

## SCHEDULE 5

Article 14(5)

### COMBINATION OF POLLS

## ARRANGEMENT OF PARAGRAPHS

### PART I

#### GENERAL

1. Returning officers and polling stations
2. Functions at combined polls
3. Modification of provisions about expenses in this Order and the 1983 Act

### PART II

#### MODIFICATIONS OF THE SCOTTISH PARLIAMENTARY ELECTION RULES TO APPLY WHERE THE POLL AT A SCOTTISH PARLIAMENTARY ELECTION IS TAKEN TOGETHER WITH A POLL AT A LOCAL GOVERNMENT ELECTION UNDER ARTICLE 14(1) OR (2)

4. Modifications of the Scottish Parliamentary Election Rules: general provision
5. Rule 28 (The ballot paper: regional candidates)
6. Rule 33 (notice of poll)
7. Rule 37 (issue of official poll cards)
8. Rule 38 (equipment of polling stations)
9. Rule 39 (appointment of polling and counting agents)
10. Rule 44 (questions to be put to voters)
11. Rule 46 (voting procedure)
12. Rule 47 (votes marked by presiding officer)
13. Rule 48 (voting by persons with disabilities)
14. Rule 49 (tendered ballot papers)
15. Rule 52 (adjournment of poll in case of riot)
16. Rule 53 (procedure on close of poll)
17. Rule 54 (attendance at counting of votes)
18. Rule 55 (the count)
19. Rule 69 (delivery of documents to the sheriff clerk)
20. Rule 72 (countermand or abandonment of poll etc. on death of candidate)
21. Form of directions for the guidance of the voters in voting in Schedule 5

### PART III

#### MODIFICATIONS OF THE SCOTTISH LOCAL GOVERNMENT ELECTION RULES 2007 TO APPLY WHERE THE POLL AT A LOCAL GOVERNMENT ELECTION IS TAKEN TOGETHER WITH A POLL AT A SCOTTISH PARLIAMENTARY ELECTION UNDER ARTICLE 14(1) OR (2)

22. Modifications of the local elections rules: general provision
23. Rule 14 of the local elections rules (the ballot papers)
24. Rule 19 of the local elections rules (notice of poll)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

25. Rule 23 of the local elections rules (issue of official poll cards and notifications)
  26. Rule 24 of the local elections rules (equipment of polling stations)
  27. Rule 25 of the local elections rules (appointment of polling and counting agents)
  28. Rule 30 of the local elections rules (questions to be put to voters)
  29. Rule 32 of the local elections rules (voting procedure)
  30. Rule 33 of the local elections rules (votes marked by presiding officer)
  31. Rule 34 of the local elections rules (voting by persons with disabilities)
  32. Rule 35 of the local elections rules (tendered ballot papers)
  33. Rule 38 of the local elections rules (adjournment of poll in case of riot)
  34. Rule 39 of the local elections rules (procedure on close of poll)
  35. Rule 40 of the local elections rules (attendance at counting of votes)
  36. Rule 42 of the local elections rules (the count)
  37. Rule 57 of the local elections rules (delivery of documents)
  38. Rule 60 of local elections rules (countermand or abandonment of poll on death of candidate)
  39. Local elections rules: postal voting statement
  40. Local elections rules: declaration by the companion of a voter with disabilities
- Signature  
Explanatory Note

## 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 14(1)—
  - (a) those functions of the returning officer at the local government election which are specified in paragraph 2 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 14(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; 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 above acts as returning officer.

### **Functions at combined polls**

- 2.—(1) The functions referred to in paragraph 1 are the functions conferred or imposed—
  - (a) at a Scottish parliamentary election by those rules in the Scottish Parliamentary Election Rules which are specified in sub paragraph (2); and

- (b) at a local government election, by those rules in the rules made under sections 3 and 16 of the Local Governance (Scotland) Act 2004(1) which correspond to the provisions specified in sub paragraph (2),

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 2001 Regulations(2).

