

SCHEDULES

SCHEDULE 4

Combination of polls

PART 3

Modifications to PCC elections rules

COUNTING OF VOTES

Attendance at verification

38. For rule 48 substitute—

“Attendance at verification

48.—(1) This rule and rules 49 and 50 do not apply where the local returning officer is not the relevant returning or counting officer.

(2) But where the local returning officer is the relevant returning or counting officer, the officer must—

(a) make arrangements for the verification of the ballot paper accounts to be carried out as soon as practicable after the close of the poll and in the presence of the counting agents appointed for the purposes of the PCC election and those appointed for the purposes of each relevant election or referendum, and

(b) give the counting agents appointed for the purposes of the PCC election and those appointed for the purposes of each relevant election or referendum notice in writing of the time and place at which the verification of the ballot paper accounts will begin.

(3) A person may be present at the verification of the ballot paper accounts only if—

(a) the person is entitled to be present at the ^{F1}... count of the votes for the PCC election or at the counting of the votes for a relevant election or referendum, or

(b) the person is permitted by the relevant returning or counting officer to attend.

(4) Permission under paragraph (3)(b) may be given only if the relevant returning or counting officer is satisfied that the person's attendance will not impede the efficient verification of the ballot paper accounts.

(5) The relevant returning or counting officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.”

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Textual Amendments

- F1** Word in [Sch. 4 para. 38](#) omitted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 6\(3\)](#)

Procedure at verification of ballot paper accounts

39. For rule 49 substitute—

“Procedure at verification of ballot paper accounts

49.—(1) Where the local returning officer is the relevant returning or counting officer, the officer must—

- (a) in the presence of the counting agents appointed for the purposes of the PCC election and the counting agents appointed for the purposes of each relevant election or referendum—
 - (i) open the ballot boxes from each polling station,
 - (ii) in relation to the PCC election and to each of the relevant elections or referendums, count and record separately the number of ballot papers relating to that election or referendum, and
 - (iii) verify each ballot paper account;
 - (b) where proceedings on the issue and receipt of postal ballot papers for the PCC election and each relevant election or referendum are taken together, count the postal ballot papers that have been duly returned and record separately the number counted at the PCC election and each relevant election or referendum;
 - (c) separate the ballot papers relating to the PCC election from the ballot papers relating to each relevant election or referendum;
 - (d) make up into packets the ballot papers for each relevant election or referendum and seal them up into separate containers endorsing on each a description of the area to which the ballot papers relate;
 - (e) deliver or cause to be delivered to the returning or counting officer for each 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 the election or referendum;
 - (f) at the same time deliver or cause to be delivered to that officer packets that relate to the relevant election or referendum containing—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers;
 - (iii) the certificates as to employment on duty on the day of the poll.
- (2) A postal ballot paper is not to be taken to be duly returned unless—
- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the relevant returning or counting officer or a polling station in the appropriate area (as defined in paragraph (3)),

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- (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the relevant returning or counting officer or a polling station in the appropriate area,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) ^{F2}... the relevant returning or counting officer verifies the date of birth and signature of the elector or proxy (as the case may be).

[^{F3}(2A) A postal ballot paper or postal voting statement that reaches the relevant returning or counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (2) 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 “appropriate area” in respect of any voter is—
 - (a) the area which is common to the areas in which the polls at the PCC election and the relevant election or referendum are being taken together, and
 - (b) in respect of which polls the voter has been issued with a ballot paper.

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

(5) The relevant returning or counting officer, while counting and recording the number of postal ballot papers, must keep the ballot papers with their faces upwards and take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.

(6) Unless otherwise directed by the police area returning officer, the relevant returning or counting officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.

(7) The relevant returning or counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the relevant returning or counting officer, and the unused and spoilt ballot papers in the relevant returning or counting officer's 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.

(8) Any counting agent for a PCC election present at the verification may copy the statement drawn up under paragraph (7).

(9) Any counting agent for a relevant election or referendum present at the verification may copy the statement drawn up under paragraph (7).

(10) Once the statement relating to the PCC election is drawn up, the relevant returning or counting officer must inform the police area returning officer of the contents of the statement.”

Textual Amendments

- F2** Words in Sch. 4 para. 39 omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **44(1)** (with art. 1(5))

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F3 Words in Sch. 4 para. 39 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **44(2)** (with art. 1(5))

Additional steps: verification and count carried out at different places

40.—(1) Rule 50 is modified as follows.

(2) For paragraph (1) substitute—

“(1) This rule applies where—

- (a) the local returning officer is the relevant returning or counting officer, and
- (b) the votes at the PCC election are to be counted at a place other than that at which the procedures for the verification of the ballot paper accounts are carried out.”

(3) In paragraphs (2), (3) and (4) (in each place), for “local returning officer” substitute “relevant returning or counting officer”.

Attendance at the ^{F4}... count

41.—(1) Rule 51 is modified as follows.

(2) For paragraph (1) substitute—

“(1) Where the local returning officer is the relevant returning or counting officer, the local returning officer must—

- (a) make arrangements for the votes at the PCC election to be counted as soon as practicable after the close of the poll in the presence of the counting agents appointed for the purposes of that election, and
- (b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.”

