

SCHEDULE 3

Rule 4(2)

MODIFICATIONS TO THE LOCAL GOVERNMENT ELECTIONS RULES IN SCHEDULE 2 TO APPLY WHERE THE POLL AT A LOCAL GOVERNMENT ELECTION IS TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION UNDER SECTION 15(1) OR (2) OF THE REPRESENTATION OF THE PEOPLE ACT 1985(1)

1. Where the poll at a local government election is taken together with the poll at a parliamentary or European Parliamentary election, in the entry relating to polling in the timetable in rule 1 (timetable) for “8.00 a.m. and 9.00 p.m.” there shall be substituted “7.00 a.m. and 10.00 p.m.”.
2. At the end of rule 13(2) (the ballot papers) the following sub-paragraph shall be inserted:–
 - “(e) shall be of a different colour from that of any ballot papers used at an election the poll at which is taken together with the poll at the local government election”.
3. At the end of rule 17 (notice of poll) the following paragraph shall be inserted:–
 - “(4) The notice published under paragraph (3) above shall–
 - (a) state that the poll at the local election is to be taken together with the poll at a parliamentary or a European Parliamentary election;
 - (b) specify the parliamentary or European Parliamentary constituency; and
 - (c) where the polls are to be taken together in part of the local government area only, specify that part.”.
4. At the end of rule 21 (issue of official poll cards and notifications) the following paragraph shall be inserted:–
 - “(5) An official poll card or notification issued under this rule may be combined with the official poll card or notification issued at a parliamentary election or European Parliamentary election.”.
5. After paragraph (1) of rule 22 (equipment of polling stations) there shall be inserted the following paragraph:–
 - “(1A) The same ballot box may be used for the poll at the local government election and the poll at the parliamentary election or European Parliamentary election.”.
6. For paragraph (5) of rule 22 there shall be substituted the following paragraph:–
 - “(5) In every compartment of every polling station there shall be exhibited the notice–

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*PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

[Specify name of council.] COUNCIL ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

*EUROPEAN PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED.

* Delete as necessary.

7. After paragraph (3) of rule 23 (appointment of polling and counting agents) there shall be inserted—

“(3A) Notices of the appointment of polling agents which are required by paragraph (3) above and paragraphs (4) and (5) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986(2).”

8. In question (ii) in sub-paragraph (a) and (b) of paragraph (1) of rule 28 (questions to be put to voters) and in the second question of paragraph (2) of that rule, after “this election” there shall be inserted “for this local government area”.

9. At the end of rule 30 (voting procedure) there shall be inserted the following paragraph:—

“(4) The same copy of the register of electors may be used under paragraph (1) above for each election and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph (1)(e) above to denote that a ballot paper has been issued in respect of each election, except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which ballot paper was issued.”

10. After paragraph (2) of rule 31 (votes marked by presiding officer) there shall be inserted—

“(3) The list referred to in paragraph (2) above may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”

11. After paragraph (4) of rule 32 (voting by persons with disabilities) there shall be inserted—

“(4A) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

12. At the end of paragraph (3) of rule 33 (tendered ballot papers) there shall be inserted—

“and the same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.

13. At the end of paragraph (1) of rule 35 (adjournment of poll in case of riot) there shall be inserted “who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986”.

14. After paragraph (1) of rule 36 (procedure on close of poll) there shall be inserted the following paragraphs:—

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of the packets made under the corresponding rule that applies at a parliamentary election or European Parliamentary election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986.”.

15. For paragraph (1) of rule 37 (attendance at counting of votes) there shall be substituted the following paragraphs:—

“(1) Where the returning officer at the local government election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall make arrangements for discharging the functions under rule 38(1) below (as substituted by Schedule 3 to the Scottish Local Government Elections Rules 2002) in the presence of the counting agents appointed for the purposes of the local government election as soon as practicable after the close of the poll and for thereafter counting the votes at that election in the presence of those agents; and shall give to those counting agents notice in writing of the time and place at which such returning officer will begin to discharge the functions under rule 38(1) (as so substituted).

(1A) Where the returning officer at the local government election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to such returning officer by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time after which such returning officer will begin to count the votes if by then such returning officer has received the ballot papers, and of the place at which that count will take place.”.

16. In paragraph (2) of rule 37 before “at the counting of the votes” there shall be inserted “at the proceedings under rule 38(1) below (as so substituted) or”.

