EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations prescribe the form in which the Abstract of Accounts of the Town Council of every Small Burgh shall be prepared and the date before which the Abstract of Accounts shall be signed by the Town Chamberlain.

FORMATION OF NEW BURGH: POLLING PROCEDURE

1952 No. 825 (S. 34)

The Local Government (Formation of New Burgh: Polling Procedure) (Scotland) Regulations, 1952

Made - - - -	16*th April*, 1952
Coming into Operation	16*th April*, 1952

In exercise of the powers conferred upon him by subsection (15) of section 133 of the Local Government (Scotland) Act, 1947(a) (hereinafter referred to as "the Act of 1947") and of all other powers enabling him in that behalf, the Secretary of State hereby makes the following regulations:—

1. These regulations may be cited as the Local Government (Formation of New Burgh: Polling Procedure) (Scotland) Regulations, 1952, and shall come into operation on the 16th day of April, 1952.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"poll" means a poll of the local government electors for an area under subsection (15) of section 133 of the Act of 1947;

"sheriff" has the same meaning as in section 133 of the Act of 1947;

"area" means an area whose boundaries have been fixed by a preliminary deliverance of the sheriff under subsection (7) of section 133 of the Act of 1947;

"public notice" means a notice given by advertisement, placard, handbill or such other means as the sheriff thinks best calculated to give information to the local government electors.

(2) Subject to the foregoing provisions, the Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Where a poll for an area is demanded under section 133 of the Act of 1947—

(*a*) the sheriff shall forthwith determine the day on which the poll is to be held and shall give public notice thereof;

(*b*) the registration officer shall, if a new register of electors has come into operation since the date upon which he furnished to the sheriff a certified copy of the names and addresses of all local government

(a) 10 & 11 Geo. 6. c. 43. (b) 52 & 53 Vict. c. 63.

electors for the area in accordance with subsection (12) of section 133 of the Act of 1947, as soon as may be after the poll is demanded, furnish to the sheriff a similar certified copy of the names and addresses of such electors as contained in the new register;

(*c*) the sheriff may divide the area into polling districts and shall fix a polling place for the area or for each of the polling districts into which the area is divided and he shall give public notice of any polling districts and of the polling place or polling places so fixed.

(2) Where the sheriff has divided the area into polling districts under paragraph (1) of this Regulation, he may require the registration officer to adapt the certified copy furnished by him under subsection (12) of section 133 of the Act of 1947, or under paragraph (1) of this Regulation, as the case may be, to the polling districts.

4.—(1) It shall be the duty of the sheriff to conduct the poll, and subject to the provisions of the next following paragraph of this Regulation the provisions of the Representation of the People Act, 1949(**a**), and of any regulations made under that Act, including provisions relating to voting by post and by proxy, shall apply to the poll as they would apply to the election of a councillor at a local government election in the area, with the substitution for references to the returning officer of references to the sheriff and for references in the said regulations to the last day for the delivery of nomination papers of references to the seventh day after the poll has been demanded, and with any other necessary modifications.

(2) In their application to a poll rules forty-seven and forty-nine in the Third Schedule to the Representation of the People Act, 1949, shall have effect with the substitution for references to the county clerk or the town clerk of references to the sheriff clerk, and for references to a period of six months of references to a period of twelve months.

5. The persons entitled to vote at the poll shall be the local government electors for the area whose names and addresses have been furnished to the sheriff by the registration officer under subsection (12) of section 133 of the Act of 1947 or Regulation 3 (1) of these regulations; and the persons entitled to vote by post or by proxy shall be the local government electors who would be entitled so to vote if the poll were a local government election in the area.

6. The form of the public notice of the date of the poll and the form of the ballot paper to be used at the poll shall be as set out in the Schedule to these regulations.

Given under the Seal of the Secretary of State this sixteenth day of April, nineteen hundred and fifty-two.

(L.S.) *C. C. Cunningham,*
Secretary.

Scottish Home Department,
St. Andrew's House,
Edinburgh.

(a) 12, 13 & 14 Geo. 6. c. 68.

Regulation 6

SCHEDULE

FORM OF NOTICE OF POLL

Local Government (Scotland) Act, 1947

Poll of electors

Notice is hereby given that—

Proposed new burgh [of](a)

1. A poll of the local government electors for the area comprising(b) as defined in the preliminary deliverance of the sheriff of dated declaring the said area suitable for being formed into a burgh will be taken on , the day of , 19 , to determine whether or not the said area shall be a burgh.

2. The persons entitled to vote as electors at the poll are the persons registered under the Representation of the People Acts as local government electors for the said area (other than those persons whose names are marked with a "Y" in the register)(c).

3. Persons who would be entitled to vote by post or by proxy at a local government election in the area will be entitled to vote by post or by proxy at the poll.

4. The hours of poll will be from 8 a.m. to 8 p.m.

Address

Date

Returning Officer.

Notes

(a) *Adapt as necessary.*

(b) *Here insert description of the area, e.g. the town of* .

(c) *If the polling day falls after* 1*st October and before* 16*th March following, substitute "(including those persons whose names are marked with a "Y" in the register)".*

FORM OF BALLOT PAPER

Front of Ballot Paper

Counterfoil No.	FOR formation of new burgh	
	AGAINST formation of new burgh	

Note: The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.

Back of Ballot Paper

No.

Poll to determine whether or not the [area of](a) shall be a burgh.

Note:

The number on the ballot paper is to correspond with that on the counterfoil.

(a) *adapt as necessary*