1968 No. 497

LONDON GOVERNMENT

The London Borough Council Elections Rules 1968

Made - - - -	*25th March* 1968
Laid before Parliament	*3rd April* 1968
Coming into Operation	*9th May* 1968

In pursuance of the powers conferred upon me by paragraph 13 of Schedule 3 to the London Government Act 1963(a), I hereby make the following Rules:—

1. In the application of the local elections rules contained in Schedule 2 to the Representation of the People Act 1949(b) to an election of London borough councillors, adaptations, alterations and exceptions shall be made therein so that the said local elections rules shall read as set out in the Schedule hereto.

2. Rule 1 of and Schedule 1 to the London Borough Council and Greater London Council Elections Rules 1963(c) and Rule 1 of the London Borough Council and Greater London Council Elections Rules 1964(d) are hereby revoked.

3.—(1) These Rules may be cited as the London Borough Council Elections Rules 1968 and shall come into operation on 9th May 1968:

Provided that for the purpose of all proceedings preliminary or relating to an election to be held on or after that day these Rules shall come into operation forthwith.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
25th March 1968.

(a) 1963 c. 33.
(b) 1949 c. 68.
(c) S.I. 1963/1864 (1963 III, p. 3455).
(d) S.I. 1964/454 (1964 I, p. 725).
(e) 1889 c. 63.

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PART I

PROVISIONS AS TO TIME

Timetable

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

TIMETABLE

Proceeding	*Time*
Publication of notice of election ...	Not later than the twentieth day before the day of election.
Delivery of nomination papers ...	Not later than noon on the fourteenth day before the day of election.
Despatch of notice of decisions on nominations and publication of statement as to persons nominated	Not later than noon on the thirteenth day before the day of election.
Delivery of notices of withdrawals of candidature	Not later than noon on the twelfth day before the day of election.
Notice of poll	Not later than the fifth day before the day of election.
Notice of appointment of polling or counting agents	Not later than the third day before the day of election.
Polling	On the day of election.

Computation of time

2. In computing any period of time for the purposes of the Timetable, a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning and the Saturday before and the Tuesday after Easter Day or Whit Sunday shall be disregarded and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes thereon:

Provided that where under Part III of these rules a person ought to proceed with the preparation of special lists or the issue of postal ballot papers on the said Saturday before or Tuesday after Easter Day or Whit Sunday, nothing in this rule shall absolve him from that duty.

Hours of poll

3. The poll shall commence at eight o'clock in the morning and be kept open till nine o'clock in the evening of the same day and no longer.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

4.—(1) Notice of the election in the prescribed form shall be prepared, signed and published by the returning officer.

(2) The notice shall be published by causing it to be affixed to the town hall and to be exhibited at such places in the ward as the returning officer may determine.

Nomination of candidates

5.—(1) Each candidate shall be nominated by a separate nomination paper in the prescribed form, delivered at the place fixed for the purpose.

(2) The nomination paper shall state the full names, place of residence and description of the candidate and the surname shall be placed first in the list of his names.

(3) The description shall not refer to the candidate's political activities, and need not refer to his rank, profession or calling so long as, with the other particulars of the candidate, it is sufficient to identify him.

(4) If the description is unduly long, the returning officer after consultation (if possible) with the candidate or his election agent, proposer or seconder, may shorten it or substitute another.

Subscription of nomination paper

6.—(1) The nomination paper shall be subscribed by two electors for the ward as proposer and seconder, and by eight other electors for the ward as assenting to the nomination.

(2) Where a nomination paper bears the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

(3) The returning officer shall provide nomination papers and shall supply any elector for the ward with as many nomination papers as may be required and shall, at the request of any such elector, prepare for signature a nomination paper.

(4) No person shall—

(*a*) subscribe more nomination papers than there are vacancies to be filled in the ward; or

(*b*) subscribe a nomination paper for more than one ward; or

(*c*) subscribe more than one nomination paper in respect of the same candidate:

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.

(5) If any person subscribes nomination papers in contravention of the last foregoing paragraph, his signature shall be inoperative in all but those papers (up to the permitted number) which are first delivered.

(6) In this rule, the expression "elector for the ward" means a person who is registered as a local government elector for the ward in the register to be used at the election or who, pending the publication of that register, appears from the electors lists therefor as corrected by the registration officer to be entitled to be so registered:

Provided that, in relation to an election at which the date fixed for the poll falls within the period beginning with 16th February in any year and ending with 1st October in that year, the said expression shall not include a person who, by virtue of section 2(1) of the Electoral Registers Act 1949(a) as amended by section 1(2) of the Electoral Registers Act 1953(b) (which relates to persons coming of age during the currency of the register), is registered as a local government elector for the ward in the register to be used at that election or who, by virtue of that subsection, appears from the electors lists for that register to be entitled to be so registered.

