

## SCHEDULE 2

Rule 3(2)

### THE LONDON MEMBERS ELECTION RULES

## ARRANGEMENT OF RULES

### PART I

#### *General Provisions*

1. Citation
2. Interpretation

### PART II

#### *Provisions As To Time*

3. Timetable
4. Computation of time

### PART III

#### *Stages Common To Contested And Uncontested Elections*

5. Notice of election
6. Nomination of candidates and nomination papers: individual candidates
7. Nomination of parties and nomination papers: list candidates
8. Consent to nomination
9. Deposits
10. Decisions as to validity of nomination papers
11. Publication of statement of persons nominated
12. Inspection of nomination papers and consent to nomination
13. Withdrawal or death of candidate
14. Method of election

### PART IV

#### *Contested Elections—General Provisions*

15. Poll to be taken by ballot
16. The ballot papers
17. The official mark
18. Prohibition of disclosure of vote
19. Use of schools and public rooms
20. Notice of poll
21. Postal ballot papers
22. Provision of polling stations
23. Appointment of presiding officers and clerks
24. Issue of official poll cards
25. Equipment of polling stations
26. Appointment of polling and counting agents
27. Notification of requirement of secrecy
28. Admission to polling station

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

29. Keeping of order in station
30. Sealing of ballot boxes
31. Questions to be put to voters
32. Challenge of voter
33. Voting procedure
34. Votes marked by presiding officer
35. Voting by blind persons
36. Tendered ballot papers
37. Spoilt ballot papers
38. Adjournment of poll in case of riot
39. Procedure on close of poll
40. Attendance at local count
41. The local count
42. Rejected ballot papers
43. Decision on ballot papers
44. Re-count
45. Procedure at conclusion of local count
46. Attendance at allocation of seats
47. The calculation

#### PART V

##### *Final Proceedings In Contested And Uncontested Elections*

48. Declaration of result
49. Return or forfeiture of candidate's deposit

#### PART VI

##### *Disposal Of Documents*

50. Sealing up of ballot papers
51. Delivery and retention of documents
52. Orders for production of documents
53. Public inspection and destruction of documents

#### PART VII

##### *List Candidates And The Filling Of Vacancies*

54. Interpretation of Part VII
  55. Removal from party list on election as Mayor or constituency member
  56. Notification of vacancy
  57. Unwilling candidate or objection by registered party
  58. Acceptance of office and further notification
- Signature  
Explanatory Note

#### PART I

##### *General Provisions*

#### **Citation**

1. These Rules may be cited as the London Members Election Rules.

## Interpretation

- 2.—(1) In these Rules, unless the context indicates otherwise—
- “the 1983 Act” means the Representation of the People Act 1983(1);
  - “the 1999 Act” means the Greater London Authority Act 1999;
  - “the appropriate form” in relation to a particular rule, means the form set out in the Forms Schedule and indicated as applicable to that rule; or where more than one form is so set out, the form indicated as relevant to the particular case;
  - “CRO” means a constituency returning officer within the meaning of Part I of the 1999 Act (see section 29 of that Act and section 35(2B) of the 1983 Act(2));
  - “election” means an election for the return of the London members at an ordinary election;
  - “the Forms Schedule” means Schedule 5 to the Greater London Authority Elections Rules 2000;
  - “GLRO” (Greater London returning officer)—
    - (a) in relation to the first ordinary election, means the person, or a person of the description, designated by order under section 3(4) of the 1999 Act as the returning officer at the election of the London members;
    - (b) in relation to any other election, has the same meaning as in Part I of the 1999 Act (see section 29 of that Act and section 35(2C) of the 1983 Act(3));
  - “individual candidate” means a candidate other than a list candidate;
  - “list candidate” means a person included on a party list;
  - “local count” means the count of the London votes given for a registered political party or, as the case may be, an individual candidate, at an election in an Assembly constituency;
  - “London vote” has the same meaning as in Part I of the 1999 Act(4);
  - “party list” means a list submitted to the GLRO in accordance with paragraph 5 (party lists and individual candidates) of Part II of Schedule 2 to the 1999 Act on behalf of a party registered under the Registration of Political Parties Act 1998(5);
  - “registered party”, in relation to an election, means a party which was registered under the Registration of Political Parties Act 1998 at the time by which the notice of election is required to be published.
- (2) References in these Rules—
- (a) to the GLRO include references to any person appointed by him under subsection (4) of section 35 (returning officers: local elections in England and Wales) of the 1983 Act(6); and
  - (b) to the CRO include references to any person appointed by him under that subsection.

