

SCHEDULES

SCHEDULE 1

Rules for conduct of an election of councillors for a community
where poll is not taken together with poll at another election

PART 2

The Poll at Contested Elections

The Poll

Admission to polling station

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

- (a) voters allotted to the polling station,
- (b) persons under the age of 16 who accompany voters to the polling station,
- (c) the candidates and their election agents (if appointed),
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) the returning officer or members of the returning officer's staff,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000⁽¹⁾ (representatives of the Electoral Commission and accredited observers),
- (h) the constables on duty, and
- (i) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 16 who accompany them who are admitted to the polling station at the same time.

(3) Only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable voting in person may do so either—

- (a) at the polling station allotted under these rules, or
- (b) at another polling station, if the constable produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by an officer of police of or above the rank of inspector.

(5) A person employed by the returning officer, if voting in person, may do so either—

- (a) at the polling station allotted under these rules, or
- (b) at another polling station, if the person produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by the returning officer.

⁽¹⁾ Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006.

(6) A certificate surrendered under paragraph (4) or (5) must immediately be cancelled.

(7) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

Commencement Information

11 Sch. 1 rule 37 in force at 17.12.2021, see [rule 1](#)

Keeping of order in station

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

(2) If a person engages in misconduct in a polling station, or fails to obey any orders lawfully given by the presiding officer, the presiding officer may order that the person be removed from the polling station.

(3) Where the presiding officer orders that a person be removed, the person may be removed immediately—

- (a) by a constable in or near the polling station, or
- (b) by any other person authorised in writing by the returning officer to remove people from the polling station.

(4) Where a person is removed, the person must not, without the presiding officer’s permission, re-enter the polling station on the day of the poll.

(5) Where a person who is removed is charged with the commission of an offence in the polling station, the person may be dealt with as a person taken into custody by a constable for an offence without a warrant.

(6) The powers conferred by this rule must 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.

Commencement Information

12 Sch. 1 rule 38 in force at 17.12.2021, see [rule 1](#)

Sealing of ballot boxes

39.—(1) The presiding officer must take the following steps immediately before the poll begins.

(2) The presiding officer must show the empty ballot box to those people (if any) who are present in the polling station, so that they may see that it is empty.

(3) The presiding officer must then—

- (a) lock up the box, if it has a lock, and
- (b) place the returning officer’s seal on it, in such a way as to prevent it being opened without breaking the seal.

(4) The presiding officer must then place the box, within the presiding officer’s view, for the receipt of ballot papers.

(5) The presiding officer must keep the box locked and sealed or (if it does not have a lock) keep it sealed.

Commencement Information

I3 Sch. 1 rule 39 in force at 17.12.2021, see [rule 1](#)

Questions that may be put to voters

40.—(1) At the time of an application for a ballot paper (but not afterwards), the presiding officer may put to any person described in the first column of Table 1 (set out in paragraph (3)) or in the first column of Table 2 (set out in paragraph (4)), one or more of the questions set out in the corresponding entry in the second column.

(2) If required to do so by the candidate or the candidate’s election or polling agent, the presiding officer must put to any person described in the first column of Table 1 one or more of the questions set out in the corresponding entry in the second column.

(3) Table 1 sets out questions that a presiding officer may put under paragraph (1) and that a candidate (or the candidate’s election or polling agent) may require to be put under paragraph (2).

Table 1

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector	<p>1(a) Are you the person registered in the register of local government electors for this election as follows?</p> <p>Notes to 1(a)</p> <p>The presiding officer must then read the whole entry from the copies of the registration records.</p> <p>1(b) Have you already voted, in this or another ward, at the election of councillors for this community, otherwise than as proxy for some other person?</p> <p>Notes to 1(b)</p> <p>The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>
2. A person applying as proxy for an elector other than an elector who has an anonymous entry	<p>2(a) 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?</p> <p>2(b) Have you already voted, in this or another ward, at the election of councillors for this community, as proxy on behalf of CD?</p> <p>2(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD?</p>

Changes to legislation: There are currently no known outstanding effects for the The Local Elections (Communities) (Wales) Rules 2021, The Poll. (See end of Document for details)

<i>Description</i>	<i>Questions</i>
	<p>Notes to 2(a) to (c)</p> <p>Where a question refers to AB, the presiding officer reads out the name as it appears in the list of proxies. Where a question refers to CD, the presiding officer reads out the name of the elector.</p> <p>Note to 2(b)</p> <p>The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>
<p>3. A person applying as proxy for an elector who has an anonymous entry</p>	<p>3(a) Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(b) Have you already voted as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is [x]?</p> <p>Note to 3(a) to (c)</p> <p>Where the questions in this entry refer to [x], the presiding officer must read the elector’s number from the copies of the registration records.</p>
<p>4. A person applying as proxy who has been asked the question numbered 2(c) or 3(c) in column 2 and has not answered “Yes”</p>	<p>4. Have you already voted, in this or another ward, at the election of councillors for this community, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?</p> <p>Note to 4</p> <p>The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>

(4) Table 2 sets out the questions that a presiding officer may put under paragraph (1) (but cannot be required to put under paragraph (2)).