Consent to nomination

7.—(1) A person shall not be validly nominated unless his consent to nomination, given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers and attested by one witness, is delivered at the place and within the time appointed for the delivery of nomination papers:

(a) 1949 c. 86. (b) 2 & 3 Eliz. 2. c. 8.

Provided that in the case of an election to fill a casual vacancy, if the returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as aforesaid, a telegram consenting to his nomination and purporting to have been sent by him shall be deemed, for the purpose of this rule, to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent shall not be required.

(2) A candidate's consent given under this rule shall contain a statement that he is qualified as required by law to be elected to and hold the office in question, and the statement shall give particulars of his qualification.

Place for delivery of nomination papers

8. Every nomination paper shall be delivered at the place fixed by the returning officer.

Decisions as to validity of nomination papers

9.—(1) Where a nomination paper and the candidate's consent thereto are delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until the returning officer decides that the nomination paper is invalid, or proof is given to the satisfaction of the returning officer of the candidate's death, or the candidate withdraws.

(2) The returning officer shall be entitled to hold a nomination paper invalid only on one of the following grounds, that is to say,—

(*a*) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and

(*b*) that the paper is not subscribed as so required.

(3) As soon as practicable after the latest time for the delivery of nomination papers, the returning officer shall examine the nomination papers, and decide whether the candidates have been validly nominated in accordance with these rules.

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

(5) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(6) Subject to the last foregoing paragraph, nothing in this rule shall prevent the validity of a nomination being questioned on an election petition.

(7) The returning officer shall send notice of his decision to each candidate at his place of residence as stated on his nomination paper.

Publication of nominations

10.—(1) The returning officer shall prepare and publish a statement in the prescribed form showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

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

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and, if there are two or more of them with the same surnames, of their other names.

(4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate or the returning officer in default of the candidate may select.

(5) The statement as to persons nominated shall be published by causing it to be affixed to the place appointed for the delivery of nomination papers.

Withdrawal of candidates

11.—(1) A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place appointed for the delivery of nomination papers.

(2) In the case of a candidate who is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate:

Provided that where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, but only if,—

(*a*) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in the said declaration to be, outside the United Kingdom; or

(*b*) it is accompanied, in addition to the said declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Nomination in more than one ward

12. A candidate who is validly nominated for more than one ward must duly withdraw from his candidature in all those wards except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those wards.

Method of election

13.—(1) If the number of persons remaining validly nominated for the ward after any withdrawals under these rules exceeds the number of vacancies, the councillors shall be elected from among them at a poll under Part III of these rules.

(2) If the said number does not exceed the number of vacancies, the person or persons (if any) deemed to be elected under the following provisions of this rule shall be declared elected in accordance with Part IV of these rules.

(3) The person or persons (if any) remaining validly nominated for the ward after any withdrawals under these rules shall be deemed to be elected.

(4) If, at an ordinary election of councillors, no person remains validly nominated as aforesaid, or the number of persons so remaining validly nominated is less than the number of vacancies, such of the retiring councillors for the ward as were highest on the poll at the last ordinary election, or as filled the places of councillors who were highest on the poll at that election, or if the poll was equal or there was no poll, as may be determined by the drawing of lots conducted under the direction of the returning officer, shall be deemed to be elected to fill up the vacancies not filled under paragraph (3) of this rule.

PART III

CONTESTED ELECTIONS

GENERAL PROVISIONS

Poll to be taken by ballot

14. The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate, and the candidate or candidates to whom the majority of votes have been given shall be declared to have been elected.

The ballot papers

15.—(1) The ballot of every voter shall consist of a ballot paper, and the persons remaining validly nominated for the ward after any withdrawals under these rules, and no others, shall be entitled to have their names inserted in the ballot paper.

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

(*a*) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;

(*b*) shall be capable of being folded up;

(*c*) shall have a number printed on the back;

(*d*) shall have attached a counterfoil with the same number printed on the face.

(3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

The official mark

16.—(1) Every ballot paper shall be marked with an official mark, which shall be either embossed or perforated.

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same London borough.

Prohibition of disclosure of vote

17. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he voted.

Use of schools and public rooms

18.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—

(*a*) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;

(*b*) a room the expense of maintaining which is payable out of any rate.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render that person liable to be rated or to pay any rate for that house.

