

SCHEDULE 1

Regulation 9

EUROPEAN PARLIAMENTARY ELECTIONS RULES

PART 1

PROVISIONS AS TO TIME

Timetable

1. The proceedings of the election shall be conducted in accordance with the following Table.

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the 25th day before the date of the poll.
Delivery of nomination papers and list of candidates of registered parties	Between the hours of 10 a.m. and 4 p.m. in the United Kingdom on any day after the date of the publication of the notice of election but not later than the 19th day before the date of the poll.
Delivery of notices of withdrawals of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers or list of candidates of registered parties.	During the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following; but <ol style="list-style-type: none"> (a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of a registered party or candidate on the party's list or individual candidate unless made at or immediately after the time of the delivery of the nomination paper; and; (b) the foregoing provisions do not apply to objections made in pursuance of rule 17(2).
Publication of statement of parties and individual candidates nominated.	At the close of the time for making objections to nomination papers or list of candidates of registered parties or as soon afterwards as any objections are disposed of.
Polling.	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.

Computation of time

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

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- (a) a Saturday or Sunday,
- (b) a 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) in relation to a general election in the combined region a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom or a Bank or Public Holiday in Gibraltar not otherwise falling within sub-paragraph (b) of paragraph (1),
- (b) in relation to a by-election in the combined region a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales or a Bank or Public Holiday in Gibraltar not otherwise falling within sub-paragraph (b) of paragraph (1),
- (c) in relation to a general election in a region other than the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom, and
- (d) in relation to a by-election in a region other than the combined region a day which is a bank holiday under that Act in that part of the United Kingdom in which the electoral region is situated,

but at a general election sub-paragraph (b) or (d) and not sub-paragraph (a) or (c) (as the case may be) of this paragraph applies in relation to any proceedings extending, by reason of riot or open violence, beyond the time laid down by the Timetable.

PART 2

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

3.—(1) The returning officer shall publish notice of the election, stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest.

(2) The notice of election shall state the date by which (except in such circumstances as are provided for in paragraph 19 of Schedule 2)—

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

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

(3) The returning officer shall send a copy of the notice to the local returning officer for each local counting area wholly or partly contained in the electoral region; and each local returning officer shall publish the copy of the notice at a place within the area in which he acts.

Nomination of individual candidates

4.—(1) Each individual candidate shall be nominated by a separate nomination paper, which is signed and delivered by the individual candidate himself or a person authorised in writing by him.

- (2) The nomination paper shall state the individual 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 his names.
- (3) The description, if any, must consist of either—
 - (a) in the case of an individual candidate standing on behalf of a registered party at a by-election, a description (of not more than 6 words in length) which is authorised as mentioned in rule 5(1); or
 - (b) the word “Independent”.
- (4) Where a nomination paper is delivered in respect of the same person after an earlier paper in respect of that person has been delivered, that later paper shall be deemed to supersede the earlier one.

Nomination papers: name of registered political party at a by-election

- 5.—**(1) A nomination paper may not include a description of an individual candidate which is likely to lead voters to associate the candidate with a registered political party unless—
- (a) the individual candidate is standing on behalf of a registered party at a by-election;
 - (b) the party is a qualifying party in relation to the electoral region; and
 - (c) the description in question is authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of the party, and
 - (ii) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.
- (2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party's nominating officer.
- (3) For the purposes of the application of this rule in relation to an election—
- (a) “registered political party” means a party which was registered under Part 2 of the 2000 Act at the time by which the notice of the election is required to be published by virtue of rule 1 (“the relevant time”);
 - (b) a registered political party is a qualifying party in relation to an electoral region if the region is in England (including the combined region) or is Wales or Scotland and the party was at the relevant time registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act.

Nomination papers: name of registered political party at a general election

- 6.—**(1) A registered party which is to stand for election in the electoral region shall be nominated by a nomination paper delivered, to the returning officer at the place which he has fixed for the purpose, by the party's nominating officer or a person authorised in writing by him.
- (2) The nomination paper shall state the name by which the registered party is to stand for 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 exceed 6 words in length.
- (4) The nomination paper shall be accompanied by a list of candidates which complies with rule 7.
- (5) The nomination paper shall include a statement that the party is nominated by or on behalf of the nominating officer of the registered party in question and shall be signed by the person making it.

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(6) 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.

(7) 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.

(8) In the application of this rule in relation to an election "registered party" means a party which was registered under Part 2 of the 2000 Act at the time by which the notice of election is required to be published.

List of candidates

7.—(1) The number of candidates in the list of a registered party's candidates which must accompany its nomination paper shall not exceed the number of MEPs to be elected in the electoral region at the election.

(2) The list shall set out the full names and home addresses in full of each candidate.

Consent to nomination

8.—(1) A person shall not be validly nominated as an individual candidate or a candidate on a registered party's list unless his consent to nomination—

- (a) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers,
- (b) is attested by one witness,
- (c) in the case of a candidate on a registered party's list, identifies the party in question, and
- (d) is delivered at the place and within the time for the delivery of nomination papers, subject to paragraph (2).

