

SCHEDULES.

SECOND SCHEDULE

PART III

PROVISIONS RELATING TO CONTESTED ELECTIONS.

THE POLL.

General Conduct of Poll.

- 1 At every contested election of a county councillor or of town councillors the votes shall be taken by ballot, and the poll shall be conducted in accordance with the provisions of this Schedule.

Notice of Poll.

- 2 (1) In the case of a contested election of a county councillor the returning officer, and in the case of a contested election of town councillors the town clerk, shall, on or before the day appointed for that purpose by Part II of this Schedule, give public notice of the poll, which notice shall be in the appropriate form contained in Part V of this Schedule, or in a form substantially to the like effect. The said notice shall, except where in the circumstances it is not appropriate, be combined with the notice in the case of an uncontested election under paragraph 5 of Part I of this Schedule.
- (2) For the purposes of this Part of this Schedule, the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.
- (3) A notice of poll required to be published under this paragraph shall be published at the "places at which and in the manner in which the notice of the election is required to be published under Part I of this Schedule.

Hours of Poll.

- 3 The poll shall commence at eight o'clock in the morning and be kept open till eight o'clock in the afternoon of the same day and no longer:

Provided that if the county council or the town council, as the case may be, are satisfied that it is necessary in order to afford all electors such reasonable facilities for voting as are practicable in the circumstances, they may, by resolution passed not less than one month before the last day appointed by Part II of this Schedule for the issue of the notice of election, extend the hours for the keeping open of the poll, so however that the poll shall not commence earlier than seven o'clock in the morning and shall not be kept open later than nine o'clock in the afternoon.

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Use of schools and public rooms.

- 4 (1) The returning officer may use free of charge for the purpose of taking the poll or of counting the votes—
- (a) a room in a grant-aided school; and
 - (b) a room the expense of maintaining which is payable by any county, town or district council:

Provided that nothing in this paragraph shall authorise the use of a room used as part of a private dwelling-house.

- (2) The returning officer shall make good any damage done to, and defray any expense incurred by the authority or person having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.
 - (3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated for occupiers rates or to pay any such rates for that house.
- 5 An election shall not be held in any premises exclusively appropriated to public religious worship.

Death of candidate after time for delivery of notice of withdrawal of nominations.

- 6 If at or after the latest time for delivery of nomination papers and before the commencement of the poll a candidate who remains validly nominated dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

Provision of polling stations, ballot boxes, &c.

- 7 In the case of an election of a county councillor or of town councillors the returning officer shall—
- (a) provide a sufficient number of polling stations for the electors and allot the electors to the polling stations in such manner as he thinks most convenient, so however that it shall not be necessary that a polling station for an electoral division or a ward of a burgh or a polling district be within the division, ward or district, as the case may be;
 - (b) appoint a presiding officer to preside at each polling station, and such other officers (including polling clerks) as may be necessary for taking the poll and counting the votes;
 - (c) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;
 - (d) furnish each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary;
 - (e) provide each polling station with materials to enable electors to mark the ballot papers, with instruments for stamping thereon the official mark, with copies of the register of electors for the electoral division, burgh or ward, as the case may be, or such part thereof as contains the names of the electors allotted to vote at the polling station, and with copies of forms of declarations and other documents required for the purposes of the poll;

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(f) do such other acts and things as may be necessary for effectually conducting the election in manner provided by this Schedule.

8 One or more polling stations may be provided in the same building or in the same room.

9 A notice, in the form contained in Part V of this Schedule or in a form substantially to the like effect giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station.

Ballot Boxes, Ballot Papers, Official Mark.

10 Every ballot box shall be so constructed that the ballot papers can be put therein but cannot be withdrawn therefrom without the box being unlocked.

11 Every ballot paper shall be in the form contained in Part V of this Schedule or in a form substantially to the like effect and—

- (a) shall contain true full names and addresses or places of residence of the candidates as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back; and
- (d) shall have attached a counterfoil with the same number printed on the face.

12 The official mark shall be kept secret and an interval of not less than four years shall intervene between the use of the same official mark at elections for the same county or burgh, as the case may be.

Appointment of Polling Agents.

13 (1) Each candidate may appoint one agent (in this Schedule referred to as a "polling agent") to attend at each polling station for the purpose of detecting personation.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer three days at least before the opening of the poll.

(3) If a polling agent dies or becomes incapable of acting, the candidate may appoint another polling agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(4) A polling agent in respect of whom such notice as aforesaid has been given may during the hours of the poll attend at the polling station to which he has been appointed.

