

1986 No. 2215

**REPRESENTATION OF THE PEOPLE**

**The Local Elections (Parishes and Communities) Rules 1986**

*Made* - - - - 16th December 1986

*Laid before Parliament* 5th January 1987

*Coming into operation in accordance with rule 2*

In exercise of the powers conferred upon me by section 36(2) of the Representation of the People Act 1983(a), I hereby make the following Rules:—

*Citation and extent*

1.— (1) These Rules may be cited as the Local Elections (Parishes and Communities) Rules 1986.

(2) These Rules do not extend to Scotland or Northern Ireland.

*Commencement*

2.— (1) Subject to paragraph (2) below, these Rules shall come into operation on 16th February 1987 except for the purposes of any election the notice of which is published before that date.

(2) The provisions in these Rules in so far as they relate to absent voting and the revocation of rule 22 (list of proxies) in Schedule 1 to the Local Elections (Parishes and Communities) Rules 1973(b) shall come into operation on 27th January 1987 for the purposes of an election the poll at which is held on or after 16th February 1987.

*Revocations*

3. The Rules specified in Schedule 1 to these Rules are revoked.

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(a) 1983 c.2; the power in section 36 is referred to in sections 90(1)(b) and 187(1) of the Representation of the People Act 1983 and section 83(4) (read with section 17(2)(a) of the Interpretation Act 1978 (c.30)) and section 89(6) (as amended by paragraph 13 of Schedule 8 to the Act of 1983) of the Local Government Act 1972 (c.70).  
(b) S.I. 1973/1910.

### *Interpretation*

4. In these Rules, "principal area" means a county or district.

### *Elections rules*

5. In the application of the parliamentary elections rules(a) to the election of councillors of the council of a parish or community where the poll at that election is not taken together with the poll at another election under section 36(3) of the Representation of the People Act 1983(b) or section 15(2) of the Representation of the People Act 1985(c), adaptations, alterations and exceptions shall be made to those rules so that the election shall be conducted in accordance with the rules set out in Schedule 2 to these Rules.

### *Combination under section 36(3) of the Act of 1983*

6. In the application of the parliamentary elections rules to the election of councillors of the council of a parish or community where the poll at that election is taken together with the poll at another election under section 36(3) of the Representation of the People Act 1983, adaptations, alterations and exceptions shall be made to those rules so that the election shall be conducted in accordance with the rules set out in Schedule 2 to these Rules, subject to the modifications set out in Schedule 3 to these Rules.

### *Combination under section 15(2) of the Act of 1985*

7. In the application of the parliamentary elections rules to the election of councillors of the council of a parish or community where the poll at that election is taken together with the poll at another election under section 15(2) of the Representation of the People Act 1985, adaptations, alterations and exceptions shall be made to those rules so that the election is conducted in accordance with the rules set out in Schedule 2 to these Rules, subject to the modifications set out in Schedule 4 to these Rules.

### *Filling of casual vacancies*

8.— (1) Where a casual vacancy occurs in the office of a parish or community councillor other than within six months before the day on which that councillor would regularly have retired, an election to fill the vacancy shall be held if within fourteen days (computed in accordance with rule 2 of the elections rules in Schedule 2 to these Rules) after public notice of the vacancy has been given in accordance with section 87(2) of the Local Government Act 1972(d), notice in writing of a request for such an election has been given to the proper officer of the council of the district in which the parish or community is

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- (a) The parliamentary elections rules were amended, so far as is relevant, by section 19(5) of, paragraphs 4 to 7 of Schedule 2 to, paragraphs 74 to 86 of Schedule 4 to, and Schedule 5 to, the Representation of the People Act 1985 (c.50) and, where the poll at a parliamentary election is taken together with the poll at a local government election or a European Assembly election, by Regulation 100 of the Representation of the People Regulations 1986 (S.I. 1986/1081).
- (b) Section 36(3) was substituted by section 17 of the Representation of the People Act 1985 (c.50).
- (c) 1985 c.50.
- (d) 1972 c.70.

situate by ten persons who are registered as local government electors for the electoral area in which the vacancy occurs in the register in use at the time of such a request.

(2) Where a casual vacancy in any such office is required to be filled by election, the election shall be held on a day appointed by the returning officer, being a day falling within the period of sixty days (so computed) beginning with the day on which public notice of the vacancy was given.

(3) Subject to paragraph (4) below, where a casual vacancy in any such office is not required to be filled by election, the parish or community council shall, as soon as practicable after the expiry of the period of fourteen days referred to in paragraph (1) above, co-opt a person to fill the vacancy.

(4) In the case of a casual vacancy occurring in the office of a parish or community councillor within six months before the day on which that councillor would regularly have retired, paragraph (3) above shall have effect with the substitution of the word "may" for "shall"; and any vacancy not so filled shall be filled at the next ordinary election.

#### *Modification of the Act of 1983*

9. In the application of those provisions of the Representation of the People Act 1983 referred to in section 187(1) of that Act(a) to an election of parish or community councillors or an election of the chairman of a parish or community council the following modifications shall have effect:—

- (a) for any reference to the proper officer of the authority there shall be substituted a reference to the returning officer, and
- (b) in section 136(2)(b) of that Act(b) for the words "£2,500" there shall be substituted "£1,500".

#### *Form of declarations*

10.— (1) The declaration of acceptance of office by the chairman of a parish or community council or by a parish or community councillor shall be in the form in Part I of Schedule 5 to these Rules, or a form to the like effect.

(2) A declaration as to election expenses at an election of parish or community councillors shall be in the form in Part II of Schedule 5 to these Rules, or a form to the like effect.

*Douglas Hurd,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office.  
16th December 1986.

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- (a) Section 187(1) was repealed in part by Schedule 5 to the Representation of the People Act 1985.
  - (b) Section 136(2)(b) was amended by paragraph 48(b) of Schedule 4 to the Representation of the People Act 1985.

SCHEDULE 1

Rule 3.

REVOCATIONS

Column 1 Rules revoked	Column 2 References
The Local Elections (Parishes and Communities) Rules 1973	S.I. 1973/1910
The Local Elections (Parishes and Communities) (Amendment) Rules 1974	S.I. 1974/84
The Local Elections (Parishes and Communities) (Amendment) Rules 1976	S.I. 1976/2066
The Local Elections (Parishes and Communities) (Amendment) Rules 1983	S.I. 1983/1153

RULES FOR CONDUCT OF AN ELECTION OF COUNCILLORS OF A PARISH OR COMMUNITY  
WHERE POLL IS NOT TAKEN TOGETHER WITH POLL AT ANOTHER ELECTION

*Arrangement of rules*

PART I

PROVISIONS AS TO TIME

Rule

1. Timetable.
2. Computation of time.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

NOTICE OF ELECTION

3. Notice of election.

NOMINATION

4. Nomination of candidates.
5. Subscription of nomination paper.
6. Consent to nomination.
7. Decisions as to validity of nomination papers.
8. Publication of statement of persons nominated.
9. Inspection of nomination papers and consents to nomination.
10. Withdrawal of candidates.
11. Nomination in more than one ward.
12. Method of election.

