

SCHEDULE 1

Regulation 6

EUROPEAN PARLIAMENTARY ELECTIONS RULES

PART I

Provisions as to time

Timetable

1. The proceedings of the election shall be conducted in accordance with the following Table.

Timetable

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Not later than the 25th day before the date of the poll.
Delivery of nomination papers.	Between the hours of 10 a.m. and 4 p.m. on any day after the date of the publication of the notice of election but not later than the 19th day before the date of the poll.
Delivery of notices of withdrawals of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers.	During the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following; but <ul style="list-style-type: none"> (a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of a candidate unless made at or immediately after the time of the delivery of the nomination paper; and (b) the foregoing provisions do not apply to objections made in pursuance of rule 15(2).
Publication of statement of candidates nominated.	At the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.
Polling.	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.

Computation of time

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

- (a) Saturday or Sunday,
- (b) a Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
- (c) 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 nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means—

- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in any part of the United Kingdom,
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland,

but at a general election sub-paragraph (b) and not sub-paragraph (a) of this paragraph applies in relation to any proceedings extending, by reason of riot or open violence, beyond the time laid down by the Timetable.

PART II

Stages common to contested and uncontested elections

Notice of election

3.—(1) The returning officer shall publish notice of the election, stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest.

(2) The notice of election shall state the date by which (except in such circumstances as are provided for in paragraph 8 of Schedule 2)—

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

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

Nomination of candidates

4.—(1) Each candidate shall be nominated by a separate nomination paper, which is signed and delivered by the candidate himself or a person authorised in writing by him.

(2) The nomination paper shall state the candidate's—

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of his names.

(3) 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 rule 5; or
- (b) the word “Independent”.

(1) 1971 c. 80.

(4) Where a nomination paper is delivered in respect of the same person after an earlier paper in respect of that person has been delivered, that later paper shall be deemed to supersede the earlier one.

(5) A nomination paper may consist of a single sheet or of two or more sheets securely fastened together.

Nomination papers: name of registered political party

5.—(1) 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 electoral region 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.

(2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party's nominating officer.

(3) 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 2000 Act at the time by which the notice of the election is required to be published by virtue of rule 1 (the relevant time”); and
- (b) a registered political party is a qualifying party if the party was at the relevant time registered in the Northern Ireland register maintained under that Part of that Act.

Subscription of nomination paper

6.—(1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by twenty-eight other electors as assenting to the nomination.

(2) Where a nomination paper bears the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

(3) The nomination paper shall give the electoral number of each person subscribing it.

(4) The returning officer—

- (a) shall supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers, and
- (b) shall at any elector'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.

(5) A person shall not subscribe more nomination papers at the same election than there are vacancies to be filled and, if he does, his signature shall be inoperative on any paper other than the papers first delivered up to the number of vacancies, but he shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.

(6) In this rule “elector” has the same meaning as in regulation 58(4).

Consent to nomination

7.—(1) A person shall not be validly nominated as a candidate unless his consent to nomination—

- (a) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers,

(b) is attested by one witness, and
(c) is delivered at the place and within the time for the delivery of nomination papers, subject to paragraph (2).

(2) If the returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as mentioned above, a telegram (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent shall not be required.

(3) A candidate's consent given under this rule—

(a) shall state the day, month and year of his birth; and

(b) shall state—

(i) that he is aware of the provisions of section 10 of the European Parliamentary Elections Act 2002 ; and

(ii) that to the best of his knowledge and belief he is not disqualified for membership of the office of MEP.

Candidature by relevant citizen of the Union

8.—(1) Where the candidate is a relevant citizen of the Union, he shall not be validly nominated as a candidate, unless a declaration under paragraph (2) and a certificate under paragraph (3) are delivered at the place and within the time for the delivery of nomination papers.

(2) The declaration referred to in paragraph (1) must be made by or on behalf of the candidate and state, in addition to his name:

(a) his nationality;

(b) his home address in the United Kingdom in full;

(c) that he is not standing as a candidate for election to the European Parliament in any other Member State at elections held in the same period; and

(d) where his name has been entered in a register of electors in a locality or constituency in the Member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last entered.

(3) The certificate referred to in paragraph (1) must be made by the competent administrative authorities in the Member State of which the candidate is a national stating either that he has not been deprived of his right to stand as a candidate in that State or that no such disqualification is known to those authorities.

(4) As soon as practicable after publication of the statement of candidates nominated, the returning officer shall send to the Secretary of State a copy of the declaration made under paragraph (2) by any candidate who stands nominated as a candidate.

(5) In this rule “locality or constituency” and “competent administrative authorities” have the same meaning as they have in the directive of the Council of the European Communities No.93/109/EC.

Deposit

9.—(1) A person shall not be validly nominated as a candidate unless the sum of £5,000 is deposited by him or on his behalf with the returning officer at the place and during the time for delivery of nomination papers.

- (2) The deposit may be made either—
- (a) by the deposit of any legal tender, or
 - (b) by means of a banker's draft, or
 - (c) with the returning officer's consent, in any other manner,

but the returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(4) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under regulation 34 or 35 of these Regulations).

Place for delivery of nomination papers

10. The returning officer shall fix the place in the electoral region at which nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for the making of objections to them.

Right to attend nomination

11.—(1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as a candidate,
 - (b) the election agent of a candidate, or
 - (c) a person authorised in writing to deliver a nomination paper.
- (2) The right to attend conferred by this rule includes the right—
- (a) to inspect, and
 - (b) to object to the validity of,

any nomination paper.

Decisions as to validity of nomination papers

12.—(1) Where a nomination paper and the candidate's consent to it (and, where required, a declaration and certificate under rule 8(2) and (3)) are delivered and a deposit is made 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; or
- (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 of a candidate invalid only on one of the following grounds—

- (a) that the particulars of the candidate are not as required by law;
- (b) that the candidate is disqualified by the Representation of the People Act 1981(2) (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act).

(3) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.

(2) 1981 c. 34

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

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

(6) Subject to paragraph (5) nothing in this rule prevents the validity of a nomination being questioned on a European Parliamentary election petition.

Withdrawal of candidates

13. A candidate may withdraw his candidature by notice of withdrawal—

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

Publication of statement of candidates nominated

14.—(1) The returning officer shall prepare and publish a statement (“the statement of candidates nominated”) showing—

- (a) the persons who have been and stand nominated as candidates; and
- (b) any other persons who have been nominated together with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as candidates as given in their nomination papers.

(3) The statement shall show the persons standing nominated as candidates and the names of those candidates shall be arranged alphabetically in order of their surnames, and, if there are two or more of them with the same surname, of their other names.

(4) The returning officer shall send to the Electoral Commission a copy of the statement.

Disqualification by Representation of the People Act 1981

15.—(1) If it appears to the returning officer that any of the persons nominated as a candidate might be disqualified by the Representation of the People Act 1981 (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act) he shall, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of the statement required under rule 14.

(2) The draft shall be headed “Draft statement of candidates nominated” and shall omit the names of the persons subscribing the papers but shall contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 may do so between the hours of 10 in the morning and 4 in the afternoon on the day and at the place specified in the notice; and the day so specified shall be the day next after the last day for the delivery of nomination papers.

Adjournment of nomination proceedings in case of riot

16.—(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—

- (a) the proceedings shall be abandoned for that day, and
- (b) if that day is the last day for the delivery of nomination papers, the proceedings shall be continued on the next day as if that were the last day of such delivery,

and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).

- (2) Where proceedings are abandoned by virtue of this rule nothing—
 - (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment;
 - (b) done before the abandonment shall be invalidated by reason of the abandonment.

Method of election

17.—(1) If the statement of candidates nominated shows more persons standing nominated than there are seats to be filled, a poll shall be taken in accordance with Part III of these rules.

(2) If the statement of candidates nominated shows a number of persons standing nominated which is the same as, or less than, the number of seats to be filled, those persons shall be declared to be elected in accordance with Part IV of these rules.

PART III

Contested Elections

Poll to be taken by ballot

18. The votes at the poll shall be given by ballot, and the votes given to each candidate shall be counted and the result of the poll determined in accordance with rules 48 to 59.

The ballot papers

19.—(1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of candidates nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

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

- (a) shall contain the names of the persons shown in the statement of candidates nominated;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on it.

(3) The order of the names of the candidates in the ballot paper shall be the same as in the statement of candidates nominated.

The official mark

20.—(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 seven years shall intervene between the use of the same official mark at elections for the same European Parliamentary electoral region.

(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

21. No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state the way in which he voted.

Use of schools and public rooms

22.—(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 to which this rule applies;
- (b) a room the expense of maintaining which is payable out of any rate.

This rule applies to a school in receipt of a grant out of moneys appropriated by Measure of the Northern Ireland Assembly.

(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, counting the votes or verifying the ballot paper accounts, as the case may be.

Notice of poll

23.—(1) The returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and hours during which the poll will be taken.

- (2) The returning officer shall also give public notice of—
- (a) the situation of each polling station;
 - (b) the description of voters entitled to vote there;

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

Postal ballot papers

24.—(1) The returning officer shall, in accordance with Schedule 2, issue to those entitled to vote by post a ballot paper and a declaration of identity in the form set out in that Schedule, together with such envelopes for their return (whether free of charge or otherwise) as are specified in that Schedule.

(2) The form mentioned in paragraph (1) shall include provision for the form to be signed and, in the case of an elector, for stating his date of birth.

Provision of polling stations

25.—(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 he thinks most convenient.

- (2) One or more polling stations may be provided in the same room.
- (3) The polling station allotted to electors from any polling district shall be in the polling place for that district.
- (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

26.—(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 he 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 he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to the returning officer so presiding with the necessary modifications as to things to be 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 him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station or refuse to deliver a ballot paper under paragraph (4) of rule 37 (including that paragraph as applied by rule 38, 39 or 40).

Appointment of verifying officers and clerks

27.—(1) The returning officer shall appoint and pay verifying officers to attend at such places as he deems necessary for the purposes of the verification of the ballot paper accounts and such clerks as may be necessary for the purposes of the verification, but he shall not appoint a person who has been employed by or on behalf of a candidate in or about the election.

(2) The returning officer may, if he thinks fit, act as a verifying officer and the provisions of these rules relating to a returning officer shall apply to a returning officer so acting, with the necessary modifications as to things to be done by the returning officer to the verifying officer or by the verifying officer to the returning officer.

(3) A verifying officer may do, by the clerks appointed to assist him, any act which he is required or authorised by these rules to do.

Issue of official poll cards

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

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

and a card shall not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration.

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

(3) The official poll card shall be in the form in the appendix and shall set out—

- (a) the name of the electoral region;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station.

(4) In this rule, "elector" has the same meaning as in regulation 58(4) of these Regulations; and, pending publication of the register, the elector's number in the register includes his number (if any) in the electors list for that register.

