STATUTORY INSTRUMENTS

1974 No. 82 (S.1)

REPRESENTATION OF THE PEOPLE

The Scottish Local Elections Rules 1974

Made - - - -	21*st January* 1974
Laid before Parliament	7*th February* 1974
Coming into Operation	1*st April* 1974

In exercise of the powers conferred on me by sections 7 and 233 of the Local Government (Scotland) Act 1973**(a)**, and of all other powers enabling me in that behalf, I hereby make the following Rules.

1.—(1) These rules may be cited as the Scottish Local Elections Rules 1974 and shall come into operation on 1st April 1974.

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

2. In the application of the parliamentary elections rules in Schedule 2 to the Representation of the People Act 1949**(c)** to the first ordinary elections of councillors of a local authority (as defined in section 235 of the Local Government (Scotland) Act 1973) and to any subsequent elections of such councillors adaptations, alterations and exceptions shall be made therein so that the elections shall be conducted in accordance with the rules set out in Schedule 1 hereto:

Provided that in relation to the first elections of councillors in 1974 the rules shall apply subject to the adaptations, alterations and exceptions specified in Schedule 2 hereto.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

21st January 1974.

(a) 1973 c. 65. (b)1889 c. 63. (c)1949 c. 68.

SCHEDULE 1

RULES FOR CONDUCT OF A LOCAL GOVERNMENT ELECTION IN SCOTLAND

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PART I

PROVISIONS AS TO TIME

Timetable

1.—(1) The proceedings at the election shall be conducted in accordance with the following Timetable:—

Proceeding	Time
Publication of notice of election.	On or within seven days before the fourth Tuesday preceding the day of election.
Delivery of nomination papers.	Not later than 4 p.m. on the third Tuesday preceding the day of election.
Delivery of notice of withdrawal of nomination.	Not later than 4 p.m. on the third Thursday preceding the day of election.
Notice in case of uncontested election and notice of poll in contested election.	Not later than the Thursday preceding the day of election.
Notice of appointment of polling or counting agents.	Not later than the Thursday preceding the day of election.
Polling.	Between 8 a.m. and 9 p.m. on the day of election.

(2) At any election under sections 9, 10 or 37 of the Local Government (Scotland) Act 1973 the timetable prescribed by this rule shall apply, subject to any necessary modifications and to the substitution for the dates set out in the timetable of such dates, as the Secretary of State in the case of an election under the said section 10, or the returning officer in the case of an election under the said sections 9 or 37, shall determine.

Computation of time

2.—(1) Where the day or the last day on which anything is required or permitted by these rules to be done is a Sunday, Christmas Day, New Year's Day, Good Friday, bank holiday or a public holiday or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days.

(2) Nothing in this rule shall apply in relation to the counting of the votes and the other proceedings of the returning officer after the close of the poll or to things done by other persons in the course of those proceedings, but the returning officer shall not be obliged to proceed with the counting on any of the days mentioned in paragraph (1).

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

3.—(1) Notice of the election in the form in the Appendix to this Schedule, or a form to the like effect, shall be published by the returning officer.

(2) The notice shall be published—

(*a*) in the case of an election of a councillor for a region, by causing a copy to be exhibited conspicuously at or near the main entrance to the principal offices of the council for the region and at or near the main entrance to the principal offices of the council for the district which includes the electoral division;

(*b*) in the case of an election of a councillor for an islands area or a district, by causing a copy to be exhibited conspicuously at or near the main entrance to the principal offices of the council of the islands area or district: and

either by causing a copy to be exhibited conspicuously in the electoral area or by inserting a copy at least once in one or more newspapers circulating in the electoral area.

(3) The registration officer shall give notice in the electoral area, by such means as he thinks best calculated to bring the information to the notice of those concerned, of the date by which applications to be treated as an absent voter and other applications and notices about postal or proxy voting must reach the registration officer in order that they may be effective for the election.

Nomination of candidates

4.—(1) Each candidate shall be nominated by a separate nomination paper in the form in the Appendix to this Schedule, or a form to the like effect, delivered at the place fixed by the returning officer for the purpose.

(2) The nomination paper shall state—

(*a*) if the name of the candidate appears in the register of local government electors for any electoral area within the area of the council for which he is nominated as a candidate, the name and address and number on the register of the candidate as appearing in the said register, the surname being placed first;

(*b*) if the name of the candidate does not appear in any such register, the full name of the candidate (with his surname first) and his home address in full.

(3) The particulars of a candidate given in a nomination paper may, if desired, include a description in addition to the particulars required by paragraph (2); but a description included by virtue of this paragraph shall not exceed six words in length.

Consent to nomination

5. The candidate, or a solicitor duly authorised by him, shall sign the candidate's consent to nomination appended to and forming part of the nomination paper referred to in rule 4 which candidate's consent to nomination shall contain the statements specified in the prescribed form.

Subscription of nomination paper

6.—(1) The nomination paper shall be subscribed by two electors for the electoral area as proposers, and by eight other electors for that area as assenting to the nomination.

(2) Where a nomination paper bears the signature of more than the required number of persons as proposing 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 nomination paper shall give the electoral number of each person subscribing it as proposer or assenter.

