

## SCHEDULE 5

### THE NEIGHBOURHOOD PLANNING REFERENDUMS (COMBINATION OF POLLS) RULES

#### PART 7

##### Declaration of Result and Disposal of Documents

###### **Declaration of result**

- 42.**—(1) This rule applies where rule 43 does not apply.
- (2) 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 relevant council 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.

###### **Declaration of result: cross-boundary referendum areas**

- 43.**—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.
- (2) When the Chief Counting Officer is satisfied the result of the poll has been ascertained, the Chief Counting Officer must direct the counting officers to draw up a final statement of the matters referred to in rule 38(3) and to provide final versions of their statements of rejected ballot papers.
- (3) The counting officer, having drawn up the final statement, must—
- (a) forthwith inform the Chief Counting Officer of its contents; and
  - (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.
- (4) When authorised by the Chief Counting Officer to do so, each counting officer must—
- (a) make a declaration of the matters referred to in the final statement; and
  - (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.
- (5) The Chief Counting Officer, having received notification of the final statement from each counting officer referred to in paragraph (2) must—
- (a) draw up a statement of—
    - (i) the total number of ballot papers counted, and
    - (ii) the total number of votes cast in favour of each answer to the question asked, in respect of the referendum;
  - (b) declare the result of the referendum;

- (c) inform the proper officer of each relevant council of the result of the referendum;
- (d) 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;
  - (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, the counting officer 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 33, 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
- (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 it relates and the name of the relevant council.

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, the counting officer 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; and
- (c) the packets of certificates as to employment on duty on the day of the poll,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the relevant council.

### 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.

(2) An order for the opening of a sealed packet of 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 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 of 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 is not disclosed until it has been proved—

- (a) that their 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 the relevant registration officer's possession relating to any specified referendum—

- (a) the production by the relevant registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced is 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,

is 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 is to 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 that officer 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 relevant election on death of candidate**

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