
Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, Cross Heading: Attendance and arrangements for counting. (See end of Document for details)

SCHEDULES

SCHEDULE 7

COMBINATION OF POLLS: SCOTLAND

PART 1

PROVISION ABOUT COMBINATION

COUNTING OF VOTES

Attendance and arrangements for counting

- 42 (1) The counting officer must make arrangements for counting the ballot papers and carrying out the other functions conferred by paragraph 46 in the presence of the counting agents.
- (2) The counting officer must give the counting agents and the regional returning officer notice in writing of the time and place at which the proceedings under paragraph 46 will begin.
- (3) A person may be present at the proceedings under paragraph 46 only if—
- (a) the person is entitled to be present at the counting of the votes for the referendum or the Scottish parliamentary election, or
 - (b) the person is permitted by the counting officer to attend.
- (4) The counting officer may give a person permission under sub-paragraph (3)(b) only if—
- (a) the officer is satisfied that the person's attendance will not impede the efficient conduct of the proceedings, and
 - (b) the officer has consulted the referendum agents and election agents or thought it impracticable to do so.
- (5) The counting officer must give the counting agents—
- (a) whatever reasonable facilities for overseeing the proceedings, and
 - (b) whatever information with respect to the proceedings,
- the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.
- 43 Rule 39(1) of the referendum rules (arrangements for the counting of votes in the referendum) has effect with the omission of the words “after the close of the poll”.
- 44 (1) The constituency returning officer must make arrangements for counting the votes for the Scottish parliamentary election in the presence of the counting agents for the election as soon as practicable after receiving the ballot papers from the counting officer under paragraph 47.

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- (2) The constituency returning officer must give the counting agents for the Scottish parliamentary election and the regional returning officer notice in writing of the time and place at which the counting of the votes for the elections will begin.
 - (3) A person may be present at the counting of the votes for a Scottish parliamentary election only if—
 - (a) the person is permitted by the constituency returning officer to attend, or
 - (b) the person would be entitled to be present at the counting of votes for the Scottish parliamentary election if it were taken on its own.
 - (4) The constituency returning officer may give a person permission under subparagraph (3)(a) only if—
 - (a) the officer is satisfied that the person's attendance will not impede the efficient counting of the votes, and
 - (b) the officer has consulted the election agents or thought it impracticable to do so.
 - (5) The constituency returning officer must give the counting agents for the Scottish parliamentary election—
 - (a) whatever reasonable facilities for overseeing the proceedings, and
 - (b) whatever information with respect to the proceedings,the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.
 - (6) In particular, where the votes are counted by sorting the ballot papers into lots according to the votes marked on them and then counting the number of ballot papers in each lot, the counting agents for the Scottish parliamentary election are entitled to satisfy themselves that the ballot papers are correctly sorted.
- 45 Paragraphs 42 and 44 apply instead of rule 54 of the Scottish Parliamentary Election Rules.

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