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SCHEDULES

[F1]SCHEDULE 5

LOCAL ELECTIONS RULES

F1 SI 1985/454

PART VI

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

57 (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.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of **[**[F1]the completed corresponding number lists, or of**]** certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors **[**[F2](including any marked copy notices issued under section 13BA(9) of the 1983 Act)**]** and lists of proxies.

F1 Words in Sch. 5 rule 57(2) substituted (16.12.2010) by Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 74** (with art. 1(3))

F2 Words in Sch. 5 rule 57(2) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31(3), **Sch. 4 para. 1(9)**; S.I. 2008/1318, **art. 2(2)(b)**

Forwarding of documents

58 (1) This rule applies to the following documents—

(a) the packets of ballot papers in the possession of the returning officer,

(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 **[**[F3]voters with disabilities**]** assisted by companions, the lists of votes marked by the presiding officer and the related statements, **[**[F4]the lists maintained under rule 39A,**]** and the declarations made by the companions of **[**[F3]voters with disabilities**]**,

(d) the packets of [F5]. . . certificates as to employment on duty on the day of the poll,

[[F6](da) the packets of the completed corresponding number lists,**]**

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(e) the packets containing marked copies of registers **[**[F7](including any marked copy notices issued under section 13BA(9) of the 1983 Act)**]** and of lists of proxies.

(2) The returning officer shall endorse on each packet to which this rule applies a description of its contents, the date of the election to which they relate and the name of the district electoral area for which the election was held.

(3) The returning officer shall then forward to the officer of the relevant council who is charged with the duty of looking after them the documents to which this rule applies.

(4) The officer referred to in paragraph (3) is referred to in rules 59 and 60 as the proper officer of the council; and the expression relevant council in paragraph (3) means the council to which the election in question takes place.

F3 SI 2001/417

F4 Words in Sch. 5 rule 58(1)(c) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31(3), **Sch. 4 para. 1(10)(a)**; S.I. 2008/1318, **art. 2(2)(b)**

F5 Words in Sch. 5 rule 58(1)(d) omitted (16.12.2010) by virtue of Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 75(a)** (with art. 1(3))

F6 Sch. 5 rule 58(1)(da) inserted (16.12.2010) by Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 75(b)** (with art. 1(3))

F7 Words in Sch. 5 rule 58(1)(e) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31(3), **Sch. 4 para. 1(10)(b)**; S.I. 2008/1318, **art. 2(2)(b)**

Modifications etc. (not altering text)

C1 Sch. 5 rule 58(1) modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 8 para. 38(1)**

Orders for production of documents

59 (1) An order for—

(a) the inspection or production of any rejected ballot papers in the custody of the proper officer of the council, or

(b) the opening of a sealed packet of **[**[F8]the completed corresponding number lists or of**]** certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made by the High Court, a county court or an election court if 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 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 **[**[F9]a sealed packet of the completed corresponding number lists or of**]** certificates or for the inspection of counted ballot papers, care

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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.

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

(4) Any power given under this rule—

(a) to the High Court may be exercised by any judge of the court otherwise than in open court; and

(b) to a county court, may be exercised in such manner as may be provided by rules of court.

(5) Where an order is made for the production by the proper officer of the council 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 they 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.

[[F10](6) The production from proper custody of—

(a) a ballot paper purporting to have been used at any election, 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 elector 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 13BA(9) of the Representation of the People Act 1983) at the time of the election contained the same number as the number written as mentioned in sub-paragraph (b).**]**

(7) 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 of the council or to open any sealed packets of **[**[F11]the completed corresponding number lists or of**]** certificates.

F8 Words in Sch. 5 rule 59(1)(b) substituted (16.12.2010) by Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 76(2)** (with art. 1(3))

F9 Words in Sch. 5 rule 59(2) substituted (16.12.2010) by Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 76(3)** (with art. 1(3))

F10 Sch. 5 rule 59(6) substituted (16.12.2010) by Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 76(4)** (with art. 1(3))

F11 Words in Sch. 5 rule 59(7) substituted (16.12.2010) by Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 76(5)** (with art. 1(3))

Modifications etc. (not altering text)

C2 Sch. 5 rule 59 modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 8 para. 38(2)**

C3 Sch. 5 rule 59 applied (with modifications) (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), Sch. 8 para. 50(7)(c)**(8)**

C4 Sch. 5 rule 59(7) modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 8 para. 38(3)**

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Retention [F12]. . . of documents

60 (1) The proper officer of the council shall retain for **[**[F13]12**]** months the documents to which rule 58 applies and then, unless otherwise directed by an order under rule 59, shall cause them to be destroyed.

[F14](2) . . . . . .

[F14](3) . . . . . .

