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STATUTORY INSTRUMENTS

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1986 No. 2213 (S. 163)

**REPRESENTATION OF THE PEOPLE**

**The Scottish Local Elections Rules 1986**

*Made* - - - - - 16th December 1986

*Laid before Parliament* 5th January 1987

*Coming into force in accordance with rule 2*

In exercise of the powers conferred upon me by section 42 of the Representation of the People Act 1983(a), and of all other powers enabling me in that behalf, I hereby make the following rules:-

*Citation and extent*

1. These rules may be cited as the Scottish Local Elections Rules 1986 and shall extend to Scotland only.

*Commencement*

2.—(1) Subject to paragraph (2) below, these rules shall come into force on 16th February 1987 except for the purposes of any election the notice of which is published before that date.

(2) The provisions in these rules insofar as they relate to absent voting and the revocation of rule 21 (special lists) in Schedule 1 to the Scottish Local Elections Rules 1974(b) shall come into force on 27th January 1987 for the purposes of an election the poll at which is held on or after 16th February 1987.

*Revocations*

3. The rules specified in Schedule 1 to these rules are revoked as from the coming into operation of these rules.

*Interpretation*

4. In these rules "local government area" means a region, islands area or district.

*Local elections rules*

5.—(1) Subject to paragraph (2) below, elections of councillors for local government areas shall be conducted in accordance with the local elections rules

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(a) 1983 c.2.  
(b) S.I. 1974/82.

set out in Schedule 2 to these rules being the parliamentary elections rules(a) in Schedule 1 to the Representation of the People Act 1983 with adaptations, alterations and exceptions.

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

*Malcolm Rifkind,*  
One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.  
16th December 1986.

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(a) The parliamentary elections rules were amended, so far as is relevant, by section 19(5) of, paragraphs 4 to 7 of Schedule 2 to, paragraphs 74 to 86 of Schedule 4 to, and Schedule 5 to, the Representation of the People Act 1985 (c.50) and, where the poll at a parliamentary election is taken together with the poll at a local government election or a European Assembly election, by regulation 98 of the Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111).  
(b) 1985 c.50.

**SCHEDULE 1**

Rule 3

**REVOCATIONS**

<i>Rules revoked</i>	<i>References</i>
The Scottish Local Elections Rules 1974	S.I. 1974/82.
The Scottish Local Elections Amendment Rules 1977	S.I. 1977/120.
The Scottish Local Elections Amendment Rules 1979	S.I. 1979/656.
The Scottish Local Elections Amendment Rules 1984	S.I. 1984/352.

**SCHEDULE 2**

Rule 5

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**PART I**  
**PROVISIONS AS TO TIME**

*Timetable*

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

**Timetable**

<i>Proceeding</i>	<i>Time</i>
1. Publication of notice of election	On or within 7 days before the fifth Tuesday before the day of election.
2. Delivery of nomination papers	Not later than 4.00p.m. on the fourth Tuesday before the day of election.
3. Delivery of notice of withdrawal of nomination	Not later than 4.00p.m. on the third Thursday before the day of election.
4. Notice in case of uncontested election and notice of poll in contested election	Not later than the Thursday before the day of election.
5. Polling	Between the hours of 8 in the morning and 9 at night on the day of election.

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

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

*Computation of time*

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

(a) a Saturday or Sunday,

(b) Christmas Eve, Christmas Day, 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.

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

(3) In this rule "bank holiday" means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(b) in Scotland.

(a) 1973 c.65.

(b) 1971 c.80.

## PART II

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

#### Notice of election

##### *Notice of election*

3. The returning officer shall publish notice of the election in the form in the Appendix to this Schedule, or a form to the like effect.

#### Nomination

##### *Nomination of candidates*

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

(2) The nomination paper shall state -

(a) if the name of the candidate appears in the register of local government electors for any electoral area within the area of the council for which he is nominated as a candidate, the name and address and number on the register of the candidate as appearing in the said register, the surname being placed first;

(b) if the name of the candidate does not appear in any such register, the full name of the candidate (with his surname first) and his home address in full.

(3) The particulars of a candidate given in a nomination paper shall, if desired, include a description in addition to the particulars required by paragraph (2); but the description 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.

