

SCHEDULE 2

Regulation 39

“SCHEDULE 1

Regulation 9

EUROPEAN PARLIAMENTARY ELECTIONS RULES

PART 1

PROVISIONS AS TO TIME

Timetable

1. The proceedings at the election must be conducted in accordance with the following Timetable.

Timetable

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the date of poll.
Delivery of nomination papers and list of candidates of registered parties	Between the hours of 10 a.m. and 4 p.m. on any day after the date of the publication of the notice of election but not later than the nineteenth day before the date of the poll
Delivery of notices of withdrawals of candidature	Within the time for the delivery of nomination papers and lists of candidates at the election
The making of objections to nomination papers or list of candidates of registered parties	During the hours allowed for delivery of nomination papers and lists of candidates on the last day for their delivery and the hour following; but <ol style="list-style-type: none"> (a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery and, in the case of a nomination paper so delivered, no objection may be so made to the sufficiency or nature of the particulars of a registered party or candidate on the party’s list or individual candidate unless made at or immediately after the time of the delivery of the nomination paper; and (b) the foregoing provisions do not apply to objections made in pursuance of rule18(2).
Publication of statement of parties and individual candidates nominated	If no objections to nomination papers or lists of candidates of registered parties are made, at the close of the time for doing so, or if any such objections are made to nomination papers or lists of candidates of registered

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<i>Proceeding</i>	<i>Time</i>
	parties, not before they are disposed of, but not later than 24 hours after the last time for delivery of nomination papers or lists (as the case may be).
Polling	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.

Computation of time

2.—(1) In computing any period of time for the purposes of the Timetable in rule 1—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

must be disregarded, and any such day must not be treated as a day for the purpose of any proceedings up to the completion of the poll nor must the returning officer or local returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means—

- (a) in relation to a general election in the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁾ in any part of the United Kingdom or a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (b) of paragraph (1);
- (b) in relation to a by-election in the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales or a bank or public holiday in Gibraltar not otherwise falling within sub-paragraph (b) of paragraph (1);
- (c) in relation to a general election in a region other than the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom; and
- (d) in relation to a by-election in a region other than the combined region, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in that part of the United Kingdom in which the region is situated,

but at a general election sub-paragraph (b) or (d) and not sub-paragraph (a) or (c) (as the case may be) of this paragraph applies in relation to any proceedings extending, by reason of riot or open violence, beyond the time laid down by the Timetable in rule 1.

PART 2

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

3.—(1) The returning officer must publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered; and
- (b) the date of the poll in the event of a contest,

⁽¹⁾ 1971 c. 80.

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must also state the arrangements which apply for the payment of the deposit required by rule 10 to be made by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

- (a) applications to vote by post or by proxy; and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

(4) The returning officer must send a copy of the notice to the local returning officer for each local counting area in the electoral region; and each local returning officer must publish the copy of the notice at a place within the area in which he acts.

Nomination of individual candidates

4.—(1) Each individual candidate must be nominated by a separate nomination paper, which is signed and delivered by the individual candidate himself or a person authorised in writing by him.

(2) The nomination paper must state the individual candidate's—

- (a) full names;
- (b) home address in full; and
- (c) if desired, description,

and the surname must be placed first in the list of his names.

(3) If an individual candidate commonly uses—

- (a) a surname which is different from any other surname he has; or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) The description (if any) can only be—

- (a) in the case of an individual candidate standing on behalf of a registered party at a by-election, the name of the party registered under section 28 of the 2000 Act and, if desired, a description which is authorised as mentioned in rule 5(2) or (4); or
- (b) the word “Independent”.

(5) Where a nomination paper is delivered in respect of the same person after an earlier paper in respect of that person has been delivered, that later paper must be deemed to supersede the earlier one.

Nomination papers: name of registered party at a by-election

5.—(1) The nomination paper of an individual candidate standing on behalf of a registered party at a by-election must state the name of the party registered under section 28 of the 2000 Act.

(2) A nomination paper may not include a description of an individual candidate which is likely to lead electors to associate the candidate with a registered party unless —

- (a) the individual candidate is standing on behalf of a registered party at a by-election;
- (b) the party is a qualifying party in relation to the electoral region; and
- (c) the description is authorised by a certificate—

- (i) issued by or on behalf of the registered nominating officer of the party; and

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(ii) received by the returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 1.

(3) In paragraph (2) an authorised description must be a description of the party registered under section 28A(2) of the 2000 Act.

(4) A nomination paper may not include a description of an individual candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless—

- (a) the individual candidate is standing on behalf of two or more registered parties at a by-election;
- (b) each of the parties are qualifying parties in relation to the electoral region; and
- (c) the description is a registered description authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of each of the parties; and
 - (ii) received by the returning officer before the last time for the delivery of nomination papers set out in the Timetable in rule 1.

(5) For the purposes of paragraph (4), an authorised description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (2) or (4) on behalf of a registered party's nominating officer.

(7) For the purposes of the application of this rule in relation to an election—

- (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election; and
- (b) a registered party is a qualifying party in relation to an electoral region if the region is in England, Wales, Scotland or the combined region and the party was on the relevant day registered in respect of that part of Great Britain or the combined region in the Great Britain register mentioned under that Part of that Act.

(8) For the purposes of paragraph (7)(a) any day falling within rule 2(1) must be disregarded.

Nomination papers: name of registered party at a general election

6.—(1) A registered party which is to stand for election in the electoral region must be nominated by a nomination paper delivered to the returning officer at the place which he has fixed for the purpose, by the party's nominating officer or a person authorised in writing by him.

(2) The nomination paper must state the name of the party registered under section 28 of the 2000 Act.

(3) The nomination paper may state the description by which the registered party is to stand for election.

(4) In paragraph (3) a description must be a description of the party registered under section 28A of the 2000 Act.

(5) The nomination paper must be accompanied by a list of candidates which complies with rule 7.

(6) The nomination paper must include a statement that the party is nominated by or on behalf of the nominating officer of the registered party in question and must be signed by the person making it.

(7) Where a nomination paper and list of candidates are delivered in respect of the same registered party after an earlier paper and list have been delivered in respect of that party, that later paper and list must be deemed to supersede the earlier ones.

(2) Sections 28A and 28B of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

(8) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (6) on behalf of a registered party's nominating officer.

List of candidates

7.—(1) The number of candidates in the list of a registered party's candidates which must accompany its nomination paper must not exceed the number of MEPs to be elected in the electoral region at the election.

(2) The list must set out the full names and home addresses in full of each candidate.

(3) If a person on the list of a registered party's candidates commonly uses—

(a) a surname which is different from any other surname he has; or

(b) a forename which is different from any other forename he has,

the list may state the person's commonly used surname or forename in addition to the other name.

Consent to nomination

8.—(1) A person shall not be validly nominated as an individual candidate or a candidate on a registered party's list unless his consent to nomination—

(a) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers;

(b) is attested by one witness;

(c) in the case of a candidate on a registered party's list, identifies the party in question; and

(d) is delivered at the place and within the time for the delivery of nomination papers, subject to paragraph (2).

(2) If the returning officer is satisfied that, owing to the absence of a person from the United Kingdom or Gibraltar (as the case may be) it has not been reasonably practicable for his consent in writing to be given, a telegram (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent is not required.

(3) A candidate's consent given under this rule must state the day, month and year of his birth; and—

(a) that he is aware of the provisions of section 10 of the European Parliamentary Elections Act 2002(3); and

(b) that to the best of his knowledge and belief he is not disqualified for the office of MEP.

(4) For the purpose of paragraph (3)(b), a candidate is not disqualified for the office of MEP by virtue of his being a life peer at the time of his nomination(4).

(3) 2002 c. 24. Subsections (4A) and (4B) of section 10 were inserted by section 21 of the European Parliament (Representation) Act 2003 (c.7) and subsection (3) was amended by that provision. Subsections (3A), (3B) and (7A) to (7C) were inserted by section 18 of, and paragraph 41 of Schedule 1 to, the Electoral Administration Act 2006 (c.22) and subsections (3) and (4A) were amended by those provisions. In subsection (8) the words "7(1) and (2)" were substituted by S.I.2004/1374. The amendments made to subsection (1) by the Constitutional Reform Act 2005 (c.4) are not yet in force.

(4) The European Parliament (House of Lords Disqualification) Regulations 2008 (S.I.2008/1647) provide that a life peer who is elected to the office of member of the European Parliament is disqualified for sitting and voting in the House of Lords during his membership of the European Parliament.

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Candidature by relevant citizen of the Union

9.—(1) — Where the candidate is a relevant citizen of the Union, he shall not be validly nominated as an individual candidate or as a candidate on a registered party’s list, unless a declaration under paragraph (2) and a certificate under paragraph (3) are delivered at the place and within the time for the delivery of nomination papers.

(2) The declaration referred to in paragraph (1) must be made by or on behalf of the candidate and state, in addition to his name—

- (a) his nationality;
- (b) his home address in the United Kingdom or Gibraltar in full;
- (c) that he is not standing as a candidate for election to the European Parliament in any other Member State at elections held in the same period; and
- (d) where his name has been entered in a register of electors in a locality or constituency in the Member State of which he is a national, the name of the locality or constituency where, so far as he knows, his name was last entered.

(3) The certificate referred to in paragraph (1) must be made by the competent administrative authorities in the Member State of which the candidate is a national stating either that he has not been deprived of his right to stand as a candidate in that State or that no such disqualification is known to those authorities.

