

SCHEDULE 3

Article 8

REFERENDUM RULES

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PART 1

Time

Timetable

1. The proceedings in the referendum are to be conducted in accordance with the following Table —

<i>Proceeding</i>	<i>Time</i>	<i>Provision</i>
Publication of notice of referendum	of Not later than the twenty-fifth day before the day of the poll	Rule 3(1)
Issue of official poll card	As soon as practicable after publication of notice of referendum	Rule 15(1)
Publication of notice of poll	Not later than the sixteenth day before the day of the poll	Rule 11(1)

<i>Proceeding</i>	<i>Time</i>	<i>Provision</i>
Notice of appointment of referendum agents	of Not later than the sixteenth day before the day of the poll	Article 18(3)
Notice of appointment of polling and counting agents	of Not later than the fifth day before the date of the poll	Rule 17(6)
Notice of designation of a designated counting agent	a At the same time as notice of appointment of the counting agent	Rule 17(6) and (8)
Polling	Between the hours of 7a.m. in the morning and 10p.m. at night	Rule 4

Computation of time

2. In calculating any period of time for the purposes of these Rules, the following days are to be disregarded —

- (a) a Saturday or Sunday;
- (b) Christmas Eve or Christmas Day;
- (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(1); and
- (d) a day appointed for public thanksgiving or mourning,

nor is a counting officer obliged to proceed with the counting of votes on such a day.

PART 2

General Provisions

Notice of the referendum

3.—(1) The counting officer must give public notice of the referendum not later than the twenty-fifth day before the date of the poll at the referendum.

(2) The notice must be in English and Welsh and must state —

- (a) the date of the poll;
- (b) the question to appear on the ballot paper and the statement to precede that question on the ballot paper;
- (c) the hours of polling;
- (d) a description of who is entitled to vote; and
- (e) the date by which the following applications must reach the registration officer in order that they may be effective for the referendum —
 - (i) applications to vote by post or by proxy; and
 - (ii) other applications and notices about postal or proxy voting.

Hours of polling

4. The hours of polling are between 7a.m. and 10p.m. on the day of the poll at the referendum.

(1) 1971 c.80.

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Poll to be taken by ballot

5. The votes in the referendum are to be given by ballot.

The ballot paper

- 6.—(1) The ballot of every voter is to consist of a ballot paper.
 - (2) Each ballot paper is to be in the form D set out in Schedule 6 and is to be printed in accordance with the directions set out in that Schedule following that form.
 - (3) Each ballot paper must —
 - (a) set out the question and preceding statement as specified in article 4;
 - (b) be capable of being folded up; and
 - (c) have a number and other unique identifying mark printed on the back.

The corresponding number list

- 7.—(1) The counting officer must prepare a list (in this Order referred to as “the corresponding number list”) containing the numbers and other unique identifying marks of all ballot papers to be—
 - (a) issued by the officer in pursuance of rule 12(1), or
 - (b) provided by the officer in pursuance of rule 16(1).
- (2) The corresponding number list must be in the form E set out in Schedule 6.

The official mark

- 8.—(1) Every ballot paper must contain an appropriate security marking (in these Rules referred to as “the official mark”).
 - (2) The official mark must be kept secret.
 - (3) The counting officer may use a different official mark for different purposes.

Prohibition of disclosure of vote

9. A person who has voted in the referendum may not be required, in any legal proceedings to question the referendum, to state for which answer that person has voted.

Use of schools and public rooms for polling

- 10.—(1) The counting officer may use, free of charge, for the purpose of taking the poll —
 - (a) a room in a school to which this rule applies, or
 - (b) a room the expense of maintaining which is payable wholly or mainly out of public funds.
- (2) This rule applies to a school maintained or assisted by a local authority or a school in respect of which grants are made out of money provided by Parliament or the Welsh Ministers to the person or body of persons responsible for the management of the school.
- (3) The counting officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as referred to in paragraph (1) by reason of its being used for the purpose of taking the poll.

PART 3

Action to be taken before the poll

Notice of poll

11.—(1) The counting officer must give public notice of the poll not later than the sixteenth day before the date of the poll at the referendum.

(2) The notice must be in English and Welsh and must state —

- (a) the date of the poll at the referendum;
- (b) the hours of polling;
- (c) the question to appear on the ballot paper and the statement to precede that question on the ballot paper;
- (d) the situation of each polling station in the counting officer's area;
- (e) a description of voters entitled to vote at each polling station; and
- (f) the date by which the following applications must reach the registration officer in order that they may be effective for the referendum —
 - (i) applications to vote by post or by proxy; and
 - (ii) other applications and notices about postal or proxy voting.

(3) As soon as practicable after giving the notice under paragraph (2), the counting officer must give a copy of it to each of the referendum agents appointed for the officer's area.

Postal ballot papers

12.—(1) The counting officer must in accordance with Schedule 2 issue to those entitled to vote by post —

- (a) a ballot paper; and
- (b) a postal voting statement,

together with the envelopes for their return (in accordance with paragraph 8 of Schedule 2).

(2) The counting officer must also issue to those entitled to vote by post information about how to obtain —

- (a) translations into languages other than English and Welsh of any directions to or guidance for voters sent with the ballot papers;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representation of such directions or guidance; and
- (d) the directions or guidance in any other form (including any audible form).