(4) The returning officer shall not sign any nomination paper as proposer, assenter, candidate or solicitor for a candidate and, if he does so, his signature shall be inoperative.

(5) No person shall subscribe as proposer or assenter more than one nomination paper in respect of the same electoral area and, if he does so, his signature shall be operative only in the case of the paper which is first delivered:

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.

(6) In this rule—

the expression "elector for the electoral area" means a person who is registered as a local government elector for the electoral area 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 (and accordingly includes a person shown in the register or electors lists as below voting age if it appears therefrom that he will be of voting age on the day fixed for the poll, but not otherwise);

the expression "electoral number" means the distinctive letter or number of the polling district in which a person is registered together with his number in the said register, or pending the publication of the register, the distinctive letter or number of the polling district in which he is entitled to be registered together with his number (if any) in the electors lists therefor.

Decisions as to validity of nomination papers

7.—(1) Where a nomination paper is delivered in accordance with these rules the candidate shall be deemed to be validly 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; or

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

(3) The returning officer shall examine the nomination papers and decide whether the candidates have been validly nominated in accordance with these rules and shall do so as soon as practicable after each paper is delivered.

(4) Where the returning officer decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision and shall forthwith send notice of his decision to the candidate at his address as stated on the nomination paper.

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

Withdrawal of candidates

8.—(1) A nomination may be withdrawn by notice of withdrawal in the form in the Appendix to this Schedule, or a form to the like effect, signed by the candidate, or by a solicitor duly authorised by him, and attested by two witnesses 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 the proposer whose name appears first on the candidate's nomination paper (in this paragraph referred to as "the first 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 first 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 notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Nomination in more than one electoral division or ward

9. If at an election of councillors for the council of a local government area a candidate is validly nominated for more than one electoral division or ward, as the case may be, of that area, he shall withdraw from his candidature in all but one of those electoral divisions or wards; and if he does not so withdraw within the time for the delivery of notices of withdrawal, he shall be deemed to have withdrawn as a candidate for election to that council.

Inspection of nomination papers

10. Any person may, at all reasonable times after the latest time for the delivery of nomination papers and before the day of election, inspect and take copies of, and extracts from, nomination papers.

Method of election and notice of uncontested election

11.—(1) If after the expiry of the time for the delivery of notices of withdrawal of nomination, two or more candidates remain validly nominated for an electoral area, the councillor for that electoral area shall be elected from among them at a poll under Part III of these rules.

(2) If one candidate only remains validly nominated as aforesaid, the returning officer shall cause public notice to be given that there will be no poll in that electoral area and that on the day of election that candidate shall be declared elected in accordance with the provisions of Part IV of these rules.

(3) The public notice to be given under this rule shall be in the form contained in the Appendix to this Schedule, or a form to the like effect, and shall except where in the circumstances it is not appropriate, be combined with the public notice of poll to be given under rule 17 and shall be published in like manner as the said notice of poll.

(4) If a candidate whose name has been included in a notice given under paragraph (2) dies before the declaration of the result of the election, the provisions of the Local Government (Scotland) Act 1973 shall apply as if no candidate had remained validly nominated.

PART III

CONTESTED ELECTIONS

GENERAL PROVISIONS

Poll to be taken by ballot

12. 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 to whom the majority of votes have been given shall be declared to have been elected.

The ballot papers

13.—(1) The ballot of every voter shall consist of a ballot paper, and the candidates remaining validly nominated for the electoral area, 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 contained in the Appendix to this Schedule, or a form to the like effect, and shall be printed in accordance with the directions therein, and—

(*a*) shall contain the names, addresses and descriptions (if any) of the candidates as shown in their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names; and (where a candidate is qualified as a registered local government elector and any of his names or his address has been changed between the qualifying date for the register and the last day for the submission of nomination papers) shall also,if so required by the candidate, give his present names and his current address;

(*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) For the purposes of the last foregoing paragraph, the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

The official mark

14.—(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 five years shall intervene between the use of the same official mark at elections for the same region, islands area or district, as the case may be.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

15. 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

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

(*a*) a room in a school other than an independent school within the meaning of the Education (Scotland) Act 1962(**a**); and

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

Provided that nothing in this paragraph shall authorise the use of a room used as part of a private dwelling-house.

(2) The returning officer shall make good any damage done to and defray any expense incurred by the authority or person 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.

(4) An election shall not be held in any premises exclusively appropriated to public religious worship.

ACTION TO BE TAKEN BEFORE THE POLL

Notice of poll

17.—(1) Notice of the poll in the form in the Appendix to this Schedule, or a form to the like effect, shall be published by the returning officer at the places and in the manner in which the notice of election is required to be published under rule 3. The said notice, which may apply to one or more electoral divisions or wards, shall, except where in the circumstances it is not appropriate, be combined with the notice of an uncontested election to be given under rule 11.

(2) The names of the candidates in the notice of poll shall be arranged alphabetically in the order of their surnames; and the names and other particulars of the candidates in the said notice (including where appropriate their present names and current address) shall be the same as in the ballot paper under the provisions of rule 13.

