SCHEDULE 2   Article 3(2)

MODIFICATIONS TO THE LOCAL GOVERNMENT ELECTIONS RULES IN SCHEDULE 1 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. At the end of rule 14(2) (the ballot papers) insert—

"(f)   the ballot paper 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".

2. At the end of rule 20 (notice of poll) insert—

"(5) The notice published under paragraph (4) 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.".

3. After rule 22(2) insert—

"(2A) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral ward shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral ward.".

4. At the end of rule 24 (issue of official poll cards and notifications) insert—

"(6)   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 rule 25(1) (equipment of polling stations) insert—

"(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 rule 25(4) (equipment of polling stations) substitute—

"(4) The following notice shall be printed in conspicuous characters and a graphical format and be exhibited inside and outside every polling station and in every compartment of every polling station—

*PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote for one candidate only.

[Specify name of council.] COUNCIL ELECTION

([*Specify colour*] ballot paper)

Instead of using a cross, number the candidates in the order of your choice. Put the number 1 in the box next to the name of the candidate who is your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice and so on.

*EUROPEAN PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote for one party or candidate only.

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

*Delete as necessary.".

7. After rule 26(3) (appointment of polling and counting agents) insert—

"(3A) Notices of the appointment of polling agents which are required by paragraph (3) above and paragraphs (4) and (5) 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 questions 1(a) and (b) and question 4 of rule 31(3) (questions to be put to voters) after "this election" insert "for this local government area".

9. At the end of rule 33 (voting procedure) insert—

"(7) The same copy of the register of electors or the notice issued under section 13B(3B) or (3D) of the 1983 Act may be used under paragraph (1) for each election and one mark may be placed in that register under paragraph (1)(c) or in the list of proxies under paragraph (1) (d) 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 rule 34(3) (votes marked by presiding officer) insert—

"(4) The list referred to in paragraph (2) 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 rule 35(6) (voting by persons with disabilities) insert—

"(6A) 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 rule 36(7) (tendered ballot papers) insert—

"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 rule 39(1) (adjournment of poll in case of riot) insert—

"who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986.".

14. After rule 40(1) (procedure on close of poll) insert—

"(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) 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) be so combined.

(**2**) S.I. 1986/1111.

(1B) References to the returning officer in paragraph (1) 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 rule 41(1) (attendance at counting of votes) substitute—

"(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 43(1) (as substituted by Schedule 2 to this Order) 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 43(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 rule 41(2) before "at the counting of the votes" there shall be inserted "at the proceedings under rule 43(1) (as so substituted) or".

17. In rule 41(3) before the words "counting of the votes" in the first place where they occur, insert "proceedings under rule 43(1) (as so substituted) or the" and before "the efficient" insert "the efficient separating of the ballot papers or, as the case may be,".

18. For rule 43(1) (the count) substitute—

"(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—

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(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 completed corresponding number list and the certificates as to employment on duty on the day of the poll.

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

(2ZB) 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 41(1A) (as substituted by Schedule 2 to this Order) 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.

(2ZC) Paragraph (5) does not apply to these proceedings.”.

19. At the end of rule 58 (delivery of documents) insert—

“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), (e) and (f) were omitted.”.

20. In rule 62 (countermand or abandonment of poll on death of independent candidate)—

(a) at the end of paragraph (1) insert—

“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) after paragraph (1) insert—

“(1A) Where the poll at the local government election is abandoned by reason of a candidate’s death, 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

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(**3**) S.I. 1986/1111.

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presiding officer is required to do in accordance with rule 66, following the separation of the ballot papers relating to the parliamentary or European Parliamentary election, from the ballot papers used at the local government election (at which a candidate has died).".

21. In Schedule 1, for Form 6 (the Corresponding Number List), substitute the form set out in Schedule 3 to this Order where the local government election is combined with another election or referendum.

22. In Schedule 1, for Form 8 (the postal voting statement) substitute the form set out in Schedule 4 to this Order 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**).

23. In Schedule 1, for Form 13 (the form of directions for the guidance of the voters) substitute—

"Form 13
GUIDANCE FOR VOTERS AT COMBINED POLLS

    1. Go to one of the compartments. You may vote once only on each ballot paper for parliamentary and European parliamentary elections. For ballot papers for local government elections, you can make as many choices as you want (see note 3 below).

    2. Mark your choice with a cross (X) on the [colour] ballot paper for the [parliamentary] or [colour] ballot paper for the [European parliamentary] election.

    3. On the [colour] ballot of paper for the local government election, you can make as many choices as you wish. Mark the figure '1' opposite the name of the candidate who is your first choice, then the figure '2' opposite the name of the candidate who is your second choice, then the figure '3' opposite the name of the candidate who is your third choice and so on.

    4. Put no other mark on each ballot paper, or your votes may not count.

    5. 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.

    6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.".

24. In Schedule 1, in Form 15 (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 substitute "elections".

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