

## SCHEDULES

### SCHEDULE 8

Sections 66, 67.

#### POLLS IN WALES AND MONMOUTHSHIRE

- 1 The local election rules set out in Schedule 2 to the Representation of the People Act 1949, and any regulations made under section 42 of that Act, shall, in their application to polls under section 66 of this Act, have effect subject to the following paragraphs of this Schedule.
- 2 Part I of the rules (except in so far as by rule 3 it fixes the hours of the poll), Part II and Part IV shall not apply, nor in Part III rules 20, 26, 32, 36, 42 and 45.
- 3 The remaining rules shall apply with the omission of any passage relating to candidates or their election, polling or counting agents, or to other matters not relevant to a poll under section 66 of this Act; and no person's agreement shall be required to a returning officer interrupting the counting of the votes between eight o'clock in the evening and nine o'clock on the following morning.
- 4 Forms B to E in the appendix to this Schedule shall be substituted for the corresponding passages in the local election rules or the appendix thereto ; and where, in accordance with rule 27, subsections (1), (2), (3) and (6) of section 53 of the Representation of the People Act 1949 are to be read to a person before he makes the declaration of secrecy, they shall be read with the modifications provided for by section 67(5)(i) of this Act.
- 5 (1) Regulations made under section 42 of the Representation of the People Act 1949 may, so far as they relate to voting by proxy or by post or to matters connected therewith, make special provision in connection with polls under section 66 of this Act; but subject to any such provision the regulations shall apply—
  - (a) with the omission of any passage relating to candidates or their agents or to other matters not relevant to such a poll; and
  - (b) with the substitution for any reference to the last day for the delivery of nomination papers of a reference to the last day for delivery of requisition papers under section 66 of this Act; and
  - (c) as if any provision requiring section 53(4) of the Representation of the People Act 1949 to be read to a person making a declaration of secrecy required it to be read with the modification provided for by section 67(5)(i) of this Act;and any form prescribed by any such regulations in connection with voting by proxy or by post shall be used with such modifications (if any) as may be approved by the Secretary of State as necessary to adapt it for the purposes of a poll under section 66 of this Act.
- (2) If the date for the poll is altered after any postal ballot papers have been issued, then—
  - (a) on any later issue the covering envelopes enclosed for the return of declarations, of identity and ballot papers shall be readily distinguishable from those enclosed on the previous issue (that is to say, the issue before the alteration of the date), and there shall be enclosed a notice calling attention

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- to the change of date and stating that documents sent out on the previous issue are not to be used ;
- (b) any covering envelopes of the previous issue sent to the returning officer shall on receipt be dealt with in the same way as covering envelopes of later issues, but, on the opening of the ballot boxes provided for covering envelopes, those of the previous issue shall be marked " rejected", shall be set aside unopened, and thereafter shall be dealt with in the same way as other rejected votes ;
- (c) save as aforesaid, the previous issue shall be disregarded for all purposes.
- 6 (1) In a county the county returning officer, and in a county borough divided into wards the mayor, may make arrangements for the votes to be counted not by electoral areas, but for the county or county borough as a whole or by such divisions of it as he thinks most convenient, and where arrangements are so made, the counting for the county or county borough as a whole or for each division of it, as the case may be, shall be carried out as it would be if that were the electoral area for which an election were being held, except that in a county borough the mayor shall act as returning officer in relation to the counting of the votes, but shall have the like powers in relation to the appointment of deputies as a county returning officer has.
- (2) Where the votes are counted otherwise than for the county or county borough as a whole, then on the completion of the counting or any recount for an electoral area or other division the person acting as returning officer for the purpose (if he is not the county returning officer or mayor) shall forthwith notify the county returning officer or mayor of the number of votes counted on either side, but no other step shall be taken (except proper steps for the security of the ballot papers and other documents) unless or until it is ascertained that there is not to be a recount or further recount.
- (3) Where it appears to the county returning officer or mayor, on the completion of the counting for the whole county or county borough, that (the number of votes counted does not show a majority of more than one hundred for either side, he shall cause the votes to be re-counted and, if the decision on the poll according to the recount would differ from the decision according to the original count, to be again re-counted, and the recount or, if there is one, second recount shall be treated as determining the number of votes cast on either side.
- (4) The number of votes cast on either side shall in a county be notified by the county returning officer to the chairman of the county council.
- 7 (1) At a poll in a county or county borough any local government elector for the county or county borough may claim to attend the counting of the votes as an observer, by giving to the county returning officer or mayor within seven days of the end of the period allowed for delivering requisition papers a written notice signed by the elector -and stating his address, and subject to sub-paragraph (2) of this paragraph he shall then have the same rights and obligations and be in all respects in the same position (as nearly as may be) in relation to the counting as a counting agent appointed by a candidate at an election of a councillor for the county or borough, except that his agreement shall not be required to any interruption of the counting.
- (2) There shall not be allowed to attend the counting of the votes at any place a greater number of observers under this paragraph than the number of clerks employed there in the counting, or any observer not duly notified of the time and place of counting ; and the persons to be allowed to attend as observers in any case shall be designated by the county returning officer or mayor.

