

SCHEDULES

SCHEDULE 1

Section 23.

PARLIAMENTARY ELECTIONS RULES

ARRANGEMENT OF RULES

PART I

PROVISIONS AS TO TIME

- 1 Timetable
2
Computation
of time

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Issue of writ and notice of election

- 3 Issue of writ
4 Conveyance of writ to acting returning officer
5 Notice of election

Nomination

- 6 Nomination of candidates
7 Subscription of nomination paper
8 Consent to nomination
9 Deposit
10 Place for delivery of nomination papers
11 Right to attend nomination
12 Decisions as to validity of nomination papers
13 Withdrawal of candidates
14 Publication of statement of persons nominated
15 Disqualification by Representation of the People Act 1981
16 Adjournment of nomination proceedings in case of riot
17 Method of election

PART III

CONTESTED ELECTIONS

Status: This is the original version (as it was originally enacted).

General Provisions

- 18 Poll to be taken by ballot
- 19 The ballot papers
- 20 The official mark
- 21 Prohibition of disclosure of vote
- 22 Use of schools and public rooms

Action to be taken before the poll

- 23 Notice of poll
- 24 Postal ballot papers
- 25 Provision of polling stations
- 26 Appointment of presiding officers and clerks
- 27 Special lists
- 28 Issue of official poll cards
- 29 Equipment of polling stations
- 30 Appointment of polling and counting agents
- 31 Declaration of secrecy

The poll

- 32 Admission to polling station
- 33 Keeping of order in station
- 34 Sealing of ballot boxes
- 35 Questions to be put to voters
- 36 Challenge of voter
- 37 Voting procedure
- 38 Votes marked by presiding officer
- 39 Voting by blind persons
- 40 Tendered ballot papers
- 41 Spoilt ballot papers
- 42 Adjournment of poll in case of riot
- 43 Procedure on close of poll

Counting of votes

- 44 Attendance at counting of votes
- 45 The count
- 46 Re-count
- 47 Rejected ballot papers
- 48 Decisions on ballot-papers
- 49 Equality of votes

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

- 50 Declaration of result
- 51 Return to the writ
- 52 Record of returns at Crown Office
- 53 Return or forfeiture of candidate's deposit

Status: This is the original version (as it was originally enacted).

PART V

DISPOSAL OF DOCUMENTS

- 54 Sealing up of ballot papers
- 55 Delivery of documents to Clerk of the Crown
- 56 Orders for production of documents
- 57 Retention and public inspection of documents
- 58 Disposal of documents in Scotland
- 59 Disposal of documents in Northern Ireland

PART VI

DEATH OF CANDIDATE

- 60 Countermand or abandonment of poll on death of candidate
 - Appendix of Forms
 - FORM OF WRIT
 - FORM OF NOTICE OF ELECTION.
 - FORM OF NOMINATION PAPER.
 - FORM OF BALLOT PAPER.
 - DIRECTIONS AS TO PRINTING THE BALLOT PAPER.
 - FORM OF DIRECTIONS FOR GUIDANCE OF THE VOTERS IN VOTING.
 - FORM OF DECLARATION TO BE MADE BY THE COMPANION OF A BLIND VOTER.

PART I

PROVISIONS AS TO TIME

Timetable

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

TIMETABLE

<i>Proceeding</i>	<i>Time</i>	
Issue of writ	In the case of a general election, as soon as practicable after the issue of the proclamation summoning the new Parliament.	In the case of a by-election, as soon as practicable after the issue of the warrant for the writ.
	Publication of notice of election.	In the case of a general election or by-election, not later than 4 in the afternoon on the second day after that on which the writ is received.
Delivery of nomination papers.	In the case of a general election,	In the case of a by-election, the same

Status: This is the original version (as it was originally enacted).

<i>Proceeding</i>	<i>Time</i>	
	between the hours of 10 in the morning and 4 in the afternoon on any day after the date of publication of the notice of election, but not later than the sixth day after the date of the proclamation summoning the new Parliament.	as in the case of a general election, except that the last day shall be a day fixed by the returning officer and shall be not earlier than the third day after the date of publication of the notice of election nor later than the seventh day after that on which the writ is received.
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.	In the case of a general election or a by-election, during the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following; but— (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 the 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 persons nominated.	In the case of a general election or a by-election, at the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.	
Polling	In the case of a general election, between the hours of 7 in the morning and 10 at night	In the case of a by-election, between the hours of 7 in the morning and 10 at night on the

Status: This is the original version (as it was originally enacted).

