
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 457

REPRESENTATION OF THE PEOPLE

The Scottish Local Government Elections Rules 2002

Made - - - - 8th October 2002

Laid before Parliament 9th October 2002

Coming into force in accordance with rule 1(2)

The Scottish Ministers, in exercise of the powers conferred by section 42 of the Representation of the People Act 1983(1), and of all other powers enabling them in that behalf, hereby make the following Rules:

Citation, commencement and extent

1.—(1) These Rules may be cited as the Scottish Local Government Elections Rules 2002.

(2) These Rules shall come into force on 13th November 2002 except for the purposes of any election where the last day for the publication of the notice of election in respect of that election precedes that date.

These Rules shall come into force on 13th November 2002 except for the purposes of any election where the last day for the publication of the notice of election in respect of that election precedes that date.

(3) These Rules shall extend to Scotland only.

Revocations

2. The rules specified in Schedule 1 to these Rules are revoked.

Interpretation

3. In these Rules—

“elector” means a person who is registered in the register to be used at the election as a local government elector for the local government area in which the election is held, and includes a person shown in the register as below voting age if (but only if) it appears from it that such person will be of voting age on the day fixed for the poll;

(1) 1983 c. 2. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

“local authority” means a council constituted by section 2 of the Local Government etc. (Scotland) Act 1994⁽²⁾;

“local government area” means the area of a local authority.

Local government elections rules

4.—(1) Subject to paragraph (2) below, elections of councillors for local government areas shall be conducted in accordance with the local government elections rules set out in Schedule 2 to these Rules being the parliamentary elections rules⁽³⁾ in Schedule 1 to the Representation of the People Act 1983⁽⁴⁾ with adaptations, alterations and exceptions.

(2) In the application of the local government elections rules set out in Schedule 2 to these Rules to any election where the poll is taken together with the poll at another election under section 15(1) or (2) of the Representation of the People Act 1985⁽⁵⁾ the modifications set out in Schedules 3 and 4 to these Rules shall apply.

St Andrew’s House,
Edinburgh
8th October 2002

PETER PEACOCK
Authorised to sign by the Scottish Ministers

(2) 1994 c. 39.

(3) The parliamentary elections rules were amended, so far as is relevant, by section 19(5) of, paragraphs 4 to 7 of Schedule 2 to, paragraphs 74 to 86 of Schedule 4 to, and Schedule 5 to, the Representation of the People Act 1985 (c. 50), paragraph 6(a) of Schedule 2 to the Registration of Political Parties Act 1998 (c. 48), section 38(2) of, and paragraph 1 of Schedule 22 to, the Political Parties, Elections and Referendums Act 2000 (c. 41), section 13 of, and paragraph 10(3) of Schedule 6 to, the Representation of the People Act 2000 (c. 2), and, where the poll at a parliamentary election is taken together with the poll at a local government election or a European Parliamentary election, by regulation 98 of the Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111).

(4) 1983 c. 2.

(5) 1985 c. 50.

SCHEDULE 1

Rule 2

REVOCATIONS

<i>Rules revoked</i>	<i>References</i>
The Scottish Local Elections Rules 1986	S.I.1986/2213
The Scottish Local Elections Amendment (No. 2) Rules 1999	S.I. 1999/492

SCHEDULE 2

Rule 4(1)

SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES
RULES FOR CONDUCT OF A SCOTTISH LOCAL GOVERNMENT ELECTION WHERE
THE POLL IS NOT TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION

ARRANGEMENT OF RULES

PART I

PROVISIONS AS TO TIME

1. Timetable.
2. Computation of time.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

3. Notice of election.

Nomination

4. Nomination of candidates.
5. Consent to nomination.
6. Subscription of nomination paper.
7. Decisions as to validity of nomination papers.
8. Withdrawal of candidates.
9. Nomination in more than one electoral ward.
10. Inspection of nomination papers.
11. Method of election and notice of uncontested election.

PART III

CONTESTED ELECTIONS

General Provisions

12. Poll to be taken by ballot.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

13. The ballot papers.
14. The official mark.
15. Prohibition of disclosure of vote.
16. Use of schools and public rooms.

Action to be taken before the poll

17. Notice of Poll
18. Postal ballot papers
19. Provision of polling stations.
20. Appointment of presiding officers and clerks.
21. Issue of official poll-cards and notifications.
22. Equipment of polling stations.
23. Appointment of polling and counting agents.
24. Notification of requirement of secrecy.

The Poll

25. Admission to polling station.
26. Keeping of order in station.
27. Sealing of ballot boxes.
28. Questions to be put to voters.
29. Challenge of voter.
30. Voting procedure.
31. Votes marked by presiding officer.
32. Voting by persons with disabilities.
33. Tendered ballot papers.
34. Spoilt ballot papers.
35. Adjournment of poll in case of riot.
36. Procedure on close of poll.

Counting of votes

37. Attendance at counting of votes.
38. The count.
39. Re-count.
40. Rejected ballot papers.
41. Decisions on ballot papers.
42. Equality of votes.
43. Declaration of result.

PART IV

DISPOSAL OF DOCUMENTS

44. Sealing up of ballot papers.
45. Delivery of documents.
46. Orders for production of documents.
47. Retention and public inspection of documents.

PART V

DEATH OF CANDIDATE

48. Countermand or abandonment of poll on death of candidate.

APPENDIX OF FORMS

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Notice of election.
- Nomination paper.
- Notice of uncontested election.
- Ballot paper.
- Notice of poll.
- Declaration of identity.
- Official poll card.
- Proxy's official notification.
- Directions for the guidance of the voters in voting.
- Certificate of employment.
- Declaration to be made by the companion of a voter with disabilities.

Signature
Explanatory Note

PART I PROVISIONS AS TO TIME

Timetable

1.—(1) Subject to paragraphs (2) and (3) below, the proceedings at the election shall be conducted in accordance with the following table:—

Timetable

<i>Proceeding</i>	<i>Time</i>
1. Publication of notice of election	Not earlier than the twenty-eighth day before the date of the poll and not later than the twenty-first day before the date of the poll.
2. Delivery of nomination papers	Not later than 4.00 p.m. on any day after the date of the publication of the notice of election but not later than the sixteenth day before the date of the poll.
3. Delivery of notice of withdrawal of nomination	Within the time for the delivery of nomination papers at the election.
4. Notice in case of uncontested election and notice of poll in contested election	Not later than the Thursday before the day of election.
5. Polling	Between the hours of 8.00 a.m. and 9.00 p.m. on the date of the poll.

(2) At any election held under section 37 (filling of casual vacancies) of the Local Government (Scotland) Act 1973(6), the timetable prescribed in paragraph (1) above shall apply subject to any modifications necessary to secure completion of the proceedings listed in items 1 to 4 in the first column of that timetable, before the date fixed as the day of election by the returning officer under sub-section (1) of the said section 37.

(6) 1973 c. 65.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) At any election held under section 45 (non-election of local authority etc.) of the Representation of the People Act 1983⁽⁷⁾, the timetable in paragraph (1) above shall be subject to any direction made by the Scottish Ministers in exercise of the powers conferred by that section.