(2) The rules referred to in sub-paragraph (1) are—

- (a) rule 33(2)(a) (notice of situation of polling stations);
- (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 34 (postal ballot papers);
- (c) rule 35 (provision of polling stations);
- (d) rule 36(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 38 (equipment of polling stations);
- (f) rule 40(1) (notification of requirement of secrecy at polling station);
- (g) rule 41(4) (signature of certificate as to employment);
- (h) rule 42(2)(b) (authorisation to order removal from polling station); and
- (i) in rule 55 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 are discharged by the returning officer at another election under paragraph 1, references to the returning officer or his charges or expenditure—

- (a) in sub-sections (3), (3A), (3B), (3C), (7), and (8) of section 29 of the 1983 Act(3) (payments by and to returning officers) as applied and modified by article 19;
- (b) in article 20 (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 and in respect of the remuneration of presiding officers and clerks, include a reference to the returning officer who under paragraph 1 discharges those functions at the local government election.

(3) In relation to elections the polls at which are taken together under article 14(1) or (2), the Secretary of State may under section 29(3) of the 1983 Act as applied and modified by article 19 include special provision for services properly rendered, or expenses properly incurred, in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

---

(1) 2004 asp 9. Section 3 was amended by section 34(6) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006, asp 14](#). The current rules are the Scottish Local Government Elections Rules 2007, comprising Schedule 1 of the Scottish Local Government Elections Order 2007 (S.S.I. 2007/42).

(2) S.I.2001/497 as amended by S.I. 2002/1872, regulations 11 to 13 and S.I. 2006/834, regulations 8 to 11.

(3) Section 29 was amended by the Representation of the People Act 1991 (C.11), section 1, and the 2006 Act, section 68. It is also amended by the 2000 Political Parties Act, Schedule 21, paragraph 6(3) and the 2006 Act, Schedule 1, paragraph 107(2); these amendments are not yet in force.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## PART II

### MODIFICATIONS OF THE SCOTTISH PARLIAMENTARY ELECTION RULES TO APPLY WHERE THE POLL AT A SCOTTISH PARLIAMENTARY ELECTION IS TAKEN TOGETHER WITH A POLL AT A LOCAL GOVERNMENT ELECTION UNDER ARTICLE 14(1) OR (2)

#### **Modifications of the Scottish Parliamentary Election Rules: general provision**

4. Where the poll at a Scottish parliamentary election is taken with the poll at a local government election under article 14(1) or (2), the Scottish Parliamentary Election Rules shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

#### **Rule 28 (The ballot paper: regional candidates)**

5. After paragraph (6) of rule 28 there shall be added—

“(6A) The ballot paper to be used at a local government election the poll for which is taken together with the poll at a Scottish parliamentary election shall be of a different colour from that of any ballot paper to be used at the Scottish parliamentary election.”.

#### **Rule 33 (notice of poll)**

6. At the end of rule 33 there shall be added—

“(3) The notice published under paragraph (2) shall—

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

#### **Rule 37 (issue of official poll cards)**

7. At the end of rule 37 there shall be added—

“(5) An official poll card issued under this rule may be combined with any official poll card or notification issued at a local government election.”.

#### **Rule 38 (equipment of polling stations)**

8. After paragraph (1) of rule 38 there shall be added—

“(1A) A different ballot box shall be used for the poll at the local government election from the ballot box or ballot boxes used for the poll at the Scottish parliamentary election.”.

#### **Rule 39 (appointment of polling and counting agents)**

9. At the end of paragraph (4) of rule 39 there shall be added—

“Notices of the appointment of polling agents which are required by this paragraph and paragraphs (5) and (6) to be given to the returning officer shall be given to the returning officer who discharges the functions specified in paragraph 2 of Schedule 5.”.

**Rule 44 (questions to be put to voters)**

10.—(1) In paragraph (1) of rule 44, in questions 1(b), 2(b) and 4 before “election” there shall be inserted “Scottish parliamentary”.

(2) In paragraph (1) of rule 44, in question 3(b) after “elsewhere” there shall be inserted “at this Scottish parliamentary election”.

**Rule 46 (voting procedure)**

11. At the end of rule 46 there shall be added—

“(9) Where the poll at a Scottish parliamentary election is taken together with a poll at a local government election the same copy of the register of electors may be used under paragraph (2) for each election and one mark may be placed in that register under paragraph (2)(c) or in the list of proxies under paragraph (2)(d) 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 or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.”.

