SCHEDULE 5

COMBINATION OF POLLS

PART 3

MODIFICATIONS OF THE SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES

Rule 43 of the local elections rules (the count)

35.—(1) For paragraph (1) of rule 43 of the local elections rules there shall be substituted—

"(1) Where the returning officer at the local government election discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2015, the returning officer shall—

(a) in the presence of the counting agents appointed for the purposes of the local government election, open each ballot box;

(b) separate the ballot papers relating to the local government election from the ballot papers relating to the Scottish parliamentary election;

(c) in the presence of the counting agents appointed for the purpose of the local government election, record separately the number of ballot papers for the local government election;

(d) if required to do so by a candidate or election agent, in the presence of the election agents appointed for the purposes of the local government election verify each ballot paper account;

(e) count such of the postal ballot papers for the local government election as have been duly returned and record separately the number counted at each election;

(f) make up into packets the ballot papers for the Scottish parliamentary election and seal them up in separate containers endorsing on each a description of the polling station to which the ballot papers relate;

(g) deliver, or cause to be delivered, to the constituency returning officer for the Scottish parliamentary election to which the ballot papers relate—

   (i) those containers, together with a list of them and of the contents of each; and

   (ii) the ballot paper accounts; and

(h) at the same time deliver or cause to be delivered to that officer packets which so relate containing—

   (i) the unused and spoilt ballot papers;

   (ii) the tendered ballot papers;

   (iii) the corresponding number lists of the used ballot papers; and

   (iv) the certificates as to employment on duty on the day of the poll.

(1A) Where the returning officer at the local government election does not discharge the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2015, the returning officer shall—

(a) following the receipt of containers from the returning officer who does discharge those functions, and as soon as practicable after the end of the Scottish parliamentary election count (but not before the time specified in the notice given

under rule 41(1A) (as substituted by paragraph 34 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2015)), in the presence of the counting agents open each container and record separately the number of ballot papers used in the election, checking the number against the ballot paper account;

(b) if required to do so by a candidate or election agent in the presence of the election agents appointed for the purposes of the local government election verify each ballot paper account;

(c) count such of the postal ballot papers as have been duly returned and record the number counted.".

(2) In paragraph (5) of rule 43 of the local elections rules, for "paragraph (1)(b)" there shall be substituted "paragraph (1)(d) or (1A)(b)".