(2) If the returning officer is satisfied that owing to the absence of a person from the United Kingdom or Gibraltar (as the case may be) it has not been reasonably practicable for his consent in writing to be given as mentioned above, a telegram (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent shall not be required.

(3) A candidate's consent given under this rule—

- (a) shall state the day, month and year of his birth; and
- (b) shall state—
 - (i) that he is aware of the provisions of section 10 of the European Parliamentary Elections Act 2002; and
 - (ii) that to the best of his knowledge and belief he is not disqualified for membership of the office of MEP.

Candidature by relevant citizen of the Union

9.—(1) Where the candidate is a relevant citizen of the Union, he shall not be validly nominated as an individual candidate or as a candidate on a registered party's list, unless a declaration under paragraph (2) and a certificate under paragraph (3) are delivered at the place and within the time for the delivery of nomination papers.

(2) The declaration referred to in paragraph (1) must be made by or on behalf of the candidate and state, in addition to his name:

- (a) his nationality;
- (b) his home address in the United Kingdom or Gibraltar in full;
- (c) that he is not standing as a candidate for election to the European Parliament in any other Member State at elections held in the same period; and
- (d) where his name has been entered in a register of electors in a locality or constituency in the Member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last entered.

(3) The certificate referred to in paragraph (1) must be made by the competent administrative authorities in the Member State of which the candidate is a national stating either that he has not been deprived of his right to stand as a candidate in that State or that no such disqualification is known to those authorities.

(4) As soon as practicable after publication of the statement of parties and individual candidates nominated, the returning officer shall send to the Secretary of State a copy of the declaration made under paragraph (2) by any candidate who stands nominated either by virtue of the list of candidates which accompanied a registered party's nomination or as an individual candidate.

(5) In this rule "locality or constituency" and "competent administrative authorities" have the same meaning as they have in the directive of the Council of the European Communities No.93/109/EC(1).

Deposit

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

(2) A registered party shall not be validly nominated unless the sum of £5,000 is deposited on its behalf with the returning officer at the place and during the time for the delivery of nomination papers.

(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 returning officer's consent, in any other manner,

but the returning officer 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 the registered party or individual candidate, the person making the deposit shall at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under regulation 33, 34 or 38 of these Regulations).

Place for delivery of nomination papers

11. The returning officer shall fix the place in the electoral region at which nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for the making of objections to them.

(1) O. J. L 043, 20.02.1993 p. 42.

Right to attend nomination

12.—(1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as an individual candidate or included in a list under rule 7,
 - (b) the election agent of a registered party which has submitted a nomination or of an individual candidate, or
 - (c) a person authorised in writing to deliver a nomination paper.
- (2) The right to attend conferred by this rule includes the right—

- (a) to inspect, and
 - (b) to object to the validity of,
- any nomination paper or list of candidates.

Decisions as to validity of nomination papers

13.—(1) Where, in the case of an individual candidate, a nomination paper and the candidate's consent to it (and, where required, a declaration and certificate under rule 9(2) and (3)) 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 returning officer decides that the nomination paper is invalid; or
- (b) proof is given to the returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) Where, in the case of a registered party, a nomination paper and list under rule 7 are delivered and a deposit is made in accordance with these rules, the party and (subject to paragraph (5)) the candidates on its list shall be deemed to stand nominated unless and until the returning officer determines that the nomination paper or list is invalid.

(3) The returning officer is entitled to hold a nomination paper of an individual candidate invalid only on one of the following grounds—

- (a) that the particulars of the candidate are not as required by law;
- (b) that the candidate is disqualified by the Representation of the People Act 1981 (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act⁽²⁾) or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act⁽³⁾.

(4) The returning officer is entitled to hold a nomination paper of a registered party, together with the list of candidates accompanying it, invalid only on one of the following grounds—

- (a) that the contents of the nomination paper are not as required by law; and;
- (b) that the number of candidates in the list breaches rule 7(1).

(5) Where—

- (a) the particulars of any candidate in the list of candidates accompanying the nomination paper of a political party are not as required by law;
- (b) the consent to nomination of any such candidate is not delivered in accordance with these rules, or

(2) Section 10 was amended by section 21(1)(a) of the European Parliament (Representation) Act 2003 (c. 7).

(3) Subsection 4A was inserted by section 21(1)(b) of the European Parliament (Representation) Act 2003 (c. 7).

(c) any such candidate is a relevant citizen of the Union and a declaration and certificate under paragraphs (2) and (3) of rule 9 have not been delivered in accordance with that rule, the returning officer shall delete the name and address of that candidate from the list.

(6) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.

(7) Where the returning officer decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(8) Where the returning officer deletes any name from the list of candidates of a registered party, he must endorse on the nomination paper the fact and the reasons for his decision to do so and sign the paper.

(9) The returning officer's decision that a nomination paper and, where applicable, its accompanying 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 a European Parliamentary election petition.

Withdrawal of candidates

14.—(1) An individual candidate may withdraw his candidature by notice of withdrawal—

(a) signed by him and attested by one witness, and

(b) delivered to the returning officer at the place for delivery of nomination papers.