Table 2

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector in relation to whom there is an entry in the postal voters list	1(a) Did you apply to vote by post? 1(b) Why have you not voted by post?
2. A person applying as proxy who is named in the proxy postal voters list	2(a) Did you apply to vote by post as proxy? 2(b) Why have you not voted by post as proxy?

(5) A ballot paper must not be given to any person required to answer one or more of the questions in Table 1 or 2 unless the person has answered the question or questions satisfactorily.

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

(7) In this rule, “the copies of the registration records” means the copies provided by the returning officer for the polling station under rule 32(3)(b) and (c) (copies of the relevant register of electors and copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act relating to the relevant register of electors).

Commencement Information

I4 Sch. 1 rule 40 in force at 17.12.2021, see [rule 1](#)

Challenge of voter

41. A person must not be prevented from voting by reason only that either or both of the following apply—

- (a) a candidate, a candidate’s election agent (if appointed) or a candidate’s polling agent declares that they have reasonable cause to believe that the person has committed an offence of personation;
- (b) the person is arrested on the grounds that they are suspected of committing or being about to commit an offence of personation.

Commencement Information

I5 Sch. 1 rule 41 in force at 17.12.2021, see [rule 1](#)

Voting procedure

42.—(1) A ballot paper must be given to a voter who applies for one.

(2) Immediately before the ballot paper is given—

- (a) the number of the elector, as stated in the copies of the registration records, must be called out,
- (b) unless the elector has an anonymous entry, the name of the elector, as stated in the copies of the registration records, must also be called out,
- (c) the number of the elector must be marked on the polling station’s corresponding number list beside the number of the ballot paper to be issued,

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- (d) a mark must be placed in the copies of the registration records against the number of the elector to note that a ballot paper has been received, but without showing the particular ballot paper that has been received, and
 - (e) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.
- (3) In the case of an elector who has an anonymous entry—
- (a) the ballot paper may be given only if the elector's official poll card or, where the elector is voting by proxy, the proxy's official poll card is shown to the presiding officer, and
 - (b) only the elector's number may be called out.
- (4) On receiving the ballot paper, the voter must go immediately into one of the compartments in the polling station.
- (5) Without undue delay, the voter must then—
- (a) secretly mark the ballot paper,
 - (b) fold the ballot paper up so as to conceal the vote,
 - (c) show the presiding officer the back of the ballot paper, so as to disclose the number and other unique identifying mark, and
 - (d) put the ballot paper into the ballot box in the presiding officer's presence.
- (6) As soon as the voter has put the ballot paper in the ballot box, the voter must leave the polling station.
- (7) If a voter is in the polling station, or in a queue outside the polling station, at the close of the poll and has not yet been able to cast their vote, the presiding officer must permit the voter to cast their vote as soon as practicable.
- (8) In this rule, "the copies of the registration records" has the same meaning as in rule 40 (see paragraph (7) of that rule).

Commencement Information

16 Sch. 1 rule 42 in force at 17.12.2021, see [rule 1](#)

Voters with a disability or unable to read: marking of votes by presiding officer

- 43.**—(1) A voter may apply to the presiding officer for their vote to be marked if the voter—
- (a) is unable, because of blindness or other disability, to vote in the manner directed by these rules, or
 - (b) declares orally that they are unable to read.
- (2) Where an application is made, the presiding officer must, in the presence of any polling agents who are in the polling station when the application is made—
- (a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and
 - (b) cause the ballot paper to be placed in the ballot box.
- (3) Where a voter's vote is marked in pursuance of paragraph (2), the presiding officer must enter the following details on a list maintained by the presiding officer for the purposes of this rule ("the list of votes marked by the presiding officer")—
- (a) the name and number of the voter, as shown in the copies of the registration records, and
 - (b) the reason why the vote was marked.

(4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of votes marked by the presiding officer is the elector’s number.

(5) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

Commencement Information

17 Sch. 1 rule 43 in force at 17.12.2021, see [rule 1](#)

Voters with a disability or unable to read: assistance of companions

44.—(1) A voter may apply to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of a companion.

(2) Where an application is made, the presiding officer must require the voter to declare, orally or in writing, whether the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.

(3) In the following provisions of this rule, a voter who declares that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion is referred to as a voter with disabilities.