**Rule 47 (votes marked by presiding officer)**

12. At the end of rule 47 there shall be added—

“(6) Where the poll at a Scottish parliamentary election is taken together with a poll at a local government election the same list of votes marked by the presiding officer 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.”.

**Rule 48 (voting by persons with disabilities)**

13. At the end of rule 48 there shall be added—

“(10) Where the poll at a Scottish parliamentary election is taken together with a poll at a local government election the same list of voters with disabilities assisted by companions may be used for each election and, where it is so used, an entry in that list shall be taken to mean that votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

**Rule 49 (tendered ballot papers)**

14. At the end of rule 49 there shall be added—

“(13) Where the poll at a Scottish parliamentary election is taken together with a poll at a local government election the same tendered votes 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.”.

**Rule 52 (adjournment of poll in case of riot)**

15. In rule 52(1) for the words “constituency returning officer” there shall be substituted—

“returning officer who discharges the functions specified in paragraph 2 of Schedule 5.”.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Rule 53 (procedure on close of poll)**

16. After rule 53(1) there shall be added—

“(1A) The contents of the packets referred to in paragraph (1)(b), (c), (e), (f) and (g) shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election; nor shall the statement prepared under paragraph (3) be so combined.

(1B) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 5.”.

### **Rule 54 (attendance at counting of votes)**

17.—(1) For paragraph (1) of rule 54 there shall be substituted the following paragraphs:—

“(1) Where the constituency returning officer at the Scottish parliamentary election discharges the functions specified in paragraph 2 of Schedule 5, he shall make arrangements for discharging the functions under rule 55 (as amended by paragraph 18 of Schedule 5) in the presence of the counting agents appointed for the purposes of the Scottish parliamentary election as soon as practicable after the close of the poll and for thereafter counting the votes at the Scottish parliamentary 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 55 (as so amended).

(1A) Where the constituency returning officer at the Scottish parliamentary election does not discharge the functions specified in paragraph 2 of Schedule 5, 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 who shall give to those 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.”.

(2) In rule 54(2), before “at the counting of the votes” there shall be inserted—  
“at the proceedings described in rule 55(1) (as substituted by paragraph 18 of Schedule 5) or”.

(3) In rule 54(3), before “the counting of the votes” there shall be inserted—  
“proceedings described in rule 55(1) (as so substituted) or”, and

(4) in rule 54(3)(a) before “the efficient” there shall be inserted—  
“the efficient separating of the ballot papers or, as the case may be,”.

### **Rule 55 (the count)**

18. For rule 55(1) there shall be substituted—

“(1) Where the constituency returning officer at the Scottish parliamentary election discharges the functions specified in paragraph 2 of Schedule 5 he shall—

- (a) in the presence of the counting agents appointed for the purposes of the Scottish parliamentary election open each ballot box;
- (b) if the votes at a Scottish parliamentary election and the local government election are not both being counted by electronic means, separate the ballot papers relating to the Scottish parliamentary election from the ballot papers relating to the local government election;
- (c) if the votes at a Scottish parliamentary election and the local government election are not both being counted by electronic means, make up into packets the ballot papers for the local government election (including any postal ballot papers which