Admission to Polling Station.

14 (1) No person shall be admitted to vote at any polling station except at the one allotted to him:

Provided that where an elector for any electoral area is employed by the returning officer for any purpose in connection with an election for that area and the circumstances of the employment are, in the opinion of the returning officer, such as

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to prevent the elector from voting at the polling station at which he would otherwise be entitled to vote, the returning officer may authorise the elector by a written authorisation to vote at any other polling station in the area, and that polling station shall be deemed to be the polling station allotted to that elector.

- (2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the candidates, the polling agents, the officers appointed under this Schedule, the police officers on duty and any person accompanying a blind elector for the purpose of assisting him to vote.
- (3) Nothing in this paragraph shall affect the provisions of the Police Disabilities Removal Act, 1887, as applied to elections of county councillors and of town councillors by the Police Disabilities Removal Act, 1893.

Ballot Boxes to be Sealed.

- 15 Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station so that they may see that it is empty, and shall then lock it and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to Electors.

- 16 (1) The presiding officer may, and if required by a candidate or his polling agent shall, put to any person applying for a ballot paper at the time of his application but not afterwards the following questions or either of them, that is to say:—

In the case of an election of a county councillor—

- (a) Are you the person registered in the register of local government electors now in force for this electoral division as follows (*read the whole entry from the register*)?
- (b) Have you already voted at the present election of a county councillor for this electoral division or for any other electoral division of the county?

In the case of an election of town councillors—

- (a) Are you the person registered in the register of local government electors now in force for this burgh (or ward) as follows (*read the whole entry from the register*)?
- (b) Have you already voted at the present election (*adding, in the case of an election for several wards, in this or any other ward*)?

- (2) A ballot paper shall not be delivered to any person required to answer the above questions or either of them unless he has answered the question or questions satisfactorily.
- (3) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of Elector by Polling Agent.

- 17 (1) If at the time a person applies for a ballot paper or after he has applied for a ballot paper and before he has left the polling station a polling agent declares

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to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation under this Act, it shall be lawful for the presiding officer to order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police officer to take the applicant into custody without a warrant.

- (2) A person against whom a declaration is made under this paragraph by a polling agent shall not by reason thereof be prevented from voting, but the presiding officer shall cause the words " protested against for personation " to be placed against his name in the marked copy of the register of electors. .

Marking of Ballot Papers.

- 18 A ballot paper shall be delivered to an elector who applies therefor, and immediately before delivery—
- (a) the ballot paper shall be marked with the official mark either embossed or perforated;
 - (b) the number, name and address of the elector as stated in the copy of the register shall be called out;
 - (c) the number of the elector shall be marked on the counterfoil; and
 - (d) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.
- 19 The elector on receiving the ballot paper shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper so as to disclose the official mark and put the ballot paper so folded up into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.
- 20 (1) The presiding officer, on the application—
- (a) of an elector who is incapacitated by blindness or other physical cause from voting in manner directed by this Schedule; or
 - (b) if the poll is taken on a Saturday, of an elector who declares that he is a Jew and objects on religious grounds to vote in manner directed by this Schedule; or
 - (c) of an elector who makes a declaration that he is unable to read (in this Schedule referred to as " the declaration of inability to read ");
- shall in the presence of the polling agents cause the vote of the elector to be marked on a ballot paper in manner directed by the elector and the ballot paper to be placed in the ballot box.
- (2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this paragraph and the reason why it is so marked shall be entered on a list (in this Schedule called " the list of votes marked by the presiding officer ").
- 21 (1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in this Schedule referred to as " the companion "), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

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- (2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in this Schedule referred to as "the declaration made by the companion of a blind elector ") that the companion is a qualified person within the meaning of this paragraph and has not previously assisted more than one blind person to vote at the election then being held, the presiding officer shall grant the application, and thereupon anything which is by this Schedule required to be done to or by the said elector in connection with the giving of his vote may be done to, or with the assistance of, the companion, as the case may be.
- (3) For the purposes of this paragraph, a person shall be qualified to assist a blind elector to vote if that person is either—
- (a) a person who is entitled to vote at the election then being held; or
 - (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.
- (4) The name and number on the register of electors of every elector whose vote is given in accordance with this paragraph and the name and" address of the companion shall be entered on a list (in this Schedule called "the list of blind electors assisted by companions ").
- 22 (1) The declaration of inability to read and the declaration made by the companion of a blind elector—
- (a) shall be in the appropriate form contained in Part V of this Schedule or in a form substantially to the like effect; and
 - (b) shall be made before the presiding officer at the time when the elector applies for a ballot paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer who shall attest and retain it.
- (2) No fee, stamp or other payment shall be charged in respect of the declaration.