(4) As soon as practicable after publication of the statement of parties and individual candidates nominated, the returning officer must send to the Secretary of State a copy of the declaration made under paragraph (2) by any candidate who stands nominated either by virtue of the list of candidates which accompanied a registered party’s nomination or as an individual candidate.

(5) In this rule “locality or constituency” and “competent administrative authorities” have the same meaning as they have in the Council Directive [93/109/EC](#)(5).

Deposit

10.—(1) A person shall not be validly nominated as an individual candidate unless the sum of £5,000 is deposited by him or on his behalf with the returning officer at the place and during the time for delivery of nomination papers.

(2) A registered party shall not be validly nominated unless the sum of £5,000 is deposited on its behalf with the returning officer at the place and during the time for the delivery of nomination papers.

(3) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker’s draft, or
- (c) with the returning officer’s consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

but the returning officer may refuse to accept a deposit sought to be made by means of a banker’s draft if he does not know that the drawer carries on a business as a banker in the United Kingdom or Gibraltar.

(4) Where the deposit is made on behalf of the registered party or individual candidate, the person making the deposit must at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under regulation 33, 34 or 38 of these Regulations).

(5) O.J.L 329, 30.12.1993, page 34.

Place for delivery of nomination papers

11. The returning officer must fix the place in the electoral region at which nomination papers are to be delivered to him, and must attend there during the time for their delivery and for the making of objections to them.

Right to attend nomination

12.—(1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as an individual candidate or included in a list under rule 7; or
- (b) the election agent of a registered party which has submitted a nomination paper or of an individual candidate; or
- (c) a person authorised in writing to deliver a nomination paper; or
- (d) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Act⁽⁶⁾.

(2) The right to attend conferred by this rule includes the right—

- (a) to inspect; and
- (b) to object to the validity of,

any nomination paper or list of candidates.

(3) Paragraph (2) does not apply to a person mentioned in paragraph (1)(d).

(4) One other person chosen by each candidate is entitled to be present at the delivery of the candidate's nomination, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1) but without any such right as is conferred by paragraph (2).

Decisions as to validity of nomination papers

13.—(1) Where, in the case of an individual candidate, a nomination paper and the candidate's consent to it (and, where required, a declaration and certificate under rule 9(2) and (3)) are delivered and a deposit is made in accordance with these rules, the candidate must be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid; or
- (b) proof is given to the returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) Where, in the case of a registered party, a nomination paper and list under rule 7 are delivered and a deposit is made in accordance with these rules, the party and (subject to paragraph (5)) the candidates on its list must be deemed to stand nominated unless and until the returning officer determines that the nomination paper or list is invalid.

(3) The returning officer is entitled to hold a nomination paper of an individual candidate invalid only on one of the following grounds—

- (a) that the particulars of the candidate are not as required by law;
- (b) that the candidate is disqualified by the Representation of the People Act 1981⁽⁷⁾ (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act)

⁽⁶⁾ Sections 6A and 6B were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

⁽⁷⁾ 1981 c.34.

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or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act⁽⁸⁾.

(4) The returning officer is entitled to hold a nomination paper of a registered party, together with the list of candidates accompanying it, invalid only on one of the following grounds—

- (a) that the contents of the nomination paper are not as required by law; and
- (b) that the number of candidates in the list breaches rule 7(1).

(5) Where—

- (a) the particulars of any candidate in the list of candidates accompanying the nomination paper of a registered party are not as required by law;
- (b) the consent to nomination of any such candidate is not delivered in accordance with these rules; or
- (c) any such candidate is a relevant citizen of the Union and a declaration and certificate under paragraphs (2) and (3) of rule 9 have not been delivered in accordance with that rule,

the returning officer must delete the name and address of that candidate from the list.

(6) The returning officer must give his decision on any objection to a nomination paper—

- (a) as soon as practicable after it is made; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the

period for delivery of nomination papers set out in the Timetable in rule 1.

(7) If, in the returning officer's opinion a nomination paper breaches rule 5(2) or (4), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Timetable in rule 1.

(8) Where the returning officer decides that a nomination paper is invalid, he must endorse on the paper the fact and the reasons for his decision and sign the paper.

(9) Where the returning officer deletes any name from the list of candidates of a registered party, he must endorse on the nomination paper the fact and the reasons for his decision to do so and sign the paper.

(10) The returning officer's decision that a nomination paper and, where applicable, its accompanying list, is valid is final and may not be questioned in any proceedings whatsoever.

(11) Subject to paragraph (10), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Withdrawal of candidates

14.—(1) An individual candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

(2) The nominating officer of a registered party or a person authorised in writing by him may withdraw that party's nomination by notice of withdrawal signed by him and delivered to the returning officer at the place for delivery of nomination papers.

⁽⁸⁾ Subsection (4A) was inserted by section 21(1)(b) of the European Parliament (Representation) Act 2003 (c. 7). The European Parliament (Disqualification)(United Kingdom and Gibraltar) Order 2004 (S.I.2004/1246) has been made under this provision.

Publication of statement of persons nominated

15.—(1) The returning officer must prepare and publish a statement (“the statement of parties and individual candidates nominated”) showing—

- (a) the registered parties which have been and stand nominated, together with the list of persons who stand as candidates of those parties;
- (b) persons who have been and stand nominated as individual candidates; and
- (c) any other persons or parties who have been nominated (whether on a list of a registered party or as individual candidates) together with the reason why they no longer stand nominated.

(2) The statement must show the names followed by the descriptions, if any, of registered parties which have been and stand nominated in alphabetical order, with the names, home addresses of the candidates who appear on the list of each party as given in that list and arranged in the order in which their names appear on that list.

(3) The statement must show the names followed by descriptions, if any, and addresses of the persons nominated as individual candidates as given in their nomination papers.

(4) If a nomination paper or list gives a commonly used surname or forename of a candidate in addition to another name, the statement must show the person’s commonly used surname or forename (as the case may be) instead of any other name.

(5) Paragraph (4) does not apply if the returning officer thinks—

- (a) that the use of the person’s commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(6) If paragraph (5) applies, the returning officer must give notice in writing to the candidate and party whose list contains the candidate’s name of his reasons for refusing to allow the use of a commonly used name.

(7) The statement must show the persons standing nominated as individual candidates after the names of the registered parties standing nominated and the names of those candidates must be arranged alphabetically in order of their surnames, and, if there are two or more of them with the same surname, of their other names.

(8) The returning officer must send to the Electoral Commission a copy of the statement.

Correction of minor errors

16.—(1) A returning officer may, if he thinks fit, at any time before the publication under rule 15 of the statement of parties and individual candidates nominated, correct minor errors in a nomination paper or list.

(2) Errors which may be corrected include obvious errors of spelling in relation to the details of a candidate or the authorised description of a registered party.

(3) Anything done by a returning officer in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Local publication of statement under rule 15

17.—(1) Immediately following publication of the statement of parties and individual candidates nominated, the returning officer must forward a copy of it to the local returning officer for each local counting area in the electoral region.

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(2) As soon as practicable after receipt of the copy of the statement, each local returning officer must publish it at a place within the area for which he acts.

Disqualification by Representation of the People Act 1981

18.—(1) If it appears to the returning officer that any of the persons nominated as an individual candidate might be disqualified by the Representation of the People Act 1981⁽⁹⁾ (which applies in respect of the office of MEP by virtue of section 10(1)(a) of the 2002 Act) or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act ⁽¹⁰⁾ he must, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of that part of the statement of parties and individual candidates nominated as is required by rule 15(1)(b).

(2) The draft must be headed “draft statement of individual candidates nominated” and must contain a notice stating that any person who wishes to object to the nomination of any individual candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 or any corresponding provision in respect of detained offenders in Gibraltar made under section 10(4A) of the 2002 Act may do so between the hours of 10 a.m. and 4 p.m. and at the place specified in the notice; and the day so specified must be the day after the last day for the delivery of nomination papers.

Adjournment of nomination proceedings in case of riot

19.—(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—

- (a) the proceedings must be abandoned for that day; and
- (b) if that day is the last day for the delivery of nomination papers, the proceedings must be continued on the next day as if that were the last day of such delivery,

and that day must be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).

(2) Where proceedings are abandoned by virtue of this rule, nothing—

- (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment;
- (b) done before the abandonment is invalidated by reason of the abandonment.

Method of election

20.—(1) If the statement of parties and individual candidates nominated shows more candidates than there are seats to be filled, a poll must be taken in accordance with Part 3 of these rules.

(2) If the statement of parties and individual candidates nominated shows a number of candidates (whether on a registered party’s list or individual candidates) which is the same as or less than the number of seats to be filled, those candidates must be declared to be elected in accordance with Part 4 of these rules.

⁽⁹⁾ 1981 c.34.

⁽¹⁰⁾ Subsection (4A) was inserted by section 21(1)(b) of the European Parliament (Representation) Act 2003 (c. 7). The European Parliament (Disqualification)(United Kingdom and Gibraltar) Order 2004 (S.I.2004/1246) has been made under this provision.

PART 3
CONTESTED ELECTIONS
CHAPTER 1
General Provisions

Poll to be taken by ballot

21. The votes at the poll must be given by ballot in accordance with subsection (4) of section 2 of the 2002 Act and the seats must be allocated in accordance with subsections (5) to (9) of that section.

The ballot papers

22.—(1) The ballot of every voter must consist of a ballot paper, and the registered parties, together with their candidates shown in the statement of parties and individual candidates nominated and the individual candidates shown as standing nominated, and no others, are entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in Form A in the Appendix, and must be printed in accordance with the directions in that Appendix, and—

- (a) must contain the names followed by the descriptions, if any, of the registered parties shown in the statement of parties and individual candidates nominated, together with the names of the candidates of those parties and the names, followed by the descriptions if any, of any individual candidate so shown;
- (b) must be capable of being folded up; and
- (c) must have a number and other unique identifying mark printed on the back.