Equipment of polling stations

29.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be 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 unlocked or, where the box has no lock, the seal being broken.

(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 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 or the part of it provided under sub-paragraph (c).

(4) 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 such description as is set out in paragraph (9) 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 39(1)).

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

(6) The returning officer may also provide such notices in braille or in languages other than English that are an accurate translation of the notice referred to in paragraph (5) as he considers appropriate, which may be exhibited inside and outside every polling station.

(7) In every compartment of every polling station there shall be exhibited the notice “Remember—use 1,2,3 etc. at this election—this is an election by proportional representation. Number the candidates in order of your preference, putting ‘1’ against the candidate of your first preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you so wish.”.

(8) Where proof has been given to the returning officer’s satisfaction of the death of a candidate, he shall provide each presiding officer with a sufficient number of notices to this effect for display in every compartment of every polling station.

(9) The device referred to in paragraph (4)(b) must—

- (a) allow a ballot paper to be inserted into and removed from or attached to and detached from the device, easily and without damage to the paper;
- (b) keep the ballot paper firmly in place during use;
- (c) provide suitable means for the voter to identify—
 - (i) the spaces on the ballot paper on which he may mark his vote; and
 - (ii) the candidate to whom each such space refers.

Appointment of polling and counting agents

30.—(1) The election agent or sub-agent of a candidate or any person authorised in writing by such an agent or that 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 verification of the ballot paper accounts and the counting of the votes.

(2) One (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at the count.

(3) The returning officer or, as the case may be, verifying officer may limit the number of counting agents, so however that—

- (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 verification of the ballot paper accounts or the counting of the votes by the number obtained by adding the number of candidates.

(4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the person by whom the appointment was made to the returning officer and shall be so given not later than the second day (computed like any period of time in the Timetable) before the day of the poll.

(5) If an agent dies, or becomes incapable of acting, the person by whom the appointment was made may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(6) In the following provisions of these rules references to polling 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.

(8) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist any such agent in doing any such act or thing.

(9) The election agent or sub-agent of a candidate may do or assist in doing anything which a polling or counting agent of that 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 the election agent or sub-agent of a candidate instead of that 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 agents or agent 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

31.—(1) The returning officer shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy in writing of the provisions of paragraphs (1), (4) and (7) of regulation 30 of these Regulations; and
- (b) every person attending at the verification of the ballot paper accounts or 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 paragraphs (2), (3) and (7) of that regulation.

Admission to polling station

32.—(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 the election agents of any candidate;
- (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) Electoral Commissioners, members of staff of the Electoral Commission and persons appointed by the Electoral Commission for the purpose of attending at polling stations on behalf of the Commission.

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

(3) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of these Regulations, except on production and surrender of a certificate as to his employment, which shall be in the form in the Appendix 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.

Keeping of order in station

33.—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he 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,

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

34. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up, if it has a lock, and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked, if it has a lock, and sealed.

Questions to be put to voters

35.—(1) The presiding officer may, and if required by a candidate or the election or polling agent of a candidate shall, put to any person applying for a ballot paper at the time of his 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 electors for this election as follows?" (read the whole entry from the register.),

- (ii) “Have you already voted, here or elsewhere, at this by-election (general election of MEPs), 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 AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?”;
 - (ii) “Have you already voted here or elsewhere at this by-election (general election of MEPs) as proxy on behalf of CD?”.
- (2) In the case of a person applying as an elector, the presiding officer may put the following additional question—

“What is your date of birth?”.
- (3) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned in paragraph (1) shall, put the following additional question—

“Are you the husband (wife), parent, grandparent, brother (sister), child or grandchild of CD?”

and if that question is not answered in the affirmative the following question—

“Have you at this election already voted in this electoral region on behalf of two persons of whom you are not the husband (wife), parent, grandparent, brother (sister), child or grandchild?”.
- (4) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.
- (5) No inquiry shall be permitted as to the right of any person to vote, except as authorised by this rule.

Challenge of voter

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

- (a) declares to the presiding officer that he 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

37.—(1) Subject to paragraphs (2) to (7) below, 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 and name 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 counter-foil;

- (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 also be placed against his name in the list of proxies.
- (2) A ballot paper shall not be delivered to a voter unless he has produced a specified document to the presiding officer or a clerk.
- (3) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced shall deliver a ballot paper to the voter unless the officer or clerk decides that—
- (a) the document; or
 - (b) the apparent age of the voter as compared with his age according to the date supplied as the date of his birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act, raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.
- (4) Where in such a case it is a presiding officer who so decides, he shall refuse to deliver a ballot paper to the voter.
- (5) Where in such a case it is a clerk who so decides, he shall refer the matter and produce the document to the presiding officer, who shall proceed as if it had been to him that the voter had presented himself and produced the document in the first place.
- (6) For the purposes of this rule, a specified document is one which for the time being falls within the following list:
- (a) a current licence to drive a motor vehicle if the licence bears the photograph of the person to whom it is issued;
 - (b) a current passport issued by a Member State of the European Union;
 - (c) a current electoral identity card issued under section 13C of the 1983 Act⁽³⁾;
 - (d) a current translink senior smartpass, issued under the Northern Ireland concessionary fares scheme.
- In sub-paragraph (a) a licence to drive a motor vehicle is a licence granted under Part III of the Road Traffic Act 1988⁽⁴⁾, or under Part II of the Road Traffic (Northern Ireland) Order 1981⁽⁵⁾ or any corresponding enactment for the time being in force.
- (7) References in this rule to producing a document are to producing it for inspection.
- (8) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there shall—
- (a) secretly record his vote by placing on the ballot paper “1” opposite the name of the candidate of his first choice and, if he wishes, by placing “2” opposite the name of his second choice, “3” opposite the name of the candidate of his third choice and so on in the order of his preference;
 - (b) fold the paper so that his vote is concealed;
 - (c) show to the presiding officer the back of the paper so as to disclose the official mark; and
 - (d) put the folded paper into the ballot box in the presence of the presiding officer.
- (9) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

⁽³⁾ Section 13C was inserted by section 4 of the Electoral Fraud (Northern Ireland) Act 2002.

⁽⁴⁾ 1988 c. 52.

⁽⁵⁾ S.I.1981/154 (N.I. 1).

Votes marked by presiding officer

38.—(1) Subject to paragraph (2) below, the presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or
- (b) who declares orally that he is unable to read,

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

(2) Paragraphs (2) to (7) of rule 37 shall apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but reading references to delivering a ballot paper to a voter as references to causing a voter's ballot paper to be marked.

(3) The name and number on the register of electors of every voter whose ballot paper 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 ballot papers marked by the presiding officer").

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

39.—(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 he is accompanied (in these rules referred to as "the companion"), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

(2) Subject to paragraph (3) below, 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 his vote may be done to, or with the assistance of, the companion.

(3) Paragraphs (2) to (7) of rule 37 shall apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but reading references to delivering a ballot paper to a voter as references to granting a voter's application.

(4) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), 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.

(5) 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”).

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.

(6) 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.

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

Tendered ballot papers

40.—(1) If a person, representing himself 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 his 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) Paragraphs (2) to (7) of rule 37 shall apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1) above as they apply in the case of a voter who applies for a ballot paper under rule 37(1).

(3) Paragraph (4) below applies where

(a) under paragraph (3) of rule 35 a ballot paper is not delivered to a person following his unsatisfactory answer to the question in paragraph (2) of that rule; or

(b) a presiding officer refuses to deliver a ballot paper to a person under paragraph (4) of rule 37 (including that paragraph as applied by rule 38 or 39 or this rule).

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, nevertheless 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.

(5) 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 him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

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

(7) 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.

(8) A person who marks a tendered ballot paper under paragraph (4) above shall sign the paper, unless it was marked after an application was refused under rule 38 or 39.

(9) A paper which is required to be signed under paragraph (8) above and is not so signed shall be void.

Refusal to deliver ballot paper

41.—(1) This rule applies where a presiding officer refuses to deliver a ballot paper under paragraph (4) of rule 37 (including that paragraph as applied by rule 38, 39 or 40).

(2) The refusal shall be subject to review on an election petition but, subject to that, shall be final and shall not be questioned in any proceedings whatsoever.

Spoilt ballot papers

42. A voter who has inadvertently dealt with his 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 his 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

43.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the local 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 Regulations to the close of the poll shall be construed accordingly.

Procedure on close of poll

44.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) 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,

and shall deliver the packets or cause them to be delivered to the verifying officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the verifying officer, the arrangements for their delivery shall require the verifying 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 him,

and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Attendance at verification of ballot paper accounts

45.—(1) The verifying officer shall make arrangements for the verification of the ballot paper accounts 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 he will begin such verification.

(2) No person other than—

- (a) the returning officer, the verifying officer and his clerks,
- (b) the candidates and their spouses,
- (c) the election agents,
- (d) the counting agents, and
- (e) representatives of the Electoral Commission,

may attend the verification of the ballot paper accounts, unless permitted by the verifying officer to attend; and that officer shall not permit a person to attend unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.

(3) The verifying officer shall give the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistent with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Procedure at verification of ballot paper accounts

46.—(1) The verifying officer shall in the presence of the counting agents—

- (a) open each ballot box and count and record the number of ballot papers in it and verify each ballot paper account; and
- (b) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) A postal ballot paper shall not be deemed to be duly returned unless—

- (a) it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated; and
- (b) in the case of an elector, that declaration of identity states the date of birth of the elector and the returning officer is satisfied that the date stated corresponds with the date supplied as the date of the elector's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act.

(3) In the case of an elector, unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act applies, the declaration of identity referred to in paragraph (3) shall be taken not to be duly signed unless the returning officer is satisfied that the signature on the declaration corresponds with the signature supplied as the elector's signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act.

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

(5) The verifying officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces downwards.

(6) The verifying officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, the unused and spoilt ballot papers in his 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 counting agent may copy.

(7) The verifying officer shall, subject to the directions of the returning officer, determine the hours during which the procedure under this rule is proceeded with.

(8) The verifying officer shall take proper precautions for the security of the ballot papers and documents.

(9) On completion of the procedure under this rule, the verifying officer shall, subject to the directions of the returning officer, make up into packets the ballot papers counted by him, seal them up in containers endorsing on each a description of the area to which the ballot papers relate, and, subject to paragraph (10) below, deliver or cause to be delivered the containers to the returning officer together with a list of them and of the contents of each container and a statement of his verification of the ballot paper accounts.

Attendance at counting of votes

47.—(1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents—

(a) in the case of a general election of MEPs, in sufficient time to comply with rule 51(2) before the material time,

(b) in the case of a by-election, 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 he will begin to count the votes.

