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SCHEDULES

SCHEDULE 7

COMBINATION OF POLLS: SCOTLAND

PART 1

PROVISION ABOUT COMBINATION

THE POLL

Admission to the polling station

- 25 (1) Rule 21(1) of the referendum rules has effect as if the persons listed there included persons who would be entitled to be admitted to the polling station for a Scottish parliamentary election if the poll for the election were held on its own.
- (2) Rule 41(1) of the Scottish Parliamentary Election Rules has effect as if the persons listed there included persons who would be entitled to be admitted to the polling station for the referendum if the poll for the referendum were held on its own.

Voting by persons on duty on day of poll

- 26 (1) Paragraph 2(5) of Schedule 3 has effect as if in the words after paragraph (b) the reference to any polling station were to any polling station in the same voting area as the allotted polling station.
- (2) A certificate as to employment on duty on the day of the poll for the referendum must be in the form set out in Form 8 in Part 3 of this Schedule.
- (3) Sub-paragraph (2) applies instead of rule 21(4)(b) of the referendum rules.
- 27 The returning officer's function of signing certificates as to employment under rule 41(4) of the Scottish Parliamentary Election Rules is to be carried out by the counting officer.

Removal from polling station

- 28 The constituency returning officer's function under rule 42(2)(b) of the Scottish Parliamentary Election Rules of authorising someone to remove a person from a polling station is to be carried out by the counting officer.

Voting procedure: copies of registers and lists of proxies

- 29 (1) If the counting officer thinks fit, the same copy of the register of electors may be used under the following provisions for the purposes of the referendum and the Scottish parliamentary election—

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- (a) rule 28(2) of the referendum rules;
 - (b) rule 46(2) of the Scottish Parliamentary Election Rules.
- (2) Sub-paragraphs (3) and (4) apply where the same copy of the register is used as mentioned in sub-paragraph (1).
- (3) In a case where a referendum ballot paper, and a constituency ballot paper and regional ballot paper, are delivered at the same time, a single mark must be placed in the register against the number of the elector under—
- (a) rule 28(2)(c) of the referendum rules, and
 - (b) rule 46(2)(c) of the Scottish Parliamentary Election Rules.
- (4) In any other case, a mark must be placed in the register against the number of the elector identifying the poll to which each ballot paper delivered relates.
- (5) 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—
- (a) references in this paragraph to the copy of the register of electors are to be read as references to the copy of the notice;
 - (b) references to a mark being placed in the register of electors are to be read as references to a mark being made on the copy of the notice.
- (6) Where the same copy of the register is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 46(6) of the Scottish Parliamentary Election Rules except so far as it relates to the list of proxies.
- 30 (1) If the counting officer thinks fit, the counting officer may require the relevant registration officer to produce a combined list of proxies for the referendum and the Scottish parliamentary election.
- (2) The following provisions apply where the lists are combined and a person applies for a ballot paper as proxy.
- (3) Immediately before delivery of the ballot paper the list of proxies must be marked in a way that—
- (a) identifies the proxy,
 - (b) identifies the elector for whom the proxy is applying for the ballot paper, and
 - (c) indicates whether the ballot paper is a referendum ballot paper, a constituency ballot paper or a regional ballot paper.
- (4) Sub-paragraph (3) applies instead of—
- (a) rule 28(2)(d) of the referendum rules;
 - (b) rule 46(2)(d) of the Scottish Parliamentary Election Rules and rule 46(6) of those rules so far as it relates to the list of proxies.
- 31 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order.
- (2) If the counting officer think fit, the counting officer may require the relevant registration officer to produce a combined postal voters list and a combined proxy postal voters list for the referendum and the Scottish parliamentary election.

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List of votes marked by presiding officer

- 32 (1) If the counting officer thinks fit, a single list of votes marked by the presiding officer may be used in respect of—
- (a) votes marked on referendum ballot papers,
 - (b) votes marked on constituency ballot papers, and
 - (c) votes marked on regional ballot papers.
- (2) Where a person’s entry in that list does not relate to all three kinds of ballot paper, the entry must identify each kind to which it relates.
- (3) In this paragraph “list of votes marked by the presiding officer” means a list compiled under—
- (a) rule 30(4) of the referendum rules, or
 - (b) rule 47(2) of the Scottish Parliamentary Election Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 47(4) of the Scottish Parliamentary Election Rules.