PART III

CONTESTED ELECTIONS

GENERAL PROVISIONS

13. Poll to be taken by ballot.
14. The ballot papers.
15. The official mark.
16. Prohibition of disclosure of vote.
17. Use of schools and public rooms.

## ACTION TO BE TAKEN BEFORE POLL

18. Notice of poll.
19. Postal ballot papers.
20. Provision of polling stations.
21. Appointment of presiding officers and clerks.
22. Issue of official poll cards.
23. Equipment of polling stations.
24. Appointment of polling and counting agents.
25. Notification of requirement of secrecy.

## THE POLL

26. Admission to polling station.
27. Keeping of order in station.
28. Sealing of ballot boxes.
29. Questions to be put to voters.
30. Challenge of voter.
31. Voting procedure.
32. Votes marked by presiding officer.
33. Voting by blind persons.
34. Tendered ballot papers.
35. Spoilt ballot papers.
36. Adjournment of poll in case of riot.
37. Procedure on close of poll.

## COUNTING OF VOTES

38. Attendance at counting of votes.
39. The count.
40. Re-count.
41. Rejected ballot papers.
42. Decisions on ballot papers.
43. Equality of votes.

## PART IV

### FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

44. Declaration of result.

## PART V

### DISPOSAL OF DOCUMENTS

45. Sealing up of ballot papers.
46. Delivery of documents.
47. Orders for production of documents.
48. Retention and public inspection of documents.

## PART VI

### DEATH OF CANDIDATE

49. Countermand or abandonment of poll on death of candidate.

### APPENDIX OF FORMS

Form of nomination paper.

Form of candidate's consent to nomination.

Form of ballot paper.

Directions as to printing the ballot paper.

Form of declaration of identity.

Form of elector's official poll card.

Form of proxy's official poll card.

Form of directions for guidance of the voters in voting.

Form of certificate of employment.

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

PART I  
PROVISIONS AS TO TIME

*Timetable*

1. The proceedings at the election shall be conducted in accordance with the following Table.

TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election.
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election.
Publication of statement as to persons nominated	Not later than noon on the seventeenth day before the day of election.
Delivery of notices of withdrawals of candidature	Not later than noon on the sixteenth day before the day of election.
Notice of poll	Not later than the sixth day before the day of election.
Polling	Between the hours of 8 in the morning and 9 at night on the day of election.

*Computation of time*

2.— (1) In computing any period of time for the purposes of the Timetable—

(a) a Saturday or Sunday,

(b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or

(c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in England and Wales.

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(a) 1971 c.80.



## PART II

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

#### NOTICE OF ELECTION

##### *Notice of election*

- 3.— (1) The returning officer shall publish notice of the election stating—
- (a) the place and times at which nomination papers are to be delivered, and
  - (b) the date of the poll in the event of a contest,
- and the notice shall state that forms of nomination papers may be obtained at that place and those times.
- (2) The notice of election shall state the date by which—
- (a) applications to vote by post or by proxy, and
  - (b) other applications and notices about postal or proxy voting,
- must reach the registration officer in order that they may be effective for the election.

#### NOMINATION

##### *Nomination of candidates*

- 4.— (1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix, delivered at the place fixed for the purpose by the returning officer.
- (2) The nomination paper shall state the candidate's—
- (a) full names,
  - (b) home address in full, and
  - (c) if desired, description,
- and the surname shall be placed first in the list of names.
- (3) The description, if any, shall not exceed 6 words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

##### *Subscription of nomination paper*

- 5.— (1) The nomination paper shall be subscribed by two electors as proposer and seconder.
- (2) Where a nomination paper has the signatures of more than the required number of persons as proposing or seconding the nomination of a candidate, the signature appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.
- (3) The nomination paper shall give the electoral number of each person subscribing it.
- (4) The returning officer—
- (a) shall supply any elector with as many forms of nomination paper and

forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(b) shall at any elector's request prepare a nomination paper for signature, but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.

(5) A person shall not subscribe more nomination papers than there are vacancies to be filled in the electoral area; nor subscribe any nomination paper in respect of an election in any other ward of the same parish or community whilst the election in the first-mentioned ward is taking place:

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.

(6) If a person subscribes any nomination paper in contravention of paragraph (5) above, his signature shall be inoperative on all but those papers (up to the permitted number) which are first delivered.

(7) In this rule—

“elector” means a person—

(a) who is registered as a local government elector for the electoral area in which the election is held in the register to be used at the election, or

(b) who, pending the publication of that register, appears from the electors lists for that register as corrected by the registration officer to be entitled to be so registered,

and accordingly includes a person shown in the register or electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll, but not otherwise; and

“electoral number” means—

(i) a person's number in that register, or

(ii) pending publication of the register, his number (if any) in the electors lists for that register.

#### *Consent to nomination*

6. A person shall not be validly nominated unless his consent to nomination—

(a) is given in writing in the form in the Appendix, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,

(b) is attested by one witness, and

(c) is delivered at the place and within the time for the delivery of nomination papers.

#### *Decisions as to validity of nomination papers*

7.— (1) Where a nomination paper and the candidate's consent to it are

delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid; or
- (b) proof is given to the returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and
- (b) that the paper is not subscribed as so required.

(3) As soon as practicable after each nomination paper has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.

(4) Where he decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(5) The returning officer shall send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

(6) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(7) Subject to paragraph (6) above, nothing in this rule prevents the validity of a nomination paper being questioned on an election petition.

#### *Publication of statement of persons nominated*

8.— (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

#### *Inspection of nomination papers and consents to nomination*

9. During ordinary office hours on any day, other than a day specified in rule 2(1) above, after the latest time for delivery of nomination papers and before

the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

#### *Withdrawal of candidates*

10.— (1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom; or
- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

#### *Nomination in more than one ward*

11. A candidate who is validly nominated for more than one ward of the same parish or community must withdraw from his candidature in all those wards except one, and if he does not so withdraw, he shall be deemed to have withdrawn from his candidature in all those wards.

#### *Method of election*

12.— (1) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these rules exceeds the number of councillors to be elected, a poll shall be taken in accordance with Part III of these rules.

(2) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these rules does not exceed the number of councillors to be elected, such person or persons shall be declared to be elected in accordance with Part IV of these rules.