<i>Proceeding</i>	<i>Time</i>		
	<table border="1"><tr><td>on the tenth day after the last day for delivery of nomination papers.</td><td>day fixed by the returning officer, which shall not be earlier than the eighth nor later than the tenth day after the last day for delivery of nomination papers.</td></tr></table>	on the tenth day after the last day for delivery of nomination papers.	day fixed by the returning officer, which shall not be earlier than the eighth nor later than the tenth day after the last day for delivery of nomination papers.
on the tenth day after the last day for delivery of nomination papers.	day fixed by the returning officer, which shall not be earlier than the eighth nor later than the tenth day after the last day for delivery of nomination papers.		

Computation of time

- 2 (1) In computing any period of time for the purposes of the Timetable—
- (a) a Saturday or Sunday,
 - (b) a day of the Christmas break, of the Easter break or of a bank holiday break, 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 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 that part of the United Kingdom in which the constituency is situated,
- but at a general election sub-paragraph (b) and not sub-paragraph (a) of this paragraph applies in relation to any proceedings—
- (i) commenced afresh by reason of a candidate's death ; and
 - (ii) extending, by reason of riot or open violence, beyond the time laid down by the Timetable.
- (3) In this rule—
- " bank holiday break " means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last weekday before that bank holiday and ending with the next weekday which is not a bank holiday,
 - " Christmas break " means the period beginning with the last weekday before Christmas Day and ending with the first weekday after Christmas Day which is not a bank holiday,
 - " Easter break " means the period beginning with the Thursday before and ending with the Tuesday after Easter Day,
 - " weekday " does not include a Saturday, but so much of this paragraph as includes in a bank holiday break a period before and after a bank holiday does not apply to bank holidays other than New Year's Day which are not bank holidays in England and Wales.

Status: This is the original version (as it was originally enacted).

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

ISSUE OF WRIT AND NOTICE OF ELECTION

Issue of writ

- 3 (1) Writs for parliamentary elections shall continue to be sealed and issued in accordance with the existing practice of the office of the Clerk of the Crown.
- (2) Each writ shall be in the form in the Appendix and shall be directed to the returning officer by the title of his office as returning officer (and not by his name) and conveyed to him.
- (3) Her Majesty may by Order in Council—
- (a) specify the manner in which writs are to be conveyed, whether by post, by an officer appointed by the Lord Chancellor or, as regards Northern Ireland, the Secretary of State, or otherwise, and make different provision for different classes of writs ; and
 - (b) provide for the giving of receipts for writs by persons to whom they are delivered or who may receive them in the course of their conveyance.
- (4) Delivery of the writ to a person for the time being authorised by law to act as deputy for the officer who by virtue of his office is returning officer shall be as good as delivery to the returning officer.
- (5) An Order in Council under this rule—
- (a) may require a returning officer to provide an address to which writs are to be conveyed and any change of that address; and
 - (b) may provide for recording those addresses ; and
 - (c) may provide that the delivery of a writ to a person found in and for the time being in charge of a place so recorded as the office of a returning officer shall be as good as delivery to that returning officer.
- (6) The person to whom the writ is delivered shall endorse the date of receipt on the writ in the form shown in the Appendix.
- (7) A draft of an Order in Council under this rule shall be laid before Parliament, and any such Order may provide for any incidental or supplemental matter.

Conveyance of writ to acting returning officer

- 4 (1) For an election in a constituency in England and Wales the writ shall (notwithstanding anything in rule 3 above) be conveyed to the acting returning officer if the returning officer—
- (a) has so requested by notice in the form prescribed by an Order in Council under rule 3 and received by the Clerk of the Crown one month or more before the issue of the writ; and
 - (b) has not revoked it by a further notice in the form so prescribed and received within such time as is mentioned above.
- (2) A notice under this rule has effect in relation to all constituencies—
- (a) of which the person giving it is returning officer at the time of giving it; or

Status: This is the original version (as it was originally enacted).

