altering text)

- C1** Sch. 1 para. 23(4)(5) modified (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 para. 12**

The official mark

- 24.**—(1) Every ballot paper must contain an appropriate security marking (the official mark).
(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at elections for the same local counting area.
(3) The local returning officer may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

- 25.** No person who has voted at the election must, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

- 26.**—(1) The local returning officer may use, free of charge, for the purpose of taking the poll—
(a) a room in a school to which this rule applies;
(b) a room the expense of maintaining which is payable out of any rate.
(2) This rule applies—
(a) in England and Wales, to a school maintained or assisted by a [^{F5}local authority (as defined in the Education Act 1996)] 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) in Scotland, to a school other than an independent school within the meaning of the Education (Scotland) Act 1980;
(c) in Gibraltar, to a school, club or sports house or other premises, the expense of maintaining which is payable wholly or partly out of public funds or out of any rate, or by a body whose expenses are so payable.
(3) The local returning officer must make good any damage done to, and defray any expense incurred by the persons having control over, any room which has been used in accordance with this rule by reason of its being used for the purpose of taking the poll.

Textual Amendments

- F5** Words in Sch. 1 para. 26(2)(a) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) \(Local and Subordinate Legislation\) Order 2010 \(S.I. 2010/1172\)](#), art. 1(1), **Sch. 3 para. 50(2)**

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

CHAPTER 2

Action to be Taken Before the Poll

Notice of poll

27.—(1) The returning officer must in the statement of parties and individual candidates nominated include a notice of the poll stating the day on which and hours during which the poll will be taken.

(2) In respect of each local counting area or part of an area contained in the electoral region, the local returning officer must also give public notice of—

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

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

Postal ballot papers and postal voting statements

28.—(1) The local returning officer must, in accordance with Schedule 2, issue to those entitled to vote by post a ballot paper and postal voting statement in the appropriate form prescribed by paragraph 42 of that Schedule, together with such envelopes for their return as are required for the purposes of paragraph 50 of that Schedule.

(2) The local returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) In the case of a ballot paper issued to a person at an address in the United Kingdom or Gibraltar, the local returning officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

Provision of polling stations

29.—(1) The local returning officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any polling district must be in the polling place for that district.

(4) The local returning officer must 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

30.—(1) The local returning officer must 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 must

not appoint any person who has been employed by or on behalf of a registered party or individual candidate in or about the election.

(2) The local returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer apply to a local returning officer so presiding with the necessary modifications as to things to be done by the local returning officer to the presiding officer or by the presiding officer to the local 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

31.—(1) The local returning officer must as soon as practicable after the publication of the notice of election send to electors and their proxies the appropriate official poll card, but a card must not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration.

(2) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card issued to an elector must be in Form F in the Appendix.

(4) The official postal poll card issued to an elector must be in Form G in the Appendix.

(5) The official poll card issued to the proxy of an elector must be in Form H in the Appendix.

(6) The official postal poll card issued to the proxy of an elector must be in Form J in the Appendix.

(7) The official poll card must set out—

- (a) the name of the electoral region and electoral area;
- (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;
- (d) such other information as the local returning officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of elector.

(8) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (7)(b), the polling card must contain such matter as is specified in Forms F to J in the Appendix.

Equipment of polling stations

32.—(1) The local returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the local returning officer's opinion may be necessary.

(2) Every ballot box must 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 local returning officer must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register of electors or such part of it as contains the entries relating to the electors allotted to the polling station;
- (c) the parts of any special lists prepared for the election corresponding to the register of electors or such part of it as provided under sub-paragraph (b);

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

- (d) Form C prepared under rule 23(3) (or where applicable, Form E prepared under rule 23(5)) which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.
- (4) The reference in paragraph (3)(b) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act in respect of alterations to the register.
- (5) The local returning officer must also provide each polling station with —
- (a) at least one large version of the ballot paper which must be 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 (8) 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 43).
- (6) A notice in Form K in the Appendix, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- [^{F6}(7) In every compartment of every polling station there must be exhibited the notice “Vote only once by putting a cross [X] in the box next to your choice. Put no other mark on the ballot paper, or your vote may not count.”]
- (8) The device referred to in paragraph (5)(b) 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) keep the ballot paper firmly in place during use;
 - (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.
- (9) Where proof has been given to the returning officer’s satisfaction of the death of a candidate on a registered party’s list or an individual candidate, he must request each local returning officer to provide each presiding officer with a sufficient number of notices to this effect for display in every compartment of every polling station.

