

SCHEDULES

SCHEDULE 2

RULES FOR CONDUCT OF THE REFERENDUM

PART 1

REFERENDUM RULES

DISPOSAL OF DOCUMENTS

Orders for production of documents

- 51 (1) The High Court or a county court or, in the case of a voting area in Scotland, the Court of Session or the sheriff, may make an order—
- (a) for the inspection or production of any rejected ballot papers in the custody of a registration officer or (as the case may be) a counting officer,
 - (b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll, or
 - (c) for the inspection of any counted ballot papers in the officer's custody,
- 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 proceedings brought as mentioned in paragraph 23 of Schedule 1.
- (2) An order under this rule may be made subject to whatever conditions the court or sheriff thinks expedient as to—
- (a) persons,
 - (b) time,
 - (c) place and mode of inspection, or
 - (d) production or opening.
- (3) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates or for the inspection of counted ballot papers, care must be taken to avoid disclosing the way in which the vote of any particular voter has been given until it has been proved—
- (a) that the vote was given, and
 - (b) 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, and to the Court of Session from any order of the sheriff under this rule.
- (5) A power given under this rule to a court (other than a county court in Northern Ireland) or the sheriff may be exercised by any judge of the court, or by the sheriff, otherwise than in open court.

Status: This is the original version (as it was originally enacted).

- (6) A power given under this rule to a county court in Northern Ireland may be exercised in whatever manner rules of court provide.
- (7) Where an order is made for the production by a registration officer or a counting officer of a document in the officer's possession relating to the referendum—
- (a) the production by the officer or the officer's agent of the document ordered in the manner directed by the order is conclusive evidence that the document relates to the referendum;
 - (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.
- (8) The production from proper custody of—
- (a) a ballot paper purporting to have been used at the referendum, and
 - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,
- is prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry on the register of electors (or on a notice issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act) at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b).
- (9) Except as provided by this rule (or a court order) nobody may—
- (a) inspect any rejected or counted ballot papers in the possession of a registration officer or counting officer, or
 - (b) open any sealed packets of the completed corresponding number lists or of certificates.