

## SCHEDULE 5

### The Local Government Act Referendums (Combination of Polls) Rules

## PART 7

### Final Proceedings and Miscellaneous

#### **Declaration of result**

- 43.** When the result of the poll has been ascertained, the counting officer must forthwith—
- (a) declare the result of the referendum;
  - (b) inform the proper officer of the authority by or in respect of which the referendum was held of the result of the referendum;
  - (c) give public notice of—
    - (i) the result of the referendum;
    - (ii) the number of ballot papers counted;
    - (iii) the total number of votes cast for each answer; and
    - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

#### **Sealing up of ballot papers**

- 44.—**(1) On the completion of the counting at a referendum, the counting officer must seal up in separate packets the counted and rejected ballot papers.
- (2) The counting officer must not open the sealed packets of—
    - (a) tendered ballot papers; or
    - (b) certificates as to employment on duty on the day of the poll.
  - (3) The relevant returning or counting officer must not open the sealed packets of—
    - (a) the completed corresponding number lists; or
    - (b) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

#### **Delivery of documents to relevant registration officer**

- 45.—**(1) Where the counting officer is the relevant returning or counting officer, he or she must then forward to the relevant registration officer the following documents—
- (a) the packets of ballot papers in the counting officer's 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 voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 34, and the declarations made by the companions of voters and proxies with disabilities;
  - (d) the packets of the completed corresponding number lists;
  - (e) the packets of certificates as to employment on duty on the day of the poll; and

*Status: This is the original version (as it was originally made).*

(f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list, endorsing on each packet a description of its contents, the date of the referendum to which they relate and the name of the local authority by which or in respect of which the referendum was held.

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, paragraph (1) has effect as if sub-paragraphs (c), (d) and (f) were omitted.

(3) In this rule and in rules 46 and 47 references to the relevant registration officer are to—

- (a) the registration officer of the local authority by or in respect of which the referendum is held;
- (b) if the electoral area of the relevant election or referendum comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered,

and for these purposes “local authority” does not include the Greater London Authority.

### **Orders for production of documents**

**46.**—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the relevant registration officer’s 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 a referendum petition.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer 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.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved—

- (a) that that person’s vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

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

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

(7) Where an order is made for the production by the relevant registration officer of any document in his or her possession relating to any specified referendum—

- (a) the production by the relevant registration officer or his or her 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 referendum; 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.
- (8) The production from proper custody of—
- (a) a ballot paper purporting to have been used at any referendum; and
  - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

#### **Retention of documents**

**47.** The relevant registration officer must retain for one year all documents relating to a referendum forwarded to him or her in pursuance of these Rules by the relevant returning or counting officer and the counting officer and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

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

**48.** Where at a contested election the notice of poll is countermanded, or the polling is abandoned, due to the death of a candidate, the polling at the referendum shall not be affected.