##### *Consent to nomination*

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

##### *Subscription of nomination paper*

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

(2) Where a nomination paper has 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 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 in respect of the same electoral area 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 -

(a) "elector" means a person -

- (i) who is registered as a local government elector for the electoral area in which the election is held in the register to be used at the election, or
- (ii) 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

(b) "electoral number" means -

- (i) a person's number in that register, or
- (ii) pending publication of the register, his number (if any) in the electors lists for that register.

#### *Decisions as to validity of nomination papers*

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

- (a) the returning officer decides that the nomination paper is invalid; 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; and
- (b) that the paper is not subscribed as so required.

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

(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 shall send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

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

(7) Subject to paragraph (6) above, nothing in this rule prevents the validity of a nomination paper being questioned on an election petition.

#### *Withdrawal of candidates*

8.—(1) A candidate may withdraw his candidature by notice of withdrawal in the form in the Appendix to this Schedule, or a form to the like effect -

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



(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.

#### *Nomination in more than one electoral area*

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

#### *Inspection of nomination papers*

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

#### *Method of election and notice of uncontested election*

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

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

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

### **PART III**

#### **CONTESTED ELECTIONS**

##### **General Provisions**

#### *Poll to be taken by ballot*

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

#### *The ballot papers*

13.—(1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated for the electoral area after any withdrawals under these

rules, and no other persons, shall be entitled to have their names inserted in the ballot paper.

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

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

(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) For the purposes of the last foregoing paragraph, the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

#### *The official mark*

14.—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same regional, islands area or district council, as the case may be.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

#### *Prohibition of disclosure of vote*

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

#### *Use of schools and public rooms*

16.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes -

(a) a room in a school other than an independent school within the meaning of section 135 of the Education (Scotland) Act 1980(a); and

(b) a room the expense of maintaining which is payable out of any rate:

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

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

(3) The use of a room in an unoccupied house for that purpose or those purposes does not render a person liable to be rated or to pay any rate for the house.

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(a) 1980 c.44.

## Action to be taken before the poll

### *Notice of poll*

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

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

(3) In the case of a candidate nominated by more than one nomination paper, the names and addresses of the proposers in the notice of poll shall be taken from the first valid nomination paper in respect of the candidate delivered at the place appointed for the delivery of nomination papers.

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

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

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

### *Postal ballot papers*

18. The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity in the form set out in the Appendix to this Schedule, or a form to the like effect, together with an envelope for their return.

### *Provision of polling stations*

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

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

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

(4) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

### *Appointment of presiding officers and clerks*

20.—(1) The returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but 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 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.

#### *Issue of official poll cards*

21.—(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.

(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 to this Schedule, or a form to the like effect, and shall set out -

- (a) the name of the council and of the electoral division or ward to which a councillor is to be elected;
  - (b) the elector's name, qualifying address and number in the register;
  - (c) the date and hours of the poll and the situation of the elector's polling station.
- (4) Paragraph (6) of rule 6 above shall apply for the interpretation of this rule.

#### *Equipment of polling stations*

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

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being 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 for the electoral area or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral area or the part of it provided under sub-paragraph (c) above;
- (e) copies of forms of declarations and other documents required for the purpose of the poll.

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

(5) In every compartment of every polling station there shall be exhibited the notice "Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted."

*Appointment of polling and counting agents*

**23.—(1)** Each candidate may, before the commencement of the poll, appoint -

(a) polling agents to attend at polling stations for the purpose of detecting personation; and

(b) counting agents to attend at the counting of the votes.

(2) The returning officer may limit the number of counting agents, but -

(a) the number shall be the same in the case of each candidate; and

(b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than the Thursday before the day of election.

(4) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in 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 the Representation of the People Act 1983 as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

(6) In the following provisions of these rules, references to polling agents and counting agents shall be taken as references to agents -

(a) whose appointments have been duly made and notified; and

(b) where the number of agents is restricted, who are within the permitted number.

(7) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment and, where a candidate has no counting agent, any such notice shall be given to the candidate.

(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 agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

*Notification of requirement of secrecy*

**24.** The returning officer shall make such arrangements as 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 subsections (1), (3) and (6) of section 66(a) of the Representation of the People Act 1983; and

- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.

### **The poll**

#### *Admission to polling station*

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

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty; 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 allotted to him under these rules, except on production and surrender of a certificate as to his employment which shall be in the form in the Appendix to this Schedule, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.