For the purposes of this paragraph “material time” means in relation to a general election of MEPs the close of polling in the Member State whose electors are the last to vote in the election.

(2) No person other than—

(a) the returning officer and his clerks,

(b) the candidates and their spouses,

(c) the election agents,

(d) the counting agents,

(e) representatives of the Electoral Commission,

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

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he—

(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 he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Interpretation of rules 49 to 59

48. In rules 49 to 59 below—

“continuing candidate” means any candidate not deemed to be elected and not excluded;

“count” means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates;

“deemed to be elected” means deemed to be elected for the purposes of the counting of votes but without prejudice to the declaration of the result of the poll;

“mark” means a figure, a word written in the English language or a mark such as “X”;

“non-transferable vote” means a ballot paper—

- (a) on which no second or subsequent preference is recorded for a continuing candidate, or
- (b) which is excluded by the returning officer under rule 55(4) below;

“preference” as used in the following contexts has the meaning assigned below—

- (a) “first preference” means the figure “1” or any mark or word which clearly indicates a first (or only) preference;
- (b) “next available preference” means a preference which is the second or, as the case may be, subsequent preference recorded in consecutive order for a continuing candidate (any candidate who is deemed to be elected or is excluded thereby being ignored), and
- (c) in this context, a “second preference” is shown by the figure “2” or any mark or word which clearly indicates a second preference, a third preference by the figure “3” or any mark or word which clearly indicates a third preference, and so on;

“quota” means the number calculated in accordance with rule 52 below;

“surplus” means the number of votes by which the total number of votes for any candidate (whether first preference or transferred votes, or a combination of both) exceeds the quota; but, references in these rules to the transfer of the surplus means the transfer (at a transfer value) of all transferable papers from the candidate who has the surplus;

“stage of the count” means—

- (a) the determination of the first preference vote for each candidate; or
- (b) the transfer of a surplus of a candidate deemed to be elected; or
- (c) the exclusion of one or more candidates at any given time;

“transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“transferred vote” means a vote derived from a ballot paper on which a second or subsequent preference is recorded for the candidate to whom that paper has been transferred;

“transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 53 below.

Preliminary proceedings and conduct of the count

49.—(1) Where the verifying officer has made the ballot papers into packets in accordance with rule 46(9) above, the returning officer shall open all such packets and mix together all the ballot papers received.

(2) 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.

(3) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

- (4) During the time so excluded the returning officer shall—
- (a) place the ballot papers and other documents relating to the election under his 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.

Rejected ballot papers

- 50.**—(1) Any ballot paper—
- (a) which does not bear the official mark; or
 - (b) on which the figure “1” standing alone is not placed so as to indicate a first preference for any candidate; or
 - (c) on which the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate; or
 - (d) on which anything (other than the printed number on the back) is written or marked by which the voter can be identified; or
 - (e) which is unmarked or void for uncertainty,

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying the words “one”, “two”, “three”, (and so on) or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark clearly indicates a preference or preferences.

(2) The returning officer shall endorse “Rejected” on any ballot paper which under this rule is not to be counted and if an election agent objects to his decision shall add to the endorsement the words “rejection objected to”.

(3) The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph (1) above and shall, on request, allow any candidate or agent to copy that statement.

(4) 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.

First stage

51.—(1) The returning officer shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.

(2) The returning officer shall then count the number of first preference votes given on ballot papers for each candidate and shall record those numbers.

(3) The returning officer shall also ascertain and record the number of valid ballot papers.

The quota

52.—(1) The returning officer shall divide the number of valid ballot papers by a number exceeding by one the number of members to be elected.

(2) The result, increased by one, of the division under paragraph (1) above (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as “the quota”).

(3) At any stage of the count a candidate whose total votes equals or exceeds the quota shall be deemed to be elected, except that at any election where there is only one vacancy a candidate shall

not be deemed to be elected until the procedure set out in paragraphs (1) to (3) of rule 55 below has been complied with.

Transfer of votes

53.—(1) Where the number of first preference votes for any candidate exceeds the quota, the returning officer shall sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped—

- (a) according to the next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-paragraph of non-transferable votes.

(2) The returning officer shall count the number of ballot papers in each parcel referred to in paragraph (1) above.

(3) The returning officer shall, in accordance with this rule and rule 54 below, transfer each sub-paragraph of ballot papers referred to in paragraph (1)(a) above to the candidate for whom the next available preference is given on those papers.

(4) The vote on each ballot paper transferred under paragraph (3) above shall be at a value (“the transfer value”) which—

- (a) reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus; and
- (b) is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).

(5) Where at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the returning officer shall sort the ballot papers in the sub-paragraph of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped—

- (a) according to the next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-paragraph of non-transferable votes.

(6) The returning officer shall, in accordance with this rule and rule 54 below, transfer each sub-paragraph of ballot papers referred to in paragraph (5)(a) above to the candidate for whom the next available preference is given on those papers.

(7) The vote on each ballot paper transferred under paragraph (6) shall be at—

- (a) a transfer value calculated as set out in paragraph (4)(b) above, or
- (b) at the value at which that vote was received by the candidate from whom it is now being transferred, whichever is the less.

(8) Each transfer of a surplus constitutes a stage in the count.

(9) Subject to paragraph (10) below, the returning officer shall proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

(10) Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are—

- (a) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote, or

- (b) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.
- (11) This rule shall not apply at an election where there is only one vacancy.

Supplementary provisions on transfer

54.—(1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the highest surplus shall be transferred first, and if—

- (a) the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes, shall be transferred first, and
 - (b) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between those candidates by lot and the transferable papers of the candidate on whom the lot falls shall be transferred first.
- (2) The returning officer shall, on each transfer of transferable papers under rule 53 above—
- (a) record the total value of the votes transferred to each candidate;
 - (b) add that value to the previous total of votes recorded for each candidate and record the new total;
 - (c) record as non-transferable votes the difference between the surplus and the total transfer value of the transferred votes and add that difference to the previously recorded total of non-transferable votes, and
 - (d) compare—
 - (i) the total number of votes then recorded for all of the candidates, together with the total number of non-transferable votes, with
 - (ii) the recorded total of valid first preference votes.

(3) All ballot papers transferred under rule 53 above or 55 below shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.

(4) Where a ballot paper is so marked that it is unclear to the returning officer at any stage of the count under rule 51 or 53 above for which candidate the next preference is recorded, the returning officer shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.

Exclusion of candidates

55.—(1) If—

- (a) all transferable papers which under the provisions of rule 53 above (including that rule as applied by paragraph (11) below) and this rule are required to be transferred, have been transferred, and
- (b) subject to rule 56 below, one or more vacancies remain to be filled,

the returning officer shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) below applies, the candidates with the then lowest votes).

(2) The returning officer shall sort all the ballot papers on which first preference votes are given for the candidate or candidates excluded under paragraph (1) above into two sub-parcels so that they are grouped as—

- (a) ballot papers on which a next available preference is given, and
 - (b) ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded).
- (3) The returning officer shall, in accordance with this rule and rule 54 above, transfer each sub-paragraph of ballot papers referred to in paragraph (2)(a) above to the candidate for whom the next available preference is given on those papers.
- (4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.
- (5) If, subject to rule 56 below, one or more vacancies still remain to be filled, the returning officer shall then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph (1) above into sub-paragraphs according to their transfer value.
- (6) The returning officer shall transfer those papers in the sub-paragraph of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).
- (7) The vote on each transferable paper transferred under paragraph (6) above shall be at the value at which that vote was received by the candidate excluded under paragraph (1) above.
- (8) Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.
- (9) After the returning officer has completed the transfer of the ballot papers in the sub-paragraph of ballot papers with the highest transfer value he shall proceed to transfer in the same way the sub-paragraph of ballot papers with the next highest value and so on until he has dealt with each sub-paragraph of a candidate excluded under paragraph (1) above.
- (10) The returning officer shall after each stage of the count completed under this rule—
- (a) record—
 - (i) the total value of votes, or
 - (ii) the total transfer value of votes, transferred to each candidate;
 - (b) add that total to the previous total of votes recorded for each candidate and record the new total;
 - (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total; and
 - (d) compare—
 - (i) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with
 - (ii) the recorded total of valid first preference votes.
- (11) If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus shall be dealt with in accordance with paragraphs (5) to (10) of rule 53 and rule 54.
- (12) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer shall in one operation exclude such two or more candidates.
- (13) If, when a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest—

- (a) regard shall be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and
- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide between the candidates by lot and the candidate on whom the lot falls shall be excluded.

Filling of last vacancies

56.—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.

(2) Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.

(3) Where the last vacancies can be filled under this rule, no further transfer of votes shall be made.

Re-count

57.—(1) The returning officer on completion of each stage of the count shall, before proceeding with the next stage, inform all the candidates and their election agents then present of his intention, subject to a request for a re-count, to proceed to the next stage.

(2) The returning officer shall comply with a request from a candidate or his election agent for a re-count of the last completed stage made before the returning officer proceeds to the next stage, but nothing in this rule shall require the returning officer to re-count the same parcel or sub-parcel more than once.

(3) The returning officer may, if he thinks fit, re-count ballot papers either once or more often.

(4) Where as a result of a re-count an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.

Order of election of candidates

58.—(1) The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule 53(10) above.

(2) A candidate credited with a number of votes equal to, and not greater than, the quota shall, for the purposes of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota.

(3) Where the surpluses of two or more candidates are equal and are not required to be transferred, regard shall be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidate who had the greatest number of votes at that stage shall be deemed to be the largest.

(4) Where the number of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between them by lot and the candidate on whom the lot falls shall be deemed to have been elected first.

Decisions of returning officer

59. The decision of the returning officer, whether expressed or implied, on any question which arises in relation to the exclusion of any candidate under rule 55 or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.

PART IV

Final Proceedings

Declaration of result

60.—(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—

- (a) declare to be elected the candidates who are deemed to be elected under rules 49 to 59 above ;
- (b) notify their names to the Secretary of State;
- (c) give public notice of—
 - (i) the names of those candidates;
 - (ii) the number of first preference votes for each candidate whether elected or not;
 - (iii) any transfer of votes;
 - (iv) the total number of votes for each candidate at each stage of the count at which such transfer took place; and
 - (v) the order in which the successful candidates were elected.

(2) In the case of an uncontested election, the statement of candidates nominated, in addition to showing the person or persons standing nominated, shall also declare that person or persons to be elected; and the returning officer shall forthwith notify his or their names to the Secretary of State.

Return or forfeiture of candidate's deposit

61.—(1) The deposit made under rule 9 of these rules shall either be returned to the person making it or his personal representatives or be forfeited to Her Majesty.