- (b) of which he or a successor in office becomes returning officer by virtue of that office.
- (3) Where by virtue of this rule writs are conveyed to the acting returning officer paragraph (5) of rule 3 applies in relation to him as it applies in relation to a returning officer.

Notice of election

- 5
- (1) The returning officer shall publish notice of the election in the form in the Appendix, 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,and the notice shall state that forms of nomination paper may be obtained at that place and those times.
 - (2) The notice of election shall state the date by which—
 - (a) applications to be treated as an absent voter, 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.
 - (3) In addition the registration officer shall give notice of the date mentioned in paragraph (2) above in the constituency by such means as he thinks best calculated to bring the information to the notice of those concerned. Nomination

NOMINATION

Nomination of candidates

- 6
- (1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix delivered—
 - (a) by the candidate himself, or
 - (b) by his proposer or seconder,to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 67 of this Act or are so given at the time the paper is delivered.
 - (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, shall not exceed 6 words, in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

Subscription of nomination paper

- 7
- (1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by 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,

Status: This is the original version (as it was originally enacted).

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 than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered, 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 " means a person—
 - (a) who is registered as a parliamentary elector in the constituency in the register to be used at the election, or
 - (b) who, pending the publication of that register, appears from the electors lists for that register as corrected by the registration officer to be entitled to be so registered, and accordingly includes a person shown in the register or electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll, but not otherwise ; and
 - " electoral number " means—
 - (i) a person's number in that register, or
 - (ii) pending the publication of the register, his number (if any) in the electors lists for that register.

Consent to nomination

- 8 (1) A person shall not be validly nominated 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) below.
- (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

Status: This is the original version (as it was originally enacted).

- (b) shall state—
 - (i) that he is aware of the provisions of the House of Commons Disqualification Act 1975 ; and
 - (ii) that to the best of his knowledge and belief he is not disqualified for membership of the House of Commons.

Deposit

- 9 (1) A person shall not be validly nominated unless the sum of £150 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.

Place for delivery of nomination papers

- 10 (1) The returning officer shall fix the place 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.
- (2) Except in Scotland, the place shall be in—
 - (a) the constituency ; or
 - (b) the registration area which includes the constituency ; or
 - (c) unless the constituency is a borough constituency, in a district adjoining the constituency or registration area.

For the purposes of paragraph (b) above " registration area" means—

- (i) in England and Wales, the area of two or more constituencies which have the same registration officer ;
- (ii) in Northern Ireland, the county borough of Belfast and each county.

- (3) In Scotland the place shall be in—
 - (a) the constituency ; or
 - (b) the district or (if more than one) any of the districts in which the constituency is situated ; or
 - (c) any district adjoining the district or districts (as the case may be) in which the constituency is situated.

Right to attend nomination

- 11 (1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, and subject to paragraph (4) below, 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, or
 - (b) the election agent, proposer or seconder of such a person,but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent

Status: This is the original version (as it was originally enacted).

- (2) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—
- (a) to such one of those papers as he may select, or
 - (b) in default of such a selection, to that one of those papers which is first delivered,
- shall be entitled to attend as his proposer and seconder.
- (3) 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.
- (4) A candidate's wife or husband is entitled to be present at the delivery of the candidate's nomination, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1) above, but without any such right as is conferred by paragraph (3) above.

Decisions as to validity of nomination papers

- 12 (1) Where a nomination paper and the candidate's consent to it 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 invalid only on one of the following grounds—
- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law;
 - (b) that the paper is not subscribed as so required; and
 - (c) that the candidate is disqualified by the Representation of the People Act 1981.
- (3) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.
- (4) Where he 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) above nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Withdrawal of candidates

- 13 (1) 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.

Status: This is the original version (as it was originally enacted).

- (2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate ; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—
- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom ; or
 - (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Publication of statement of persons nominated

- 14 (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.
- (3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and, if there are two or more of them with the same surname, of their other names.
- (4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select, but if the election is contested a candidate standing nominated may require the returning officer to include in the statement the names of the persons subscribing a second and third nomination.

Disqualification by Representation of the People Act 1981

- 15 (1) If it appears to the returning officer that any of the persons nominated might be disqualified by the Representation of the People Act 1981 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 above.
- (2) The draft shall be headed "Draft statement of persons 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,

Status: This is the original version (as it was originally enacted).

