2. LONDON GOVERNMENT POLLS

The London Government (Polls on Promotion of Bills) Regulations, 1948

1948 No. 2355

Made - - - -	*23rd October,* 1948
Laid before Parliament	*26th October,* 1948
Coming into Operation	*1st December,* 1948

M.H.107967.

The Minister of Health, pursuant to paragraph 17 of the Sixth Schedule to the London Government Act, 1939(a), hereby makes the following regulations:—

Interpretation, Citation, Commencement, Application and Revocation

1.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations unless the context otherwise requires:—

(*a*) a reference to a withdrawal of a Bill or any part thereof includes a reference to a taking of all necessary steps to withdraw a proposed enactment or any part thereof; and " to withdraw a Bill or any part thereof " shall be construed accordingly.

(*b*) " borough," " county council " and " elector," have the meanings assigned to them respectively by section 206 of the London Government Act, 1939(a).

(*c*) (i) " council " means a metropolitan borough council.

(ii) " proposed enactment " means such provision as is referred to in subsection (1) of section 47 of the London County Council (General Powers) Act, 1948(c).

(iii) " public notice " means notice given:—

(*a*) by affixing the notice to the offices of the council; and

(*b*) by posting the notice in some conspicuous place within the area of the borough; and

(*c*) in such other manner, if any, as appears to the returning officer to be desirable for giving publicity to the notice.

(iv) " returning officer " means the mayor of a borough or any person appointed by the council to perform any duty or do any act or thing with respect to a poll by reason of the inability or unwillingness of the mayor to perform that duty or do that act or thing.

(v) " the schedule " means the schedule to these regulations.

(3) These regulations may be cited as the London Government (Polls on Promotion of Bills) Regulations, 1948, and shall come into operation on the 1st day of December, 1948.

(a) 2 & 3 Geo. 6. c. 40. (b) 52 & 53 Vict. c. 63. (c) 11 & 12 Geo. 6 c. liii.

2. These regulations shall apply to all polls of electors in connexion with a proposed enactment and with the promotion by a council of a Bill in Parliament.

3. The Borough Funds Acts (Polls) Order, 1903(a), is hereby revoked.

Requisition for poll by electors

4. Every requisition for a poll by electors shall be in the form No. 1 in the schedule.

Withdrawal of requisition for a poll by electors

5. A requisition for a poll by electors may be withdrawn by a notice delivered to the returning officer not later than the third day before the day fixed for the poll. Such notice shall be in the form No. 2 in the schedule.

Withdrawal of requisition for a poll by a council

6. A requisition for a poll by a council may be withdrawn by a resolution of the council of which resolution a copy shall be delivered to the returning officer not later than the third day before the day fixed for the poll.

Withdrawal of Bill or part thereof

7. Where a council after a requisition for a poll resolves to withdraw a Bill or any part thereof to which the resolution with reference to which the poll is demanded relates, a copy of the resolution of the council for such withdrawal shall be delivered to the returning officer not later than the third day before the day fixed for the poll.

Notice that no poll will be taken

8. If by the withdrawal of the requisition for a poll or by the withdrawal of the Bill or any part thereof to which the resolution with reference to which the poll is demanded relates the poll is rendered unnecessary, the returning officer shall give public notice stating that no poll will be taken. Such notice shall be in the form No. 3 in the schedule.

Days and hours of poll

9.—(1) Every poll shall be held on the day which shall be fixed by the returning officer which shall not be earlier than the tenth day nor later than the fourteenth day after that on which the requisition for the poll by electors or a copy of the resolution authorising the requisition for the poll by the council was delivered to the returning officer.

(2) The poll shall be open during such hours as shall be fixed by the returning officer, so, however, that the poll shall always be open between the hours of six and eight in the afternoon.

Notice of poll

10.—(1) The returning officer shall, on or before the fifth day before the day of the poll, give public notice of the poll, specifying—

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

(*b*) the resolution or resolutions with respect to which the poll is to be taken;

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

(2) The notice required to be given under this regulation shall be in the form No. 4 in the schedule.