(2) Except in the cases mentioned below in this rule, the deposit shall be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day shall be disregarded if it would be disregarded under rule 2 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) Where—

- (a) a candidate is not shown as standing nominated in the statement of candidates nominated, or
- (b) the candidate has died,

the deposit shall be returned as soon as practicable after the publication of that statement or the time when the returning officer is satisfied of the candidate's death, as the case may be.

(5) Subject to paragraph (4) the deposit shall be forfeited if a poll is taken and, if the number of votes credited to the candidate at any stage of the counting of the votes does not exceed one quarter of the quota.

PART V

Disposal of Documents

Sealing up of ballot papers

62.—(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.

Retention of documents by the returning officer

63. The returning officer shall then retain the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, 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,
- (e) the packets containing marked copies of registers and of lists of proxies,

endorsing on each packet a description of its contents.

Orders for production of documents

64.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the returning officer, 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 his custody,

may be made, if 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 European Parliamentary election petition, by the High Court or a county court.

(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 returning officer's custody 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 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 his vote was given; and
 - (ii) that the vote has been declared by a competent court to be invalid.
- (4) An appeal lies to the High Court from any order of a county court under this rule.
- (5) Any power given under this rule—
- (a) to the High Court may be exercised by any judge of the court otherwise than in open court; and
 - (b) to a county court, may be exercised in such manner as may be provided by rules of court.
- (6) Where an order is made for the production by the returning officer of any document in his possession relating to any specified election—
- (a) the production by him or his 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 his 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 returning officer or to open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

65.—(1) The returning officer shall retain for a year all documents to which rule 63 applies, and then, unless otherwise directed by order of the High 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 subject to such conditions as may be prescribed by the returning officer.

(3) The returning officer 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 sanctioned by the Secretary of State.

PART VI

Death of a Candidate

Countermand or abandonment of poll on death of candidate

66.—(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 all proceedings with reference to the election shall

be commenced afresh in all respects as if the day appointed by order under section 4 of the 2002 Act was the first Thursday after the expiry of 45 days after the day on which proof was given to the returning officer of the death except that no fresh nomination shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated; and the period of 45 days shall be calculated in accordance with rule 2.

(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 he is required to take on the close of poll in due course to the verifying officer, and the returning officer shall dispose of ballot papers and other documents in his possession as he 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 accounts 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.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Northern Ireland) Regulations 2004 (revoked) No. 1267

APPENDIX OF FORMS
Form of front of ballot paper

Counter-foil No.	Mark order of preference in space below	
<p><i>The counterfoil is to have a number to correspond with that on the back of the ballot paper</i></p>		 <p align="center">BLACK (Joseph Black of 5 Down Street, Bangor, Co. Down. Democratic Unionist Party)</p>
		<p align="center">BROWN (RUPERT BROWN of 9 Mourne View, Donaghadee, Co. Down. Independent)</p>
		 <p align="center">BROWN (VERONICA BROWN of 8 Magilligan Drive, Portaferry, Co. Down. SDLP (Social Democratic and Labour Party))</p>
		 <p align="center">GOLD (John Gold of 29 Gilford Place, Millisle, Co. Down. Sinn Féin)</p>
		<p align="center">HAZEL (Horace Hazel of Glen Cottage, Banbridge, Co. Down. Independent)</p>
		 <p align="center">LIME (Harry Lime of 7 Gortin Mansions, Dromara, Co. Down, Ulster Unionist Party)</p>
		<p align="center">PLUM (Peter Plum of 3 Strangford Road, Killinchy, Co. Down. Independent)</p>
		 <p align="center">ROSE (Ruth Rose of 41 Devenish Drive, Ballynahinch, Co. Down. United Kingdom Unionist Party)</p>
		<p align="center">SILVER (Anthony Silver of 3 Mourne View, Bangor, Co. Down. Independent)</p>
		<p align="center">WRIGHT (Frank Wright of 11 Moira Terrace, Newry, Co. Down Independent)</p>

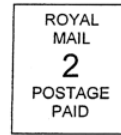
Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. The following arrangements shall be observed in the printing of the front of the ballot paper—

- (a) apart from the instructions “Mark order of preference in space below” in the top left-hand corner no other word or words shall be printed on the ballot paper except the particulars of the candidates and words forming part of the emblems;
 - (b) no rules shall be printed on the face except the horizontal lines separating the headings from the particulars of the candidates and the particulars of the candidates from one another and the vertical rule separating those particulars and emblems from the spaces on the left hand side of the paper where the order of preference is to be marked;
 - (c) the whole space between the top and bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
 - (a) (a) The front of the ballot paper shall contain the names, addresses and descriptions, if any, of the candidates standing nominated. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates bearing the same surname, in alphabetical order of their other names, or if the names are the same, in the alphabetical order of their home addresses or descriptions;
 - (b) the surname of each candidate shall be printed by itself in large capitals, and his full name, address and description (as given on the statement of persons nominated) shall be printed underneath in ordinary type;
 - (c) where the surnames of two or more candidates are the same there shall be printed in small capitals the other names of such candidates and if those are the same so much of the descriptions or home addresses of such candidates as will enable the electors to distinguish between them;
 - (d) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting;
 - (e) the ballot papers shall be numbered consecutively on the back and the front of the counterfoil attached to each ballot paper shall bear the same number. The numbers on ballot papers shall be printed in the smallest type compatible with legibility and shall be printed on or about the centre of the paper.
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.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Northern Ireland) Regulations 2004 (revoked) No. 1267

**EUROPEAN PARLIAMENTARY ELECTION
NORTHERN IRELAND ELECTORAL REGION
OFFICIAL POLL CARD**



Parliamentary Constituency of:
Polling Day:
Your polling station will be:
Polling hours: 7a.m. to 10p.m.

Number on Register
Name
Address

*** IMPORTANT – PLEASE READ NOTES ON BACK OF THIS CARD ***

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.

THE LAW PREVENTS YOU BEING GIVEN A BALLOT PAPER UNLESS YOU PRODUCE ONE OF THE FOLLOWING PHOTOGRAPHIC IDENTIFICATION DOCUMENTS:-

- A **current** passport issued by the United Kingdom or any other Member state of the European Community;
- A **current** Northern Ireland or Great Britain full driving licence, or a Northern Ireland provisional licence, all of which must bear the photograph of the holder;
- A **current** Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme;
- A **current** Electoral Identity Card.

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 he stamps the official mark on it before he gives it to you.

Go to one of the compartments. Number the candidates in order of your preference, putting "1" against the candidate of your 1st preference, "2" against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper or your vote may not be counted.

ISSUED BY THE RETURNING OFFICER

**EUROPEAN PARLIAMENTARY ELECTION
NORTHERN IRELAND ELECTORAL REGION**



PROXY'S OFFICIAL POLL CARD

POLLING HOURS: 7A.M. TO 10P.M.

PARLIAMENTARY CONSTITUENCY:

POLLING DAY:

TO BE DELIVERED TO:

A large, empty rectangular box with a thin black border, intended for the recipient's name and address.

INSTRUCTIONS: To vote as proxy you must go to the above polling station. Tell the clerk that you wish to vote as proxy; give the name and qualifying address of the elector. 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 in pursuance of his/her sentence. It is also an offence to vote at this election for more than two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild. The person who appointed you as proxy may himself/herself vote in person at this election if he/she is able, and wishes, to do so and if he/she votes before you.

IMPORTANT: YOU MUST IDENTIFY YOURSELF BY ONE OF THE PHOTOGRAPHIC DOCUMENTS SET OUT ON THE BACK OF THIS CARD

THE LAW PREVENTS YOU BEING GIVEN A BALLOT PAPER UNLESS YOU PRODUCE ONE OF THE FOLLOWING PHOTOGRAPHIC DOCUMENTS:-

- (a)** a **current** Passport issued by the United Kingdom or any other Member State of the European Community;
- (b)** a **current** Northern Ireland or Great Britain full driving licence or a Northern Ireland provisional licence, all of which must bear the photograph of the holder;
- (c)** a **current** Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme;
- (d)** a **current** Electoral Identity Card.

Issued by the Returning Officer

EUROPEAN PARLIAMENTARY ELECTION

ELECTORAL REGION OF NORTHERN IRELAND

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. Number the candidates in order of preference, putting "1" against the candidate of your 1st preference, "2" against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted.
3. Fold the ballot paper in two. 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.
4. If by mistake you spoil a ballot paper, show it to the Presiding Officer and ask for another one.

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND
10 JUNE 2004

CERTIFICATE OF EMPLOYMENT

CONSTITUENCY _____

I certify that (name) _____
who is numbered _____
in the register of electors for the constituency named above, cannot reasonably be expected to go in person to the polling station allotted to him or her at the Election on _____ by reason of the particular circumstances of his or her employment on that date, for a purpose connected with the election,

*(a) as a constable,
*(b) by me.

Signature _____
*Deputy Returning Officer/Police Officer (Chief Inspector or above)

Date _____

* Delete whichever is inapplicable

Note:- The person named above is entitled to vote at any polling station in the Northern Ireland Electoral Region on production and surrender of this certificate to the Presiding Officer.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Northern Ireland) Regulations 2004 (revoked) No. 1267

Declaration to be made by the Companion of a Voter with Disabilities

European Parliamentary Election in the Electoral Region of Northern Ireland

Parliamentary Constituency of _____

I, _____

of _____

have been requested to assist _____

(in the case of a voter with disabilities voting as proxy add

voting as proxy for _____)

whose number in the register is _____

to record his vote at the election now being held in this constituency, hereby declare that

(Please tick appropriate box)

I am entitled to vote as an elector at the said election

*State the relationship of the companion to the voter

I am the * _____

of the said voter and have attained the age of eighteen years and that I have not previously assisted any voter with disabilities

except _____

of _____

to vote at the said election.

Signed _____

_____ day of _____ 20 _____

I, the undersigned, being the Presiding Officer for Polling Station _____

at _____ Polling Place

for the _____ Constituency

hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

Signed _____

Presiding Officer at the said Polling Station.

_____ day of _____ 20 _____

at _____ minutes past _____ o'clock (a.m.)(p.m.)

NOTES

1. IF THE PERSON MAKING THE ABOVE DECLARATION KNOWINGLY AND WILFULLY MAKES THEREIN A STATEMENT FALSE IN A MATERIAL PARTICULAR, HE WILL BE GUILTY OF AN OFFENCE.

2. A VOTER WITH DISABILITIES IS A VOTER WHO HAS MADE A DECLARATION UNDER THE PARLIAMENTARY ELECTION RULES THAT HE IS SO INCAPACITATED BY HIS BLINDNESS OR OTHER INCAPACITY, OR BY HIS INABILITY TO READ, AS TO BE UNABLE TO VOTE WITHOUT ASSISTANCE.

