

147. Declaration of poll and certification and return of writ

- (1) As soon as practicable after the result of the election has been ascertained, the Returning Officer is to —
 - (a) at a place in the region or district, as the case requires, appointed by the Returning Officer declare the result of the election and the name of the candidate, or names of the candidates, elected; and
 - (b) send to the Electoral Commissioner a written statement setting out —
 - (i) the result of the election;
 - (ii) the day on which the result was declared; and
 - (iii) the name of the candidate, or names of the candidates, elected.
- (2) A statement under subsection (1)(b) is not required if the election in the region or district has wholly failed or the Returning Officer has given the Electoral Commissioner a notification under section 145(3).
- (3) In the case of a general election for the Council, when all the statements required under subsection (1)(b) have been received the Electoral Commissioner is to certify on the writ, in respect of each region —
 - (a) the names of the candidates elected; and
 - (b) the day on which the result of the election was declared.
- (4) In the case of any other election in a region, when the statement required under subsection (1)(b) has been received the Electoral Commissioner is to certify on the writ —
 - (a) the name of the candidate, or names of the candidates, elected; and
 - (b) the day on which the result of the election was declared.
- (5) In the case of a general election for the Assembly, when all, or all except not more than 5, of the statements required under subsection (1)(b) have been received the Electoral Commissioner is to certify on the writ, in respect of each district for which a statement has been received —
 - (a) the name of the candidate elected; and
 - (b) the day on which the result of the election was declared.
- (6) In the case of any other election in a district, when the statement required under subsection (1)(b) has been received the Electoral Commissioner is to certify on the writ —
 - (a) the name of the candidate elected; and
 - (b) the day on which the result of the election was declared.
- (7) A certificate under (3), (4), (5) or (6) is to be signed and dated by the Electoral Commissioner.
- (8) The writ is to be regarded as having been returned on the date of the certificate.
- (9) As soon as practicable after the return of the writ the Electoral Commissioner is to forward to the Clerk of the Council or the Clerk of the Assembly, as the case may require, the name of the member, or names of the members, elected together with a copy of the certified writ.

- (10) If in the case of a general election for the Assembly a statement required under subsection (1)(b) is received after the writ has been certified under subsection (5), the Electoral Commissioner is to —
- (a) comply with subsections (5) and (7) in respect of the district for which the statement was received; and
 - (b) forward to the Clerk of the Assembly the name of the member elected together with a copy of the writ as further certified,

but the writ is still regarded as having been returned on the date of the original certificate.

[Section 147 inserted by No. 36 of 2000 s.18.]