(a) S.R. & O. Rev. 1904, I, Borough Municipal, E., p. 13 (1903, No. 933).

Provision of polling stations, ballot boxes, etc.

11. The returning officer shall—

(*a*) provide a sufficient number of polling stations for the electors, such number of polling stations being, unless the Minister of Health otherwise directs, not less than one for each ward into which the borough is divided;

(*b*) allot the electors to the polling stations in such manner as he thinks most convenient;

(*c*) appoint a presiding officer to preside at each polling station, and such other officers (including poll clerks) as may be necessary for taking the poll and counting the votes;

(*d*) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;

(*e*) furnish each presiding officer with such number of ballot boxes and voting papers as in the opinion of the returning officer may be necessary;

(*f*) provide each polling station with materials to enable electors to mark the voting papers, with instruments for stamping thereon an official mark, and with copies of the register of electors for the borough or such part thereof as contains the names of the electors allotted to vote at the station;

(*g*) do such other acts and things as may be necessary for effectually conducting the poll in manner provided by these regulations.

12. One or more polling stations may be provided in the same room.

13. A notice, in the form No. 5 in the schedule or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station.

Ballot boxes, voting papers, official mark

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

15. Every voting paper shall be in the form No. 6 in the schedule or as near thereto as circumstances admit and—

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

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

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

16. The official mark shall be kept secret.

Admission to polling station

17.—(1) No person shall be admitted to vote at any polling station except at the one to which he is allotted.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the officers appointed under these regulations, the police officers on duty, and any person accompanying a blind elector for the purpose of assisting him to vote.

Ballot boxes to be sealed

18. Immediately before the commencement of the poll the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it and place his seal upon 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 voting papers, and keep it so locked and sealed.

Questions to be put to electors

19.—(1) The presiding officer may, and if required by two electors shall, put to any person applying for a voting paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say:—

(*a*) Are you the person registered in the register of local government electors now in force for this metropolitan borough as follows—

(*read the whole entry from the register*).

(*b*) Have you already voted in this metropolitan borough at the present poll?

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

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

Marking of voting papers

20. A voting paper shall be delivered to an elector who applies therefor, and immediately before delivery—

(*a*) the voting paper shall be marked 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, together with the distinctive letter of the parliamentary polling district in which the elector is registered; and

(*d*) a mark shall be placed in the register against the number of the elector to denote that he has received a voting paper, but without showing the particular voting paper which he has received.

21. The elector, on receiving the voting paper, shall forthwith enter 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 voting paper, so folded up, into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay, and shall leave the polling station as soon as he has put his voting paper into the ballot box.

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

(*a*) of an elector who is incapacitated by blindness or other physical cause from voting in manner directed by these regulations other than this regulation; or

(*b*) if the poll is taken on a Saturday, of an elector who declares that he is a Jew, and objects on religious grounds to vote in manner directed by these regulations other than this regulation; or

(*c*) of an elector who makes a declaration that he is unable to read (in these regulations referred to as " the declaration of inability to read ")

shall cause the vote of the elector to be marked on a voting paper in manner directed by the elector, and the voting paper to be placed in the ballot box.

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

23.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in these regulations referred to as " the companion "), the presiding officer shall require the elector to declare orally whether he is so incapacitated by blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in these regulations referred to as " the declaration made by the companion of a blind elector ") that the companion is a qualified person within the meaning of this regulation and has not previously assisted more than one blind person to vote at the poll then being taken, the presiding officer shall grant the application, and thereupon anything which is by these regulations required to be done to or by an elector in connexion with the giving of his vote, may, in the case of such blind elector, be done to, or with the assistance of, the companion as the case may be.

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

(*a*) a person who is entitled to vote at the poll; or

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

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this regulation and the name and address of the companion shall be entered on a list (in these regulations called " the list of blind electors assisted by companions ").

24.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

(*a*) shall be respectively in the forms Nos. 7 and 8 in the schedule; and

(*b*) shall be made before the presiding officer at the time when the elector applies for a voting paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer, who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of any such declaration.