F12 Words in Sch. 5 rule 60 heading omitted (16.12.2010) by virtue of Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 77(2)** (with art. 1(3))

F13 Word in Sch. 5 rule 60(1) substituted (16.12.2010) by Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 77(3)** (with art. 1(3))

F14 Sch. 5 rule 60(2)(3) omitted (16.12.2010) by virtue of Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977), arts. 1(2), 4, **Sch. 1 para. 77(4)** (with art. 1(3))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2022 c. 37 Sch. 11 para. 5(3)
- Act applied (with modifications) by S.I. 2013/3156 art. 4
- Act modified by S.I. 2013/3156 art. 8

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(1A)(aa) inserted by S.I. 2023/290 art. 2(2)
- s. 39(3)(ca) inserted by 2022 c. 37 s. 22(2)
- s. 42(1ZC) inserted by S.I. 2019/564 art. 2
- s. 46(3)(ca) inserted by S.I. 2019/564 art. 3
- s. 52B(1A) inserted by 2022 c. 37 s. 20(7)
- s. 79(1A) inserted by S.I. 2014/1116 art. 6(2)
- s. 96(3A)(ba) inserted by 2022 c. 37 Sch. 6 para. 2(b)
- s. 105(9) inserted by 2023 c. 32 Sch. 1 para. 1(2)
- s. 106(1A) inserted by 2023 c. 32 Sch. 1 para. 1(3)
- s. 108(5) inserted by 2023 c. 32 Sch. 1 para. 1(4)
- s. 111(2A)(ca) inserted by 2023 c. 12 s. 2(1)(a)
- s. 111(2B) inserted by 2023 c. 32 Sch. 1 para. 1(5)
- s. 112(1A)(ba) inserted by 2022 c. 37 Sch. 6 para. 4(b)
- s. 118(4) inserted by 2023 c. 32 Sch. 1 para. 1(7)
- Sch. 9 para. 5ZA and cross-heading inserted by 2022 c. 37 Sch. 6 para. 25
- Sch. 9 para. 12A(1A) inserted by 2022 c. 37 Sch. 6 para. 26(2)
- Sch. 9 para. 12A(6A) inserted by 2022 c. 37 Sch. 6 para. 26(5)
- Sch. 9 para. 27(3A)-(3F) inserted by 2022 c. 37 Sch. 6 para. 27(3)
- Sch. 9 para. 27(5)(6) inserted by 2022 c. 37 Sch. 6 para. 27(4)
- Sch. 9 para. 26A inserted by 2023 c. 12 s. 2(1)(b)
- Sch. 1 Appendix Form 3 substituted by S.I. 2015/566 art. 2(5)Sch. 1
- Sch. 2 Appendix Form 4 substituted by S.I. 2015/566 art. 2(6)Sch. 2
- Sch. 3 Appendix Form 5 substituted by S.I. 2015/566 art. 2(7)Sch. 3
- Sch. 3A para. 10(1) Sch. 3A para. 10 renumbered as Sch. 3A para. 10(1) by S.I. 2014/1116 art. 6(4)(a)
- Sch. 3A para. 10(2) inserted by S.I. 2014/1116 art. 6(4)(a)
- Sch. 3B para. 13 inserted by S.I. 2019/564 art. 4
- Sch. 4 Appendix Form 6 substituted by S.I. 2015/566 art. 2(8)Sch. 4
- Sch. 5 rule 26 amendment to earlier affecting provision 2001 c. 7 Sch. para. 19 by S.I. 2014/1116 art. 9(5)
- Sch. 5 Appendix of Forms form 5 asterisk and words inserted by S.I. 2014/1116 art. 6(16)(b)
- Sch. 5 Appendix of Forms form 5 asterisk inserted by S.I. 2014/1116 art. 6(16)(a)
- Sch. 5 rule 10(2)(c) inserted by 2022 c. 37 Sch. 10 para. 1(2)
- Sch. 5 rule 16B and cross-heading inserted by 2022 c. 37 Sch. 6 para. 9
- Sch. 5 rule 22(5) inserted by 2022 c. 37 Sch. 6 para. 10
- Sch. 5 rule 26(3)(f) inserted by 2022 c. 37 Sch. 6 para. 12(2)
- Sch. 5 rule 26(3B)-(3E) inserted by 2022 c. 37 Sch. 6 para. 12(4)
- Sch. 5 rule 32(2A) inserted by 2022 c. 37 Sch. 6 para. 13(4)
- Sch. 5 rule 32(6) inserted by 2022 c. 37 Sch. 6 para. 13(6)
- Sch. 5 rule 34(2A) inserted by 2022 c. 37 Sch. 6 para. 14(3)
- Sch. 5 rule 34(5A)-(5C) inserted by 2022 c. 37 Sch. 6 para. 14(7)
- Sch. 5 rule 34(6)(ka) inserted by 2022 c. 37 Sch. 6 para. 14(8)(d)
- Sch. 5 rule 34(6)(m) inserted by 2022 c. 37 Sch. 6 para. 14(8)(e)