PART III  
CONTESTED ELECTIONS  
GENERAL PROVISIONS

*Poll to be taken by ballot*

13. The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, shall be declared to have been elected.

*The ballot papers*

14.— (1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated for the electoral area after any withdrawals under these rules, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix, and—

- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on it.

(3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

*The official mark*

15.— (1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same parish or community.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

*Prohibition of disclosure of vote*

16. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

### *Use of schools and public rooms*

17.— (1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

(3) The use of a room in an unoccupied house for that purpose or those purposes does not render a person liable to be rated or to pay any rate for the house.

### ACTION TO BE TAKEN BEFORE THE POLL

#### *Notice of poll*

18.— (1) The returning officer shall publish notice of the poll stating—

- (a) the day and hours fixed for the poll;
- (b) the number of councillors to be elected;
- (c) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated); and
- (d) the names of the proposer and seconder signing a candidate's nomination paper.

(2) Where a candidate is nominated by more than one nomination paper, the nomination paper referred to in paragraph (1)(d) above shall be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken.

(3) The returning officer shall, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station; and
- (b) the description of voters entitled to vote there.

#### *Postal ballot papers*

19. The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity in the form set out in the Appendix, or a form to the like effect, together with an envelope for their return.

### *Provision of polling stations*

20.— (1) The returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

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

(4) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

### *Appointment of presiding officers and clerks*

21.— (1) The returning officer shall appoint and may pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

### *Issue of official poll cards*

22.— (1) Where the poll at a parish or community election is not to be taken together with the poll at some other election, the council of the parish or community may, not later than noon on the nineteenth day before the day of election, request the returning officer to issue official poll cards for that election.

(2) Where the returning officer receives a request under paragraph (1) above he shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election.

(3) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(4) The official poll card shall be in the form in the Appendix, or a form to the like effect, and shall set out—

- (a) the name of the council and, where appropriate, of the ward to which councillors are to be elected;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station.

(5) Paragraph (7) of rule 5 above shall apply for the interpretation of this rule.

#### *Equipment of polling stations*

23.— (1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked.

(3) The returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors for the electoral area or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral area or the part of it provided under sub-paragraph (c) above.

(4) A notice in the form in the Appendix, giving directions for the guidance of voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(5) In every compartment of every polling station there shall be exhibited the notice "Vote for ..... candidate(s) only. Put no other mark on the ballot paper, or your vote may not be counted."

#### *Appointment of polling and counting agents*

24.— (1) Subject to paragraphs (3) and (4) below, each candidate may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
- (b) counting agents to attend at the counting of the votes.

(2) The same person may be appointed as a polling agent or counting agent by more than one candidate.

(3) Not more than four polling agents, or such greater number as the returning officer may by notice allow, shall be permitted to attend at any particular polling station and if the number of such agents appointed to attend at a particular polling station exceeds that number, the returning officer shall



determine which agents are permitted to attend by lot and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(4) The returning officer may limit the number of counting agents, so however that—

- (a) the number shall be the same in the case of each candidate; and
- (b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

For the purposes of the calculations required by this paragraph, a counting agent who has been appointed for more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(5) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than the fifth day (computed like any period of time in the Timetable) before the day of the poll.

(6) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(7) In the following provisions of these rules references to polling agents and counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

(8) Any notice required to be given to a counting agent by the returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

(9) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(10) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### *Notification of requirement of secrecy*

25. The returning officer shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy in writing of the provisions of

subsections (1), (3) and (6) of section 66(a) of the Representation of the People Act 1983; and

- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.

## THE POLL

### *Admission to polling station*

26.— (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—

- (a) the candidates;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty; and
- (e) the companions of blind voters.

(2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

(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 allotted to him under these rules, except on production and surrender of a certificate as to his employment which shall be in the form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

### *Keeping of order in station*

27.— (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—

- (a) by a constable in or near that station, or
- (b) 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

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(a) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

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.

#### *Sealing of ballot boxes*

28. 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.

#### *Questions to be put to voters*

29.— (1) The presiding officer may, and if required by a candidate or his 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 local government electors for this election as follows?” (*read the whole entry from the register.*)

(ii) “Have you already voted at this election [*adding, in the case of an election for several wards, in this or any other ward*] 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 at this election [*adding, in the case of an election for several wards, in this or any other ward*] 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 already voted at this election [*adding in the case of an election for several wards in this or any other ward*] on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

(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.

#### *Challenge of voter*

30.— (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 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.

#### *Voting procedure*

31.— (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 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 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.

#### *Votes marked by presiding officer*

32.— (1) 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.

(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.

#### *Voting by blind persons*

33.— (1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness 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 whether he is so incapacitated by his blindness 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 blind voter") that the companion—

(i) is a qualified person within the meaning of this rule, and

(ii) has not previously assisted more than one blind person 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.

(3) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

(a) a person who is entitled to vote as an elector at the election; or

(b) the father, mother, brother, sister, husband, wife, son or daughter of the blind 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 blind voters 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;

(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.

*Tendered ballot papers*

34.— (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 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.

(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.

*Spoilt ballot papers*

35. 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.

*Adjournment of poll in case of riot*

36.— (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 these rules to the close of the poll shall be construed accordingly.

*Procedure on close of poll*

37.— (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,
- (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 blind voters 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 blind voters,

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.

COUNTING OF VOTES

*Attendance at counting of votes*

38.— (1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates and their wives or husbands,
- (c) the counting agents,

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the candidates or thought it impracticable to do so.

(4) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

*The count*

39.— (1) The returning officer shall—

- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the counting agents verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) The returning officer shall not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(3) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

(4) The returning officer shall not count any tendered ballot paper.

(5) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(6) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any counting agent may copy.



(7) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of a candidate shall be as effective as the agreement of his counting agents.

(8) During the time so excluded the returning officer shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

#### *Re-count*

40.— (1) A candidate may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

#### *Rejected ballot papers*

41.— (1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more candidates than the voter is entitled to vote for; or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraphs (2) and (3) below, be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be deemed to be void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(4) The returning officer shall—

- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and
- (b) in the case of a ballot paper on which any vote is counted under paragraph (2) above, endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted;

and shall add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to his decision.

(5) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

- (a) want of official mark;
- (b) voting for more candidates than voter is entitled to;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty;

and the statement shall record the number of ballot papers rejected in part.