Textual Amendments

F6 Sch. 1 rule 32(7) substituted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), 22

Appointment of polling and counting agents

33.—(1) The election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate or any person authorised in writing by such an agent or candidate may, before 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 verification of the ballot paper accounts and the counting of the votes.

(2) For each count one (but no more than one) counting agent of each registered party or individual candidate may be authorised by the terms of his appointment to require a re-count at that count.

- (3) The local returning officer may limit the number of counting agents, so that—
- (a) the number must be the same in the case of each registered party standing nominated or individual candidate; and
 - (b) the number allowed to a registered party standing nominated or individual candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the verification of the ballot paper accounts or the counting of the votes by the number obtained by adding together the number of registered parties standing nominated and the number of individual candidates.
- (4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the person by whom the appointment was made to the local returning officer and must be so given not later than the fifth day (computed like any period of time in the Timetable in rule 1) before the day of the poll.
- (5) If an agent dies, or becomes incapable of acting, the person by whom the appointment was made may appoint another agent in his place, and must forthwith give to the local returning officer notice in writing of the name and address of the agent appointed.
- (6) In the following provisions of these rules references to polling agents and counting agents must 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.
- (7) Any notice required to be given to a counting agent by the local returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (8) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (9) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his or of his registered party, if appointed, would have been authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of the candidate's election agent instead of the polling agent or counting agent.
- (10) An election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate may do or assist in doing anything which a polling or counting agent of that party or candidate is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of an election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate instead of that party's or candidate's polling agent or counting agents.
- (11) 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

34.—^[F7(1)] The local returning officer must 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 or as a person under the age of 18 accompanying a voter) has been given a copy in writing of the provisions of paragraphs (1), (4) and (7) of regulation 29 of these Regulations; and

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

- (b) every person attending at the verification of the ballot paper accounts or 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 paragraphs (2), (3) and (7) of regulation 29 of these Regulations.

[^{F8}(2) In the application of this rule to an election in England or Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for civilian staff).]

Textual Amendments

- F7** Sch. 1 rule 34(1) renumbered (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), **23**
- F8** Sch. 1 rule 34(2) inserted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), **23**

Return of postal ballot papers

35.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the local returning officer must mark the list as provided for in paragraph 60 of Schedule 2.

(2) Rule 51(2) does not apply for the purpose of determining whether, for the purpose of this rule, a postal vote or a proxy postal vote is returned.

CHAPTER 3

The Poll

Admission to polling station

36.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and the election agents of any registered party standing nominated and any individual candidate and their election agents;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act;
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same registered party standing nominated and any individual candidate.

(4) A constable or person employed by a local returning officer must not be admitted to vote in person elsewhere than at his own polling station under rule 29(1), except on production and surrender

of a certificate as to his employment which must be in Form L in the Appendix and signed by an officer of police of or above the rank of inspector or by the local returning officer, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

[^{F9}(6) In the application of this rule to an election in England or Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for civilian staff).]

Textual Amendments

F9 Sch. 1 rule 36(6) inserted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), **24**

Keeping of order in station

37.—(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 local returning officer to remove him, and the person so removed must 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 must 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

38. Immediately before the commencement of the poll, the presiding officer must—

(a) 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;

(b) then lock it up, if it has a lock;

(c) place his seal on it in such a manner so as to prevent it being opened without breaking the seal;

(d) place it in his view for the receipt of ballot papers; and

(e) keep it so sealed or, if it has a lock, both sealed and locked.

