

## SCHEDULE 5

### COMBINATION OF POLLS

#### PART I

#### GENERAL

##### **Returning officers and polling stations**

**1.—(1)** Where the polls at a Scottish parliamentary general election and an ordinary local government election are taken together under article 13(1)–

- (a) those functions of the returning officer at the local government election which are specified in paragraph 2 below shall be discharged by the constituency returning officer for the Scottish parliamentary election for such part of the local government area as is situated in the Scottish parliamentary constituency; and
- (b) only polling stations used for the Scottish parliamentary election shall be used for the local government election.

**(2)** Where the polls for related areas are taken together under article 13(2)–

- (a) the returning officers for those elections shall decide which returning officer shall discharge in the area in which the polls are combined (“the combined area”) those functions of the other which are specified in paragraph 2 below; and
- (b) the only polling stations which shall be used in the combined area at such elections are the polling stations used at the election for which the returning officer who discharges the functions referred to in sub-sub-paragraph (a) acts as returning officer.

##### **Functions at combined polls**

**2.—(1)** The functions referred to in paragraph 1 above are the functions conferred or imposed–

- (a) at a Scottish parliamentary election by those rules in the Scottish Parliamentary Election Rules in Schedule 2 which are specified in sub-paragraph (2) below; and
- (b) at a local government election, by those rules in the rules made under section 42 of the 1983 Act which correspond to the provisions specified in sub-paragraph (2) below,

and, where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 4, the functions conferred or imposed by that Schedule and by Part V of the 1986 regulations.

**(2)** The rules referred to in sub-paragraph (1) above are–

- (a) rule 32(2)(a) (notice of situation of polling stations etc);
- (b) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 4, rule 33 (postal ballot papers);
- (c) rule 34 (provision of polling stations);
- (d) rule 35(1) and (2) (appointment of presiding officers and clerks) to the extent that that rule concerns the appointment of presiding officers and clerks to assist them;
- (e) rule 37 (equipment of polling stations);
- (f) rule 39(a) (notification of requirement of secrecy at polling station);
- (g) rule 40(4) (signature of certificate as to employment);

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- (h) rule 41(2)(b) (authorisation to order removal from polling station); and
- (i) in rule 53 paragraph (1) (the count) (as substituted by paragraph 18 of this Schedule) and paragraph (5).

### **Modification of provisions about expenses in this Order and the 1983 Act**

3.—(1) Where those functions of a returning officer at an election which are specified in paragraph 2 above are discharged by the returning officer at another election under paragraph 1 above, references to the returning officer or his charges or expenditure—

- (a) in sub-sections (3), (4), (4A), (4B), (5), (7) and (8) of section 29 of the 1983 Act (payments by and to returning officers) as applied and modified by article 18;
- (b) in article 19 (taxation of returning officer's account); and
- (c) in sub-sections (5) and (6) of section 42 of the 1983 Act (expenses at local elections);

shall, to the extent that such functions are so discharged, be construed as references to the returning officer who discharges those functions and his charges or expenditure in respect of those functions.

(2) The reference in section 42(6) of the 1983 Act to the returning officer or person acting as returning officer requesting an advance in respect of his expenses shall, to the extent that those expenses relate to the functions specified in paragraph 2 above and in respect of the remuneration of presiding officers and clerks include a reference to the returning officer who under paragraph 1 above discharges those functions at the local government election.

(3) In relation to elections the polls at which are taken together under article 13(1) or (2), the Secretary of State may under section 29(3) of the 1983 Act as applied and modified by article 18 include special provision for services properly rendered, or expenses properly incurred, in respect of the discharge of functions specified in paragraph 2 above, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1 above.