---

(1) 1983 c. 2. Relevant amendments are made by the [Greater London Authority Act 1999 \(c29\)](#), Schedule 3, paragraph 3.

(2) Section 35(2B) was inserted by the [Greater London Authority Act 1999](#), Schedule 3, paragraph 3. See rule 5 of the [Greater London Authority Elections Rules 1999](#) for particular duties of a CRO at an election for the return of the London members.

(3) Section 35(2C) was inserted by the [Greater London Authority Act 1999](#), Schedule 3, paragraph 3.

(4) See section 4(1)(c) of the [Greater London Authority 1999](#).

(5) 1998 c. 48.

(6) Relevant amendments are made by the [Greater London Authority Act 1999](#), Schedule 3, paragraph 3.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## PART II

### *Provisions As To Time*

#### **Timetable**

3.—(1) Subject to paragraph (2), the proceedings at the election shall be conducted in accordance with the following Timetable:

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election
Publication of statement as to persons nominated	Not later than noon on the seventeenth day before the day of election
Delivery of notices of withdrawal of candidature	Not later than noon on the sixteenth day before the day of election
Notice of poll	Not later than the sixth day before the day of election
Polling	Between the hours of 8 in the morning and 9 at night on the day of election.

(2) At the first ordinary election, the time for polling shall be between the hours of 7 in the morning and 9 at night on the day of the election.

#### **Computation of time**

4.—(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 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(7) in England and Wales.

## PART III

### *Stages Common To Contested And Uncontested Elections*

#### **Notice of election**

5.—(1) The GLRO shall publish in each Assembly constituency notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and

(7) 1971 c. 80.

(b) the date of the poll in the event of a contest,  
and the notice shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall state the date by which—

- (a) applications to vote by post or proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the electoral registration officer in order that they may be effective for the election.

### **Nomination of candidates and nomination papers: individual candidates**

6.—(1) Each individual candidate shall be nominated by a separate nomination paper which shall be in the appropriate form.

(2) The nomination paper of an individual candidate shall state the candidate's—

- (a) full names,
- (b) home address, in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of names.

(3) The description, if any, shall not exceed six words in length, and need not refer to the candidate's rank, profession or calling so long as, with his other particulars, it is sufficient to identify him.

(4) The nomination paper of an individual candidate may not include a description of the candidate which is likely to lead voters to associate the candidate with a registered party unless the description is authorised by a certificate—

- (a) issued by or on behalf of the party's nominating officer, and
- (b) received by the GLRO before the last time for the delivery of nomination papers.

(5) The nomination paper of each individual candidate shall be delivered at the place fixed for the purpose by the GLRO, which—

- (a) in relation to the first ordinary election shall be at the offices of the person designated by order under section 3(4) of the 1999 Act to be the returning officer at the election;
- (b) in relation to any subsequent election, shall be at the offices of the Greater London Authority.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (4) on behalf of a registered party's nominating officer.

### **Nomination of parties and nomination papers: list candidates**

7.—(1) A registered party's list of candidates to be London members<sup>(8)</sup> shall be in the appropriate form and that party shall be nominated by the submission of that list to the GLRO in accordance with paragraph (8) by the party's nominating officer or a person authorised in writing by him.

(2) Each party list shall include the name by which the party wishes to be known for the purposes of the election; and that name need not be the party's registered name but must not be such as would be likely to lead voters to associate that party with another registered party.