(3) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

Provision of polling stations

13.—(1) The counting officer must —

- (a) provide a sufficient number of polling stations;
- (b) allot the electors to the polling stations, in accordance with this rule, in such a manner as the counting officer thinks most convenient.

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- (2) One or more polling stations may be provided in the same room.
- (3) The polling station allotted to electors from any polling district must be the polling place for that district⁽²⁾.
- (4) The counting officer must provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and clerks

- 14.**—(1) The counting officer must appoint and pay —
- (a) a presiding officer to attend each polling station, and
 - (b) such clerks as may be necessary for the purposes of the referendum.
- (2) An appointment under paragraph (1) must be in writing.
- (3) The counting officer may not appoint any person under paragraph (1) who has been employed by or on behalf of a permitted participant in or about the referendum.
- (4) The counting officer may, if the counting officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a counting officer who so presides with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.
- (5) A presiding officer may authorise a clerk appointed in accordance with this rule to do any act (including the asking of questions) which the presiding officer is required or authorised by these Rules to do at a polling station, except ordering the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

- 15.**—(1) The counting officer must as soon as practicable after the publication of notice of the referendum, send to voters an official poll card in accordance with this rule.
- (2) Subject to paragraph (4), in the case of —
- (a) an elector, the official poll card must be sent or delivered to that person’s qualifying address; and
 - (b) a proxy, the official poll card must be sent or delivered to the proxy’s address as shown in the list of proxies.
- (3) The official poll card must set out —
- (a) except in the case of an elector who has an anonymous entry in the register, the elector’s name, qualifying address and number on the register;
 - (b) the date and hours of the poll and the situation of the voter’s polling station; and
 - (c) such other information as the counting officer considers appropriate and different information may be provided in pursuance of this sub-paragraph to different voters or descriptions of voters.
- (4) In the case of an elector with an anonymous entry in the register—
- (a) where the elector has given another address in the application under regulation 31G of the 2001 Regulations, the official poll card must be sent or delivered to that other address; and
 - (b) instead of containing the matter mentioned in paragraph (3)(a), the official poll card must contain such matter as is specified in the appropriate form referred to in paragraphs (5), (6), (7) or (8).

(2) See article 6 for further provisions about polling districts and polling stations.

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- (5) The official poll card issued to an elector must be in the form F set out in Schedule 6.
- (6) The official poll card issued to a proxy must be in the form G set out in Schedule 6.
- (7) The official postal poll card issued to an elector must be in the form H set out in Schedule 6.
- (8) The official postal poll card issued to a proxy must be in the form I set out in Schedule 6.
- (9) In this rule any reference to an elector means a person who is registered in the register on the last day for publication of the notice of the referendum.
- (10) In paragraph (9) the reference to a person who is so registered includes a person then shown in that register as below voting age if (but only if) it appears from the register that that person will be of voting age on the day fixed for the poll.

Equipment of polling stations

16.—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as the counting officer considers necessary.

(2) Each ballot box must be constructed so that the ballot papers can be put in, but cannot be withdrawn from it without the seal being broken.

(3) The counting officer must provide each polling station with —

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register or such part of it as contains the entries relating to the electors allotted to the polling station;
- (c) the parts of any lists of persons entitled to vote by post or by proxy prepared for the referendum corresponding to the register or the part of it provided under sub-paragraph (b);
- (d) a list (which must be in the form J set out in Schedule 6) consisting of that part of the corresponding number list which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station; and
- (e) copies of forms of declarations and other documents required for the purposes of the poll.

(4) The reference in paragraph (3)(b) to the copies of the register includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act in respect of alterations to the register.

(5) The counting officer must also provide each polling station with —

- (a) at least one enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially-sighted, which must be displayed inside the polling station; and
- (b) a device of the description set out in paragraphs (6) and (7) for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion⁽³⁾.

(6) The device referred to in paragraph (5)(b) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(7) On one side of the device there must be tabs of equal size which satisfy the conditions in paragraphs (8) to (11).

(8) The tabs must be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of the answers on the ballot paper and on which the vote is to be marked (“the relevant space”).

(3) See rule 27 as to the meaning of “companion”.

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(9) Each tab must be numbered so that when the device is positioned over the ballot paper, the number of each tab corresponds to that of the answer, the details of which are to the left of the relevant space covered by the tab in question.

(10) Each number on a tab must be in raised form so that it can be clearly identified by touch.

(11) Each tab must be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

(12) The counting officer must cause to be displayed at every polling station an enlarged sample copy of the ballot paper.

(13) The sample copy mentioned in —

(a) paragraphs (5)(a) and (12) must be clearly marked as a specimen provided only for the guidance of voters in voting;

(b) paragraph (12) must have printed the words “Vote (X) in one box only” and “Pleidleisiwch (X) mewn un blwch yn unig” both at the top and immediately below the referendum question on the front of the ballot paper;

(c) paragraph (12) may, below the second occurrence of those words, include a translation of those words into such other languages as the counting officer thinks appropriate.

(14) A notice in the form K set out in Schedule 6, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(15) In every compartment of every polling station there must be exhibited the following notice (adapted so far as circumstances require)—

“REFERENDUM

Vote (X) in one box only.