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- have been duly returned) and seal them up in separate containers endorsing on each a description of the polling station to which the ballot papers relate;
- (d) in the presence of the election agents appointed for the purpose of the Scottish parliamentary election, record separately the number of ballot papers there are in each box (and at a Scottish parliamentary general election if the constituency ballot paper and regional ballot paper are not printed on the same sheet, count separately the number of constituency ballot papers and regional ballot papers there are in each box);
  - (e) in the presence of those election agents verify each ballot paper account in relation to the ballot papers for the Scottish parliamentary election;
  - (f) count such of the postal ballot papers as have been duly returned and record their number (and at a Scottish parliamentary general election if the constituency ballot paper and regional ballot paper are not printed on the same sheet, record separately the number of constituency postal ballot papers counted and the number of regional postal ballot papers counted);
  - (g) deliver or cause to be delivered to the returning officer at the local government election to which the ballot papers relate—
    - (i) the containers referred to in sub-paragraph (c), together with a list of them and of the contents of each; and
    - (ii) the ballot paper accounts; and
  - (h) at the same time deliver, or cause to be delivered, to that returning officer the packets which so relate containing—
    - (i) the unused and spoilt ballot papers;
    - (ii) the tendered ballot papers; and
    - (iii) the corresponding number lists of the used ballot papers and the certificates as to employment on duty on the day of the poll.
- (1A) Where a constituency returning officer at a Scottish parliamentary election does not discharge the functions specified in paragraph 2 of Schedule 5 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 54(1A) (as substituted by paragraph 17(1) of Schedule 5), in the presence of the counting agents open each container and record separately the number of ballot papers there are in each container (and at a Scottish parliamentary general election if the constituency ballot paper and regional ballot paper are not printed on the same sheet, record separately the number of constituency ballot papers there are in each container and the number of regional ballot papers there are in each container);
  - (b) in the presence of the election agents appointed for the purposes of the election verify each ballot paper account;
  - (c) count such of the postal ballot papers as have been duly returned and record their number (and at a Scottish parliamentary general election if the constituency ballot paper and regional ballot paper are not printed on the same sheet, record separately the number of constituency ballot papers counted and the number of regional ballot papers counted).”.

**Rule 69 (delivery of documents to the sheriff clerk)**

19. At the end of rule 69(1) there shall be added—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“At an election where the constituency returning officer does not discharge the functions specified in paragraph 2 of Schedule 5, this paragraph shall have effect as if sub-paragraphs (e) and (h) were omitted.”.

**Rule 72 (countermand or abandonment of poll etc. on death of candidate)**

**20.**—(1) At the end of paragraph (1) of rule 72 there shall be added—

“Provided that neither the countermand of the poll at the Scottish parliamentary election nor the direction that that poll be abandoned under this paragraph shall affect the poll at the local government election.”.

(2) For paragraph (2) of rule 72 there shall be substituted—

“(2) Where the poll at the Scottish parliamentary 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 for the local government 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 Scottish parliamentary election had not been abandoned, and the returning officer shall dispose of ballot papers used at the Scottish parliamentary 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 Scottish parliamentary ballot paper account to be prepared or verified; and
- (b) the returning officer, having separated the ballot papers relating to the local government election shall take no step or further step for the counting of the ballot papers used at the Scottish parliamentary election or of the votes and shall seal up all those ballot papers, whether the votes in them have been counted or not.”.

**Form of directions for the guidance of the voters in voting in Schedule 5**

**21.**—(1) In rule 38, for the notice provided by paragraph (13) there shall be substituted the notice at form O3 in the Appendix of Forms, and paragraphs (14) and (15) shall be omitted.

(2) In the Appendix of Forms, for form P (notice providing further information for voters at polling stations, referred to in rule 38(12)), there shall be substituted form X set out in the Appendix.

**PART III**

**MODIFICATIONS OF THE SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES 2007 TO APPLY WHERE THE POLL AT A LOCAL GOVERNMENT ELECTION IS TAKEN TOGETHER WITH A POLL AT A SCOTTISH PARLIAMENTARY ELECTION UNDER ARTICLE 14(1) OR (2)**

**Modifications of the local elections rules: general provision**

**22.**—(1) Where the poll at a local government election is taken together with the poll at a Scottish parliamentary election under article 14(1) or (2), Schedule 1 to the Scottish Local Government Elections Order 2007(4) shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

---

(4) [S.S.I. 2007/42](#).



(2) In this Part the rules referred to in sub-paragraph (1) are referred to as “the local elections rules”.

**Rule 14 of the local elections rules (the ballot papers)**

23.—(1) At the end of rule 14(2) of the local elections rules there shall be added—

“(2A) The ballot paper shall be of a different colour from that of any ballot papers used at a Scottish parliamentary election the poll at which is taken together with the poll at the local government election.”.