SCHEDULE 2

Regulation 13

ABSENT VOTERS

PART I

Applications

Interpretation of Part I

1. In this Part of this Schedule—

“allotted polling station” has the meaning set out in paragraph 4(7) ; and

“related” has the meaning set out in paragraph 5(5).

General requirements for applications for an absent vote

2.—(1) An application under regulation 8, 9, 10 or 11 must comply with the requirements of this paragraph and such further requirements in this Schedule as are relevant to the application.

(2) The application must state, in addition to the matters required by regulation 8(1)(c) to (e) or regulation 9(1)(c) to (e) in the case of an application under regulation 8(1) or 9(1)—

- (a) the full name of the applicant;
- (b) the address in respect of which the applicant is or will be registered in the register except in the case of an application under regulation 11;
- (c) in the case of such an application, the proxy’s address, together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of sub-paragraph (b) above; and
- (d) in the case of an application under regulation 8(1), 9(1) or 11(4) or (7), the grounds on which the elector claims to be entitled to an absent vote.

(3) The application shall be made in writing and be signed and dated by the applicant.

(4) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of paragraph 3.

Additional requirements for applications for the appointment of a proxy

3. An application for the appointment of a proxy under regulation 10(6) or (7) shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, or
- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant’s proxy.

Additional requirements for applications on grounds of physical incapacity or blindness

4.—(1) An application under regulation 8(4)(b) shall specify the physical incapacity by reason of which it is made.

(2) Subject to sub-paragraph (3) below, such an application shall be attested and signed by—

- (a) a registered medical practitioner;
 - (b) a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997⁽⁶⁾;
 - (c) a Christian Science practitioner;
 - (d) the person registered under the Registered Homes (Northern Ireland) Order 1992⁽⁷⁾ as carrying on a residential care home within the meaning of article 3 of that Order or a nursing home within the meaning of article 16 of that Order, where the applicant states that he is resident in such a home;
 - (e) the person in charge of residential accommodation provided under article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁸⁾, where the applicant states that he is resident in such accommodation; or
 - (f) the warden of premises forming one of a group of premises provided for persons of pensionable age or physically disabled persons for which there is a resident warden, where the applicant states that he resides in such premises.
- (3) A person who qualifies by virtue of paragraph (a), (b) or (c) of sub-paragraph (2) above, may not attest an application for this purpose unless he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity.
- (4) The person attesting the application shall state—
- (a) his name and address and the qualification by virtue of which he attests the application, and, where the person who attests the application is a person referred to in sub-paragraph (3) above, that he is treating the applicant for the physical incapacity specified in the application or the applicant is receiving care from him in respect of that incapacity;
 - (b) that, to the best of his knowledge and belief, the applicant is suffering from the physical incapacity specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that incapacity; and
 - (c) that, to the best of his knowledge and belief, the physical incapacity specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (5) Sub-paragraphs (2) to (4) above shall not apply where—
- (a) the application is based on the applicant’s blindness and the applicant is registered as a blind person by a Health and Social Services Board which is specified in the application; or
 - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁹⁾) because of the physical incapacity specified in the application.
- (6) The fact that an applicant is registered with a Health and Social Services Board as a blind person shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in regulation 8(4)(b).
- (7) In this paragraph and in paragraphs 5 and 6 below, “his allotted polling station”, in relation to an elector means the polling station allotted or likely to be allotted to him under the European Parliamentary elections rules.

⁽⁶⁾ 1997 c. 24.

⁽⁷⁾ S.I. 1992/3204 (N.I. 20).

⁽⁸⁾ S.I. 1972/1265 (N.I. 14).

⁽⁹⁾ 1992 c. 7.

Additional requirements for applications based on occupation, service, employment or attendance on a course

- 5.—(1) An application under regulation 8(4)(c) shall state—
- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse or, as the case may be, it is the applicant or his spouse who is attending the course provided by an educational institution in respect of which the application is made;
 - (b) the nature of the occupation, service or employment or course provided by an educational institution giving rise to the application;
 - (c) where the person in respect of whose occupation, service or employment it is made (in this paragraph referred to as “the employed person”) is self employed, that fact; and in any other case the name of that person’s employer;
 - (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.
- (2) Such an application shall be attested and signed—
- (a) where the person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;
 - (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
 - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.
- (3) The person attesting an application made under sub-paragraph (2) above shall—
- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by paragraphs (a) to (d) of sub-paragraph (1) above to be included in the application are true; or
 - (b) where the applicant is the spouse of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of paragraphs (a) to (c) of sub-paragraph (1) above are true.
- (4) The person attesting an application under sub-paragraph (2) above shall also state—
- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self-employed person or person attending a course provided by an educational institution but is not related to him; and
 - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
 - (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.
- (5) For the purposes of this paragraph and paragraph 6 below, one person is related to another if he is the husband, wife, parent, grandparent, brother, sister, child or grandchild of the other.

Additional requirements for applications in respect of a particular election

6.—(1) An application under regulation 9(1) shall set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Except in respect of an application to which sub-paragraph (4), (6) or (8) below applies, such an application shall be signed and attested by a person who—

- (a) is aged 18 years or over,
- (b) resides in the United Kingdom,
- (c) knows the applicant but is not related to him, and
- (d) has not attested under this paragraph any other application in respect of the election for which the application he attests is made.

(3) The person attesting an application under subparagraph (2) above shall state—

- (a) his full name and address,
- (b) that he is aged 18 years or over,
- (c) that he resides in the United Kingdom,
- (d) that he knows the applicant but is not related to him, and
- (e) that he has not attested under subparagraph (2) above any other application in respect of the election for which the application he attests is made;

and shall certify that, to the best of his knowledge and belief, the statement included in the application in accordance with sub-paragraph (1) above is true.

(4) This paragraph applies in respect of an application under regulation 9(1) in which the grounds set out in accordance with sub-paragraph (1) above are that the applicant will be or is likely to be physically ill on the date of the poll, and which—

- (a) specifies that illness, and
- (b) is attested and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 4(2) above.

(5) The person attesting an application under sub-paragraph (4) above shall state—

- (a) his name and address;
- (b) the qualification by virtue of which he is authorised to attest it;
- (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with sub-paragraph (1) above, and
- (d) that to the best of his knowledge and belief—
 - (i) the applicant is suffering from the physical illness specified in the application;
 - (ii) that he will be or is likely to be so suffering on the date of the poll, and
 - (iii) that he cannot reasonably be expected to vote in person at his allotted polling station because of that illness.

(6) This paragraph applies in respect of an application under regulation 9(1)—

- (a) which is received by the registration officer after 5 p.m. on the fourteenth day (calculated in accordance with paragraph 8(5) below) before the date of the poll at the election in question (“the standard closing date for applications”) but before 5 p.m. on the sixth day (so calculated) before the date of that poll;
- (b) in which the circumstances set out in accordance with sub-paragraph (1) above relate to the applicant's health;

- (c) which includes a statement to the effect that, before the standard closing date for applications, the applicant could not have reasonably foreseen that those circumstances would, or would be likely to, exist on the date of the poll, and
 - (d) which is attested and signed by one of the persons specified in paragraphs (a), (b) and (c) of paragraph 4(2) above.
- (7) The person attesting an application under sub-paragraph (6) above shall state—
- (a) his name and address;
 - (b) the qualification by virtue of which he is authorised to attest it;
 - (c) that he has seen the applicant in connection with the circumstances set out in the application in accordance with sub-paragraph (1) above, and
 - (d) that, to the best of his knowledge and belief, the statement which the applicant made in accordance with sub-paragraph (6)(c) above is correct.
- (8) This paragraph applies in respect of an application under regulation 9(1)—
- (a) which is received by the registration officer during the period specified in sub-paragraph (6)(a) above;
 - (b) in which the circumstances set out in accordance with sub-paragraph (1) above relate to the applicant's employment either as a constable or by the returning officer on the date of the poll of the election for which the application is made for a purpose connected with that election or any other parliamentary or European Parliamentary election the poll for which is held on the same day;
 - (c) which states the employment in question, and
 - (d) in the case of a constable, which is signed by a member of the Police Service of Northern Ireland of or above the rank of chief inspector.

Additional requirements for applications by proxies to vote by post at a particular election

7. An application under regulation 11(6) shall set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the elections rules.

Closing date for applications

8.—(1) An application under regulation 8(1) or (7), 10(7) or 11(4) shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at that election.

(2) Subject to sub-paragraph (3) below, an application under regulation 9(1) or (2), 10(7) or 11(6) or (7) shall be refused if it is received by the registration officer after 5 p.m. on the fourteenth day before the day of the poll at the election for which is made.

(3) Sub-paragraph (2) above shall not apply to an application which satisfies the requirements of either sub-paragraphs (6) and (7) or sub-paragraph (8) of paragraph 6 above; and such an application shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the day of the poll at the election for which it is made.

- (4) An application under—
- (a) regulation 8(6)(a) by an elector to be removed from the record kept under regulation 8(5),
or
 - (b) regulation 11(10)(a) by a proxy to be removed from the record kept under regulation 11(5),

and a notice under regulation 10(9) by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the fourteenth day before the date of the poll at that election.

(5) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday shall be disregarded.

(6) In sub-paragraph (5) above "bank holiday" means—

- (a) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom, and
- (b) in relation to a by-election, a day which is a bank holiday under that Act in Northern Ireland;

except that where, at a European Parliamentary general election, any proceedings are commenced afresh by reason of a candidate's death, paragraph (b), not (a), shall apply.

Grant or refusal of applications

9.—(1) Where the registration officer grants an application under regulation 8, 9, 10 or 11, he shall, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The proxy paper to be issued by the registration officer on the appointment of a proxy shall be in Form E in the Appendix.

(4) Where the registration officer refuses an application under regulation 8, 9, 10 or 11, he shall notify the applicant of his decision and, in the case of an application under regulation 8(1) or 11(4), of the reasons for it; and he shall date such a notification.

(5) Where under paragraph 8(1) or (4) above the registration officer disregards an application for the purposes of a particular election, he shall, where practicable, notify the applicant of this.

Notice of appeal

10.—(1) A person desiring to appeal under regulation 22(1) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under paragraph 9(4) above specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the appropriate county court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Cancellation of proxy appointment

11. Where the appointment of a proxy is cancelled by notice given to the registration officer under regulation 10(9) or ceases to be in force under that provision or is no longer in force under regulation 10(10)(b), the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, expired, ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy, and

- (b) remove his name from the record kept under regulation 8(5)(b).

Inquiries by registration officer

12.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person who is shown in the record kept under regulation 8(5) by virtue of an application under that regulation on the grounds set out in sub-paragraph (b) or (c) of regulation 8(4).