(3) In the case of a candidate nominated by more than one nomination paper, the names and addresses of the proposers in the notice of poll shall be taken from the first valid nomination paper in respect of the candidate delivered at the place appointed for the delivery of nomination papers.

(4) The returning officer shall, as soon as practicable after publication of a notice of poll, give each of the election agents a description in writing of the polling districts.

Postal ballot papers

18. 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 form set out in the Representation of the People (Scotland) Regulations 1969(**b**), or a form to the like effect, together with an envelope for their return.

(**a**) 1962 c. 47. (**b**) S.I. 1969/912 (1969 II, p. 2726).

Provision of polling stations

19.—(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 so however that it shall not be necessary that a polling station for an electoral area or a polling district be within the electoral area or polling district, as the case may be.

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

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

(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

20.—(1) The returning officer shall appoint and pay a presiding officer to preside at each polling station and such clerks as may be necessary for the purpose 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.

(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 by the clerks appointed to assist him do 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

21. The registration officer shall as soon as practicable prepare the following special lists for the purposes of the election, 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.

Issue of official poll cards

22.—(1) The returning officer shall as soon as practicable send to electors for the electoral area and their proxies an official poll card:

Provided that an official poll card need not be sent to any person as an elector if he is entitled to vote by post at the election, or to any person as a proxy if his application to vote as such by post is allowed for the election.

(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card shall be in the form in the Appendix to this Schedule or a form to the like effect.

(4) In this rule the expression "electors for the electoral area" shall be interpreted in accordance with the provisions of paragraph (6) of rule 6 and the expression "number on the register" in the form of the poll card in the Appendix means "electoral number" within the meaning of the said paragraph (6).

Equipment of polling stations

23.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put in but cannot be taken out 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 electoral area or such part thereof 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 electoral area or part thereof provided under the last foregoing sub-paragraph; and

(*e*) copies of forms of declarations and other documents required for the purpose of the poll.

(4) A notice in the form contained in the Appendix to this Schedule, or a form to the like effect, 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) In every compartment of every polling station there shall be exhibited a notice as follows:—"You may vote for only one candidate".

Appointment of polling and counting agents

24.—(1) Each candidate may 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 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.

(2) Notice in writing of every appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer.

(3) If a polling or a counting 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) 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 any appointment authorised by this rule may be made and the notice of appointment given to the returning officer, by the candidate's election agent instead of by the candidate.

(5) 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.

(6) 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; and where a candidate has no counting agent any such notice shall be given to the candidate.

(7) 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.

(8) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling or counting agents.

(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

25.—(1) Before the opening of the poll a declaration of secrecy in the form prescribed in paragraph (4), or a form to the like effect, 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 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 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;

(*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 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 that 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 or of the proper officer of a local authority 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 or shall be read by the declarant in the presence of that person.

(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 [by] me."

THE POLL

Admission to polling station

26.—(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) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

(3) 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 form in the Appendix to this Schedule, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.

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

Keeping of order in station

27.—(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 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 taken into custody by a constable 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

28. 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 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

29.—(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 electoral area 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 electoral areas, in this or any other electoral area] otherwise than as proxy for some other person?

(*b*) In the case of a person applying as a 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

30.—(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, it shall be lawful for the presiding officer to order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable to take the applicant into custody without a warrant.

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

Voting procedure

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

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

(*b*) the number, name and address 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 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.

Votes marked by presiding officer

32.—(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

33.—(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 eighteen years.

(4) The name and number on 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) 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.

(6) The declaration made by the companion—

(*a*) shall be in the form in the Appendix to this Schedule or a form to the like effect;

(*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.

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

Tendered ballot papers

34.—(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 on 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

35. 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 up (in these rules called "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Adjournment of poll in case of riot

36. Where the proceedings at any polling station are interrupted or obstructed by any riot or open violence, the presiding officer may adjourn the poll at that polling station until the following day or some other convenient time, and if necessary may repeat such adjournment until such interruption or obstruction has ceased, and where the poll has been so adjourned, the presiding officer shall forthwith give notice of such adjournment to the returning officer who shall not finally declare the result of the election until the poll so interrupted or obstructed is closed and the various packets are delivered to the returning officer as provided in the next following rule.

Procedure on close of poll

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

COUNTING OF VOTES

Attendance at counting of votes

38.—(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) 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, and the returning officer either has consulted the election agents or is satisfied that it is impracticable to consult them.

(4) 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.

(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

39.—(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, checking the number against the ballot paper account; and, if required to do so by a candidate or an election agent, in the presence of the election agents verify each ballot paper account;

(*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) Where in accordance with the provisions of paragraph (1) (*a*) the returning officer is required to verify a ballot paper account he shall do so by comparing it with the number of ballot papers recorded by him, the unused and spoilt ballot papers in his possession, and the tendered votes list (opening and re-sealing the packets containing the unused and spoilt ballot papers and the tendered votes list); and the returning officer shall draw up a statement as to the result of any such verification, which any election agent may copy.

(6) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshments, but he may, if he thinks fit and without the consent of any candidate or other person, decide not to proceed with the counting of the votes until nine o'clock on the succeeding morning. During the period until he proceeds with the counting the returning officer shall take proper precautions for the safe custody and security of the ballot papers and other documents.