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 persons nominated shows more than one person standing nominated, a poll shall be taken in accordance with Part III of these rules.
- (2) If the statement of persons nominated shows only one person standing nominated, that person shall be declared to be elected in accordance with Part IV of these rules.

PART III

CONTESTED ELECTIONS

GENERAL PROVISIONS

Poll to be taken by ballot

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

The ballot papers

- 19 (1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of persons 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 and other particulars of the candidates as shown in the statement of persons 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 the face.
- (3) The order of the names in the ballot paper shall be the same as in the statement of persons 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 constituency.

Status: This is the original version (as it was originally enacted).

- (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 for whom 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—
(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—

- (i) in England and Wales, to a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (ii) in Scotland, to a school other than an independent school within die meaning of the Education (Scotland) Act 1980;
- (iii) in Northern Ireland, 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.
- (3) The use of a room in an unoccupied house for that purpose does not render a person liable to be rated or to pay any rate for the house.
- (4) In Northern Ireland this rule does not apply to any school adjoining or adjacent to any church or other place of worship nor to any school connected with a nunnery or other religious establishment.

ACTION TO BE TAKEN BEFORE THE POLL

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 (which may be combined with the statement of persons nominated) of—
(a) the situation of each polling station ;
(b) the description of voters entitled to vote there; and
(c) the mode in which voters are to vote.
- (3) The returning officer shall as soon as practicable after publication of a notice of poll give to each of the election agents a description in writing of the polling districts.

Postal ballot papers

- 24 The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses provided by them for the purpose, a ballot paper and a declaration of identity in the prescribed form, together with an envelope for their return.

Status: This is the original version (as it was originally enacted).

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) In a constituency in Scotland comprising the whole or any part of more districts than one, there shall be at least one polling station in each of those districts.
- (5) 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 a 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.

Special lists

- 27 The registration officer shall as soon as practicable prepare the following special lists-
- (a) a list (in these rules referred to as "the absent voters list") giving the name and number on the register of every person entitled to vote at the election as an absent voter;
- (b) a list (in these rules referred to as " the list of proxies ") giving—
- (i) the names and numbers on the register of the electors for whom proxies have been appointed (omitting any of those electors who are registered as service voters and entitled to vote by post); and
- (ii) the names and addresses of the persons appointed;
- (c) a list of any persons entitled to vote by post as proxy at the election.

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 his application to vote as such by post is allowed for the election.
- (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.

Status: This is the original version (as it was originally enacted).

- (3) The official poll card shall be in the prescribed form and shall set out—
- (a) the name of the constituency ;
 - (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) Paragraph (6) of rule 7 above applies for the interpretation of this rule.

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.
- (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) above.
- (4) 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.
- (5) In every compartment of every polling station there shall be exhibited a notice as follows—
- (a) " The voter may vote for only one candidate " ; or
 - (b) " The voter may vote for not more than one candidate " .

Appointment of polling and counting agents

- 30 (1) Each candidate may, before the commencement of the poll, appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation ; and
 - (b) counting agents to attend at the counting of the votes.
- (2) The returning officer may limit the number of counting agents, 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 counting by the number of candidates.
- (3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than the second day (computed like any period of time in the Timetable) before the day of the poll.
- (4) 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.
- (5) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of this Act as to the appointment of paid polling agents, and any

Status: This is the original version (as it was originally enacted).

appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

- (6) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents—
- (a) whose appointments have been duly made and notified; and (6) 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 his agent in doing any such act or thing.
- (9) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do ; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his 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.

Declaration of secrecy

- 31 (1) Before the opening of the poll a declaration of secrecy in the form in paragraph (4) of this rule, or in a form as near to it as circumstances admit, shall be made by—
- (a) the returning officer and the presiding officers ;
 - (b) every clerk authorised to attend at a polling station or the counting of the votes;
 - (c) every candidate attending at a polling station or at the counting of the votes and every election agent so attending;
 - (d) every candidate's wife or husband attending at the counting of the votes;
 - (e) every polling agent and counting agent;
 - (f) every person permitted by the returning officer to attend at the counting of the votes, though not entitled to do so,
- but the constables on duty at polling stations or at the counting of the votes shall not be required to make the declaration of secrecy.
- (2) Notwithstanding anything in paragraph (1) above, the following persons attending at the counting of the votes—
- (a) any candidate,
 - (b) any election agent, or any candidate's wife or husband attending by virtue of the rule authorising election agents and candidates' wives or husbands to attend as such,
 - (c) any person permitted by the returning officer to attend, though not entitled to do so,
 - (d) any clerk making the declaration in order to attend at the counting of the votes,

need not make the declaration before the opening of the poll but shall make it before he or she is permitted to attend the counting, and a polling or counting agent