Tendered Ballot Papers.

- 23 If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon satisfactorily answering the questions set out in paragraph 16 of this Part Of this Schedule, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper (in this Schedule called " a tendered ballot paper ") shall be of a colour differing from the other ballot papers and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the elector and his number on the register of electors and set aside in a separate packet and shall not be counted by the returning officer; and the name of the elector and his number on the register shall be entered on a list (in this Schedule called " the tendered votes list ").

Spoilt Ballot Papers.

- 24 An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Schedule called " a spoilt ballot paper "), and the spoilt ballot paper shall be immediately cancelled.

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Powers of Presiding Officer in adjourning Poll.

- 25 Where the proceedings at the taking of the poll are interrupted or obstructed by any riot or open violence, the presiding officer at the polling station where the riot or open violence has occurred may adjourn the poll at that polling station until the following day or some other convenient time, and if necessary may repeat such adjournment until such interruption or obstruction has ceased, and where the poll has been so adjourned by a presiding officer, the presiding officer shall forthwith give notice of such adjournment to the returning officer who shall not finally declare the result of the election until the poll so interrupted or obstructed is closed and the various packets are delivered to the returning officer as provided in the immediately following paragraph.

Packets of Ballot Papers, &c, to be sealed.

- 26 As soon as practicable after the close of the poll, the presiding officer shall in the presence of the polling agents make up into separate packets sealed with his own seal and the seals of such polling agents as desire to affix their seals—
- (a) each ballot box in use at his polling station sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;
 - (b) the unused and spoilt ballot papers placed together;
 - (c) the tendered ballot papers;
 - (d) the marked copies of the register of electors and the counterfoils of the used ballot papers;
 - (e) the tendered votes list, the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," the declarations made by the companions of blind electors and the declarations of inability to read;
- and shall deliver the packets to the returning officer to be taken charge of by him.
- 27 The packets shall be accompanied by a statement (in this Schedule referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of—
- (a) ballot papers in the ballot box;
 - (b) unused and spoilt ballot papers;
 - (c) tendered ballot papers.
- Counting of Votes

Appointment of Counting Agents.

- 28 (1) Each candidate may appoint agents (in this Schedule referred to as "counting agents") to attend at the counting of the votes.
- (2) Notice in writing of every appointment, stating the name and address of the person appointed, shall be given by the candidate to the returning officer three days at least before the opening of the poll, and the returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address have not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

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- (3) If a counting agent dies or becomes incapable of acting, the candidate may appoint another counting agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.
- 29 The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The Count.

- 30 Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him and the candidates and their counting agents may be present at the counting of the votes:
- Provided that a candidate may be present only if he has made the declaration of secrecy required to be made by agents.
- 31 Before the returning officer proceeds to count the votes, he shall in the presence of the counting agents open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, checking the number against the ballot paper account, and then mix together the whole of the papers contained in the ballot boxes.
- 32 The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.
- 33 The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment; but he may if he thinks fit and without the consent of any candidate or other person decide not to proceed with the counting of the votes until nine o'clock on the succeeding morning. During the period until he proceeds with the counting the returning officer shall take proper precautions for the safe custody and security of the ballot papers and other documents.

Void Ballot Papers.

- 34 Any ballot paper—
- (a) which does not bear the official mark; or
 - (b) on which votes are given for more candidates than the elector is entitled to vote for; or
 - (c) on which anything is written or marked by which the elector can be identified except the printed number on the back; or
 - (d) which is unmarked or void for uncertainty;
- shall not be counted.
- 35 (1) The returning officer shall endorse the word " rejected " on any ballot paper which under the last preceding paragraph is not to be counted, and shall add to the endorsement the words " rejection objected to " if an objection is made by any candidate or counting agent to his decision.
- (2) The returning officer shall draw up a statement showing the number of ballot papers rejected and not counted by him under the several heads of—

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- (a) want of official mark;
- (b) voting for more candidates than entitled to;
- (c) writing or mark by which elector could be identified;
- (d) unmarked or void for uncertainty;

and shall on request allow any candidate or counting agent to copy the statement.

- 36 The decision of the returning officer as to any question arising in respect of any ballot paper shall be final but shall be subject to review on an election petition questioning the election.