(3) That name shall not comprise more than six words.

---

<sup>(8)</sup> See paragraph 5(4) and (5) of Schedule 2 to the Greater London Authority Act 1999 as to other requirements relating to party lists.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(4) Each party list shall set out the full names and home addresses in full of each candidate included in that list.

(5) Each party list shall include a statement that it is issued by the nominating officer of the party or by a person authorised in writing by him.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (5) on behalf of a registered party's nominating officer.

(7) Each party list may be accompanied by a request made by or on behalf of the nominating officer of the party that the ballot paper shall contain against the party's name the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(8) Each party list shall be delivered at the place fixed for the purpose by the GLRO, which—

(a) in relation to the first ordinary election shall be at the offices of the person, or person of the description, designated by order under section 3(4) of the 1999 Act to be the returning officer at the election;

(b) in relation to any subsequent election, shall be at the offices of the Greater London Authority.

(9) Where a nomination paper and list of candidates are delivered in respect of the same registered party after an earlier paper and list have been so delivered, that later paper and list shall be deemed to supersede the earlier ones.

(10) In the following provisions of these Rules, unless the context indicates otherwise—

(a) any reference to a nomination paper includes a reference to a party list; and

(b) a party list shall be treated as the nomination paper of each person whose name is included in the list.

### **Consent to nomination**

**8.** A person shall not be validly nominated (whether as an individual candidate or a list candidate) unless his consent to nomination—

(a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,

(b) contains a statement that he has read whichever of sub-paragraphs (5) and (6) of paragraph 5 of Schedule 2 to the 1999 Act (persons who may not be candidates) applies in his case;

(c) is attested by one witness, whose name and address shall be given, and

(d) is delivered at the place and within the time for delivery of nomination papers.

### **Deposits**

**9.—(1)** A person shall not be validly nominated as an individual candidate at the election for the return of the London members unless the sum of £5,000 is deposited by him or on his behalf with the GLRO at the place and during the time for delivery of nomination papers.

(2) A person shall not be validly nominated as a list candidate at such election unless, as respects the party list on which his name appears, the sum of £5,000 is deposited as mentioned in paragraph (1).

(3) The deposit may be made either—

(a) by the deposit of any legal tender, or

(b) by means of a banker's draft, or

(c) with the GLRO's consent, in any other manner,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(4) Where the deposit is made on behalf of an individual candidate, the person making the deposit shall at the time he makes it give his name and address to the GLRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

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

**10.**—(1) Where an individual candidate's nomination paper ("individual nomination paper") and his consent to it are delivered and a deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The GLRO is entitled to hold an individual nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the witness signing the paper are not as required by law; and
- (b) that the paper is not witnessed as so required.

(3) Where a party list and the consent of each candidate included in that list are delivered and a deposit is made in accordance with these Rules, that party and (subject to paragraph (5)) each candidate on its list shall be deemed to stand nominated unless and until the GLRO decides that the list is invalid.

(4) The GLRO is entitled to hold a party list invalid only on one of the following grounds—

- (a) that the name stated under paragraph (2) of rule 7 breaches that rule;
- (b) that the number of candidates on the list is greater than 25;
- (c) that the list does not contain the statement referred to in rule 7(5).

(5) Where, in respect of a candidate included in a party list—

- (a) proof is given to the GLRO's satisfaction of his death;
- (b) he withdraws or his candidature is withdrawn in accordance with rule 13;
- (c) his particulars in that list are not as required by law; or
- (d) the consent to nomination of that candidate is not delivered in accordance with rule 8,

the GLRO shall delete the name and address of that candidate from the list.

(6) As soon as practicable after each nomination paper has been delivered, the GLRO shall examine it and decide whether the individual candidate or, as the case may be, each candidate included in a party's list has been validly nominated.

(7) where the GLRO decides—

- (a) that an individual nomination paper is invalid he shall endorse and sign on the paper the fact and the reasons for his decision;
- (b) that a party list is invalid or the name and address of a list candidate shall be deleted from the list, he shall endorse and sign on the list that fact and the reasons for his decision.

