

## F1 SCHEDULE 5

### The Local Government Act Referendums (Combination of Polls) Rules

#### Textual Amendments

- F1** Sch. 5 Pt. 8 Forms substituted (16.1.2023) by *The Voter Identification Regulations 2022 (S.I. 2022/1382)*, regs. 1(3), **50(17)** (with reg. 1(6)(7))

## PART 6

### Counting of Votes

#### Attendance at counting of votes

**37.—(1)** Where the counting officer at the referendum is the relevant returning or counting officer, he or she must—

- (a) make arrangements for—
  - (i) discharging the functions under rule 38(1) in the presence of the counting observers appointed for the purposes of the referendum and the election agents and counting agents or observers 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 the referendum in the presence of the counting observers appointed for the purpose of that referendum; and
- (b) give to the counting observers appointed for the purposes of the referendum and the election agents and counting agents or observers appointed for the purpose of each relevant election or referendum notice in writing of the time and place at which he or she will begin to discharge the functions under rule 38(1).

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, he or she must—

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

(3) No person other than—

- (a) the counting officer and his or her clerks;
- (b) the counting observers;
- (c) the elected mayor, if any, of the council in respect of which the referendum is held;
- (d) the petition organisers; and
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(4) No person other than a person entitled to be present at the counting of the votes at the referendum under paragraphs (4) to (13) of rule 38 or at a relevant election or referendum may be

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present at the proceedings under rule 38(1) unless permitted by the relevant returning or counting officer to attend.

- (5) A person not entitled to attend at—
- (a) the proceedings under rule 38(1); or
  - (b) the counting of the votes,

must not be permitted to do so by, respectively, the relevant returning or counting officer or the counting officer unless he or she 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.

- (6) The—
- (a) relevant returning or counting officer, in respect of proceedings under rule 38(1); and
  - (b) counting officer, in respect of the counting of votes,

must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he or she can give them consistently with the orderly conduct of the proceedings and the discharge of his or her duties in connection with them.

(7) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 21(1)(ba) inserted by [S.I. 2023/1225 reg. 6\(2\)\(a\)](#)
- Sch. 3 rule 36(3)(e) and word inserted by [S.I. 2023/1225 reg. 6\(2\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 11\(2\)\(3\)](#)
- Sch. 3 rule 36(3)(c) word omitted by [S.I. 2023/1225 reg. 6\(2\)\(b\)\(i\)](#)
- Sch. 3 rule 24(1)(b) words inserted by [S.I. 2023/1147 reg. 15\(3\)\(a\)](#)
- Sch. 3 rule 24 table words omitted by [S.I. 2023/1147 reg. 15\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 table words substituted by [S.I. 2023/1147 reg. 15\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 24(2) words substituted by [S.I. 2023/1147 reg. 15\(3\)\(c\)](#)
- Sch. 5 rule 23(1)(ba) inserted by [S.I. 2023/1225 reg. 6\(4\)\(b\)](#)
- Sch. 5 rule 38(5)(e) and word inserted by [S.I. 2023/1225 reg. 6\(4\)\(c\)\(ii\)](#)
- Sch. 5 rule 26 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 11\(2\)\(3\)](#)
- Sch. 5 rule 38(5)(c) word omitted by [S.I. 2023/1225 reg. 6\(4\)\(c\)\(i\)](#)
- Sch. 5 rule 26(1)(b) words inserted by [S.I. 2023/1147 reg. 15\(7\)\(a\)](#)
- Sch. 5 rule 26 table words omitted by [S.I. 2023/1147 reg. 15\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 26 table words substituted by [S.I. 2023/1147 reg. 15\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 26(2) words substituted by [S.I. 2023/1147 reg. 15\(7\)\(c\)](#)
- Sch. 5 rule 17(10) words substituted by [S.I. 2023/1225 reg. 6\(4\)\(a\)](#)