(4) The election shall not be held in a church, chapel or other place of public worship.

ACTION TO BE TAKEN BEFORE THE POLL

Notice of poll

19.—(1) Notice of the poll shall be published by the returning officer at the places at which the notice of election is required to be published under rule 4 of these rules.

(2) Notice of the poll shall specify—

(*a*) the day and hours fixed for the poll;

(*b*) the number of councillors to be elected;

(*c*) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the names of the candidates, being the same as in the statement of persons nominated);

(*d*) the names of the proposer and seconder signing a candidate's nomination paper;

(*e*) a description of the polling districts (if any); and

(*f*) the situation of each polling station and the description of the persons entitled to vote thereat.

(3) In the case of a candidate nominated by more than one nomination paper, the nomination paper mentioned in sub-paragraph (*d*) of paragraph (2) of this rule shall be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken, but the candidate may require the returning officer to include in the notice the names of the proposer and seconder signing a second and third nomination paper.

Death of candidate

20. If before the poll is commenced proof is given to the satisfaction of the returning officer—

(*a*) that a person remaining validly nominated has died after the latest time for delivery of nomination papers, or

(*b*) that a person shown in the statement of persons nominated as standing nominated had in fact died before the latest time for delivery of nomination papers,

the returning officer shall countermand the poll and the provisions of section 36(2) of the Representation of the People Act 1949 shall apply to any further election ordered under the Local Government Act 1933(a).

Postal ballot papers

21. The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses furnished by them for the purpose, a ballot paper and a declaration of identity in the prescribed form, together with an envelope for their return.

Provision of polling stations

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

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

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the ward shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless the polling place is outside the ward.

(4) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and clerks

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

(a) 1933 c. 51.

(2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

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

Special lists

24. The registration officer shall as soon as practicable prepare the following special lists, namely—

(*a*) a list (in these rules referred to as "the absent voters list") giving the name and number on the register of every person entitled to vote at the election as an absent voter;

(*b*) a list (in these rules referred to as "the list of proxies") giving—

(i) the names and numbers on the register of the electors for whom proxies have been appointed; and

(ii) the names and addresses of the persons appointed;

(*c*) a list of any persons entitled to vote by post as proxy at the election.

Equipment of polling stations

25.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

(3) The returning officer shall provide each polling station with—

(*a*) materials to enable voters to mark the ballot papers;

(*b*) instruments for stamping thereon the official mark;

(*c*) copies of the register of electors for the ward or such part thereon as contains the names of the electors allotted to the station;

(*d*) the parts of any special lists prepared for the election corresponding to the register of electors for the ward or part thereof provided under the last foregoing sub-paragraph.

(4) A notice in the form in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited outside every polling station and in every compartment of every polling station.

Appointment of polling and counting agents

26.—(1) Each candidate may, before the commencement of the poll, appoint polling agents to attend at polling stations for the purpose of detecting personation and counting agents to attend at the counting of the votes:

Provided that—

(*a*) the returning officer may limit the number of counting agents, so however that the number shall be the same in the case of each candidate and the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates;

(*b*) the appointment of a polling agent may be on behalf of more than one candidate;

(*c*) not more than one polling agent shall be appointed to attend on behalf of the same candidate at a polling station;

(*d*) not more than three or, if the number of candidates exceeds twenty, four polling agents shall be appointed to attend at any polling station.

(2) If the number of polling agents appointed to attend at a polling station exceeds the permitted number, only those polling agents, up to the permitted number, whose appointments are signed by or on behalf of the greater number of candidates, or, in the event of an equality in the number of signatures, only such of those polling agents as may be determined by the returning officer, shall be deemed to have been duly appointed.

(3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than the time appointed for that purpose in the Timetable.

(4) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) The foregoing provisions of this rule shall be without prejudice to the requirements of section 60(1) of the Representation of the People Act 1949 as to the appointment of paid polling agents, and counting agents may be appointed and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

(6) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents whose appointments have been duly made and notified and, where the number of agents is restricted, who are within the permitted number.

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

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

(9) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose, shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Declaration of secrecy

27.—(1) Before the opening of the poll a declaration of secrecy in the form in paragraph (4) of this rule, or in a form as near thereto as circumstances admit, shall be made by—

(*a*) the returning officer;

(*b*) every officer or clerk authorised to attend at a polling station or the counting of the votes;

(*c*) every candidate attending at a polling station or at the counting of the votes and every election agent so attending;

(*d*) every candidate's wife or husband attending at the counting of the votes;

(*e*) every polling agent and counting agent;

(*f*) every person permitted by the returning officer to attend at the counting of the votes, though not entitled to do so.

