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## SCHEDULES

### SCHEDULE 1

#### Modifications etc. (not altering text)

- C1** Parliamentary election rules modified (N.I.) (*prosp.*) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 10, [Sch. 1 paras. 8–23](#)
- C2** [Paras. 3–7](#) of Pt. II of Sch. 1 to [Representation of the People Act 1985 \(c. 50, SIF 42\)](#) have effect (N.I.) (*prosp.*) by virtue of s. 10 of, and Sch. 1 para. 2 to, that Act as additional rules in Sch. 1 to this Act
- C3** [Sch. 1](#) applied with modifications (S.) by [S.I. 1986/2213](#), [Rules 2, 5](#)  
[Sch. 1](#) applied (with modifications) (E.W.S.) (28.4.1999) by [1985 c. 50, s. 15\(1\)\(2\)](#) (as applied (with modifications) (28.4.1999) by [S.I. 1999/1214](#), [reg. 8](#), [Sch. 3](#)) (which S.I. was revoked (23.3.2004) by [S.I. 2004/293](#), [reg. 126](#))
- C4** [Sch. 1](#) modified (E.W.) by [S.I. 1986/1081](#), [regs. 2, 97, 98, 100](#) (which S.I. was revoked (23.3.2004) by [S.I. 2004/294](#), [reg. 3](#))
- C5** [Sch. 1](#) modified (S.) by [S.I. 1986/1111](#), [regs. 2, 95, 96, 98\(1\)](#)  
[Sch. 1](#) modified (10.4.2001) by [2001 c. 7, s. 4](#), [Sch. para. 1](#)  
[Sch. 1](#) modified (E.W.) (23.3.2004) by [The Representation of People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), [reg. 8](#), [Sch. 2](#)
- C6** [Sch. 1](#) extended (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 6\(1\)-\(4\)](#)

### PART III

#### CONTESTED ELECTIONS

##### THE POLL

##### *Admission to polling station*

- 32 (1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—
- the candidates and their election agents;
  - the polling agents appointed to attend at the polling station;
  - the clerks appointed to attend at the polling station;
  - the constables on duty; and
  - the companions of [<sup>F1</sup>voters with disabilities].
- (2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

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- (3) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of this Act, except on production and surrender of a certificate as to his employment, which shall be in the prescribed form and signed by the prescribed officer of police or by the returning officer, as the case may be.
- (4) Any certificate surrendered under this rule shall forthwith be cancelled.

#### Textual Amendments

**F1** Words in rule 32(1)(e) substituted (16.2.2001) by 2000 c. 2, s. 13(1)(4); S.I. 2001/116, art. 2(1)

#### Modifications etc. (not altering text)

- C7** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C8** Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C9** Sch. 1 rule 32 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 32 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C10** Sch. 1 rule 32(1)(3)(4) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13**  
Table 2  
Sch. 1 rule 32 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1** (as amended (13.11.2003) by S.I. 2003/2989, art. 2(2))
- C11** Sch. 1 rule 32(2) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(6)(d)(7)

#### *Keeping of order in station*

- 33 (1) It is the presiding officer's duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—
- by a constable in or near that station, or
  - by any other person authorised in writing by the returning officer to remove him,
- and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

#### Modifications etc. (not altering text)

- C12** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C13** Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C14** Sch. 1 rule 33 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 33 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C15** Sch. 1 rule 33 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

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Sch. 1 rule 33 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

### *Sealing of ballot boxes*

- 34 Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

#### **Modifications etc. (not altering text)**

- C16** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I  
**C17** Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I  
**C18** Sch. 1 rule 34 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1  
Sch. 1 rule 34 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2  
**C19** Sch. 1 rule 34 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2  
Sch. 1 rule 34 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

### *Questions to be put to voters*

- 35 (1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them—
- (a) in the case of a person applying as an elector—
    - (i) “Are you the person registered in the register of parliamentary electors for this election as follows?” (*read the whole entry from the register.*)
    - (ii) “Have you already voted, here or elsewhere, at this by-election [general election], otherwise than as proxy for some other person?”
  - (b) in the case of a person applying as proxy—
    - (i) “Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?”
    - (ii) “Have you already voted here or elsewhere at this by-election [general election] as proxy on behalf of C.D.?”
- (2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question—
- “Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”
- and if that question is not answered in the affirmative the following question—
- “Have you at this election already voted in this constituency on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

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- (3) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.
- (4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

**Modifications etc. (not altering text)**

- C20** Sch. 1 rule 35 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C21** Sch. 1 rule 35 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C22** Sch. 1 rule 35 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 35 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C23** Sch. 1 rule 35 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 35 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