Put no other mark on the ballot paper or your vote may not be counted.

REFFERENDWM

Pleidleisiwch (X) mewn un blwch yn unig.

Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”

Appointment of polling and counting agents

17.—(1) A referendum agent may, before the commencement of the poll, appoint—

(a) polling agents to attend at polling stations for the purpose of detecting personation;

(b) counting agents to attend at the counting of the votes.

(2) A referendum agent may, for each count, designate one counting agent appointed under paragraph (1) as a person authorised to require a re-count under rule 37; and a designation under this paragraph must be made at the same time as the person’s appointment as a counting agent.

(3) In paragraph (2), “count” includes a re-count and “re-count” includes a further re-count.

(4) The counting officer may limit the number of counting agents that may be appointed, so long as—

(a) the number that may be appointed by each referendum agent is the same, and

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- (b) the number that may be appointed by each referendum agent is not (except in special circumstances) less than the number obtained by dividing the number of clerks employed on the counting by the number of referendum agents.
- (5) For the purposes of paragraph (4)(b), a counting agent appointed by more than one referendum agent is to be treated as a separate agent for each of them.
- (6) A referendum agent who appoints a polling or counting agent must give the counting officer notice of the appointment by no later than the fifth day before the day of the poll.
- (7) If a polling or counting agent dies, or becomes incapable of acting, the referendum agent may appoint another agent and must give the counting officer notice of the new appointment as soon as practicable.
- (8) If a referendum agent designates a counting agent under paragraph (2) the notice under paragraph (6) or (7) must include notice of that fact.
- (9) A notice under paragraph (6) or (7)—
 - (a) must be in writing, and
 - (b) must give the name and address of the appointee.
- (10) In the following provisions of these rules, references to polling agents and counting agents are to be read as references to polling or counting agents appointed under paragraph (1) or (7)—
 - (a) whose appointments have been duly made and notified, and
 - (b) where the number of agents is restricted, who are within the permitted numbers.
- (11) Any notice required to be given to a counting agent by the counting officer may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (12) A referendum agent may do or assist in doing anything that a polling or counting agent appointed by him or her 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 a referendum agent instead of his or her polling or counting agents.
- (13) Where by these rules anything is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not invalidate the thing (if the thing is otherwise duly done).

Notification of requirement of secrecy

- 18.**—(1) The counting officer must make such arrangements as the counting officer thinks fit to ensure that —
- (a) every person attending a polling station has been given a copy in writing of the provisions of paragraph 6(1), (3) and (6) of Schedule 4; and
 - (b) every person attending the counting of the votes has been given a copy in writing of the provisions of paragraph 6(2) and (6) of that Schedule.
- (2) Paragraph (1) does not require the provision of that information to —
- (a) a person attending the polling station for the purpose of voting;
 - (b) a person under the age of 18 accompanying a voter;
 - (c) a companion of a voter with disabilities;
 - (d) a constable on duty at a polling station or at the count.

Return of postal ballot papers

- 19.**—(1) Where —

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- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list; or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the counting officer must mark the appropriate list accordingly.

(2) Rule 34(5) does not apply for the purposes of determining whether for the purposes of this rule, a postal vote or a proxy postal vote is returned.

PART 4

The poll

Admission to polling station

20.—(1) The presiding officer must exclude all persons from the polling station except —

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) companions of voters with disabilities;
- (d) referendum agents;
- (e) polling agents appointed to attend at the polling station;
- (f) clerks appointed to attend the polling station;
- (g) the Chief Counting Officer, a Deputy Chief Counting Officer and members of the Chief Counting Officer’s staff;
- (h) a counting officer and members of the counting officer’s staff;
- (i) persons who are entitled to attend by virtue of sections 6A to 6D of the 2000 Act; and
- (j) constables on duty.

(2) The presiding officer must regulate the total number of persons to which this paragraph applies who may be admitted to the polling station at the same time.

(3) Paragraph (2) applies to voters and persons under the age of 18 who accompany them.

(4) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same referendum agent.

(5) A constable or person employed by a counting officer may be admitted to vote in person elsewhere than at the polling station allotted under these Rules(4), only on production and surrender of a certificate (in these rules referred to as “ certificate as to employment on duty on the day of the poll”) which satisfies the requirements set out in paragraph (6).

(6) A certificate must —

- (a) be signed by —
 - (i) an officer of police of the rank of inspector or above; or
 - (ii) the counting officer; and
- (b) be in the form L set out in Schedule 6.

(7) A certificate surrendered under paragraph (5) must be immediately cancelled.

(4) See rule 13.

Keeping of order in polling station

21.—(1) The presiding officer must keep order at the polling station.

(2) If a person —

- (a) obstructs the operation of the polling station;
- (b) obstructs any voter in polling; or
- (c) does anything else which the presiding officer considers may adversely affect proceedings at the polling station,

the presiding officer may order the person to be removed immediately from the polling station.

(3) A person may be so removed —

- (a) by a constable in or near that station; or
- (b) by any other person authorised in writing by the counting officer to discharge this function.

(4) A person removed under paragraph (2) may not enter the polling station again during that day without the presiding officer’s permission.