Re-count

40.—(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 steps shall be taken on the completion of the counting or any re-count of the 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

41.—(1) Any ballot paper—

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

(*b*) on which votes are given for more than one candidate; 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 the next following paragraph, be void and not counted.

(2) 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, 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.

(3) The returning officer shall endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words "rejection objected to" if an objection is made by any counting agent to his decision.

(4) The returning officer shall draw up a statement showing the number of ballot papers rejected and not counted by him under the several heads of—

(*a*) want of official mark;

(*b*) voting for more than one candidate;

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

(*d*) unmarked or void for uncertainty.

Decisions on ballot papers

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

Equality of votes

43. 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 candiates 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

44.—(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 to whom the majority of votes have been given, and shall as soon as possible publish the name of the candidate elected and the total numbers 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.

(2) Where a notice of uncontested election has been given under rule 11, the returning officer shall not later than 11 a.m. on the day of election declare the validly nominated candidate referred to in the said notice of uncontested election to be elected and shall thereafter publish the name of the candidate elected, such publication being combined, if the returning officer so determines, with the publication under paragraph (1) of the name of any candidate elected in a contested election.

(3) Publication of the result of an election under this rule shall be effected by posting up a printed or written statement of the result at or near the main entrance to the offices where the meetings of the council concerned are ordinarily held.

The return

45. The returning officer shall forthwith on publication of the result of the election return the name of each councillor elected to the proper officer of the council to which councillors are elected and shall forthwith give or cause to be given notice in writing of their election to the councillors concerned.

PART V

Disposal of Documents

Sealing of ballot papers

46.—(1) Upon the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.

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

Delivery of documents

47. The returning officer shall then forward to the proper officer of the council to which councillors are elected 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 any 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, endorsing on each packet a description of its contents, the date of the election to which they relate and the name or identifying numbers or letters of the electoral area for which the election was held.

Orders for production of documents

48.—(1) An order for—

(*a*) the inspection or production of any rejected ballot papers; or

(*b*) the opening of the sealed packets 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 the sheriff principal having jurisdiction in the region, islands area or district as the case may be, and where more than one sheriff

principal has jurisdiction in the area aforementioned by any such sheriff principal, on being 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) An order under this rule may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the sheriff principal may think, expedient and may direct the proper officer of the council 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 Court of Session from any order of a sheriff principal made under this rule.

(4) Any power given to a sheriff principal by this rule may be exercised otherwise than in open court.

(5) Where an order is made for the production by the proper officer of the council 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 the 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 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 that election 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 custody of the proper officer of the council or to open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

49.—(1) The proper officer of the council shall retain for six months among the records of the council all documents relating to an election 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) All the documents retained under this rule other than 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 the council may determine.

(3) The proper officer of the council shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees, and subject to such conditions as may be determined by the council.

Supplemental provisions as to documents

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

PART VI

SUPPLEMENTAL

Countermand or abandonment of poll on death of candidate

51.—(1) If at a contested election proof is given to the satisfaction of the returning officer before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died then the returning officer shall countermand the notice of poll, or if polling has begun, direct that the poll be abandoned, and the provisions of section 9 of the Local Government (Scotland) Act 1973 shall apply to any further election ordered under that Act.

(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 at an election 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 or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

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.

Interpretation

53.—(1) The expression "electoral area" means any area for which a councillor is elected to a local authority within the meaning of the Local Government (Scotland) Act 1973, that is, an electoral division of a region or an islands area, or a ward of a district and "the electoral area" means the electoral division or ward for which an election is held.

(2) Any reference in these rules to a proper officer shall, in relation to any purpose and any local authority, be construed as a reference to an officer appointed for that purpose by that local authority.

(3) Unless the context otherwise requires, a reference in these rules to a rule shall be construed as a reference to a rule contained in this Schedule and a reference in a rule to a paragraph shall be construed as a reference to a paragraph in that rule.

APPENDIX TO SCHEDULE 1

FORMS FOR USE AT LOCAL GOVERNMENT ELECTIONS

Note.—The forms contained in this Appendix may be adapted so far as circumstances require and, in particular, may relate to one or more electoral areas.

NOTICE OF ELECTION

Rule 3

[ ] [REGIONAL] [ISLANDS] [DISTRICT] COUNCIL

ELECTION OF COUNCILLORS

1. Elections are to be held for the return of one councillor from each of the (*insert number*) [electoral divisions] [wards] into which [ ] [Region] [Islands Area] [District] is divided.

2. Nomination papers completed and subscribed in accordance with the provisions of the Scottish Local Elections Rules 1974 must be delivered at on any day after the date of this notice, but not later than 4 p.m. on 19 , and withdrawals of persons nominated must be intimated at the same address not later than 4 p.m. on 19 .

3. Where a person is nominated for more than one [electoral division] [ward] and does not, before the latest time for withdrawals, withdraw his nomination in all [electoral divisions] [wards] except one, he will be deemed to have withdrawn his nomination in all the [electoral divisions] [wards] for which he was nominated.

4. Forms of nomination and withdrawal may be obtained at the office appointed for the delivery of nominations and withdrawals.