Computation of time

2.—(1) In computing any period of time for the purposes of the timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or Easter Monday;
- (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971⁽⁸⁾; or
- (d) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll.

(2) Nothing in this rule shall apply in relation to the counting of the votes and the other proceedings of the returning officer after the close of the poll or to things done by other persons in the course of those proceedings, but the returning officer shall not be obliged to proceed with the counting on any of the days mentioned in paragraph (1) above.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

Notice of election

3.—(1) The returning officer shall publish notice of the election in the form in the Appendix to this Schedule or a form to the like effect stating—

- (a) the place and times at which nomination papers are to be delivered;
- (b) that forms of such nomination papers may be obtained at that place and at those times; and
- (c) the date of the poll in the event of a contest.

(2) The notice of election shall state the day by which—

- (a) applications to vote by post or by proxy; and
- (b) other applications and notices about postal or proxy voting,

must reach the electoral registration officer in order that they may be effective for the election.

Nomination

Nomination of candidates

4.—(1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix to this Schedule, delivered at the place fixed for the purpose by the returning officer.

(2) The nomination paper shall state either—

(7) 1983 c. 2.
(8) 1971 c. 80.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the name of the candidate as it appears in the register of local government electors for any local government area within the area of the council for which such candidate is nominated together with the address and number on the register of the candidate, the surname being placed first; or
 - (b) the full name of the candidate (with the surname first) and the home address in full.
- (3) The particulars of a candidate given in a nomination paper shall, if desired, include a description in addition to the particulars required by paragraph (2) above; but the description (if any) must consist of either—
- (a) a description (of not more than 6 words in length) which is authorised as mentioned in paragraph (4) below; or
 - (b) the word “Independent”.
- (4) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the party is a qualifying party in relation to the local government area and the description is authorised by a certificate—
- (a) issued by or on behalf of the registered nominating officer of the party, and
 - (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the table in rule 1.
- (5) A person shall be guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a certificate under paragraph (4) above on behalf of a registered political party’s nominating officer.
- (6) For the purposes of the application of this rule in relation to an election—
- (a) “registered political party” means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000⁽⁹⁾ at the time by which the notice of election is required to be published by virtue of rule 1 above (“the relevant time”); and
 - (b) a registered political party is a qualifying party in relation to a local government area if the party was at the relevant time registered in respect of Scotland in the Great Britain register mentioned under that Part of that Act.

Consent to nomination

5. A person shall not be validly nominated unless that person’s consent to nomination is given in writing on the nomination paper on or within one month before the last day for the delivery of nomination papers.

Subscription of nomination paper

6.—(1) The nomination paper shall be subscribed by the candidate and by a witness to the candidate’s signature.

(2) As soon as practicable after each nomination paper has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.

(3) The returning officer—

- (a) shall supply any person with a nomination paper at the place and during the time for delivery of nomination papers, and
- (b) shall at any person’s request prepare a nomination paper for signature,

but it is not necessary for a nomination to be on a form supplied by the returning officer.

(9) 2000 c. 41.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Decisions as to validity of nomination papers

7.—(1) Where a nomination paper is delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) proof is given to the returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds:—

- (a) that the particulars of the candidate or the witness signing the paper are not as required by law; or
- (b) that the paper is not witnessed as so required.

(3) Subject to paragraph (4) below as soon as practicable after each nomination has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.

(4) If in the returning officer's opinion a nomination paper breaks rule 4(4) above, the returning officer shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers set out in the table in rule 1 above.

(5) Where the returning officer decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for such decision.

(6) The returning officer shall send notice of such decision that a nomination paper is valid or invalid to each candidate at the candidate's home address as given in such nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7) above, nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Withdrawal of candidates

8. A candidate may withdraw candidature by notice of withdrawal—

- (a) signed by such candidate and attested by one witness, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

Nomination in more than one electoral ward

9. If at an election of councillors for the council of a local government area a candidate is validly nominated for more than one electoral ward, such candidate shall withdraw from candidature in all but one of those electoral wards; and if such candidate does not so withdraw within the time for the delivery of notices of withdrawal, such candidate shall be deemed to have withdrawn as a candidate for election to that council.

Inspection of nomination papers

10. Any person may inspect and take copies of, or extracts from, nomination papers during ordinary office hours on any day, other than a day specified in rule 2(1) above, after the latest time for delivery of nomination papers and before the date of the poll.

Method of election and notice of uncontested election

11.—(1) If after the expiry of the time for the delivery of notices of withdrawal of nomination, two or more candidates remain validly nominated for an electoral ward, the councillor for that electoral ward shall be elected from among them at a poll under Part III of these Rules.

(2) If one candidate only remains validly nominated as aforesaid, the returning officer shall cause public notice to be given that there will be no poll in that electoral ward, and that on the day of election that candidate shall be declared elected in accordance with the provisions of paragraph (3) below.

(3) Where notice of an uncontested election has been given under paragraph (2) above, the returning officer shall—

- (a) not later than 11.00 a.m. on the day of election declare to be elected the validly nominated candidate referred to in the said notice of uncontested election;
- (b) give notice of the name of the person to whom sub-paragraph (a) above applies to the proper officer of the council for which the election was held; and
- (c) give public notice of the name of such person, and such public notice may be combined with a public notice given under rule 43 below.

(4) The public notice to be given under paragraph (2) above shall be in the form contained in the Appendix to this Schedule, or a form to the like effect and shall, except where in the circumstances it is not appropriate, be combined with the public notice of poll to be given under rule 17 below.

PART III

CONTESTED ELECTIONS

General Provisions

Poll to be taken by ballot

12. The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes has been given shall be declared to have been elected.

The ballot papers

13.—(1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated for the electoral ward after any withdrawals under these Rules, and no other persons, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form in the Appendix to this Schedule, and shall be printed in accordance with the directions in that Appendix, and—

- (a) shall contain the names, addresses and descriptions (if any) of the candidates as shown in their respective nomination papers and arranged alphabetically in the order of their surnames and, if there are two or more candidates with the same surname, of their other names; and (where a candidate is qualified as a registered local government elector and any of such candidate's names or such candidate's address has been changed between the qualifying date for the register and the last day for the submission of nomination papers) shall also, if so required by the candidate, give such candidate's present names and current address;
- (b) shall be capable of being folded up;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) shall have a letter or letters, number or numbers or combination of letter and number or letters and numbers printed on the back; and
 - (d) shall have attached a counterfoil with the same letter or letters, number or numbers or combination printed on it either on the back or front of the counterfoil.
- (3) If a candidate who is the subject of a party's authorisation under rule 4(4) above so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).
- (4) The request referred to in paragraph (3) above must—
- (a) be made in writing to the returning officer; and
 - (b) be received by the returning officer before the last time for the delivery of nomination papers set out in the table in rule 1 above.
- (5) For the purposes of the last foregoing paragraph, the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

The official mark

- 14.**—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.
- (2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same local authority.
- (3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

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

Use of schools and public rooms

- 16.**—(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—
- (a) a room in a school other than an independent school within the meaning of section 135 of the Education (Scotland) Act 1980⁽¹⁰⁾; and
 - (b) a room the expense of maintaining which is payable out of any rate:

Provided that nothing in this paragraph shall authorise the use of a room used as part of a private dwellinghouse.

