

SCHEDULES

SCHEDULE 3

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

PART 3

Contested PCC elections

COUNTING OF VOTES

The central calculation

Attendance at the central calculation

58.—(1) The police area returning officer—

- (a) must make arrangements for the making of the calculation under rule 59 in the presence of the election agents, and
- (b) must give to those agents notice in writing of the time and place at which the calculation will begin.

(2) No person other than—

- (a) the police area returning officer and the officer's clerks;
- (b) the local returning officers and a clerk chosen by each of them;
- (c) the candidates and one person chosen by each of them;
- (d) the election agents;

(e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act, may be present at a calculation, unless permitted by the police area returning officer to attend.

(3) A person not entitled to attend a calculation must not be permitted to do so by the police area returning officer unless the officer—

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

The ^{F1}... calculation and resolution of equality

59.—^{F2}(1) As soon as the police area returning officer has received the information required by rule 57 from every local returning officer, the police area returning officer must ascertain the total number of votes given in the police area to each candidate.]

(2) As soon as the police area returning officer has ascertained the result of the calculation, the officer must inform such of the election agents as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) A person informed of the relevant figures under paragraph (2) may require the police area returning officer to make a calculation again but the officer may refuse to do so if in the officer's opinion the request is unreasonable.

[^{F3}(4) In paragraphs (2) and (3), “the relevant figures” means the total number of votes given in the police area for each candidate.]

^{F4}(5)

(6) ^{F5}... The person to be returned to the office of police and crime commissioner for the police area is the candidate to whom the majority of the votes is given.

[^{F6}(7) Where no single candidate receives a majority of the votes, and the highest number of votes is shared between two or more candidates who have received an equal number of votes, the police area returning officer must decide, by drawing lots, which of those candidates is to be returned to the office of police and crime commissioner for the police area.]

(8) In a case to which paragraph (6) or (7) applies, the declaration of the person to be returned to the office of police and crime commissioner for the police area must be made in accordance with rule 62.

