

SCHEDULE 2

MODIFICATIONS TO THE LOCAL GOVERNMENT ELECTIONS RULES IN SCHEDULE 1 TO APPLY WHERE THE POLL AT A LOCAL GOVERNMENT ELECTION IS TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION UNDER SECTION 15(1) OR (2) OF THE REPRESENTATION OF THE PEOPLE ACT 1985(1)

17. For paragraphs (1) and (2) of rule 42 (the count) there shall be substituted the following paragraphs:—

“(1) Where the returning officer at the local government election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of the local government election open each ballot box and record separately the number of ballot papers used in each 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 separately the number counted at each election;
- (d) separate the ballot papers relating to the local government election from the ballot papers relating to the parliamentary election, or, as the case may be, European Parliamentary election;
- (e) make up into packets the ballot papers for each election other than the local government election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (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, if any, in respect of that election; and
- (g) 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; and
 - (iii) the completed corresponding number list and the certificates as to employment on duty on the day of the poll.

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

(2A) Where the returning officer at the local government election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer 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 40(1A) (as

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substituted by Schedule 2 to the Scottish Local Government Elections Order 2006) in the presence of counting agents, 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 76 of the Representation of the People (Scotland) 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.
- (2B) Paragraph (5) does not apply to these proceedings.”.