Equality of Votes.

- 37 Where an equality of votes is found to exist and the addition of a vote would entitle any of the candidates to be declared elected, the returning officer shall determine by lot which of the candidates, whose votes are equal shall be elected.

Declaration of Result.

- 38 (1) Subject to the provisions of paragraph 25 of this Part of this Schedule, the returning officer shall—
- (a) in the case of an election of a county councillor within the county buildings or other public hall or place in the county, forthwith declare to be elected the candidate to whom the majority of votes have been given at the poll or the candidate elected without a poll in terms of paragraph 5 of Part I of this Schedule, and cause a written or printed statement thereof signed by him to be immediately thereafter conspicuously displayed at or near the entrance to the county buildings or the premises where the meetings of the county council are ordinarily held; and
 - (b) in the case of an election of town councillors, within the town hall or other public hall or place in the burgh not later than eight o'clock afternoon of the day after the election declare to be elected the candidates to whom the majority of votes have been given at the poll and also the candidates elected without a poll in terms of paragraph 5 of Part I of this Schedule, and cause a written or printed statement thereof signed by him to be immediately thereafter conspicuously displayed at or near the entrance to the town hall or the premises where the meetings of the town council are ordinarily held.
- (2) The returning officer shall forthwith return the names of the persons elected in the case of an election of a county councillor to the county clerk, and in the case of an election of town councillors to the town clerk, and in either case the returning officer shall forthwith give or cause to be given notice in writing to the persons elected of their election.

Disposal of Ballot Papers, &c, after Poll.

- 39 Upon the completion of the counting the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of electors and counterfoils, but if required by a candidate or a counting agent shall proceed in the presence of the counting agents to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under paragraph 31 of this Part of this Schedule and the

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- unused and spoiled ballot papers in his possession and the tendered votes list, and shall re-seal each sealed packet after examination. The returning officer shall draw up a statement as to the result of any verification required and shall on request allow any counting agent to copy the statement.
- 40 The returning officer shall forward for retention as hereinafter provided to the county clerk in the case of an election of a county councillor, or to the town clerk in the case of an election of town councillors, or where the county clerk or the town clerk is the returning officer he shall retain among the records of the county or burgh, as the case may be, all the packets of ballot papers in his possession together with the said statements, the ballot paper accounts, tendered votes lists, lists of blind electors assisted by companions, lists of votes marked by the presiding officer, statements relating thereto, declarations made by the companions of blind electors, declarations of inability to read, packets of counterfoils and marked copies of registers sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the electoral division, burgh or ward for which the election was held.
- 41 (1) The sheriff (excluding a sheriff substitute) having jurisdiction in the county or burgh, as the case may be, on being satisfied by evidence on oath—
- (a) that the inspection or production of any rejected ballot papers; or
 - (b) that the opening of the sealed packet; of counterfoils or the inspection of counted ballot papers;
- 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 petition questioning an election, may make an order for the inspection or production of any such ballot papers or the opening of the sealed packet of counterfoils.
- (2) An order made under this paragraph may be made subject to such conditions as to persons, time, place and mode of inspection or production of ballot papers or of opening the sealed packet of counterfoils as the sheriff may think expedient, and may direct the county clerk or the town clerk, as the case may be, having custody of the ballot papers and the sealed packet of counterfoils to retain them intact for such period as may be specified in the order.
- (3) Any power given to a sheriff by this paragraph may be exercised otherwise than in open court.
- (4) In making and carrying into effect an order under this paragraph, care shall be taken that the way in which any particular elector has voted shall not be disclosed until it has been proved that he voted and his vote has been declared by a competent court to be invalid.
- (5) An appeal shall lie to the Court of Session from any order of a sheriff made under this paragraph.
- 42 Except by order of a sheriff or of the Court of Session made under the last preceding paragraph, no person shall be allowed to inspect any ballot papers in the custody of the county clerk or the town clerk, as the case may be, or to open the sealed packet of counterfoils.
- 43 Where an order is made for the production by the county clerk or town clerk of any document in his possession relating to any specified election, the production by that clerk or his agent of the document ordered in such manner as may be directed by the order shall be conclusive evidence that the document so produced relates to the specified election; and any endorsement appearing on any packet of ballot

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papers produced by that clerk or his agent shall be prima facie evidence of those papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be prima facie evidence that the person who voted by that ballot paper was the person who at the time of that election had affixed to his name in the register of electors at that, election the same number as the number written on that counterfoil.