5. A separate election will be held in each [electoral division] [ward] and polling will take place between the hours of 8 a.m. and 9 p.m. on 19 , unless in any [electoral division] [ward] the election is uncontested.

6. Electors and their proxies should take note that applications to be treated as an absent voter and other applications and notices about postal or proxy voting must reach the electoral registration officer at (*insert address*) by the (*insert date*) next if they are to be effective for these elections.

Signed.....

(Returning Officer.)

Date.....

Rule 4 NOMINATION PAPER

Front of nomination paper

ELECTION OF A COUNCILLOR for the.....[Electoral Division] [Ward]

of the.....[Region] [Islands Area] [District]

Day of election.....

We, the undersigned, being local government electors for the said [electoral division] [ward], do hereby nominate the under-mentioned person as a candidate at the said election.

Surname as in register of electors	Other Names	Description (if any)	Address as in register of electors

or

Surname	Other Names in full	Description (if any)	Home Address in full

We hereby declare to the best of our knowledge, information and belief that—

(*a*) the said (*here insert the name of the candidate*) has attained the age of 21 years and is a British subject [or a citizen of the Irish Republic] and is not subject to any legal incapacity; and

(*b*) the said (*here insert the name of the candidate*) is not disqualified for being nominated as a candidate for election as a [regional] [islands] [district] councillor by reason of any of the disqualifications set forth in section 31 of the Local Government (Scotland) Act 1973, a copy of which section is printed on the back hereof.

Signatures	Electoral Number (*see* Note 3)		Address as in the register of electors
	Distinctive Letter(s) *or* Number(s)	Number	
..... Proposer	.....	.....	.....
..... Proposer	.....	.....	.....
We, the undersigned, being local government electors for the said [electoral division] [ward] do hereby assent to the foregoing nomination. Signatures			
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....
5.	.....	.....	.....
6.	.....	.....	.....
7.	.....	.....	.....
8.	.....	.....	.....

I, the nominee for election, consent to being nominated as a candidate and, if elected, accept office as a councillor for the said [Region] [Islands Area] [District]. I declare that if elected, I shall faithfully perform the duties of the office.

I declare that I am qualified to be elected, that I have attained the age of 21 years and am a British subject or a citizen of the Irish Republic;
and that

*(*a*) I am registered as a local government elector for the..... [Region] [Islands Area] [District] in respect of the following address

.....

.....

and my electoral number is..... (*see Note* 3)

* Delete where inapplicable.

*(*b*) I have during the whole of the twelve months preceding the day of my nomination occupied as owner or tenant land or premises at the following address(es)

.....

.....

*(*c*) I have during the twelve months preceding the day of my nomination had my principal or only place of work at the following address(es).....

.....

*(*d*) I have during the whole of the twelve months preceding my nomination resided at the following address(es).....

.....

I declare that I am not disqualified for being nominated as a candidate for election as a [regional] [islands] [district] councillor by reason of any of the disqualifications set forth in section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf.

.....
(Signature of Candidate)

.....
(Date)

NOTES;

Note 1.—The attention of candidates and local government electors is drawn to the rules for filling up nomination papers and other provisions relating to nominations in the Scottish Local Elections Rules 1974.

Note 2.—Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

Note 3.—A person's electoral number consists of the distinctive letter or letters or number or numbers of the polling district in which he is registered together with his number in the register to be used at the election, except that before publication of the register the distinctive letter or letters or number or numbers of the polling district in which he is entitled to be registered together with his number (if any) in the electors lists for that register shall be used instead.

Note 4.—An elector may not subscribe more than one nomination paper in respect of the same electoral division or ward.

Note 5.—A person whose name is entered in the register or electors lists may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

Note 6.—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows:— "For and on behalf of.....(*here insert the name of the candidate*) .....(*here insert the signature of the subscriber*) Solicitors..... (*here insert address of subscriber*) duly authorised by the said..... (*here insert the name of the candidate*) to sign this form".

Back of nomination paper

(*Here print copy of section* 31 *of the Local Government* (*Scotland*) *Act* 1973)

NOTICE OF WITHDRAWAL Rule 8

The ..... [Region] [Islands Area] [District]

[Regional] [Islands Area] [District] Election 19 .

I, (*here insert name and address as in the nomination paper*) hereby withdraw my nomination as a candidate for election as a [regional] [islands] [district] councillor for the.....[electoral division] [ward] at the next ensuing election of [regional] [islands] [district] councillors:

.....
(Signature of Candidate)

.....
(Date)

Name .....

Address.....

Designation .....

.....
(Signature of Witness)

Name .....

Address.....

Designation .....

.....
(Signature of Witness)

To the Returning Officer

.....[Region] [Islands Area] [District]

Note 1.—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows—

"For and on behalf of..... (*here insert the name of the candidate*) ..... (*here insert signature of subscriber*), Solicitor,

.....

(*here insert address of subscriber*) duly authorised by the said..... (*here insert name of candidate*) to sign this form".

Note 2.—Where the candidate is outside the United Kingdom and, in accordance with paragraph (2) of rule 8 of the local elections rules contained in Schedule 1 to the Scottish Local Elections Rules 1974, this form is subscribed by his proposer, appropriate modifications shall be made in the form.