Spoilt voting papers

25. An elector who has inadvertently dealt with his voting paper in such manner that it cannot be conveniently used as a voting paper may, on delivering it up to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another voting paper in the place of the voting paper so delivered up (in these regulations called a "spoilt voting paper"), and the spoilt voting paper shall be immediately cancelled.

Packets of voting papers etc. to be sealed

26. As soon as practicable after the close of the poll the presiding officer shall make up into separate packets sealed with his seal—

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

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

(*c*) the marked copies of the register of electors and the counterfoils of the voting papers;

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

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

27. The packets shall be accompanied by a statement made by the presiding officer showing the number of voting papers entrusted to him, and accounting for them under the heads of—

(*a*) voting papers in the ballot box;

(*b*) unused and spoilt voting papers.

The count

28. The returning officer, while counting and recording the number of voting papers and counting the votes, shall keep the voting papers face upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the voting papers.

29. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he may otherwise determine) the hours between eight o'clock in the afternoon and nine o'clock in the succeeding forenoon. The voting papers and other documents relating to the poll shall during the excluded period be kept under the seal of the returning officer who shall take all further proper precautions for the security during that period of such papers and documents.

Void voting papers

30. Any voting paper—

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

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

(*c*) which is unmarked or uncertainly marked

shall not be counted:

Provided that where more than one resolution is voted on, a voting paper shall not be excluded from the count on the ground of uncertainty as regards any vote as to which no uncertainty arises.

Declaration of result

31.—(1) When the result of the poll has been ascertained the returning officer shall forthwith declare the result of the poll in the form No. 9 in the schedule.

(2) The returning officer shall forthwith cause a copy of the declaration to be affixed to the front of the building in which the votes have been counted.

(3) The returning officer shall cause public notice to be given of the result of the poll as declared and shall announce the result to the council.

General provisions

32. The returning officer may, if he thinks fit, preside at a polling station, and the provisions of these regulations relating to a presiding officer shall, with any necessary modifications, apply to a returning officer so presiding.

33. A presiding officer may do by the officers appointed to assist him any act which he is required or authorised to do by these regulations.

34. No misnomer or inaccurate description of any place named in any notice under these regulations shall hinder the full operation of that notice with respect to that place provided the description of that place is such as to be commonly understood.

35. In computing any period of time for the purposes of these regulations, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceeding under these regulations.

SCHEDULE

FORM NO. 1

Form of requisition by electors

We, the undersigned electors of the Metropolitan Borough of hereby demand a poll of the electors to be taken with reference to the resolution[s] put to the public meeting held on the day of 19 , in favour of the promotion of [Part(s) of] [clause(s) of] the Bill, intituled a Bill , which has been deposited in Parliament by the [council of the said Metropolitan Borough] [London County Council].

Signature of elector *Address of elector.*

Dated this day of , 19 .

FORM NO. 2

Notice of withdrawal of requisition for poll by electors

Whereas by a requisition bearing date the day of 19 , we, the undersigned electors of the Metropolitan Borough of demanded a poll of the electors to be taken with reference to the resolution[s] put to the public meeting held on the day of , 19 , in favour of the promotion of [Part(s) of] [clause(s) of] the Bill, intituled a Bill , which has been deposited in Parliament by the [council of the said Metropolitan Borough] [London County Council];

Notice is hereby given that we, the electors aforesaid, do hereby withdraw our said requisition.

Signature of elector. *Address of elector.*

Dated this day of , 19 .

FORM No. 3

Notice that no poll will be taken

Metropolitan Borough of .

In Parliament: Session .

(*Title or short title of Bill.*)

Whereas a requisition was made that a poll of the electors of the above named Metropolitan Borough be taken with reference to the resolution[s] put to the public meeting held on the day of 19 , in favour of the promotion of [Part(s) of] [clause(s) of] the Bill, the title of which is set forth above;

[And whereas the requisition aforesaid has been withdrawn;]

[And whereas the council of the said Metropolitan Borough has [withdrawn] [taken all necessary steps to withdraw] [the Part(s) of] [the clause(s) of] the Bill above referred to;]

I do hereby give notice that the poll for which the said requisition was made will not be taken.

Dated this day of , 19 .

