
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

**The Crofting Commission (Elections)
(Scotland) Regulations 2011**

PART IV

COUNTING OF VOTES AND DECLARATION OF RESULT

Orders for production of documents

52.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the registration officer;
- (b) for the opening of a sealed packet of the crofting electoral register, marked copies of the absent electors list and the list of proxies, the completed corresponding number lists, certificates as to employment on duty on the day of the count or certificates as to the inspection of any counted ballot papers in such officer's custody; or
- (c) for the inspection or production of information held on an electronic copy of information made under regulation 50(1),

may be made by the sheriff principal having jurisdiction and, where more than one sheriff principal has jurisdiction, by any such sheriff principal, on being satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence under these Regulations.

(2) An order under this regulation may be made subject to such conditions as to—

- (a) persons;
- (b) time;
- (c) place and mode of inspection; and
- (d) production or opening,

as the sheriff principal may think expedient.

(3) But in making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates or for the inspection of counted ballot papers or information held on an electronic copy of information made under regulation 50(1), care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

- (a) that such vote was given; and
- (b) that such vote has been declared by a competent court to be invalid.

(4) An appeal lies to the Court of Session from any order of a sheriff principal under this regulation.

(5) Where an order is made for the production by the registration officer of any document in such officer's possession relating to any specified election—

- (a) the production by such officer or the officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified election; and
 - (b) any endorsement on any packet of ballot papers so produced is, unless the contrary is shown, conclusive evidence that the ballot papers are what they are stated to be by the endorsement.
- (6) The production from proper custody of—
- (a) a ballot paper purporting to have been used at any election; and
 - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is, unless the contrary is shown, conclusive evidence that the elector whose vote was given by that ballot paper was the person whose entry in the crofting electoral register at the time of the election contained the same number as the number written as mentioned in sub-paragraph (b).

(7) Except as provided by this regulation, no person is allowed to inspect any rejected or counted ballot papers in the possession of the registration officer or any information held on an electronic copy made under regulation 50(1).