(2) The nominating officer of a registered party or a person authorised in writing by him may withdraw that party's nomination by a notice of withdrawal signed by him and delivered to the returning officer at the place for delivery of nomination papers.

Publication of statement of persons nominated

15.—(1) The returning officer shall prepare and publish a statement ("the statement of parties and individual candidates nominated") showing—

(a) the registered parties which have been and stand nominated, together with the list of persons who stand as candidates of those parties;

(b) the persons who have been and stand nominated as individual candidates; and,

(c) any other persons who have been nominated (whether on a list of a registered party or as individual candidates) together with the reason why they no longer stand nominated.

(2) The statement shall show the registered parties which have been and stand nominated in alphabetical order, with the names and home addresses of the candidates who appear on the list of each party as given in that list and arranged in the order in which their names appear on that list.

(3) The statement shall show the names, addresses and descriptions of the persons nominated as individual candidates as given in their nomination papers.

(4) The statement shall show the persons standing nominated as individual candidates after the names of the registered parties standing nominated and the names of those candidates shall be arranged alphabetically in order of their surnames, and, if there are two or more of them with the same surname, of their other names.

(5) The returning officer shall send to the Electoral Commission a copy of the statement.

Local publication of statement under rule 15

16.—(1) Immediately following publication of the statement of parties and individual candidates nominated, the returning officer shall forward a copy of it to the local returning officer for each local counting area wholly or partly contained in the electoral region.

(2) As soon as practicable after receipt of the copy of the statement, each local returning officer shall publish it at a place within the area for which he acts.

Disqualification by Representation of the People Act 1981

17.—(1) If it appears to the returning officer that any of the persons nominated as an individual candidate might be disqualified by the Representation of the People Act 1981 (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act) or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act he shall, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of the statement required under rule 15 but limited to persons standing as individual candidates only.

(2) The draft shall be headed “Draft statement of individual candidates nominated” but shall contain a notice stating that any person who wishes to object to the nomination of any individual candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act may do so between the hours of 10 in the morning and 4 in the afternoon on the day and at the place specified in the notice; and the day so specified shall be the day next after the last day for the delivery of nomination papers.

Adjournment of nomination proceedings in case of riot

18.—(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—

- (a) the proceedings shall be abandoned for that day, and
- (b) if that day is the last day for the delivery of nomination papers, the proceedings shall be continued on the next day as if that were the last day of such delivery,

and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).

(2) Where proceedings are abandoned by virtue of this rule nothing—

- (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment;
- (b) done before the abandonment shall be invalidated by reason of the abandonment.

Method of election

19.—(1) If the statement of persons nominated shows more candidates than there are seats to be filled, a poll shall be taken in accordance with Part 3 of these rules.

(2) If the statement of persons nominated shows a number of candidates (whether on a registered party’s list or individual candidates) which is the same as, or less than, the number of seats to be filled, those candidates shall be declared to be elected in accordance with Part 4 of these rules.

PART 3

CONTESTED ELECTIONS

Poll to be taken by ballot

20. The votes at the poll shall be given by ballot in accordance with sub-section (4) of section 2 of the 2002 Act and the seats shall be allocated in accordance with sub-sections (5) to (9) of that section.

The ballot papers

21.—(1) The ballot of every voter shall consist of a ballot paper, and the registered parties, together with their candidates shown in the statement of parties and individual candidates nominated and the individual candidates so shown as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

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

- (a) shall contain the names of the registered parties shown in the statement of parties and individual candidates nominated, together with the names of the candidates of those parties as so shown, and the names and description, if any, of the individual candidates so shown;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on it.

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

(4) The request must—

- (a) be made in writing to the returning officer, and
- (b) be received by him during the period for delivery of nomination papers set out in the Table in rule 1.

(5) The order of the names of the registered parties, together with their candidates, and of the individual candidates in the ballot paper shall be the same as in the statement of parties and individual candidates nominated.

The official mark

22.—(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 seven years shall intervene between the use of the same official mark at elections for the same local counting area.

(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

23. No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state the way in which he voted.

Use of schools and public rooms

- 24.**—(1) The local returning officer may use, free of charge, for the purpose of taking the poll—
- (a) a room in a school to which this rule applies;
 - (b) a room the expense of maintaining which is payable out of any rate.

This rule applies—

- (i) in England and Wales, to 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;
- (ii) in Scotland, to a school other than an independent school within the meaning of the Education (Scotland) Act 1980(4);
- (iii) in Gibraltar, to a school the expense of maintaining which is payable wholly or partly out of public funds or out of any rate, or by a body whose expenses are so payable.

(2) The local 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.

Notice of poll

25.—(1) The returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and hours during which the poll will be taken.

(2) In respect of each local counting area or part of an area contained in the electoral region, the local returning officer shall also give public notice of—

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

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

Postal ballot papers

26. The local returning officer shall, in accordance with Schedule 2, issue to those entitled to vote by post a ballot paper and a declaration of identity in the form prescribed by paragraph 28 of that Schedule, together with such envelopes for their return (whether free of charge or otherwise) as are required for the purposes of paragraph 36 of that Schedule.