- (2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.
- (3) The use of a room in an unoccupied house for that purpose or those purposes does not render a person liable to be rated or to pay any rate for the house.

⁽¹⁰⁾ 1980 c. 44.

Action to be taken before the poll

Notice of poll

17.—(1) Notice of the poll in the form in the Appendix to this Schedule, or a form to the like effect shall be published by the returning officer and the said notice, which may apply to one or more electoral wards, shall, except where in the circumstances it is not appropriate, be combined with the notice of an uncontested election to be given under rule 11 above.

(2) The names of the candidates in the notice of poll shall be arranged alphabetically in the order of their surnames and, if there are two or more candidates with the same surname, of their other names; and the names and other particulars of the candidates in the said notice (including where appropriate their present names and current address) shall be the same as in the ballot paper under the provisions of rule 13 above.

(3) The returning officer shall, not later than the time of the publication of the notice of the poll, also give public notice of—

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

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

Postal ballot papers

18. The returning officer shall as soon as practicable issue to those entitled to vote by post, a ballot paper and a declaration of identity in the form set out in the Appendix to this Schedule, or a form to the like effect, together with envelopes for their return.

Provision of polling stations

19.—(1) The returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as the returning officer thinks most convenient, but it shall not be necessary that a polling station for an electoral ward or a polling district be within the electoral ward or polling district, as the case may be.

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

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral ward shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral ward.

(4) The returning officer shall 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

20.—(1) The returning officer shall 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 shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.

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

(3) A presiding officer may do, by the clerks appointed to assist such presiding officer, any act (including the asking of questions) which such presiding officer is required or authorised by these

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 and notifications

21.—(1) The returning officer shall as soon as practicable send to electors and proxies an official poll card or notification, but a card or notification need not be sent to any person—

- (a) as an elector if the person is placed on the absent voters' list for the election; or
- (b) as a proxy if the person is entitled to vote by post as proxy at the election.

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

(3) The official poll card or notification shall be in the form in the Appendix to this Schedule, or a form to the like effect, and shall include—

- (a) the name of the council and of the electoral ward to which a councillor is to be elected;
- (b) the elector's name, qualifying address and number in the register; and
- (c) the date and hours of the poll and the situation of the elector's polling station.

Equipment of polling stations

22.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being opened.

(3) The returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors for the electoral ward or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral ward or the part of it provided under sub paragraph (c) above; and
- (e) copies of forms of declarations and other documents required for the purpose of the poll.

(4) A notice in the form in the Appendix to this Schedule, giving directions for the guidance of voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(5) In every compartment of every polling station there shall be exhibited the notice—

“Vote for one candidate only. Put no other mark on each ballot paper, or your vote may not be counted.”.

(6) The returning officer shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and
- (b) a device of the description set out in paragraphs (7) to (12) below 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 32(1) below); and
- (c) at least one notice—

“Make sure that the ballot paper is stamped with the official mark.”.

- (7) The device referred to in sub-paragraph 6(b) above shall be such that—
 - (a) it satisfies the conditions in paragraphs (8) to (12) below;
 - (b) a ballot paper can—
 - (i) be inserted into, and removed from, it; or
 - (ii) be attached to, and detached from, it; and
 - (c) the ballot paper will remain firmly in place once inserted into, or attached to, the device.
- (8) There shall be sufficient space to allow the particulars of each candidate named on the ballot paper to be shown clearly.
- (9) There shall be a separate hole on the device for the name of each candidate named on the ballot paper.
- (10) Each hole in the device shall be of equal size.
- (11) Each hole shall be positioned to frame the space to the right of the particulars of the candidate on which the vote may be marked (“the relevant space”).
- (12) Each hole shall be sufficiently large to allow a voter to mark a cross in the relevant space on the ballot paper.

Appointment of polling and counting agents

- 23.**—(1) Each candidate may, before the 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 counting of the votes.
- (2) The returning officer may limit the number of counting agents, but—
- (a) the number shall be the same in the case of each candidate; and
 - (b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.
- (3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than the Thursday before the day of election.
- (4) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in such agent’s place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.
- (5) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of the Representation of the People Act 1983⁽¹¹⁾ as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate’s election agent, instead of by the candidate.
- (6) In the following provisions of these Rules, references to polling agents and counting agents shall 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 number.
- (7) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment and, where a candidate has no counting agent, any such notice shall be given to the candidate.

(11) 1983 c. 2.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) A candidate may do any act or thing which any polling or counting agent of such candidate, if appointed, would have been authorised to do, or may assist such 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 such 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 a candidate's election agent instead of such candidate's polling agent or counting agents.

(10) 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

24. The returning officer shall make such arrangements as the returning officer 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) has been given a copy in writing of the provisions of subsections (1), (3) (5) and (6) of section 66(12) of the Representation of the People Act 1983(13); and
- (b) every person attending at 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 subsections (2) and (6) of that section.

The poll

Admission to polling station

25.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty;
- (e) the companions of voters with disabilities; and
- (f) the returning officer and the returning officer's staff.

(2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

(3) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at the polling station allotted under these Rules, except on production and surrender of a certificate as to such employment which shall be in the form in the Appendix to this Schedule, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

(12) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

(13) 1983 c. 2.

Keeping of order in station

26.—(1) It is the presiding officer’s duty to keep order at the polling station.

(2) If a person commits a misconduct in a polling station, or fails to obey the presiding officer’s lawful orders, such person 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 returning officer to remove him or her, and the person so removed shall 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 shall 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

27. Immediately before the commencement of the poll, the presiding officer shall—

(a) show each ballot box proposed to be used for the purposes of the poll empty to such persons, if any, as are present in the polling station, so that they may see that each box is empty;

(b) place the presiding officer’s seal on it in such a manner as to prevent it being opened without breaking the seal;

(c) place each box in the presiding officer’s view for the receipt of ballot papers; and

(d) keep it so sealed.

Questions to be put to voters

28.—(1) The presiding officer may, and if required by a candidate or such candidate’s election or polling agent shall, put to any person applying for a ballot paper at the time of such person’s application, but not afterwards, the following questions or either of them:—

(a) in the case of a person applying as an elector—

(i) “Are you the person registered in the register of local government electors for this election as follows?” (*read the whole entry from the register.*);

(ii) “Have you already voted at this election [*adding, in the case of an election for more than one electoral ward, in this or any other electoral ward*] otherwise than as proxy for some other person?”;

(b) in the case of a person applying as proxy—

(i) “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.?”;

(ii) “Have you already voted at this election [*adding, in the case of an election for more than one electoral ward, in this or any other electoral ward*] as proxy on behalf of C.D.?”.

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question:—

“Are you the husband [*wife*], parent, grandparent, brother [*sister*], child or grandchild of C.D.?”,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

and if that question is not answered in the affirmative the following question:–

“Have you already voted at this election [*adding, in the case of an election for more than one electoral ward, in this or any other electoral ward*] on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”.

(3) a ballot paper shall not be delivered to any person required to answer the above questions or any of them unless such person has answered the questions or question satisfactorily.

