STATUTORY INSTRUMENTS

1973 No. 1911

REPRESENTATION OF THE PEOPLE

The Parish and Community Meetings (Polls) Rules 1973

Made - - -	*12th November* 1973
Laid before Parliament	*3rd December* 1973
Coming into Operation	*1st April* 1974

In exercise of the powers conferred upon me by paragraph 18(5) of Part III and paragraph 34(5) of Part V of Schedule 12 to the Local Government Act 1972(**a**), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Parish and Community Meetings (Polls) Rules 1973 and shall come into operation on 1st April 1974:

Provided that they shall not have effect in relation to a poll consequent on a parish meeting which has been demanded before that date.

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

2.—(1) The Parish Meetings (Polls) Rules 1970(**c**) are hereby revoked.

(2) Notwithstanding paragraph (1) of this Rule, the Rules therein mentioned shall apply to any poll which has been demanded before these Rules come into operation.

(3) Section 38 of the Interpretation Act 1889 shall apply as if the Rules revoked by this Instrument were Acts of Parliament.

3.—(1) At a poll consequent on a parish or community meeting the returning officer shall be an officer appointed by the district council in which the parish or community is situate.

(2) The returning officer shall appoint an office for the purpose of the poll.

(3) If a poll consequent on a parish or community meeting is required to be taken, the chairman of the meeting shall notify the district council of the fact and shall give the returning officer such particulars as will enable him to give notice of the poll.

4. In the application of those provisions of the Representation of the People Act 1949(**d**) referred to in section 165(1) of that Act, other than section 53 thereof, to the election of the chairman of a parish meeting at a parish meeting or to a poll consequent on a parish or community meeting the following adaptations, modifications and exceptions shall have effect:—

(**a**) 1972 c. 70.
(**b**) 1889 c. 63.
(**c**) S.I. 1970/189 (1970 I, p. 814).
(**d**) 1949 c. 68.

(*a*) where the poll is to be taken on any question other than that of the election of the chairman of the parish meeting or of an appointment to any other office only the following of the aforesaid provisions shall apply, namely, sections 47, 99, 100, 101, 146, 151 (other than paragraph (*b*) thereof), 154, 156, 158, 159 and 163;

(*b*) references to the proper officer of the authority for which the election was held shall be taken as references to the returning officer;

(*c*) references to the authority for which the election was held shall be taken as references to the parish and references to the area thereof shall be construed accordingly except in section 115(7) of the said Act where the expression "the area of the authority for which the election was held" means the district (as defined in section 270 of the Local Government Act 1972) in which the parish is situate;

(*d*) in sections 47(2), 86(1) and 87(1) for the expression "local government election" there shall be substituted the expression "election under the Local Government Act";

(*e*) in section 119(2)(*b*) for the words "such amount not exceeding five hundred pounds" there shall be substituted the words "an amount of fifty pounds or such smaller amount or such larger amount not exceeding three hundred pounds";

(*f*) references to an election under the Local Government Act shall be deemed to include a reference to the election of the chairman of a parish meeting at a parish meeting and to a poll consequent on a parish or community meeting.

5. In the application of section 53 of the Representation of the People Act 1949 and the Local Elections (Parishes and Communities) Rules 1973(**a**) to a poll consequent on a parish or community meeting, adaptations, alterations and exceptions shall be made therein so that they shall read as set out in the Schedule hereto.

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
12th November 1973.

(a) S.I. 1973/1910 (1973 III, p. 6591).

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Declaration of result of poll on a question of appointment to an office.

Timetable

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

TIMETABLE

Proceeding	*Time*
Delivery of notices of withdrawals of candidature	Not later than noon on the fourth day after the day on which the poll was demanded.
Notice of poll	Not later than the fifth day before the day of the poll.
Notice of appointment of polling or counting agents	Not later than the third day before the day of the poll.
Polling	On the day of the poll which shall be such day as shall be fixed by the returning officer not earlier than the fourteenth day nor, unless for special reasons the Secretary of State otherwise directs, later than the twenty-fifth day after the day on which the poll was demanded.

Computation of time

2.—(1) In computing any period of time for the purposes of the Timetable, a Sunday, day of the Christmas break, of the Easter break or of a bank holiday break 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 proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes thereon.