(5) The power to remove a person from the polling station may not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having the opportunity to vote at that station.

Sealing of ballot boxes

22.—(1) Immediately before the commencement of the poll, the presiding officer must show each ballot box proposed to be used for the purposes of the poll to such persons (if any) who are present in the polling station so that they may see that each box is empty.

(2) The presiding officer must then —

- (a) place the presiding officer’s seal on each box in such a manner as to prevent it being opened without breaking the seal,
- (b) place each box in the presiding officer’s view for receipt of ballot papers, and
- (c) keep each box sealed.

Questions to be put to voters

23.—(1) At the time a person described in an entry in column 1 of the Table in paragraph (3) (“the Table”) applies for a ballot paper (but not afterwards), the presiding officer —

- (a) may put the questions specified in the second or, as the case may be, third column of that Table to the person if the presiding officer considers it appropriate to do so, and
- (b) must put the questions mentioned in that Table, where the letter “R” appears after the question, to the person if required to do so by a referendum agent or a polling agent.

(2) The question may, as appropriate, be asked in English (as set out in column (2) of the Table) or Welsh (as set out in column (3) of the Table).

(3) The questions referred to in paragraph (1) are —

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Type of person applying for ballot paper	Question to be asked in English	Question to be asked in Welsh
1. A person applying as an elector	(a) “Are you the person registered in the register of local government electors as	(a) “Ai chi yw’r person sydd wedi ei gofrestru ar y gofrestr o etholwyr

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Column (1)	Column (2)	Column (3)
Type of person applying for ballot paper	Question to be asked in English	Question to be asked in Welsh
	follows <i>[read out the whole entry from the register]?</i> " [R]	llywodraeth leol fel a ganlyn <i>[darllen allan y cofnod cyfan o'r gofrestr]?</i> " [R]
	(b) "Have you already voted, here or elsewhere, in this referendum, otherwise than as a proxy for some other person?" [R]	(b) "A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, ar wahân i fel dirprwy dros berson arall?" [R]
2. A person applying as proxy	(a) "Are you the person whose name appears as A B in the list of proxies for this referendum as entitled to vote as proxy on behalf of C D?" [R]	(a) "Ai chi yw'r person y mae eich enw yn ymddangos fel A B ar y rhestr o ddirprwyon ar gyfer y refferendwm hwn fel rhywun sydd â hawl i fwrw pleidlais ddirprwy ar ran C D?" [R]
	(b) "Have you already voted, here or elsewhere, in this referendum, as proxy on behalf of C D?" [R]	(b) "A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, fel dirprwy ar ran C D?" [R]
	(c) "Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C D?" [R]	(c) "Ai chi yw priod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer, plentyn, wŷr neu wyres C D?" [R]
3. A person applying as proxy for an elector with an anonymous entry in the register (instead of the questions in entry 2)	(a) "Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of local government electors is <i>[read out the number from the register]?</i> " [R]	(a) "Ai chi yw'r person sydd â hawl i bleidleisio fel dirprwy ar ran yr etholwr(aig) sydd â'r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol <i>[darllen allan y rhif o'r gofrestr]?</i> " [R]
	(b) "Have you already voted, here or elsewhere, in this referendum, as proxy on behalf of the elector whose number on the register of local government electors is <i>[read out the number from the register]?</i> " [R]	(b) "A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, fel dirprwy ar ran yr etholwr(aig) sydd â'r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol ar ei gyfer <i>[darllen allan y rhif o'r gofrestr]?</i> "
	(c) "Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector whose number on the register of local government	(c) "Ai chi yw priod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer, plentyn, wŷr neu wyres y

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<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Type of person applying for ballot paper	Question to be asked in English	Question to be asked in Welsh
	electors is [read out the number from the register]?” [R]	person sydd â’r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol [darllen allan y rhif o’r gofrestr]?”[R]
4. A person applying as proxy if the question at entry 2(c) or 3(c) (if applicable) is not answered in the affirmative	“Have you already voted in this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?” [R]	“A ydych yn y refferendwm hwn eisoes wedi pleidleisio ar ran dau berson a chithau heb fod yn briod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer, plentyn, ŵyr neu wyres iddynt?” [R]
5. A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) “Did you apply to vote by post?”	(a) “A wnaethoch gais i bleidleisio drwy’r post?”
	(b) “Why have you not voted by post?”	(b) “Pam na wnaethoch bleidleisio drwy’r post?”
6. A person applying as proxy who is named in the proxy postal voters list	(a) “Did you apply to vote by post as proxy?”	(a) “A wnaethoch gais i bleidleisio drwy’r post fel dirprwy?”
	(b) “Why have you not voted by post as proxy?”	(b) “Pam na wnaethoch bleidleisio drwy’r post fel dirprwy?”

(4) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in the questions at entries 1(a) and 3(a), (b) and (c) in the Table, to reading from the register are to be read as references to reading from the notice issued under section 13B(3B) or (3D) as the case may be.

(5) A ballot paper must not be delivered to any person required to answer any of the questions under this rule unless that person has answered each question satisfactorily.

(6) Except as authorised by this rule, no enquiry is permitted as to the right of any person to vote.