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

#### *Keeping of order in station*

**26.**—(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*

**27.** 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

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

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*

28.—(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 local government electors for this election as follows?" (*read the whole entry from the register.*);

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

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

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

(ii) "Have you already voted at this election [*adding, in the case of an election for more than one electoral area, in this or any other electoral area*] 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 already voted at this election [*adding, in the case of an election for more than one electoral area, in this or any other electoral area*] 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*

29.—(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*

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

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

**31.—(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.

### *Voting by blind persons*

**32.—(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 to this Schedule;
  - (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*

**33.—**(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 a "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*

**34.** 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*

35.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice to the returning officer.

(2) Where the poll is adjourned at any polling station -

- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in these rules to the close of the poll shall be construed accordingly.

### *Procedure on close of poll*

36.—(1) As soon as practicable after the close of the poll the presiding officer shall, in the presence of the polling agents, 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.

(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*

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

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

(3) A person 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*

**38.—(1)** The returning officer shall -

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

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

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

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

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

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

(6) Where under paragraph (1)(b) above the returning officer is required to verify each ballot paper account, he shall do so 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 election agent may copy.

(7) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, insofar as he and the agents agree, exclude any 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.

(8) 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*

39.—(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*

40.—(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 null and void for uncertainty,

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

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

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

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

#### *Decisions on ballot papers*

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

*Equality of votes*

42. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between 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*

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

(2) Where notice of an uncontested election has been given under rule 11, the returning officer shall -

- (a) not later than 11am on the day of election declare to be elected the validly nominated candidate referred to in the said notice of uncontested election;
- (b) give notice of the name of the person to whom sub-paragraph (a) above applies to the proper officer of the council for which the election was held; and
- (c) give public notice of the name of such person, and such public notice may be combined with a public notice given under paragraph (1)(c) above.

**PART V**

**DISPOSAL OF DOCUMENTS**

*Sealing up of ballot papers*

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

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

*Delivery of documents*

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

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of any verification of the ballot paper accounts,

- (c) the tendered votes list, the lists of 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, and
  - (e) the packets containing marked copies of registers and of lists of proxies,
- endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the electoral area for which the election was held.

*Orders for production of documents*

46.—(1) An order -

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

may be made by the sheriff principal having jurisdiction in the region, islands area or district, as the case may be, and, where more than one sheriff principal has jurisdiction in the said area, by any such sheriff principal, on being satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

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

- (3) An order under this rule may be made subject to such conditions as to -
- (a) persons,
  - (b) time,
  - (c) place and mode of inspection,
  - (d) production or opening,

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

- (i) that 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 Court of Session from any order of a sheriff principal under this rule.

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

(6) Where an order is made for the production by the proper officer of the council of any document in 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 proper officer of the council or open any sealed packets of counterfoils and certificates.

#### *Retention and public inspection of documents*

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

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

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

## PART VI

### DEATH OF CANDIDATE

#### *Countermand or abandonment of poll on death of candidate*

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

(2) Where the poll is abandoned by reason of a candidate's death, the proceedings at or consequent on that poll shall be interrupted and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as 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.**



## APPENDIX OF FORMS

### FORMS FOR USE AT LOCAL GOVERNMENT ELECTIONS IN SCOTLAND

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

Rule 3

#### NOTICE OF ELECTION

[            ] [REGIONAL] [ISLANDS] [DISTRICT] COUNCIL

#### ELECTION OF COUNCILLORS

1. Elections are to be held for the return of one councillor from each of the (*insert number*) [electoral divisions] [wards] into which [            ] [Region] [Islands Area] [District] is divided.

2. Nomination papers completed and subscribed in accordance with the provisions of the Scottish Local Elections Rules 1986 must be delivered at            on any day after the date of this notice, but not later than 4.00 p.m. on            19    , and withdrawals of persons nominated must be intimated at the same address not later than 4.00p.m. on

3. Where a person is nominated for more than one [electoral division] [ward] and does not, before the latest time for withdrawals, withdraw his nomination in all [electoral divisions] [wards] except one, he will be deemed to have withdrawn his nomination in all the [electoral divisions] [wards] for which he was nominated.

4. Forms of nomination and withdrawal may be obtained at the office appointed for the delivery of nominations and withdrawals.

5. A separate election will be held in each [electoral division] [ward] and polling will take place between the hours of 8.00 a.m. and 9.00 p.m. on            19    , unless in any [electoral division] [ward] the election is uncontested.