(2) In this rule "the Christmas break" means the period beginning with the last week day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday, "the Easter break" means the period beginning with the Thursday before and ending with the Tuesday after Easter

Day, and "a bank holiday break" means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday.

Hours of poll

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

Withdrawal of candidates

4.—(1) A candidate may not later than the time appointed for that purpose in rule 1 withdraw from his candidature by a notice of withdrawal signed by him and attested by one witness and delivered at the office appointed by the returning officer.

(2) If by reason of any withdrawal under this rule the number of remaining candidates becomes equal to or less than the number of persons to be elected, a poll shall not be taken and those candidates shall be deemed to be elected and the returning officer shall as soon as possible publish notice of the abandonment of the poll in the form in the Appendix, or in a form to the like effect, stating that no poll will be taken and giving a list of the persons elected and shall send a copy to each of those candidates and to the chairman of the meeting at which the poll was demanded.

Poll to be taken by ballot

5. The votes at the poll shall be given by ballot, and the poll shall be conducted in accordance with these rules.

The ballot papers

6. —(1) The ballot of every voter shall consist of a ballot paper.

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

(*a*) (i) if the poll is taken on a question of appointment to any office, shall contain the full names, home addresses and (if required) descriptions of the candidates arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names; and if there are two or more of them with the same surname and other names, the order in which those persons shall be shown shall be determined by lot drawn by the returning officer;

(ii) if the poll is taken on any other question, shall state the question or questions on which the poll is to be taken;

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

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

(*d*) shall have attached either at the side or at the top, a counterfoil with the same number printed on the face or the back.

(3) Where a poll on a question of appointment to any office and a poll on any other question are taken together, ballot papers of a different colour shall be used for each poll.

The official mark

7. (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.

Prohibition of disclosure of vote

8. No person who has voted at the poll shall, in any legal proceeding to question the poll, be required to state how or for whom he voted.

Use of schools and public rooms

9.—(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 a person liable to be rated or to pay any rate for that house.

Notice of poll

10.—(1) Notice of the poll in the appropriate form in the Appendix shall be published by the returning officer—

(*a*) by posting a notice of the poll in some conspicuous place or places in the parish or community, and

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

(2) Notice of the poll shall specify—

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

(*b*) if the poll is taken on a question of appointment to any office, the name of the office, the number of vacancies, the particulars of each candidate who has not withdrawn (the order of the names of the candidates and the particulars being the same as in the ballot paper) and the name of the proposer of each candidate;

(*c*) if the poll is taken on any question other than the question of an appointment, the particulars of the question and the name of the proposer of the resolution in respect of which the poll is being taken; and

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

Provision of polling stations

11.—(1) The returning officer shall provide one polling station or such other number of polling stations as he considers sufficient, and shall, if more than one polling station is provided, allot the voters 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 parish or community shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless the polling place is outside the parish or community.

(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

12.—(1) The returning officer shall appoint and may pay a presiding officer to attend at each polling station and such clerks as may be necessary for taking the poll and counting the votes.

(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.

Equipment of polling stations

13.—(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 parish or community or such part thereof as contains the names of the voters allotted to the station.

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

(5) Where the poll is taken on a question of appointment to any office there shall be exhibited in every compartment of every polling station a notice as follows:—"The voter may vote for not more than candidate(s) as [*insert name of office*]"; so however that if the poll is taken on questions of appointment to two or more offices, the notice may be adapted accordingly.

Appointment of polling and counting agents

14.—(1) Each candidate may appoint one polling agent to attend at each polling station for the purpose of detecting personation and one counting agent to attend at the counting of the votes.

(2) 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 rule 1 of these rules.

(3) 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.

(4) 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 who are within the permitted number.

(5) 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.

(6) 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.

(7) 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

15.—(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 and the presiding officers;

(*b*) every 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;

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

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

(*f*) where the poll is taken on a question other than a question of appointment to any office, the proposer of the resolution in respect of which the poll is taken who attends at the counting of the votes;

(*g*) every person permitted by the returning officer to attend at the counting of the votes, though not entitled as of right 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 or, where the poll is taken on a question other than a question of appointment to any office, the proposer of the resolution in respect of which the poll is taken;

(*b*) any candidate's wife or husband attending by virtue of rule 28 of these rules, authorising candidates' wives or husbands to attend as such;

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

(*d*) any clerk making the declaration in order to attend at the counting of the votes;

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 person becoming obliged to make a declaration by reason of his appointment after the opening of the poll shall make the declaration before acting under the appointment.

