

1987 No. 1

REPRESENTATION OF THE PEOPLE

The Parish and Community Meetings (Polls) Rules 1987

<i>Made - - - -</i>	<i>5th January 1987</i>
<i>Laid before Parliament</i>	<i>16th January 1987</i>
<i>Coming into force</i>	<i>16th February 1987</i>

In exercise of the powers conferred upon me by paragraph 18(5) of Part III of, and paragraph 34(5) of Part V of, Schedule 12 to the Local Government Act 1972(a) and section 36 of the Representation of the People Act 1983(b), I hereby make the following Rules:—

Citation and extent

- 1.—(1) These Rules may be cited as the Parish and Community Meetings (Polls) Rules 1987.
- (2) These Rules do not extend to Scotland and Northern Ireland.

Commencement

2. These Rules shall come into force on 16th February 1987 except that they shall not have effect in relation to a poll consequent on a parish or community meeting which has been demanded before that date.

Revocations

3. The Parish and Community Meetings (Polls) Rules 1973(c), the Parish and Community Meetings (Polls) (Amendment) Rules 1976(d) and the Parish and Community Meetings (Polls) (Amendment) Rules 1983(e) are hereby revoked except that those Rules shall apply to any poll which has been demanded before these Rules come into force.

Returning officer

- 4.—(1) If a poll consequent on a parish or community meeting is required to be taken, the chairman of the meeting shall notify the district council in which the parish or community is situate of the fact and that council shall appoint an officer of the council to be returning officer.
- (2) The chairman of the meeting shall give the returning officer such particulars as will enable him to give notice of the poll.
- (3) The returning officer shall appoint an office for the purpose of the poll.

(a) 1972 c.70; those paragraphs were amended by paragraph 14 of Schedule 8 to the Representation of the People Act 1983 (c.2).
 (b) 1983 c.2; the power in section 36 is referred to in section 187(1) of that Act.
 (c) S.I. 1973/1911.
 (d) S.I. 1976/2067.
 (e) S.I. 1983/1151.

Poll rules

5. In the application of the Local Elections (Parishes and Communities) Rules 1986(a) to a poll consequent on a parish or community meeting, adaptations, alterations and exceptions shall be made to those rules so that the poll shall be conducted in accordance with the rules in the Schedule to these Rules.

Application of provisions in the Act of 1983

6. In the application of those provisions of the Representation of the People Act 1983 referred to in section 187(1) of that Act(b) to the election of the chairman of a parish meeting or to a poll consequent on a parish or community meeting the following adaptations, alterations and exceptions shall have effect:—

- (a) where the poll is to be taken on any question other than that of the election of the chairman of a parish meeting or of an appointment to any other office, the only provisions of those referred to in section 187(1) which are to apply are sections 60, 66(c), 113, 114, 115, 119(d), 160(4) and (5), 168(e), 169(f), 173(g), 174(5) and (6), 176(h), 177, 179, 180, 181(i), 186 and 189;
- (b) references to the proper officer of the authority for which the election was held shall be taken as references to the returning officer;
- (c) references to the authority for which the election was held shall be taken as references to the parish and references to the area thereof shall be construed accordingly except that in section 130(6) for the words “area of the authority for which the election was held” there shall be substituted “district in which the parish is situate”;
- (d) in sections 60(2) and 99(1), for the words “local government election” there shall be substituted “election under the local government Act”;
- (e) in section 66, subsection (4) and any reference to an election agent or the proxy for an elector shall be omitted and in subsections (2)(b), (3)(b), (c) and (d) and (5) after the words “the candidate for whom” there shall be inserted “or the manner in which”;
- (f) in section 136(2)(b)(j), for the words “£2,500” there shall be substituted “£1,500”;
- (g) references to an election under the local government Act shall be deemed to include a reference to a poll consequent on a parish or community meeting.

Douglas Hurd

Home Office
5th January 1987

One of Her Majesty's Principal Secretaries of State

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- (a) S.I. 1986/2215.
 - (b) Section 187(1) was repealed in part by Schedule 5 to the Representation of the People Act 1985 (c.50) (“the Act of 1985”).
 - (c) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Act of 1985.
 - (d) Subsections (2) and (3) of section 119 were substituted by section 19(4) of the Act of 1985.
 - (e) Section 168 was amended by paragraph 8 of Schedule 3 to, and paragraph 57 of Schedule 4 to, the Act of 1985.
 - (f) Section 169 was amended by paragraph 9 of Schedule 3 to the Act of 1985 and repealed in part by Schedule 5 to that Act.
 - (g) Section 173(a) was repealed in part by Schedule 5 to the Act of 1985.
 - (h) Section 176 was amended by paragraph 61 of Schedule 4 to the Act of 1985 and repealed in part by Schedule 5 to that Act.
 - (i) Section 181 was amended by paragraph 63 of Schedule 4 to the Act of 1985 and repealed in part by Schedule 5 to that Act and Schedule 2 to the Prosecution of Offences Act 1985 (c.23).
 - (j) Section 136(2)(b) was amended by paragraph 48(b) of Schedule 4 to the Act of 1985.