- 44 The county clerk or the town clerk, as the case may be, shall retain for six months among the records of the county or burgh all documents relating to an election forwarded to him by the returning officer in pursuance of this Schedule, and then unless otherwise directed by an order made under paragraph 41 of this Part of this Schedule shall cause them to be destroyed.
- 45 All the documents forwarded or retained under paragraph 40 of this Part of this Schedule other than ballot papers and counterfoils shall during a period of six months from the day of election be open to public inspection at such time and in such manner as may be determined by the county council or town council with the consent of the Secretary of State, and the county clerk or town clerk shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject to such conditions as may be determined by the county council or town council with the consent of the Secretary of State.
- 46 Subject to the provisions of this Part of this Schedule, the county clerk or the town clerk shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of this Part of this Schedule, be subject to the directions of the county council or the town council, as the case may be.

General Provisions as to Contested Elections.

- 47 The returning officer may if he thinks fit preside at a polling station, and the provisions of this Part of this Schedule relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.
- 48 No returning officer or officer appointed under this Schedule or any partner or clerk of any such officer shall act as a polling or counting agent.
- 49 No person shall be appointed to act as an officer under this Part of this Schedule for the purposes of an election who has been employed by or on behalf of a candidate in or about the election.
- 50 A presiding officer may by the officers appointed to assist him do any act which he is required or authorised by this Part of this Schedule to do at a polling station except ordering the arrest, exclusion or removal of any person from the polling station.
- 51 A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorised or required to do or may assist his agent in doing any such act or thing, but before acting under this paragraph the candidate shall make the declaration of secrecy required to be made by agents. Where a candidate has no agent for the purposes of any of the paragraphs of this Schedule, any notice under any such paragraph shall be given to the candidate.

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- 52 Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the agents of the candidates, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Requirement of Secrecy.

- 53 (1) Every returning officer and every officer, polling agent or counting agent authorised to attend at a polling station or at the counting of the votes shall before the opening of the poll, or in the case of an officer or agent appointed after the opening of the poll before acting as such officer or agent, make a declaration of secrecy in the form contained in Part V of this Schedule or in a form substantially to the like effect.
- (2) In the case of a returning officer, the declaration shall be made in the presence of a justice of the peace, and in the case of any other officer or of an agent, the declaration shall be made in the presence either of a justice of the peace or of the returning officer.
- (3) Save as aforesaid, no such returning officer, officer or agent shall be required as such to make any declaration or to take any oath on the occasion of an election.
- (4) Every returning officer and every candidate, officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining secrecy of the voting.
- (5) No person, being a returning officer or a candidate or officer appointed under this Part of this Schedule or polling agent or counting agent, shall—
- (a) except for some purpose authorised by law, communicate before the poll is closed to any person any information as to—
 - (i) the name or number on the register of any elector who has or has not applied for a ballot paper or voted at a polling station; or
 - (ii) the official mark; or
 - (b) ascertain or attempt to ascertain at the counting of the votes, the number on the back of any ballot paper; or
 - (c) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.
- (6) No person, whether or not such an officer, candidate, polling agent or counting agent as aforesaid, shall—
- (a) interfere with or attempt to interfere with an elector when recording his vote; or
 - (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom an elector in that place is about to vote or has voted; or
 - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom an elector in that station is about to vote or has voted or as to the number on the back of the ballot paper given to an elector at that station; or
 - (d) directly or indirectly induce an elector to display his ballot paper after he, has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.
- (7) No person having undertaken to assist a blind elector to vote shall communicate at any time to any person any information as to the candidate for whom that elector

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intends to vote or has voted or as to the number on the back of the ballot paper given for the use of that elector:

- 54 Any justice of the peace, any returning officer and any presiding officer may take any declaration authorised by this Part of this Schedule to be made before him.

Keeping of Order in Polling Station.

- 55 (1) It shall be the duty of the presiding officer to keep order at his polling station.
- (2) If any person misconducts himself in a polling station or fails to obey the lawful orders of the presiding officer, he may immediately by order of the presiding officer be removed from the polling station by a police officer in or near that station or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not without the permission of the presiding officer again enter the polling station during the day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be taken into custody by a police officer for an offence without a warrant.
- (4) The powers conferred by this paragraph shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Supplemental Provisions.

- 56 In computing any period of time for the purposes of sub-paragraph (2) of paragraph 13 or sub-paragraph (2) of paragraph 28 of this Part of this Schedule, a Sunday, Christmas Day, New Year's Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning shall be disregarded.