(2) In the case of a person who is shown in the record kept under regulation 8(5) by virtue of an application under that regulation on the grounds set out in regulation 8(4)(c), the registration officer shall make the inquiries referred to in sub-paragraph (1) above not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Records and lists kept under regulations 8, 9 and 11

13.—(1) The registration officer shall, on request, supply free of charge a copy of the list kept under regulations 9(6) and 11(8) to each candidate at a European Parliamentary election or his election agent.

(2) The registration officer shall make available for inspection at his office a copy of the records kept under regulations 8(5) and 11(5).

(3) As soon as practicable after the sixth day before the day of the poll (calculated in accordance with paragraph 8(5) above) the registration officer shall publish the lists kept under regulations 9(6) and 11(8) by making a copy of them available for inspection at his office.

Marked register for polling stations

14. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

PART II

Issue and receipt of postal ballot papers

Interpretation of Part II

15. For the purposes of this Part of this Schedule, unless the context otherwise requires—

“agent” includes the election agent and a person appointed to attend in the election agent’s place;

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 23 below;

“list of postal proxies” means the list kept under regulation 11(8);

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters’ ballot box” means the ballot box referred to in paragraph 28(1)(a) below;

“receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 28(5) below;

“spoilt postal ballot paper” means a ballot paper referred to in paragraph 26(1) below;

“universal postal service provider” has the meaning given in the Postal Services Act 2000⁽¹⁰⁾ to a “universal service provider”; and

“valid declaration of identity” means one falling within paragraph 32(1) below.

Issue of postal ballot papers

Form of declaration of identity

16. The form of the declaration of identity for the purposes of rule 24 of the European Parliamentary elections rules shall be in Form G in the Appendix.

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers

17. No person may be present at the proceedings on the issue or receipt of postal ballot papers at a European Parliamentary election other than—

- (a) the returning officer,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent’s place,
- (d) any agents appointed under paragraph 18 below, and
- (e) representatives of the Electoral Commission.

Agents of candidates who may attend proceedings on issue or receipt of postal ballot papers

18.—(1) Each candidate may appoint one or more agents to attend the proceedings on the issue or receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint so, however, that the number authorised shall be the same in the case of each candidate.

(2) 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 before the time fixed for the issue of the postal ballot papers or the opening of the postal voters’ ballot box, as the case may be.

(3) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(4) Agents may be appointed and notice of appointment given to the returning officer by the candidate’s election agent instead of by the candidate.

(5) In this Part of this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (1) above, who are within the number authorised by the returning officer.

(6) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(7) Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at

⁽¹⁰⁾ 2000 c. 26.

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

19. The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of regulation 30(5) and (7).

Notice of issue of postal ballot papers

20.—(1) The returning officer shall give each candidate not less than 48 hours' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents he may appoint under paragraph 18 above to attend that issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents the candidate may appoint under paragraph 18 above to attend such issue.

Procedure on issue of postal ballot paper

21.—(1) Each postal ballot paper issued shall be stamped with the official mark.

(2) The number of the elector as stated in the register shall be marked on the counterfoil attached to the ballot paper.

(3) A mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(5) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in paragraph 23 below are to be sent is—

- (a) in the case of an elector, the address shown in the absent voter's list;
- (b) in the case of a proxy, the address shown in the list of postal proxies.

Refusal to issue postal ballot paper

22. Where the returning officer is satisfied that two or more entries in the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector.

Envelopes

23.—(1) Sub-paragraphs (2) and (3) below specify the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 24 of the European Parliamentary elections rules).

(2) There shall be issued an envelope for the return of the postal ballot paper and the declaration of identity (referred to as a "covering envelope") which shall be marked with the letter "B".

(3) There shall also be issued a smaller envelope (referred to as a "ballot paper envelope") which shall be marked with—

- (a) the letter "A";

- (b) the words “ballot paper envelope”; and
- (c) the number of the ballot paper.

Sealing up of counterfoils and security of special lists

24.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the counterfoils of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in sub-paragraph (2) above, the returning officer shall take proper precautions for the security of the lists referred to in that paragraph.

Delivery of postal ballot papers

25.—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed under rule 26(1) of the European Parliamentary elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters and on the covering envelopes (except where sub-paragraph (1)(c) above applies).

Spoilt postal ballot papers

26.—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper and the declaration of identity.

(2) On receipt of the documents referred to in sub-paragraph (1) above, the returning officer shall issue another postal ballot paper except where those documents are received after 5 p.m. on the day before the day of the poll.

(3) Paragraphs 21 (except sub-paragraph (3)), 23, 24 and, subject to sub-paragraph (6) below, 25 above shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(4) The spoilt postal ballot paper and the declaration of identity shall be immediately cancelled.

(5) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(6) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 25 above.

(7) The returning officer shall enter in a list kept for the purpose (“the list of spoilt ballot papers”) —

- (a) the name and address of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this regulation; and

- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Receipt of postal ballot papers

Notice of opening of postal ballot paper envelopes

27.—(1) The returning officer shall give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under paragraph 18(1) above to attend each opening.

Postal ballot boxes and receptacles

28.—(1) The returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity; and
- (c) the receptacle for ballot paper envelopes.

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Receipt of covering envelope

29. The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box.

Opening of postal voters' ballot box

30.—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

Opening of covering envelopes

31.—(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope separately.

(2) The procedure in paragraph 33 below applies where a covering envelope contains both—

(a) a declaration of identity; and

(b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(3) Where the covering envelope does not contain the declaration of identity separately, the returning officer shall open the ballot paper envelope to ascertain whether the declaration of identity is inside.

(4) Where a covering envelope does not contain both—

(a) a declaration of identity (whether separately or not), and

(b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,

the returning officer shall mark the covering envelope “rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

Procedure in relation to declarations of identity on receipt of covering envelope

32.—(1) A declaration of identity is a valid declaration of identity for the purposes of this Part of this Schedule if—

(a) it is duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address, and

(b) in the case of an elector, the requirements of rule 46(2)(b) and (3) of the European Parliamentary elections rules are satisfied.

(2) The returning officer must satisfy himself that the declaration of identity is a valid declaration of identity.

(3) Where the returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper and, subject to sub-paragraph (4) below, place it in the receptacle for rejected votes.

(4) Before placing the declaration in the receptacle for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The returning officer shall then examine the number on the declaration of identity against the number on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(6) Where—

(a) the number on a valid declaration of identity is not the same as the number on the ballot paper envelope, or

(b) that envelope has no number on it,

the returning officer shall open the envelope.

(7) Sub-paragraph (8) below applies where—

(a) there is a valid declaration of identity but no ballot paper envelope, or

(b) the ballot paper envelope has been opened under paragraph 31(3) or sub-paragraph (6) above.

(8) In the circumstances described in sub-paragraph (7) above, the returning officer shall place—

- (a) in the postal ballot paper box, any ballot paper the number on which is the same as the number on the valid declaration of identity;
- (b) in the receptacle for rejected votes, any other ballot paper, with the valid declaration of identity attached and marked “rejected”;
- (c) in the receptacle for rejected votes, any valid declaration of identity marked “rejected” where there is no ballot paper;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under paragraph (b) or (c) above.

Opening of ballot paper envelopes

33.—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected votes any ballot paper envelope which shall be marked “rejected” because it does not contain a ballot paper.

Sealing of receptacles

34. As soon as practicable after the completion of the procedure under paragraph 33 above, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes, and
- (b) the receptacle of declarations of identity,

and shall seal up such packets.

Abandoned poll

35. Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of this Schedule; and
- (b) shall notwithstanding paragraphs 31 to 33 above, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

Retention of documents

36.—(1) The returning officer shall retain at the same time as he retains the documents mentioned in rule 63 of the European Parliamentary elections rules—

- (a) any packets referred to in paragraphs 24, 26(5) and 34 above, subject to paragraph 35 above, endorsing on each packet a description of its contents and the date of the election to which it relates, and
- (b) a completed statement in Form H in the Appendix of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll;
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up such packet and endorse and retain it at a subsequent date in the manner described in sub-paragraph (1) above.

(3) Rules 64 and 65 of the European Parliamentary elections rules shall apply to any packet or document retained under this regulation.

(4) A copy of the statement referred to in sub-paragraph (1)(b) above shall be provided by the returning officer to the Electoral Commission.

APPENDIX OF FORMS

PROXY PAPER

REPRESENTATION OF THE PEOPLE ACTS
EUROPEAN PARLIAMENTARY ELECTIONS ACT 2002

Constituency Area

European Parliamentary Electoral Region of Northern Ireland

Name of Proxy

Address

.....

.....

is hereby appointed as proxy for

(Name of elector)

*[who is qualified to be registered for

(Qualifying address)

*[who qualifies as an overseas elector in respect of the above constituency] to vote for him/her at

*[the *[parliamentary] *[European Parliamentary] election for the above *[constituency] *[European Parliamentary electoral region] on (date)

*[any *[parliamentary] *[European Parliamentary] election for the above *[constituency] *[European Parliamentary electoral region]]

*[This proxy appointment is not valid until

Signature

Electoral Registration Officer

Address

.....

.....

Date

**Delete whichever is inappropriate*

YOUR RIGHT TO VOTE AS PROXY

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf. However, you may not vote as proxy at the same election for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

2. Your appointment as proxy may be for a particular election only, or it may be for an indefinite period.

If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper.

If it is for an indefinite period, you have in general the right to vote as proxy at any parliamentary or European Parliamentary election for which the elector is qualified to vote until the electoral registration officer informs you to the contrary.

3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so.

4. If you cannot vote in person at the polling station, you should consult the electoral registration officer about whether you satisfy the entitlement to vote by post.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Parliamentary Elections (Northern Ireland) Regulations 2004 (revoked) No. 1267

**EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND**

DECLARATION OF IDENTITY

DECLARATION BY VOTER

Ballot Paper No.

- I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Date of Birth must be given below except where the voter is a proxy.