(3) If a request is made by or on behalf of a nominating officer of a registered party, the ballot paper must contain adjacent to the party's name the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The request must—

- (a) be made in writing to the returning officer; and
- (b) be received by him before the last time for the delivery of nomination papers set out in the Timetable in rule 1.

(5) The order of the names of the registered parties, together with their candidates, and of the individual candidates in the ballot paper must be the same as in the statement of parties and individual candidates nominated.

The corresponding number list

23.—(1) The local returning officer must prepare a list ("the corresponding number list") containing the numbers and other unique identifying marks of all the ballot papers to be issued by him in pursuance of rule 28(1) or provided by him in pursuance of rule 32(1).

(2) The form of corresponding number list to be prepared by a local returning officer for the purpose of rule 28(1) and paragraph 48(1) of Schedule 2 must be in Form B in the Appendix.

(3) The form of corresponding number list to be prepared by the local returning officer for the purposes of rule 32(3)(d) and 41(1)(b) must be in Form C in the Appendix.

(4) The form of corresponding number list to be prepared by the local returning officer for the purpose of rule 28(1) and paragraph 48(1) of Schedule 2 when the poll at a European Parliamentary election is to be taken with—

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- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act⁽¹¹⁾ (combination of polls at parliamentary, European Parliamentary and local government elections), or
- (b) the poll at a mayoral election or a referendum in accordance with regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000⁽¹²⁾,

must be in Form D in the Appendix.

(5) The form of corresponding number list to be prepared by the local returning officer for the purposes of rules 32(3)(d) and 41(1)(b) when the poll at a European Parliamentary election is to be taken with—

- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), or
- (b) the poll at a mayoral election or referendum in accordance with regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000,

must be in Form E in the Appendix.

The official mark

24.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at elections for the same local counting area.

(3) The local returning officer may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

25. No person who has voted at the election must, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

26.—(1) The local returning officer may use, free of charge, for the purpose of taking the poll—

- (a) a room in a school to which this rule applies;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) This rule applies—

- (a) in England and Wales, to a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) in Scotland, to a school other than an independent school within the meaning of the Education (Scotland) Act 1980⁽¹³⁾;
- (c) in Gibraltar, to a school, club or sports house or other premises, the expense of maintaining which is payable wholly or partly out of public funds or out of any rate, or by a body whose expenses are so payable.

⁽¹¹⁾ 1985 c.50. Section 15(1) was amended by section 3 of the European Communities (Amendment) Act 1986 (c.58).

⁽¹²⁾ 2000 (c.22). The following regulations have been made under sections 44, 45 and 105 of the Local Government Act 2000: S.I.2004/294, 2004/870, 2006/752, 2006/2910, 2006/3278, 2007/1024, 2007/1025 and 2007/2089.

⁽¹³⁾ 1980 c.44.

(3) The local returning officer must make good any damage done to, and defray any expense incurred by the persons having control over, any room which has been used in accordance with this rule by reason of its being used for the purpose of taking the poll.

CHAPTER 2

Action to be Taken Before the Poll

Notice of poll

27.—(1) The returning officer must in the statement of parties and individual candidates nominated include a notice of the poll stating the day on which and hours during which the poll will be taken.

(2) In respect of each local counting area or part of an area contained in the electoral region, the local returning officer must also give public notice of—

- (a) the situation of each polling station;
- (b) the description of voters entitled to vote there;

and he must as soon as practicable after giving such notice give a copy of it to each of the election agents.

Postal ballot papers and postal voting statements

28.—(1) The local returning officer must, in accordance with Schedule 2, issue to those entitled to vote by post a ballot paper and postal voting statement in the appropriate form prescribed by paragraph 42 of that Schedule, together with such envelopes for their return as are required for the purposes of paragraph 50 of that Schedule.

(2) The local returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) In the case of a ballot paper issued to a person at an address in the United Kingdom or Gibraltar, the local returning officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

Provision of polling stations

29.—(1) The local returning officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any polling district must be in the polling place for that district.

(4) The local returning officer must provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

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Appointment of presiding officers and clerks

30.—(1) The local returning officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a registered party or individual candidate in or about the election.

(2) The local returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer apply to a local returning officer so presiding with the necessary modifications as to things to be done by the local returning officer to the presiding officer or by the presiding officer to the local returning officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

31.—(1) The local returning officer must as soon as practicable after the publication of the notice of election send to electors and their proxies the appropriate official poll card, but a card must not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration.

(2) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card issued to an elector must be in Form F in the Appendix.

(4) The official postal poll card issued to an elector must be in Form G in the Appendix.

(5) The official poll card issued to the proxy of an elector must be in Form H in the Appendix.

(6) The official postal poll card issued to the proxy of an elector must be in Form J in the Appendix.

(7) The official poll card must set out—

- (a) the name of the electoral region and electoral area;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station;
- (d) such other information as the local returning officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of elector.

(8) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (7)(b), the polling card must contain such matter as is specified in Forms F to J in the Appendix.

Equipment of polling stations

32.—(1) The local returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the local returning officer's opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The local returning officer must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register of electors or such part of it as contains the entries relating to the electors allotted to the polling station;

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- (c) the parts of any special lists prepared for the election corresponding to the register of electors or such part of it as provided under sub-paragraph (b);
 - (d) Form C prepared under rule 23(3) (or where applicable, Form E prepared under rule 23(5)) which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.
- (4) The reference in paragraph (3)(b) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽¹⁴⁾ in respect of alterations to the register.
- (5) The local returning officer must also provide each polling station with —
- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters who are partially sighted; and
 - (b) a device of such description as is set out in paragraph (8) for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 43).
- (6) A notice in Form K in the Appendix, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (7) In every compartment of every polling station there must be exhibited the notice “Put only one cross on the ballot paper. Put no other mark on the ballot paper, or your vote may not count.”.
- (8) The device referred to in paragraph (5)(b) must—
- (a) allow a ballot paper to be inserted into and removed from or attached to and detached from the device, easily and without damage to the paper;
 - (b) keep the ballot paper firmly in place during use;
 - (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the registered party or individual candidate to which each such space refers; and
 - (iii) mark his vote on the space he has chosen.
- (9) Where proof has been given to the returning officer’s satisfaction of the death of a candidate on a registered party’s list or an individual candidate, he must request each local returning officer to provide each presiding officer with a sufficient number of notices to this effect for display in every compartment of every polling station.

Appointment of polling and counting agents

- 33.**—(1) The election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate or any person authorised in writing by such an agent or candidate may, before commencement of the poll, appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
 - (b) counting agents to attend at the verification of the ballot paper accounts and the counting of the votes.
- (2) For each count one (but no more than one) counting agent of each registered party or individual candidate may be authorised by the terms of his appointment to require a re-count at that count.
- (3) The local returning officer may limit the number of counting agents, so that—

⁽¹⁴⁾ Sections 13B(3B) and 13B(3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

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- (a) the number must be the same in the case of each registered party standing nominated or individual candidate; and
 - (b) the number allowed to a registered party standing nominated or individual candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the verification of the ballot paper accounts or the counting of the votes by the number obtained by adding together the number of registered parties standing nominated and the number of individual candidates.
- (4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the person by whom the appointment was made to the local returning officer and must be so given not later than the fifth day (computed like any period of time in the Timetable in rule 1) before the day of the poll.
- (5) If an agent dies, or becomes incapable of acting, the person by whom the appointment was made may appoint another agent in his place, and must forthwith give to the local returning officer notice in writing of the name and address of the agent appointed.
- (6) In the following provisions of these rules references to polling agents and counting agents must be taken as references to agents—
- (a) whose appointments have been duly made and notified; and
 - (b) where the number of agents is restricted, who are within the permitted numbers.
- (7) Any notice required to be given to a counting agent by the local returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (8) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (9) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his or of his registered party, if appointed, would have been authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of the candidate's election agent instead of the polling agent or counting agent.
- (10) An election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate may do or assist in doing anything which a polling or counting agent of that party or candidate is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of an election agent or sub-agent of a registered party standing nominated or the election agent or sub-agent of an individual candidate instead of that party's or candidate's polling agent or counting agents.
- (11) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents 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.

Notification of requirement of secrecy

- 34.** The local returning officer must make such arrangements as he thinks fit to ensure that—
- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there or as a person under the age of 18 accompanying a voter) has been given a copy in writing of the provisions of paragraphs (1), (4) and (7) of regulation 29 of these Regulations; and
 - (b) every person attending at the verification of the ballot paper accounts or the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of paragraphs (2), (3) and (7) of regulation 29 of these Regulations.

Return of postal ballot papers

35.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the local returning officer must mark the list as provided for in paragraph 60 of Schedule 2.

(2) Rule 51(2) does not apply for the purpose of determining whether, for the purpose of this rule, a postal vote or a proxy postal vote is returned.

CHAPTER 3

The Poll

Admission to polling station

36.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and the election agents of any registered party standing nominated and any individual candidate and their election agents;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act **(15)**;
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same registered party standing nominated and any individual candidate.