6. Electors and their proxies should take note that applications to vote by post or by proxy and other applications and notices about postal or proxy voting must reach the electoral registration officer at (*insert address*) by the (*insert date*) next if they are to be effective for these elections.

Signed.....  
(Returning Officer.)

Date .....

## NOMINATION PAPER

*Front of nomination paper*

ELECTION OF A COUNCILLOR for the.....[Electoral Division]  
 [Ward] of the ..... [Region] [Islands Area] [District]  
 Day of election .....

We, the undersigned, being local government electors for the said [electoral division]  
 [ward], do hereby nominate the under-mentioned person as a candidate at the said  
 election.

Candidate's surname as in register of electors	Other names as in register of electors	Description (if any)	Address as in register of electors

or

Candidate's surname	Other names in full	Description (if any)	Home address in full

We hereby declare to the best of our knowledge, information and belief that -

- (a) the said (*here insert the name of the candidate*) has attained the age of 21 years and is a British or other Commonwealth citizen [or a citizen of the Irish Republic] and is not subject to any legal incapacity; and
- (b) the said (*here insert the name of the candidate*) is not disqualified for being nominated as a candidate for election as a [regional] [islands] [district] councillor by reason of any of the disqualifications set forth in section 31 of the Local Government (Scotland) Act 1973, a copy of which section is printed on the back hereof.

Signatures	Electoral number (see Note 3)		Address as in register of electors
	Distinctive letter(s) or number(s)	Number	
Proposer .....	.....	.....	.....
Seconder .....	.....	.....	.....
We, the undersigned, being local government electors for the said [electoral division] [ward] do hereby assent to the foregoing nomination.			
Signatures			
1. ....	.....	.....	.....
2. ....	.....	.....	.....
3. ....	.....	.....	.....
4. ....	.....	.....	.....
5. ....	.....	.....	.....
6. ....	.....	.....	.....
7. ....	.....	.....	.....
8. ....	.....	.....	.....

I, the nominee for election, consent to being nominated as a candidate and, if elected, accept office as a councillor for the said [Region] [Islands Area] [District]. I declare that, if elected, I shall faithfully perform the duties of the office.

I declare that I am qualified to be elected, that I have attained the age of 21 years and am a British or other Commonwealth citizen or a citizen of the Irish Republic; and that -

\*(a) I am registered as a local government elector for the .....  
[Region] [Islands Area] [District] in respect of the following address

.....  
.....

and my electoral number is .....  
(see Note 3)

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

.....  
.....

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

.....

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

.....

I declare that I am not disqualified for being nominated as a candidate for election as a [regional] [islands] [district] councillor by reason of any of the disqualifications set forth in section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf.

.....  
(Signature of Candidate)

.....  
(Date)

*\*Delete where inapplicable*

**NOTES:**

*Note 1.* — The attention of candidates and local government electors is drawn to the rules for filling up nomination papers and other provisions relating to nominations in the local elections rules contained in Schedule 2 to the Scottish Local Elections Rules 1986 (S.I. 1986/2213).

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

*Note 3.* — A person's electoral number consists of the distinctive letter or letters or number or numbers of the polling district in which he is registered together with his number in the register to be used at the election, except that before publication of the register the distinctive letter or letters [or number or numbers] of the polling district in which he is entitled to be registered together with his number (if any) in the electors lists for that register shall be used instead.

*Note 4.* — An elector may not subscribe more than one nomination paper in respect of the same electoral division or ward.

*Note 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.

*Back of nomination paper*

*(Here print copy of section 31 of the Local Government (Scotland) Act 1973)*

NOTICE OF WITHDRAWAL

The ..... [Region] [Islands Area] [District]  
[Regional] [Islands Area] [District] Election 19

I, (*here insert name and address as in the nomination paper*) hereby withdraw my nomination as a candidate for election as a [regional] [islands] [district] councillor for the ..... [electoral division] [ward] at the next election of [regional] [islands] [district] councillors:

.....  
(Signature of Candidate)

.....  
(Date)

*Name* .....

*Address* .....

*Designation* .....

.....  
(Signature of Witness)

*Name* .....

*Address* .....

*Designation* .....