.....

Returning Officer.

FORM No. 4

Notice of Poll

Metropolitan Borough of .

In Parliament: Session .

(*Title or short title of Bill.*)

Whereas a requisition has been made that a poll of the electors of the above-named Metropolitan Borough be taken with reference to the resolution[s] put to the public meeting of electors held on the day of , 19 , in favour of the promotion of [Part(s) of] [clause(s) of] the Bill, the title of which is set forth above, and such resolution[s] was [were] in the following terms:—

* Here insert the resolution(s) with reference to which the poll is to be taken.

NOTICE IS HEREBY GIVEN

1. That a poll of the local government electors with reference to the resolution[s] above set forth will be taken on the day of 19 , between the hours of and .

*2. The situation and allotment of the polling stations and the description of the persons entitled to vote thereat are as follows:—

* If only one polling station, adapt form accordingly.

Dated this day of , 19 .

.....

Returning Officer.

FORM No. 5

Form of directions for the guidance of the elector in voting

The elector will go into one of the compartments, and with the pencil provided in the compartment place a cross thus X in the column of the voting paper headed " For ", or in that headed " Against " according to whether he wishes to vote for or against the resolution opposite which he places the cross.

The elector may vote in the manner above described on each resolution referred to in the voting paper where more than one resolution is there mentioned.

When the elector has voted, he must fold up the voting paper so as to show the official mark on the back, and leaving the compartment must, 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 box provided for its reception, and forthwith quit the polling station.

If the elector inadvertently spoils a voting paper, he may return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector places any mark on the voting paper by which he may be afterwards identified his vote will not be counted.

Counterfoil No.

FORM No. 6

Form of voting paper

Form of front of voting paper

(Title or short title of Bill.)

Poll on the following resolutions :—

.....	For	Against
Are you for or against [the resolution in favour of the promotion of—] [the following resolution(s)] 1 2 3 4		

Notes:—
The counterfoil is to have a number to correspond with that on the back of the voting [paper.

Form of back of voting paper

No.

Metropolitan Borough of

Poll on resolution(s) in connexion with the promotion of [Part(s) of] [clause(s) of] the Bill.

, 19 .

Notes:—
The number on the voting paper is to correspond with that on the counterfoil.
Nothing is to be printed on the voting paper, except in accordance with these regulations.

FORM No. 7

Form of declaration of inability to read

I, A.B., of being numbered on the register of local government electors for the Metropolitan Borough of do hereby declare that I am unable to read.

(Signed) A.B., his mark

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the do hereby certify that the above declaration, having been first read to the above-named A.B., was signed by him with his mark in my presence.

(Signed) C.D.

day of , 19 .

FORM No. 8

Form of declaration to be made by the companion of a blind elector

I, A.B., of , having been requested to assist C.D., who is numbered on the register of local government electors for the Metropolitan Borough of to record his vote at the poll now being held in connexion with the Bill do hereby declare that [I am entitled to vote at the said poll] [I am the* of the said elector 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 poll.

* State the relationship of the companion to the elector.

(Signed) A.B.,

day of , 19 .

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

(Signed) G.H.,

day of , 19 .

FORM No. 9

Declaration of result of poll

Metropolitan Borough of
In Parliament: Session

(*Title or short title of Bill.*)

Whereas a poll of the electors of the above-named Metropolitan Borough was taken on the day of , 19 , with reference to the following resolution[s] put to the public meeting held on the day of , 19 , in favour of the promotion of [Part(s) of] [clause(s) of] the Bill, the title of which is set forth above.

Resolutions

(1)
(2)

I, the undersigned, being the Returning Officer at the said poll, do hereby declare that the number of votes recorded thereat is as follows:—

In favour of the Resolution No. 1	votes.
Against the Resolution No. 1	votes.
Majority [in favour] [against]	
In favour of the Resolution No. 2	votes.
Against the resolution No. 2	votes.
Majority [in favour] [against]	

Dated this day of , 19 .

.....
Returning Officer.

Given under the official seal of the Minister of Health this twenty-third day of October nineteen hundred and forty-eight.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.