Textual Amendments

- F1** Word in [Sch. 3 rule 59](#) heading omitted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 5\(11\)\(a\)](#)
- F2** [Sch. 3 rule 59\(1\)](#) substituted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 5\(11\)\(b\)](#)
- F3** [Sch. 3 rule 59\(4\)](#) substituted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 5\(11\)\(c\)](#)
- F4** [Sch. 3 rule 59\(5\)](#) omitted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 5\(11\)\(d\)](#)
- F5** Words in [Sch. 3 rule 59\(6\)](#) omitted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by virtue of [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 5\(11\)\(e\)](#)
- F6** [Sch. 3 rule 59\(7\)](#) substituted (21.12.2022) (with application in accordance with art. 1(2) of the amending S.I.) by [The Police and Crime Commissioner Elections and Welsh Forms \(Amendment\) Order 2022 \(S.I. 2022/1354\)](#), [art. 5\(11\)\(f\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 para. 4 applied by [S.I. 2023/1150 reg. 23](#)
- Sch. A1 inserted by [S.I. 2023/1150 Sch. 1](#)
- Sch. 2 para. 3(10) amendment to earlier affecting provision S.I. 2023/1147, reg. 17(5)(a)(iii) by [S.I. 2023/1406 reg. 19\(2\)\(a\)\(ii\)](#)
- Sch. 2 para. 3(10) inserted by [S.I. 2023/1147 reg. 17\(5\)\(a\)\(iii\)](#)
- Sch. 2 para. 4(6) inserted by [S.I. 2023/1147 reg. 17\(5\)\(b\)\(iii\)](#)
- Sch. 2 para. 9A inserted by [S.I. 2023/1225 reg. 8\(6\)\(a\)](#)
- Sch. 2 para. 29(1A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(b\)\(ii\)](#)
- Sch. 2 para. 43(3A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(ii\)](#)
- Sch. 2 para. 43A-43D inserted by [S.I. 2023/1225 reg. 8\(6\)\(e\)](#)
- Sch. 2 para. 46A-46E inserted by [S.I. 2023/1225 reg. 8\(6\)\(g\)](#)
- Sch. 2 para. 55(6)-(9) inserted by [S.I. 2023/1225 reg. 8\(6\)\(h\)\(ii\)](#)
- Sch. 2 para. 57(1)(g) and word inserted by [S.I. 2023/1225 reg. 8\(6\)\(i\)\(ii\)](#)
- Sch. 2 para. 59A(1)(a)(ii)(iii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(bb\)](#)
- Sch. 2 para. 59A(1)(c)(ii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(bb\)](#)
- Sch. 2 para. 16C(7)(ca) inserted by [S.I. 2024/43 reg. 24\(2\)](#)
- Sch. 2 para. 7(14) inserted by [S.I. 2023/1147, reg. 17\(5\)\(ca\)\(iii\) \(as inserted\) by S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- Sch. 2 para. 16C(6) omitted by [S.I. 2023/1406 reg. 12\(b\)](#)
- Sch. 2 para. 16C(5) substituted by [S.I. 2023/1406 reg. 12\(a\)](#)
- Sch. 2 para. 6(5)-(7) substituted for Sch. 2 para. 6(5) by [S.I. 2023/1147 reg. 17\(5\)\(c\)](#)
- Sch. 2 para. 16C(7) word substituted by [S.I. 2023/1406 reg. 12\(c\)\(i\)](#)
- Sch. 2 para. 59A(1)(a)(i) words in Sch. 2 para. 59A(1)(a) renumbered as Sch. 2 para. 59A(1)(a)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(aa\)](#)
- Sch. 2 para. 59A(1)(c)(i) words in Sch. 2 para. 59A(1)(c) renumbered as Sch. 2 para. 59A(1)(c)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(aa\)](#)
- Sch. 2 para. 16C(7)(b) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(c) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(d) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(iii\)](#)
- Sch. 3 rule 34(1)(ba) inserted by [S.I. 2023/1225 reg. 8\(7\)\(b\)](#)
- Sch. 3 rule 49(2)(e) and word inserted by [S.I. 2023/1225 reg. 8\(7\)\(c\)\(ii\)](#)
- Sch. 3 rule 70 Form 11 substituted by [S.I. 2023/1147 Sch. 8 Pt. 2](#)
- Sch. 3 rule 70 Form 13 substituted by [S.I. 2023/1147 Sch. 8 Pt. 2](#)
- Sch. 3 rule 70 Form 12 substituted by [S.I. 2023/1225 Sch. 6 Pt. 2](#)
- Sch. 3 rule 70 Form 14 substituted by [S.I. 2023/1225 Sch. 6 Pt. 2](#)
- Sch. 3 rule 49(2)(c) word omitted by [S.I. 2023/1225 reg. 8\(7\)\(c\)\(i\)](#)
- Sch. 3 rule 37(1)(b) words inserted by [S.I. 2023/1147 reg. 17\(7\)\(a\)](#)
- Sch. 3 rule 37 table words omitted by [S.I. 2023/1147 reg. 17\(7\)\(b\)\(ii\)](#)
- Sch. 3 rule 37 table words substituted by [S.I. 2023/1147 reg. 17\(7\)\(b\)\(i\)](#)
- Sch. 3 rule 32(1)(a) words substituted by [S.I. 2023/1225 reg. 8\(7\)\(a\)\(i\)](#)
- Sch. 3 rule 32(1)(b) words substituted by [S.I. 2023/1225 reg. 8\(7\)\(a\)\(ii\)](#)
- Sch. 4 para. 27(1)(a) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(a\)\(i\)](#)
- Sch. 4 para. 27(1)(b) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(a\)\(ii\)](#)
- Sch. 4 para. 27(2) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(b\)](#)
- Sch. 7 para. 14A inserted by [S.I. 2024/428 reg. 4\(3\)](#)
- Sch. 10 para. 3(1)(b)(v) inserted by [S.I. 2023/1225 reg. 8\(10\)\(b\)](#)
- art. 3A inserted by [S.I. 2023/1150 reg. 36\(3\)](#)

- art. 13(1)(ea) art. 13(1)(ee) renumbered as art. 13(1)(ea) by [S.I. 2024/131 reg. 22\(2\)\(a\)](#)
- art. 13(1)(ea) words inserted by [S.I. 2024/131 reg. 22\(2\)\(b\)](#)
- art. 18A inserted by [S.I. 2023/1141 reg. 4\(2\)](#)
- art. 22(5A)-(5F) inserted by [S.I. 2023/1225 reg. 8\(3\)](#)