#### *Decisions on ballot papers*

42. The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

#### *Equality of votes*

43. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

## PART IV

### FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

#### *Declaration of result*

44.— (1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—

- (a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected;
- (b) give notice of the name of each candidate to whom sub-paragraph (a) applies to the proper officer of the parish or community council or, if there is no such proper officer, to the chairman of the council or, if there is no such chairman, to the proper officer of the district in which the parish or community is situate; and

- (c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the returning officer shall as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the person or persons remaining validly nominated;
- (b) give notice of the name of each person to whom sub-paragraph (a) above applies to the proper officer of the parish or community council or, if there is no such proper officer, to the chairman of the council or, if there is no such chairman, to the proper officer of the district in which the parish or community is situate; and
- (c) give public notice of the name of each such person.

## PART V

### DISPOSAL OF DOCUMENTS

#### *Sealing up of ballot papers*

45.— (1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

#### *Delivery of documents*

46. The returning officer shall then forward to the proper officer of the council of the district in which the parish or community is situate the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,
- (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll,
- (e) the packets containing marked copies of registers and of lists of proxies,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the electoral area for which the election was held.

*Orders for production of documents*

47.— (1) An order—

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the proper officer of the council of the district in which the parish or community is situate; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the proper officer referred to in paragraph (1) above may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the proper officer referred to in paragraph (1) above of any document in his possession relating to any specified election—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed

number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer referred to in paragraph (1) above or open any sealed packets of counterfoils and certificates.

#### *Retention and public inspection of documents*

48.— (1) The proper officer of the council of the district in which the parish or community is situate shall retain for six months amongst the records of the council all documents relating to an election forwarded to him in pursuance of these rules by a returning officer, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and in such manner as the district council may determine.

(3) The proper officer referred to in paragraph (1) above shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as may be determined by the district council.

## PART VI

### DEATH OF CANDIDATE

#### *Countermand or abandonment of poll on death of candidate*

49.— (1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 of the Representation of the People Act 1983(a) apply in respect of any vacancy which remains unfilled.

(2) Where the poll is abandoned by reason of a candidate's death the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll in due course, and the returning officer shall dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

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(a) Section 39(1) was repealed in part by Schedule 17 to the Local Government Act 1985 (c.51) and amended by section 19(2) of the Representation of the People Act 1985 (c.50).

(a) it shall not be necessary for any ballot paper account to be prepared or verified; and

(b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications—

(a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and

(b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

**APPENDIX OF FORMS**

*Note*—The forms contained in this Appendix may be adapted so far as circumstances require.

**Rule 4.**

*Form of nomination paper*

**ELECTION OF \*PARISH/COMMUNITY COUNCILLORS** for the \*[.....  
ward of the] \*Parish/Community of .....  
Day of election .....

*\*Delete whichever is inappropriate*

We, the undersigned, being local government electors for the said \*ward/\*parish/\*community do hereby nominate the under-mentioned person as a candidate at the said election.

Candidate's surname	Other names in full	Description (if any)	Home address in full

Signatures	Electoral number (see Note 3)	
	Distinctive letter(s)	Number
Proposer .....	.....	.....
Secunder .....	.....	.....

## NOTE

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the elections rules in Schedule 2 to the Local Elections (Parishes and Communities) Rules 1986.

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

3. A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered) except that before publication of the register his number (if any) in the electors lists for that register shall be used instead.

4. An elector may not—

- (a) subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
- (b) subscribe a nomination paper for more than one ward of a parish or community divided into wards.

5. A person whose name is entered in the register or electors lists may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.



Form of candidate's consent to nomination

Front of form

I (name in full) .....

of (home address in full) .....

hereby consent to my nomination as a candidate for election as councillor for the [ ..... ward of the] \*parish/ community of .....

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a Commonwealth citizen or citizen of the Republic of Ireland, who has attained the age of 21 years and that

\*Delete whichever is inappropriate

\*(a) I am registered as a local government elector for the \*parish/community of ..... in respect of (qualifying address in full) .....

..... and my electoral number (see Note below) is ..... ; or

\*(b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant the following land or other premises in that \*parish/community (description and address of land or premises)..... ; or

\*(c) my principal or only place of work during those 12 months has been in that \*parish/community at (give address of place of work and, where appropriate, name of employer) ..... ; or

\*(d) I have during those twelve months resided in that \*parish/community or within three miles of it at (give address in full)

.....  
.....

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in section 80 of the Local Government Act 1972(a), a copy of which is printed overleaf.

Signed .....

Date .....

Signed in my presence

Signature of witness .....

Name and address of witness .....  
(CAPITAL LETTERS)  
.....

Note— A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered) except that before publication of the register his number (if any) in the electors lists for that register shall be used instead.

*Back of form*

*Set out sections 80 and 81 of the Local Government Act 1972 (as amended from time to time)*

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(a) Section 80 was repealed in part by Part IV of Schedule 6 to the Local Government Finance Act 1982 (c.32) and subsection (1)(e) was amended by paragraph 5(1) of Schedule 5 to that Act.

*Form of ballot paper*

*Form of front of ballot paper*

**VOTE FOR .... CANDIDATE(S) ONLY**

Counterfoil  
No.  
*The counterfoil is to have a number to correspond with that on the back of the ballot paper.*

<b>1</b>	<p><b>BROWN</b></p> <p>JOHN EDWARD Brown, 2 The Cottages, Barlington, Grayshire</p> <p>Labour</p>	
<b>2</b>	<p><b>BROWN</b></p> <p>THOMAS WILLIAM Brown, 15 Barchester Road, Barlington, Grayshire</p> <p>Liberal</p>	
<b>3</b>	<p><b>JONES</b></p> <p>William David Jones, The Grange, Barlington, Grayshire</p> <p>Conservative</p>	
<b>4</b>	<p><b>MERTON</b></p> <p>Hon. George Travis, commonly called Viscount Merton, Barlington, Grayshire</p>	
<b>5</b>	<p><b>SMITH</b></p> <p>Mary Smith, School House, Barlington, Grayshire</p> <p>Schoolteacher, Progressive</p>	
<b>6</b>	<p><b>WILLIAMS</b></p> <p>Elizabeth Williams, 3 Ivy Lane, Barlington, Grayshire</p> <p>Housewife</p>	

*Form of back of ballot paper*

No.

Election for the [ ..... ward of the]  
Parish/Community of .....

on ..... 19....

*Note.*— *The number on the ballot paper is to correspond with that on the counterfoil.*

Rule 14(2).

*Directions as to printing the ballot paper*

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:—
  - (a) no word shall be printed on the face except the direction “VOTE FOR ..... CANDIDATE(S) ONLY” and the particulars of the candidates;
  - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked;
  - (c) the whole space between the top and the bottom of the paper shall be equally divided between the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above.
3. The direction mentioned in paragraph 2(a) above shall be printed in large capitals.
4. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—
  - (a) if his surname is the same as another candidate’s, for his other names; and
  - (b) if his other names are also the same as the other candidate’s, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
5. The number on the back of the ballot paper shall be printed in small characters.