Challenge of voter

24. A person is not to be prevented from voting by reason only that —

- (a) a referendum agent or polling agent —
 - (i) has reasonable cause to believe that the person has committed an offence of personation⁽⁵⁾, and
 - (ii) that agent makes a declaration to that effect, or
- (b) the person is arrested on the grounds of being suspected of committing or of being about to commit such an offence.

(5) See paragraph 2 of Schedule 4 for the offence of personation.

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Voting procedure

25.—(1) Subject to any provision of these rules to the contrary, a ballot paper must be delivered to a voter who applies for one, and immediately before delivery —

- (a) the number and (unless paragraph (2) applies) the name of the elector as stated in the copy of the register must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 16(3)(d) beside the number of the ballot paper to be issued to the voter;
- (c) a mark must be placed in that copy of the register against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against that person's name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, the elector's or, as the case may be, the proxy voter's official poll card must be shown to the presiding officer and only the elector's number is to be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act—

- (a) the reference in paragraph (1)(a) to the copy of the register is to be read as a reference to the copy of the notice, and
 - (b) the reference in paragraph (1)(c) to a mark being placed in the copy of the register is to be read as a reference to a mark being made on a copy of the notice.
- (4) On receiving the ballot paper, the voter must without delay —
- (a) proceed into a compartment in the polling station and there secretly mark the voter's ballot paper and fold it up so as to conceal the vote, and
 - (b) then show to the presiding officer the back of the paper so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presence of the presiding officer.

(5) The voter must leave the polling station as soon as the voter has put the ballot paper into the ballot box.

Votes marked by presiding officer

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

- (a) who is incapacitated by blindness or other disability from voting in a manner directed by these Rules; or
- (b) who declares orally an inability to read,

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

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

(3) For the purposes of paragraph (2), in the case of a person voting as proxy for an elector, the number to be entered, together with the voter's name, is the elector's number.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (2) to the voter's number on the register is to be read as a reference to the number relating to the voter on the notice.

Voting by persons with disabilities

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

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the voter is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether the voter is so incapacitated by blindness or other disability, or by an 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 companion’s declaration”) that the companion—
 - (i) is a qualified person within the meaning of these Rules; and
 - (ii) has not previously assisted more than one voter with disabilities to vote in the referendum,

the presiding officer must grant the application.

(3) Where an application is granted under paragraph (2), anything which is by these Rules required to be done to or by that voter in connection with the giving of the voter’s vote may be done to, or with the assistance of, the companion.

(4) The name and number in the register of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the assisted voters list”) and, in the case of a person voting as proxy for an elector, the number to be entered is the elector’s number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (4) to the voter’s number on the register is to be read as a reference to the number relating to the voter on the notice .

(6) The declaration made by the companion —

- (a) must be in the form M set out in Schedule 6;
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion; and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

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

(8) For the purpose of this rule —

- (a) a person is a voter with disabilities if that person has made such a declaration as is mentioned in paragraph (1); and
- (b) a person is qualified to assist a voter with disabilities to vote, if that person is either —
 - (i) a person who is entitled to vote as an elector in the referendum; or
 - (ii) the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the voter with disabilities and has attained the age of 18 years.

Tendered ballot papers

28.—(1) Paragraph (6) applies if any of the situations A to D in this rule exist.

(2) Situation A exists if a person, claiming to be —

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- (a) a particular elector named on the register and not named in the postal 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 that elector or as that elector's proxy.

(3) Situation B exists if —

- (a) a person applies for a ballot paper claiming to be a particular elector named on the register;
- (b) that person is also named in the postal voters list; and
- (c) that person claims —
 - (i) no application to vote by post at the referendum was made by that person; and
 - (ii) the person is not an existing postal voter within the meaning of paragraph 2(2) of Schedule 1.

(4) Situation C exists if —

- (a) a person applies for a ballot paper claiming to be a particular person named as a proxy in the list of proxies;
- (b) that person is also named in the proxy postal voters list; and
- (c) that person claims that —
 - (i) no application to vote by post as proxy was made by that person; and
 - (ii) the person is not an existing proxy to whom paragraph 6(4) of Schedule 1 applies.

(5) Situation D exists if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper —

- (a) a person claims to be —
 - (i) a particular elector named on the register who is also named in the postal voters list; or
 - (ii) a particular person named as proxy in the list of proxies who is also named in the proxy postal voters list; and
- (b) that person claims that the person has lost or not received the postal ballot paper.

(6) Where this paragraph applies, the person is entitled in accordance with this rule, on satisfactorily answering the questions permitted by rule 23 to be asked at the poll, to mark a ballot paper (a “tendered ballot paper”) in the same manner as any other voter.

(7) A tendered ballot paper must —

- (a) be of a colour different from the other ballot papers; and
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the presiding officer with the name of the voter and the voter's number in the register; and
- (c) be set aside in a separate packet.

(8) The name and number on the register of every voter whose vote is marked under this rule must be entered on a list (in these Rules referred to as “the tendered votes list”).

(9) In the case of a person voting as proxy for an elector the number to be endorsed or entered on the tendered votes list together with the voter's name is to be the number of that elector.