.....  
(Signature of Witness)

To the Returning Officer  
..... [Region] [Islands Area] [District]

*Note.* Where the candidate is outside the United Kingdom and, in accordance with paragraph (2) of rule 8 of the local elections rules contained in Schedule 2 to the Scottish Local Elections Rules 1986, this form is subscribed by his proposer, appropriate modifications shall be made in the form.

NOTICE OF UNCONTESTED ELECTION

ELECTION OF COUNCILLORS FOR THE ..... [Region]  
 [Islands Area] [District]

Day of election .....

The following candidate(s) remain(s) validly nominated for the [electoral division(s)] [ward(s)] as hereinafter mentioned and, as not more than one candidate remains validly nominated for [each of] the said [division(s)] [ward(s)], there will be no poll therein, and not later than 11.00 a.m. on the day of election the said candidate(s) shall be declared to be elected councillor(s) of the ..... [Region] [Islands Area] [District].

[Electoral Division(s)] [Ward(s)]	Name(s) of candidate(s) remaining validly nominated	Description (if any)	Address(es) as in the register or home address(es) in full	Names of proposers	Addresses of proposers

Signed .....  
 (Returning Officer)

Date .....

## BALLOT PAPER

*Form of front of ballot paper*

VOTE FOR ONE CANDIDATE ONLY

## Counterfoil No.

*NOTE:*-The counterfoil is to have a number to correspond with that on the back of the ballot paper.

1	<p style="text-align: center;"><b>GRANT</b>          JOHN EDWARD Grant,          52 George Street, Westburgh.</p> <p style="text-align: center;">Labour</p>	
2	<p style="text-align: center;"><b>GRANT</b>          THOMAS WILLIAM Grant,          15 Church Road, Westburgh.</p> <p style="text-align: center;">Liberal/S.D.P. Alliance</p>	
3	<p style="text-align: center;"><b>MACDONALD</b>          Elizabeth Macdonald,          3 Ivy Lane, Melville.</p> <p style="text-align: center;">Housewife</p>	
4	<p style="text-align: center;"><b>MERTON</b>          George Miller Travis, commonly          called Earl of Merton,          Westburgh.</p> <p style="text-align: center;">Independent</p>	
5	<p style="text-align: center;"><b>SMITH</b>          Mary Smith, 24 Young Street, Weston,          now Mary Wilson, 72 High Street, Weston.</p> <p style="text-align: center;">Schoolteacher, Scottish National Party.</p>	
6	<p style="text-align: center;"><b>STEWART</b>          William Angus Stewart,          37 Waverley Gardens, Westburgh.</p> <p style="text-align: center;">Conservative</p>	

*Form of back of ballot paper*

No.

Election for the .....[electoral division] [ward]  
of the .....[region] [islands area] [district]  
on ..... 19 ...

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

*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 direction "VOTE FOR ONE CANDIDATE ONLY" and the particulars of the candidates;
- (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and 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 the bottom of the paper shall be equally divided between the direction mentioned in paragraph (a) above and each of the candidates by the horizontal lines mentioned in paragraph (b) above.

3. The direction mentioned in paragraph 2(a) above shall be printed in large capitals.

4. 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.

5. The number on the back of the ballot paper shall be printed in small characters.



NOTICE OF POLL

[REGIONAL] [ISLANDS] [DISTRICT] [COUNCIL]

ELECTION OF COUNCILLORS

1. Polling will take place between the hours of 8 a.m. and 9 p.m. on (*here insert date of election*) for the election of a [Regional] [Islands] [District] councillor for each of the under-mentioned [electoral divisions] [wards], there remaining in each case more than one validly nominated candidate.

2. The name, description (if any) and address of each candidate remaining validly nominated and the names and addresses of the proposers who signed the nomination paper for each candidate are as follows:-

[Electoral Division] [Ward]	Candidate's surname (including present name if appropriate)	Other names in full (including present names if appropriate)	Description (if any)	Address (including current address if appropriate)	Names of proposers	Addresses of proposers

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

Signed.....  
(Returning Officer)

Date .....

DECLARATION OF IDENTITY

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No .....

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

Voter's signature (or mark).....

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

Witness's signature .....

Name of witness .....  
(CAPITAL LETTERS)

Address of witness .....  
(CAPITAL LETTERS)

.....  
.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) 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. Without this the declaration will be invalid.
2. Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
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, in order to be counted, must be received by the 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 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.

