

SCHEDULE 1

THE CONSTITUENCY MEMBERS ELECTION RULES

PART VII

Death Of Candidate

Countermand or abandonment of poll on death of candidate

51.—(1) If at a contested election proof is given to the CRO’s satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, the CRO—

- (a) shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned;
- (b) shall inform the GLRO of the countermand or abandonment of the poll and of the name of the candidate who has died.

(2) Subsection (1) of section 39 (local elections void etc. in England and Wales) of the 1983 Act⁽¹⁾ shall apply in respect of any vacancy which remains unfilled as if for the reference to the returning officer there were substituted a reference to the CRO.

(3) Where the poll is abandoned the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the CRO of the ballot box and of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the CRO, without taking any step or further step for the counting of the ballot papers or of the votes, shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(4) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate’s death, with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

(1) Subsection (1) of section 39 is amended by the Local Government Act 1985 (c. 51), Schedule 17, the Representation of the People Act 1985 (c. 50), section 19(2), and the Greater London Authority Act 1999, Schedule 3, paragraph 6. See also the definition of “local government area” in subsection (1) of section 203 of the Representation of the People Act 1983 (c. 2), amended by the Greater London Authority Act 1999, Schedule 3, paragraph 39(4), and subsection (2) of that section, as substituted by paragraph 39(6) of that Schedule.