(2) Notwithstanding anything in the foregoing paragraph, the following persons attending at the counting of the votes, that is to say:—

(*a*) any candidate;

(*b*) any election agent, or any candidate's wife or husband attending by virtue of the rule authorising election agents and candidates' wives or husbands to attend as such;

(*c*) any person permitted by the returning officer to attend, though not entitled to do so;

need not make the declaration before the opening of the poll but shall make it before he or she is permitted to attend the counting, and a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as such agent.

(3) The returning officer shall make the declaration in the presence of a Justice of the Peace, and any other person shall make the declaration in the presence either of a Justice of the Peace or of the returning officer, and subsections (1), (2), (3) and (6) of section 53 of the Representation of the People Act 1949 shall be read to the declarant by the person taking the declaration.

(4) The declaration shall be as follows—

"I solemnly promise and declare that I will not do anything forbidden by subsections (1), (2), (3) and (6) of section 53 of the Representation of the People Act 1949, which have been read to me.".

THE POLL

Admission to polling station

28.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

(*a*) the candidates and their election agents;

(*b*) the polling agents appointed to attend at the polling station;

(*c*) the clerks appointed to attend at the polling station;

(*d*) the constables on duty; and

(*e*) the companions of blind voters.

(2) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the provisions of the Representation of the People Act 1949 in that behalf, except on production and surrender of a certificate as to his employment, which shall be in the prescribed form and signed by the prescribed officer of police or by the returning officer, as the case may be.

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

Keeping of order in station

29.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a constable in or near that station or by any other person authorised in writing by the returning officer to remove him, and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

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

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

Sealing of ballot boxes

30. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal on it in such manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to voters

31.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say—

(*a*) in the case of a person applying as an elector—

(i) Are you the person registered in the register of local government electors now in force for this ward as follows [*read the whole entry from the register*]?

(ii) Have you already voted at the present election [*adding in the case of an election for several wards* in this or any other ward] otherwise than as proxy for some other person?

(*b*) in the case of a person applying as proxy—

(i) Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?

(ii) Have you already voted here or elsewhere at the present election as proxy on behalf of C.D.?

(2) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.

(3) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of voter

32.—(1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation and undertakes to substantiate the charge in a court of law, the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason thereof be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

33.—(1) A ballot paper shall be delivered to a voter who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be stamped with the official mark, either embossed or perforated;

(*b*) the number, name and description of the elector as stated in the copy of the register of electors shall be called out;

(*c*) the number of the elector shall be marked on the counterfoil;

(*d*) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and

(*e*) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.

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

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

(4) Notwithstanding anything in the foregoing provisions of this rule in the case of an election at which the date fixed for the poll falls within the period beginning with 16th February in any year and ending with 1st October in that year, no ballot paper shall be delivered to a person who, by virtue of section 2(1) of the Electoral Registers Act 1949 as amended by section 1(2) of the Electoral Registers Act 1953 (which relates to persons coming of age during the currency of the register), is registered in the register to be used at the election or to his proxy, except where the part of the register in which his name appears is being used at the election by virtue of section 1(6) of the said Act (which relates to registers not published by the required time):

Provided that this paragraph shall not apply to a person applying for a ballot paper as proxy of a person entitled, apart from section 2 of the said Act as so amended, to vote.

Votes marked by presiding officer

34.—(1) The presiding officer, on the application of—

(*a*) a voter who is incapacitated by blindness or other physical cause from voting in manner directed by these rules; or

(*b*) if the poll is taken on a Saturday, a voter who declares that he is a Jew, and objects on religious grounds to vote in manner directed by these rules; or

(*c*) a voter who declares orally that he is unable to read;

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

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

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

Voting by blind persons

35.—(1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (in these rules referred to as "the companion"), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the voter is so incapacitated and is also satisfied by a written declaration made by the companion (in these rules referred to as "the declaration made by the companion of a blind voter") that the companion is a qualified person within the meaning of this rule and has not previously assisted more than one blind person to vote at the election, the presiding officer shall grant the application, and thereupon anything which is by these rules required to be done to or by the said voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

(*a*) a person who is entitled to vote as an elector at the election; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of twenty-one years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as "the list of blind voters assisted by companions").

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

(5) The declaration made by the companion—

(*a*) shall be in the form in the Appendix;

(*b*) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.

