SCHEDULES

SCHEDULE 3

Rules for the conduct of PCC elections where poll not taken together with poll at another election

PART 5

Final proceedings in contested and uncontested elections

Declaration of result

62.—(1) In a contested election, the police area returning officer must declare to be elected as police and crime commissioner for the police area the candidate who—

(a) in accordance with section 57(2) of the 2011 Act (elections with only two candidates) is to be returned as the commissioner;

(b) in accordance with Schedule 9 to the 2011 Act (elections with three or more candidates) is to be returned as the commissioner.

(2) The police area returning officer must give public notice of—

(a) the name of the person declared to be elected and the person's authorised description, if any, under rule 6(1) or (3),

(b) the total number of first preference votes given for each candidate,

(c) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers (rule 53(5)), and

(d) if second preference votes were counted—

(i) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and

(ii) the number of ballot papers rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) In an uncontested election, the police area returning officer must as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

(a) declare to be elected the candidate remaining validly nominated, and

(b) give public notice of the name of the person declared to be elected and the person's authorised description, if any, under rule 6(1) or (3).

(4) The police area returning officer must send a copy of the notice given under paragraph (2) or (3) to—

(a) the Secretary of State, and

(b) the local returning officer.

(5) As soon as practicable after receipt of the copy of the notice under paragraph (4)(b), the local returning officer must give public notice of it at a place within the voting area for which the officer acts.

Return or forfeiture of candidate's deposit

63.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 must either be returned to the person making it or to his or her personal representative.

(2) Subject to paragraph (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

(a) a day is to be disregarded if it would be disregarded under rule 3 in computing any period of time for the purpose of a PCC election, and

(b) the deposit is to be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If—

(a) the candidate is not shown as standing nominated in the statement of persons nominated, or

(b) proof of the candidate's death has been given to the police area returning officer,

the deposit must be returned as soon as practicable after the publication of that statement or after the candidate's death (as the case may be).

(5) Where a poll is taken and, after the first calculation under rule 59, the candidate is found not to have polled more than 5 per cent. of the total number of first preference votes polled by all the candidates, the candidate's deposit is forfeited to Her Majesty.

Destruction of home address forms

64. The police area returning officer must destroy each candidate's home address form—

(a) on the next working day following the 21st day after the police area returning officer has declared the name of the person elected to the office of police and crime commissioner, or

(b) if a PCC election petition questioning the election is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.