- My date of birth is

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Voter's signature _____

CERTIFICATION BY WITNESS

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature _____

Name of Witness _____

(WRITE CLEARLY)

Address of Witness _____

(WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. You must also give your date of birth where indicated (unless voting as a proxy). Without all the above the declaration will be invalid.
2. Mark your vote by putting "1" against the candidate of your first choice, "2" against the candidate of your second choice and so on. Do this secretly; if you cannot vote without assistance, the person assisting you must not disclose how you have voted.
3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted.
4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the Deputy Returning Officer not later than the close of the poll.
5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil your ballot paper, you can apply to the deputy returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper and the declaration of identity. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

EUROPEAN PARLIAMENTARY ELECTION
ELECTORAL REGION OF NORTHERN IRELAND

STATEMENT AS TO POSTAL BALLOT PAPERS

**PARLIAMENTARY
CONSTITUENCY OF** _____

DATE OF POLL _____

A Issue of postal ballot papers	Number
1. Total number of postal ballot papers issued under Sch 2 – PART II – Para 20 of the European Parliamentary Elections (NI) Regulations 2004.	
2. Total number of postal ballot papers issued under Sch 2 – PART II – Para 26(2) of the European Parliamentary Elections (NI) Regulations 2004, (where the first ballot paper was spoilt and returned for cancellation)	
3. Total number of postal ballot papers issued (1 + 2)	

B Receipt of postal ballot papers	Number
4. Number of covering envelopes received by the Deputy Returning Officer before the close of the poll (excluding any undelivered or returned under Sch 2 – PART II – Para 26(1), with spoilt ballot papers)	
5. Number of covering envelopes received by the Deputy Returning Officer after the close of the poll, excluding any returned as undelivered	
6. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued	
7. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued	
8. Number of covering envelopes returned as undelivered (up to the date of this statement)	
9. Number of covering envelopes not received by the Deputy Returning Officer by the date of this statement	
10. Total Nos. 4 to 9 (This number should be the same as that in 3 above)	

C Count of postal ballot papers	Number
11. Number of covering envelopes received by the Deputy Returning Officer before the close of the poll (excluding any undelivered or returned under Sch 2 – PART II – Para 26(1), with spoilt ballot papers)	
12. Number of ballot papers returned by postal voters which were included in the count of ballot papers	
13. Number of cases in which the covering envelope or its contents were marked "Rejected" (cancellations under Sch 2 – PART II – Para 26(4) are not rejections and should be only included in items 2 and 6 above)	

Signed: _____ **Date** _____
Deputy Returning Officer

Address: _____

SCHEDULE 3

Regulation 14

MODIFICATIONS FOR RELEVANT CITIZENS OF THE ACCESSION STATES IN 2004

1. This Schedule applies in the circumstances set out in regulation 14 of these Regulations.
2. In regulation 2, in the definition of “elector”, after the word “age”, insert “,or, subject to regulation 4(1A) of the 2001 Franchise Regulations, those shown in the register as a relevant citizen of an Accession State,”.
3. In regulation 18, insert after paragraph (3)—

“(4) Nothing in paragraph (2) shall prevent a relevant citizen of an Accession State from being excluded from voting on the ground that the Accession State of which he is a national has not acceded to the European Union.”.
4. In regulation 25(1), for the words “For the purposes of this paragraph” to the end of the paragraph, substitute—

“For the purposes of this paragraph, references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at which or for which they are done—

 - (i) include his being below voting age if he will be of voting age on that day;
 - (ii) include his being a citizen of an Accession State, and therefore not entitled to vote until the Accession State in question accedes to the European Union on 1st May 2004.”.
5. In paragraph 20 of Schedule 2, after sub-paragraph (2) insert—

“(3) In the case of a relevant citizen of an Accession State, no postal ballot paper may be issued by the returning officer before he has been notified by the Secretary of State that the Accession State in question has ratified the Treaty of Athens.”.

SCHEDULE 4

Regulation 38

CONTROL OF DONATIONS TO CANDIDATES

PART I

Introductory

Operation and interpretation of Schedule

- 1.—(1) This Schedule has effect for controlling donations to candidates at an election.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) “Relevant donation”, in relation to a candidate at an election, means a donation to the candidate or his election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate.
- (4) In sub-paragraph (3) above the reference to a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.

- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4 below.
- (6) “The Commission” means the Electoral Commission established by section 1 of the 2000 Act.

Donations: general rules

2.—(1) “Donation”, in relation to a candidate at an election, means (subject to paragraph 4 below)

- (a) any gift to the candidate or his election agent of money or other property;
- (b) any sponsorship provided in relation to the candidate (as defined by paragraph 3 below);
- (c) any money spent (otherwise than by the candidate, his election agent or any sub-agent) in paying any election expenses incurred by or on behalf of the candidate;
- (d) any money lent to the candidate or his election agent otherwise than on commercial terms;
- (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).

(2) Where—

- (a) any money or other property is transferred to a candidate or his election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value, and
- (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property shall (subject to sub-paragraph (4) below) constitute a gift to the candidate or (as the case may be) his election agent for the purposes of sub-paragraph (1)(a) above.

(3) In determining—

- (a) for the purposes of sub-paragraph (1)(d) above, whether any money lent to a candidate or his election agent is so lent otherwise than on commercial terms, or
- (b) for the purposes of sub-paragraph (1)(e) above, whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) above and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3 below) shall apply in relation to it to the exclusion of the other provision of this paragraph.

(5) The reference in sub-paragraph (1)(c) above to money spent as mentioned in that provision is a reference to money so spent by a person, other than the candidate, his election agent or any sub-agent, out of his own resources (with no right to reimbursement out of the resources of any such other person); and where, by virtue of sub-paragraph (1)(c) above, money so spent constitutes a donation to the candidate, the candidate shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.

(6) In this paragraph—

- (a) any reference to anything being given or transferred to a candidate or his election agent includes a reference to its being given or transferred either directly or indirectly through any third person;
- (b) “gift” includes a bequest or any other form of testamentary disposition.

Sponsorship

- 3.—(1) For the purposes of this Schedule sponsorship is provided in relation to a candidate if—
- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate, and
 - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
 - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate, or
 - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) above “defined expenses” means expenses in connection with—
- (a) any conference, meeting or other event organised by or on behalf of the candidate,
 - (b) the preparation, production or dissemination of any publication by or on behalf of the candidate, or
 - (c) any study or research organised by or on behalf of the candidate.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) above—
- (a) the making of any payment in respect of—
 - (i) any charge for admission to any conference, meeting or other event, or
 - (ii) the purchase price of, or any other charge for access to, any publication;
 - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

Payments etc not to be regarded as donations

- 4.—(1) None of the following shall be regarded as a donation—
- (a) the provision of any facilities provided in pursuance of any right conferred on a candidate at an election by these Regulations;
 - (b) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;
 - (c) any interest accruing to a candidate or his election agent in respect of any donation which is dealt with by the candidate or (as the case may be) his election agent in accordance with section 56(2)(a) or (b) of the 2000 Act (as applied by paragraph 7 below).
- (2) There shall also be disregarded any donation whose value (determined in accordance with paragraph 5 below) is not more than £50.

Value of donations

- 5.—(1) The value of any donation falling within paragraph 2(1)(a) above (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) above applies by virtue of paragraph 2(2) above, the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
 - (b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or his election agent.

(3) The value of any donation falling within paragraph 2(1)(b) above shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1) above; and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.

(4) The value of any donation falling within paragraph 2(1)(d) or (e) above shall be taken to be the amount representing the difference between—

(a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or his election agent in respect of the loan or the provision of the property, services or facilities if—

(i) the loan had been made, or

(ii) the property, services or facilities had been provided, on commercial terms, and

(b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or his election agent.

(5) Where a donation such as is mentioned in sub-paragraph (4) above confers an enduring benefit on the donee over a particular period, the value of the donation—

(a) shall be determined at the time when it is made, but

(b) shall be so determined by reference to the total benefit accruing to the donee over that period.

(6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

PART II

Controls on donations

Prohibition on accepting donations from impermissible donors

6.—(1) A relevant donation received by a candidate or his election agent must not be accepted if—

(a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) his election agent, a permissible donor falling within section 54(2) of the 2000 Act; or

(b) the candidate or (as the case may be) his election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.

(2) For the purposes of this Schedule any relevant donation received by a candidate or his election agent which is an exempt trust donation shall be regarded as a relevant donation received by the candidate or his election agent from a permissible donor; and section 162 of the 2000 Act (interpretation: exempt trust donations) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.

(3) But, for the purposes of this Schedule, any relevant donation received by a candidate or his election agent from a trustee of any property (in his capacity as such) which is not—

(a) an exempt trust donation, or

(b) a relevant donation transmitted by the trustee to the candidate or his election agent on behalf of beneficiaries under the trust who are—

- (i) persons who at the time of its receipt by the candidate or his election agent are permissible donors falling within section 54(2) of the 2000 Act, or
- (ii) the members of an unincorporated association which at that time is such a permissible donor,

shall be regarded as a relevant donation received by the candidate or his election agent from a person who is not such a permissible donor.

(4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a candidate or his election agent by way of a relevant donation—

- (a) on behalf of himself and one or more other persons, or
- (b) on behalf of two or more other persons,

then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £50 shall be treated as if it were a separate donation received from that person.

(5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given—

- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c) below; and
- (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a) below.

(6) Where—

- (a) any person (“the agent”) causes an amount to be received by a candidate or his election agent by way of a donation on behalf of another person (“the donor”), and
- (b) the amount of the donation is more than £50,

the agent must ensure that, at the time when the donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c) below.

(7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6) above.

(8) A person guilty of an offence under sub-paragraph (7) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);
- (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

Acceptance or return of donations

7.—(1) Sections 56 to 60 of the 2000 Act shall apply for the purposes of this Schedule in relation to—

- (a) a relevant donation received by a candidate or his election agent, and
- (b) the candidate or (as the case may be) the election agent,

as they apply in relation to a donation received by a registered party and the registered party.

(2) In the application of sections 56 to 60 of that Act in accordance with sub-paragraph (1)—

- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6

(if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 11(c) below;

- (b) section 56(3) shall have effect as if the reference to the party were omitted and the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent; and
- (c) section 56(4) shall have effect as if the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent.

Transfer of donations received by candidate to election agent

8.—(1) Sub-paragraph (2) below applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, his own election agent at the time of receipt of the donation).

(2) The candidate shall, on receipt of any such donation as is mentioned in sub-paragraph (1) above, forthwith deliver to his election agent—

- (a) the donation,
- (b) where paragraph 6(5) or (6) above applies in relation to the donation, the information provided to the candidate in pursuance of that provision, and
- (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under this Part or Part III of this Schedule.

(3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2) above, the donation shall be treated for the purposes of paragraph 6(1) to (4) above and the provisions applied by paragraph 7 above as if it had been—

- (a) originally received by the election agent, and
- (b) so received by him on the date on which it was received by the candidate.

(4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate himself) as election agent is in force he shall either—

- (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) above to the agent, or
- (b) (if he fails to do so) deal with the donation in accordance with section 56 of the 2000 Act.

(5) Sub-paragraph (3) above shall have effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4)(a) above as it has effect in relation to a donation delivered to him in accordance with sub-paragraph (2) above.