ELECTOR'S OFFICIAL POLL CARD

*Front of card*

REPRESENTATION OF THE PEOPLE ACTS

OFFICIAL POLL CARD

..... COUNCIL

Electoral division/ward	Number on register.....
Polling day	Name.....
Your polling station will be	Address.....
	.....
	.....
Polling hours	
8 a.m. to 9 p.m.	

*Back of card*

LOCAL GOVERNMENT ELECTION

You need not take this card with you when you go to the polling station, but it will save time if you take it and show it to the clerk there.

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

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

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

Fold the ballot paper 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.

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

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

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

ISSUED BY THE RETURNING OFFICER

PROXY'S OFFICIAL POLL CARD

*Front of card*

REPRESENTATION OF THE PEOPLE ACTS

PROXY'S OFFICIAL POLL CARD

Proxy's name.....

Proxy's address .....

.....

LOCAL GOVERNMENT ELECTION

..... Council

..... Electoral division/ward

Polling day .....

The poll will be open from 8 a.m. to 9 p.m.

*Back of card*

The elector named below, whose proxy you are, is entitled to vote at the polling station -

.....  
.....

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

Number on register.....

Name.....

Address.....

.....

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

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his 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 vote in person at this election if he is able, and wishes, to do so and if he votes before you vote on his behalf.

ISSUED BY THE RETURNING OFFICER

**DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING**

**GUIDANCE FOR VOTERS**

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

**CERTIFICATE OF EMPLOYMENT  
REPRESENTATION OF THE PEOPLE ACTS  
ELECTION IN THE**

..... [ELECTORAL DIVISION] [WARD] OF ..... [Region]  
[Islands Area] [District]

I certify that (name) ..... who is numbered ..... in the register of electors for the electoral area named above cannot reasonably be expected to go in person to the polling station allotted to him or her at the election on (*date of poll*) ..... by reason of the particular circumstances of his or her employment \* as a constable/\* by me on that date for a purpose connected with the election -

Signature .....  
\*Returning officer/\*police officer  
(Inspector or above).

\* *Delete whichever is inapplicable.*

Date .....

Note:- The person named above is entitled to vote at any polling station of the above electoral area on production and surrender of this certificate to the presiding officer.

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 electoral area, 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.,

dayof                      19 .

I, the undersigned, being the presiding officer for the ..... polling station for the ..... [electoral division] [ward] of ..... [Region] [Islands Area] [District] 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.,

dayof                      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.

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

1. Where the poll at a local government election is taken together with the poll at a parliamentary or European Assembly election, in the entry relating to polling in the timetable in rule 1 (timetable) for the words "8 in the morning and 9" there shall be substituted the words "7 in the morning and 10".

2. At the end of rule 13(2) (the ballot papers) the following sub-paragraph shall be added:-

"(e) shall be of a different colour from that of any ballot papers used at an election the poll at which is taken together with the poll at the local government election."

3. At the end of rule 17 (notice of poll) the following paragraph shall be added:-

"(5) The notice published under paragraph (4) above shall -

(a) state that the poll at the local election is to be taken together with the poll at a parliamentary election, or a European Assembly election or, as the case may be, another local government election;

(b) specify the parliamentary constituency or European Assembly constituency or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and

(c) where the polls are to be taken together in part of the local government area only, specify that part."

4. At the end of rule 21 (issue of official poll cards) the following paragraph shall be added:-

"(5) An official poll card issued under this rule may be combined with the official poll card issued at a parliamentary election or European Assembly election or, as the case may be, another local government election."

5. After paragraph (1) of rule 22 (equipment of polling stations) there shall be inserted the following paragraph:-

"(1A) The same ballot box shall be used for the poll at the local government election and the poll at the parliamentary election, European Assembly election or, as the case may be, the other local government election."

6. For paragraph (5) of rule 22 there shall be substituted the following paragraph:-

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

**\*\*PARLIAMENTARY ELECTION**

([Specify colour] ballot paper)

Vote for one candidate only.

[Specify name of council.] **COUNCIL ELECTION**

([Specify colour] ballot paper)

Vote for one candidate only.

**\*EUROPEAN ASSEMBLY ELECTION**

([Specify colour] ballot paper)

Vote for one candidate only.



