

## SCHEDULE

### HEALTH BOARD ELECTION RULES

#### PART 10

##### DOCUMENTS RELATING TO A HEALTH BOARD ELECTION

###### *Sealing up of ballot papers*

**51.**—(1) As soon as is reasonably practicable after the result of a Health Board election has been declared, the returning officer must—

- (a) seal up—
  - (i) the valid ballot papers into packets; and
  - (ii) the rejected ballot papers and the rejected covering envelopes together in one packet; and
- (b) store an electronic copy of the information stored in the electronic counting system in a suitable device.

(2) The returning officer must not open the things sealed up under paragraph (1)(a).

(3) As soon as is reasonably practicable after the electronic copy mentioned in paragraph (1)(b) has been stored, the returning officer must ensure—

- (a) that all electronic data or records relating to the Health Board election are removed from the electronic counting system; and
- (b) that any copy of the data or records, other than the copy mentioned in paragraph (1)(b), is destroyed in a manner which ensures that the confidentiality of the data or records is preserved.

###### *Delivery of documents*

**52.**—(1) The returning officer must then deliver to the chairman of the Health Board for which the election was held—

- (a) the things mentioned in rule 51(1);
- (b) the extracts of the register of local government electors and absent voters list sent to the officer under rule 9 and marked in accordance with rules 23 and 30(4);
- (c) the list kept under rule 25(4); and
- (d) the statement prepared under rule 37(6).

(2) The returning officer must mark on each thing to be forwarded—

- (a) a description of it;
- (b) the date on which the poll closed; and
- (c) the name of the Health Board for which the election was held.

(3) No person is permitted to open or inspect anything forwarded to a Health Board chairman unless authorised by a sheriff principal or the Court of Session under rule 53.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **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.

### **Retention of documents**

**54.**—(1) The chairman of a Health Board must retain among the records of the Health Board—

- (a) for four years, the electronic copy mentioned in rule 51(1)(b); and
- (b) for one year, everything else forwarded to the chairman under rule 52.

(2) At the expiry of the period of four years or, as the case may be, one year, the Health Board chairman must destroy anything retained under this rule unless directed not to do so by a sheriff principal or the Court of Session under rule 53.