Tendered ballot papers

36.—(1) If a person, representing himself to be—

(*a*) a particular elector named on the register and not named in the absent voters list; or

(*b*) a particular person named in the list of proxies as proxy for an elector and not named in the list of persons entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as "a tendered ballot paper") in the same manner as any other voter.

(2) A tendered ballot paper shall—

(*a*) be of a colour differing from the other ballot papers;

(*b*) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

(3) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the "tendered votes list").

(4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the name of the voter shall be the number of that elector.

Spoilt ballot papers

37. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Adjournment of poll in case of riot

38. For the purpose of the adjournment of the poll in the event of riot or open violence, a presiding officer shall have the power by law belonging to a presiding officer at a parliamentary election.

Procedure on close of poll

39.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

(*a*) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

(*b*) the unused and spoilt ballot papers placed together;

(*c*) the tendered ballot papers;

(*d*) the marked copies of the register of electors and of the list of proxies;

(*e*) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll;

(*f*) the tendered votes list, the list of blind voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads "physical incapacity", "Jews", and "unable to read", and the declarations made by the companions of blind voters;

and shall deliver the packets to the returning officer to be taken charge of by him.

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

(3) The packets shall be accompanied by a statement (in these rules referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers.

Counting of Votes

Attendance at counting of votes

40.—(1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than—

(*a*) the returning officer and his clerks;

(*b*) the candidates and their wives or husbands;

(*c*) the election agents;

(*d*) the counting agents;

may be present at the counting of the votes, unless permitted by the returning officer to attend.

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

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

The count

41.—(1) Before the returning officer proceeds to count the votes, he shall—

(*a*) in the presence of the counting agents open each ballot box and, taking out the ballot papers therein, count and record the number thereof;

(*b*) count such of the postal ballot papers as have been duly returned and record the number counted; and

(*c*) then mix together the whole of the ballot papers mentioned in the foregoing sub-paragraphs.

(2) A postal ballot paper shall not be deemed to be duly returned, unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

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

(4) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(5) The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment:

Provided that he may, in so far as he and the agents agree, exclude the hours between nine o'clock in the evening and nine o'clock on the following morning.

For the purposes of this proviso the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(6) During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals and shall otherwise take proper precautions for the security of the papers and documents.

Re-count

42.—(1) A candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

43.—(1) Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which votes are given for more candidates than the voter is entitled to vote for; or

(*c*) on which anything is written or marked by which the voter can be identified except the printed number on the back; or

(*d*) which is unmarked or void for uncertainty;

shall, subject to the provisions of this rule, be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.

(3) A ballot paper on which a vote is marked—

(*a*) elsewhere than in the proper place; or

(*b*) otherwise than by means of a cross; or

(*c*) by more than one mark;

shall not by reason thereof be deemed to be void (either wholly or as respects that vote), if an intention that the vote shall be for one or other of the candidates clearly appears and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

(4) The returning officer shall endorse—

(*a*) the word "rejected" on any ballot paper which under this rule is not to be counted; and

(*b*) in the case of a ballot paper on which any vote is counted under paragraph (2) of this rule, the words "rejected in part" and a memorandum specifying the votes counted;

and shall add to the endorsement the words "rejection objected to" if an objection is made by a counting agent to his decision.

(5) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

(*a*) want of official mark;

(*b*) voting for more candidates than voter is entitled to;

(*c*) writing or mark by which voter could be identified;

(*d*) unmarked or wholly void for uncertainty;

(*e*) rejected in part;

and any counting agent may copy the statement.

Decisions on ballot papers

44. The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

Equality of votes

45. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

46.—(1) In a contested election, when the result of the poll has been ascertained the returning officer shall forthwith declare to be elected the candidate or candidates for whom the majority of votes have been given, and shall as soon as possible publish the name or names of the candidate or candidates elected and the total number of votes given for each candidate, whether elected or not.

(2) In an uncontested election, the returning officer shall, not later than eleven o'clock in the morning on the day of election, publish the name or names of the person or persons elected.

PART V

DISPOSAL OF DOCUMENTS

Verification of ballot paper account

47.—(1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

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

(3) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Marking of packets

48. The returning officer shall endorse on each of the following packets, that is to say—

(*a*) the packets of ballot papers in his possession;

(*b*) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;

(*c*) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the statements relating thereto, and the declarations made by the companions of blind voters;

(*d*) the packets of counterfoils and certificates as to employment on duty on the day of the poll;

(*e*) the packets containing marked copies of registers and of lists of proxies,

a description of its contents, the date of the election to which they relate and the name of the ward for which the election was held.