Questions to be put to voters

39.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

(a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column; and

(b) must be put if the letter “R” appears after the question and if the candidate or the election or polling agent of a registered party standing nominated, an individual candidate or the election agent or polling agent of an individual candidate requires the question to be put:

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	<p>(a) —Are you the person registered in the register of electors for this election as follows <i>read the whole entry from the register</i> [R]?</p> <p>(b) —Have you already voted, (here in the UK or in another Member State at this general election of MEPs) (here or elsewhere at this by-election) otherwise than as proxy for some other person? [R]</p>
2	A person applying as proxy	<p>(a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R]</p> <p>(b) —Have you already voted here or elsewhere at this (general election of MEPs) (by-election), as proxy on behalf of C.D.? [R]</p> <p>(c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]</p>
3	A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)	<p>(a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R]</p> <p>(b) —Have you already voted here or elsewhere at this (general election of MEPs) (by-election), as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R]</p> <p>(c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R]</p>
4	Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you at this (general election of MEPs) (by-election) already voted in this electoral region on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	Person applying as an elector in relation to whom there is an entry in the postal voters list	<p>(a) —Did you apply to vote by post?</p> <p>(b) —Why have you not voted by post?</p>
6	A person applying as proxy who is named in the proxy postal voters list	<p>(a) —Did you apply to vote by post as proxy?</p> <p>(b) —Why have you not voted by post as proxy?</p>

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry may be permitted as to the right of any person to vote.

Challenge of voter

40. A person must not be prevented from voting by reason only that—

- (a) a candidate or the election or polling agent of a registered party standing nominated or of an individual candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

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

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 32(3)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark must be placed in the copy of the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number must be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must 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 must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(5) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

[^{F10}(6) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting is (despite the close of the poll) entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.]

Textual Amendments

F10 Sch. 1 rule 41(6) inserted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), 25

Votes marked by presiding officer

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

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

must, in the presence of the polling agents, cause the voter’s vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

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

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

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “on the copy of the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

Voting by persons with disabilities

43.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; 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 must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

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

the presiding officer must 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), and a person is 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, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the copy of the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).

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

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in copy of the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(7) The declaration made by the companion—

- (a) must be in Form M in the Appendix; and
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion,

and must forthwith be given to the presiding officer who must attest and retain it.

(8) No fee or other payment may be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

44.—(1) If a person, representing himself to be—

- (a) a particular elector named on the register and not named in the postal 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 must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 45, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

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

(3) Paragraph (4) also applies if—

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

(4) The person must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 45, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register who is also named in the postal voters list; or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the provisions of rule 45, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

45.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the copy of the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these rules referred to as the “tendered votes list”).

(3) 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 must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 44 apply subject to the following modifications—

- (a) in paragraphs (1)(b), (2) and (3) of this rule, the references to the name of the voter must be ignored;
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears on the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 44 apply as if—

- (a) in rule 44(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
- (b) in paragraph (1)(b) of this rule for “his number in the copy of the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”; and
- (c) in paragraph (2) of this rule, for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

46. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot conveniently be 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 must be immediately cancelled.

Alteration of registers

47.—(1) — The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) For the purposes of section 13B(3C) of the 1983 Act, a representation may be made orally or in writing.

(3) Where a representation under section 13B(3C) is made in a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the appropriate registration officer.

(4) Where a notice is issued under section 13B(3B) or (3D) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the appropriate presiding officer.

(5) Such steps may include communication to the presiding officer by telephone.

(6) Where a notice issued under section 13(3B) or (3D) of the 1983 Act is communicated to a presiding officer by telephone, the presiding officer must make a written record of that notice.

(7) For the purposes of section 13B(3A) and (3C) of the 1983 Act the prescribed time on the day of the poll is 9pm.

Adjournment of poll in case of riot

48.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the local returning officer.

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

(a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and

(b) references in these rules to the close of the poll must be construed accordingly.