(4) A constable or person employed by a local returning officer must not be admitted to vote in person elsewhere than at his own polling station under rule 29(1), except on production and surrender of a certificate as to his employment which must be in Form L in the Appendix and signed by an officer of police of or above the rank of inspector or by the local returning officer, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in station

37.—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station; or

(15) Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

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(b) by any other person authorised in writing by the local returning officer to remove him, and the person so removed must not, without the presiding officer’s permission, 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 dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

38. Immediately before the commencement of the poll, the presiding officer must—

- (a) show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty;
- (b) then lock it up, if it has a lock;
- (c) place his seal on it in such a manner so as to prevent it being opened without breaking the seal;
- (d) place it in his view for the receipt of ballot papers; and
- (e) keep it so sealed or, if it has a lock, both sealed and locked.

Questions to be put to voters

39.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column; and
- (b) must be put if the letter “R” appears after the question and if the candidate or the election or polling agent of a registered party standing nominated, an individual candidate or the election agent or polling agent of an individual candidate requires the question to be put:

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	(a) —Are you the person registered in the register of electors for this election as follows <i>read the whole entry from the register</i> [R]? (b) —Have you already voted, (here in the UK or in another Member State at this general election of MEPs) (here or elsewhere at this by-election) otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b) —Have you already voted here or elsewhere at this (general election of MEPs) (by-election), as proxy on behalf of C.D.? [R]

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
		(c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]
3	A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)	(a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (b) —Have you already voted here or elsewhere at this (general election of MEPs) (by-election), as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number</i>)? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number</i>)? [R]
4	Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you at this (general election of MEPs) (by-election) already voted in this electoral region on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	Person applying as an elector in relation to whom there is an entry in the postal voters list	(a) —Did you apply to vote by post? (b) —Why have you not voted by post?
6	A person applying as proxy who is named in the proxy postal voters list	(a) —Did you apply to vote by post as proxy? (b) —Why have you not voted by post as proxy?

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act(16), the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry may be permitted as to the right of any person to vote.

Challenge of voter

40. A person must not be prevented from voting by reason only that—

- (a) a candidate or the election or polling agent of a registered party standing nominated or of an individual candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or

(16) Section 13B(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

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- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

41.—(1) A ballot paper must be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 32(3)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark must be placed in the copy of the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number must be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must 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 must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(5) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

Votes marked by presiding officer

42.—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these rules; or
- (b) who declares orally that he is unable to read,

must, in the presence of the polling agents, cause the voter’s vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the copy of the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these rules called “the list of votes marked by the presiding officer”).

(3) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name must be the elector’s number.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “on the copy of the register of electors of every

voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

Voting by persons with disabilities

43.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of these rules; and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer must grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person is qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the copy of the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).

(5) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name must be the elector’s number.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in copy of the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(7) The declaration made by the companion—

- (a) must be in Form M in the Appendix; and
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion,

and must forthwith be given to the presiding officer who must attest and retain it.

(8) No fee or other payment may be charged in respect of the declaration.

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Tendered ballot papers: circumstances where available

44.—(1) If a person, representing himself to be—

- (a) a particular elector named on the register and not named in the postal voters list; or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 45, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register;
- (b) he is also named in the postal voters list; and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies;
- (b) he is also named in proxy postal voters list; and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 45, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register who is also named in the postal voters list; or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by rule 39(1) to be asked at the poll, be entitled, subject to the provisions of rule 45, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

45.—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the copy of the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these rules referred to as the “tendered votes list”).

(3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 44 apply subject to the following modifications—

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- (a) in paragraphs (1)(b), (2) and (3) of this rule, the references to the name of the voter must be ignored;
 - (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears on the register or list (as the case may be).
- (5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act(17), this rule and rule 44 apply as if—
- (a) in rule 44(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
 - (b) in paragraph (1)(b) of this rule for “his number in the copy of the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”; and
 - (c) in paragraph (2) of this rule, for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

46. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Alteration of registers

47.—(1) — The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) For the purposes of section 13B(3C) of the 1983 Act(18), a representation may be made orally or in writing.

(3) Where a representation under section 13B(3C) is made in a polling station to a presiding officer, the presiding officer must as soon as practicable communicate that representation to the appropriate registration officer.

(4) Where a notice is issued under section 13B(3B) or (3D) of the 1983 Act on the day of the poll, the registration officer must take reasonable steps to ensure that the notice comes to the attention of the appropriate presiding officer.

(5) Such steps may include communication to the presiding officer by telephone.

(6) Where a notice issued under section 13(3B) or (3D) of the 1983 Act is communicated to a presiding officer by telephone, the presiding officer must make a written record of that notice.

(7) For the purposes of section 13B(3A) and (3C) of the 1983 Act the prescribed time on the day of the poll is 9pm.

Adjournment of poll in case of riot

48.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the local returning officer.

(17) Section 13B(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

(18) Section 13B(3C) was inserted by section 11 of the Electoral Administration Act 2006 (c.22).

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- (2) Where the poll is adjourned at any polling station—
 - (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
 - (b) references in these rules to the close of the poll must be construed accordingly.

Procedure on close of poll

49.—(1) As soon as practicable after the close of the poll, the presiding officer must, 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 the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoiled ballot papers placed together;
- (c) the tendered ballot papers;
- (d) 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 of the list of proxies;
- (e) the lists prepared under rule 23 including the parts which were marked with the numbers of electors in accordance with rule 41(1)(b) (together referred to in these rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 47, and the declarations made by the companions of voters with disabilities;

and must deliver the packets or cause them to be delivered to the local returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the local returning officer, the arrangements for their delivery must be approved by the local returning officer.

(2) The marked copies of the register of electors and of the list of proxies mentioned in paragraph (1)(d) must be in one packet but must not be in the same packet as the completed corresponding number lists mentioned in paragraph (1)(e) or the certificates as to employment on duty on the day of the poll mentioned in paragraph (1)(f).

(3) The packets must be accompanied by a statement (in these rules 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 ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

CHAPTER 4

Counting of Votes

Attendance at verification of ballot paper accounts

50.—(1) The local returning officer must make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll, and must give to the returning officer and the counting agents notice in writing of the time and place at which he will begin such verification.

- (2) No person other than—
 - (a) the returning officer, the local returning officer and his clerks;

(b) the candidates and one other person chosen by each of them;
(c) the election agents;
(d) the counting agents; and
(e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act⁽¹⁹⁾; may attend the verification of the ballot paper accounts, unless permitted by the local returning officer to attend.

(3) A person not entitled to attend the verification of ballot paper accounts must not be permitted to do so by the local returning officer unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.

(4) The local returning officer must give the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

Procedure at verification of ballot paper accounts

51.—(1) The local returning officer must in the presence of the counting agents—

- (a) open each ballot box and count and record the number of ballot papers in it and verify each ballot paper account; and
- (b) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) A postal ballot paper must not be deemed to be duly returned unless—

- (a) it is returned in the manner prescribed in paragraph 55 of Schedule 2 so as to reach the local returning officer or any polling station in the local counting area in question before the close of the poll;
- (b) the postal voting statement duly signed is also returned in that manner before that time;
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be); and
- (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been taken under paragraphs 63 or 64 of Schedule 2, the local returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(3) The local returning officer must not count any tendered ballot paper.

(4) The local returning officer, while counting and recording the number of ballot papers, must keep the ballot papers with their faces downwards.

(5) The local returning officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting agent may copy.

(6) The local returning officer must determine the hours during which the procedure under this rule is proceeded with.

(7) The local returning officer must take proper precautions for the security of the ballot papers and documents.

⁽¹⁹⁾ Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

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- (8) On completion of the procedure under this rule, the local returning officer must—
- (a) place the ballot papers and other documents relating to the election in packets under his own seal and the seals of such counting agents as desire to affix their seals, unless he proceeds immediately to the counting of the votes under rule 53;
 - (b) otherwise take proper precautions for the security of the papers and documents; and
 - (c) inform the returning officer of the total number of ballot papers counted.

Attendance at counting of votes

52.—(1) The local returning officer must make arrangements for counting the votes in the presence of the counting agents—

- (a) in the case of a general election of MEPs, before or after the material time and in either case so that the requirements of rule 57(1) are satisfied as soon as practicable after the material time; and
- (b) in the case of a by-election, as soon as practicable after the close of the poll,

and must give to the counting agents and the returning officer notice in writing of the time and place at which he will begin to count the votes.

(2) For the purposes of paragraph (1), the “material time” means, in relation to a general election of MEPs, the close of the polling in the Member State whose electors are the last to vote in the election.

(3) No person other than—

- (a) the returning officer, the local returning officer and his clerks;
- (b) the candidates and one other person chosen by each of them;
- (c) the election agents;
- (d) the counting agents; and
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at the counting of the votes, unless permitted by the local returning officer to attend.

(4) A person not entitled to attend at the counting of the votes must not be permitted to do so by the local returning officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(5) The local returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(6) In particular, where the votes are counted by sorting the ballot papers according to the registered party or individual candidate for whom the vote is given and then counting the number of ballot papers for each registered party or individual candidate, the counting agents must be allowed to satisfy themselves that the ballot papers are correctly sorted.

The count

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

- (a) where the ballot papers and other documents have been placed in packets under rule 51(8), open the packets of ballot papers other than unused, spoilt and tendered ballot papers;

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- (b) mix together the ballot papers with the exception of the unused, spoilt and tendered ballot papers.
- (2) The local returning officer must not count any tendered ballot paper.
- (3) The local returning officer, while counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing them.
- (4) The local returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 p.m. and 9 a.m.
- (5) For the purposes of paragraph (4), the agreement of an individual candidate or the election agent of a registered party shall be as effective as the agreement of the counting agents of that individual candidate or party.
- (6) During the time so excluded the local returning officer must—
 - (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
 - (b) otherwise take proper precautions for the security of the papers and documents.
- (7) In the case of a general election of MEPs, if the counting of the votes has commenced before the material time (within the meaning of rule 52(1)), the local returning officer or his clerks must not disclose the number of votes given for each registered party and individual candidate to anyone other than the returning officer or his clerks until after that time and the counting of the votes must be deemed not to have been completed until after that time.