(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 paragraphs (5), (6), (7) and (9) of this rule shall be read to the declarant by the person taking the declaration, or shall be read by the declarant in the presence of that person:

Provided that the declaration may be made by the returning officer or any other person before a person who is chairman of the Greater London Council, a county council or a district council or mayor of a London borough, and may be made by a person other than the returning officer before a person who is the proper officer of any such council.

(4) The declaration shall be as follows:

"I solemnly promise and declare that I will not do anything forbidden by paragraphs (5), (6), (7) and (9) of rule 15 of the Schedule to the Parish and Community Meetings (Polls) Rules 1973 which have been read to [by] me.".

(5) The following persons, that is to say:—

(*a*) the returning officer and every presiding officer or clerk attending at a polling station;

(*b*) every candidate or polling agent so attending,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

(i) the name of any voter who has or has not applied for a ballot paper or voted at a polling station;

(ii) the number on the register of electors of any voter who has or has not applied for a ballot paper or voted at a polling station; or

(iii) the official mark.

(6) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

(*a*) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;

(*b*) communicate any information obtained at the counting of the votes as to the candidate for whom or the manner in which any vote is given on any particular ballot paper.

(7) No person whatsoever shall—

(*a*) interfere with or attempt to interfere with a voter when recording his vote;

(*b*) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom or the manner in which a voter in that station is about to vote or has voted;

(*c*) communicate at any time to any person any information obtained in a polling station as to the candidate for whom or the manner in which a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;

(*d*) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom or the manner in which he has or has not voted.

(8) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom or the manner in which that voter intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that voter.

(9) If any person acts in contravention of paragraph (5), (6), (7) or (8) of this rule, he shall be liable on summary conviction to imprisonment for a term not exceeding six months.

Admission to polling station

16. 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;

(*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.

Keeping of order in station

17.—(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

18. 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 it 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

19.—(1) The presiding officer may, and if required by a candidate or his 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:—

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

(ii) Have you already voted at the present poll?

(2) A ballot paper shall not be delivered to any person required to answer the above questions or either 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

20.—(1) If at the time a person applies for a ballot paper, or after he has applied for a ballot paper and before he has left the polling station, a candidate or his 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

21.—(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 voter as stated in the copy of the register of electors shall be called out;

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

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

(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.

Votes marked by presiding officer

22.—(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 in 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").

Voting by blind persons

23.—(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 poll, 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 at the poll; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of eighteen 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").

(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

24.—(1) If a person, representing himself to be a particular voter named in the register, applies for a ballot paper after another person has voted as the voter, 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").

Spoilt ballot papers

25. 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

26.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice to the returning officer.

(2) Where the poll is adjourned at any polling station—

(*a*) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and

(*b*) references in these rules to the close of the poll shall be construed accordingly.

Procedure on close of poll

27.—(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 copy of the register of electors;

(*e*) the counterfoils of the used ballot papers;

(*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 or cause them to be delivered to the returning officer to be taken charge of by him:

Provided that if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the approval of the returning officer.

(2) The marked copy of the register of electors shall not be in the same packet as the counterfoils of the used ballot papers.

(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 issued and not otherwise accounted for, and unused, spoilt and tendered ballot papers.

Attendance at counting of votes

28.—(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*) where the poll is taken on a question other than a question of appointment to any office, the proposer of the resolution in respect of which the poll is taken;

(*d*) the counting agents,

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

(3) A person not entitled as of right to attend at the counting of the votes shall not be permitted to do so by the returning officer unless the returning officer is satisfied that the efficient counting of the votes will not be impeded.

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

(5) 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

29. (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 and verify each ballot paper account;

(*b*) where a poll on a question of appointment to any office and a poll on any other question have been taken together, separate the ballot papers relating to each poll and count and record the numbers relating to each poll; and

(*c*) then mix together the whole of the ballot papers relating to the poll or each poll, as the case may be, which are contained in the ballot boxes.