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

Challenge of voter

29.—(1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after such person has applied for a ballot paper for that purpose and before such person has left the polling station, a candidate or such candidate’s election or polling agent–

- (a) declares to the presiding officer that such candidate has reasonable cause to believe that the applicant has committed an offence of personation; and
- (b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

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

- (a) the ballot paper shall be stamped with the official mark;
- (b) the number, name and address of the elector as stated in the copy of the register of electors shall be called out;
- (c) the number of the elector shall be marked on the counterfoil;
- (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (e) in the case of a person applying for a ballot paper as proxy, a mark shall be placed against such person’s name in the list of proxies.

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark such paper and fold it up so as to conceal the vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(3) The voter shall vote without undue delay, and shall leave the polling station as soon as the voter has put the ballot paper into the ballot box.

Votes marked by presiding officer

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) who is incapacitated by blindness or other physical cause from voting in manner directed by these Rules; or
- (b) who declares orally an ability to read,

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

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these Rules called "the list of votes marked by the presiding officer") and in the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

Voting by persons with disabilities

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

- (a) blindness or other physical incapacity; or
- (b) inability to read,

to vote with the assistance of another person by whom such voter is accompanied (in these Rules referred to as "the companion"), the presiding officer shall require the voter to declare, orally or in writing, whether such voter is so incapacitated by blindness or other incapacity, or by 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 this rule, and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall 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 that voter's 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 such person has made such a declaration as is mentioned in paragraph (1) above, and a person shall be 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, husband, wife, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these Rules referred to as "the list of voters with disabilities assisted by companions") and in the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(5) The declaration made by the companion—

- (a) shall be in the form in the Appendix; and
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (6) No fee or other payment shall be charged in respect of the declaration.

Tendered ballot papers

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

- (a) a particular elector named on the register and not named in the absent 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 the elector’s proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(2) A tendered ballot paper shall—

- (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 the presiding officer with the name of the voter and the voter’s number in the register of electors, and set aside in a separate packet.

(3) The name of the voter and such number on the register of electors shall be entered on a list (in these Rules referred to as the “tendered votes list”).

(4) 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 shall be the number of that elector.

Spoilt ballot papers

34. A voter who has inadvertently dealt with a ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer’s 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 shall be immediately cancelled.

Adjournment of poll in case of riot

35.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice to the 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 shall be the same as for the original day; and
- (b) references in these Rules to the close of the poll shall be construed accordingly.

Procedure on close of poll

36.—(1) As soon as practicable after the close of the poll the presiding officer shall, in the presence of the polling agents, using the presiding officer’s own seal and the seals of such polling agents as desire to affix their seals, seal each ballot box in use at the station so as to prevent the introduction of additional ballot papers and thereafter separate and make up into separate packets, sealed with the presiding officer’s own seal and the seals of such polling agents as desire to affix their seals:—

- (a) the unused and spoilt ballot papers placed together;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) the tendered ballot papers;
- (c) the marked copies of the register of electors and of the list of proxies;
- (d) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll;
- (e) 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 “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities;
- (f) any postal ballot paper or declaration of identity returned to the station in terms of rule 38(3) below,

and shall deliver the sealed ballot boxes or packets or cause them to be delivered to the returning officer to be taken charge of by the returning officer; but if the sealed ballot boxes or packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.

(2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(3) The packets shall 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 the presiding officer and accounting of them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Counting of votes

Attendance at counting of votes

37.—(1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which the returning officer will begin to count the votes.

(2) No person other than—

- (a) the returning officer and the returning officer’s staff;
- (b) the candidates and one guest each;
- (c) the election agents; and
- (d) the counting agents,

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

(3) A person may only be permitted by the returning officer to attend at the counting of the votes if the returning officer—

- (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.

(4) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the returning officer can give them consistently with the orderly conduct of the proceedings and the discharge of the returning officer’s duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

38.—(1) The returning officer shall—

- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it, checking the number against the ballot paper account;
- (b) if required to do so by a candidate or an election agent, in the presence of the election agents verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) The returning officer shall not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(3) A postal ballot paper shall not be deemed to be duly returned unless it is returned—

- (a) by hand to a polling station in the same electoral ward;
- (b) by hand or post to the returning officer,

before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

(4) The returning officer shall not count any tendered ballot paper.

(5) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(6) Where under paragraph (1)(b) above the returning officer is required to verify each ballot paper account, the returning officer shall do so by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning 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 shall draw up a statement as to the result of the verification, which any election agent may copy.

(7) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the returning officer may, insofar as the returning officer and the agents agree, exclude any hours between 7 in the evening and 9 on the following morning and for the purposes of this exception the agreement of a candidate or such candidate's election agent shall be as effective as the agreement of such candidate's counting agents.

(8) During the time so excluded the returning officer shall—

- (a) place the ballot papers and other documents relating to the election under the returning officer's 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.

Re-count

39.—(1) A candidate or such candidate's election agent may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or

again re-counted but the returning officer may refuse to do so if in the returning officer's opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

40.—(1) Any ballot paper—

- (a) which does not bear the official mark;
- (b) on which votes are given for more than one candidate;
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back; or
- (d) which is unmarked or null and void for uncertainty,

shall, subject to paragraph (2) below, be null and void and not counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross;
- (c) by more than one mark,

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

(3) The returning officer shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to such decision.

(4) The returning officer shall 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 candidate;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or null and void for uncertainty.

Decisions on ballot papers

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

Equality of votes

42. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Declaration of result

43. In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—

- (a) declare to be elected the candidate to whom the majority of votes has been given;
- (b) give notice of the name of the candidate elected to the proper officer of the council for which the election was held; and
- (c) give public notice of the name of the candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

PART IV

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

44.—(1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and list of proxies.

Delivery of documents

45. The returning officer shall then forward to the proper officer of the council for which the election was held the following documents:—

- (a) the packets of ballot papers in the returning officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of any verification of the ballot paper accounts;
- (c) the tendered votes list, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities;
- (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll; and
- (e) the packets containing marked copies of registers and of lists of proxies,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the electoral ward for which the election was held.

Orders for production of documents

46.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the proper officer of the council; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in such officer's custody,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

may be made by the sheriff principal having jurisdiction in the local government area and, where more than one sheriff principal has jurisdiction in the said area, 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 in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the proper officer of the council may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

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

as the sheriff principal or election court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that such vote was given; and
- (ii) 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 rule.

(5) Any power given under this rule to a sheriff principal may be exercised otherwise than in open court.

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

- (a) the production by such officer or his or her agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to such person's name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer of the council or open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

47.—(1) The proper officer of the council shall retain for one year amongst the records of the council all documents relating to an election forwarded to such officer in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of a sheriff principal or an election court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and in such manner as the council may determine.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) The proper officer of the council shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as may be determined by the council.

PART V

DEATH OF CANDIDATE

Countermand or abandonment of poll on death of candidate

48.—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of section 45 of the Representation of the People Act 1983⁽¹⁴⁾ apply in respect of filling any such vacancy as exists.

