

## SCHEDULE 5

### COMBINATION OF POLLS

#### PART 1

#### 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 shall be discharged by the CRO 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; 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 5 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);

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(1) 2004 asp 9; section 3 was amended by the Local Electoral Administration and Registration Services (Scotland) Act 2006, (asp 14), section 34(6); section 16 was amended by the Scottish Local Government (Elections) Act 2009 (asp 10), section 2. The current rules are the Scottish Local Government Elections Rules 2011, comprising Schedule 1 to the Scottish Local Government Elections Order 2011 (S.S.I. 2011/399, amended by S.S.I. 2012/60 and S.S.I. 2012/342).

(2) Part 5 has been amended by S.I. 2002/1872, S.I. 2006/834, S.I. 2007/925, S.I. 2008/305 and S.I. 2010/930.

*Status: This is the original version (as it was originally made).*

- (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 the returning officer's charges or expenditure—

- (a) in article 18 (payments by and to returning officers) and article 19 (taxation of returning officer's accounts); and
- (b) in subsections (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 to that returning officer's charges or expenditure in respect of those functions.

(2) The references in article 18(7) and section 42(6) of the 1983 Act to the returning officer or person acting as returning officer requesting an advance in respect of 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 13(1) or (2), the Scottish Ministers may in regulations made under article 18(2) include special provision for services rendered, or expenses 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.