Rule 11

NOTICE OF UNCONTESTED ELECTION

ELECTION OF COUNCILLORS FOR THE.....[Region]

[Islands Area] [District]

Day of election .....

The following candidate(s) remain(s) validly nominated for the [electoral division(s)] [ward(s)] as hereinafter mentioned and, as not more than one candidate remains validly nominated for [each of] the said [division(s)] [ward(s)], there will be no poll therein, and not later than 11 a.m. on the day of election the said candidate(s) shall be declared to be elected councillor(s) of the..... [Region] [Islands Area] [District].

[Electoral Division(s)] [Ward(s)]	Name(s) of candidate(s) remaining validly nominated	Description (if any)	Address(es) as in the register or home address(es) in full	Names of proposers	Addresses of proposers

Signed.....
(Returning Officer)

Date.....

Rule 13

BALLOT PAPER

Form of front of ballot paper

Counterfoil No.

Note:—The counterfoil is to have a number to correspond with that on the back of the ballot paper.

1	GRANT JOHN EDWARD Grant, 52 George Street, Westburgh, Labour	
2	GRANT THOMAS WILLIAM Grant, 15 Church Road, Westburgh. Liberal	
3	MACDONALD Elizabeth Macdonald, 3 Ivy Lane, Melville. Housewife	
4	MERTON George Miller Travis, commonly called Earl of Merton, Westburgh.	
5	SMITH Mary Smith, 24 Young Street, Weston, now Mary Wilson, 72 High Street, Weston. Schoolteacher, Progressive	
6	STEWART William Angus Stewart, 37 Waverley Gardens, Westburgh. Conservative	

Form of Back of Ballot Paper

No.

Election for the.....[electoral division] [ward] of the .....[region] [islands area] [district]

Day of election.....

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 particulars of each candidate shall be printed one below the other in the alphabetical order of their surnames and (if there are two or more candidates with the same surname) their other names;

(*e*) 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 surname of each candidate shall in all cases be printed by itself in large capitals, and his name putting his surname last, address and description (if any), all as in his nomination paper and, if required by the candidate, his present name if there has been a change of name as in the register and/or his current address if there has been a change of address as in the register, 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 address (including, if so required, current address) 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.

NOTICE OF POLL Rule 17

[REGIONAL] [ISLANDS] [DISTRICT] COUNCIL

ELECTION OF COUNCILLORS

1. Polling will take place between the hours of 8 am and 9 pm on (*here insert date of election*) for the election of a [Regional] [Islands] [District] councillor for each of the under-mentioned [electoral divisions] [wards], there remaining in each case more than one validly nominated candidate.

2. The name, description (if any) and address of each candidate remaining validly nominated and the names and addresses of the proposers who signed the nomination paper for each candidate are as follows:—

[Electoral Division] [Ward]	Candidate's surname (including present name if appropriate)	Other names in full (including present names if appropriate)	Description (if any)	Address (including current address if appropriate)	Names of proposers	Addresses of proposers

3. The person entitled to vote as electors at this election are the persons registered in the register of electors for the respective [electoral divisions] [wards], but a person whose name is so registered may not vote if the entry in the said register gives as the date on which he will become of voting age a date later than the day fixed for the poll.

Signed .....
(Returning Officer)

Date .....

Rule 22

ELECTOR'S OFFICIAL POLL CARD

Front of Card

OFFICIAL POLL CARD

.....Council

Polling Day..... Number on Register.....

.....Electoral Division/Ward Name .....

Address .....

Your Polling Station will be .....

....

Polling hours 8 am to 9 pm .....

Back of Card

LOCAL GOVERNMENT ELECTION

When you go to the polling station tell the clerk your name and address.

It may assist him if you show him this card, but it is not necessary for you to do so in order to vote.

The procedure for voting at this election will be set out in notices at the polling station.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote you will *not* be entitled to vote in person at this election so please ignore this poll card.

ISSUED BY THE RETURNING OFFICER

PROXY'S OFFICIAL POLL CARD

Front of Card

The front of the card shall state the proxy's name and address.

Back of Card

LOCAL GOVERNMENT ELECTION

.....Council

.....Electoral Division/Ward

Polling Day.....

Polling hours 8 am to 9 pm.

The elector named below whose proxy you are is entitled to vote at the polling station-

.....

.....

To vote as proxy you must go to that polling station. Tell the clerk that you wish to vote as proxy; give the name and qualifying address of the elector, as follows*:—

.....

.....

The presiding officer will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote.

The person who appointed you as proxy may himself vote in person at this election if he is able and wishes to do so and if he votes before you vote on his behalf.

ISSUED BY THE RETURNING OFFICER

* Insert the elector's name as given in the register, and his qualifying address and number on the register.

DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING Rule 23

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

2. The voter should 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 the candidate for whom he wishes to vote, thus X.

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

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

5. If the voter votes for more than one cadidate or places any mark on the paper by which he may after wards be identified, his ballot paper will be void and will not be counted.

6. 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.

CERTIFICATE OF EMPLOYMENT Rule 26

Election in the

.....[Electoral Division] [Ward] of the.....