Provision of polling stations

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

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

(3) The polling station allotted to electors from any polling district shall be in the polling place for that district.

(4) The local 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.

(4) 1980 c. 44.

Appointment of presiding officers and clerks

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

(2) The local 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 local returning officer so presiding with the necessary modifications as to things to be done by the local returning officer to the presiding officer or by the presiding officer to the local returning officer.

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

Issue of official poll cards

29.—(1) The local returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election

and a card shall not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration.

(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 cards shall be in the forms in the Appendix, or forms to the like effect, and shall set out—

- (a) the name of the electoral region;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station.

(4) In this rule—

“elector” has the same meaning as in regulation 63(5) of these Regulations; and, pending publication of the register, the elector's number in the register includes his number (if any) in the electors list for that register.

Equipment of polling stations

30.—(1) The local returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the local 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 or, where the box has no lock, the seal being broken.

(3) The local 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 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).

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- (4) The local returning officer shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and
 - (b) a device of such description as is set out in sub-paragraph (9) for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 40(1)).
- (5) A notice in the form in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.
- (6) The local returning officer may also provide such notices in Braille or in languages other than English that are an accurate translation of the notice referred to in paragraph (5) as he considers appropriate, which may be exhibited inside and outside every polling station.
- (7) In every compartment of every polling station there shall be exhibited the notice “Put only one cross on the ballot paper. Put no other mark on the ballot paper, or your vote may not be counted”.
- (8) Where proof has been given to the returning officer’s satisfaction of the death of a candidate on a registered party’s list or an individual candidate, he shall request each local returning officer to provide each presiding officer with a sufficient number of notices to this effect for display in every compartment of every polling station.
- (9) The device referred to in paragraph (4)(b) must—
- (a) allow a ballot a paper to be inserted into and removed from or attached to and detached from the device, easily and without damage to the paper;
 - (b) keep the ballot paper firmly in place during use;
 - (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the registered party or individual candidate to which each such space refers; and
 - (iii) mark his vote on the space he has chosen.

Appointment of polling and counting agents

- 31.—**(1) The election agent or sub-agent of a registered party standing nominated or an individual candidate or any person authorised in writing by such an agent or that candidate may, before the commencement of the poll, appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
 - (b) counting agents to attend at the verification of the ballot paper accounts and the counting of the votes.
- (2) For each count one (but no more than one) counting agent of each registered party or individual candidate may be authorised by the terms of his appointment to require a re-count at that count.
- (3) The local returning officer may limit the number of counting agents, so however that—
- (a) the number shall be the same in the case of each registered party standing nominated or individual candidate; and
 - (b) the number allowed to a registered party standing nominated or individual candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the verification of the ballot paper accounts or the counting of the votes by the number obtained by adding the number of registered parties standing nominated and the number of individual candidates.

(4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the person by whom the appointment was made to the local returning officer and shall be so given not later than the fifth day (computed like any period of time in the Timetable) before the day of the poll.

(5) If an agent dies, or becomes incapable of acting, the person by whom the appointment was made may appoint another agent in his place, and shall forthwith give to the local returning officer notice in writing of the name and address of the agent appointed.

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

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

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

(7) Any notice required to be given to a counting agent by the local returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

(8) A candidate may himself do any act or thing which any polling or counting agent of his or of his registered party, if appointed, would have been authorised to do, or may assist any such agent in doing any such act or thing.

(9) An election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate may do or assist in doing anything which a polling or counting agent of that party or candidate is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of an election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate instead of that party's or candidate's polling agent or counting agents.

(10) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent 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

32. The local 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 voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of paragraphs (1), (4) and (7) of regulation 29 of these Regulations; and

(b) every person attending at the verification of the ballot paper accounts or 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 paragraphs (2), (3) and (7) of that regulation.

Admission to polling station

33.—(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 the election agents of any registered party standing nominated and any individual candidate;

(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;

(e) the companions of voters with disabilities; and

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(f) representatives of the Electoral Commission.

(2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same registered party standing nominated and any individual candidate.

(3) A constable or person employed by a local returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of these Regulations, except on production and surrender of a certificate as to his employment, which shall be in the form in the Appendix and signed by an officer of police of or above the rank of inspector or by the local returning officer, as the case may be.

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

Keeping of order in station

34.—(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 local returning officer to remove him, and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

35. 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, if it has a lock, 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, if it has a lock, and sealed.

Questions to be put to voters

36.—(1) The presiding officer may, and if required by a candidate or the election or polling agent of a registered party standing nominated or of an individual candidate 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 electors for this election as follows?" (read the whole entry from the register.)

(ii) "Have you already voted, here or elsewhere, at this by-election (general election of MEPs), 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 AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?"

(ii) “Have you already voted here or elsewhere at this by-election (general election of MEPs) as proxy on behalf of CD?”

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned in paragraph (1) shall, put the following additional question—

“Are you the husband (wife), parent, grandparent, brother (sister), child or grandchild of CD?”
and if that question is not answered in the affirmative the following question—

“Have you at this election already voted in this electoral region 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) No inquiry shall be permitted as to the right of any person to vote, except as authorised by this rule.