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- (3) Where on any poll a greater number of persons claim to attend the counting as observers than is allowed under sub-paragraph (2) of this paragraph, the county returning officer or mayor in choosing between them shall have regard to their opinions about Sunday opening (if known to him) with the aim of designating, as far as he can, those for and those against Sunday opening in equal numbers.
- (4) A local government elector may in like manner claim to attend the proceedings on the issue and receipt of postal ballot papers, as well as or instead of the counting of the votes, and the foregoing sub-paragraphs shall apply with the necessary modifications of the references to the counting or to a counting agent; but the number to be allowed to attend on any occasion shall be restricted to such number as the county returning officer or mayor may decide to be reasonable in the circumstances.

*APPENDIX OF FORMS*

A. Form of requisition paper

We, the subscribers hereto, being local government electors for the [county of                   ] [county borough of                   ] do hereby demand a poll under section 66 of the Licensing Act 1964

on the question whether licensed premises in the county [borough] should open on Sundays for the sale of intoxicating liquor.

Signature	Name in full	Qualifying address on register of local government electors	No. on register (including distinctive letter of parliamentary polling district)

B. Form of, and directions for printing, ballot paper

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(a) *Front of ballot paper*

Are you for or against the opening of licensed premises in the [county of ] [county borough of ] on Sundays for the sale of intoxicating liquor?

FOR Sunday opening.....		-----
AGAINST Sunday opening.....		-----

(b) *Back of ballot paper*

No.

Ballot on Sunday opening of licensed premises in the [county of ] [county borough of ], the day of , 19 .

(c) *Directions for printing ballot paper*

1. Nothing is to be printed on the ballot paper except in accordance with these directions, and in so far as practicable--
  - (a) no word shall be printed on the face, except as provided by the form given above ;
  - (b) no rule shall be printed on the face except the rules separating from one another the words "FOR Sunday opening", the words "AGAINST Sunday opening" and the corresponding spaces for the vote to be marked.
2. The number on the back of the ballot paper is to correspond with that on the counterfoil, and shall be printed in small characters.

C. Form of directions for the guidance of voters in voting

1. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.
2. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross X on the right-hand side either in the space opposite the words "FOR Sunday opening", if he wishes to vote that way, or in the space opposite the words "AGAINST Sunday opening", if he wishes to vote that way.
3. The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.
4. If the voter inadvertently spoils a ballot paper he can return it to the officer who will, if satisfied of such inadvertence, give him another paper.
5. If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.
6. If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and such fine.

D. Form of declaration to be made by the companion of a blind person

*Status: This is the original version (as it was originally enacted).*

I, A.B., of \_\_\_\_\_, having been requested to assist C.D. (*in the case of a blind person voting as proxy add "voting as proxy for M.N."*) who is numbered \_\_\_\_\_ on the register of local government electors for the [\_\_\_\_\_] electoral division of the county of \_\_\_\_\_ [\_\_\_\_\_] [county borough of \_\_\_\_\_] [\_\_\_\_\_] [ward of the county borough of \_\_\_\_\_] to record his vote at the poll now being held under the Licensing Act 1964 in the said county [borough], do hereby declare that [I am entitled to vote as an elector at this poll] [I am the (*state relationship*) of the said voter and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except E.F., of \_\_\_\_\_], to vote at this poll.

(Signed), A.B.

day of \_\_\_\_\_, 19 .

I, the undersigned, being the presiding officer for the polling station for the [\_\_\_\_\_] electoral division of the county of \_\_\_\_\_ [\_\_\_\_\_] [county borough of \_\_\_\_\_] [\_\_\_\_\_] [ward of the county borough of \_\_\_\_\_], do hereby certify that the

above declaration, having been first read to the above named declarant, was signed by the declarant in my presence.

(Signed), G.H.

day of \_\_\_\_\_, 19 .

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock.

[a.m.] [p.m.]

NOTE.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

E. Questions which may be put to voters

(a) In the case of a person applying for a ballot paper as an elector—

(i) are you the person registered in the register of local government electors now in force as follows (*read the whole entry from the register*)?

(ii) have you already voted at the present poll here or elsewhere in the [county of \_\_\_\_\_] [county borough of \_\_\_\_\_], otherwise than as proxy for some other person?

(b) In the case of a person applying for a ballot paper as proxy—

(i) are you the person whose name appears as A.B. in the list of proxies for this poll as entitled to vote as proxy on behalf of C.D.?

(ii) have you already voted at the present poll here or elsewhere in the [county of \_\_\_\_\_] [county borough of \_\_\_\_\_] as proxy on behalf of C.D.?