17. In paragraph (3) of rule 37 before the words “counting of votes” in the first place where they occur, there shall be inserted “proceedings under rule 38(1) below (as so substituted) or the” and before “the efficient” there shall be inserted “the efficient separating of the ballot papers or, as the case may be,”.

18. For paragraphs (1) and (2) of rule 38 (the count) there shall be substituted the following paragraphs:—

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“(1) Where the returning officer at the local government election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of the local government election open each ballot box and record separately the number of ballot papers used in each 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 separately the number counted at each election;
- (d) separate the ballot papers relating to the local government election from the ballot papers relating to the parliamentary election, or, as the case may be, European Parliamentary election;
- (e) make up into packets the ballot papers for each election other than the local government election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer for the 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, together with a copy of the statement as to the result of their verification, if any, in respect of that election; and
- (g) 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; and
 - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(2) After completion of the proceedings under paragraph (1) above, the returning officer shall mix together all of the ballot papers used at the local government election, and count the votes given on them.

(2A) Where the returning officer at the local government election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall—

- (a) on receipt of containers from the returning officer who does discharge those functions and after the time specified in the notice given under rule 37(1A) above (as substituted by Schedule 3 to the Scottish Local Government Elections Rules 2002) in the presence of counting agents, open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 76 of the Representation of the People (Scotland) Regulations 1986, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (6) below does not apply to these proceedings.”.

19. At the end of rule 45 (delivery of documents) there shall be inserted—

“and at an election where the returning officer does not discharge the functions referred to in regulation 96 of the Representation of the People (Scotland) Regulations 1986(3), this rule shall have effect as if paragraphs (c) and (e) were omitted.”.

20. In rule 48 (countermand or abandonment of poll on death of candidate)—

(a) at the end of paragraph (1) there shall be inserted—

“Provided that neither the countermand of the poll at the local government election nor the direction that that poll be abandoned shall affect the poll at the parliamentary election, or, as the case may be, European Parliamentary election”; and

(b) for paragraph (2) there shall be substituted the following paragraph:—

“(2) Where the poll at the local government election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the parliamentary election, or as the case may be, European Parliamentary election, the presiding officer shall take the like steps for the delivery to the returning officer of the ballot boxes and of ballot papers and other documents as such presiding officer would be required to do if the poll at the local government election had not been abandoned, and the returning officer shall dispose of ballot papers used at the local government election (at which a candidate has died) as such presiding officer 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 at that election to be prepared or verified; and

(b) the returning officer, having separated the ballot papers relating to the parliamentary or European Assembly election, shall take no step or further step for the counting of the ballot papers used at the local government election (at which a candidate has died) or of the votes and shall seal up all those 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.”.

21. In the Appendix of forms in Schedule 2, for the declaration of identity there shall be substituted the form set out in Schedule 4 to these Rules where the proceedings on the issue and receipt of postal ballot papers at the local government election are taken together with those proceedings at another election under regulation 76 of the Representation of the People (Scotland) Regulations 1986(4).

22. Where the poll at a local government election is taken together with the poll at a parliamentary or European Parliamentary election, in the Appendix of forms in Schedule 2, in the form of an elector’s official poll card and the form of a proxy’s official poll notification, for the words “8.00 a.m. to 9.00 p.m.” there shall be substituted the words “7.00 a.m. to 10.00 p.m.”.

23. In the Appendix of forms in Schedule 2, for the form of directions for the guidance of the voters in voting there shall be substituted—

(3) S.I. 1986/1111.

(4) Regulation 76 was saved insofar as it relates to local government elections by S.I. 2001/497, Schedule 2.

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GUIDANCE FOR VOTERS AT COMBINED POLLS

1. When you are given a ballot paper make sure it is stamped with the official mark.
2. Go to one of the compartments. You may vote once only on each ballot paper.
3. Mark your choice with a cross (X). Put no other mark on each ballot paper, or your votes may not be counted.
4. Fold each ballot paper. Show the official mark to the presiding officer, but do not let anyone see how you voted. Put the ballot papers in the ballot boxes marked in the same colour and leave the place.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

24. In the Appendix of forms in Schedule 2, in the form of declaration to be made by the companion of a voter with disabilities, for the word “election” in the three places where it occurs there shall be substituted “elections”.