Status: This is the original version (as it was originally enacted).

appointed after the opening of the poll shall make the declaration before acting as such an agent

- (3) The returning officer shall make the declaration in the presence of a justice of the peace, and any other person shall make the declaration in the presence either of a justice of the peace or of the returning officer, and subsections (1), (2), (3) and (6) of section 66 of this Act shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person; but—
- (a) in England and Wales the declaration may be made by the returning officer or any other person before a person who is chairman of the Greater London Council, a county council or a district council or mayor of a London borough, and may be made by a person other than the returning officer before a person who is the proper officer of any such council; and
 - (b) in Scotland the declaration may be made by a person other than the returning officer before the proper officer of an islands or regional council; and
 - (c) in Northern Ireland the declaration may be made by a person other than the returning officer before the clerk of a district council.
- (4) The declaration shall be as follows—

“I solemnly promise and declare that I will not do anything forbidden by subsections (1), (2), (3) and (6) of section 66 of the Representation of the People Act 1983, which have been read to [by] me.”

THE POLL

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 their election agents ;
 - (b) the polling agents appointed to attend at the polling station ;
 - (c) the clerks appointed to attend at the polling station ;
 - (d) the constables on duty; and
 - (e) the companions of blind voters.
- (2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.
- (3) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of this Act, except on production and surrender of a certificate as to his employment, which shall be in the prescribed form and signed by the prescribed officer of police 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

Status: This is the original version (as it was originally enacted).

(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 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 and sealed.

Questions to be put to voters

35 (1) The presiding officer may, and if required by a candidate or his election or polling agent 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 parliamentary 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], otherwise than as proxy for some other person? "

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

(i) " Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? "

(ii) " Have you already voted here or elsewhere at this by-election [general election] as proxy on behalf of C.D.? "

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

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

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

“Have you at this election already voted in this constituency on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

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

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

Challenge of voter

- 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 his election or polling agent—
- (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) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the ballot paper shall be stamped with the official mark ;
 - (b) the number, name and description of the elector as stated in the copy of the register of electors shall be called out;
 - (c) the number of the elector shall be marked on the counterfoil;
 - (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received ; and
 - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
- (2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

Votes marked by presiding officer

- 38 (1) 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 vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.
- (2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called " the list of votes marked by the presiding officer ").

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.

Status: This is the original version (as it was originally enacted).

Voting by blind persons

39 (1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness 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 whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as "the declaration made by the companion of a blind voter") that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one blind person 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) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

- (a) a person who is entitled to vote as an elector at the election; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as "the list of blind voters 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.

(5) The declaration made by the companion—

- (a) shall be in the form in the Appendix ;
- (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.

(6) 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 named in the list of persons 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) 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.
- (3) 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 ").
- (4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name shall be the number of that elector.

Spoilt ballot papers

- 41 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

- 42 (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 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 this Act to the close of the poll shall be construed accordingly.

Procedure on close of poll

- 43 (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 blind voters 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 blind voters,and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him ; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.
- (2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,

Status: This is the original version (as it was originally enacted).

- (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.

COUNTING OF VOTES

Attendance at counting of votes

- 44 (1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.
- (2) No person other than—
- (a) the returning officer and his clerks,
 - (b) the candidates and their wives or husbands,
 - (c) the election agents,
 - (d) the counting agents,
- 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.
- (5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

- 45 (1) Before the returning officer proceeds to count the votes, he shall—
- (a) in the presence of the counting agents open each ballot box and, taking out the ballot papers in it, count and record the number of them and in the presence of the election agents verify each ballot paper account;
 - (b) count such of the postal ballot papers as have been duly returned and record the number counted ; and
 - (c) then mix together the whole of the ballot papers mentioned in the foregoing sub-paragraphs.
- (2) A postal ballot paper shall not be deemed to be duly returned unless 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.
- (3) The returning officer shall not count any tendered ballot paper.