*Challenge of voter*

- 36 (1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—
- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
- (b) undertakes to substantiate the charge in a court of law,
- the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.
- (2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.
- (3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

**Modifications etc. (not altering text)**

- C24** Sch. 1 rule 36 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C25** Sch. 1 rule 36 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C26** Sch. 1 rule 36 was prospectively repealed (E.W.) by **Police and Criminal Evidence Act 1984** (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I** but before that repeal was brought into force, the relevant repealing provision was itself repealed (16.7.1985) by **Representation of the People Act 1985** (c. 50, SIF 42), s. 28, **Sch. 5**
- C27** Sch. 1 rule 36 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 36 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C28** Sch. 1 rule 36 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 36 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

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### Voting procedure

- 37 (1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the ballot paper shall be stamped with the official mark;
  - (b) the number, <sup>[F2]</sup>and name] of the elector as stated in the copy of the register of electors shall be called out;
  - (c) the number of the elector shall be marked on the counterfoil;
  - (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
  - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
- (2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland.

#### Textual Amendments

- F2** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 81](#)

#### Modifications etc. (not altering text)

- C29** [Sch. 1 rule 37](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)  
[Sch. 1 rule 37](#) modified (17.2.1994) by [S.I. 1994/342](#), [arts. 1\(2\)\(3\)](#), 2(2), 16(4)
- C30** [Sch. 1 rule 37](#) applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 2  
[Sch. 1 rule 37](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), [Sch. 1](#)

- 37 (1) <sup>[F15]</sup>Subject to paragraphs (1A) to (1G) below, a] ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the ballot paper shall be stamped with the official mark;
  - (b) the number, <sup>[F16]</sup>and name] of the elector as stated in the copy of the register of electors shall be called out;
  - (c) the number of the elector shall be marked on the counterfoil;
  - (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
  - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.

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[<sup>F17</sup>(1A) A ballot paper shall not be delivered to a voter unless he has produced a specified document to the presiding officer or a clerk.

(1B) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced shall deliver a ballot paper to the voter unless the officer or clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.

(1C) Where a voter produces a specified document to a presiding officer and he so decides, he shall refuse to deliver a ballot paper to the voter.

(1D) Where a voter produces a specified document to a clerk and he so decides, he shall refer the matter and produce the document to the presiding officer who shall proceed as if the document had been produced to him in the first place.

(1E) For the purposes of this rule a specified document is one which for the time being falls within the following list:—

- (a) a current licence to drive a motor vehicle granted under Part III of the <sup>M1</sup>Road Traffic Act 1972 (excluding a provisional licence), or under [<sup>F18</sup>Article 12] of the <sup>M2</sup>Road Traffic (Northern Ireland) Order 1981 or any corresponding enactment for the time being in force;
- (b) a current passport issued by the Government of the United Kingdom or by the Government of the Republic of Ireland;
- (c) a current book for the payment of allowances, benefits or pensions issued by the Department of Health and Social Services for Northern Ireland;
- (d) a medical card issued by the Northern Ireland Central Services Agency for the Health and Social Services;
- (e) a certified copy, or extract, of an entry of marriage issued by a Registrar General, where the voter producing the copy or extract is a woman married within the period of two years ending with the day of the poll concerned.
- [<sup>F19</sup>(f) a British seaman's card issued in accordance with regulations made, or having effect as if made, under section 79 of the Merchant Shipping Act 1995;]
- [<sup>F20</sup>(g) a card made of plastic on which the name and national insurance number of the person to whom it is issued have been embossed and which has been issued by the Department for Social Development, the Department of Health and Social Security or the Department of Social Security]

In sub-paragraph (e) above “a Registrar General” means the Registrar General for England and Wales, the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland.

(1F) Regulations may make provision varying the list in paragraph (1E) above (whether by adding or deleting documents or varying any description of document).

(1G) References in this rule to producing a document are to producing it for inspection.]

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

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- (3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

#### Subordinate Legislation Made

- P1** Sch. 1 r. 37: for previous exercises of this power, see Index of Government Orders.  
**P2** Sch. 1 rule 37(1F): s. 53 (with s. 201(1), Sch. 1 r. 37(1F) and Sch. 2 para. 11A) power exercised (N.I.) by S.I.1991/1674.

#### Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

#### Textual Amendments

- F15** Words substituted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 2(3)(a)  
**F16** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 81  
**F17** Sch. 1 rule 37(1A)–(1G) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 1(2)  
**F18** Words in Sch. 1 rule 37 substituted (N.I.) (16.02.2001) by S.I. 2001/400, regs. 1(1), 14(1)  
**F19** Sch. 1 rule 37(1E)(f) substituted (N.I.) (16.02.2001) by S.I. 2001/400, regs. 1(1), 14(2)  
**F20** Sch. 1 rule 37(1E)(g) substituted (N.I.) (16.02.2001) by S.I. 2001/400, regs. 1(1), 14(3)

#### Modifications etc. (not altering text)

- C55** Sch. 1 rule 37 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I  
Sch. 1 rule 37 modified (17.2.1994) by S.I. 1994/342, arts. 1(2)(3), 2(2), 16(4)  
**C56** Sch. 1 rule 37 applied (with modifications) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1  
Sch. 1 rule 37 applied (with modifications) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2  
Sch. 1 rule 37 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1  
**C57** Sch. 1 rule 37 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

#### Marginal Citations

- M1** 1972 c.20 (107).  
**M2** S.I. 1981/154 (N.I. 1)

#### *Votes marked by presiding officer*

- 38 (1) <sup>[F3]</sup>The <sup>[F3]</sup>Subject to paragraph (1A) below, the] presiding officer, on the application of a voter—
- (a) who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or
- (b) who declares orally that he is unable to read,
- shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.
- <sup>[F4]</sup>(1A) Paragraphs (1A) to (1G) of rule 37 shall apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but reading references to delivering a ballot paper to a voter as references to causing a voter's vote to be marked on a ballot paper.]



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- (2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called “the list of votes marked by the presiding officer”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

#### Textual Amendments

**F3** Words substituted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 2\(3\)\(b\)](#)

**F4** Sch. 1 rule 38(1A) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 1\(3\)](#)

#### Modifications etc. (not altering text)

**C31** Sch. 1 rule 38 applied (with modifications) (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)

**C32** Sch. 1 rule 38 applied (E.W.S.) by [S.I. 1986/2209](#), [regs. 2, 3, 5\(1\)\(6\)–\(8\)](#), [Sch. 1 Pt. I](#)

**C33** Sch. 1 rule 38 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 3\(1\)\(b\)\(5\)–\(8\)](#), [Sch. 1](#)  
Sch. 1 rule 38 applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), [art. 6](#), [Sch. 2](#)

**C34** Sch. 1 rule 38 applied (with modifications) (31.7.1997) by [1997 c. 61](#), [s. 3](#), [Sch. 3 para. 13](#) Table 2  
Sch. 1 rule 38 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), [art. 3\(1\)](#), [Sch. 1](#)

### *[<sup>F5</sup> Voting by persons with disabilities]*

#### Textual Amendments

**F5** [Sch. 1 rule 39](#) and preceding cross-heading substituted (16.2.2001) by [2000 c. 2](#), [s. 13\(1\)\(3\)](#); [S.I. 2001/116](#), [art. 2\(1\)](#)

- <sup>F6</sup>[39 (1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other physical incapacity, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

- (2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
  - (i) is a qualified person within the meaning of this rule, and
  - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.



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- (3) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person shall be qualified to assist a voter with disabilities to vote if that person—
- (a) is a person who is entitled to vote as an elector at the election; or
  - (b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.
- (4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).
- In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.
- (5) The declaration made by the companion—
- (a) shall be in the form in the Appendix; and
  - (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.
- (6) No fee or other payment shall be charged in respect of the declaration.]

#### Textual Amendments

**F6** Sch. 1 rule 39 and preceding cross-heading substituted (16.2.2001) by 2000 c. 2, s. 13(1)(3); S.I. 2001/116, art. 2(1)

#### Modifications etc. (not altering text)

**C35** Sch. 1 rule 39 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

### *Tendered ballot papers*

- 40 (1) If a person, representing himself to be—
- (a) a particular elector named on the register and not named in the absent voters list, or
  - (b) a particular person named in the list of proxies as proxy for an elector and not <sup>F7</sup> entitled to vote by post as proxy,
- applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.
- [<sup>F8</sup>(1A) Paragraphs (1A) to (1G) of rule 37 shall apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1) above as they apply in the case of a voter who applies for a ballot paper under rule 37(1).

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- (1B) Paragraph (1C) below applies where a presiding officer refuses to deliver a ballot paper to a person under paragraph (1C) of rule 37 (including that paragraph as applied by rule 38 or 39 of this rule).
- (1C) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.]
- (2) A tendered ballot paper shall—
- (a) be of a colour differing from the other ballot papers;
  - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.
- (3) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the “tendered votes list”).
- (4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of that elector.
- [<sup>F9</sup>(5) A person who marks a tendered ballot paper under paragraph (1C) above shall sign the paper, unless it was marked after an application was refused under rule 38 or 39.
- (6) A paper which is required to be signed under paragraph (5) above and is not so signed shall be void.]