Re-count

54.—(1) If any of the persons in paragraph (2) are present when the counting of the votes is completed (or, if later, deemed to be completed under rule 53(7)) or any re-count of the votes is completed, they may require the local returning officer to have the votes re-counted or again re-counted but the local returning officer may refuse to do so if in his opinion the request is unreasonable.

- (2) The persons mentioned in paragraph (1) are—
 - (a) a candidate;
 - (b) the election agent of a registered party;
 - (c) the election agent of an individual candidate; and
 - (d) a counting agent authorised under rule 33(2).
- (3) No step may be taken on the completion of the counting (or, if later, its deemed completion) or any re-count of the votes until any persons referred to in paragraph (2) who are present at its completion (or, if later, its deemed completion) have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

- 55.—(1) Any ballot paper—
- (a) which does not bear the official mark; or
 - (b) on which votes are given for more than one registered party or individual candidate or for both a registered party and an individual candidate; or
 - (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back; or
 - (d) which is unmarked or void for uncertainty,

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shall, subject to the provisions of paragraphs (2) and (3), be void and not counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

must not for such reason be deemed to be void if an intention that the vote shall be for one or other of the registered parties or individual candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) A ballot paper on which a vote is marked for a particular candidate on a party's list of candidates must, if otherwise valid, be treated as a vote for that party, whether or not there is also a vote for that party.

(4) The local returning officer must endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words "rejection objected to" if any objection is made by a counting agent to his decision.

(5) The local returning officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one registered party or individual candidate;
- (c) writing or mark by which voter could be identified; and
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

56. The decision of the local returning officer on any question arising in respect of a ballot paper is final, but may be subject to review on an election petition.

Notification of local result

57.—(1) As soon as practicable after the completion of the count (or, if later, its deemed completion under rule 53(7)) the local returning officer must draw up a statement showing the number of votes given for each registered party and individual candidate, excluding any votes given on ballot papers rejected under rule 55.

(2) The local returning officer must forthwith inform the returning officer of the contents of that statement.

(3) The local returning officer must give public notice of the statements prepared under this rule and under rule 55 as soon as practicable after the returning officer has agreed that he should do so.

Attendance at allocation of seats

58.—(1) The returning officer must make arrangements for making the calculation and allocation required by rule 59.

(2) No person other than—

- (a) the returning officer and his clerks;
- (b) the election agent of each registered party standing at the election or a person acting on his behalf;
- (c) each candidate on the list of such a party and one other person chosen by each of them;
- (d) each individual candidate and one person chosen by each of them;

- (e) the election agent of each individual candidate or a person acting on his behalf;
- (f) the nominating officer of each registered party which is contesting the election to the European Parliament in the electoral region;
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act **(20)**,

may be present at that calculation and allocation unless permitted by the returning officer to attend.

(3) The returning officer must give to—

- (a) the election agent of each registered party standing at the election; and
- (b) each individual candidate,

notice in writing of the place at which he will conduct the proceedings under rule 59 and of the time at which he will begin those proceedings.

Allocation of seats

59.—(1) The returning officer, as soon as practicable after he has been informed of the contents of the statements prepared under rule 57(1) by local returning officers in his region must calculate the total number of votes given to each registered party and individual candidate in all of the local counting areas within the electoral region, as shown in those statements.

(2) Subject to paragraph (4) and rule 60, the returning officer must then allocate the seats in accordance with subsections (5) to (9) of section 2 of the 2002 Act.

(3) The returning officer must give the persons entitled to be present reasonable facilities for satisfying themselves that the results of the calculation and allocation which he is required to make are accurate; and in particular, a person entitled to be present may require the returning officer to make a calculation or allocation again but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(4) At a by-election at which there is only one vacancy, subsections (5) to (9) of section 2 of the 2002 Act are to have effect as though they provided that the party or individual candidate to whom the majority of the votes have been given must be declared to be elected.

Equality of seats

60.—(1) Where in the case of the last seat to be allocated, two or more registered parties or individual candidates have an equal number of votes and that number is greater than the number of votes of any other party or candidate, one vote must be added to the votes of each party or individual candidate having such an equal number and the rules in subsections (5) to (9) of section 2 of the 2002 Act must be applied again.

(2) Where, after the application of the procedure set out in paragraph (1), two or more parties or individual candidates still have an equal number of votes and that number is greater than the number of votes of any other party or candidate, the returning officer must forthwith decide between the parties and individual candidates having such an equal number by lot, and allocate the seat to the party or candidate on whom the lot falls.

(3) Where the lot falls on a party, the returning officer must comply with section 2(8) of the 2002 Act.

(20) Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

PART 4

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

61.—(1) In a contested election, when the result of the allocation and filling of seats has been ascertained, the returning officer must—

- (a) forthwith declare to be elected those candidates on a registered party's list by whom seats are filled and those individual candidates to whom seats are allocated under rules 59 and 60;
- (b) prepare a statement setting out—
 - (i) the total number of valid votes (as notified to him) given to each registered party and individual candidate;
 - (ii) the number of votes which such a party or candidate had, after the application of subsections (5) to (9) of section 2 of the 2002 Act, at any stage when a seat was allocated to that party or candidate;
 - (iii) the names in full and home address in full of each candidate who fills a seat or to whom a seat has been allocated; and
 - (iv) whether, in the case of a party, there are remaining candidates on that party's list who have not been declared to be elected; and
 - (v) give public notice of that statement and send a copy to the Secretary of State.

(2) In the case of an uncontested election, the statement of parties and individual candidates nominated, in addition to showing the registered parties, the candidates on the list of those parties and individual candidates standing nominated, must also declare to be elected any candidate so shown; and the returning officer must send a copy of that statement and declaration to the Secretary of State.

(3) The returning officer for the combined region must also send a copy of the statement in paragraphs (1)(b) and (2) to the Chief Secretary of the Government of Gibraltar.

Return or forfeiture of candidate's deposit

62.—(1) The deposit made under rule 10 of these rules must either be returned to the person making it or his personal representatives or be forfeited to Her Majesty.

(2) Except in the cases mentioned in paragraphs (4) and (5), the deposit must be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day must be disregarded if it would be disregarded under rule 2(1) in computing any period of time for the purposes of the Timetable in rule 1 for an election of the kind in question; and
- (b) the deposit must be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) Where—

- (a) a registered party or an individual candidate is not shown as standing nominated in the statement of parties and individual candidates nominated, or
- (b) in the case of an individual candidate, the candidate has died,

the deposit must be returned as soon as practicable after the publication of that statement or the time when the returning officer is satisfied of the candidate's death, as the case may be.

(5) Subject to paragraph (4), the deposit must be forfeited if a poll is taken and, after the total number of valid votes for each registered party and individual candidate has been ascertained under rule 59(1), the party or candidate is found not to have polled more than one-fortieth of the total number of votes polled by all the parties and candidates.

PART 5

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

63.—(1) On the completion of the counting at a contested election (or, if later, its deemed completion under rule 53(7)) the local returning officer must seal up in separate packets the counted and rejected ballot papers.

(2) The local returning officer must 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 register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act⁽²¹⁾) and lists of proxies.

Delivery and retention of documents

64.—(1) The local returning officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in his 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 with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 47, 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 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.

(2) In the case of the electoral region of Scotland, paragraph (1) is to apply as if for the words “forward to the relevant registration officer” there were substituted “retain on behalf of the returning officer”, and references to documents in the custody or possession of the relevant registration officer shall include documents held by the local returning officer on his behalf.

(3) In the case of an election held in Gibraltar, paragraph (1) is to apply as if for the words “forward to the relevant registration officer” there were substituted “retain on behalf of the local returning officer in his capacity as registration officer for the purposes of European Parliamentary

(21) Section 13B(3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22).

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elections”, and references to documents in the custody or possession of the relevant registration officer shall include documents held by the local returning officer on his behalf.

Orders for production of documents

65.—(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 completed corresponding number lists and certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made, 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 European Parliamentary election petition, by the High Court or a county court, or, in Gibraltar, the Supreme Court.

(2) An order for the opening of a sealed packet of completed corresponding number lists and certificates 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) Subject to paragraph (4), 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 thinks expedient.

(4) In making and carrying into effect an order under paragraph (3) for the opening of a packet of completed corresponding number lists or of certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

- (a) that his 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, or in Gibraltar, an appeal lies to the Court of Appeal from any order of the Supreme Court under this rule.

(6) Any power given under this rule to the High Court or a county court or, in Gibraltar, the Supreme 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 his possession relating to any specified election—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall be 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,

shall be prima facie evidence that the elector 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 election contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as provided by this rule, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of completed corresponding number lists and certificates.

Retention of documents by relevant registration officer

66.—(1) The relevant registration officer must retain or cause to be retained for one year all documents relating to an election forwarded to him in pursuance of these rules by a local returning officer, and then, unless otherwise directed by an order of the High Court, the Crown Court, a magistrates' court, an election court or, in Gibraltar, the Supreme Court or Court of Appeal, must cause them to be destroyed.

(2) The documents mentioned in paragraph (1) except—

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

shall be open to public inspection.

(3) In the application of this rule to Scotland, paragraph (1) shall have effect as if for “the High Court, the Crown Court, a magistrates' court, an election court” there were substituted “the Court of Session, an election court”.