Orders for production of documents

49.—(1) An order—

(*a*) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part; or

(*b*) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers,

may be made by either a county court having jurisdiction in the London Borough or any part thereof or an election court, if the court is 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 an election petition.

(2) The order may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the court making the order may think expedient and may direct the town clerk having custody of the ballot papers and the sealed packets of counterfoils and certificates to retain them intact for such period as may be specified in the order:

Provided that in making and carrying into effect the order, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved that his vote was given and the vote has been declared by a competent court to be invalid.

(3) An appeal shall lie to the High Court from any order of a county court made under this rule.

(4) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(5) Where an order is made for the production by the town clerk of any document in his possession relating to any specified election, the production by him or his agent of the document ordered, in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(6) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election has affixed to his name in the register of electors the same number as the number written on the counterfoil.

(7) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the town clerk or to open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

50.—(1) The town clerk shall retain for six months among the records of the London borough all documents relating to an election which were held by him as returning officer and then, unless otherwise directed by an order under the last foregoing rule, shall cause them to be destroyed.

(2) The said documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall during a period of six months from the day of election be open to public inspection at such time and in such manner as may be determined by the council of the London borough with the consent of the Secretary of State.

(3) The town clerk shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees, and subject to such conditions, as may be determined by the council of the London borough with the consent of the Secretary of State.

Supplemental provisions as to documents

51. Subject to the provisions of these rules, the town clerk shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of these rules, be subject to the directions of the council of the London borough.

PART VI

SUPPLEMENTAL

General duty of returning officer

52. It shall be the general duty of the returning officer to do any act or thing that may be necessary for effectually conducting the election under these rules.

APPENDIX

Note.—*The forms contained in this Appendix may be adapted so far as circumstances require.*

Rule 15

BALLOT PAPER

Form of Front of Ballot Paper

Counterfoil No.			
The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.	**1**	**BROWN** (JOHN EDWARD Brown, of 52 George Street, Bristol, merchant.)	
	2	**BROWN** (THOMAS WILLIAM Brown, of 136 London Road, Swindon, salesman.)	
	3	**JONES** (William David Jones, of High Elms, Wilts., gentleman.)	
	4	**MERTON** (Hon. George Travis, commonly called Viscount Merton of Swanworth, Berks.)	
	5	**SMITH** (Mary Smith, of 72 High Street, Bath, married woman.)	

Form of Back of Ballot Paper

No.

Election for the ward of the London borough of

day of , 19 .

Note.—*The number on the ballot paper is to correspond with that on the counterfoil.*

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.

2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:—

(*a*) no word shall be printed on the face except the particulars of the candidates;

(*b*) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked;

(*c*) the whole space between the top and bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.

3. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—

(*a*) if his surname is the same as another candidate's, for his other names; and

(*b*) if his other names are also the same as the other candidate's, either for his residence or for his description unless each of them is the same as that of another candidate with the same surname and other names.

4. The number on the back of the ballot paper shall be printed in small characters.

Rule 25 DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING

1. The voter may vote for not more than candidate(s).

2. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.

3. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of each candidate for whom he votes, thus X.

4. The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.

5. If the voter inadvertently spoils a ballot paper he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

6. If the voter votes for more than candidate(s) or places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

7. If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will be liable on conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds or to both such imprisonment and such fine.

Rule 35 DECLARATION TO BE MADE BY THE COMPANION OF A BLIND VOTER

I, A.B., of , having been requested to assist C.D. [*in the case of a blind person voting as proxy add* voting as proxy for G.H.], who is numbered on the register of local government electors for the ward of the London borough of , to record his vote at the election now being held for the said ward, do hereby declare that [I am entitled to vote as an elector at the said election] [I am the* of the said voter and have attained the age of twenty-one years] and that I have not previously assisted any blind person [except E.F., of] to vote at the said election.

(Signed) A. B.

day of , 19 .

*State the relationship of the companion to the voter.

I, the undersigned, being the presiding officer for the polling station for the ward of the London Borough of do hereby certify that the above declaration, having been first read to the above-named declarant was signed by the declarant in my presence.

(Signed) X. Y.

day of , 19 , at minutes past o'clock [a.m.] [p.m.]

Note.—*If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.*

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide for the application of the local elections rules contained in Schedule 2 to the Representation of the People Act 1949 to an election of London borough councillors, subject to the necessary adaptations, alterations and exceptions.