

SCHEDULE 3

THE NEIGHBOURHOOD PLANNING REFERENDUMS RULES

Modifications etc. (not altering text)

- C1 Sch. 3 modified (temp.) (31.10.2023) by [The Representation of the People \(Postal and Proxy Voting etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1147\)](#), reg. 1(2), Sch. 2 para. 30(2)(3) (with Sch. 2 para. 27)
- C1 Sch. 3 modified (temp.) (31.10.2023) by [The Representation of the People \(Postal and Proxy Voting etc.\) \(Amendment\) Regulations 2023 \(S.I. 2023/1147\)](#), reg. 1(2), Sch. 2 para. 30(2)(3) (with Sch. 2 para. 27)
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PART 7

Declaration of Result and Disposal of Documents

Orders for production of documents

46.—(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 the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the relevant registration officer's custody,

may be made by a county court [^{F1}or the High Court], 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 [^{F1}or for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act].

[^{F2}(1A) An order—

- (a) for the opening of the sealed packet containing a completed ballot paper refusal list, or
- (b) for the inspection or production of that list,

may be made by the High Court or the county court if satisfied by evidence on oath that the order is required for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act.]

[^{F3}(2)

(3) 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 may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for

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the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given is not disclosed until it has been proved—

- (a) that their 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.
- (6) Any power given under this rule to a county 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 the relevant registration officer's possession relating to any specified referendum—
- (a) the production by the relevant registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified referendum; and
 - (b) any endorsement on any packet of ballot papers so produced is 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 referendum; and
 - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the person 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 referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

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

Textual Amendments

- F1** Words in Sch. 3 rule 46(1) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **8(1)(a)**
- F2** [Sch. 3 rule 46\(1A\)](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **64(16)** (with reg. 1(6)(7))
- F3** [Sch. 3 rule 46\(2\)](#) omitted (6.4.2013) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **8(1)(b)**

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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. 3 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(3\)\(a\)](#)
- Sch. 3 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(3\)\(c\)](#)
- Sch. 5 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(7\)\(a\)](#)
- Sch. 5 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(7\)\(c\)](#)