Status: This is the original version (as it was originally enacted).

- (4) 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.
- (5) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and 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 election agent may copy.
- (6) 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.

- (7) 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.

Re-count

- 46 (1) A candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.
- (2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

- 47 (1) Any ballot paper—
 - (a) which does not bear the official mark, or
 - (b) on which votes are given for more than one candidate, or
 - (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
 - (d) which is unmarked or void for uncertainty,shall, subject to the provisions of the next following paragraph, be void and not counted.
- (2) A ballot paper on which the vote is marked—
 - (a) elsewhere than in the proper place, or
 - (b) otherwise than by means of a cross, or
 - (c) by more than one mark,

Status: This is the original version (as it was originally enacted).

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

- (3) The returning officer shall endorse the word " rejected " on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words " rejection objected to " if an objection is made by a counting agent to his decision .
- (4) The returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—
- (a) want of official mark ;
 - (b) voting for more than one candidate;
 - (c) writing or mark by which voter could be identified ;
 - (d) unmarked or void for uncertainty.

Decisions on ballot papers

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

Equality of votes

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

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

- 50 (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 candidate to whom the majority of votes has been given ;
 - (b) return his name to the Clerk of the Crown ; and
 - (c) give public notice of his name and of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (2) In an uncontested election, the statement of persons nominated, in addition to showing the person standing nominated, shall also declare that person elected, and the returning officer shall forthwith return his name to the Clerk of the Crown.

Return to the writ

- 51 (1) The returning officer shall return the name of the member elected by endorsing on the writ a certificate in the form in die Appendix.
- (2) Any rule of law or enactment as to the effect of, or manner of dealing with, the return of a member to serve in Parliament applies to the certificate.

Status: This is the original version (as it was originally enacted).

- (3) The returning officer may, on receiving a receipt, deliver the writ with the certificate endorsed on it to the postmaster of the principal post office of the place of election or the postmaster's deputy.
- (4) The postmaster or his deputy shall send the writ so endorsed by the first post, free of charge, under cover to the Clerk of the Crown with the words " Election Writ and Return " endorsed on it
- (5) Any reference in the foregoing provisions of this Part of these rules to the Clerk of the Crown shall be taken, in relation to an election for a constituency in Northern Ireland, as a reference to the Clerk of the Crown for Northern Ireland, but any writ returned to the Clerk of the Crown for Northern Ireland shall be transmitted by him to the Clerk of the Crown in England and the return shall be certified to the House of Commons in the same manner as returns for elections for constituencies in Great Britain.
- (6) A copy of each writ returned to the Clerk of the Crown for Northern Ireland and of the certificate endorsed on it shall be attested by the Secretary of State, shall be kept in the office of the Clerk of the Crown for Northern Ireland and may be given in evidence if the originals are lost

Record of returns at Crown Office

- 52
- (1) The Clerk of the Crown shall from the certificate on each writ returned to him enter the name of the member returned in a book to be kept by him at the Crown Office.
 - (2) The Clerk of the Crown shall also enter in the book any alteration or amendment made by him in the certificate endorsed on any writ.
 - (3) The book shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, take copies from the book.

Return or forfeiture of candidate's deposit

- 53
- (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 as soon as practicable after the result of the election is declared.
 - (3) If the candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.
 - (4) Subject to paragraph (3) above the deposit shall be forfeited if a poll is taken and, after the counting of the votes by the returning officer (including any re-count) is completed, the candidate is found not to have polled more than one-eighth of the total number of votes polled by all the candidates.
 - (5) Notwithstanding anything in paragraphs (2) to (4) above, if at a general election a candidate is shown as standing nominated in more than one constituency in the statements of persons nominated, not more than one of the deposits shall be returned and, if necessary, the Treasury shall direct which it is to be.

Status: This is the original version (as it was originally enacted).