Challenge of voter

37.—(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 the election or polling agent of a registered party standing nominated or of an individual candidate—

- (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

38.—(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 also be placed against his name in the list of proxies.

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

Votes marked by presiding officer

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

- (a) who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or
- (b) who declares orally that he is unable to read,

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

Voting by persons with disabilities

40.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other physical incapacity, or
- (b) inability to read,

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 or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, 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 voter with disabilities") that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one voter with disabilities 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 these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, husband, wife, son or daughter of the 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 voters with disabilities assisted by companions").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

- (5) The declaration made by the companion—
 - (a) shall be in the form in the Appendix; and
 - (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

- 41.**—(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 differing from the other ballot papers;
 - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.
- (3) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the “tendered votes list”).
- (4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name shall be the number of that elector.

Spoilt ballot papers

42. 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

- 43.**—(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 local 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 Regulations to the close of the poll shall be construed accordingly.

Procedure on close of poll

44.—(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, if any, attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of voters with disabilities 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 voters with disabilities,

and shall deliver the packets or cause them to be delivered to the local returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the local returning officer, the arrangements for their delivery shall require the local returning officer’s approval.

(2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

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

Attendance at verification of ballot paper accounts

45.—(1) The local returning officer shall make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the returning officer and the counting agents notice in writing of the time and place at which he will begin such verification.

(2) No person other than—

- (a) the returning officer, the local returning officer and his clerks,
- (b) the candidates and—
 - (i) in England and Wales, their spouses; or
 - (ii) in Scotland, one guest each,
- (c) the election agents,
- (d) the counting agents,
- (e) representatives of the Electoral Commission,

may attend the verification of the ballot paper accounts, unless permitted by the local returning officer to attend; and that officer shall not permit a person to attend unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.

(3) The local returning officer shall give the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them

consistent with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Procedure at verification of ballot paper accounts

46.—(1) The local returning officer shall in the presence of the counting agents—

- (a) open each ballot box and count and record the number of ballot papers in it and verify each ballot paper account; and
- (b) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the manner prescribed in paragraph 41 of Schedule 2 so as to reach the local returning officer or any polling station in the local counting area in question before the close of the poll and the declaration of identity duly signed and authenticated is also returned in that manner before that time.

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

(4) The local returning officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces downwards.

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

(6) The local returning officer shall determine the hours during which the procedure under this rule is proceeded with.

(7) The local returning officer shall take proper precautions for the security of the ballot papers and documents.

(8) On completion of the procedure under this rule, the local returning officer shall—

- (a) place the ballot papers and other documents relating to the election in packets under his own seal and the seals of such counting agents as desire to affix their seals, unless he proceeds immediately to the counting of the votes under rule 48;
- (b) otherwise take proper precautions for the security of the papers and documents; and;
- (c) inform the returning officer of the total number of ballot papers counted.

Attendance at counting of votes

47.—(1) The local returning officer shall make arrangements for counting the votes in the presence of the counting agents—

- (a) in the case of a general election of MEPs, before or after the material time and in either case so that the requirements of rule 52(1) are satisfied as soon as practicable after the material time,
- (b) in the case of a by-election, as soon as practicable after the close of the poll,

and shall give to the counting agents and the returning officer notice in writing of the time and place at which he will begin to count the votes.

For the purposes of this paragraph the “material time” means in relation to a general election of MEPs, the close of the polling in the Member State whose electors are the last to vote in the election.

(2) No person other than—

- (a) the returning officer, the local returning officer and his clerks,

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- (b) the candidates and—
 - (i) in England and Wales, their spouses; or
 - (ii) in Scotland, one guest each,
- (c) the election agents,
- (d) the counting agents,
- (e) representatives of the Electoral Commission,

may be present at the counting of the votes, unless permitted by the local 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 local returning officer unless he—

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

(4) The local returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the registered party or individual candidate for whom the vote is given and then counting the number of ballot papers for each registered party or individual candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

(6) If the amendments made to the Act annexed to Council Decision 76/787 contained in Council Decision 2002/787/ECSC, EEC, Euratom⁽⁵⁾ have not entered into force by the close of the poll, paragraph (1)(a) shall have effect as if the words “before or” and “in either case” were omitted.

The count

48.—(1) The local returning officer shall—

- (a) where the ballot papers and other documents have been placed in packets under rule 46(8), open the packets of ballot papers other than unused, spoilt and tendered ballot papers;
- (b) mix together all of the ballot papers other than unused, spoilt and tendered ballot papers.

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

(3) The local returning officer, while 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 local 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 and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of an individual candidate or the election agent of a registered party shall be as effective as the agreement of the counting agents of that counting agent or party.

(5) During the time so excluded the local returning officer shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

(5) 1980 c. 44.

(6) In the case of a general election of MEPs, if the counting of the votes has commenced before the material time (within the meaning of rule 47(1)) the local returning officer or his clerks shall not disclose the number of votes given for each registered party and individual candidate to anyone other than the returning officer or his clerks until after that time, and the counting of the votes shall be deemed not to have been completed until after that time.