(2) At the end of rule 14 of the local election rules there shall be added—

“(6) References to a Scottish parliamentary election in paragraph (2A) and elsewhere in these Rules are to an election to the Scottish Parliament; and references to a Scottish parliamentary election (and to a poll at such an election) include a reference to Scottish parliamentary elections (and to polls at such elections) where the context so requires.”.

**Rule 19 of the local elections rules (notice of poll)**

24. At the end of rule 19 of the local elections rules there shall be added—

“(5) The notice published under paragraph (4) shall—

- (a) state that the poll at the local government election is to be taken together with the poll at a Scottish parliamentary election;
- (b) specify the Scottish parliamentary constituency and region and 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.”.

**Rule 23 of the local elections rules (issue of official poll cards and notifications)**

25. At the end of rule 23 of the local elections rules there shall be added—

“(5) An official poll card or notification issued under this rule may be combined with the official poll card or notification, as the case may be, issued at a Scottish parliamentary election.”.

**Rule 24 of the local elections rules (equipment of polling stations)**

26.—(1) After paragraph (1) of rule 24 of the local elections rules there shall be added—

“(1A) A different ballot box shall be used for the poll at the local government election from the ballot box or ballot boxes used for the Scottish parliamentary election.”.

(2) For rule 24(5) of the local elections rules there shall be substituted—

“(5) A notice in the style of form X set out in the Appendix to the Scottish Parliament (Elections Etc.) Order 2007 shall be displayed either inside or outside every polling station and may be exhibited both inside and outside any polling station.

(5A) In every compartment of every polling station there shall be exhibited a notice in the style of form O3 set out in the Appendix to the Scottish Parliament (Elections Etc.) Order 2007.

(5B) The forms referred to in paragraphs (5) and (5A) may be used with such variations as the circumstances may require.”.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Rule 25 of the local elections rules (appointment of polling and counting agents)**

27. At the end of rule 25(3) of the local elections rules there shall be added—

“Notices of the appointment of polling agents which are required by this paragraph and paragraphs (4) and (5) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007.”.

**Rule 30 of the local elections rules (questions to be put to voters)**

28.—(1) In paragraph (3) of rule 30 of the local elections rules, in questions 1(b), 2(b) and 4 after the words “this election” there shall be added “for this local government area”.

(2) In paragraph (3) of rule 30 of the local elections rules, in question 3(b) after “elsewhere” there shall be inserted “at the election for this local government area”.

**Rule 32 of the local elections rules (voting procedure)**

29. At the end of rule 32 of the local elections rules there shall be added—

“(6) The same copy of the register of electors may be used under paragraph (1) for each election and one mark may be placed in that register under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) 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 or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.”.

**Rule 33 of the local elections rules (votes marked by presiding officer)**

30. At the end of rule 33(2) of the local elections rules there shall be added—

“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.”.

**Rule 34 of the local elections rules (voting by persons with disabilities)**

31. At the end of rule 34(4) of the local elections rules there shall be added—

“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.”.

**Rule 35 of the local elections rules (tendered ballot papers)**

32. At the end of rule 35(8) of the local election rules there shall be added—

“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.”.

**Rule 38 of the local elections rules (adjournment of poll in case of riot)**

33. At the end of paragraph (1) of rule 38 of the local elections rules there shall be inserted the words “who discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007.”.

### **Rule 39 of the local elections rules (procedure on close of poll)**

**34.** After rule 39(1) of the local elections rules there shall be added—

“(1A) The contents of the packets referred to in paragraph (1)(b), (c), (e), (f) and (g) shall not be combined with the contents of the packets made under the corresponding rule that applies at a Scottish parliamentary election; nor shall the statement prepared under paragraph (3) be so combined.

(1B) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007.”.

### **Rule 40 of the local elections rules (attendance at counting of votes)**

**35.—**(1) For rule 40(1) of the local elections rules there shall be substituted—

“(1) Where the returning officer at the local government election does not discharge the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007 he shall make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who does discharge those functions, as soon as practicable after the end of the Scottish Parliament election count, 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.

(1A) Where the returning officer at the local government election discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007, he shall make arrangements for discharging the functions under rule 42(1) (as substituted by paragraph 36 of Schedule 5 to that Order) in the presence of the counting agents appointed for the purposes of the local government 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 42(1) (as so substituted).”.