PART V

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

- 54 (1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.
- (2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Delivery of documents to Clerk of the Crown

- 55 (1) The returning officer shall then forward to the Clerk of the Crown 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 blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,
 - (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, the date of the election to which they relate and the name of the constituency for which the election was held.
- (2) The returning officer may forward the documents either by delivering them by himself or his agent to the Clerk of the Crown or his deputy or by sending them by post in like manner as he may send the writ by post; but if he sends them by post—
- (a) he shall send a letter to the Clerk of the Crown by the same post, specifying the number and description of the documents so sent;
 - (b) a copy of the receipt given him by the postmaster or deputy postmaster shall be signed by him and retained by the postmaster or deputy postmaster.
- (3) The Clerk of the Crown shall on receiving the documents give a receipt to the person delivering them, and shall register them in books of the Crown Office specifying the date and time of receipt
- (4) Any receipt to be given for the documents shall show the date and time of their receipt.

Orders for production of documents

- 56 (1) An order—
- (a) for the inspection or production of any rejected ballot papers in the custody of the Clerk of the Crown, 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—

- (i) by the House of Commons; or
 - (ii) 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 election petition, by the High Court or a country 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 Clerk of the Crown'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 House of Commons or 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 or, except in Northern Ireland, to a county court, may be exercised by any judge of the court otherwise than in open court; and
 - (b) in Northern Ireland 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 Clerk of the Crown 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 Clerk of the Crown or to open any sealed packets of counterfoils and certificates.

Status: This is the original version (as it was originally enacted).

Retention and public inspection of documents

- 57 (1) The Clerk of the Crown shall retain for a year all documents relating to an election forwarded to him in pursuance of these rules by a returning officer, and then, unless otherwise directed by order of the House of Commons or 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 Clerk of the Crown with the consent of the Speaker of the House of Commons.
- (3) The Clerk of the Crown 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 Treasury.

Disposal of documents in Scotland

- 58 In Scotland, the documents mentioned in sub-paragraphs (a) to (e) of paragraph (1) of rule 55 of these rules shall, instead of being forwarded to the Clerk of the Crown—
- (a) be kept by the sheriff clerk of the sheriff court district comprising the constituency, or
- (b) if the constituency comprises the whole or part of more sheriff court districts than one, the sheriff clerk of such one of those sheriff court districts as the Secretary of State may by order appoint,
- and the provisions of rules 56 and 57 of these rules apply to those documents with the substitution of that sheriff clerk for the Clerk of the Crown.

Disposal of documents in Northern Ireland

- 59 In relation to an election for a constituency in Northern Ireland, any reference in this Part of these rules to the Clerk of the Crown shall be taken as a reference to the Clerk of the Crown for Northern Ireland.

PART VI

DEATH OF CANDIDATE

Countermand or abandonment of poll on death of candidate

- 60 (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 writ had been received 28 days after the day on which proof was given to the returning officer of the death except that—
- (a) no fresh nomination shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated, and
- (b) in the case of a general election, as in the case of a by-election, the time for delivery of nomination papers and the time for polling shall be determined

Status: This is the original version (as it was originally enacted).

in accordance with the third column in the Timetable in rule 1 of these rules (with the necessary modification of any reference to the date on which the writ is received).

- (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 the poll in due course, 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 account to be prepared or verified ; and
 - (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.
- (3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications—
 - (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
 - (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

Status: This is the original version (as it was originally enacted).

APPENDIX OF FORMS

Note.—The forms contained in this Appendix may be adapted so far as circumstances require.

Form of writ

*The name of the sovereign may be altered when necessary.

* Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith to the Returning Officer for the _____ Constituency Greeting

†This preamble to be omitted except in case of a general election.

†Whereas by the advice of Our Council We have ordered a Parliament to be holden at Westminster on the _____ day of _____ next We Command you that due notice being first given you do cause election to be made according to law of a Member to serve in Parliament for the said _____ Constituency [†in the place of _____] And that you do cause the name of such Member when so elected, whether he be present or absent, to be certified to Us in Our Chancery without delay

‡Except in a general election insert here in the place of A. B., deceased or otherwise, stating the cause of vacancy.

Witness Ourselves at Westminster the _____ day of _____ in the _____ year of Our Reign, and in the year of Our Lord 19_____ .

Label or direction of writ

To the Returning Officer for the _____ Constituency.
A writ of a new election of a Member for the said Constituency.

Endorsement

Received the within Writ on the _____ day of _____, 19_____ .

(Signed)

Returning-Officer (or as the case may be.)