PART 6

ACCESS TO MARKED REGISTERS AND OTHER DOCUMENTS OPEN TO PUBLIC INSPECTION AFTER AN ELECTION

Interpretation and general

67.—(1) In this Part —

“enactment” includes—

- (a) any provision of an Act, including any provision of an Act of the Gibraltar Parliament;
- (b) any provision of, or of any instrument made under, an Act of the Scottish Parliament,
- (c) any provision of, or of any instrument made under, Northern Ireland legislation, and
- (d) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978⁽²²⁾);

“the full register” means the version of the register published under section 13(1) or (3) of the 1983 Act or, as the case may be, paragraph 11(1) or (3) of Schedule 1 to the 2004 Act;

“marked register or lists” means any part of the marked copies of the full register, list of proxies, postal voters list and proxy postal voters list forwarded to the relevant registration officer under rule 64;

(22) 1978 c.30.

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“processor” means any person who provides a service which consists of putting information into data form or processing information in data form and any reference to a processor includes a reference to his employees; and

“research purposes” includes statistical or historical purposes.

(2) The processor of the register may not disclose the full register or the information contained in it except to the person who supplied the information to the processor or an employee of that person or a person who is entitled to obtain a copy of the full register under the 2001 Regulations, under the 2001 (Scotland) Regulations, or, in Gibraltar, under the 2004 Act, or any employee of such a person.

(3) In paragraph (2), any reference to an employee of any person who has access to a copy of the full register shall be deemed to include a person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(4) For the purposes of this Part any period of days shall be calculated in accordance with rule 2(1).

(5) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act or paragraph 21 of Schedule 4, any duty on a relevant registration officer to supply records or lists or make them available for inspection under this Part imposes only a duty to provide that information in the form in which he holds it.

Supply of marked registers and lists after a European Parliamentary election

68.—(1) Any person entitled to be supplied in accordance with—

- (a) regulation 100, 103, 105, 106, 108, 109 or 113 of the 2001 Regulations⁽²³⁾; or
- (b) regulation 99,102,104,105, 107, 108 or 112 of the 2001 (Scotland) Regulations⁽²⁴⁾; or
- (c) paragraph 50, 52, 53, 54, 55, 56 or 57 of Schedule 1 to the 2004 Act,

with copies of the full register at a particular European Parliamentary election is also a person entitled, subject to this rule and rule 70, to request that a relevant registration officer supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.

(2) A person whose entitlement to request copies of the marked register or lists under paragraph (1) arises from being in a category of persons to whom—

- (a) regulation 103, 105, 106, or 108 of the 2001 Regulations; or
- (b) regulation 102, 104, 105 or 107 of the 2001 (Scotland) Regulations; or
- (c) paragraph 52, 53, 54 or 56 of Schedule 1 to the 2004 Act,

applies before a particular European Parliamentary election, shall be entitled to request those documents regardless of whether, after that election, he remains in a category of persons which is entitled under those provisions.

(3) A request under paragraph (1) must be made in writing and must—

- (a) specify which of the marked register or lists (or the relevant part of the register or lists) are requested;
- (b) state whether a printed copy of the records or lists or a copy in data form is requested; and
- (c) state the purposes for which the marked register or lists shall be used and why the supply or purchase of a copy of the full register or unmarked lists would not be sufficient to achieve those purposes.

⁽²³⁾ These regulations were inserted by [S.I.2002/1871](#).

⁽²⁴⁾ These regulations were inserted by [S.I.2002/1872](#).

(4) The relevant registration officer must supply a copy of the relevant part of the marked register or lists where a request is duly made, and—

- (a) he is satisfied that the requestor needs to see the marks on the marked register or lists in order to achieve the purpose for which it is requested; and
- (b) he has received payment of a fee calculated in accordance with rule 71.

(5) If the relevant registration officer is not satisfied in accordance with paragraph (4)(a) he may treat the request for a marked register or list as a request for —

- (a) information in unmarked lists under paragraph 32 of Schedule 2; or
- (b) the published copy of the full register in accordance with regulation 102 of the 2001 Regulations, or
- (c) the published copy of the full register in accordance with regulation 101 of the 2001 (Scotland) Regulations,

or both (a) and (b) or, as the case may be, (a) and (c), and must provide the requestor with information concerning the availability of the unmarked lists, full register or both as the case may be.

(6) A person who obtains a copy of any part of a marked register or list under this rule and whose entitlement arose under paragraph (1)(a) may use it only for the permitted purposes specified in rule 70(2), and any conditions—

- (a) specified in that rule, or
- (b) which would apply to the use of the full register under whichever of regulations 100, 103, 105, 106, 108, 109 and 113 of the 2001 Regulations entitled that person to obtain that document,

shall apply to such use.

(7) A person who obtains a copy of any part of a marked register or list under this rule and whose entitlement arose under paragraph (1)(b) may only use it for the permitted purposes specified in rule 70(2), and any conditions—

- (a) specified in that rule; or
- (b) which would apply to the use of the full register under whichever of regulations 99, 102, 104, 105, 107, 108 and 112 of the 2001 (Scotland) Regulations entitled that person to obtain that document,

shall apply to such use.

(8) A person who obtains a copy of any part of a marked register or list under this rule and whose entitlement arose under paragraph (1)(c) may use it only for the permitted purposes specified in rule 70(2), and any conditions—

- (a) specified in that rule; or
- (b) which would apply to the use of the full register under whichever of paragraphs 50, 52, 53, 54, 55, 56 or 57 of Schedule 1 to the 2004 Act entitled that person to obtain that document,

shall apply to such use.

(9) The conditions referred to in paragraph (6), or as the case may be paragraphs (7) or (8), apply to a person to whom a copy of marked register or list, or any information contained in them (that is not contained in the edited register) has been supplied or disclosed under these rules as they apply to a person to whom those regulations apply.

(10) Any person who has obtained or is entitled to obtain a copy of the marked register or lists under this rule may—

- (a) supply a copy of the marked register or lists to a processor for the purpose of processing the information contained therein,

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(b) procure that a processor processes and supplies to them any copy of the information in the marked register or lists which the processor has obtained under this rule, for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

Inspection of documents open to public inspection

69.—(1) Any person is entitled to request that the relevant registration officer make available for inspection a copy of any of the following documents (referred to in this rule and rule 70 as the “documents open to public inspection”)—

- (a) the marked register or lists;
- (b) such other documents relating to an election as the relevant registration officer is required by or under any enactment to retain for any period except—
 - (i) ballot papers;
 - (ii) completed corresponding number lists; and
 - (iii) certificates as to employment on duty on the day of the election.
- (2) A request under paragraph (1) must be made in writing and must specify—
 - (a) which documents are requested;
 - (b) the purposes for which the information in any document will be used;
 - (c) where the request is to inspect the marked register or lists, any reason why inspecting the full register or unmarked lists would not be sufficient to achieve that purpose;
 - (d) who will inspect the documents;
 - (e) the date on which they wish to inspect the documents; and
 - (f) whether they would prefer to inspect the documents in printed or data form.

(3) Subject to paragraph (4), the relevant registration officer must make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked register or lists under paragraph (1) and the relevant registration officer is not satisfied that the purposes of the requestor cannot be met by inspection of the full register, he must inform the requestor –

- (a) of his decision under this paragraph; and
- (b) provide the requestor with information concerning the availability of the published full register for inspection in accordance with regulation 43 of the 2001 Regulations, or in Scotland, regulation 43 of the 2001 (Scotland) Regulations or, in Gibraltar, paragraph 41 of Schedule 1 to the 2004 Act.

(5) A person who obtains a copy of or information in any document open to public inspection under this rule may use it only for the permitted purposes specified in rule 70, and any conditions—

- (a) specified in that rule;
- (b) specified in paragraph (7); or
- (c) which would apply to the use of the full register under regulation 109 of the 2001 Regulations, or as the case may be, regulation 108 of the 2001 (Scotland) Regulations, or paragraph 57 of Schedule 1 to the 2004 Act, where such a person has obtained a copy of that document under paragraph (8),

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the relevant registration officer must ensure the manner in, and the equipment on which, that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic or any other means.

(7) Subject to paragraph (8), a person who inspects a copy of a document open to public inspection, whether in printed copy or in data form, may not—

- (a) make copies of any part of it; or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked register or lists may make hand written notes.

(8) The relevant registration officer must, on request, supply free of charge copies of any documents open to public inspection to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked register or lists by virtue of being a person to whom regulation 109 of the 2001 Regulations, or, in Scotland, regulation 108 of the 2001 (Scotland) Regulations, or, in Gibraltar, paragraph 57 of Schedule 1 to the 2004 Act, applies.

Conditions on the use, supply and disclosure of documents open to public inspection

70.—(1) Subject to paragraphs (2) and (3) the restrictions on the supply, disclosure and use of information in regulations 94 and 96 of the 2001 Regulations, or, in Scotland, regulations 94 and 95 of the 2001 (Scotland) Regulations, or, in Gibraltar, paragraphs 46 and 47 of Schedule 1 to the 2004 Act, shall apply to the documents open to public inspection as they apply to the full register.

(2) Where a person—

- (a) obtains copies of information in the marked register or lists in accordance with rule 68(1); or
- (b) a person inspects information in accordance with rule 69(1),

the permitted purposes means either research purposes or electoral purposes.

(3) Where a copy of any information was supplied in the circumstances to which rule 69(8) applies, the permitted purposes means the purposes set out in regulation 109(4) of the 2001 Regulations, or, in Scotland, regulation 108(4) of the 2001 (Scotland) Regulations, or, in Gibraltar, paragraph 57(2) of Schedule 1 to the 2004 Act.