[Region] [Islands Area] [District]

I certify that (name).....who is numbered..... in the register of electors for the electoral area named above, is likely to be unable to go in person to the polling station allotted to him at the election on (date of poll)..... .....by reason for the particular circumstances of his/her employment on that date—

*(*a*) as a constable,

*(*b*) by me for a purpose connected with the election.

Signature .....

*Police rank.....
(Inspector or above)

*Returning Officer

Date.....

*Delete whichever is inapplicable.

NOTE—The person named above is entitled to vote at any polling station of the above electoral area on production and surrender of this certificate to the presiding officer.

DECLARATION TO BE MADE BY THE COMPANION OF A BLIND VOTER Rule 33

I, A.B., of....., having been requested to assist C.D., [in the case of a blind person voting as a proxy add, voting as proxy for G.H.] who is numbered .....on the register of local government electors for the..... [Electoral Division] [Ward] of the.....[Region] [Islands Area] [District] to record his vote at the election now being held for the said electoral area, 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 eighteen years], and that I have not previously assisted any blind person [except E.F., of..... .....] to vote at the said election.

*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 division] [ward] of the..... [Region] [Islands Area] [District] 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.

At (*here insert time*) on (*here insert date*)

NOTE—If the person making the above declaration knowlingly and wilfully makes therein a statment false in a material particular, he will be guilty of an offence.

SCHEDULE 2

SPECIAL PROVISIONS RELATING TO THE FIRST ELECTIONS OF COUNCILLORS IN 1974

Rule	Subject	Provisions for first elections
3	Notice of election	For rule 3(2) there shall be substituted the following paragraph:— "(2) The notice shall be published by causing it to be exhibited at the offices of any existing town or county council in whose area the electoral area wholly or partly lies and either by causing a copy to be exhibited conspicuously in the electoral area or by inserting a copy at least once in one or more newspapers circulating in the electoral area".
13	The ballot papers	To rule 13(2) there shall be added the following paragraph:— "(*e*) the ballot paper for the election of a regional councillor shall be white and that for the election of a district councillor shall be of some other colour."
17	Notice of poll	Where under the provisions of paragraph (7) of rule 22 the Secretary of State directs that a returning officer shall be relieved of the responsibility of issuing poll cards to the electors and their proxies in any electoral division, subject to the provisions of paragraph (8) of that rule, the notice of the poll in respect of that electoral division and the notices of the poll in respect of the wards making up that electoral division shall, in addition to the matters specified in the Appendix to these rules, specify the situation of each polling station and the persons entitled to vote at each.
22	Poll cards	To rule 22 there shall be added the following paragraphs:— "(5) At the ordinary elections of councillors for regional and district councils in 1974 there shall be issued to each elector registered in the register of electors for the region and to their proxies one official poll card in relation to both the election for the regional council and that for the district council in respect of whose area the elector is registered in the register of electors. (6) The poll card referred to in paragraph (5) shall be issued by the returning officer for the election of councillors to the regional council and shall be in the form in the Appendix to this Schedule, or a form to the like effect. (7) If, on consideration of information submitted to him by the returning officer for the election of regional councillors or of islands councillors, he is satisfied that it would be impracticable to issue poll cards to electors in any electoral division and to their proxies, the Secretary of State may direct that the said returning officer shall be relieved of the responsibility placed upon him by this rule to issue poll cards to the electors in that electoral division and to their proxies; and where such a direction is issued no poll cards shall be issued to electors in that electoral division or their proxies. (8) Where the Secretary of State issues a direction under paragraph (7), the returning officer for the region, islands area or district, as the case may be, may, instead of specifying in the notice of poll the situation of each polling station and the persons entitled to vote at each, inform the electors and their proxies of such information by such other means as he considers to be appropriate."
23	Equipment of polling stations	To rule 23 there shall be added the following paragraph:— "(6) At the polls for the ordinary elections of regional and district councils in 1974— (*a*) one ballot box may, if the returning officers think fit, be used for the two elections, but if separate ballot boxes are used, no vote for a regional councillor shall be rendered invalid in consequence of the ballot paper being placed in the box intended for the reception of ballot papers relating