(2) Where the poll is abandoned by reason of a candidate's death, the proceedings at or consequent on that poll shall be interrupted and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as such officer is required to take on the close of the poll in due course, and the returning officer shall dispose of ballot papers and other documents in the returning officer's possession as required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes, shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(3) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications:—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

(14) 1983 c. 2.

APPENDIX OF FORMS

FORMS FOR USE AT SCOTTISH LOCAL GOVERNMENT ELECTIONS

Note – The forms contained in this Appendix may be adapted so far as circumstances require and, in particular, may relate to one or more electoral wards.

Rule 3

NOTICE OF ELECTION [] COUNCIL ELECTION OF COUNCILLORS

1. Elections are to be held for the return of one councillor from each of the *(insert number)* electoral wards into which *(insert name of council)* Council is divided.
2. Nomination papers completed and subscribed in accordance with the provisions of the Scottish Local Government Elections Rules 2002 must be delivered at [] on any day after the date of this notice, but not later than 4.00 p.m. on [] 20 [], and withdrawals of persons nominated must be intimated at the same address not later than 4.00 p.m. on [].
3. Where a person is nominated for more than one electoral ward and does not, before the latest time for withdrawals, withdraw the nominations in all electoral wards except one, such person will be deemed to have withdrawn the nomination in all the electoral wards for which such person was nominated.
4. Forms of nomination and withdrawal may be obtained at the office appointed for the delivery of nominations and withdrawals.
5. A separate election will be held in each electoral ward and polling will take place between the hours of 8.00 a.m. and 9.00 p.m. on [] 20 [], unless in any electoral ward the election is uncontested.
6. Electors and their proxies should take note that applications to vote by post or by proxy and other applications and notices about postal or proxy voting must reach the electoral registration officer at *(insert address)* by the *(insert date)* next if they are to be effective for these elections.

Signed
(Returning Officer)

Date

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(INSERT NAME OF COUNCIL)

NOTICE OF ELECTION

One Councillor is to be elected for each of the *(insert number of wards)* wards of *(insert name of Council)* Council.

Nomination Forms can be obtained from the Election Office, *(insert address)*. This Office is open for the issue and delivery of nomination papers on weekdays excluding *(insert details of any days non)* from 10.00 a.m. to 4.00 p.m.

Completed nomination papers **MUST** be delivered to the Election Office at the above address by **4.00 p.m. on *(insert closing date)***.

An election will be held in each contested ward and voting will take place between 8.00 a.m. and 9.00 p.m. on **Thursday *(insert date of poll)***

Any elector may apply for a postal or proxy vote at this election.

Postal or Proxy Voting

Applications to vote by post or by proxy **MUST** reach the Electoral Registration Officer, *(insert address)* by 5.00 p.m. on *(insert date)*.

Applications to cancel or alter postal and proxy votes, or to change from postal to proxy voting **MUST** reach the Electoral Registration Officer at the above address by **5.00 p.m. on *(insert date)***.

For advice on postal or proxy voting, contact *(insert telephone number)*

(insert name of Returning Officer)

Returning Officer

(insert address of Election Office)

Tel *(insert office number)*

Fax *(insert office number)*

E-Mail *(insert office e-mail)*

(insert effective date of notice)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 4

NOMINATION PAPER

ELECTION OF A COUNCILLOR FOR THE
ELECTORAL WARD of **Council**

Day of Election

I the undersigned am hereby nominated as a candidate at the said election.

Candidate's Surname as in Register of Electors	Other Names as in Register of Electors	Description, if any, for ballot paper	Address as in Register of Electors
NOT TO EXCEED 6 WORDS IN LENGTH			

OR

Candidate's Surname	Other Names in Poll	Description, if any, for ballot paper	Address
NOT TO EXCEED 6 WORDS IN LENGTH			

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I, the nominee for election, consent to being nominated as a candidate for the.....electoral ward of.....Council.

I declare that I am qualified to be elected, that I have attained the age of 21 years and am a British or other Commonwealth citizen or a citizen of the Irish Republic, and that in terms of section 29 of the Local Government (Scotland) Act 1973

*(a) I am registered as a local government elector for the local government area as in the register of electors in respect of the following address and my electoral number is..... (see note 3)

*(b) I have during the whole of the twelve months preceding the day of nomination occupied as owner or tenant land or premises at the following address(es)

*(c) I have during the twelve months preceding the day of my nomination had my principal or only place of work at the following address(es)

*(d) I have during the whole of the twelve months preceding my nomination resided at the following address(es)

I declare that I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf and I am not disqualified for election by reason of holding a politically restricted post in terms of section 1(1) of the Local Government and Housing Act 1989, under a local authority within the meaning of Part 1 of that Act.

..... (Signature of Candidate)

..... (Date)

..... (Signature of Witness)

..... (Name and address of witness)

..... (Date)

* Delete where inapplicable

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Note 1** The attention of candidates and local government electors is drawn to the rules for filling up nomination papers and other provisions relating to the nominations in the local government elections rules contained in Schedule 2 to the Scottish Local Government Elections Rules 2002 and to the disqualification provisions relating to persons holding politically restricted posts under a local authority contained in part 1 of the Local Government Housing Act 1989(a).
- Note 2** Where a candidate is commonly known by some title he/she may be described by the title as if it were his/her surname.
- Note 3** A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which he/she is registered together with his/her number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which he/she is entitled to be registered together with his/her number (if any) in the electors lists for that register shall be used instead.

Back of nomination paper

(Here print copy of section 31 of the Local Government (Scotland) Act 1973(b) as amended from time to time, and of section 1(1) of the Local Government and Housing Act 1989).

(a) 1989 c.12.
(b) 1973 c.65.

NOTICE OF UNCONTESTED ELECTION

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 11

ELECTION OF COUNCILLORS FOR (INSERT NAME OF COUNCIL)

Day of election.....

The following candidate(s) were validly nominated for the electoral ward(s) mentioned below and, as not more than one candidate was nominated for [each of] the ward(s), no poll will take place, and by not later than 11.00 a.m. on the day of election the candidate(s) shall be declared to be elected a councillor(s) for the.....Council.

Electoral Ward(s)	Name(s) of candidate(s) remaining validly nominated	Description (if any)	Address(es) (including current address if appropriate)

Signed
(Returning Officer)

Date

BALLOT PAPER

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 13(2)

[INSERT COUNCIL NAME]

VOTE FOR ONE CANDIDATE ONLY

Candidate Number
(note: The candidate is to have a number corresponding with that on the back of the ballot paper)

<p>CRANSTON Helen 912 Main Street, Anytown [Emblem]</p> <p>Beech Party</p>
<p>KUMAR Kuldip 23 High Street, Anytown [Emblem]</p> <p>Oak Party</p>
<p>MACDONALD Donale Alexander 4 Elgin Ave, Anytown [Emblem]</p> <p>Willow Party</p>
<p>MASTERS Susan Caroline 93 Holyrood Road, Anytown [Emblem]</p> <p>Rowan Party</p>
<p>MCKAY Christine Angela 45 Hill Place, Anytown [Emblem]</p> <p>Independent</p>
<p>WALLACE Walter Alan 112 South Street, Anytown [Emblem]</p> <p>Elm Party</p>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form of **Back of Ballot Paper**

Number:

Election for the *(insert name)* Ward of *(insert council name)* on 20.....