(3) For paragraph (2) substitute—

“(2) Where the local returning officer is not the relevant returning or counting officer, the local returning officer must—

- (a) make arrangements for counting the votes at the PCC election in the presence of the counting agents appointed for the purposes of that election as soon as practicable after delivery to the local returning officer of the ballot papers for that election, and
- (b) give the counting agents notice in writing of the time and place at which the counting of votes will begin.”

Textual Amendments

F4 Word in [Sch. 4 para. 41](#) heading omitted (21.12.2022) with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), **art. 6(4)**

The ^{F5}... count

42.—(1) Rule 52 is modified as follows.

(2) Before paragraph (1) substitute—

“(A1) Where the local returning officer is the relevant returning or counting officer, the officer must—

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- (a) on completion of the proceedings under rule 49, and
 - (b) if applicable, on receipt of the containers referred to in rule 50,
- proceed to count the votes in accordance with paragraphs (1) and (2) to (7).”
- (3) After paragraph (1) insert—
- “(1A) Where the local returning officer is not the relevant returning or counting officer, the officer must, on receipt of the containers containing the ballot papers from the relevant returning or counting officer—
- (a) open in the presence of the counting agents all the packets of ballot papers other than those containing unused, spoiled or tendered ballot papers,
 - (b) where the proceedings on the issue and receipt of postal ballot papers for the PCC election and each relevant election or referendum are not taken together, count the postal ballot papers that have been duly returned for the PCC election and record the number counted, and
 - (c) proceed to count the votes in accordance with paragraphs (1B), (1C) and (2) to (7).
- (1B) For the purposes of paragraph (1A)(b), a postal ballot paper is not to be taken to be duly returned unless—
- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the appropriate area (as defined in paragraph (1C)),
 - (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the appropriate area,
 - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
 - (d) ^{F6}... the local returning officer verifies the date of birth and signature of the elector or proxy (as the case may be).
- [^{F7}(1BA) A postal ballot paper or postal voting statement that reaches the local returning officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (2) 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.]
- (1C) The “appropriate area” in respect of any voter is the area—
- (a) which is common to the parliamentary constituency, electoral area, ^{F8}... local authority area or voting area (as the case may be) in which the polls at the PCC election and any relevant election or referendum are being taken together, and
 - (b) in respect of which polls the voter has been issued with a ballot paper.”
- (4) In paragraph (5), after “while” insert “ counting and recording the number of postal ballot papers and ”.

Textual Amendments

- F5** Word in [Sch. 4 para. 42](#) heading omitted (21.12.2022) with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 6\(5\)](#)
- F6** Words in [Sch. 4 para. 42](#) omitted (6.4.2014) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), [arts. 1\(5\), 45\(1\)](#) (with [art. 1\(5\)](#))

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- F7** Words in Sch. 4 para. 42 inserted (6.4.2014) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2014 \(S.I. 2014/921\)](#), arts. 1(5), **45(2)** (with art. 1(5))
- F8** Words in Sch. 4 para. 42(3) revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 2** Table 1 (as amended by S.I. 2019/1389, regs. 1, **2(2)**)

Sealing up of ballot papers

43.—(1) Rule 65 is amended as follows.

(2) For paragraph (2) substitute—

“(2) The local returning officer may not open the sealed packets of—

(a) tendered ballot papers, or

[^{F9}(aa) the completed ballot paper refusal list, or]

(b) certificates as to employment on duty on the day of the poll.”.

(3) After that paragraph insert—

“(3) The relevant returning or counting officer may not open the sealed packets of —

(a) the completed corresponding number lists, or

(b) marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies”.

Textual Amendments

- F9** Words in [Sch. 4 para. 43\(2\)](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **61(5)** (with reg. 1(6)(7))

Delivery of documents

44. For rule 66 substitute—

“**66.**—(1) Where the local returning officer is the relevant returning or counting officer, the officer must—

(a) endorse on each of the sealed packets a description of its contents, the date of the poll to which they relate and, in the case of a PCC election, the name of the police area for which that election was held, and

(b) then forward the documents specified in paragraph (2) to the relevant registration officer.

(2) The documents referred to in paragraph (1) are—

(a) the packets of ballot papers in the officer's possession;

(b) the ballot paper accounts and the statements of—

(i) rejected ballot papers, and

(ii) 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, the lists maintained under rule 45 and the declarations made by the companions of voters with disabilities;

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- [^{F10}(ca) the packet containing the completed ballot paper refusal list;]
- (d) the packets of the completed corresponding number lists;
 - (e) the packets of certificates as to employment on duty on the day of the poll;
 - (f) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and marked copies of the postal voters list, of the lists of proxies and of the proxy postal voters list;
 - (g) any documents in the officer's possession which are to be forwarded under paragraph 59 of Schedule 2.
- (3) Where the local returning officer is not the relevant returning or counting officer, the local returning officer must take the steps set out in paragraph (1) in relation to all the documents listed in paragraph (2) apart from those listed in sub-paragraphs (c), (d) and (f).”

Textual Amendments

F10 Words in [Sch. 4 para. 44](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **61(6)** (with reg. 1(6)(7))

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