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Timetable

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

TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Delivery of notices of withdrawals of candidature	Not later than noon on the fourth day after the day on which the poll was demanded.
Notice of poll	Not later than the fifth day before the day of the poll.
Polling	Between the hours of 4 in the afternoon and 9 at night on the day fixed by the returning officer which shall not be earlier than the fourteenth day nor later than the twenty-fifth day after the day on which the poll was demanded.

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 completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in England and Wales.

Withdrawal of candidates

3.—(1) A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the office appointed by the returning officer.

(2) If the number of remaining candidates after any withdrawals under this rule does not exceed the number of persons to be elected, such candidates shall be deemed to be elected and the returning officer shall as soon as possible give public notice of the abandonment of the poll which shall—

(a) refer to the meeting at which the poll was demanded and the offices in respect of which the poll was demanded;

(b) set out the full names, home addresses and (if required) descriptions of the candidates;

(c) indicate which of those candidates has withdrawn;

(d) state that no poll will be taken; and

(e) list the candidates deemed to be elected,

and the returning officer shall send a copy of that notice to each of the candidates and the chairman of the meeting at which the poll was demanded.

The ballot papers

4.—(1) The ballot of every voter shall consist of a ballot paper.

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

- (a) if the poll is taken on the question of appointment to any office, shall contain the full names, home addresses and (if required) descriptions of the candidates arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names;
- (b) if the poll is taken on any other question, shall state the question or questions on which the poll is to be taken;
- (c) shall be capable of being folded up;
- (d) shall have a number printed on the back; and
- (e) shall have attached a counterfoil with the same number printed on it.

(3) Where a poll on the question of appointment to any office and a poll on any other question are taken together, ballot papers of a different colour shall be used for each poll.

The official mark

5.—(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 the same official mark shall not be used at consecutive polls in the same parish or community.

Prohibition of disclosure of vote

6. No person who has voted at the poll shall, in any legal proceeding to question the poll, be required to state how or for whom he has voted.

Use of schools and public rooms

7.—(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 maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

(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.

Notice of poll

8. The returning officer shall give public notice of the poll which refers to the parish or community meeting at which a poll was demanded and states—

- (a) the day and hours fixed for the poll;
- (b) if the poll is taken on the question of appointment to any office, the name of the office, the number of vacancies, the particulars of each candidate who has not withdrawn (the order of the names of the candidates and particulars being the same as in the ballot papers) and the name of the proposer of each candidate;
- (c) if the poll is taken on any other question, the particulars of the question and the name and address of the proposer of the resolution in respect of which the poll is being taken; and
- (d) the situation of each polling station and the description of the persons entitled to vote there.

Provision of polling stations

9.—(1) The returning officer shall provide a sufficient number of polling stations and, if more than one polling station is provided, shall allot the electors to the polling station in such manner as he thinks most convenient, subject to the following provisions of this rule.

(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 parish or community shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the parish or community.

(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

10.—(1) The returning officer shall appoint and may pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the poll, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the poll.

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

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Equipment of polling stations

11.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.

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

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

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors for the parish or community or such part of it as contains the names of the electors allotted to the station.

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

(5) Where the poll is taken on the question of appointment to any office, there shall be exhibited in every compartment of every polling station the notice "Vote for . . . candidates only as [*insert name of office*]. Put no other mark on the ballot paper, or your vote may not be counted."

Appointment of polling and counting agents

12.—(1) Each candidate may, before the commencement of the poll, appoint—

- (a) one polling agent to attend at each polling station for the purpose of detecting personation, and
- (b) one counting agent to attend at the counting of the votes.

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

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

(4) In the following provisions of these rules references to polling agents and counting agents shall be taken as references to agents whose appointments have been duly made and notified and who are within the permitted numbers.

(5) 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.

(6) 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.

(7) 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

13. 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, subject to the adaptations, alterations and exceptions set out in rule 6(e) of the Parish and Community Meetings (Polls) Rules 1987; 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 (as so subject).

Admission to polling station

14. 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) where the poll is taken on the question of appointment to any office, the candidates and their wives and husbands;
- (b) where the poll is taken on any other question, the proposer of the resolution in respect of which the poll is taken;
- (c) the polling agents appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) the constables on duty; and
- (f) the companions of blind voters.

Keeping of order in station

15.—(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.

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

(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 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

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

Questions to be put to voters

17.—(1) The presiding officer may, and if required by a candidate or his 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—

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

(ii) “Have you already voted at the present poll?”

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

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

Challenge of voter

18.—(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 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 to do so.