(4) At the time when an application to vote with the assistance of a companion is made, the companion must make a written declaration before the presiding officer that the companion—

- (a) has attained the age of 16, and
- (b) has not previously assisted more than one voter with disabilities to vote at the election.

(5) The companion’s declaration—

- (a) must be in the form in Appendix 8, and
- (b) must be given to the presiding officer who must attest it and retain it.

(6) The presiding officer must grant the voter’s application for the assistance of a companion if the presiding officer—

- (a) is satisfied that the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion, and
- (b) is also satisfied by the companion’s written declaration that the companion has attained the age of 16 and has not previously assisted more than one voter with disabilities to vote at the election.

(7) Where the application is granted—

- (a) anything that is required to be done by these rules to the voter in connection with the giving of the vote may be done instead to the companion, and
- (b) the voter may do anything that needs to be done in connection with the giving of the vote with the assistance of the companion.

Commencement Information

18 Sch. 1 rule 44 in force at 17.12.2021, see [rule 1](#)

Voting with the assistance of a companion: supplemental provision

45.—(1) Where a vote is given with the assistance of a companion in accordance with rule 44, the presiding officer must then enter the following details in a list maintained by the presiding officer (“the list of voters with disabilities assisted by companions”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the name and address of the companion.

(2) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of voters with disabilities assisted by companions is the elector’s number.

(3) Where the voter has an anonymous entry, only the voter’s number in the copies of the registration records may be entered in the list of voters with disabilities assisted by companions.

(4) No fee or other payment may be charged in respect of a declaration made by a companion under rule 44(4).

(5) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

Commencement Information

19 Sch. 1 rule 45 in force at 17.12.2021, see [rule 1](#)

Tendered ballot papers: circumstances where available

46.—(1) This rule sets out circumstances where a person who applies for a vote (“the applicant”) is entitled to vote on satisfactorily answering the questions permitted by law to be asked at the poll but where the procedure for giving the vote is modified in the following two ways—

- (a) the person must use a ballot paper that is of a different colour to other ballot papers, and
- (b) the person must give the ballot paper to the presiding officer (instead of putting it in the ballot box).

Circumstances where vote already given in person

(2) The first set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records and not named in the postal voters list or list of proxies, and
- (b) another person has already voted in person either as that elector or as that elector’s proxy.

(3) The second set of circumstances is where—

- (a) the applicant represents themselves to be a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy, and
- (b) another person has already voted in person either as that elector or as that elector’s proxy.

Circumstances where applicant on postal voters list claims not to have applied for postal vote

(4) The third set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records,
- (b) the applicant is also named in the postal voters list, and
- (c) the applicant claims not to have made an application to vote by post at the election.

(5) The fourth set of circumstances is where—

- (a) the applicant represents themselves 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) the applicant claims not to have made an application to vote by post as proxy at the election.

Circumstances where applicant claims to have lost postal ballot paper etc.

- (6) The fifth set of circumstances is where—
 - (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular elector named in the copies of the registration records who is also named in the postal voters list, and
 - (b) the applicant claims to have lost or not to have received that person’s postal ballot paper.
- (7) The sixth set of circumstances is where—
 - (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular person named as a proxy in the list of proxies who is also named in the proxy postal voters list, and
 - (b) the applicant claims to have lost or not to have received that person’s postal ballot paper.

(8) A ballot paper that is given to a presiding officer in accordance with this rule is referred to in these rules as a “tendered ballot paper”.

(9) Where an elector has an anonymous entry, the references in this rule to a person named in the copies of the registration records or a list are to be read as references to a person who has a number in the copies or list.

(10) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

Commencement Information

I10 Sch. 1 rule 46 in force at 17.12.2021, see [rule 1](#)

Duties of presiding officer in relation to tendered ballot papers

- 47.**—(1) This rule sets out the duties of the presiding officer in relation to tendered ballot papers.
- (2) The presiding officer must endorse the following information on the ballot paper—
 - (a) the name of the voter, and
 - (b) the voter’s number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.
 - (3) The presiding officer must put the ballot paper in a separate packet.
 - (4) The following information must be entered on a list (the “tendered votes list”)—
 - (a) the name of the voter, and
 - (b) the voter’s number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.
 - (5) Where an elector has an anonymous entry, the presiding officer must not include the name of the voter on the ballot paper or in the tendered votes list.
 - (6) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

Changes to legislation: There are currently no known outstanding effects for the *The Local Elections (Communities) (Wales) Rules 2021, The Poll.* (See end of Document for details)

Commencement Information

I11 Sch. 1 rule 47 in force at 17.12.2021, see [rule 1](#)

Spoilt ballot papers

48.—(1) This rule applies where a voter has inadvertently dealt with their ballot paper in such a manner that it cannot conveniently be used as a ballot paper.