Re-count

49.—(1) A candidate, the election agent of a registered party or individual candidate or a counting agent authorised under rule 31(2) may, if present when the counting of the votes is completed (or, if later, deemed to be completed under rule 48(6)) or any re-count of the votes is completed, require the local returning officer to have the votes re-counted or again re-counted but the local 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, if later, its deemed completion) or any re-count of votes until any persons referred to in paragraph (1) who are present at its completion (or, if later, its deemed completion) have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

50.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more than one registered party or individual candidate or for a registered party and an individual candidate, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to the provisions of the next following paragraph, 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 deemed to be void if an intention that the vote shall be for one or other of the registered parties 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) A ballot paper on which a vote is marked for a particular candidate on a party's list of candidates shall, if otherwise valid, be treated as a vote for that party, whether or not there is also a vote for that party.

(4) The local returning officer shall endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words "rejection objected to" if an objection is made by a counting agent to his decision.

(5) The local returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one registered party or candidate;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

51. The decision of the local 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.

Notification of local result

52.—(1) As soon as practicable after the completion of the count (or, if later, its deemed completion under rule 48(6)), the local returning officer shall draw up a statement showing the number of votes given for each registered party and individual candidate, excluding any votes given on ballot papers rejected under rule 50.

(2) The local returning officer shall forthwith inform the returning officer of the contents of that statement.

(3) The local returning officer shall give public notice of the statements prepared under this rule and under rule 50 as soon as practicable after the returning officer has agreed that he should do so.

Attendance at allocation of seats

53.—(1) The returning officer shall make arrangements for making the calculation and allocation required by rule 54.

(2) No person other than—

- (a) the returning officer and his clerks,
- (b) the election agent of each registered party standing at the election or a person acting on his behalf,
- (c) each candidate on the list of such a party and—
 - (i) in England and Wales, the candidate's spouse or;
 - (ii) in Scotland, one guest each,
- (d) the election agent of each individual candidate or a person acting on his behalf,
- (e) each individual candidate and—
 - (i) in England and Wales, his spouse or;
 - (ii) in Scotland, one guest each,
- (f) representatives of the Electoral Commission,

may be present at that calculation and allocation unless permitted by the returning officer to attend.

(3) The returning officer shall give to—

- (a) the election agent of each registered party standing at the election, and
- (b) each individual candidate,

notice in writing of the place at which he will conduct the proceedings under rule 54 and of the time after which he will begin those proceedings.

Allocation of seats

54.—(1) The returning officer, as soon as practicable after he has been informed of the contents of the statements prepared under rule 52(1) by local returning officers in his region shall calculate the total number of votes given to each registered party and individual candidate in all of the local counting areas wholly or partly contained within the electoral region, as shown in those statements.

(2) Subject to paragraph (4) and rule 55, the returning officer shall then allocate the seats in accordance with subsections (5) to (9) of section 2 of the 2002 Act.

(3) The returning officer shall give the persons entitled to be present reasonable facilities for satisfying themselves that the results of the calculation and allocation which he is required to make are accurate; and, in particular, a person entitled to be present may require the returning officer to make a calculation or allocation again but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(4) At a by-election at which there is only one vacancy, subsections (5) to (9) of section 2 of the 2002 Act shall have effect as though they provided that the party or individual candidate to whom the majority of the votes have been given shall be declared to be elected.

Equality of seats

55.—(1) Where in the case of the last seat to be allocated, two or more registered parties or individual candidates have an equal number of votes and that number is greater than the number of votes of any other party or candidate, one vote shall be added to the votes of each party or individual candidate having such an equal number and the rules in subsections (5) to (9) of section 2 of the 2002 Act shall be applied again.

(2) Where, after the application of the procedure set out in paragraph (1), two or more parties or individual candidates still have an equal number of votes and that number is greater than the number of votes of any other party or candidate, the returning officer shall forthwith decide between the parties and individual candidates having such an equal number by lot, and allocate the seat to the party or candidate on whom the lot falls.

(3) Where the lot falls on a party, the returning officer shall comply with section 2(8) of the 2002 Act.

PART 4

Final Proceedings

Declaration of result

56.—(1) In a contested election, when the result of the allocation and filling of seats has been ascertained, the returning officer shall—

- (a) forthwith declare to be elected those candidates on a registered party's list by whom seats are filled and those individual candidates to whom seats are allocated under rules 54 and 55;
- (b) prepare a statement setting out—
 - (i) the total number of valid votes (as notified to him) given to each registered party and individual candidate;
 - (ii) the number of votes which such a party or candidate had, after the application of subsections (4) to (9) of section 2 of the 2002 Act, at any stage when a seat was allocated to that party or candidate;
 - (iii) the names in full and home address in full of each candidate who fills a seat or to whom a seat has been allocated; and
 - (iv) whether, in the case of a party, there are remaining candidates on that party's list who have not been declared to be elected; and
- (c) give public notice of that statement and send a copy to the Secretary of State.

