

SCHEDULES

SCHEDULE 3

Rules for the conduct of PCC elections where poll not taken together with poll at another election

PART 6

Disposal of documents

Sealing up of ballot papers

65.—(1) On the completion of the counting at a contested election the local returning officer must seal up in separate packets—

- (a) the counted ballot papers, and
- (b) the rejected ballot papers.

(2) The local returning officer may not open the sealed packets of—

- (a) tendered ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, or
- (d) marked copies of the registers 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

66.—(1) The local returning officer must—

- (a) endorse on each of the sealed packets a description of its contents, the date of the PCC election to which they relate and the name of the police area for which the election was held, and
- (b) forward the documents specified in paragraph (2) to the relevant registration officer.

(2) The documents referred to in paragraph (1) are—

- (a) the packets of ballot papers in the local returning officer's possession;
- (b) the ballot paper accounts and the statements of—
 - (i) rejected ballot papers, and
 - (ii) the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 45 and the declarations made by the companions of voters 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;

- (f) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and marked copies of the postal voters list, of the lists of proxies and of the proxy postal voters list;
- (g) the documents to be forwarded under paragraph 59 of Schedule 2.

Orders for production of documents

67.—(1) An order—

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

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 PCC election petition.

(2) An election court may make an order—

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

(3) An order under this rule may be made subject to whatever conditions the court thinks expedient as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection, or
- (d) production or opening.

(4) In making and carrying into effect an order for the opening of a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken to avoid disclosing the way in which the vote of any particular voter has been given until it has been proved—

- (a) that the 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) A power given under this rule to a 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 registration officer's possession relating to any specified PCC election—

- (a) the production by the registration officer or the registration officer's agent of the document ordered in the manner directed by the order is conclusive evidence that the document relates to the specified election;
- (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 election, 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 elector whose vote was given by that ballot paper was the person whose entry on the register of electors (or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the election) contained the same number as the number written as mentioned in sub-paragraph (b).

- (9) Unless authorised by this rule, nobody may—
 - (a) inspect any rejected or counted ballot papers in the possession of the relevant registration officer, or
 - (b) open any sealed packets of completed corresponding number lists or certificates as to employment on duty on the day of the poll.

Retention of documents by relevant registration officer

68.—(1) A registration officer must retain for one year all documents relating to a PCC election which are—

- (a) specified in rule 66(2), and
- (b) forwarded to the registration officer in pursuance of these rules,

and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrates' court or an election court, must have them destroyed.

(2) While the documents are retained under paragraph (1) they must be open to public inspection.

(3) Paragraph (2) does not apply to—

- (a) ballot papers;
- (b) the completed corresponding number lists;
- (c) certificates as to employment on duty on the day of the poll.

(4) The relevant registration officer must, on request, supply copies of or extracts from the marked copies of—

- (a) the register of electors (including notices issued under section 13B(3B) or (3D) of the 1983 Act),
- (b) the postal voters list,
- (c) the list of proxies and
- (d) the proxy postal voters list,

to any person who, in accordance with Schedule 10, is entitled to be supplied with them.

(5) Schedule 10 contains other provision about the inspection of, and access to, documents retained under this rule.