(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

19.—(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 and name of the elector as stated in the copy of the register of electors shall be called out;

(c) the number of the elector shall be marked on the counterfoil; and

(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.

(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

20.—(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").

Voting by blind persons

21.—(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 poll,

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 at the poll; 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").

(5) The declaration made by the companion—

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

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

Tendered ballot papers

22.—(1) If a person, representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as the elector, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) A tendered ballot paper shall—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

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

Spoilt ballot papers

23. 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

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

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

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

Procedure on close of poll

25.—(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,
- (e) the counterfoils of the used ballot papers,
- (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 shall not be in the same packet as the counterfoils of the used ballot papers.

(3) The packets shall be accompanied by a statement (in these rules referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Attendance at counting of votes

26.—(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) where the poll is taken on the question of appointment to any office, the candidates and their wives or husbands,
- (c) where the poll is taken on any other question, the proposer of the resolution in respect of which the poll is taken,
- (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 is satisfied that the efficient counting of the votes will not be impeded.

(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—

- (a) 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, or
- (b) sorting the ballot papers according to votes for or against the question and then counting the number of ballot papers in each category,

the counting agents or the person referred to in paragraph (2)(c) above shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

27.—(1) The returning officer shall—

- (a) in the presence of the counting agents open each ballot box, count and record the number of ballot papers in it and verify each ballot paper account;
- (b) where two polls have been taken together, separate the ballot papers relating to each poll and count and record the number of ballot papers relating to each poll; and
- (c) then mix together the whole of the ballot papers relating to the poll or each poll, as the case may be, which were contained in the ballot boxes.

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

(3) The returning officer, while separating, 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.

(4) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any counting agent may copy.

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

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

- (a) place the ballot papers and other documents relating to the poll 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

28.—(1) A candidate 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 present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

29.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more candidates than the voter is entitled to vote for or on which votes are given for and against the same question, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraphs (2) and (3) below, be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate or on more than one question, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.

(3) 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 void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates or for or against any question 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.

(4) The returning officer shall—

- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and
- (b) in the case of a ballot paper on which any vote is counted under paragraph (2) above, endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted;

and shall add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to his decision.

(5) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

- (a) want of official mark;
- (b) voting for more candidates than voter is entitled to or for and against the same question;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty;

and the statement shall record the number of ballot papers rejected in part.

Decisions on ballot papers

30. 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

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

Declaration of result

32. When the result of the poll has been ascertained the returning officer shall forthwith—

(a) in the case of a poll on the question of appointment to any office—

- (i) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of appointments to be made;
- (ii) give notice of the name of each person elected to the chairman of the meeting at which the poll was demanded; and
- (iii) give public notice of the name of each 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;

(b) in the case of a poll on any other question—

- (i) declare the number of votes given for and against the question and whether the proposal to which the question relates has been carried or not;
- (ii) give notice of the result of the poll to the chairman of the meeting at which the poll was demanded; and
- (iii) give public notice of the declaration under sub-paragraph (i) above, together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Sealing up of ballot papers

33.—(1) On the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils or of marked copies of the register of electors.

Delivery of documents to district council

34. The returning officer shall then forward to the proper officer of the council of the district in which the parish or community is situate the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,
- (d) the packets of counterfoils,
- (e) the packets containing marked copies of the register of electors,

endorsing on each packet a description of its contents, the date of the poll to which they relate and the name of the parish or community for which the poll was held.

Orders for production of documents

35.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the proper officer of the council of the district in which the parish or community is situate; or
- (b) for the opening of a sealed packet of counterfoils or the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is 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 or for the inspection of any counted ballot papers in the custody of the proper officer referred to in paragraph (1) above may be made by an election court.

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

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

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

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the proper officer referred to in paragraph (1) above of any document in his possession relating to any specified poll—

- (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 poll; 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 poll 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 poll 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 referred to in paragraph (1) above or open any sealed packets of counterfoils.

Retention and public inspection of documents

36.—(1) The proper officer of the council of the district in which the parish or community is situate shall retain for six months amongst the records of the council all documents relating to a poll forwarded to him in pursuance of these rules by a returning officer, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(2) The documents, except ballot papers and counterfoils, shall be open to public inspection at such time and in such manner as the district council may determine.

(3) The proper officer referred to in paragraph (1) above 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 district council.

Countermand or abandonment of poll on death of candidate

37.—(1) If before the result of the poll is declared proof is given to the returning officer's satisfaction that a candidate who has not withdrawn has died, then the returning officer shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned.

(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 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 unless the order is made by a court with reference to a prosecution.

(4) Where a poll is countermanded or abandoned by reason of a candidate's death, the district council in which the parish or community is situate may by order make any appointment, or make provision for the holding of a parish meeting or do such other thing as appears to them to be expedient in the circumstances.