(2) In the case of an uncontested election, the statement of parties and individual candidates nominated, in addition to showing the registered parties, the candidates on the list of those parties and

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individual candidates standing nominated, shall also declare to be elected any candidate so shown; and the returning officer shall send a copy of that statement and declaration to the Secretary of State.

Return or forfeiture of candidate's deposit

57.—(1) The deposit made under rule 10 of these rules shall either be returned to the person making it or his personal representatives or be forfeited to Her Majesty.

(2) Except in the cases mentioned below in this rule, 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 2 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (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) Where—

- (a) a registered party or an individual candidate is not shown as standing nominated in the statement of parties and individual candidates nominated, or
- (b) in the case of an individual candidate, the candidate has died,

the deposit shall be returned as soon as practicable after the publication of that statement or the time when the returning officer is satisfied of the candidate's death, as the case may be.

(5) Subject to paragraph (3) the deposit shall be forfeited if a poll is taken and, after the total number of valid votes for each registered party and individual candidate has been ascertained under rule 54(1), the party or candidate is found not to have polled more than one-fortieth of the total number of votes polled by all the parties and candidates.

PART 5

Disposal of Documents

Sealing up of ballot papers

58.—(1) On the completion of the counting at a contested election (or, if later, its deemed completion under rule 48(6)) the local returning officer shall seal up in separate packets the counted and rejected ballot papers.

(2) The local returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll.

Retention of documents by the local returning officer

59. The local returning officer shall then retain 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 voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities,
- (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

(e) the packets containing marked copies of registers and of lists of proxies, endorsing on each packet a description of its contents.

Orders for production of documents

60.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the local returning 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, if 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 a European Parliamentary election petition, by the High Court or a county court.

(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 local returning officer's custody 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 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 the High Court or 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 local returning 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 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 local returning officer or to open any sealed packets of counterfoils and certificates.

Status: This is the original version (as it was originally made).

(9) In the application of this rule to documents retained by the local returning officer for the Gibraltar local counting area, the references to the county court, except in paragraph (5)(b), and to the High Court in paragraph (4) shall be construed as references to the Gibraltar court.

Retention and public inspection of documents






61.—(1) The local returning officer shall retain for a year all documents relating to an election to which rule 59 applies, and then, unless otherwise directed by order of the High Court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and subject to such conditions as may be prescribed by the local returning officer.

(3) The local returning officer may, 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 sanctioned by the local authority by which he is employed.

APPENDIX OF FORMS

Form of front of ballot paper (see next page)

<p align="center">Election for the European Parliament NORTH WEST REGION You have one vote</p>		
1	<p align="center">Conservative Party</p> <p>1. Arthur John Briggs 2. Edith Pickering 3. David Hamish Scott 4. Ibrahim Malik 5. Douglas Alasdair Chapman</p> <p>6. Christopher Paul Hampton 7. Derek Holloway-Jones 8. Russell Montgomery Johnsons 9. Anita Patel 10. Stella Hammond-Amstrong</p> 	
2	<p align="center">Green Party</p> <p>1. James Edward Wellingborough 2. Kathleen Mary Fenner 3. Mary Jean Chandler 4. Frank Probert 5. Samuel James Winstanley</p> <p>6. William Anderson 7. Paul Alfred Mackenzie 8. Kathleen Siobhan Murphy 9. Maximus Paul Alexander 10. Philip Paul Holland</p> 	
3	<p align="center">Labour Party</p> <p>1. Eileen McAlao 2. Indra Anila Gupta 3. Robert Henry Anderton 4. Victor Daniel Amos 5. Annabelle Susannah Hilay-Bowles</p> <p>6. Andrew Wilson 7. Harry Townsend 8. Eric Harvey Williamson 9. Monica Christine Mackison 10. Gareth Geatrey Hardman</p> 	
4	<p align="center">Liberal Democrat Party</p> <p>1. Peggy Vorchica Greenburgh 2. David Loyd-Peiry 3. Simon Daniel Gabrielson 4. Julia Menzetta Drake-Henderson 5. Francesca Mixed Pezison</p> <p>6. Ayoba Ajoku 7. Geraldine Mary Jennings 8. Barnaby James Scrimson 9. Patricia Jude Hendryka 10. Gustav Arthur Jones</p> 	
5	<p align="center">United Kingdom Independence Party</p> <p>1. Peter Hamilton Puck 2. Gordon Harold Bradley 3. Cerrie Stephane Urewater 4. Leonard David Atherton 5. Charles Henry Robinson-Browne</p> <p>6. Jose Davidson 7. Camille Jocelyn Stuart 8. Richard Annibald Butler 9. Carlos Philippe Jameson 10. Brian Atkinson</p> 	
6	<p align="center">Elizabeth Penelope Nightingale Independent</p>	
7	<p align="center">Manmeet Singh Independent</p>	

Status: This is the original version (as it was originally made).