Procedure on close of poll

49.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

(a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, 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 (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;

(e) the lists prepared under rule 23 including the parts which were marked with the numbers of electors in accordance with rule 41(1)(b) (together referred to in these rules as “the completed corresponding number lists”);

(f) the certificates as to employment on duty on the day of the poll;

(g) 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 “disability” and “unable to read”,

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

the list maintained under rule 47, and the declarations made by the companions of voters with disabilities;

and must deliver the packets or cause them to be delivered to the local returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the local returning officer, the arrangements for their delivery must be approved by the local returning officer.

(2) The marked copies of the register of electors and of the list of proxies mentioned in paragraph (1)(d) must be in one packet but must not be in the same packet as the completed corresponding number lists mentioned in paragraph (1)(e) or the certificates as to employment on duty on the day of the poll mentioned in paragraph (1)(f).

(3) The packets must be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

CHAPTER 4

Counting of Votes

Attendance at verification of ballot paper accounts

50.—(1) The local returning officer must make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll, and must give to the returning officer and the counting agents notice in writing of the time and place at which he will begin such verification.

(2) No person other than—

- (a) the returning officer, the local returning officer and his clerks;
- (b) the candidates and one other person chosen by each of them;
- (c) the election agents;
- (d) the counting agents; and
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act;

may attend the verification of the ballot paper accounts, unless permitted by the local returning officer to attend.

(3) A person not entitled to attend the verification of ballot paper accounts must not be permitted to do so by the local returning officer unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.

(4) The local returning officer must give the counting agents all such reasonable facilities for observing 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.

Procedure at verification of ballot paper accounts

51.—(1) The local returning officer must in the presence of the counting agents—

- (a) open each ballot box and count and record the number of ballot papers in it and verify each ballot paper account; and
- (b) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) A postal ballot paper must not be deemed to be duly returned unless—

- (a) [^{F11}subject to paragraph (2A),] it is returned in the manner prescribed in paragraph 55 of Schedule 2 so as to reach the local returning officer or any polling station in the local counting area in question before the close of the poll;
- (b) the postal voting statement duly signed is also returned in that manner before that time;
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be); and
- (d) [^{F12}the local returning officer verifies the date of birth and the signature of the elector or proxy (as the case may be) under paragraph 63 of Schedule 2.]

[^{F13}(2A) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of poll is treated for the purposes of this rule as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.]

(3) The local returning officer must not count any tendered ballot paper.

(4) The local returning officer, while counting and recording the number of ballot papers, must keep the ballot papers with their faces downwards.

(5) The local returning officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting agent may copy.

(6) The local returning officer must determine the hours during which the procedure under this rule is proceeded with.

(7) The local returning officer must take proper precautions for the security of the ballot papers and documents.

(8) On completion of the procedure under this rule, the local returning officer must—

- (a) place the ballot papers and other documents relating to the election in packets under his own seal and the seals of such counting agents as desire to affix their seals, unless he proceeds immediately to the counting of the votes under rule 53;
- (b) otherwise take proper precautions for the security of the papers and documents; and
- (c) inform the returning officer of the total number of ballot papers counted.

Textual Amendments

- F11** Words in Sch. 1 rule 51(2)(a) inserted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), **26(1)(a)**
- F12** Sch. 1 rule 51(2)(d) substituted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), **26(1)(b)**
- F13** Sch. 1 rule 51(2A) inserted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), **26(2)**

Attendance at counting of votes

52.—(1) The local returning officer must make arrangements for counting the votes in the presence of the counting agents—

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

- (a) in the case of a general election of MEPs, before or after the material time and in either case so that the requirements of rule 57(1) are satisfied as soon as practicable after the material time; and
 - (b) in the case of a by-election, as soon as practicable after the close of the poll,
- and must give to the counting agents and the returning officer notice in writing of the time and place at which he will begin to count the votes.

(2) For the purposes of paragraph (1), the “material time” means, in relation to a general election of MEPs, the close of the polling in the Member State whose electors are the last to vote in the election.