Certificate endorsed on writ

I hereby certify, that the Member elected for the _____ Constituency in pursuance of the within written Writ is _____ of _____ in the County of _____

(Signed)

Returning Officer (or as the case may be.)

Form of notice of election

PARLIAMENTARY ELECTION FOR THE
CONSTITUENCY

1. An election is to be held of a Member to serve in Parliament for the said Constituency.

2. Nomination papers may be delivered by the candidate or his proposer or seconder to the returning officer at _____ between the hours of 10 in the morning and 4 in the afternoon on any day after the date of this notice, but not later than the _____ day of _____

Status: This is the original version (as it was originally enacted).

3. Forms of nomination paper may be obtained at the place and times mentioned above. The returning officer will at the request of any elector prepare for signature a nomination paper.

4. If the election is contested, the poll will take place on the day of

(Signed)
 Returning Officer (or as the case may be.)

day of , 19 .

NOTE

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983.

2. Every person guilty of a corrupt or illegal practice will, on conviction, be liable to the penalties imposed by the Representation of the People Act 1983.

3. Electors and their proxies should take note that applications to be treated as an absent voter and other applications and notices about postal or proxy voting must reach the registration officer by the day of next if they are to be effective for this election.

Form of nomination paper

ELECTION OF A MEMBER to serve in Parliament for the Constituency.

We, the undersigned, being electors for the said Constituency, do hereby nominate the under-mentioned person as a candidate at the said election.

Candidate's surname	Other names in full	Description	Home address in full
BROWN... ..	John Edward ...	Merchant	52, George Street, Bristol

Signatures	Electoral Number (See Note 3)	
	Distinctive letter	Number
Proposer.....		
Secunder		
We, the undersigned, being electors for the said Constituency, do hereby assent to the foregoing nomination.		
1		
2		
3		
4		
5		
6		
7		
8		

Status: This is the original version (as it was originally enacted).

NOTE

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983.

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

3. A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered) except that before publication of the register his number (if any) in the electors lists for that register shall be used instead.

4. An elector may not subscribe more than one nomination paper for the same election.

5. A person whose name is entered in the register or electors lists may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

Form of Ballot Paper

Form of Front of Ballot Paper

		Counterfoil No.
1	BROWN (JOHN EDWARD Brown, of 52, George Street, Bristol, merchant.)	<i>The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.</i>
2	BROWN (THOMAS WILLIAM Brown, of 136, London Road, Swindon, salesman.)	
3	JONES (William David Jones, of High Elms, Wilts., gentleman.)	
4	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swansworth, Berks.)	
5	SMITH (Mary Smith, of 72 High Street, Bath, married woman.)	

Status: This is the original version (as it was originally enacted).

Form of Back of Ballot Paper

No.

on Election for the 19 Constituency

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

Status: This is the original version (as it was originally enacted).

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—
 - (a) no word shall be printed on the face except the particulars of the candidates ;
 - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote 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.
3. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—
 - (a) if his surname is the same as another candidate's, for his other names ; and
 - (b) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
4. The number on the back of the ballot paper shall be printed in small characters.

Form of directions for the guidance of the voters in voting

1. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.
2. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of the candidate for whom he votes, thus X.
3. The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.
4. If the voter inadvertently spoils a ballot paper he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.
5. If the voter votes for more than one candidate, or places any mark on the paper by which he may afterwards be identified his ballot paper will be void, and will not be counted.
6. If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will be liable on conviction to imprisonment for a term not exceeding six months.

Status: This is the original version (as it was originally enacted).

Form of declaration to be made by the companion of a blind voter

I, *A. B.*, of _____, having been requested to assist *C. D.* (in the case of a blind person voting as proxy add voting as proxy for *M. N.*) whose number on the register is _____ to record his vote at the election now being held in this constituency, hereby declare that [I am entitled to vote as an elector at the said election] [I am the * _____ of the said voter and have attained the age of 18 years], and that I have not previously assisted any blind person [except *E. F.*, of _____] to vote at the said election.

*State the relationship of the companion to the voter.

(Signed) *A. B.*,

_____ day of _____ 19 .

I, the undersigned, being the presiding officer for the polling station 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) *G. H.*,

_____ day of _____ 19 .
_____ minutes past _____ o'clock [a.m.] [p.m.]

NOTE.—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.