Note: The number on the ballot paper is to correspond with that on the counterfoil

Directions as to the printing of the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the following arrangements shall be observed in the printing of the ballot paper:
 - (a) no word shall be printed on the face except the particulars of the candidates, the words forming part of emblems, the name of the council and the words "vote for one candidate only".
 - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and from the name of the council and the words "vote for one candidate only" and the vertical rules separating those particulars from the spaces on the right where the vote is to be marked.
 - (c) the whole space between the horizontal rule below the name of the council and the words "vote for one candidate only" and the bottom of the paper shall be divided equally between the candidates by the rules separating their particulars.
3. The words "vote for one candidate only" shall be printed in large capitals.
4. Where an emblem is to be printed against a candidate's particulars—
 - (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's particulars from the spaces where the vote is to be marked, and
 - (b) its size as printed shall not exceed two centimetres square.
5. The surname of each candidate shall in all cases be printed by itself in large capitals, and such candidate's full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used:
 - (a) if such candidate's surname is the same as another candidate's, for such candidate's other names; and
 - (b) if such candidate's other names are also the same as the other candidate's, either for such candidate's home address or for such candidate's description unless each of them is the same as that of another candidate with the same surname and other names.
6. The number on the back of the ballot paper shall be printed in small characters.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTICE OF POLL

[COUNCIL]

ELECTION OF COUNCILLORS

1. Polling will take place between the hours of 8.00 a.m. and 9.00 p.m. on *(insert date of election)* for the election of a councillor for each of the under-mentioned electoral wards, there remaining in each case more than one validly nominated candidate.
2. The name, description (if any) and address of each candidate remaining validly nominated are as follows:

Electoral Ward	Candidate's Surname (including present name if appropriate)	Other names in full (including present names if appropriate)	Description (if any)	Address (including current address if appropriate)

3. The persons entitled to vote as electors at this election are the persons registered in the register of electors for the respective electoral wards, but a person whose name is so registered may not vote if the entry in the said register gives as the date on which he/she will become of voting age a date later than the day fixed for the poll.

Signed
(Returning Officer)

Date.....

DECLARATION OF IDENTITY FOR A POSTAL VOTE AT LOCAL GOVERNMENT ELECTION(front of form)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 18

You must fill in this form and send it back with the ballot paper if you want your vote to be counted.

The **VOTER MUST SIGN** Part 1
and
The **WITNESS MUST SIGN** Part 2

Part 1

I am the person to whom the ballot paper number..... was sent

Signature of Voter:.....

Part 2

The Voter, whom I know, signed this form in front of me.

Signature of Witness:.....

Address of Witness:

.....

(Please write your address very clearly.)

More important information is on the back of this form

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

If you are voting then please read this
IMPORTANT INFORMATION

1. You (the Voter) must sign this form in front of someone who knows you. Sign in **Part 1**. You must do this even if you have already signed a similar form for another election being held on the same day.
2. This person (the Witness) must also sign the form and write their address in **Part 2**. If you do not have your signature witnessed, your declaration will not be valid and your vote cannot be counted.
3. You can only vote for **ONE PERSON**. Do not put any other pencil or pen marks on the ballot paper. If you do, your vote might not be counted.
4. On the ballot paper (the one with the names on it), **PUT A CROSS (X) IN THE BOX** opposite the name of the candidate you are voting for. Mark your cross in secret. If you need help from someone to mark the cross they must not tell anyone who you've voted for.
5. Put the ballot paper in the envelope marked A and seal it. Then put this envelope together with the declaration of identity in the larger envelope marked B and seal it. Post the envelope fast and quickly. The ballot paper, in order to be counted, must be received **by the returning officer** not later than the close of poll. It may be posted or delivered by hand.
6. If you get more than one ballot paper, by accident, then just use one. Please remember that it is an offence to vote more than once in the same election (unless you are voting for someone else – by proxy).
7. Remember, you can not vote in person at the polling station even if you have an official poll card in your name. If you are voting you must use the ballot paper sent to you. Your postal vote can be handed into any polling station **in the local authority area** on polling day before the poll closes.
8. If you make a mistake on the ballot paper you can ask the Returning Officer for another one. You will need to return everything you have received in your own envelope. You should do this straightaway as there is not much time for a new ballot paper to be sent to you, returned and counted.
9. If you need further help, **please ring** (insert telephone number).

REMINDER

1. **Have you remembered to sign the declaration of identity?**
2. **Has your witness signed the declaration?**
3. **Has your witness printed their address clearly on the declaration?**
4. **Have you put your ballot paper in the envelope?**

If two or more postal vote envelopes have been delivered to your address – please make sure that the correct documents are in the correct return envelope.

Printed and published by the Returning Officer

.....

.....

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Front of Card

Rule 21

(Insert name of council)

OFFICIAL POLL CARD

If undelivered return to Returning Officer

(Insert address)

Number on register

Name

Address

Ward
Polling day
Your Polling Place will be:
Polling Hours 8.00 a.m. to 9.00 p.m.

Back of Card

LOCAL GOVERNMENT ELECTION

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.

When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The presiding officer will give you a ballot paper; see that it is stamped with the official mark on it before it is given to you.

Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.

Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.

Fold the ballot paper. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

If you need further help, please ring [insert telephone number].

ISSUED BY THE RETURNING OFFICER

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Name of proxy
Address

PROXY'S OFFICIAL NOTIFICATION

LOCAL GOVERNMENT ELECTION

.....Council

.....Ward

The elector named below, whose proxy you are, is entitled to vote at the polling station:–
(address of polling station)

Polling hours are 8.00 a.m. to 9.00 p.m.

To vote as proxy you must go to the named polling station. Tell the clerk that you wish to vote as proxy; give the number on the register, name and qualifying address of the elector, as follows:–

Number on register:

Name:

Address:

The presiding officer will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote e.g. if that person has been convicted and is detained in a penal institution. It is also an offence to vote for more than 2 persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild in any one constituency.

The person who appointed you as proxy may vote in person at this election if he/she is able and wishes to do so, if he/she votes before you vote as proxy.

ISSUED BY THE RETURNING OFFICER

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 22

GUIDANCE FOR VOTERS

1. When you are given a ballot paper make sure it is stamped with the official mark.
2. Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.
3. Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.
4. Fold the ballot paper. Show the official mark to the presiding officer, but do not let anyone see how you have voted. Put the ballot paper in the ballot box and leave the polling station.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

CERTIFICATE OF EMPLOYMENT

Rule 25(3)

LOCAL GOVERNMENT ELECTION IN THE

.....

WARD

(Date)

I certify that	(name)
who is numbered	/

in the register of electors for the **(Name)** Ward, cannot reasonably be expected to go in person to the polling station allotted to him/her at the election on **(Date)** by reason of the particular circumstances of his/her employment on that date for a purpose connected with the election by me.

Signature
Returning Officer/Police Officer (Inspector or above)

Note The person named above is entitled to vote at any polling station of the (Name of Council) local government area on production and surrender of this certificate to the presiding officer.