(3) No person other than—

- (a) the returning officer, the local returning officer and his clerks;
 - (b) the candidates and one other person chosen by each of them;
 - (c) the election agents;
 - (d) the counting agents; and
 - (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- may be present at the counting of the votes, unless permitted by the local returning officer to attend.

(4) A person not entitled to attend at the counting of the votes must not be permitted to do so by the local returning officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(5) The local returning officer must 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.

(6) In particular, where the votes are counted by sorting the ballot papers according to the registered party or individual candidate for whom the vote is given and then counting the number of ballot papers for each registered party or individual candidate, the counting agents must be allowed to satisfy themselves that the ballot papers are correctly sorted.

The count

53.—(1) The local returning officer must—

- (a) where the ballot papers and other documents have been placed in packets under rule 51(8), open the packets of ballot papers other than unused, spoilt and tendered ballot papers;
- (b) mix together the ballot papers with the exception of the unused, spoilt and tendered ballot papers.

(2) The local returning officer must not count any tendered ballot paper.

(3) The local returning officer, while counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing [^{F14}the numbers or other unique identifying marks printed on the back of the papers].

(4) The local returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 p.m. and 9 a.m.

(5) For the purposes of paragraph (4), the agreement of an individual candidate or the election agent of a registered party shall be as effective as the agreement of the counting agents of that individual candidate or party.

- (6) During the time so excluded the local returning officer must—
- (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.

(7) In the case of a general election of MEPs, if the counting of the votes has commenced before the material time (within the meaning of rule 52(1)), the local returning officer or his clerks must not disclose the number of votes given for each registered party and individual candidate to anyone other than the returning officer or his clerks until after that time and the counting of the votes must be deemed not to have been completed until after that time.

Textual Amendments

- F14** Words in Sch. 1 rule 53(3) substituted (1.4.2009) by [The European Parliamentary Elections \(Amendment\) \(No.2\) Regulations 2009 \(S.I. 2009/848\)](#), regs. 1(2), **2(2)**

Re-count

54.—(1) If any of the persons in paragraph (2) are present when the counting of the votes is completed (or, if later, deemed to be completed under rule 53(7)) or any re-count of the votes is completed, they may require the local returning officer to have the votes re-counted or again re-counted but the local returning officer may refuse to do so if in his opinion the request is unreasonable.

- (2) The persons mentioned in paragraph (1) are—
- (a) a candidate;
 - (b) the election agent of a registered party;
 - (c) the election agent of an individual candidate; and
 - (d) a counting agent authorised under rule 33(2).

(3) No step may be taken on the completion of the counting (or, if later, its deemed completion) or any re-count of the votes until any persons referred to in paragraph (2) who are present at its completion (or, if later, its deemed completion) have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

- 55.**—(1) Any ballot paper—
- (a) which does not bear the official mark; or
 - (b) on which votes are given for more than one registered party or individual candidate or for both a registered party and an individual candidate; or
 - (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back; or
 - (d) which is unmarked or void for uncertainty,

shall, subject to the provisions of paragraphs (2) and (3), be void and not counted.

- (2) A ballot paper on which the vote is marked—
- (a) elsewhere than in the proper place; or
 - (b) otherwise than by means of a cross; or
 - (c) by more than one mark,

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

must not for such reason be deemed to be void if an intention that the vote shall be for one or other of the registered parties or individual candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) A ballot paper on which a vote is marked for a particular candidate on a party's list of candidates must, if otherwise valid, be treated as a vote for that party, whether or not there is also a vote for that party.

(4) The local returning officer must endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words "rejection objected to" if any objection is made by a counting agent to his decision.

(5) The local returning officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one registered party or individual candidate;
- (c) writing or mark by which voter could be identified; and
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

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

Notification of local result

57.—(1) As soon as practicable after the completion of the count (or, if later, its deemed completion under rule 53(7)) the local returning officer must draw up a statement showing the number of votes given for each registered party and individual candidate, excluding any votes given on ballot papers rejected under rule 55.