- Sch. 5 rule 34(6B)(6C) inserted by 2022 c. 37 Sch. 6 para. 14(9)
- Sch. 5 rule 41(1)(db) inserted by 2022 c. 37 Sch. 6 para. 19
- Sch. 5 rule 56A(1A) inserted by 2022 c. 37 Sch. 6 para. 20(3)
- Sch. 5 rule 34(1A) inserted by S.I. 2013/3156 art. 3(4)
- Sch. 5 rule 6(8) inserted by S.I. 2014/1116 art. 6(6)
- Sch. 5 rule 25(5)(6) inserted by S.I. 2014/1116 art. 6(8)(b)
- Sch. 5 rule 37(10) inserted by S.I. 2014/1116 art. 6(10)
- Sch. 5 rule 37A inserted by S.I. 2014/1116 art. 6(11)
- Sch. 5 Appendix of Forms Form 6A inserted by S.I. 2014/1116 art. 6(17)Sch
- Sch. 5 Appendix of Forms Form 7A inserted by S.I. 2014/1116 art. 6(18)Sch
- Sch. 5 rule 25(2A) inserted by S.I. 2014/1880 art. 3(2)(b)
- Sch. 5 rule 5(5)-(9) inserted by S.I. 2020/635 art. 3(b)
- Sch. 5 rule 9(6) inserted by S.I. 2020/635 art. 4(b)
- Sch. 5 rule 10(1)(aa) inserted by S.I. 2020/635 art. 5(a)(ii)
- Sch. 5 rule 12(2ZA)(2ZB) inserted by S.I. 2020/635 art. 6(b)
- Sch. 5 rule 12(3A)-(3E) inserted by S.I. 2020/635 art. 6(c)
- Sch. 5 rule 12(4A) inserted by S.I. 2020/635 art. 6(d)
- Sch. 5 rule 12A(2)(d) and word inserted by S.I. 2020/635 art. 7(b)(ii)
- Sch. 5 rule 56A inserted by S.I. 2020/635 art. 8
- Sch. 5 rule 45(2)(c) and word inserted by S.I. 2024/382 art. 9(2)(c)
- Sch. 5 rule 37A(10A)(10B) inserted by 2001 c. 7 Sch. para. 24A (as inserted) by S.I. 2014/1116 art. 9(6)
- Sch. 5 rule 37A modified by SI 2013/3156 Sch. para. 13A (as inserted) by S.I. 2014/1116 art. 10(3)
- Sch. 5 rule 26(5)-(10) omitted by 2022 c. 37 Sch. 6 para. 12(5)
- Sch. 5 rule 5(2)(b) omitted by S.I. 2020/635 art. 3(a)(ii)
- Sch. 5 rule 5(2A) substituted by 2022 c. 37 Sch. 6 para. 7
- Sch. 5 rule 26(3A)(b) substituted by 2022 c. 37 Sch. 6 para. 12(3)
- Sch. 5 rule 32(2) substituted by 2022 c. 37 Sch. 6 para. 13(3)
- Sch. 5 rule 32(3) substituted by 2022 c. 37 Sch. 6 para. 13(5)
- Sch. 5 rule 34 heading substituted by 2022 c. 37 Sch. 6 para. 14(2)
- Sch. 5 rule 10(4)(4A) substituted for Sch. 5 rule 10(4) by S.I. 2020/635 art. 5(c)
- Sch. 5 rule 5(2)(a) word inserted by S.I. 2020/635 art. 3(a)(i)
- Sch. 5 rule 12A(2)(b) word omitted by S.I. 2020/635 art. 7(b)(i)
- Sch. 5 rule 45(2)(a) word omitted by S.I. 2024/382 art. 9(2)(b)
- Sch. 5 rule 26(6) word substituted by S.I. 2015/566 art. 2(3)(a)
- Sch. 5 rule 26(7) word substituted by S.I. 2015/566 art. 2(3)(b)
- Sch. 5 rule 26(8) word substituted by S.I. 2015/566 art. 2(3)(c)
- Sch. 5 Appendix of Forms Form 10 words inserted by 2022 c. 37 Sch. 6 para. 22(b)
- Sch. 5 rule 32(1A) words inserted by 2022 c. 37 Sch. 6 para. 13(2)
- Sch. 5 rule 34(4) words inserted by 2022 c. 37 Sch. 6 para. 14(5)(a)
- Sch. 5 rule 34(4) words inserted by 2022 c. 37 Sch. 6 para. 14(5)(b)
- Sch. 5 rule 34(5) words inserted by 2022 c. 37 Sch. 6 para. 14(6)
- Sch. 5 rule 34(6)(j) words inserted by 2022 c. 37 Sch. 6 para. 14(8)(b)
- Sch. 5 rule 34(6)(k) words inserted by 2022 c. 37 Sch. 6 para. 14(8)(c)
- Sch. 5 rule 37(2) words inserted by 2022 c. 37 Sch. 6 para. 17(b)
- Sch. 5 rule 38(2) words inserted by 2022 c. 37 Sch. 6 para. 18
- Sch. 5 rule 56A heading words inserted by 2022 c. 37 Sch. 6 para. 20(4)
- Sch. 5 rule 45(3) words inserted by S.I. 2014/1116 art. 6(12)(i)
- Sch. 5 rule 45(5) words inserted by S.I. 2014/1116 art. 6(12)(ii)
- Sch. 5 rule 57(2) words inserted by S.I. 2014/1116 art. 6(13)
- Sch. 5 rule 58(1)(c) words inserted by S.I. 2014/1116 art. 6(14)
- Sch. 5 Appendix of Forms form 5 words inserted by S.I. 2014/1116 art. 6(16)(c)
- Sch. 5 rule 45(2A) words inserted by S.I. 2018/699 reg. 4(a)
- Sch. 5 rule 9(3) words inserted by S.I. 2020/635 art. 4(a)
- Sch. 5 rule 10(1) words inserted by S.I. 2020/635 art. 5(a)(i)
- Sch. 5 rule 10(3) words inserted by S.I. 2020/635 art. 5(b)
- Sch. 5 rule 12(2) words inserted by S.I. 2020/635 art. 6(a)