(6) Sub-paragraph (7) below applies where—

- (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Act either because—
 - (i) it was received by him at a time when no appointment of another person as his election agent was in force, or
 - (ii) although such an appointment was in force, he was by virtue of sub-paragraph (4)(b) required to deal with the donation; and
- (b) an appointment of a person (other than the candidate himself) as election agent is in force at, or at any time after—
 - (i) the deadline for appointing an election agent, or

- (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Act.
- (7) Subject to sub-paragraph (9) below, the candidate shall, as soon as reasonably practicable after the relevant time, deliver to the election agent—
 - (a) the donation (if it has been accepted by him), and
 - (b) any information which he has about the donation and the donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under Part III of this Schedule.
- (8) The relevant time for the purposes of sub-paragraph (7) above is—
 - (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time, or
 - (b) otherwise, the time when any such appointment subsequently comes into force.
- (9) The duty imposed on a candidate by sub-paragraph (7)(a) above does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying election expenses.
- (10) In this paragraph—
 - (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with regulation 34 be named as election agent by the candidate; and
 - (b) any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.

Evasion of restrictions on donations

- 9. Section 61 of the 2000 Act shall apply for the purposes of this Schedule as if—
 - (a) any reference to donations were to relevant donations;
 - (b) any reference to a registered party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) his election agent; and
 - (c) any reference in subsection (2) to the treasurer of a registered party were, in relation to a relevant donation, a reference to either the candidate or his election agent (or both).

PART III

Reporting of donations

Statement of relevant donations

10. The candidate's election agent must include in any return required to be delivered under regulation 47 a statement of relevant donations which complies with paragraphs 11 and 12 below.

Donations from permissible donor

- 11. The statement must record, in relation to each relevant donation accepted by the candidate or his election agent—
 - (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;

- (b) the date when the donation was accepted by the candidate or his election agent;
- (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Act; and
- (d) such other information as may be required by regulations made by the Commission.

Donations from impermissible donors

12.—(1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b) above.

- (2) Where paragraph 6(1)(a) above applies, the statement must record—
 - (a) the name and address of the donor;
 - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
 - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Act; and
 - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) above applies, the statement must record—
 - (a) details of the manner in which the donation was made;
 - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
 - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Act; and
 - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.

*[General election of MEPs on (insert date of poll)]

*[European Parliamentary election in electoral region on (insert date of poll)]

[Name of candidate]

I solemnly and sincerely declare as follows:—

1. I am the person named above as a candidate at this election (and was my own election agent) or was at this election the election agent of the person named above as a candidate.

2. I have examined the return of election expenses (about to be) delivered by my election agent (by me) to the returning officer, of which a copy is now shown to me and marked and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent (by me), except as otherwise stated in relation to my (the candidate's) personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of declarant

Signed and declared by the above named declarant on the day of, before me,

(Signed).....

Justice of the Peace (or as the case may be) for

(NOTE: Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.)

SCHEDULE 6

Regulation 115

COMBINED POLLS

General

- 1. This Schedule applies in the circumstances set out in regulation 115 of these Regulations.
- 2. In this Schedule, and in any provision modified by this Schedule, “relevant election” means a parliamentary election or a local election the poll at which is taken together with the poll at the European Parliamentary election.

European Parliamentary Elections Rules

- 3. In rule 19(2) (ballot papers), after sub-paragraph (d) insert—
 - “(e) shall be of a different colour from that of any ballot paper used at any relevant election.”.
- 4. In rule 23 (notice of poll), after paragraph (2) insert—
 - “(2A) The notice published under paragraph (2)—
 - (a) must state that the poll at the European Parliamentary election is to be taken with the poll at a relevant election;
 - (b) must specify the relevant parliamentary constituency or district council.”.
- 5. In rule 28 (issue of official poll cards), after paragraph (3) insert—
 - “(3A) An official poll card issued under this rule may be combined with an official poll card issued at a relevant election, with necessary adaptations.”.

6. In rule 29 (equipment of polling stations)—
 - (a) after paragraph (1) insert—

“(1A) The same ballot box may be used for the poll at the European Parliamentary election and the poll at each relevant election.

(1B) Where the same ballot box is not used under paragraph (1A), each ballot box shall be clearly marked with—

 - (a) the election to which it relates, as shown on the ballot papers for that election; and
 - (b) the words “Please insert the [specify colour of ballot papers in question] coloured ballot papers in here”.”;
 - (b) after paragraph (4) insert—

“(4A) The large version of the ballot paper referred to in paragraph (4)(a) above shall be printed on paper of the same colour as that of the ballot papers for use at the European Parliamentary election.”;
 - (c) in paragraph (5), for “inside and outside every polling station” substitute “outside every polling station and in every compartment of every polling station”;
 - (d) after paragraph (5) insert—

“(5A) The notice referred to in paragraph (5) must—

 - (a) clearly indicate the election to which it relates; and
 - (b) be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) used at the election to which it relates.”; and
 - (e) omit paragraph (7).
7. In rule 32(1) (admission to polling station), after sub-paragraph (f) insert—

“(g) persons entitled to be admitted at a relevant election.”.
8. In rule 35 (questions to be put to voters), in question (ii) in each of paragraphs (1)(a) and (1)(b) and in the second question in paragraph (3), after “at this” insert “European Parliamentary election”.
9. In rule 37 (voting procedure), after paragraph (9) insert —

“(10) The same copy of the register may be used under paragraph (1) above for each relevant 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 received in respect of each relevant election; except that, where a ballot paper has been issued in respect of only one election, a different mark must be placed in the register or list (as the case may be) so as to identify the election in respect of which the ballot paper is issued.”.
10. In rule 38 (votes marked by presiding officer) after paragraph (3) insert—

“(4) The same list may be used under paragraph (3) for each relevant election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were marked in pursuance of this rule in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.
11. In rule 39 (voting by persons with disabilities) after paragraph (5) insert—

“(5A) The same list may be used under paragraph (5) for each relevant election and, where it is so used, an entry in that list shall be taken to mean that votes were given in accordance with this rule in respect of each election, unless the list identifies the election at which the vote was so given.”.

- 12.** In rule 40 (tendered ballot papers) after paragraph (6) insert—
- “(6A) The same list may be used under paragraph (6) for each relevant election and, where it is so used, an entry in the list shall be taken to mean that the 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.** In rule 44 (procedure on close of poll)—
- (a) in paragraph (1) after “polling agents” where those words first appear insert “appointed for the purposes of the European Parliamentary election and those appointed for the purposes of each relevant election”;
- (b) after paragraph (1) insert—
- “(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 packets made up under the corresponding rule that applies at each relevant election; nor shall the statement prepared under paragraph (3) below be so combined.”.
- 14.** At the end of rule 49 (preliminary proceedings and conduct of the count) insert—
- “(5) Where separate ballot boxes have been used, no ballot paper marked in respect of the European Parliamentary election shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election.”
- 15.** In rule 66 (countermand or abandonment of poll on death of candidate)—
- (a) after paragraph (1) insert—
- “(1A) Neither the countermand of the poll at the European Parliamentary election nor the direction that that poll be abandoned affects the poll at any relevant election.”;
- (b) for paragraph (2) substitute—
- “(2) If the poll at the European Parliamentary election is abandoned because of a candidate’s death—
- (a) no further ballot papers at that election shall be delivered in any polling station;
- (b) the returning officer shall dispose of ballot papers used at the European Parliamentary election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes at any relevant election,
- but this is subject to paragraph (2A).
- (2A) In a case falling within paragraph (2)—
- (a) a ballot paper account for the European Parliamentary election need not be prepared or verified;
- (b) the returning officer, having separated the ballot papers relating to any relevant election, shall take no step or further step for the counting of the ballot papers used at the European Parliamentary election or of the votes;
- (c) the returning officer shall seal up all of those ballot papers whether the votes have been counted or not;
- (d) it is not necessary to seal up counted and rejected ballot papers in separate packets.”.

Absent Voting

- 16.** After paragraph 15 of Schedule 2 insert—

“Combination of polls

15A. Where the poll at the European Parliamentary election is to be taken together with the poll at a relevant election, the proceedings on the issue and receipt of postal ballot papers in respect of each relevant election shall be taken together.”

17. In paragraph 16 of Schedule 2, for “in Form G in the Appendix” substitute—

“(a) in Form G in the Appendix at a European Parliamentary election where the poll is taken alone, and

(b) in Form J in the Appendix at a European Parliamentary election where the poll is taken together with the poll at a relevant election.”

18. In paragraph 21 of Schedule 2, at the end insert—

“(6) Where the poll at the European Parliamentary election is taken together with the poll at a relevant election, the colour of the postal ballot paper must also be marked on the declaration of identity sent with that paper.”

19. In paragraph 23 of Schedule 2, at the end insert—

“(4) Where the poll at the European Parliamentary election is taken together with the poll at a relevant election—

(a) the envelope referred to in sub-paragraph (2) above must also be marked “Covering envelope for the *[insert colour of ballot paper]* coloured ballot paper”, and

(b) on the envelope referred to in sub-paragraph (3) above after the words “Ballot paper envelope” there must be added “for the *[insert colour of ballot paper]* coloured ballot paper”.”

20. In the Appendix of Forms at the end of Schedule 2, after Form G insert—

“FORM J

DECLARATION OF IDENTITY (COMBINED POLLS)

(for use when a European Parliamentary poll is combined with a parliamentary poll or a local poll)

Front of form

***EUROPEAN PARLIAMENTARY ELECTION ELECTORAL
REGION OF NORTHERN IRELAND***

DECLARATION OF IDENTITY

To be returned with the *[insert colour of ballot paper]* coloured ballot paper No.

I hereby declare that I am the person to whom the *[insert colour of ballot paper]* coloured ballot paper numbered as above was sent.

Date of birth must be given below except where the voter is a proxy.

My date of birth is

Voter’s signature

The voter, who is personally known to me, has signed this declaration in my presence.

Witness’s signature

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1 You must sign this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day. That person should then sign this declaration as a witness, adding his or her name and address. You must also give your date of birth where indicated (unless voting as a proxy). Without this the declaration will be invalid.

2 Mark your vote by putting “1” against the candidate of your first choice, “2” against the candidate of your second choice and so on. Do this secretly; if you cannot vote without assistance, the person assisting you must not disclose how you have voted.

3 You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted.

4 Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked “A”), declaration of identity and covering envelope (the larger envelope marked “B”). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows—

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put the envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.

5 If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

6 At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7 If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return , in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked “A” and “B”. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.”

SCHEDULE 7

Regulation 116

REVOCATIONS

<i>Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The European Parliamentary Elections (Northern Ireland) Regulations 1986	S.I. 1986/2250	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1989	S.I. 1989/502	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1990	S.I. 1990/562	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1991	S.I. 1991/1675	The whole Regulations
The European Parliamentary Elections (Changes to the Franchise and Qualification of Representatives) Regulations 1994	S.I. 1994/342	Regulations 6 and 16
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1994	S.I. 1994/782	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1997	S.I. 1997/969	The whole Regulations
The European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1999	S.I. 1999/1268	The whole Regulations