*Form of declaration of identity*

*Front of form*

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No .....

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature (or mark) .....

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature .....

Name of witness .....  
(CAPITAL LETTERS)

Address of witness .....  
(CAPITAL LETTERS)

.....  
.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

*Back of form*

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. Vote for ..... candidate(s) only. Put no other mark on the ballot paper or your vote may not be counted.

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

*Elector's official poll card*

*Front of card*

REPRESENTATION OF THE PEOPLE ACTS

OFFICIAL POLL CARD

Parish/Community of ..... [Ward ..... ]	Number on Register .....
Polling Day .....	Name .....
Your polling station will be  .....  Polling hours 8 a.m. to 9 p.m.	Address ..... ..... ..... .....

*Back of card*

LOCAL GOVERNMENT ELECTION

You need not take this card with you when you go to the polling station, but it will save time if you take it and show it to the clerk there.

When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The presiding officer will give you a ballot paper: see that he stamps the official mark on it before he gives it to you.

Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.

Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

Vote for . . . . . candidate(s) only. Put no other mark on the ballot paper, or your vote may not be counted.

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

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

ISSUED BY THE RETURNING OFFICER

*Proxy's official poll card*

*Front of card*

REPRESENTATION OF THE PEOPLE ACTS

PROXY'S OFFICIAL POLL CARD

Proxy's name .....

Proxy's address .....

.....

LOCAL GOVERNMENT ELECTION

..... Parish/Community

[ ..... ward].

Polling day .....

The poll will be open from 8 a.m. to 9 p.m.

*Back of card*

The elector named below whose proxy you are is entitled to vote at the polling station—

.....

.....

To vote as proxy you must go to that polling station. Tell the clerk that you wish to vote as proxy: give the name and qualifying address of the elector, as follows:—

Number on Register.....

Name .....

Address .....

.....

The presiding officer will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes, to do so and if he votes before you vote on his behalf.

ISSUED BY THE RETURNING OFFICER

*Form of directions for guidance of the voters in voting*

GUIDANCE FOR VOTERS

1. When you are given a ballot paper, make sure it is stamped with the official mark.
2. Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.
3. Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
4. Vote for ..... candidate(s) only. Put no other mark on the ballot paper or your vote may not be counted.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.



*Form of certificate of employment*

REPRESENTATION OF THE PEOPLE ACTS

election in the [ ..... ward of the]

Parish/Community of .....

I certify that (name) ..... who is numbered ..... in the register of electors for the electoral area named above cannot reasonably be expected to go in person to the polling station allotted to him or her at the election on (date of poll) ..... by reason of the particular circumstances of his or her employment on that date for a purpose connected with the election—

*\*Delete whichever is inappropriate*

\*(a) as a constable

\*(b) by me.

Signature .....

\*Returning officer/police officer (inspector or above).

Date .....

Note:— The person named above is entitled to vote at any polling station of the above electoral area on production and surrender of this certificate to the presiding officer.

Rule 33(5).

*Form of declaration to be made by the companion of a blind voter*

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.) whose number on the register is ..... to record his vote at the election now being held in this electoral area hereby declare that [I am entitled to vote as an elector at the said election] [I am the ..... \*..... of the said voter and have attained the age of 18 years], and that I have not previously assisted any blind person [except E.F., of, ..... ] to vote at the said election.

*\*State the relationship of the companion to the voter.*

(Signed) A.B.,

day of 19 .

I, the undersigned, being the presiding officer for the ..... polling station for the [ ..... ward of the] Parish/Community of ..... 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 .  
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.

SCHEDULE 3

MODIFICATIONS TO THE RULES IN SCHEDULE 2 TO APPLY WHERE THE POLL AT AN ELECTION OF PARISH OR COMMUNITY COUNCILLORS IS TAKEN TOGETHER WITH THE POLL AT A PRINCIPAL AREA ELECTION UNDER SECTION 36(3) OR (3AA) OF THE REPRESENTATION OF THE PEOPLE ACT 1983

1. At the end of rule 14(2) (the ballot papers) the following sub-paragraph shall be added:

“(e) 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 parish or community election”.

2. At the end of rule 18 (notice of poll) the following paragraph shall be added:

“(4) The notice published under paragraph (3) above shall:

- (a) state that the poll at the parish or community election is to be taken together with the poll at a principal area election;
- (b) specify the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and
- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

3. After paragraph (1) of rule 23 (equipment of polling stations) there shall be inserted the following paragraph:

“(1A) Where the poll at a parish or community election is taken together with the poll at a principal area election, one ballot box may, if the returning officer thinks fit, be used for both elections; but if separate ballot boxes are used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box intended for use at the other election.”.

4. For paragraph (5) of rule 23 there shall be substituted the following paragraph:—

“(5) In every compartment of every polling station there shall be exhibited the notice:

[Specify name of the district] COUNCIL ELECTION  
([Specify colour] ballot paper)

\*Delete as necessary

\*[vote for no more than ..... candidates.]  
\*[vote for one candidate only.]

[Specify name of parish or community council]  
COUNCIL ELECTION

([Specify colour] ballot paper)

\*[vote for no more than ..... candidates.]  
\*[vote for one candidate only.]

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED.”.

5. At the end of paragraph (5) of rule 24 (appointment of polling and counting agents) there shall be added the following:

“Notices of the appointment of polling agents which are required by this paragraph and paragraph (6) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986(a)”.

6. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 29 (questions to be put to voters) and in the second question of paragraph (2) of that rule, after the words “this election” there shall be inserted the words “for this \*[parish] \*[community] \*(delete whichever is inapplicable)”.

7. At the end of rule 31 (voting procedure) there shall be added the following paragraph:—

“(4) The same copy of the register of electors may be used under paragraph (1) above for each election and one mark may be placed in that register under paragraph (1)(d) above to denote that a ballot paper has been received 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 so as to identify the election in respect of which the ballot paper was issued.”.

8. At the end of paragraph (2) of rule 32 (votes marked by presiding officer) there shall be added the following:

“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 ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

9. At the end of paragraph (4) of rule 33 (voting by blind persons) there shall be added the following:

“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.”.

10. At the end of paragraph (3) of rule 34 (tendered ballot papers) there shall be added the following:

“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.”.

11. Where the same ballot box is used for elections the polls at which are taken together, at the end of paragraph (1) of rule 36 (adjournment of poll in case of riot) there shall be inserted the words “who discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986”.

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(a) S.I. 1986/1081.

12. After paragraph (1) of rule 37 (procedure on close of poll) there shall be inserted the following paragraphs:

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of the packets made under the corresponding rule that applies at a principal area election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) Where the same ballot box is used for elections the polls at which are taken together, references to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986.”.