(10) In the case of an elector who has an anonymous entry in the register —

- (a) in paragraphs (7)(b) and (8), the references to the voter's name are to be ignored, and
- (b) otherwise in this rule, a reference to a person named in the register or list is to be construed as a reference to a person whose number appears in the register or list (as the case may be).

(11) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act —

- (a) references in this rule to a person named on the register are to be read as references to a person in respect of whom such a notice has been issued; and
- (b) the references in paragraphs (7)(b) and (8) to the voter's number on the register are to be read as references to the number relating to the voter on the notice.

Spoilt ballot papers

29.—(1) A voter who has inadvertently dealt with a ballot paper in such a manner that it cannot be conveniently used as a ballot paper may —

- (a) by returning it to the presiding officer; and
- (b) proving to the presiding officer's satisfaction the fact of inadvertence,

obtain another ballot paper (in these Rules referred to as “the replacement ballot paper”) in place of the ballot paper so returned (in these Rules referred to as “the spoilt ballot paper”).

- (2) The spoilt ballot paper must be immediately cancelled.

Correction of errors on the day of the poll

30. The presiding officer must keep a list (in these Rules referred to as “the polling day alterations list”) of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll at the referendum.

Adjournment of poll in case of riot

31.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings to the following day and must forthwith inform the counting officer.

- (2) Where the poll is adjourned at any polling station —
 - (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
 - (b) references in these Rules to the close of the poll are to be construed accordingly.

Procedure on close of poll

32.—(1) As soon as practicable after the close of the poll, the presiding officer must in the presence of any polling agents, make up into separate packets, sealed with the presiding officer's own seal and the seals (if any) 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;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and the list of proxies;
- (e) the corresponding number list, including the parts that were completed in accordance with rule 25(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);

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- (f) the certificates as to employment on duty on the day of the poll;
 - (g) the tendered votes list, the assisted voters list, 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 “disability” and “unable to read”, the polling day alterations list and the companion’s declarations.
- (2) The marked copies of the register (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.
- (3) As soon as practicable after making up and sealing the packets referred to in paragraph (1), the presiding officer must —
- (a) personally deliver those packets; or
 - (b) cause them to be delivered in accordance with arrangements approved by the counting officer,
- to the counting officer to be taken charge of by the counting officer.
- (4) The packets must be accompanied by a separate statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to the presiding officer and accounting for them under the following heads —
- (a) ballot papers issued and not otherwise accounted for;
 - (b) unused ballot papers;
 - (c) spoilt ballot papers; and
 - (d) tendered ballot papers.

PART 5

The count

Time of, and attendance at, the count

- 33.—**(1) The counting officer must —
- (a) make arrangements for counting the votes in the presence of any counting agents as soon as practicable after the close of the poll; and
 - (b) give to the counting agents notice in writing —
 - (i) of the time and place at which the proceedings described in rule 34(1) will begin;
 - (ii) in the case where the power conferred by rule 34(2) is exercised, of the time and place at which the counting officer will count the votes following completion of proceedings under rule 34(1); and
 - (iii) in the case of a direction under paragraph (2), of the time and place at which the counting officer will count the votes following completion of proceedings under rule 34(1).
- (2) The Chief Counting Officer may, in writing, direct each counting officer that the counting of votes (as provided for in rule 34(4)) must not begin before such time between the hours of 9 a.m. and noon on the day following the close of the poll as is specified in the direction.
- (3) A direction under paragraph (2) must be given to each counting officer not later than the twenty-eighth day before the day of the poll.

(4) Where a direction is given under paragraph (2), then during the period beginning with the completion of the proceedings under rule 34(1) and ending with the time specified in the direction, the counting officer must —

- (a) place the ballot papers and other documents relating to the counting officer's area under the counting officer's own seal and the seals (if any) of such of the counting agents as desire to affix their seals, and
- (b) otherwise take reasonable precautions for the security of the papers and documents.

(5) No person other than —

- (a) the counting officer and the counting officer's staff;
- (b) the Chief Counting Officer, a Deputy Chief Counting Officer and the Chief Counting Officer's staff;
- (c) the referendum agents;
- (d) the counting agents; and
- (e) persons who are entitled to attend by virtue of sections 6A to 6D of the 2000 Act,

may be present at the proceedings under rule 34(1) or at the counting of the votes unless permitted by the counting officer.

(6) A person not entitled to attend at the proceedings under rule 34(1) or at the counting of the votes may be permitted to do so by the counting officer if the counting officer —

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

(7) The counting officer must give the counting agents such reasonable facilities for overseeing the proceedings under rule 34(1) and the counting of the votes, and such information with respect to them, as the counting officer can give them consistent with the orderly conduct of those matters and the discharge of the counting officer's duties in connection with them.

(8) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

34.—(1) The counting officer must —

- (a) in the presence of the counting agents (if any) open each ballot box and count and record the number of ballot papers in each box,
- (b) in the presence of the referendum agents (if any) verify each ballot paper account, and
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted.

(2) The counting officer may decide that the proceedings described in paragraph (1) may be undertaken at a different place (or at different places) than the place at which the votes given on ballot papers are counted.

(3) If the power in paragraph (2) is exercised then, during the period beginning with the completion of the proceedings under paragraph (1) and ending with the commencement of proceedings described in paragraph (4), the counting officer must —

- (a) place the ballot papers and other documents relating to the referendum under the counting officer's own seal and the seals (if any) of such counting agents as desire to affix their seals, and
- (b) otherwise take reasonable precautions for the security of the papers and documents.

