

## SCHEDULE

### HEALTH BOARD ELECTION RULES

#### PART 10

#### DOCUMENTS RELATING TO A HEALTH BOARD ELECTION

##### *Orders for production of documents*

**53.**—(1) A relevant sheriff principal or an election court may make an order for the inspection or production (including, if necessary, the opening) of anything forwarded to a Health Board chairman under rule 52.

(2) But a relevant sheriff principal may make such an order only if satisfied that it is required for the purpose of—

- (a) instituting or proceeding with a prosecution for an offence in relation to ballot papers; or
- (b) for the purpose of an election petition.

(3) An order under paragraph (1) may be made subject to such conditions as the sheriff principal or the election court considers appropriate.

(4) In making or carrying into effect an order under paragraph (1) care must be taken that the vote of any particular voter is not disclosed until it has been proved that—

- (a) the voter voted in the Health Board election in question; and
- (b) the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the Court of Session from an order of a sheriff principal made under paragraph (1).

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

(7) If an order is made for the production by a Health Board chairman of anything in the chairman's possession relating to a Health Board election—

- (a) the production of the thing by the chairman is conclusive evidence that the thing relates to that election; and
- (b) any mark made on the thing in accordance with rule 52(2) is evidence that thing is what it is stated to be by the mark.

(8) In this rule, “relevant sheriff principal” means—

- (a) the sheriff principal having jurisdiction in the Health Board area (or any part of it) for which the election in question was held; or
- (b) where more than one sheriff principal has such jurisdiction, any such sheriff principal.