(8) The GLRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (6) or (7), send notice of it—

- (a) to the candidate at his home address as given in his nomination paper, and
- (b) in the case of a list candidate, also to the nominating officer.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(9) The GLRO's decision that a nomination paper or a party list is valid shall be final and shall not be questioned in any proceeding whatsoever.

(10) Subject to paragraph (9), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Publication of statement of persons nominated**

**11.**—(1) The GLRO shall prepare and publish a statement showing—

- (a) each registered party which has been and stands nominated, together with that party's list;
- (b) the persons who have been and stand nominated as individual candidates; and
- (c) any other parties or persons who have been nominated, together with the reason why they no longer stand nominated.

(2) The statement shall show, in the following order—

- (a) the registered parties which have been and stand nominated in alphabetical order with the name of the party as given in that list;
- (b) the names and home addresses of the list candidates as given in those lists, arranged in the order in which their names appear in those lists;
- (c) the names, addresses and descriptions of the persons standing nominated as individual 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.

(3) In the case of an individual candidate nominated by more than one nomination paper, the GLRO shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

### **Inspection of nomination papers and consent to nomination**

**12.** During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

### **Withdrawal or death of candidate**

**13.**—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address shall be given, and
- (b) delivered to the GLRO at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent 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, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

(3) If, before the date appointed for the poll, proof is given to the GLRO's satisfaction that one of the persons named or to be named as an individual candidate in the ballot papers, or whose name appears on a party list, has died, then the GLRO shall inform each CRO of that fact (in addition to complying with any other requirement of these Rules relevant to that event).



### **Method of election**

14. If, after any withdrawals under rule 13, the number of persons remaining validly nominated exceeds the number of seats available for allocation to London members, then, unless all of those persons are named on the same party list, a poll shall be taken in accordance with Part IV of these Rules.

## **PART IV**

### *Contested Elections: General Provisions*

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

15. The votes at the poll shall be given by ballot to enable the seats for London members to be allocated to registered parties and individual candidates in accordance with paragraphs 7 and 8 of Part II of Schedule 2 to the 1999 Act.

#### **The ballot papers**

16.—(1) The ballot of every voter shall consist of a ballot paper which shall be in the appropriate form.

(2) After any withdrawals under Part III—

- (a) each registered party whose party list includes persons who remain validly nominated as list candidates; and
- (b) the persons remaining validly nominated as individual candidates at that election,

shall be entitled to have their names inserted in the ballot paper at that election.

(3) Every ballot paper—

- (a) shall be printed in accordance with the directions set out in the Forms Schedule;
- (b) shall contain the names of the registered parties; and the names and other particulars of the individual candidates;
- (c) shall be capable of being folded up;
- (d) shall have a number printed on the back;
- (e) shall have attached a counterfoil with the same number printed on it.

(4) If a request is made by or on behalf of a registered party's nominating officer, the ballot paper shall contain, above the party's name, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(5) If an individual candidate who is the subject of a registered party's authorisation under rule 6(4) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(6) The request must—

- (a) be made in writing to the GLRO, and
- (b) be received by him during the period for delivery of nomination papers set out in the Timetable in rule 3.

(7) After the names of the registered parties alphabetically arranged, the names of the individual candidates shall be arranged in order of their surnames and, if there are two or more of them with the same surname, of their other names.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **The official mark**

17.—(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 any Authority election.

(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**

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

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

19.—(1) The CRO 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 met by any local authority.

(2) The CRO shall make good any damage done to, and defray an expense incurred by the persons having control over, any such room as mentioned in paragraph (1) 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 hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

### **Notice of poll**

20.—(1) The GLRO shall publish notice of the poll stating—

(a) the day and hours fixed for the poll;

(b) the number of seats for London members available for allocation at that election,

(c) the names of each registered party whose party list includes persons who remain validly nominated as list candidates, and

(d) particulars of each individual candidate remaining validly nominated,

and rule 16(7) shall apply in relation to the order in which names and particulars appear on the notice of the poll as they apply in relation to ballot papers.