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(4) Subject to paragraphs (2) and (3) and any direction under rule 33(2) following completion of the proceedings described in paragraph (1), the counting officer must count the votes given on the ballot papers after —

- (a) in the case of duly returned postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of the ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(5) A postal ballot paper is not to be taken to be duly returned unless —

- (a) before the close of the poll the postal ballot paper and the postal voting statement are—
 - (i) returned by hand or post and reach the counting officer; or
 - (ii) returned by hand and reach a polling station in the same voting area as that for which the counting officer is appointed; and
- (b) the postal voting statement has been duly signed and also states the date of birth of the elector or, as the case may be, the proxy; and
- (c) in a case where the counting officer, in accordance with paragraph 20 or, as the case may be, 21 of Schedule 2, takes steps to verify the date of birth or signature (or both) of the elector or, as the case may be, the proxy, the counting officer so verifies that date of birth or signature.

(6) The presiding officer of a polling station must deliver or cause to be delivered any postal ballot paper or postal voting statement returned to that polling station to the counting officer in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, the packets referred to in rule 32.

(7) The counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of paragraph (6) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to the counting officer.

(8) Where the counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with paragraph (7) the presiding officer must first make it (or them) up into a packet (or packets) sealed with the presiding officer's own seal and the seals (if any) of such counting agents as desire to affix their seals.

(9) The counting officer must not count any tendered ballot paper.

(10) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all reasonable precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(11) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the counting officer, and the unused and spoiled ballot papers in the counting officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting agent present at the verification may copy; but where the power conferred by paragraph (2) is exercised in respect of more than one place a statement must be drawn up in respect of each such place.

(12) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the counting officer may, with the agreement of the counting agents, exclude the whole or any part of the period between 7 p.m. and 9 a.m. on the next day.

(13) For the purposes of paragraph (12), the agreement of a referendum agent is as effective as the agreement of that referendum agent's counting agents.

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- (14) During the time so excluded the counting officer must —
- (a) place the ballot papers and other documents relating to the referendum under the counting officer’s own seal and the seals (if any) of such counting agents as desire to affix their seals; and
 - (b) otherwise take reasonable precautions for the security of the papers and documents.

(15) As soon as practicable after completion of the statement (or as the case may be each statement) under paragraph (11), the counting officer must inform the Chief Counting Officer of its contents.

Rejected ballot papers

- 35.**—(1) Any ballot paper —
- (a) which does not bear the official mark; or
 - (b) on which a vote is given for both answers to the question asked in the referendum; or
 - (c) on which anything is written or marked by which the voter can be identified (except the printed number and other unique identifying mark on the back); or
 - (d) which is unmarked or void for uncertainty,

is, subject to the provisions of paragraph (2), void and not to be 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,

is not for such a reason to be deemed void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that the voter can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if an objection is made by a counting agent to the counting officer’s decision.

(4) The counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of —

- (a) want of official mark;
- (b) voting for both answers;
- (c) writing or mark by which the voter could be identified; and
- (d) unmarked or void for uncertainty.

(5) As soon as practicable after completion of the statement under paragraph (4), the counting officer must inform the Chief Counting Officer of its contents.

Decisions on ballot papers

36. The decision of the counting officer on any question arising in respect of a ballot paper is, subject to review in accordance with paragraph 12 of Schedule 6 to the 2006 Act, final.

Counting officer’s re-count

37.—(1) A person within paragraph (2) who is present at the completion of the counting (including any re-count) of the votes in a voting area may require the counting officer to have the

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votes re-counted (including again re-counted), but the counting officer may refuse to do so if in the counting officer's opinion the request is unreasonable.

(2) The persons within this paragraph are —

- (a) referendum agents; and
- (b) designated counting agents.

(3) No step is to be taken on the completion of the counting (including any re-count) of votes until the persons within paragraph (2) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(4) A counting officer must not conduct a re-count under this rule once a direction has been given by the Chief Counting Officer under rule 39(1).

Chief Counting Officer's re-count

38.—(1) As soon as practicable after the conclusion of the count (which includes any re-count under rule 37 or any re-count directed under this rule), the counting officer must draw up a statement showing —

- (a) the total number of ballot papers counted by the counting officer; and
- (b) the number of votes cast in favour of each answer to the question asked in the referendum.

(2) As soon as practicable after completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

(3) Once the Chief Counting Officer has received the report of a counting officer on the contents of the statements prepared by that counting officer under —

- (a) paragraph (1);
- (b) rule 34(11); and
- (c) rule 35(4),

the Chief Counting Officer may direct that counting officer to re-count (or again re-count) the votes.

(4) The Chief Counting Officer may only give a direction under paragraph (3) if the Chief Counting Officer thinks that there is reason to doubt the accuracy of the counting of the votes in the counting officer's area.