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

(3) The returning officer, while separating, 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.

(4) The returning officer shall 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.

(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 thinks necessary, exclude the hours between nine o'clock in the evening and nine o'clock on the following morning.

(6) During the excluded time the returning officer shall place the ballot papers and other documents relating to the poll 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

30.—(1) A candidate 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 steps shall be taken on the completion of the counting or any re-count of votes until the candidates present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

31.—(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 or on more than one question, as the case may be, 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 or for or against any question 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.

Decisions on ballot papers

32. 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

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

Declaration of result

34. When the result of the poll has been ascertained the returning officer shall forthwith—

(*a*) in the case of a poll on a question of appointment to any office, declare to be elected the candidate or candidates for whom the majority of votes have been given and shall as soon as possible publish a notice in the appropriate form in the Appendix, or a form to the like effect, showing the name or names of the candidate or candidates elected and the total number of votes given to each candidate whether elected or not, together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers;

(*b*) in the case of a poll on any other question, declare the number of votes given for and against the question and whether the proposal to which the question relates has been carried or lost and shall as soon as possible publish a notice in the appropriate form in the Appendix, or a form to the like effect, showing the result as declared together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

The return

35. The returning officer shall forthwith upon declaration of the result of the poll return the name of each person elected or the result of the poll, as the case may be, to the chairman of the meeting at which the poll was demanded.

Sealing of ballot papers

36.—(1) On the completion of the counting 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 not open the sealed packets of tendered ballot papers or of counterfoils or of marked copies of the register of electors.

Delivery of documents to the district council

37. The returning officer shall then forward to the proper officer of the council of the district in which the parish or community is situate the following documents, 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;

(*e*) the packets containing marked copies of the register of electors,

endorsing on each packet a description of its contents, the date of the poll to which they relate and the name of the parish or community for which the poll was held.

Orders for production of documents

38.—(1) An order for—

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

(*b*) the opening of a sealed packet of counterfoils or for the inspection of counted ballot papers,

may be made by either a county court 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 proper officer of the district council having custody of the ballot papers and the sealed packets of counterfoils 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 voter 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 proper officer of the district council of any document in his possession relating to any specified poll, 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 poll; 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 poll, 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 voter whose vote was given by that ballot paper was the person who at the time of the poll had 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 proper officer of the district council or to open any sealed packets of counterfoils.

Retention and public inspection of documents

39.—(1) The proper officer of the district council shall retain for six months among the records of the district all documents relating to a poll which are, in pursuance of these rules, forwarded to him by a returning officer or held by him 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 and counterfoils, shall during a period of six months from the day of the poll be open to public inspection at such time and in such manner as may be determined by the district council.

(3) The proper officer of the district council 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 district council.

Supplemental provisions as to documents

40. Subject to the provisions of these rules, the proper officer of the district council 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 district council.

Countermand or abandonment of poll on death of candidate

41.—(1) If before the result of the poll is declared proof is given to the satisfaction of the returning officer that a candidate who has not withdrawn has died, then the returning officer shall countermand the poll or, if polling has begun, direct that the poll be abandoned.

(2) Where the poll is abandoned by reason of the death of a candidate, the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll in due course, and the returning officer shall dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes; but—

(*a*) it shall not be necessary for any ballot paper account to be prepared or verified; and

(*b*) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes, shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(3) The foregoing provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll shall apply to any such documents relating to a poll abandoned by reason of the death of a candidate, with the following modifications:—

(*a*) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and

(*b*) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils unless the order is made by a court with reference to a prosecution.

(4) Where a poll is countermanded or abandoned by reason of the death of a candidate, the district council may by order make any appointment or make provision for the holding of a parish meeting or do such other thing as appears to them to be expedient in the circumstances.

General duty of returning officer

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

Interpretation

43.—(1) In these rules unless the context otherwise requires, the expression "appointment to any other office" includes the election of the chairman of the parish meeting.

(2) For any reference in these rules to a parish or a community there shall, if the poll is held for part of a parish or a community, be substituted a reference to part of a parish or part of a community.

(3) Any reference in these rules to a proper officer shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.