(2) In paragraph (2) of rule 40 before the words “at the counting of the votes” there shall be inserted the words “at the proceedings under rule 42(1) (as so substituted) or”.

(3) In paragraph (3) of rule 40 before the words “counting of the votes” in the first place where they occur, there shall be inserted the words “proceedings under rule 42(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,”.

### **Rule 42 of the local elections rules (the count)**

**36.—**(1) For paragraph (1) of rule 42 of the local elections rules there shall be substituted the following paragraphs—

“(1) Where the returning officer at the local government election discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the local government election, open each ballot box;
- (b) if the votes at the local government election and the Scottish parliamentary election are not both being counted by electronic means, separate the ballot papers relating to the local government election from the ballot papers relating to the Scottish parliamentary election;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (c) if the votes at the local government election and the Scottish parliamentary election are not both being counted by electronic means, in the presence of the counting agents appointed for the purpose of the local government election, record separately the number of ballot papers for the local government election;
  - (d) if required to do so by a candidate or election agent in the presence of the election agents appointed for the purposes of the local government election verify each ballot paper account;
  - (e) count such of the postal ballot papers for the local government election as have been duly returned and record separately the number counted at each election;
  - (f) make up into packets the ballot papers for the Scottish parliamentary election and seal them up in separate containers endorsing on each a description of the polling station to which the ballot papers relate;
  - (g) deliver, or cause to be delivered, to the constituency returning officer for the Scottish parliamentary 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; and
  - (h) at the same time deliver or cause to be delivered to that officer packets which so relate containing—
    - (i) the unused and spoilt ballot papers;
    - (ii) the tendered ballot papers;
    - (iii) the corresponding number lists of the used ballot papers; and
    - (iv) the certificates as to employment on duty on the day of the poll.
- (1A) Where the returning officer at the local government election does not discharge the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007, he shall—
- (a) following the receipt of containers from the returning officer who does discharge those functions, and as soon as practicable after the end of the Scottish Parliament election count (but not before the time specified in the notice given under rule 40(1) (as substituted by paragraph 35 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007)), in the presence of the counting agents open each container and record separately the number of ballot papers used in the election, checking the number against the ballot paper account;
  - (b) if required to do so by a candidate or election agent in the presence of the election agents appointed for the purposes of the local government election verify each ballot paper account;
  - (c) count such of the postal ballot papers as have been duly returned and record the number counted.”.

**Rule 57 of the local elections rules (delivery of documents)**

37. At the end of rule 57 of the local elections rules there shall be added—

“At an election where the returning officer does not discharge the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2007, this rule shall have effect as if sub paragraphs (c) and (f) were omitted.”.

**Rule 60 of local elections rules (countermand or abandonment of poll on death of candidate)**

38.—(1) At the end of rule 60(1) of the local elections rules there shall be added—

“Provided that neither the countermand of the poll at the local government election nor the direction that that poll be abandoned shall affect the poll at the Scottish parliamentary election.”.

(2) For rule 60(2) of the local elections rules there shall be substituted—

“(2) Where the poll at the local government 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 Scottish parliamentary election, the presiding officer shall take the like steps for the delivery to the returning officer of the ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the local government election had not been abandoned, and the returning officer shall dispose of ballot papers used at the local government election (at which a candidate has died) 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 Scottish parliamentary election shall take no step or further step for the counting of the ballot papers used at the local government election (at which a candidate has died) or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not.”.

#### **Local elections rules: postal voting statement**

**39.** In Part VI of Schedule 1 to the local elections rules (forms for use at Scottish local government elections), for Form 8 (form of postal voting statement) there shall be substituted form U or, as the case may be, form Y set out in the Appendix (which may be used with such variations as the circumstances may require).

#### **Local elections rules: declaration by the companion of a voter with disabilities**

**40.** In Part VI of Schedule 1 to the local elections rules (forms for use at Scottish local government elections), in Form 15 (form of declaration by the companion of a voter with disabilities), after “this election” wherever occurring add “and the election now being held in this Scottish parliamentary constituency”.