DECLARATION BY THE COMPANION OF A VOTER WITH DISABILITIES

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 32(5)

LOCAL GOVERNMENT ELECTION

[NAME] Council		Election Day []	
		Polling Station Number: []	

I (name of companion)

Of (address of companion)
Pos.code

have been asked to help

(name of elector)	(elector's number)
-------------------	--------------------

to vote at this election.

{either} **I am an elector who is entitled to vote at this election**

{or} **I am the** (state relationship – see * below)

of the elector and I am over 18 years old.

I have not helped any other elector with disabilities to vote at this election

Except (name of the other elector) (address of the other elector)
Postcode

Signature of companion (date)

Presiding Officer's counter-signature

I am the Presiding Officer for this Polling Station. This declaration was read to the companion and was signed by him/her in front of me.

Signature of Presiding Officer (date and time)

* write in either father, mother, brother, sister, husband, wife, son or daughter.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTE:-

It is an offence for the companion to make a false statement in this declaration.

This declaration should be retained by the Presiding Officer and sealed in Packet Number () at the close of poll.

A voter with disabilities is a voter who has made a declaration under Rule 32 that he/she is so incapacitated by disability or by his/her inability to read as to be unable to vote without assistance.

SCHEDULE 3

Rule 4(2)

MODIFICATIONS TO THE LOCAL GOVERNMENT ELECTIONS RULES IN SCHEDULE 2 TO APPLY WHERE THE POLL AT A LOCAL GOVERNMENT ELECTION IS TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION UNDER SECTION 15(1) OR (2) OF THE REPRESENTATION OF THE PEOPLE ACT 1985(15)

1. Where the poll at a local government election is taken together with the poll at a parliamentary or European Parliamentary election, in the entry relating to polling in the timetable in rule 1 (timetable) for “8.00 a.m. and 9.00 p.m.” there shall be substituted “7.00 a.m. and 10.00 p.m.”.
2. At the end of rule 13(2) (the ballot papers) the following sub-paragraph shall be inserted:—
 - “(e) shall be of a different colour from that of any ballot papers used at an election the poll at which is taken together with the poll at the local government election”.
3. At the end of rule 17 (notice of poll) the following paragraph shall be inserted:—
 - “(4) The notice published under paragraph (3) above shall—
 - (a) state that the poll at the local election is to be taken together with the poll at a parliamentary or a European Parliamentary election;
 - (b) specify the parliamentary or European Parliamentary constituency; and
 - (c) where the polls are to be taken together in part of the local government area only, specify that part.”.
4. At the end of rule 21 (issue of official poll cards and notifications) the following paragraph shall be inserted:—
 - “(5) An official poll card or notification issued under this rule may be combined with the official poll card or notification issued at a parliamentary election or European Parliamentary election.”.
5. After paragraph (1) of rule 22 (equipment of polling stations) there shall be inserted the following paragraph:—
 - “(1A) The same ballot box may be used for the poll at the local government election and the poll at the parliamentary election or European Parliamentary election.”.
6. For paragraph (5) of rule 22 there shall be substituted the following paragraph:—
 - “(5) In every compartment of every polling station there shall be exhibited the notice—

*PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

[Specify name of council.] COUNCIL ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

*EUROPEAN PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED.

* Delete as necessary.

7. After paragraph (3) of rule 23 (appointment of polling and counting agents) there shall be inserted—

“(3A) Notices of the appointment of polling agents which are required by paragraph (3) above and paragraphs (4) and (5) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986(16).”.

8. In question (ii) in sub-paragraph (a) and (b) of paragraph (1) of rule 28 (questions to be put to voters) and in the second question of paragraph (2) of that rule, after “this election” there shall be inserted “for this local government area”.

9. At the end of rule 30 (voting procedure) there shall be inserted the following paragraph:—

“(4) The same copy of the register of electors may be used under paragraph (1) above for each election and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph (1)(e) above to denote that a ballot paper has been issued in respect of each election, except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which ballot paper was issued.”.

10. After paragraph (2) of rule 31 (votes marked by presiding officer) there shall be inserted—

“(3) The list referred to in paragraph (2) above may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

11. After paragraph (4) of rule 32 (voting by persons with disabilities) there shall be inserted—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(4A) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

12. At the end of paragraph (3) of rule 33 (tendered ballot papers) there shall be inserted—

“and the same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.

13. At the end of paragraph (1) of rule 35 (adjournment of poll in case of riot) there shall be inserted “who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986”.

14. After paragraph (1) of rule 36 (procedure on close of poll) there shall be inserted the following paragraphs:—

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of the packets made under the corresponding rule that applies at a parliamentary election or European Parliamentary election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986.”.

15. For paragraph (1) of rule 37 (attendance at counting of votes) there shall be substituted the following paragraphs:—

“(1) Where the returning officer at the local government election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall make arrangements for discharging the functions under rule 38(1) below (as substituted by Schedule 3 to the Scottish Local Government Elections Rules 2002) in the presence of the counting agents appointed for the purposes of the local government election as soon as practicable after the close of the poll and for thereafter counting the votes at that election in the presence of those agents; and shall give to those counting agents notice in writing of the time and place at which such returning officer will begin to discharge the functions under rule 38(1) (as so substituted).

(1A) Where the returning officer at the local government election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to such returning officer by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time after which such returning officer will begin to count the votes if by then such returning officer has received the ballot papers, and of the place at which that count will take place.”.

16. In paragraph (2) of rule 37 before “at the counting of the votes” there shall be inserted “at the proceedings under rule 38(1) below (as so substituted) or”.

17. In paragraph (3) of rule 37 before the words “counting of votes” in the first place where they occur, there shall be inserted “proceedings under rule 38(1) below (as so substituted) or the” and before “the efficient” there shall be inserted “the efficient separating of the ballot papers or, as the case may be,”.

18. For paragraphs (1) and (2) of rule 38 (the count) there shall be substituted the following paragraphs:—

“(1) Where the returning officer at the local government election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of the local government election open each ballot box and record separately the number of ballot papers used in each election, checking the number against the ballot paper account;
- (b) if required to do so by a candidate or election agent, in the presence of the election agents appointed for the purposes of the local government election verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to the local government election from the ballot papers relating to the parliamentary election, or, as the case may be, European Parliamentary election;
- (e) make up into packets the ballot papers for each election other than the local government election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer for the election 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, if any, in respect of that election; and
- (g) at the same time deliver or cause to be delivered to that officer packets which so relate containing—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers; and
 - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(2) After completion of the proceedings under paragraph (1) above, the returning officer shall mix together all of the ballot papers used at the local government election, and count the votes given on them.

(2A) Where the returning officer at the local government election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall—

- (a) on receipt of containers from the returning officer who does discharge those functions and after the time specified in the notice given under rule 37(1A) above (as substituted by Schedule 3 to the Scottish Local Government Elections Rules 2002) in the presence of counting agents, open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 76 of the Representation of the People (Scotland) Regulations 1986, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (6) below does not apply to these proceedings.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

19. At the end of rule 45 (delivery of documents) there shall be inserted—

“and at an election where the returning officer does not discharge the functions referred to in regulation 96 of the Representation of the People (Scotland) Regulations 1986(17), this rule shall have effect as if paragraphs (c) and (e) were omitted.”.