(2) The voter may obtain another ballot paper by—

- (a) giving the ballot paper that was inadvertently dealt with (the “spoilt ballot paper”) to the presiding officer, and
- (b) proving to the presiding officer’s satisfaction that it was dealt with inadvertently.

(3) Where the voter is given another ballot paper, the spoilt ballot paper must be cancelled immediately.

Commencement Information

I12 Sch. 1 rule 48 in force at 17.12.2021, see [rule 1](#)

Correction of errors on day of poll

49. The presiding officer must keep a list of persons to whom ballot papers are given 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.

Commencement Information

I13 Sch. 1 rule 49 in force at 17.12.2021, see [rule 1](#)

Adjournment of poll in case of riot

50.—(1) This rule applies where proceedings at any polling station are interrupted or obstructed by riot or open violence.

(2) The presiding officer must—

- (a) adjourn the proceedings until the following day, and
- (b) immediately inform the returning officer.

(3) Where the poll is adjourned at a 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 read as references to the end of the hours of polling on the day to which it is adjourned.

Commencement Information

I14 Sch. 1 rule 50 in force at 17.12.2021, see [rule 1](#)

Procedure on close of poll

51.—(1) This rule sets out the steps that must be taken by the presiding officer as soon as practicable after every voter has cast their vote.

(2) In the presence of any polling agents who are in the polling station, the presiding officer must seal each ballot box (with the key if any attached) in use at the polling station so as to prevent the introduction of additional ballot papers, using the presiding officer’s seal and the seals of any polling agents who wish to affix their seal.

(3) ^{F1}... The presiding officer must place each of the following in separate packets, sealed using the presiding officer’s seal and the seals of any polling agents who wish to affix their seal—

- (a) the unused and spoilt ballot papers (together);
- (b) the tendered ballot papers;
- (c) the marked copies of the registration records and list of proxies (together);
- (d) the polling station’s corresponding number list, as marked (see rule 42(2)(c)) (referred to in the following provisions of these rules as “the completed corresponding number list”);
- (e) any certificates surrendered under rule 37(4) or (5) (surrender of certificates issued to constables or staff of returning officers);
- (f) the following lists and declarations (together)—
 - (i) the list of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads “disability” and “unable to read” (see rule 43);
 - (ii) the declarations made by the companions of voters with disabilities (see rule 44);
 - (iii) the list of voters with disabilities assisted by companions (see rule 45);
 - (iv) the tendered votes list (see rule 47);
 - (v) the list maintained under rule 49 (correction of errors on day of poll).

[^{F2}(3A) The presiding officer must do anything required by paragraph (3)(a), (b), (e) or (f) in the polling station, in the presence of any polling agents who are there.

(3B) The presiding officer may do anything required by paragraph (3)(c) or (d)—

- (a) in the polling station, in the presence of any polling agents who are there, or
- (b) if the presiding officer has informed the polling agents and given them an opportunity to attend, at any other place that the presiding officer considers appropriate, in the presence of any polling agents who are there.]

(4) The presiding officer must deliver the sealed ballot boxes and packets to the returning officer or cause them to be delivered in accordance with arrangements approved by the returning officer.

(5) The packets must be accompanied by a statement (“a ballot paper account”) prepared by the presiding officer showing—

- (a) the number of ballot papers given to the presiding officer, and
- (b) how the ballot papers are accounted for under the following headings—
 - (i) the number of ballot papers issued and not otherwise accounted for;
 - (ii) the number of ballot papers unused;
 - (iii) the number of spoilt ballot papers;
 - (iv) the number of tendered ballot papers.

(6) In this rule, “the marked copies of the registration records” means the copies of the registration records (as defined by rule 40(7)) as marked in accordance with these rules.

Changes to legislation: There are currently no known outstanding effects for the *The Local Elections (Communities) (Wales) Rules 2021, The Poll*. (See end of Document for details)

Textual Amendments

- F1** Words in [Sch. 1 rule. 51\(3\)](#) omitted (10.3.2022) by virtue of [The Local Elections \(Miscellaneous and Consequential Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/263\)](#), regs. 1(2), **3(5)(b)(i)** (with reg. 12(a))
- F2** [Sch. 1 rule. 51\(3A\)\(3B\)](#) inserted (10.3.2022) by [The Local Elections \(Miscellaneous and Consequential Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/263\)](#), regs. 1(2), **3(5)(b)(ii)** (with reg. 12(a))
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Commencement Information

- I15** [Sch. 1 rule 51](#) in force at 17.12.2021, see [rule 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Local Elections (Communities) (Wales) Rules 2021, The Poll.