

SCHEDULE 1

THE CONSTITUENCY MEMBERS ELECTION RULES

PART VI

Disposal of Documents

Sealing up of ballot papers

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

(2) The CRO 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 and retention of documents

48.—(1) The CRO shall then forward to the GLRO 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, and
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.

(2) The packets containing—

- (a) the marked copies of registers and of lists of proxies, and
- (b) 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,

shall be retained by the CRO.

Orders for production of documents

49.—(1) An order—

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

may be made 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 and certificates or for the inspection of any counted ballot papers in the custody of the GLRO 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,

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- (c) place and mode of inspection,
- (d) production or opening,

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

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

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

(5) Any power given under this rule 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 GLRO 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) Unless authorised by this rule, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the GLRO or open any sealed packets of counterfoils and certificates.

Retention, public inspection and destruction of documents

50.—(1) The GLRO shall retain for six months amongst the records of the Authority all documents relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court 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, until destroyed, be open to public inspection at such time and in such manner as the Authority may determine.

(3) The CRO shall keep for six months the documents retained by him in accordance with rule 48(2) and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(4) Those documents shall, until destroyed, be open to public inspection at all reasonable hours.

(5) The GLRO and the CRO shall, on request, supply copies of or extracts from such of the documents in their possession as are open to public inspection on payment of such fees and subject to such conditions as may be determined by the Authority.