

SCHEDULE 3

Mayoral Election (Combination of Polls) Rules

PART 6

Final proceedings in contested and uncontested elections

Declaration of result

54.—(1) The returning officer must declare the elected mayor to be the candidate who, in accordance with section 42(2) of the 2000 Act or, as the case may be, Schedule 2 to that Act, is to be returned as the elected mayor at that election.

(2) The returning officer must give public notice of—

- (a) the name of the successful candidate,
- (b) the total number of first preference votes given for each candidate,
- (c) the number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers (rule 48(5)), and
- (d) if second preference votes were counted—
 - (i) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and
 - (ii) the number of ballot papers rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) In an uncontested election, the returning officer must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the person remaining validly nominated;
- (b) give public notice of the name of the person declared to be elected.

(4) The returning officer must inform the proper officer of the local authority concerned of the result of the election.

Return or forfeiture of candidate's deposit

55.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 10 of these Rules shall be returned to the person making it or his personal representative.

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

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

- (a) a day shall be disregarded if it would be disregarded under rule 4 in computing any period of time for the purpose 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) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof of his death has been given to the returning officer before the first calculation under rule 51, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

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(5) Where a poll is taken, if, after the conclusion of the first count, the candidate is found not to have polled more than one-twentieth of the total number of first preference votes polled by all the candidates, the deposit shall be forfeited to the local authority of the electoral areas concerned.