(2) The CRO 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**

21. The CRO 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 appropriate form, together with an envelope for their return.

### **Provision of polling stations**

22.—(1) The CRO shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

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

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

(4) The CRO 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**

23.—(1) The CRO 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 in or about the election by or on behalf of a candidate or a registered party which has submitted a party list.

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

(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 this Part 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**

24.—(1) The CRO 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 appropriate form, or a form to the like effect, and shall set out—

(a) that the election is of the London members of the London Assembly at an ordinary election,

(b) the elector's name, qualifying address and number on the register; and

(c) the date and hours of the poll and the situation of the elector's polling station.

### **Equipment of polling stations**

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

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(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 or, where the box has no lock, the seal being broken.

(3) The CRO shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (c);
- (e) a notice of the death of any person of whose death he has been informed as mentioned in rule 13(3).

(4) Notices in the appropriate forms, for the guidance of voters, shall be exhibited—

- (a) inside and outside every polling station,
- (b) in every polling station, and
- (c) in every compartment of every polling station.

#### **Appointment of polling and counting agents**

**26.**—(1) Subject to paragraphs (3) to (5), before the commencement of the poll—

- (a) each individual candidate; and
- (b) the election agent of each list candidate,

may appoint polling agents to attend at polling stations for the purpose of detecting personation; and counting agents to attend at the local count.

(2) The same person may be appointed as a polling agent or counting agent by, or in the case of list candidates on behalf of, more than one candidate.

(3) Not more than four polling agents, or such greater number as the CRO may by notice allow, shall be permitted to attend at any particular polling station.

(4) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO shall determine by lot which agents are permitted to attend, and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(5) The CRO may limit the number of counting agents, but in doing so shall ensure that—

- (a) the number is 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.

(6) For the purposes of the calculations required by paragraph (5)—

- (a) a counting agent appointed for more than one list candidate shall be deemed to be appointed for all the candidates on that list;
- (b) a counting agent appointed for more than one candidate (other than a list candidate) is a separate agent for each of the candidates for whom he has been appointed;

(7) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate, or as the case may be, the election agent, to the CRO and shall be so given not later than the fifth day (computed like any period of time in the Timetable in rule 3) before the day of the poll.

(8) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and shall forthwith give to the CRO notice in writing of the name and address of that other person.

(9) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of the 1983 Act as to the appointment of paid polling agents, and any appointment for a candidate (other than a list candidate) authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.

(10) 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 numbers.

(11) Any notice required to be given to a counting agent by the CRO may be delivered at, or sent by post to, the address stated in the notice of appointment.

(12) 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.

(13) 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 agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

(14) 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**

27. The CRO 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 of the provisions of subsections (1), (3) and (6) of section 66(9) 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 of the provisions of subsections (2) and (6) of that section.

#### **Admission to polling station**

28.—(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.

---

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

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(3) A constable or person employed by the CRO 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 appropriate form, and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.

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

### **Keeping of order in station**

**29.**—(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 CRO 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**

**30.** Immediately before the commencement of the poll, the presiding officer shall—

(a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty;

(b) lock up such of the boxes as have locks;

(c) place his seal—

(i) on each lock; and

(ii) on each ballot box which has no lock,

in such a manner as to prevent its being opened without breaking the seal;

(d) place each box in his view for the receipt of ballot papers; and

(e) keep each box locked and sealed or, as the case may be, sealed.

### **Questions to be put to voters**

**31.**—(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 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 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 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**

**32.**—(1) If at any 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**

**33.**—(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;

(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.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Votes marked by presiding officer**

**34.**—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other physical cause from voting in the 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 the 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").

(3) 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**

**35.**—(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").

(5) 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.