13. Where the same ballot box is used for elections the polls at which are taken together, for paragraph (1) of rule 38 (attendance at counting of votes) there shall be substituted the following paragraph:

“(1) The 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 him by the returning officer who discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986, and shall give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.”.

14. Where the same ballot box is used for elections the polls at which are taken together, for paragraphs (1) and (2) of rule 39 (the count) there shall be substituted the following paragraph:

“(1) The returning officer shall:

- (a) on receipt of containers (or packets in lieu thereof) from the returning officer who discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986, and after the time specified in the notice given under rule 38(1) above (as substituted by Schedule 3 to the Local Elections (Parishes and Communities) Rules 1986) open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at the principal area election under Regulation 78 of those Regulations, 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 the containers and count the votes given on them.

Paragraph (6) below does not apply to these proceedings.”.

15. Where the same ballot box is not used for elections the polls at which are taken together, in paragraph (1) of rule 44 (declaration of result) there shall be inserted after the word “ascertained” the words “and after consulting the returning officer at the election the poll at which is taken together with the poll at his election to ensure no ballot papers have been placed in the wrong ballot box”.

16. At the end of rule 46 (delivery of documents) there shall be added:

“This rule shall have effect as if paragraphs (c) and (e) were omitted.”.

17. In rule 49 (countermand or abandonment of poll on death of candidate):—

(a) at the end of paragraph (1) there shall be added:

“Provided that neither the countermand of the poll at the parish or community election nor the direction that that poll be abandoned shall affect the poll at the principal area election”; and

(b) for paragraph (2) there shall be substituted the following paragraph:

“(2) Where the poll at the parish or community election is abandoned by reason of a candidate’s death, no further ballot papers at that election shall be delivered in any polling station and, at the close of the poll at the principal area election, the presiding officer at any polling station shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the parish or community election had not been abandoned, and the returning officer shall dispose of ballot papers used at the parish or community election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but

(a) it shall not be necessary for any ballot paper account for the parish or community election to be prepared or verified; and

(b) the returning officer, having separated the ballot papers relating to the principal area election, shall take no step or no further step for the counting of the ballot papers at the parish or community election or of the votes and shall seal up those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

18.— (1) In the Appendix of forms, for the form of declaration of identity there shall be substituted—

(a) the form set out in sub-paragraph (2) below where the proceedings on the issue and receipt of postal ballot papers at the parish or community election are taken together with those proceedings at the principal area election under Regulation 78 of the Representation of the People Regulations 1986; and

(b) the form set out in sub-paragraph (3) below where those proceedings are not taken together.

(2) FORM OF DECLARATION OF IDENTITY REFERRED TO IN SUB-PARAGRAPH (1) (a) ABOVE

*Front of form*

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper Nos .....

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter's signature (or mark) .....

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature .....

Name of witness .....  
(CAPITAL LETTERS)

Address of witness .....  
(CAPITAL LETTERS)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

*Back of form*

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2.\* [At the ..... election, vote for no more than ..... candidates. At the ..... election vote for no more than ..... candidates.] Put no other mark on the ballot paper, or your vote may not be counted.

*\*To be completed by the returning officer depending on the elections to which Regulation 78 applies*

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name[s] of the candidate[s] you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the ballot papers in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with this declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper *relating to the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at that election.

6. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this you **MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED**, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you **MUST RETURN**, in your own envelope, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if fresh postal ballot papers are to be issued and counted.

(3) FORM OF DECLARATION OF IDENTITY REFERRED TO IN SUB-PARAGRAPH (1) (b) ABOVE

Front of form

REPRESENTATION OF THE PEOPLE ACTS

To be returned with the [insert colour of ballot paper] coloured ballot paper.

[Insert colour of ballot paper] coloured ballot paper No .....

I hereby declare that I am the person to whom the [insert colour of ballot paper] coloured ballot paper numbered above was sent.

Voter's signature (or mark) .....

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature .....

Name of witness .....  
(CAPITAL LETTERS)

Address of witness .....  
(CAPITAL LETTERS)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed (or marked) a similar declaration of identity in respect of another election to be held on the same day. The person known to you should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. Vote for no more than ..... candidates. Put no other mark on the ballot paper or your vote may not be counted.

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the [insert colour of ballot paper] coloured ballot paper in the small envelope marked "A" and "Ballot paper envelope for the [insert colour of ballot paper] coloured ballot paper" and seal it. Then put the envelope marked "A" and "Ballot paper envelope for the [insert colour of ballot paper] coloured ballot paper", together with the declaration of identity, in the larger envelope marked "B" and "Covering envelope for the [insert colour of ballot paper] coloured ballot paper". TAKE CARE THAT YOU PLACE THE CORRECT BALLOT PAPER, BALLOT PAPER ENVELOPE AND DECLARATION OF IDENTITY IN THE CORRECT COVERING ENVELOPE AND RETURN IT WITHOUT DELAY, OTHERWISE YOUR VOTE MAY NOT BE COUNTED. The ballot paper, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.



19. In the Appendix of forms for the form of directions for the guidance of the voters in voting there shall be substituted—

*“Form of directions for the guidance of the voters in voting*

**GUIDANCE FOR VOTERS AT COMBINED POLLS**

1. Make sure the ballot papers you are given are stamped with the official mark.
  2. Go to one of the compartments. Mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for.
  3. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.
  4. Vote only for the number of candidates specified on each ballot paper. Put no other mark on the ballot papers, or your votes may not be counted.
  5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.
20. In the Appendix of forms, in the form of declaration to be made by the companion of a blind voter:
- (a) after the words “election now being held in this electoral area” there shall be inserted “of this \*district and the election now being held in [this ward of] this \*parish/\*community (*\*delete whichever is inappropriate*)”, and
  - (b) for the words “said election” in both places where they occur there shall be substituted the words “said elections”.

#### SCHEDULE 4

MODIFICATIONS TO THE RULES IN SCHEDULE 2 TO APPLY WHERE THE POLL AT AN ELECTION OF PARISH OR COMMUNITY COUNCILLORS IS TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION UNDER SECTION 15(2) OF THE REPRESENTATION OF THE PEOPLE ACT 1985

1. Where the poll at a parish or community election is taken together with the poll at a parliamentary or European Assembly election in the entry relating to polling in the timetable in rule 1 (timetable) for the words "8 in the morning and 9" there shall be substituted the words "7 in the morning and 10".

2. At the end of rule 14(2) (the ballot papers) the following sub-paragraph shall be added:

"(e) 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 parish or community election".