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

**\* Delete as necessary.\***

**7. At the end of paragraph (3) of rule 23 (appointment of polling and counting agents) there shall be added:**

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

**8. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 28 (questions to be put to voters) and in the second question of paragraph (2) of that rule, after the words “this election” there shall be inserted the words “for \*[this region] \*[this islands area] \*[this district] \*(delete whichever is inapplicable)”.**

**9. At the end of rule 30 (voting procedure) there shall be added the following paragraph:-**

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

**10. At the end of paragraph (2) of rule 31 (votes marked by presiding officer) there shall be added -**

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

**11. At the end of paragraph (4) of rule 32 (voting by blind persons) there shall be added -**

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

**12. At the end of paragraph (3) of rule 33 (tendered ballot papers) there shall be added -**

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

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

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

**“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of the packets made under the corresponding rule that applies at a parliamentary election or European**

---

(a) S.I. 1986/1111.

Assembly election (or, in the case of another local government election, this rule); nor shall the statement prepared under paragraph (3) below be so combined.

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

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

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

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

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

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

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

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

- (a) in the presence of the counting agents appointed for the purposes of the local government election open each ballot box and record separately the number of ballot papers used in each election, checking the number against the ballot paper account;
- (b) if required to do so by a candidate or election agent, in the presence of the election agents appointed for the purposes of the local government election verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to the local government election from the ballot papers relating to the parliamentary election, European Assembly election or, as the case may be, other local government election;
- (e) make up into packets the ballot papers for each election other than the local government election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;

- (f) deliver or cause to be delivered to the returning officer for the election to which the ballot papers relate -
  - (i) those containers, together with a list of them and of the contents of each; and
  - (ii) the ballot paper accounts, together with a copy of the statement as to the result of their verification, if any, in respect of that election; and
- (g) at the same time deliver to that officer packets which so relate containing -
  - (i) the unused and spoilt ballot papers,
  - (ii) the tendered ballot papers, and
  - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

In the application of this paragraph to combined polls at regional and district council elections, it shall have effect as if after the words "local government election" in the first place where they occur and in sub-paragraphs (d) and (e), there are inserted the words "for which he is the returning officer".

(2) After completion of the proceedings under paragraph (1) above, the returning officer shall mix together all of the ballot papers used at the regional council election or district council election, as the case may be, and count the votes given on them.

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

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

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

19. At the end of rule 45 (delivery of documents) there shall be added -

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

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

- (a) at the end of paragraph (1) there shall be added -

"Provided that neither the countermand of the poll at the local government election nor the direction that that poll be abandoned shall affect the poll at the parliamentary election, European Assembly election or, as the case may be, other local government election."; and

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

"(2) Where the poll at the local government election is abandoned by reason of a candidate's death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the parliamentary election, European Assembly election or, as the case may be, other local government election, the presiding officer shall take the like steps for the delivery to the returning officer of the ballot boxes and of ballot papers and other documents as he would be

required to do if the poll at the local government election had not been abandoned, and the returning officer shall dispose of ballot papers used at the local government election (at which a candidate has died) as 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 at that election to be prepared or verified; and
- (b) the returning officer, having separated the ballot papers relating to the parliamentary election, European Assembly election or, as the case may be, other local government election, shall take no step or further step for the counting of the ballot papers used at the local government election (at which a candidate has died) or of the votes and shall seal up all those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

21.—(1) In the Appendix of forms in Schedule 2, for the declaration of identity there shall be substituted -

- (a) the form set out in paragraph (2) below where the proceedings on the issue and receipt of postal ballot papers at the local government election are taken together with those proceedings at another election under regulation 76 of the Representation of the People (Scotland) Regulations 1986; and
- (b) the form set out in paragraph (3) below where those proceedings are not taken together.

**(2) FORM OF DECLARATION OF IDENTITY REFERRED TO IN SUB-PARAGRAPH (1)(a) ABOVE**

*Front of form*

**“REPRESENTATION OF THE PEOPLE ACTS**

Ballot Paper Nos. ....

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter’s signature (or mark).....

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

Witness’s signature .....

Name of Witness.....  
(CAPITAL LETTERS)

Address of Witness.....  
(CAPITAL LETTERS)

.....

**SEE INSTRUCTIONS ON THE BACK OF THIS FORM”**

*Back of form*

**“INSTRUCTIONS TO THE VOTER**

1. You must sign (or mark) 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. Without this the declaration will be invalid.