(6) The declaration made by the companion—

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

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



### **Tendered ballot papers**

**36.**—(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 as “a tendered ballot paper”) in the same manner as any other voter.

(2) A tendered ballot paper shall—

- (a) be of a colour different 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**

**37.** 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**

**38.**—(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 CRO.

(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.

(3) As soon as practicable after being informed of the adjournment of a poll, the CRO shall inform the GLRO of that fact and of the cause of its adjournment.

### **Procedure on close of poll**

**39.**—(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,

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (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 CRO to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the CRO, the arrangements for their delivery shall require the CRO’s approval.

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (e) shall not be combined with the contents of the packets made under the corresponding rule that applies at other Assembly elections, nor shall the statement under paragraph (4) be so combined.

(3) 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.

(4) The packets shall be accompanied by a statement (“ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

#### **Attendance at local count**

**40.**—(1) As soon as practicable after the close of the poll, the CRO shall make arrangements for carrying out, in the presence of the counting agents appointed for the purposes of the election—

- (a) the separation and verification of the ballot papers; and
- (b) the counting of the London votes cast in the constituency;

and he shall give to those agents notice in writing of the time and place at which he will begin to carry out those tasks.

(2) No person other than—

- (a) the CRO and his clerks,
- (b) the candidates and their husbands or wives,
- (c) the election agents,
- (d) the counting agents,

may be present at a local count, unless permitted by the CRO to attend.

(3) A person not entitled to attend a local count shall not be permitted to do so by the CRO unless he—

- (a) is satisfied that the efficient separation and verification of the ballot papers and the 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 CRO 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 or, as the case may be, the registered party for whom the vote is given and then counting the number of ballot papers for each candidate or party, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

### **The local count**

**41.**—(1) The CRO shall—

- (a) in the presence of the counting agents appointed for the purposes of the constituency members election, the London members election and the Mayoral election, open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the election agents appointed for the purposes of those elections, 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 London members election from those relating to the constituency members election and the Mayoral election;

(2) After completing the proceedings under paragraph (1), the CRO shall mix together all of the ballot papers used in the Assembly constituency at the London members election and count the votes given on them.

(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 CRO before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

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

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

(7) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 5 in the afternoon and 10 on the following morning; and 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 CRO 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.

### **Rejected ballot papers**

**42.**—(1) Any ballot paper—

- (a) on which votes are given for more than one party or individual candidate; or
- (b) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (c) which is unmarked or void for uncertainty,

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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

- (2) A ballot paper on which the vote is marked—
  - (a) elsewhere than in the proper place, or
  - (b) otherwise than by means of a cross, or
  - (c) by more than one mark,

shall not for such reason be void if an intention that the vote shall be for one only of the party or individual 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 CRO 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 to his decision is made by a counting agent.

(4) The CRO shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) voting for more than one party or individual candidate;
- (b) writing or mark by which the voter could be identified;
- (c) unmarked or void for uncertainty,

and shall, as soon as practicable after its completion, inform the GLRO of its contents.

### **Decision on ballot papers**

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

### **Re-count**

**44.—**(1) A candidate or his election agent (including, in the case of a list candidate, the election agent for that list) may, if present when the counting or any re-count of the votes is completed, require the CRO to have the votes re-counted or again re-counted but the CRO 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.

### **Procedure at conclusion of local count**

**45.—**(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO shall draw up a statement showing—

- (a) the total number of votes cast;
- (b) the total number of votes rejected under rule 42;
- (c) the number of votes given for each registered party by whom a party list was submitted; and
- (d) the number of votes cast for each individual candidate.

(2) As soon as practicable after completion of the statement, the CRO shall inform the GLRO of its contents.

(3) As soon as practicable after the GLRO has authorised him to do so, the CRO shall—

- (a) inform such of the candidates and their election agents as are then present of the content of the statements prepared in accordance with rule 42 and paragraph (1) of this rule; and

- (b) give public notice of the contents of those statements.