#### Textual Amendments

- F7** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 11, 28, [Sch. 2 para. 7](#), [Sch. 5](#)
- F8** [Sch. 1 rule 40\(1A\)–\(1C\)](#) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 1\(5\)](#)
- F9** [Sch. 1 rule 40\(5\)\(6\)](#) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 1\(6\)](#)

#### Modifications etc. (not altering text)

- C36** [Sch. 1 rule 40](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. 1](#)
- C37** [Sch. 1 rule 40](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)
- C38** [Sch. 1 rule 40](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)  
[Sch. 1 rule 40](#) applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)
- C39** [Sch. 1 rule 40](#) applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 2  
[Sch. 1 rule 40](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), [Sch. 1](#)

#### [<sup>F10</sup> Refusal to deliver ballot paper]

#### Textual Amendments

- F10** [Sch. 1 rule 40A](#) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 2\(4\)](#)

- [<sup>F11</sup>40A(1) This rule applies where a presiding officer refuses to deliver a ballot paper under paragraph (1C) of rule 37 (including that paragraph as applied by rule 38, 39 or 40).
- (2) The refusal shall be subject to review on an election petition but, subject to that, shall be final and shall not be questioned in any proceeding whatsoever.]

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#### Textual Amendments

**F11** Sch. 1 rule 40A inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 2(4)

#### Modifications etc. (not altering text)

**C40** Sch. 1 rule 40A applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C41** Sch. 1 rule 40A applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), Sch. 1

Sch. 1 rule 40A applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

Sch. 1 rule 40A applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

### *Spoilt ballot papers*

- 41 A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

#### Modifications etc. (not altering text)

**C42** Sch. 1 rules 41, 42 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C43** Sch. 1 rules 41, 42 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), Sch. 1 Pt. I

**C44** Sch. 1 rule 41 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), Sch. 1  
Sch. 1 rule 41 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

**C45** Sch. 1 rule 41 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

Sch. 1 rule 41 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

VALID FROM 01/01/2007

### *[<sup>F12</sup> Correction of errors on day of poll*

#### Textual Amendments

**F12** Sch. 1 rule 41A inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, Sch. 1 para. 38; S.I. 2006/3412, art. 3, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)

- 41A The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of this Act which takes effect on the day of the poll.]

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VALID FROM 14/05/2008

*f<sup>F13</sup> Correction of errors on day of poll: Northern Ireland*

**Textual Amendments**

**F13** Sch. 1 rule 41B inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, Sch. 4 para. 6(8); S.I. 2008/1318, art. 2

- 41B The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) which takes effect on the day of the poll.]

**Modifications etc. (not altering text)**

**C46** Sch. 1 rule 41B applied (with modifications) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

*Adjournment of poll in case of riot*

- 42 (1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.
- (2) Where the poll is adjourned at any polling station—
- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
  - (b) references in this Act to the close of the poll shall be construed accordingly.

**Modifications etc. (not altering text)**

- C47** Sch. 1 rules 41, 42 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C48** Sch. 1 rules 41, 42 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C49** Sch. 1 rule 42 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1 Sch. 1 rule 42 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2
- C50** Sch. 1 rule 42 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2 Sch. 1 rule 42 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

*Procedure on close of poll*

- 43 (1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—
- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
  - (b) the unused and spoilt ballot papers placed together,

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- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of [<sup>F14</sup>voters with disabilities] assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of [<sup>F14</sup>voters with disabilities],

and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.

- (2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.
- (3) The packets shall be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

#### Textual Amendments

**F14** Words in [rule 43\(1\)\(f\)](#) substituted (16.2.2001) by [2000 c. 2, s. 13\(1\)\(4\)](#); S.I. 2001/116, [art. 2\(1\)](#)

#### Modifications etc. (not altering text)

- C51** [Sch. 1 rules 43, 44](#) applied with modifications (N.I.) by S.I. 1986/2250, [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)
- C52** [Sch. 1 rules 43, 44](#) applied with modifications (E.W.S.) by S.I. 1986/2209, [regs. 2, 3, 5\(1\)\(6\)–\(8\)](#), [Sch. 1 Pt. I](#)
- C53** [Sch. 1 rule 43](#) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(b\)\(5\)–\(8\)](#), [Sch. 1](#)  
[Sch. 1 rule 43](#) applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, [art. 6](#), [Sch. 2](#)
- C54** [Sch. 1 rule 43](#) applied (with modifications) (31.7.1997) by [1997 c. 61, s. 3](#), [Sch. 3 para. 13](#) Table 2  
[Sch. 1 rule 43](#) applied (with modifications) (1.8.2001) by S.I. 2001/2599, [art. 3\(1\)](#), [Sch. 1](#)

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