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

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the ballot papers in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with this declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper relating to the same election, remember that it is illegal to vote more than once (otherwise than as proxy) at that election.

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

7. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this you MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you MUST RETURN, in your own envelope, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if fresh postal ballot papers are to be issued and counted."

(3) FORM OF DECLARATION OF IDENTITY REFERRED TO IN SUB-PARAGRAPH 1(b) ABOVE

Front of form

"REPRESENTATION OF THE PEOPLE ACTS

To be returned with the [insert colour of ballot paper] coloured ballot paper.

[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 above was sent.

Voter's signature (or mark).....

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

Witness's signature .....

Name of witness.....  
(CAPITAL LETTERS)

Address of witness.....  
(CAPITAL LETTERS)

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM"

Back of form

"INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) 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 (or marked) a similar declaration of identity in respect of another election to be held on the same day. The person known to you should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

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

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the [insert colour of ballot paper] coloured ballot paper in the small envelope marked "A" and "Ballot paper envelope for the [insert colour of ballot paper] coloured ballot paper" and seal it. Then put the envelope marked "A" and "Ballot paper envelope for the [insert colour of ballot paper] coloured ballot paper", together with the declaration of identity, in the larger envelope marked "B" and "Covering envelope for the [insert colour of ballot paper] coloured ballot paper". TAKE CARE THAT YOU PLACE THE CORRECT BALLOT PAPER, BALLOT PAPER ENVELOPE AND DECLARATION OF IDENTITY IN THE CORRECT COVERING ENVELOPE AND RETURN IT WITHOUT DELAY, OTHERWISE YOUR VOTE MAY NOT BE COUNTED. The ballot paper, in order to be counted, must be received by the 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. 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 a fresh 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."

22. Where the poll at a local government election is taken together with the poll at a parliamentary or European Assembly election, in the Appendix of forms in Schedule 2, in the form of an elector's official poll card and the form of a proxy's official poll card, for the words "8 a.m. to 9 p.m." there shall be substituted the words "7 a.m. to 10 p.m."

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

**"DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING  
GUIDANCE FOR VOTERS AT COMBINED POLLS**

1. Make sure the ballot papers you are given are stamped with the official mark.

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

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

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

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

24. In the Appendix of forms in Schedule 2, in the form of declaration to be made by the companion of a blind voter -

(a) after the words "election now being held in this electoral area" there shall be inserted the words "of this \*region/\*islands area/\*district and the election now

being held in this \*parliamentary constituency/\*European Assembly constituency/\*this electoral area of this \*region/\*district (*\*delete whichever is inappropriate*)”, and

(b) for the words “said election” in both places where they occur there shall be substituted the words “said elections”.

## EXPLANATORY NOTE

*(This Note is not part of these Rules.)*

These rules, which revoke and replace the Scottish Local Elections Rules 1974, as amended ("the 1974 rules"), provide for the conduct of elections of councillors of the council of a region, islands area and district (rule 5).

The rules in Schedule 2 to these rules, like the rules in Schedule 1 to the 1974 rules, apply with adaptations, alterations and exceptions the parliamentary elections rules (now re-enacted as Schedule 1 to the Representation of the People Act 1983) for the purpose of the conduct of local government elections. The rules in Schedule 2 to these rules differ from the 1974 rules by including amendments made to the parliamentary elections rules by the Representation of the People Act 1985 ("the 1985 Act"). In particular, the provisions about computation of time (rule 2), the notices in polling stations (rule 22 and the Appendix to Schedule 2), the notification of requirement of secrecy (rule 24), the count (rule 38) and the form of the ballot paper (the Appendix) have been changed.

Schedule 3 to these rules modifies the rules in Schedule 2 where the poll at a local government election is taken together with the poll at some other election under section 15(1) or (2) of the 1985 Act. Section 15(1) requires the poll at an ordinary local government election to be taken together with the poll at a parliamentary or European Assembly general election when those polls are to be taken on the same day. Section 15(2) allows the returning officers at two or more elections for related areas (within the meaning of section 15(3)), the polls at which are taken on the same day, to agree to those polls being taken together. Schedule 3 makes provision equivalent to the modifications to the parliamentary elections rules made by regulation 98 of the Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111). In addition, Schedule 3 extends the polling hours at the local government election where the poll at that election is taken together with the poll at a parliamentary or European Assembly election, and requires the same ballot box to be used for combined polls.

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