(4) A reference in this Schedule to a rule shall be construed as a reference to a rule contained in this Schedule.

(5) Any person before whom a declaration is authorised to be made under these rules may take the declaration.

APPENDIX

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

Rule 4.

NOTICE OF ABANDONMENT OF POLL

Parish of .

Whereas at a Parish Meeting for the Parish of held on the day of , 19 , a demand was made for a poll as to which of the following candidates should be appointed as [*insert name of office*] for the said parish, and such demand was not withdrawn:—

[*insert names, home address, and description of each candidate.*]

And whereas the said [*insert name*] has since withdrawn his candidature and the number of the remaining candidates does not exceed the number of persons to be appointed to the said office, I hereby give notice that the poll demanded will not take place, and I hereby declare that the said [*insert names*] are appointed to the said office.

Dated this day of , 19 .

.....
Returning Officer.

NOTICE OF POLL ON A QUESTION OTHER THAN A QUESTION OF APPOINTMENT TO AN OFFICE

Rule 10.

Parish/Community of .

Whereas at a Parish/Community Meeting for the Parish/Community of held on the day of , 19 , a poll was demanded on the following question, namely,

NOTICE IS HEREBY GIVEN THAT—

*1. A poll on the said question will be taken on the day of , 19 , between the hours of 4 p.m. and 9 p.m.

*If the poll relates to two or more questions, adapt form accordingly.

*2 The names and address of the proposer of the resolution in respect of which the poll is taken are as follows:—

Surname 1	Other names in full 2	Home address in full 3

†3. The situation of the polling stations and the description of the persons entitled to vote at each are as follows:—

†If there is only one polling station, adapt form accordingly.

Polling Station	Persons entitled to vote thereat

Dated this day of , 19 .

....
Returning Officer.

NOTICE OF POLL ON A QUESTION OF APPOINTMENT TO AN OFFICE

Rule 10.

Parish of .

Whereas at a Parish Meeting for the Parish of held on the day of , 19 , a poll was demanded on the question of the appointment to the following office, namely,

NOTICE IS HEREBY GIVEN THAT—

1. A poll on the said appointment will be taken on the day of , 19 , between the hours of 4 p.m. and 9 p.m.

2. The number of persons to be appointed as [*insert name of office*] is .

*Insert particulars as to each candidate with respect to whom the poll is to be taken, in the alphabetical order of the candidates' surnames.

3. The following is a statement as to the persons nominated for election to the said appointment:—

*Persons nominated				
Surname 1	Other names in full 2	Description (if any) 3	Home address in full 4	Proposer's name 5

†If there is only one polling station, adapt form accordingly.

†4. The situation of the polling stations and the description of the persons entitled to vote at each are as follows:—

Polling Station	Persons entitled to vote thereat

Dated this day of , 19 .

.....
Returning Officer.

Rule 6.

BALLOT PAPER ON A QUESTION OTHER THAN A QUESTION OF APPOINTMENT TO AN OFFICE

Form of Front of Ballot Paper

Questions	Answers	
	Yes	No
[should the parish/community be grouped with the parish/community of under a common parish/community council?]		
[should a parish/community council be established for the parish/community?]		
[should section 3(1) of the Parish Councils Act 1957 (which empowers a parish/community meeting to light roads and public places) be adopted for the parish/community?]		

Form of Back of Ballot Paper

No.

Poll consequent on Parish/Community Meeting for the Parish/Community of .

day of , 19 .

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

Directions as to printing 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 rule shall be printed on the face except the vertical and horizontal rules separating the answers from the questions and the answers from each other;

(*b*) an equal amount of space for the answer "Yes" and the answer "No" to each question shall be allocated;

(*c*) the spacing, layout and style and size of type face shall be as nearly as may be the same as in the specimen form in this Appendix.

3. The number on the back of the ballot paper shall be printed in ordinary type.

Rule 6

BALLOT PAPER ON A QUESTION OF APPOINTMENT TO AN OFFICE

Form of Front of Ballot Paper

1	**BROWN** JOHN EDWARD Brown, 2 The Cottages, Barlington, Grayshire Labour	
2	**BROWN** THOMAS WILLIAM Brown, 15 Barchester Road, Barlington, Grayshire Liberal	
3	**JONES** William David Jones, The Grange, Barlington, Grayshire Conservative	
4	**MERTON** Hon. George Travis, commonly called Viscount Merton, Barlington, Grayshire	
5	**SMITH** Mary Smith, School House, Barlington, Grayshire Schoolteacher, Progressive	
6	**WILLIAMS** Elizabeth Williams, 3 Ivy Lane, Barlington, Grayshire Housewife	

Form of Back of Ballot Paper

No.