Rule	Subject	Provisions for first elections
		to the election of the district councillor, nor shall any vote for a district councillor be rendered invalid in consequence of the ballot paper being placed in the box intended for the reception of ballot papers relating to the election of the regional councillor. (*b*) The notice to be exhibited inside and outside every polling station in accordance with the provisions of paragraph (4) shall be in the form contained in the Appendix to this Schedule, or a form to the like effect, instead of in the form in the Appendix to Schedule 1 to these rules. (*c*) The notice to be exhibited in every compartment of every polling station under the provisions of paragraph (5) shall be in the following terms instead of in the terms specified in that paragraph:— "You may vote for only one candidate on any one ballot paper"."
25	Declaration of secrecy	The declaration of secrecy may be made in the case of a person other than the returning officer, before a town clerk or county clerk as well as before a person mentioned in rule 25(3).
37	Procedure on close of poll	Where in any polling station polling takes place in respect of contested elections for a regional councillor and a district councillor, the presiding officer shall forward to the regional returning officer the packets specified in rule 37(1) and the regional returning officer shall then forward to the district returning officer such of these packets as relate exclusively to the election of the district councillor.
39	The count	At the beginning of paragraph (1) of rule 39 of these rules there shall be added the words "Subject to the provisions of paragraph (1A) of this rule". After paragraph (1) of rule 39 of these rules there shall be added the following paragraph:— "(1A) In the case where the polls have been taken together for the election of a regional councillor and of a district councillor, the returning officers shall jointly, in the presence of the counting agents, empty each ballot box and separate the ballot papers relating to the election of the regional councillor from those relating to the election of the district councillor and the respective returning officer shall proceed with the count as if the separated ballot papers had been emptied from the ballot boxes in accordance with the provisions of paragraph (1)(*a*) of this rule."
44	Declaration of result	For paragraph (3) of rule 44 of these rules there shall be substituted the following paragraph:— "(3) Publication of the result of an election under this rule shall be effected by posting up a printed or written statement of the result at or near the main entrance of the principal offices of the county or town council which appointed the returning officer."
45-50	The return, delivery and retention of documents	Any reference in rules 45 to 50 to the proper officer of the council shall, until the proper officer is appointed by the new council, be construed as meaning the person who is designated to convene the first meeting of the new council in accordance with the provisions of paragraph 4(2) of Schedule 2 to the Local Government (Scotland) Act 1973; and any documents held by such person in accordance with these rules shall be transferred by him to the custody of the proper officer of the new council on the appointment of such proper officer.
47	Delivery of documents	For the words from the beginning of the rule to the end of sub-paragraph (*a*) there shall be substituted the following:— "The returning officer shall then forward to the proper officer of the council such of the following documents as are in his possession, that is to say:— (*a*) the packets of ballot papers"

APPENDIX TO SCHEDULE 2

FORMS FOR USE AT THE FIRST ELECTIONS IN 1974

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

Rule 22

ELECTOR'S OFFICIAL POLL CARD

Front of Card

.....Regional Council
.....District Council

Polling Day.....	Number on Register.....
.....Electorial Division	Name .....
.....Ward	Address .....
Your Polling Station will be	.....
.....	.....
Polling hours 8 am to 9 pm	.....

Back of Card

LOCAL GOVERNMENT ELECTIONS

This card tells you where you can vote. You are entitled in this year's local government elections to vote for the election of one councillor to the regional council and one councillor to the district council which will replace the existing council or councils for your area in May 1975.

When you go to the polling station, tell the clerk your name and address. It may assist him if you show him this card also, but it is not necessary for you to do so in order to vote.

You will be handed two ballot papers to mark, one for each election. Mark each ballot paper separately for one candidate only. The procedure for voting will be set out in detail in notices posted up at the polling station.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at the two elections if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at these elections so please ignore this card.

ISSUED BY THE RETURNING OFFICER

PROXY'S OFFICIAL POLL CARD

Front of Card

The front of the card shall state the proxy's name and address

Back of Card

.....Regional Council.....District Council
Polling Day.....
Polling hours 8 am to 9 pm

The elector named below whose proxy you are is entitled to vote at the elections for the regional and district councils named above at the polling station—
-.....
.....

To vote as a proxy you must go to that polling station. Tell the clerk that you wish to vote as proxy; give the name and qualifying address of the elector, as follows*:—

.....

.....

The presiding officer will give you the elector's two ballot papers, one for each election. The method of voting as proxy is the same as for casting your own votes.

The person who appointed you as proxy may himself vote in person at these two elections if he is able and wishes to do so and if he votes before you vote on his behalf.

* Insert the elector's name as given in the register, and his qualifying address and number in the register.

ISSUED BY THE RETURNING OFFICER

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING Rule 23

1. This poll is to elect one councillor for the.....Regional Council AND one councillor for the.....District Council.
Both councils will have duties and functions in the area for which the voter is registered as an elector.

2. The voter will be handed two ballot papers, one printed on white paper for the election to the.....Regional Council and the other printed on..... paper for the election to the.....District Council. Before accepting the two ballot papers, the voter should ensure that each has been stamped with the official mark.

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

4. The voter should then fold up each ballot paper so as to show the official mark on the back, and after leaving the compartment and without showing the front of either of the ballot papers to any person, show the official mark on the backs to the presiding officer. In the presence of the presiding officer, the voter should then put the papers into the ballot box, or, if two ballot boxes are provided, put the white paper into the ballot box marked for the receipt of white ballot papers and the..... ballot paper into the box marked for the receipt of.....ballot papers. However, a ballot paper, if properly marked, will remain valid and will be counted even if it is put into the ballot box for the receipt of ballot papers of another colour.

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

6. The voter may vote for one cadidate, and one candidate only, on each ballot paper. If on any one of the ballot papers, he votes for more than one candidate, or places any mark on the paper by which he may afterwards be identified, the said 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.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

The Rules in Schedule 1 to these Rules provide for the conduct of elections of councillors of regions, islands areas and districts. For the first elections of regional, islands and district councillors in 1974, certain modifications of the Rules in Schedule 1 are set out in Schedule 2.

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