3. At the end of rule 18 (notice of poll) the following paragraph shall be added:

"(4) The notice published under paragraph (3) above shall:

- (a) state that the poll at the parish or community election is to be taken together with the poll at a parliamentary election, or a European Assembly election or, as the case may be, another local government election;
- (b) specify the parliamentary constituency or European Assembly constituency or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and
- (c) where the polls are to be taken together in part of the local government area only, specify that part."

4. After paragraph (1) of rule 23 (equipment of polling stations) there shall be inserted the following paragraph:

"(1A) The same ballot box shall be used for the poll at the parish or community election and the poll at the parliamentary election, European Assembly election or, as the case may be, the other local government election."

5. For paragraph (5) of rule 23 there shall be substituted the following paragraph:

"(5) In every compartment of every polling station there shall be exhibited the notice:

'PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

vote for one candidate only.

\*[Specify name of council] COUNCIL ELECTION  
([Specify colour] ballot paper)

\*[vote for no more than ..... candidates.]

\*[vote for one candidate only.]

\*EUROPEAN ASSEMBLY ELECTION  
([Specify colour] ballot paper)

vote for one candidate only.

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

*\*Delete as necessary'.*

6. At the end of paragraph (5) of rule 24 (appointment of polling and counting agents) there shall be added the following:

“Notices of the appointment of polling agents which are required by this paragraph and paragraph (6) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986(a)”.

7. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 29 (questions to be put to voters) and in the second question of paragraph (2) of that rule, after the words “this election” there shall be inserted the words “for this \*[parish]\*[community] *\*(delete whichever is inapplicable)*”.

8. At the end of rule 31 (voting procedure) there shall be added the following paragraph:—

“(4) The same copy of the register of electors may be used under paragraph (1) above for each election and one mark may be placed in that register under paragraph (1)(d) above to denote that a ballot paper has been received 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 so as to identify the election in respect of which the ballot paper was issued.”.

9. At the end of paragraph (2) of rule 32 (votes marked by presiding officer) there shall be added the following:

“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 ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

10. At the end of paragraph (4) of rule 33 (voting by blind persons) there shall be added the following:

“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.”.

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(a) S.I. 1986/1081.

11. At the end of paragraph (3) of rule 34 (tendered ballot papers) there shall be added the following:

“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.”.

12. At the end of paragraph (1) of rule 36 (adjournment of poll in case of riot) there shall be inserted the words “who discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986”.

13. After paragraph (1) of rule 37 (procedure on close of poll) there shall be inserted the following paragraphs:

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of the packets made under the corresponding rule that applies at a parliamentary election, European Assembly election or, as the case may be, another local government election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986.”.

14. For paragraph (1) of rule 38 (attendance at counting of votes) there shall be substituted the following paragraphs:

“(1) Where the returning officer at the parish or community election discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986, he shall make arrangements for discharging the functions under rule 39(1) below (as substituted by Schedule 4 to the Local Elections (Parishes and Communities) Rules 1986) in the presence of the counting agents appointed for the purposes of the parish or community 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 he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under rule 39(1) (as so substituted).

(1A) Where the returning officer at the parish or community election does not discharge the functions specified in Regulation 98 of the Representation of the People Regulations 1986, he 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 him by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.”.

15. In paragraph (2) of rule 38 before the words “at the counting of the votes” there shall be inserted the words “at the proceedings under rule 39(1) (as so substituted) or”.

16. In paragraph (3) of rule 38 before the words “counting of votes” in the first place where they occur, there shall be inserted the words “proceedings under rule 39(1) (as so substituted) or the” and before the words “the efficient”

there shall be inserted the words “the efficient separating of the ballot papers or, as the case may be”.

17. For paragraphs (1) and (2) of rule 39 (the count) there shall be substituted the following paragraphs:

“(1) Where the returning officer at the parish or community election discharges the functions specified in Regulation 98 of the Representation of the People Regulations 1986, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the parish or community election open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the counting agents appointed for the purposes of the parish or community 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 parish or community election from the ballot papers relating to the parliamentary election, European Assembly election or, as the case may be, other local government election;
- (e) make up into packets the ballot papers for each election other than the parish or community election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate; and
- (f) deliver or cause to be delivered to the returning officer for the election to which the ballot papers relate:
  - (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 in respect of that election; and
- (g) at the same time deliver to that officer packets that so relate containing:
  - (i) the unused and spoilt ballot papers,
  - (ii) the tendered ballot papers, and
  - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

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

(2A) Where the returning officer at the parish or community election does not discharge the functions specified in Regulation 98 of the Representation of the People Regulations 1986, he 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 38(1A) (as substituted by Schedule 4 to the Local Elections (Parishes and Communities) Rules 1986) 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 78 of the Representation of the People 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.

Paragraph (6) below does not apply to these proceedings.”.

18. At the end of rule 46 (delivery of documents) there shall be added:

“At an election where the returning officer does not discharge the functions referred to in Regulation 98 of the Representation of the People Regulations 1986, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.”.

19. In rule 49 (countermand or abandonment of poll on death of candidate):—

- (a) at the end of paragraph (1) there shall be added:

“Provided that neither the countermand of the poll at the parish or community election nor the direction that that poll be abandoned shall affect the poll at the parliamentary election, European Assembly election or, as the case may be, other local government election”; and

- (b) for paragraph (2) there shall be substituted the following paragraph:

“(2) Where the poll at the parish or community election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the parliamentary election, European Assembly election or, as the case may be, other local government election the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the parish or community election had not been abandoned, and the returning officer shall dispose of ballot papers used at the parish or community election as he is required to do on the completion in due course of the counting of the votes, but

- (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and
- (b) the returning officer having separated the ballot papers relating to the parliamentary election, European Assembly election or, as the case may be, other local government election shall take no step or further step for the counting of the ballot papers used at the parish or community election or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

20.— (1) In the Appendix of forms, for the form of declaration of identity there shall be substituted—

- (a) the form set out in sub-paragraph (2) below where the proceedings on the issue and receipt of postal ballot papers at the parish or community election are taken together with those proceedings at another election under Regulation 78 of the Representation of the People Regulations 1986; and
- (b) the form set out in sub-paragraph (3) below where those proceedings are not taken together.

(2) FORM OF DECLARATION OF IDENTITY REFERRED TO IN SUB-PARAGRAPH (1) (a) ABOVE

*Front of form*

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper Nos .....

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter's signature (or mark) .....

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature .....

Name of witness .....  
(CAPITAL LETTERS)

Address of witness .....  
(CAPITAL LETTERS)

.....  
.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

*Back of form*

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2.\*[At the ..... election, vote for no more than ..... candidates. At the ..... election vote for no more than ..... candidates.] Put no other mark on the ballot paper, or your vote may not be counted.

*\*To be completed by the returning officer depending on the elections to which Regulation 78 applies*

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name[s] of the candidate[s] you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the ballot papers in the small envelopes marked "A" and seal it. Then put the envelope marked "A", together with this declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper *relating to the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at that election.

6. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this you **MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED**, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you **MUST RETURN**, in your own envelope, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if fresh postal ballot papers are to be issued and counted.



(3) FORM OF DECLARATION OF IDENTITY REFERRED TO IN SUB-PARAGRAPH (1) (b) ABOVE

Front of form

REPRESENTATION OF THE PEOPLE ACTS

To be returned with the [insert colour of ballot paper] coloured ballot paper.

[Insert colour of ballot paper] coloured ballot paper No .....

I hereby declare that I am the person to whom the [insert colour of ballot paper] coloured ballot paper numbered above was sent.

Voter's signature (or mark) .....

The voter who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature .....

Name of witness .....  
(CAPITAL LETTERS)

Address of witness .....  
(CAPITAL LETTERS)

.....  
.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed (or marked) a similar declaration of identity in respect of another election to be held on the same day. The person known to you should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. Vote for no more than ..... candidates. Put no other mark on the ballot paper or your vote may not be counted.

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the [insert colour of ballot paper] coloured ballot paper in the small envelope marked "A" and "Ballot paper envelope for the [insert colour of ballot paper] coloured ballot paper" and seal it. Then put the envelope marked "A" and "Ballot paper envelope for the [insert colour of ballot paper] coloured ballot paper", together with the declaration of identity, in the larger envelope marked "B" and "Covering envelope for the [insert colour of ballot paper] coloured ballot paper". TAKE CARE THAT YOU PLACE THE CORRECT BALLOT PAPER, BALLOT PAPER ENVELOPE AND DECLARATION OF IDENTITY IN THE CORRECT COVERING ENVELOPE AND RETURN IT WITHOUT DELAY. OTHERWISE YOUR VOTE MAY NOT BE COUNTED. The ballot paper, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

21. In the Appendix of forms for the form of directions for the guidance of the voters in voting there shall be substituted—

*“Form of directions for the guidance of the voters in voting*

#### GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Make sure the ballot papers you are given are stamped with the official mark.
2. Go to one of the compartments. Mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for.
3. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.
4. Vote only for the number of candidates specified on each ballot paper. Put no other mark on the ballot papers, or your votes may not be counted.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

22. In the Appendix of forms, in the form of declaration to be made by the companion of a blind voter:

- (a) after the words “election now being held in this electoral area” there shall be inserted the words “and the election now being held in this \*parliamentary constituency /\*European Assembly constituency/\*this electoral area of this \*county/\*district (*\*delete whichever is inappropriate*)”, and
- (b) for the words “said election” in both places where they occur there shall be substituted the words “said elections”.

SCHEDULE 5

PART I

DECLARATION OF ACCEPTANCE OF OFFICE

I ..... , having been elected to the office of (insert description of office) ..... hereby declare that I take that office upon myself, and will duly and faithfully fulfill the duties of it according to the best of my judgment and ability.

Date ..... (Signed) .....

This declaration was made and signed before me

(Signed) .....  
†Proper officer of the council of the parish/  
community of .....

†If the declaration is made before any other person authorised by section 83(4) of the Local Government Act 1972, adapt accordingly.

PART II

DECLARATION AS TO EXPENSES

Election for the [ ..... ward of the] Parish/Community of .....  
Day of election .....

Full name of candidate .....

I declare as follows:—

1. The amount paid by me or on my behalf for my election expenses at the above election was .....
2. To the best of my knowledge and belief no other election expenses have been paid or incurred by me or by any other person or organisation in connection with my candidature.
3. To the best of my knowledge and belief the accompanying return of election expenses is complete and correct as required by law.
4. I understand that the law does not allow any election expenses not mentioned in the return to be defrayed except in pursuance of a court order.

Signature of candidate .....

## EXPLANATORY NOTE

*(This Note is not part of these Rules.)*

These Rules replace the Local Elections (Parishes and Communities) Rules 1973, as amended, ("the 1973 Rules") which are revoked by Schedule 1 to these Rules, and provide for the conduct of parish and community council elections.

The rules in Schedule 2 to these Rules, like the rules in Schedule 1 to the 1973 Rules, apply with adaptations, alterations and exceptions the parliamentary elections rules (now re-enacted as Schedule 1 to the Representation of the People Act 1983 ("the 1983 Act")) for the purpose of the conduct of parish and community elections. The rules in Schedule 2 to these Rules differ from the 1973 Rules by including the amendments made to the parliamentary elections rules by the Representation of the People Act 1985 ("the 1985 Act"). In particular, the provisions about computation of time (rule 2), the notice of election (rule 3), the notices in polling stations (rule 23 and the Appendix), the notification of the requirement of secrecy (rule 25) and the count (rule 39) have been changed.

Schedule 3 to these Rules sets out modifications to the rules in Schedule 2 which apply when the poll at a parish or community election is taken together with the poll at a district council election under section 36(3) of the 1983 Act. These modifications which were contained in the text of the rules in the 1973 Rules, as amended, are set out in a separate Schedule in these Rules to distinguish them more easily from the different set of modifications which are set out in Schedule 4 to these Rules. The modifications in Schedule 3 are also more extensive than those contained in the 1973 Rules.

Schedule 4 to these Rules modifies the rules in Schedule 2 where the poll at a parish or community election is taken together with the poll at some other election under section 15(2) of the 1985 Act. Section 15(2) allows the returning officers at two or more elections for related areas (within the meaning of section 15(3)) the polls at which are taken on the same day, to agree to those polls being taken together. Schedule 4 makes provision equivalent to the modifications to the parliamentary elections rules made by Regulation 100 of the Representation of the People Regulations 1986 ("the 1986 Regulations"). In addition, it extends the polling hours at a parish or community election where the poll at that election is taken together with the poll at a parliamentary or European Assembly election. Schedule 4 differs from Schedule 3 because, whereas under Regulation 97(5) of the 1986 Regulations the returning officer at the parish or community election is not responsible for the conduct of polls combined under section 36(3) of the 1983 Act, under paragraph (4) of that Regulation he could be responsible for polls combined under section 15(2) of the 1985 Act. In addition Schedule 4 requires the same ballot box to be used for combined polls (whereas under Schedule 3 this is discretionary).

Rule 8 makes provision for the filling of casual vacancies by co-option which is in substance the same as the equivalent provision in the 1973 Rules. Rule 9 modifies certain provisions of the 1983 Act in their application to parish and community elections (and the election of the chairman of parish and community councils). Rule 10 and Schedule 5 set out the form of declaration of acceptance of office required by section 83 of the Local Government Act 1972 and the declaration as to election expenses required by section 90(1)(b) of the 1983 Act.