Poll on appointment of [*insert name of office*] for the Parish 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;

(*d*) the spacing, layout and style and size of type face shall be as nearly as may be the same as the specimen form in this Appendix.

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 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 ordinary type.

DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING WHERE THE POLL IS ON A QUESTION OTHER THAN A QUESTION OF APPOINTMENT TO AN OFFICE Rule 13.

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

2. The voter 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 ballot paper headed "Yes" or in that headed "No" according to whether he wishes to vote in favour of or against the question opposite to which he places the cross.

Where the ballot paper refers to more than one question the voter may vote in the manner described on each question in the ballot paper.

3. 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.

4. 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.

5. If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

Rule 13.

DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING WHERE THE POLL IS ON A QUESTION OF APPOINTMENT TO AN OFFICE

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

2. 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.

3. 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.

4. 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.

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

Rule 23.

DECLARATION TO BE MADE BY THE COMPANION OF A BLIND VOTER

I, A.B., of , having been requested to assist C.D., who is numbered on the register of local government electors for the electoral area for which the poll is being held, to record his vote at the poll now being held for the said area, do hereby declare that [I am entitled to vote at the said poll] [I am the* of the said voter and have attained the age of eighteen 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 voter.

(Signed) A.B.

Date.....

I, the undersigned, being the presiding officer for the polling station for the electoral area for which the poll is being held, 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.

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.

DECLARATION OF RESULT OF POLL ON A QUESTION OTHER THAN A QUESTION OF APPOINTMENT TO AN OFFICE

Rule 34.

Parish/Community of .

Whereas a poll of the local government electors of the [Parish/Community] [electoral areas of of the Parish/Community] was taken on the day of , 19 , on the following question[s], namely [*state the question or questions upon which the poll was taken*].

I, the undersigned, being the returning officer at the said poll, hereby give notice that the number of votes given thereat was as follows:—

For the question .. .. votes.

Against the question .. .. votes.

Majority for [or against] .. .. ..

‡REJECTED BALLOT PAPERS

‡If no ballot papers rejected omit this part of form.

.....ballot papers were rejected for the following reason(s):—

§(*a*) want of official mark.....[*insert number*]

§(*b*) writing or mark by which voter could be identified.....[*insert number*]

§(*c*) unmarked or wholly void for uncertainty.....[*insert number*]

§.....ballot papers were rejected in part.

§Delete if inapplicable.

And I hereby declare that the said question was carried [or lost].

Dated this day of , 19 .

.....

Returning Officer.

DECLARATION OF RESULT OF POLL ON A QUESTION OF APPOINTMENT TO AN OFFICE

Rule 34.

Parish of

Whereas a poll of the local government electors of the parish of was taken on the day of , 19 , as to the person[s] to be appointed as [*insert name of office*] for the parish;

I, the undersigned, being the returning officer at the said poll, hereby give notice that the number of votes given for each candidate at the poll was as follows:—

Names of Candidate		Home address in full	Number of Votes given
Surname	Other Names in full		

‡If no ballot papers rejected omit this part of form.

§Delete if inapplicable.

‡REJECTED BALLOT PAPERS

.....ballot papers were rejected for the following reason(s):—

§(*a*) want of official mark.....[*insert number*]

§(*b*) voting for more candidates than voter is entitled to.....[*insert number*]

§(*c*) writing or mark by which voter could be identified.....[*insert number*]

§(*d*) unmarked or wholly void for uncertainty.....[*insert number*]

§.....ballot papers were rejected in part.

And I hereby declare that the said are duly appointed to the said office.

Dated this day of , 19 .

.....
Returning Officer.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules revoke and replace the Parish Meetings (Polls) Rules 1970. They apply to a poll consequent on a community meeting as well as to a poll consequent on a parish meeting.

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