(2) The local returning officer must forthwith inform the returning officer of the contents of that statement.

(3) The local returning officer must give public notice of the statements prepared under this rule and under rule 55 as soon as practicable after the returning officer has agreed that he should do so.

Attendance at allocation of seats

58.—(1) The returning officer must make arrangements for making the calculation and allocation required by rule 59.

(2) No person other than—

- (a) the returning officer and his clerks;
 - (b) the election agent of each registered party standing at the election or a person acting on his behalf;
 - (c) each candidate on the list of such a party and one other person chosen by each of them;
 - (d) each individual candidate and one person chosen by each of them;
 - (e) the election agent of each individual candidate or a person acting on his behalf;
 - (f) the nominating officer of each registered party which is contesting the election to the European Parliament in the electoral region;
 - (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- may be present at that calculation and allocation unless permitted by the returning officer to attend.

- (3) The returning officer must give to—
- (a) the election agent of each registered party standing at the election; and
 - (b) each individual candidate,

notice in writing of the place at which he will conduct the proceedings under rule 59 and of the time at which he will begin those proceedings.

Allocation of seats

59.—(1) The returning officer, as soon as practicable after he has been informed of the contents of the statements prepared under rule 57(1) by local returning officers in his region must calculate the total number of votes given to each registered party and individual candidate in all of the local counting areas within the electoral region, as shown in those statements.

(2) Subject to paragraph (4)^[F15], rule 60 and rule 60A], the returning officer must then allocate the seats in accordance with subsections (5) to (9) of section 2 of the 2002 Act.

(3) The returning officer must give the persons entitled to be present reasonable facilities for satisfying themselves that the results of the calculation and allocation which he is required to make are accurate; and in particular, a person entitled to be present may require the returning officer to make a calculation or allocation again but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(4) At a by-election at which there is only one vacancy, subsections (5) to (9) of section 2 of the 2002 Act are to have effect as though they provided that the party or individual candidate to whom the majority of the votes have been given must be declared to be elected.

Textual Amendments

F15 Words in Sch. 1 rule 59(2) substituted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), 27

Equality of seats

60.—(1) Where in the case of the last seat to be allocated, two or more registered parties or individual candidates have an equal number of votes and that number is greater than the number of votes of any other party or candidate, one vote must be added to the votes of each party or individual candidate having such an equal number and the rules in subsections (5) to (9) of section 2 of the 2002 Act must be applied again.

(2) Where, after the application of the procedure set out in paragraph (1), two or more parties or individual candidates still have an equal number of votes and that number is greater than the number of votes of any other party or candidate, the returning officer must forthwith decide between the parties and individual candidates having such an equal number by lot, and allocate the seat to the party or candidate on whom the lot falls.

(3) Where the lot falls on a party, the returning officer must comply with section 2(8) of the 2002 Act.

^[F16]Disqualification in home Member State

60A.—(1) This rule applies where a candidate is a relevant citizen of the Union and, after the publication of the statement of parties and individual candidates standing nominated, the returning officer receives, under rule 9A(4), information that the candidate has been deprived of the right to stand as a candidate through a relevant disqualifying decision in the Member State of which the candidate is a national.

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3. (See end of Document for details)

- (2) Any votes given to the candidate are to be disregarded for the purpose of applying—
- (a) rules 59 and 60, and
 - (b) subsections (5) to (9) of section 2 to the 2002 Act (voting system in Great Britain and Gibraltar).
- (3) For the purpose of subsections (7) and (8) of section 2 of the 2002 Act, the candidate is to be treated as being omitted from a party's list of candidates.]]

Textual Amendments

F16 Sch. 1 rule 60A inserted (1.1.2014) by [The European Parliamentary Elections \(Amendment\) Regulations 2013 \(S.I. 2013/2876\)](#), regs. 1(2), **28**

Status:

Point in time view as at 31/01/2017.

Changes to legislation:

There are currently no known outstanding effects for the The European Parliamentary Elections Regulations 2004, PART 3.