Interpretation

38.—(1) Where a poll is held in part only of a parish or community, any reference in these rules to a parish or community shall be construed as reference to a part of a parish or part of a community, as the case may be.

(2) A public notice required by these rules to be given by the returning officer shall be given by posting the notice in some conspicuous place or places in the parish or community, and may also be given in such other manner as he thinks desirable for publicising it.

(3) Any reference in these rules to a proper officer of a council means any officer appointed for that purpose by that council.

APPENDIX

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

Rule 4

FORM OF BALLOT PAPER ON A QUESTION OF APPOINTMENT TO AN OFFICE

*Form of front of ballot paper***VOTE FOR CANDIDATE(S) ONLY**Counterfoil
No.*The counterfoil is
to have a number
to correspond with
that on the back of
the ballot paper.*

1	BROWN JOHN EDWARD Brown, 2 The Cottages, Barlington, Grayshire Labour	
2	BROWN THOMAS WILLIAM Brown, 15 Barchester Road, Barlington, Grayshire Liberal	
3	JONES William David Jones, The Grange, Barlington, Grayshire Conservative	
4	MERTON Hon. George Travis, commonly called Viscount Merton, Barlington, Grayshire	
5	SMITH Mary Smith, School House, Barlington, Grayshire Schoolteacher, Progressive	
6	WILLIAMS Elizabeth Williams, 3 Ivy Lane, Barlington, Grayshire Housewife	

Form of back of ballot paper

No.

Poll on appointment of [insert name of office] for the Parish of 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 CANDIDATE(S) 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 rules 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.

Rule 4

FORM OF BALLOT PAPER ON A QUESTION OTHER THAN THAT OF APPOINTMENT TO AN OFFICE

Form of front of ballot paper

Counterfoil No. <i>The counterfoil is to have a number to correspond with that on the back of the ballot paper</i>	Question[s] [Insert question or questions to be asked]	Answer[s]	
		Yes	No

Form of back of ballot paper

No.
 Poll consequent on Parish/Community Meeting for the Parish/Community of 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 words “Question[s]” and “Answer[s]”, the question or questions to be asked and the words “Yes” and “No” underneath “Answer[s]”;
 - (b) no rule shall be printed on the face except the vertical rules separating the questions from the answers and the answers from each other and, where more than one question is asked, a horizontal rule separating the answers to each question; and
 - (c) an equal amount of space shall be allocated for the answer “Yes” and the answer “No” to each question.
3. The number on the back of the ballot paper shall be printed in small characters.

Rule 11

FORM OF DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING WHERE THE POLL IS ON A QUESTION OF APPOINTMENT TO AN OFFICE

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(s) of the candidate(s) you are voting for.
3. Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
4. Vote for candidate(s) only. Put no other mark on the ballot paper or your vote may not be counted.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

Rule 11

FORM OF DIRECTIONS FOR GUIDANCE OF THE VOTERS IN VOTING WHERE THE POLL IS ON A QUESTION OTHER THAN THAT OF APPOINTMENT TO AN OFFICE

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 column of the ballot paper which is headed “Yes” or in that headed “No” according to whether you wish to vote for or against the question(s) opposite to which you mark your cross. Put no other mark on the ballot paper or your vote may not be counted.
3. Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

Rule 21(5)

FORM OF DECLARATION TO BE MADE BY THE COMPANION OF A BLIND VOTER

I, A. B., of, having been requested to assist C.D. whose number on the register is to record his vote at the poll now being held in this [parish] [community] hereby declare that [I am entitled to vote as an elector at the said poll] [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 poll.

(Signed) A.B.,

day of 19

I, the undersigned, being the presiding officer for the polling station for [..... ward of the] Parish/Community of hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H.,

day of 19
minutes past o'clock [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.

*State the relationship of the companion to the voter.

EXPLANATORY NOTE

(This note is not part of these Rules)

These Rules replace the Parish and Community Meetings (Polls) Rules 1973, as amended, ("the 1973 Rules") which are revoked by Rule 3 of these Rules. These Rules provide for the conduct of a poll consequent on a parish or community meeting (Rule 5 and the Schedule).

The rules in the Schedule to these Rules, like the rules in the Schedule to the 1973 Rules, apply with adaptations, alterations and exceptions the elections rules which apply for the election of parish or community councillors. The relevant rules for those elections are now the Local Elections (Parishes and Communities) Rules 1986 and the elections rules in Schedule 2 to those Rules are applied in the Schedule to these Rules. The provisions about computation of time (rule 2), notices in polling stations (rule 11 and the Appendix) and the notification of the requirement of secrecy (rule 13) differ from the 1973 Rules. In addition, the Appendix to the rules no longer prescribes forms the content of which is sufficiently described in the text of the rules.

Rule 6 modifies certain provisions of the Representation of the People Act 1983 in their application to the election of a chairman of a parish meeting and to a poll consequent on a parish or community meeting.