Declaration to be made by the companion of a voter with disabilities

- 33 (1) A declaration made by the companion of a voter with disabilities must be in the form set out in Form 9 in Part 3 of this Schedule.
- (2) In this paragraph “declaration made by the companion of a voter with disabilities” means a declaration made by a companion under—
- (a) rule 31 of the referendum rules, or
 - (b) rule 48 of the Scottish Parliamentary Election Rules.
- (3) This paragraph applies instead of—
- (a) rule 31(5)(a) of the referendum rules;
 - (b) rule 48(6)(a) of the Scottish Parliamentary Election Rules.

List of voters with disabilities assisted by companions

- 34 (1) If the counting officer thinks fit, a single list of voters with disabilities assisted by companions may be used may be used in respect of—
- (a) votes marked on referendum ballot papers,
 - (b) votes marked on constituency ballot papers, and
 - (c) votes marked on regional ballot papers.
- (2) Where a person’s entry in that list does not relate to all three kinds of ballot paper, the entry must identify each kind to which it relates.
- (3) In this paragraph “list of voters with disabilities assisted by companions” means a list compiled under—
- (a) rule 31(8) of the referendum rules, or
 - (b) rule 48(4) of the Scottish Parliamentary Election Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 48(8) of the Scottish Parliamentary Election Rules.

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Tendered votes list

- 35 (1) If the counting officer thinks fit, a single tendered votes list may be used in respect of—
- (a) tendered referendum ballot papers,
 - (b) tendered constituency ballot papers, and
 - (c) tendered regional ballot papers.
- (2) Where a person’s entry in that list does not relate to all three kinds of tendered ballot paper, the entry must identify each kind to which it relates.
- (3) In this paragraph “tendered votes list” means a list compiled under—
- (a) rule 33(7) of the referendum rules, or
 - (b) rule 49(7) of the Scottish Parliamentary Election Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 49(10) of the Scottish Parliamentary Election Rules.

Lists relating to correction of errors on day of poll

- 36 (1) If the counting officer thinks fit, a single list of persons to whom ballot papers are delivered in consequence of late alterations to the register may be used in respect of—
- (a) referendum ballot papers,
 - (b) constituency ballot papers, and
 - (c) regional ballot papers.
- (2) Where a person’s entry in that list does not relate to all three kinds of ballot paper, the entry must identify each kind to which it relates.
- (3) In this paragraph “list of persons to whom ballot papers are delivered in consequence of late alterations to the register” means a list compiled under—
- (a) rule 36 of the referendum rules, or
 - (b) rule 51 of the Scottish Parliamentary Election Rules.

Notice of adjournment in case of riot

- 37 Rule 52(1) of the Scottish Parliamentary Election Rules has effect as if “counting officer” were substituted for “CRO”.

Procedure on close of poll

- 38 (1) In rule 38(1) of the referendum rules the reference to polling agents includes a reference to polling agents appointed for the purposes of a Scottish parliamentary election.
- (2) In rule 53(1) and (2) of the Scottish Parliamentary Election Rules, a reference to polling agents includes a reference to polling agents appointed for the purposes of the referendum.
- (3) Rule 53(2)(g) of those rules does not apply.
- 39 (1) A packet made up under one of the following provisions may not be combined with a packet made up under another of those provisions.
- (2) The provisions are—

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- (a) rule 38(1)(b), (c) or (f) of the referendum rules;
 - (b) rule 53(2)(a), (b) or (d) of the Scottish Parliamentary Election Rules.
- 40 Rule 53(2) of the Scottish Parliamentary Election Rules has effect as if “counting officer” were substituted for “CRO” in each place.
- 41 The ballot paper accounts prepared under rule 38(6) of the referendum rules and rule 53(4) of the Scottish Parliamentary Election Rules may not be combined.