20. In rule 48 (countermand or abandonment of poll on death of candidate)—

(a) at the end of paragraph (1) there shall be inserted—

“Provided that neither the countermand of the poll at the local government election nor the direction that that poll be abandoned shall affect the poll at the parliamentary election, or, as the case may be, European Parliamentary election”; and

(b) for paragraph (2) there shall be substituted the following paragraph:—

“(2) Where the poll at the local government election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the parliamentary election, or as the case may be, European Parliamentary election, the presiding officer shall take the like steps for the delivery to the returning officer of the ballot boxes and of ballot papers and other documents as such presiding officer would be required to do if the poll at the local government election had not been abandoned, and the returning officer shall dispose of ballot papers used at the local government election (at which a candidate has died) as such presiding officer is required to do on the completion in due course of the counting of the votes, but—

(a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and

(b) the returning officer, having separated the ballot papers relating to the parliamentary or European Assembly election, shall take no step or further step for the counting of the ballot papers used at the local government election (at which a candidate has died) or of the votes and shall seal up all those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

21. In the Appendix of forms in Schedule 2, for the declaration of identity there shall be substituted the form set out in Schedule 4 to these Rules where the proceedings on the issue and receipt of postal ballot papers at the local government election are taken together with those proceedings at another election under regulation 76 of the Representation of the People (Scotland) Regulations 1986(18).

22. Where the poll at a local government election is taken together with the poll at a parliamentary or European Parliamentary election, in the Appendix of forms in Schedule 2, in the form of an elector’s official poll card and the form of a proxy’s official poll notification, for the words “8.00 a.m. to 9.00 p.m.” there shall be substituted the words “7.00 a.m. to 10.00 p.m.”.

23. In the Appendix of forms in Schedule 2, for the form of directions for the guidance of the voters in voting there shall be substituted—

(17) S.I. 1986/1111.

(18) Regulation 76 was saved insofar as it relates to local government elections by S.I. 2001/497, Schedule 2.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. When you are given a ballot paper make sure it is stamped with the official mark.
2. Go to one of the compartments. You may vote once only on each ballot paper.
3. Mark your choice with a cross (X). Put no other mark on each ballot paper, or your votes may not be counted.
4. Fold each ballot paper. Show the official mark to the presiding officer, but do not let anyone see how you voted. Put the ballot papers in the ballot boxes marked in the same colour and leave the place.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

24. In the Appendix of forms in Schedule 2, in the form of declaration to be made by the companion of a voter with disabilities, for the word “election” in the three places where it occurs there shall be substituted “elections”.

SCHEDULE 4

FORM OF DECLARATION OF IDENTITY REFERRED TO IN PARAGRAPH 21 OF SCHEDULE 3 ABOVE

DECLARATION OF IDENTITY FOR A POSTAL VOTE AT PARLIAMENTARY OR EUROPEAN PARLIAMENTARY ELECTION WHICH IS TAKEN WITH THE LOCAL GOVERNMENT ELECTION AND THE PROCEEDINGS ON THE ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS IN RESPECT OF EACH ELECTION ARE TAKEN TOGETHER

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 32(5)

You must fill in this form and send it back with the ballot paper if you want your vote to be counted.

<p>The VOTER MUST SIGN Part 1 and The WITNESS MUST SIGN Part 2</p>
<p>Part 1</p> <p>I am the person to whom the *Parliamentary Election /*European Parliamentary Election (insert colours of paper) ballot paper(s) numbered, and local government election ballot paper number, were sent</p> <p>Signature of Voter</p>
<p>Part 2</p> <p>The Voter, whom I know, signed this form in front of me.</p> <p>Signature of Witness</p> <p>Address of Witness</p> <p>..... (Please write your address very clearly.)</p> <p>(*Delete as necessary)</p>

More important information is on the back of this form

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

If you are voting then please read this
IMPORTANT INFORMATION

1. You (the Voter) must sign this form in front of someone who knows you. Sign in **Part 1**.
2. This person (the Witness) must also sign the form and write their address in **Part 2**. If you do not have your signature witnessed, your declaration will not be valid and your vote cannot be counted.
3. You have 3 ballot papers.
4. You can only vote once on each ballot paper. Do not put any other pencil or pen marks on the ballot paper. If you do, your vote might not be counted.
5. On the ballot papers (the ones with the names on them), **PUT A CROSS (X) IN THE BOX** opposite the name of the candidate or list you are voting for. Mark your cross in secret. If you need help from someone to mark the crosses they must not tell anyone who you have voted for.
6. Put the ballot papers in the envelope marked A and seal it. Then put this envelope together with the declaration of identity in the larger envelope marked B and seal it. Post the envelope back quickly. The ballot papers, in order to be counted, must be received **by the returning officer** not later than the close of poll. They may be posted or delivered by hand.
7. If you get more than one ballot paper of the same colour, by accident, then just use one. Please remember that it is illegal to vote more than once in the same election (unless you are voting for someone else – by proxy).
8. Remember, you cannot vote in person at the polling station even if you have an official poll card in your name. If you are voting you must use the ballot papers sent to you. Your postal vote can be handed into any polling station **in the constituency** on polling day before the poll closes.
9. If you make a mistake on the ballot paper you can ask the Returning Officer for another one. You will need to return everything you have received in your own envelope. You should do this straightaway as there is not much time for a new ballot paper to be sent to you, returned and counted.
10. If you need further help, **please ring** (insert telephone number).

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules, which consolidate with amendments and revoke and replace the Scottish Local Elections Rules 1986 as amended (“the 1986 rules”), provide for the conduct of elections of members of local authorities.

The rules in Schedule 2 apply with adaptations, alterations and exceptions the Scottish parliamentary elections rules set out in Schedule 1 to the Representation of the People Act 1983 for the purpose

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

of the conduct of local government elections. The rules in Schedule 2 differ from the 1986 rules by including amendments made to the Scottish parliamentary elections rules by the Representation of the People Act 2000, in particular the provisions of rule 22 (equipment of polling stations) and rule 32 and the Appendix to Schedule 2 (voting by persons with disabilities). Rules 1 and 2 (timetable and computation of time) and Rule 6 (subscription of nomination paper) have been amended to bring them into line with the equivalent Scottish parliamentary rules. The forms in the Appendix to Schedule 2 have been revised.

Schedules 3 and 4 to these rules modify the rules in Schedule 2 where the poll at a local government election is taken together with a poll at UK parliamentary or European parliamentary elections under section 15(1) or (2) of the Representation of the People Act 1985. Section 15(1) requires the poll at an ordinary local government election to be taken together with the poll at a parliamentary or European Parliament general election when those polls are to be taken on the same day. Section 15(2) allows the returning officers at two or more elections for related areas (within the meaning of section 15(3)), the polls at which are taken on the same day, to agree to those polls being taken together. Schedule 3 makes provision equivalent to the modifications to the parliamentary elections rules made by regulation 98 of the Representation of the People (Scotland) Regulations 1986. In addition, Schedule 3 extends the polling hours at the local government election where the poll at that election is taken together with the poll at a parliamentary or European parliamentary election, and provides that the same ballot box may be used for combined polls. Schedule 4 contains a form associated with the modifications prescribed in Schedule 3.