

SCHEDULE 4

Combination of Polls

PART I

GENERAL

Returning officers and polling stations

1.—(1) Where the polls at an ordinary Assembly election and an ordinary local government election are taken together under article 15(1)—

- (a) those functions of the returning officer at the local government election which are specified in paragraph 2 shall be discharged by the constituency returning officer for an Assembly constituency for such part of the local government area as is situated in the constituency, and
- (b) only polling stations used for the ordinary Assembly election shall be used for the local government election.

(2) Subject to sub-paragraph (4) where the polls at an Assembly and a local government election for related areas (within the meaning of article 15(3)) are taken together under article 15(2)—

- (a) the returning officers for those elections shall decide which returning officer shall discharge in the area in which the polls are combined (“the combined area”) those functions of the other which are specified in paragraph 2, and
- (b) the only polling stations which shall be used in the combined area at such elections are the polling stations used at the election for which the returning officer who discharges the functions referred to in paragraph (a) acts as returning officer.

(3) Where by virtue of sub-paragraph (2)(a) functions in respect of another election fall to be discharged by a regional returning officer, he in turn shall delegate the discharge of those functions to the constituency returning officer for an Assembly constituency that is wholly or partly situated in the combined area in relation to such part of the combined area as is situated in the Assembly constituency: and where functions are so delegated subsequent references in this Part to the returning officer who discharges the functions specified in paragraph 2 are to be treated as references to such a constituency returning officer.

(4) Where the polls at an ordinary Assembly election and a local government election for related areas are taken together under article 15(2), sub-paragraph (1)(a) and (b) shall apply.

Functions at combined polls

2.—(1) The functions referred to in paragraph 1 above are the functions conferred or imposed—

- (a) in the case of an Assembly election, by Schedule 5 and which are specified in sub-paragraph (2), and
- (b) in the case of a local government election which is not a mayoral election, by those rules in the rules made under section 36 of the 1983 Act which correspond to the provisions specified in sub-paragraph (2), or
- (c) in the case of a local government election which is a mayoral election, by those rules made under section 44 of the Local Government Act 2000 (1) which correspond to the priorities specified in sub-paragraph (2),

(1) 2000 c. 22.

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and where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3, the functions conferred or imposed by that Schedule and by Part V of the 1986 Regulations.

(2) The functions referred to in sub-paragraph (1) are those functions in Schedule 5 conferred or imposed by—

- (a) paragraph 29(2) and (3) (notice of situation of polling stations etc),
- (b) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3, paragraph 30 of Schedule 5 (postal ballot papers),
- (c) paragraph 31 (provision of polling stations),
- (d) paragraph 32(1) and (3) (appointment of presiding officers and clerks) to the extent that the paragraph concerns the appointment of presiding officers and clerks to assist them,
- (e) paragraph 34 (equipment of polling stations),
- (f) paragraph 36(a) (notification of requirement of secrecy at polling station),
- (g) paragraph 37(4) (signature of certificate as to employment),
- (h) paragraph 38(2)(b) (authorisation to order removal from polling station), and
 - (i) sub-paragraphs (1), (1A), (2), (11) and (12) (as substituted by paragraph 18 of this Schedule) of paragraph 50 (the count) and sub-paragraph (8) of paragraph 50.

Modification of provisions about expenses in this Order and the 1983 Act

3.—(1) Where those functions of a returning officer at an election which are specified in paragraph 2 are discharged by the returning officer at another election under paragraph 1, references to the returning officer or his charges or expenditure—

- (a) in article 21(1) to (4), (7), (9) and (10) (payments by and to returning officer),
- (b) in article 22 (taxation of returning officer's account), and
- (c) in section 36(4) and (5A) of the 1983 Act⁽²⁾ (expenses at local elections),

shall, to the extent that such functions are so discharged, be construed as references to the returning officer who discharges those functions and his charges or expenditure in respect of those functions.

(2) The reference in section 36(6) of the 1983 Act to the returning officer or person acting as returning officer requesting an advance in respect of his expenses shall, to the extent that those expenses relate to the functions specified in paragraph 2, include a reference to the returning officer who under paragraph 1 discharges those functions at the local government election.

(3) In relation to elections the polls at which are taken together under article 15(1) or (2), the Assembly may under article 21(1) include special provision for services properly rendered, or expenses properly incurred, in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

(4) In relation to elections the polls at which are taken together under article 15(1) or (2), a county or county borough council may, in fixing a scale under—

- (a) section 36(4) of the 1983 Act (fixing a scale at an election to the council etc), or
- (b) section 36(5A) of that Act (fixing a scale at an election for a community within the area of the council etc),

(2) Subsection (5A) was added by the Local Government (Wales) Act 1994 (c. 19), Schedule 16.

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include special provision for expenses incurred in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.