- Sch. 5 rule 12A(1) words inserted by S.I. 2020/635 art. 7(a)
- Sch. 5 rule 45(2)(a) words inserted by S.I. 2024/382 art. 9(2)(a)
- Sch. 5 rule 36(3) words omitted by 2022 c. 37 Sch. 6 para. 16(4)
- Sch. 5 rule 25(1) words omitted by S.I. 2014/1116 art. 6(8)(a)
- Sch. 5 rule 25(2) words omitted by S.I. 2014/1880 art. 3(2)(a)
- Sch. 5 rule 16A(3) words repealed by S.I. 2018/1310 Sch. 1 Pt. 1 (This S.I. is amended by S.I. 2019/1389, reg. 2)
- Sch. 5 Appendix of Forms Form 10 words substituted by 2022 c. 37 Sch. 6 para. 22(a)
- Sch. 5 rule 12(2A) words substituted by 2022 c. 37 Sch. 6 para. 8(a)
- Sch. 5 rule 12(2A) words substituted by 2022 c. 37 Sch. 6 para. 8(b)
- Sch. 5 rule 23(3) words substituted by 2022 c. 37 Sch. 6 para. 11
- Sch. 5 rule 34(3) words substituted by 2022 c. 37 Sch. 6 para. 14(4)
- Sch. 5 rule 34(6) words substituted by 2022 c. 37 Sch. 6 para. 14(8)(a)
- Sch. 5 rule 35(2) words substituted by 2022 c. 37 Sch. 6 para. 15
- Sch. 5 rule 36(2)(b)(i) words substituted by 2022 c. 37 Sch. 6 para. 16(2)
- Sch. 5 rule 36(2A) words substituted by 2022 c. 37 Sch. 6 para. 16(3)
- Sch. 5 rule 37(2) words substituted by 2022 c. 37 Sch. 6 para. 17(a)
- Sch. 5 rule 56A words substituted by 2022 c. 37 Sch. 6 para. 20(2)
- Sch. 5 rule 21(1) words substituted by S.I. 2014/1116 art. 6(7)
- Sch. 5 rule 26(3)(c) words substituted by S.I. 2014/1116 art. 6(9)
- Sch. 5 rule 21(2) words substituted by S.I. 2015/566 art. 2(2)
- Sch. 5 rule 45(2A) words substituted by S.I. 2018/699 reg. 4(b)
- Sch. 5 rule 34(6)(b) words substituted by S.I. 2022/47 reg. 2(2)
- Sch. 6 Appendix Form 7 substituted by S.I. 2015/566 art. 2(10)Sch. 6

Commencement Orders yet to be applied to the Electoral Law Act (Northern Ireland) 1962

Commencement Orders bringing legislation that affects this Act into force:

- S.R. 2014/153 art. 3Sch. 2 commences (2014 c. 8)
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))