#### **Attendance at allocation of seats**

**46.**—(1) The GLRO shall make arrangements for making the allocation of seats in the presence of the election agents of the individual candidates (including, in the case of a list candidate, the election agent for that list); and he shall give to those agents notice in writing of the time and place at which he will begin the allocation.

(2) No person other than—

- (a) the GLRO and his clerks,
- (b) the candidates,
- (c) the election agents,
- (d) the nominating officers of those registered parties standing nominated at the election,

may be present at an allocation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend an allocation shall not be permitted to do so by the GLRO unless the GLRO—

- (a) is satisfied that the efficiency of the allocation will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

#### **The calculation**

**47.**—(1) As soon as the GLRO has received from every CRO the information required by rule 45 he shall calculate the London figure<sup>(10)</sup> for each registered party by which a party list has been submitted for that election, and for each individual candidate.

(2) If at a contested election proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named as an individual candidate in the ballot papers, or whose name appears on a party list, has died, then the GLRO shall make the calculation referred to in paragraph (1) without regard to that candidate.

(3) As soon as the GLRO has ascertained the result of the calculation, he shall inform such of the election agents for the candidates as are then present of the relevant figures and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(4) Where information of the description mentioned in paragraph (5)(e) is given in accordance with paragraph (3), the GLRO shall provide the persons to whom it was given with a statement containing—

- (a) the names of the persons concerned; and
- (b) with respect to each such person, the name of the party from whose list his name has been omitted or treated as omitted, and the reason therefor.

(5) In this rule, “the relevant figures” means—

- (a) the number of London votes given in the Assembly constituencies for each registered party by which a party list has been submitted for that election; and for each individual candidate at that election;
- (b) in respect of each party by whom a party list has been submitted, the number of successful candidates to be constituency members—

---

<sup>(10)</sup> See paragraph 6(3) of Schedule 2 to the Greater London Authority Act 1999. For the resolution of equality between two or more parties or individual candidates, see paragraph 8(9) of that Schedule.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (i) who were the subject of that party's authorisation under rule 6(4) of the Constituency Members Election Rules<sup>(11)</sup>; and
- (ii) whose particulars on the ballot paper included the party's registered emblem or, as the case may be, one of the party's registered emblems;
- (c) the calculation of the London figure;
- (d) any recalculation required by paragraph 8(3), or carried out in the circumstances mentioned in paragraph 8(8), of Schedule 2 to the 1999 Act; and
- (e) the number of persons whose names have been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) who are to be treated as ceasing to be on, a party list.

## PART V

### *Final Proceedings In Contested And Uncontested Elections*

#### **Declaration of result**

**48.**—(1) The GLRO shall declare the allocation of the seats for London members and, where seats are allocated to a registered party, the names of the persons on the party list who, in accordance with paragraph 8(5) of Schedule 2 to the 1999 Act, are to fill those seats.

(2) The GLRO shall give public notice of—

- (a) the registered parties to which seats for London members have been allocated and the names of the list candidates by whom those seats are to be filled;
- (b) the names of the successful individual candidates;
- (c) the total number of London votes given for each registered party and each individual candidate;
- (d) the total number of candidates of registered parties returned as constituency members;
- (e) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers;
- (f) the name of every person included on a party list who has been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) is to be treated as ceasing to be on, that list, together with the reason for the omission or cessation, as the case may be; and
- (g) where rule 47(2) applies, and without prejudice to sub-paragraph (f), the name of the deceased candidate.

#### **Return or forfeiture of candidate's deposit**

**49.**—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 shall be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit shall be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day shall be disregarded if it would be disregarded under rule 3 in computing any period of time for the purposes of the timetable for an election of the kind in question; and

---

<sup>(11)</sup> See Schedule 1 to the Greater London Authority Elections Rules 2000.

(b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof has been given to the GLRO before the allocation of seats of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the declaration under rule 48, a candidate or registered party is found not to have polled more than one-fortieth of the total number of votes polled by all the candidates and registered parties, the deposit shall be forfeited to the Greater London Authority.