Fees relating to the marked registers and lists

71.—(1) The fee to be paid in accordance with rule 68(4)(b) by a person making a request for a copy of the whole or of any part of the marked register or lists is set out in paragraph (2).

(2) The fee shall be the sum of £10, plus for a copy—

- (a) in printed form, £2 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request; and
- (b) in data form, £1 for each 1,000 entries (or remaining part of 1,000 entries) covered by the request.

(3) For the purposes of this rule, a request for a copy of the whole or the same part of the marked register or lists in both a printed and data form may be treated as two separate requests.

Access to marked registers and other election documents: contravention of conditions

72.—(1) A person is guilty of an offence—

- (a) if he fails to comply with any of the conditions imposed under rule 70; or

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- (b) he is an appropriate supervisor of a person (P) who fails to comply with any such condition and he failed to take appropriate steps.
- (2) P is not guilty of an offence under paragraph (1) if—
 - (a) he has an appropriate supervisor, and
 - (b) he has complied with the requirements imposed on him by his appropriate supervisor.
- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if he takes all reasonable steps to ensure that he complies with the conditions.
- (4) In paragraphs (1)(b) and (2)—
 - (a) an appropriate supervisor is a person who is a director of a company concerned in the management of an organisation in which P is employed or under whose direction or control P is;
 - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of failure to comply with the conditions.
- (5) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART 7

APPENDIX OF FORMS

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

Form A: Form of Front of Ballot Paper and Form of Back of Ballot Paper together with the Directions for printing the ballot paper

Form B: Corresponding Number List for issue of postal ballot papers at a European Parliamentary election

Form C: Corresponding Number List for use in polling station at a European Parliamentary election

Form D: Corresponding Number List for issue of postal ballot papers to be used when a European Parliamentary election is combined with another election or referendum

Form E: Corresponding Number List for use in polling station when a European Parliamentary election is combined with another election or referendum

Form F: Official Poll Card issued to an elector voting at a polling station

Form G: Official Poll Card issued to a postal elector

Form H: Official Poll Card issued to a proxy voting at a polling station

Form J: Official Poll Card issued to a postal proxy

Form K: Form of directions for the guidance of voters in voting






Form L: Certificate of Employment

Form M: Form of declaration to be made by the companion of a voter with disabilities

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Form A: Form of Ballot Paper

Rule 22

Election for the European Parliament NORTH WEST REGION Vote once (X) in one blank box												
1	<p style="text-align: center;">Conservative Party</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. Arthur John Briggs</td> <td style="width: 50%;">6. Christopher Paul Harrington</td> </tr> <tr> <td>2. Edith Pickering</td> <td>7. Derek Holloway-Jones</td> </tr> <tr> <td>3. David Hamish Scott</td> <td>8. Russell Montgomery Johnstone</td> </tr> <tr> <td>4. Douglas Mallik</td> <td>9. Anita Patel</td> </tr> <tr> <td>5. Douglas Alasdair Chapman</td> <td>10. Sheila Hammond-Armstrong</td> </tr> </table>	1. Arthur John Briggs	6. Christopher Paul Harrington	2. Edith Pickering	7. Derek Holloway-Jones	3. David Hamish Scott	8. Russell Montgomery Johnstone	4. Douglas Mallik	9. Anita Patel	5. Douglas Alasdair Chapman	10. Sheila Hammond-Armstrong	 Conservatives
1. Arthur John Briggs	6. Christopher Paul Harrington											
2. Edith Pickering	7. Derek Holloway-Jones											
3. David Hamish Scott	8. Russell Montgomery Johnstone											
4. Douglas Mallik	9. Anita Patel											
5. Douglas Alasdair Chapman	10. Sheila Hammond-Armstrong											
2	<p style="text-align: center;">Green Party</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. James Edward Wellingsborough</td> <td style="width: 50%;">6. William Anderton</td> </tr> <tr> <td>2. Kathleen Mary Ferrar</td> <td>7. Paul Alfred Mackenzie</td> </tr> <tr> <td>3. Mary Joan Chandler</td> <td>8. Kathleen Nicholas Murphy</td> </tr> <tr> <td>4. Frank Probst</td> <td>9. Maximus Paul Alexander</td> </tr> <tr> <td>5. Samuel James Winstanley</td> <td>10. Phillip Paul Holland</td> </tr> </table>	1. James Edward Wellingsborough	6. William Anderton	2. Kathleen Mary Ferrar	7. Paul Alfred Mackenzie	3. Mary Joan Chandler	8. Kathleen Nicholas Murphy	4. Frank Probst	9. Maximus Paul Alexander	5. Samuel James Winstanley	10. Phillip Paul Holland	 Green Party
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3. Mary Joan Chandler	8. Kathleen Nicholas Murphy											
4. Frank Probst	9. Maximus Paul Alexander											
5. Samuel James Winstanley	10. Phillip Paul Holland											
3	<p style="text-align: center;">Labour Party</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. Eilbenn Iris Alsop</td> <td style="width: 50%;">6. Andrew Wilson</td> </tr> <tr> <td>2. Indira Anita Gupta</td> <td>7. Harry Townsend</td> </tr> <tr> <td>3. Robert Henry Anderton</td> <td>8. Eric Harvey Williamson</td> </tr> <tr> <td>4. Victor Daniel Amos</td> <td>9. Monica Christine Merckson</td> </tr> <tr> <td>5. Annabelle Susannah Riley-Bossles</td> <td>10. Gareth Arthur Jones</td> </tr> </table>	1. Eilbenn Iris Alsop	6. Andrew Wilson	2. Indira Anita Gupta	7. Harry Townsend	3. Robert Henry Anderton	8. Eric Harvey Williamson	4. Victor Daniel Amos	9. Monica Christine Merckson	5. Annabelle Susannah Riley-Bossles	10. Gareth Arthur Jones	 Labour
1. Eilbenn Iris Alsop	6. Andrew Wilson											
2. Indira Anita Gupta	7. Harry Townsend											
3. Robert Henry Anderton	8. Eric Harvey Williamson											
4. Victor Daniel Amos	9. Monica Christine Merckson											
5. Annabelle Susannah Riley-Bossles	10. Gareth Arthur Jones											
4	<p style="text-align: center;">Liberal Democrat Party</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. Peggy Vanessa Greenburgh</td> <td style="width: 50%;">6. Ayobola Ajoku</td> </tr> <tr> <td>2. David Lloyd-Perry</td> <td>7. Geraldine Mary Jennings</td> </tr> <tr> <td>3. Simon Daniel Gabrielson</td> <td>8. Bamaby James Sorenson</td> </tr> <tr> <td>4. Julia Henrietta Deane-Henderson</td> <td>9. Patricia Jane Hendriks</td> </tr> <tr> <td>5. Francesca Mildred Pearson</td> <td>10. Gustav Arthur Jones</td> </tr> </table>	1. Peggy Vanessa Greenburgh	6. Ayobola Ajoku	2. David Lloyd-Perry	7. Geraldine Mary Jennings	3. Simon Daniel Gabrielson	8. Bamaby James Sorenson	4. Julia Henrietta Deane-Henderson	9. Patricia Jane Hendriks	5. Francesca Mildred Pearson	10. Gustav Arthur Jones	 LIBERAL DEMOCRATS
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4. Julia Henrietta Deane-Henderson	9. Patricia Jane Hendriks											
5. Francesca Mildred Pearson	10. Gustav Arthur Jones											
5	<p style="text-align: center;">United Kingdom Independence Party</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. Peter Hamilton Rice</td> <td style="width: 50%;">6. Joan Davidson</td> </tr> <tr> <td>2. Gordon Harold Bradley</td> <td>7. Camilla Jocelyn Stuart</td> </tr> <tr> <td>3. Carole Stephanie Brewster</td> <td>8. Richard Archibald Butler</td> </tr> <tr> <td>4. Leonard David Althous</td> <td>9. Carlos Philippe Jameson</td> </tr> <tr> <td>5. Charles Henry Robinson-Browne</td> <td>10. Brian Adkinson</td> </tr> </table>	1. Peter Hamilton Rice	6. Joan Davidson	2. Gordon Harold Bradley	7. Camilla Jocelyn Stuart	3. Carole Stephanie Brewster	8. Richard Archibald Butler	4. Leonard David Althous	9. Carlos Philippe Jameson	5. Charles Henry Robinson-Browne	10. Brian Adkinson	 UKIP
1. Peter Hamilton Rice	6. Joan Davidson											
2. Gordon Harold Bradley	7. Camilla Jocelyn Stuart											
3. Carole Stephanie Brewster	8. Richard Archibald Butler											
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6	<p>Elizabeth Penelope Nightingale</p> <p>Independent</p>											

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7	Manmeet Singh Independent	
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Form of Back of Ballot Paper

Number

Other Unique Identifying Mark

Election for the (..... local counting area) of the European

Electoral Region of

on 20()

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Rule 22

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 16 shall be observed in the printing of the ballot paper.
3. No word shall be printed on the face of the ballot paper except:
 - the words "Election for the European Parliament",
 - the name of the electoral region,
 - the statement "Vote once (X) in one blank box",
 - the names followed by the descriptions, if any, of registered political parties, and the names of candidates on a party list as shown in the nomination papers,
 - the names followed by the descriptions, if any, of individual candidates,
 - the number of each registered party or individual candidate and a number for each candidate on a party list, and
 - the words forming parts of emblems.
4. The words "Election for the European Parliament", the name of the region and the statement referred to in paragraph 3 shall appear above the higher horizontal rule.
5. No horizontal rule shall be printed on the face except-
 - (a) the higher horizontal rule immediately below the statement mentioned in paragraph 3,
 - (b) a horizontal rule between the entry for each registered party or individual candidate, and
 - (c) the lower horizontal rule at the foot of the ballot paper
6. No vertical rule shall be printed on the face except-
 - (a) the vertical rule separating the number of the registered parties or individual candidates from their names, and
 - (b) the vertical rule separating the names of the parties or individual candidates from the space where a vote may be marked.
7. The space on the ballot paper between the horizontal rule referred to in paragraph 5(a) and each horizontal rule below it shall be 3.5 centimetres.
8. Where a registered emblem of a registered political party is to be included with that party's name –
 - (a) it shall be printed adjacent and to the right of the registered party's name, and
 - (b) its size as printed shall not exceed two centimetres square.
9. Subject to paragraphs 10 to 15, all of the words on the ballot paper shall appear in the same large type.
10. The words "Election for the European Parliament" shall appear in very large type.