(5) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding immediately, must notify the counting agents entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

PART 6

Final proceedings

Counting officer's certification and declaration

39.—(1) When the Chief Counting Officer has determined that it is appropriate to do so, the Chief Counting Officer must direct a counting officer to —

- (a) make the certification for the referendum under section 128(5) of the 2000 Act in the form N set out in Schedule 6; and
- (b) provide final versions of the counting officer's statements of —
 - (i) the verification of ballot paper accounts under rule 34(11); and

- (ii) rejected ballot papers under rule 35(4).
- (2) The counting officer, having made such certification, must —
 - (a) forthwith give the Chief Counting Officer notice of the matters so certified, and
 - (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown on the final statement of rejected ballot papers.
- (3) When authorised by the Chief Counting Officer to do so, the counting officer must —
 - (a) make a public declaration of the matters so certified, and
 - (b) give public notice in writing of the matters so certified together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.
- (4) A counting officer may not make the certification under section 128(5) of the 2000 Act until directed to do so under paragraph (1)(a).

Chief Counting Officer's certification and declaration of result of referendum

- 40.**—(1) The Chief Counting Officer, having made the certification for the referendum under section 128(6) of the 2000 Act in the form O set out in Schedule 6, must —
- (a) forthwith make a public declaration of the matters so certified, and
 - (b) as soon as practicable give public notice in writing of the matters so certified together with the number of rejected ballot papers under each head shown in the final statements of rejected ballot papers.
- (2) At the same time as the Chief Counting Officer gives the public notice required under paragraph (1)(b), the Chief Counting Officer is to send a copy of that notice to —
- (a) the Welsh Ministers, and
 - (b) the Secretary of State.

PART 7

Disposal of documents

Sealing up of ballot papers

- 41.**—(1) As soon as reasonably practicable after the Chief Counting Officer has directed a counting officer under rule 39(1), the counting officer must seal up in separate packets —
- (a) the counted ballot papers; and
 - (b) the rejected ballot papers.
- (2) The counting officer must not open the sealed packets of —
- (a) tendered ballot papers;
 - (b) the completed corresponding numbers lists;
 - (c) the certificates as to employment on duty on the day of the poll; or
 - (d) marked copies of the register (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and list of proxies.

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Delivery of documents to relevant registration officer

42.—(1) After sealing the papers in accordance with rule 41, the counting officer must send the documents mentioned in paragraph (2) to the relevant registration officer endorsing on each packet —

- (a) a description of its contents;
- (b) the date of the referendum; and
- (c) the name of the voting area to which the packets relate.

(2) The documents are —

- (a) the packets of ballot papers in the counting officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of ballot paper accounts;
- (c) the tendered votes lists, the assisted voters lists, the lists of votes marked by the presiding officer and the related statements, the polling day alterations lists and the companion declarations;
- (d) the packets of completed corresponding number lists;
- (e) the packets of the certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of lists of proxies and of the proxy postal voters list.

(3) In this rule, references to the relevant registration officer are to the registration officer of the council of the county or, as the case may be, county borough in which the votes counted by the counting officer have been cast.

Orders for production of documents

43.—(1) An order —

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer;
- (b) for the opening of a sealed packet of the completed corresponding number lists or of the certificates as to employment on duty on the day of the poll; or
- (c) for the inspection of any counted ballot papers in the custody of the relevant registration officer,

may be made by the High Court or a county court 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 proceedings brought as mentioned in paragraph 12 of Schedule 6 to the 2006 Act.

(2) An order under this rule may be made subject to such conditions as to —

- (a) persons;
- (b) time;
- (c) place and mode of inspection; or
- (d) production or opening,

as the court making the order may think expedient.

(3) In making and carrying into effect an order for the opening of a sealed packet referred to in paragraph (1)(b) or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular voter has been given is not disclosed until it has been proved —

- (a) that the person's vote was given; and
 - (b) 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 relevant registration officer of any document in that officer's possession relating to the referendum —
- (a) the production by the relevant registration officer or by the agent of that officer of the document ordered in such a manner as may be directed by that order is conclusive evidence that the document relates to the referendum; and
 - (b) any endorsement on any packet of ballot papers so produced is 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) a ballot paper purporting to have been used in the referendum; and
 - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register (or on a notice issued under section 13B(3B) or (3D) of the 1983 Act) at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b).

(8) Except in accordance with this rule, no person may inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of the certificates as to employment on duty on the date of the referendum.

Retention and public inspection of documents

44.—(1) The relevant registration officer must retain for one year all documents relating to the referendum forwarded to that officer by virtue of rule 42 and then, unless directed by order of the High Court, the Crown Court or a magistrates' court, must cause them to be destroyed.

(2) Except in the case of the documents to which paragraph (3) applies, while documents are retained under paragraph (1) they must be open to public inspection.

(3) The documents to which this paragraph applies are —

- (a) ballot papers;
- (b) the completed corresponding number lists; and
- (c) certificates as to employment on duty on the day of the poll.

(4) The relevant registration officer must, on request, supply to any person copies of or extracts from any description of the documents open to public inspection under Part 7 of the 2001 Regulations as modified in relation to the referendum by Schedule 5 ("the modified Part 7 Regulations").

(5) A right to inspect or to be supplied with a document or part of a document under this rule is subject to —

- (a) any condition imposed by the modified Part 7 Regulations; and
- (b) the payment of any fee required by the modified Part 7 Regulations.