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 is practicable, the arrangements set out in paragraphs 3 to 16 below shall be observed in the printing of the ballot paper.
3. No word shall be printed on the face of the ballot paper except the words “Election for the European Parliament”, the name of the electoral region, the statement “You have one vote”, the names of registered political parties, the names and descriptions of individual candidates, the names of candidates on a party list, the number of each registered party or individual candidate and a number for each candidate on a party list and words forming parts of emblems.
4. The words “Election for the European Parliament”, the name of the region and the statement referred to in paragraph 3 above shall appear above the higher horizontal rule.
5. No horizontal rule shall be printed on the face except—
 - (a) the higher horizontal rule immediately below the statement mentioned in paragraph 3 above,
 - (b) a horizontal rule between the entry for each registered party or individual candidate, and
 - (c) the lower horizontal rule at the foot of the ballot paper.
6. No vertical rule shall be printed on the face except—
 - (a) the vertical rule separating the number of the registered parties or individual candidates from their names, and
 - (b) the vertical rule separating the names of the parties or individual candidates from the space where a vote may be marked.
7. The space on the ballot paper between the horizontal rule referred to in paragraph 5(a) and each horizontal rule below it shall be 3.5 centimetres.
8. Where a registered emblem of a registered political party is to be included with that party’s name—
 - (a) it shall be printed adjacent and to the right of the registered party’s name, and
 - (b) its size as printed shall not exceed two centimetres square.
9. Subject to paragraphs 10 to 15 below, all of the words on the ballot paper shall appear in the same large type.
10. The words “Election for the European Parliament” shall appear in very large type.
11. The name of the electoral region shall appear in bold capitals.
12. The word “one” in the statement referred to in paragraph 3 shall be in bold type.
13. No other capitals shall be used except initial capitals for names of parties and candidates and the first word in the statement and in the direction referred to in paragraph 3 above.
14. The names of the candidates on a party’s list of candidates shall appear in the same order as on the party’s list of candidates and they shall be numbered in that order.
15. The description of individual candidates shall appear in ordinary type.
16. The number on the back of the ballot paper shall be printed in small characters.

Status: This is the original version (as it was originally made).

Form of Back of Ballot Paper

No.

Election for theelectoral region

on20

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

Rule 29

Elector's official poll card

Front of card

EUROPEAN PARLIAMENTARY ELECTION

OFFICIAL POLL CARD

Electoral Region.....

Number on register.....

Polling day.....

Name.....

Your polling station will be

Address.....

.....

.....

.....

.....

Polling hours, 7 a.m. to 10 p.m.

Back of card

Status: This is the original version (as it was originally made).

EUROPEAN PARLIAMENTARY ELECTION

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.

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

Go to one of the compartments. Mark a cross (X) to the right of the name of the party or individual candidate you are voting for.

Hold 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.

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

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

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

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

ISSUED BY THE LOCAL RETURNING OFFICER

Rule 29

Proxy's Official Poll Card

Front of card

EUROPEAN PARLIAMENTARY ELECTION

PROXY'S OFFICIAL POLL CARD

Proxy's name

Proxy's address

.

EUROPEAN PARLIAMENTARY ELECTION

. Electoral Region

Polling day

The poll will be open from 7 am to 10 pm.

Back of card

Status: This is the original version (as it was originally made).

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

.....

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

Number on register

Name (of elector)

Address

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

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, eg if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes, to do so and if he votes before you on his behalf.

ISSUED BY THE LOCAL RETURNING OFFICER

Rule 30

Form of directions for the guidance of the voters in voting

GUIDANCE FOR VOTERS

1. When you are given a ballot paper make sure it is stamped with the official mark.
2. Go to one of the compartments. Mark a cross (X) to the right of the name of the party or individual candidate for whom you are voting.
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 one party or party or individual candidate only. Put no other mark on the ballot paper, or your votes 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 33

Status: This is the original version (as it was originally made).

Certificate of Employment

EUROPEAN PARLIAMENTARY ELECTION

ELECTION IN THE..... ELECTORAL REGION

I certify that (name)

who is numbered.....in the register of electors for the

..... [parliamentary constituency] cannot reasonably be expected to go in person to the

polling station allocated to him or her at the election on (date of poll)

by reason of the particular circumstances of his or her employment on that date for a purpose connected with the election—

*Delete whichever *(a) as a constable
is inappropriate *(b) by me.

Signature

^Returning officer/pollin officer (inspector or above)

Date.....

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

Rule 40(5)

Form of declaration to be made by the companion of a voter with disabilities

I, AB, of, having been requested to assist **CD,** (in the case of a voter with disabilities voting as proxy and voting as proxy for **MN**) whose number on the register is to record his vote at the election now being held in this electoral region, hereby declare that I am entitled to vote as an elector at the said election) (I am the (*State the relationship of the companion to the voter;* of the said voter and have attained the age of years), and that I have not previously assisted any voter with disabilities (except **EF,** of) to vote at the said election.

(Signed) **AB,**

day of 20.

I, the undersigned, being the presiding officer for the polling station for the local counting area, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence

(Signed) **GHI,**

day of 20.

minutes past o'clock (am) (pm)

NOTES—

1. 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.
2. A voter with disabilities is a voter who has made a declaration under the European Parliamentary elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.