## PART VI

### *Disposal Of Documents*

#### **Sealing up of ballot papers**

**50.**—(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**

**51.**—(1) The CRO shall then forward to the proper officer 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 CRO shall retain 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.

#### **Orders for production of documents**

**52.**—(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.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(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 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 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 proper officer 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 a 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 or open any sealed packets of counterfoils and certificates.

### **Public inspection and destruction of documents**

**53.**—(1) The proper officer shall retain for six months amongst the records of the Authority all documents relating to a constituency 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 51 and then, unless otherwise directed by an order of a county 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 proper officer 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.

## PART VII

### *List Candidates And The Filling Of Vacancies*

#### **Interpretation of Part VII**

**54.** In this Part—

“dual candidate” means a person—

- (a) whose name, subject to rule 55, falls to be notified as mentioned in subsection (6) of section 11 of the 1999 Act; and
- (b) who is a candidate (otherwise than at an ordinary election) for election—
  - (i) as the Mayor of London; or
  - (ii) as a constituency member;

“nominating officer”, in relation to a registered party and a vacancy in the office of a London member, means the person who holds that office in the party at the time at which the vacancy arises; and

“paragraph (1) notice” has the meaning given by rule 56(1).

#### **Removal from party list on election as Mayor or constituency member**

**55.—**(1) Where a person whose name is for the time being included in a party list is elected (otherwise than at an ordinary election)—

- (a) as the Mayor of London; or
- (b) as a constituency member,

his name shall be removed from that list.

(2) For the purposes of this Part, the name of a person to whom paragraph (1) applies shall be treated as ceasing to be included in the list from the date on which he is returned as the Mayor or a constituency member, as the case may be (even if his return is void).

#### **Notification of vacancy**

**56.—**(1) As soon as the office of a London member who was returned from a registered party’s list becomes vacant, the GLRO shall simultaneously give or send to—

- (a) the party’s nominating officer; and
- (b) the person whose name would, in accordance with subsection (6) of section 11 of the 1999 Act (filling a vacancy among the London members) (and on the assumption that he satisfies the conditions in subsection (4)), be so notified,

written notice (“paragraph (1) notice”) of the matters specified in paragraph (2).

(2) The matters specified in this paragraph are—

- (a) the vacancy;
- (b) that the nominating officer may, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, give the notice referred to in subsection (5)(b) of section 11 of the 1999 Act; and

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (c) that the person must, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, indicate whichever of the following apply to him—
  - (i) that he is willing to serve as a London member (“notice of willingness”);
  - (ii) that he is not willing to serve as a London member; and
  - (iii) that he is a dual candidate.
- (3) The GLRO shall not notify the Chair of the Assembly as mentioned in section 11(3) of the 1999 Act until—
  - (a) the period mentioned in paragraph (2)(b) has elapsed; and
  - (b) he has received a notice of willingness; and
  - (c) if the person by whom notice of willingness has been given is a dual candidate, the result of the election at which he is a Mayoral or constituency member candidate has been declared.

#### **Unwilling candidate or objection by registered party**

**57.** Where the GLRO receives a notice under rule 56(2)(c)(ii) or section 11(5)(b) of the 1999 Act he shall again send a paragraph (1) notice, but with the substitution, for the name of the person to whom the first such notice was sent, of the name of the person who, on the same assumption, would be the next person whose name would be notified in accordance with section 11(6) of that Act; and so on until, in respect of such a person—

- (a) no notice is given under section 11(5)(b) of that Act; and
- (b) a notice of willingness has been received.

#### **Acceptance of office and further notification**

**58.**—(1) As soon as practicable after the GLRO has identified the person who is to fill the vacancy, he shall invite him to attend at his office to sign the declaration of acceptance of office.

(2) In a case to which subsection (3) of section 11 of the 1999 Act applies, as soon as practicable after the declaration of acceptance of office has been signed, the GLRO shall notify the Chair of the Assembly as mentioned in that subsection.