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11. The name of the electoral region shall appear in bold capitals.
12. No other capitals shall be used except initial capitals for names of parties and candidates and the first word in the statement and in the direction referred to in paragraph 3.
13. The names of the candidates on a party's list of candidates shall appear in the same order as on the party's list of candidates and they shall be numbered in that order.
14. The authorised names of registered parties and individual candidates shall appear in ordinary type. If used, the authorised descriptions of registered parties and individual candidates should follow in a smaller font on the same line.
15. The number on the back of the ballot paper shall be printed in small characters.
16. The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.

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Form F

Rule 31(3)

<p>Form F OFFICIAL POLL CARD (to be sent to an elector voting in person) <i>Front of card</i></p>	
<p>OFFICIAL POLL CARD</p>	
<p>Electoral Region:</p> <p>Polling Day:</p> <p>Polling hours: 7 a.m. to 10 p.m.</p> <p>Your polling station will be:</p>	<p>Number on register:</p> <p>*Name</p> <p>.....</p> <p>*Address</p> <p>.....</p> <p><i>*(Local Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope.)</i></p>
<p>*This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there.</p>	
<p><i>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</i></p> <p><i>Back of card</i></p>	
<p>EUROPEAN PARLIAMENTARY ELECTION</p>	
<p>*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk.</p>	
<p>*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.</p>	
<p>*The clerk will confirm your details on the register.</p>	
<p>When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for.</p>	
<p>Vote for ONE party or individual candidate only. Do not put any other mark on the ballot paper, or your vote may not count.</p>	
<p>If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p>	
<p>Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.</p>	
<p>If you will be away on the date of the poll –</p>	
<ul style="list-style-type: none"> • You can apply to vote by post. Your application must be received by the Local Returning Officer before 5 p.m. on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this election. • You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 p.m. on [-6 day/date deadline]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you. 	

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In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline].

To change any of your voting arrangements please contact [helpline number] as soon as possible.

Issued by the Local Returning Officer

[Where poll card sent to an anonymous elector substitute for the paragraphs marked with * above:-

You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show them this card.

The presiding officer will confirm your entry on the register.]

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Form G

Rule 31(4)

<p>Form G OFFICIAL POSTAL POLL CARD (to be sent to an elector voting by post) <i>Front of card</i></p>	
<p>OFFICIAL POSTAL POLL CARD</p>	
<p>Electoral Region: Local Counting Area: For the election on: [day/date] Number on Register: Name and Address:</p>	<p>This notice is to tell you that you have asked to vote by post for this election, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call: [helpline number] before 5p.m. on [-11 day/date deadline]. We will send your postal voting papers around [day/date]. Addressed to: (Name and Address) If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil your postal ballot paper, please call: [helpline number] as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. SEE INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i></p>	
<p>EUROPEAN PARLIAMENTARY ELECTION</p>	
<p>When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.</p> <p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Local Returning Officer: please call our helpline on [helpline number].</p> <p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Electoral Registration Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Local Returning Officer can cross check your signature against other records that they hold.</p> <p>If you lose or accidentally spoil your ballot paper, please call the helpline number below for advice on obtaining a replacement as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p> <p>Complete and return your postal vote as soon as possible. The Local Returning Officer must receive your postal vote by 10p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in the local counting area.</p> <p>If you want to vote in person at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].</p> <p>If you need any assistance, please call our helpline on: [helpline number].</p> <p style="text-align: center;">It is an offence to vote using a ballot paper that was not addressed to you. Issued by the Local Returning Officer</p>	

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Form H

Rule 31(5)

<p>Form H OFFICIAL PROXY POLL CARD (to be sent to an appointed proxy voting in person) <i>Front of card</i></p>	
<p>OFFICIAL PROXY POLL CARD</p>	
<p>Electoral Region: Polling Day: Polling hours: 7 a.m. to 10 p.m. Elector's polling station will be:</p>	<p>*This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy. *Proxy's name *Proxy's address *(Local Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of anonymous elector must be delivered in a sealed envelope.)</p>
<p>*This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there. SEE FURTHER INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i></p>	
<p>EUROPEAN PARLIAMENTARY ELECTION</p>	
<p>*This poll card is to tell you that for this election you are appointed as proxy for: *(Elector's name) *(Elector's address) *(Elector's number on register)</p> <p>*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the voter shown above. *The clerk will confirm the entry on the register.</p> <p>When you are given the ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate the elector is voting for.</p> <p>Vote for ONE party or individual candidate only. Do not put any other mark on the ballot paper, or the vote may not count.</p> <p>If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>Fold the ballot paper in two. Show the presiding officer the number and other unique</p>	

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identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll, you can apply to vote by post before 5 p.m. on [11 day/date deadline]. If you are given a postal vote, you or the elector will *not* be entitled to vote in person at this election.

The person who appointed you as proxy may vote at this election. If they wish to do so they must vote in person before you vote on their behalf.

It is illegal to do any of the following:

- Vote as a proxy at the same election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for some other person if you know that that person is subject to a legal incapacity to vote.
- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.

Issued by the Local Returning Officer

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with * above:-

You must have this card with you when you vote, you cannot vote as proxy without it.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....
(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card].

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Form J

Rule 31(6)

<p>Form J OFFICIAL PROXY POSTAL POLL CARD (to be sent to an appointed proxy voting by post) <i>Front of card</i></p>	
<p>OFFICIAL PROXY POSTAL POLL CARD</p>	
<p>Electoral Region: Local Counting Area: For the election on: [day/date] Name and Address (Proxy):</p>	<p>This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. You will not be able to vote on behalf of the elector in a polling station. If you want to cancel this postal vote and vote in person on polling day, please call: [helpline number] before 5p.m. on [-11 day/date deadline]. We will send the proxy postal voting papers around [day/date].</p> <p>If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help.</p>
<p>If you lose or accidentally spoil the elector's postal ballot paper, please call: [helpline number] as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. SEE INFORMATION ON THE BACK OF THIS CARD <i>Back of card</i></p>	
<p>EUROPEAN PARLIAMENTARY ELECTION</p>	
<p>This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post.</p>	
<p>..... *(Elector's name)</p>	
<p>..... *(Elector's address)</p>	
<p>When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.</p>	
<p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.</p>	
<p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Electoral Registration Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Local Returning Officer can cross check your signature against other records they hold.</p>	
<p>If you lose or accidentally spoil the postal ballot paper, please call the helpline number below for advice on obtaining a replacement as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].</p>	

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Complete and return the postal vote as soon as possible. The Local Returning Officer must receive the postal vote by 10 p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in the local counting area.

If you want to vote in person as a proxy at this election, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote by post as a proxy at the same election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as postal proxy for some other person if you know that the person is subject to a legal incapacity to vote.

Issued by the Local Returning Officer

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with * above:-

This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....

(Elector's number on the register)]

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Form K

Rule 32(6)

Guidance for Voters

1. When you are given a ballot paper go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for.
2. Vote for one party or individual candidate only. Put no other mark on the ballot paper, or your vote may not count. Do not let anyone see your vote.
3. Fold the ballot paper in two. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark. Put the ballot paper in the ballot box and leave the polling station.
4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

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Form L

Rule 36(4)

Certificate of Employment

EUROPEAN PARLIAMENTARY ELECTION

ELECTION IN THE.....ELECTORAL REGION

I certify that (name).....

who is numbered.....in the register of electors for the

.....[parliamentary constituency] cannot be expected to go in person to the polling station allotted to him or her at the election on (date of poll).....

by reason of the particular circumstances of his or her employment on that date for a purpose connected with the election-

- * Delete whichever is inappropriate
- * (a) as a constable
- * (b) by me.

Date.....

Note: The person named above is entitled to vote at any polling station in the electoral region on production and surrender of this certificate to the presiding officer.

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Form M

Rule 43 (7)

Form of declaration to be made by the companion of a voter with disabilities

I, AB, of.....having been requested to assist CD, (in the case of a voter with disabilities voting as proxy add voting as proxy for MN) whose number on the register is.....to record his vote at the election now being held in this electoral region, declare that (I am entitled to vote as an elector at the said election) (I am..... (state the relationship of the companion to the voter)..... of the said voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except EF, of.....) to vote at the said election.

(Signed) AB,

day of.....20....

I, the undersigned, being the presiding officer for the.....polling station for the.....local counting area, certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) GH.

Day of.....20.....

Minutes past.....o'clock (am) (pm)

Note-

1. If the person making the above declaration knowingly and wilfully makes a statement false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under the European Parliamentary elections rules that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.