

Status: Point in time view as at 31/12/2020.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART IV is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART IV

ABSENT VOTERS

Interpretation of Part IV

50. In this Part of these Regulations—

“Schedule 4” means Schedule 4 to the 2000 Act; and

[^{F1}“absent voter” means an elector who is entitled to vote by proxy or an elector or proxy who is entitled to vote by post;]

“allotted polling station” has the meaning set out in regulation 53(7) below.

Textual Amendments

F1 Words in [reg. 50](#) inserted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **2(1)**

Commencement Information

I1 Reg. 50 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F2}Disapplication of Part IV

50A. This Part does not apply where a postal or proxy vote is being or has been sought in respect solely of local government elections in Scotland or of a particular local government election in Scotland.]

Textual Amendments

F2 [Reg. 50A](#) inserted (31.3.2009) by [The Absent Voting at Scottish Local Government Elections \(Provision of Personal Identifiers\) Regulations 2009 \(S.S.I. 2009/35\)](#), regs. 1, **3**

General requirements for applications for an absent vote

51.—(1) An application under Schedule 4 must comply with the requirements of this regulation and such further requirements in this Part of these Regulations as are relevant to the application.

(2) The application must state—

(a) the full name of the applicant;

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- (b) the address in respect of which the applicant is [^{F3}registered or has applied to be (or is treated as having applied to be) registered] in the register except in the case of an application under paragraph 7(4) or (7) of Schedule 4;
- (c) in the case of such an application, the proxy's address, together with the name of the elector for whom he will act as proxy and the elector's address for the purposes of sub-paragraph (b) above;
- (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent; ^{F4}...
- (e) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote.
- [^{F5}(f) in the case of a person who is unable to provide a signature, the reasons for his request for waiver of any requirement under paragraph 3, 4 or 7 of Schedule 4 to provide a signature and the name and address of any person who has assisted him to complete his application, and
- (g) where the applicant has, or has applied for, an anonymous entry, that fact.]
- [^{F6}(3) The application shall be made in writing and shall be dated.
- (3A) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning by configuring the information as follows—
- (a) the signature shall appear against a background of white unlined paper at least five centimetres long and two centimetres high; and
- (b) the applicant's date of birth shall be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].
- (3B) Where the application contains a request that the registration officer waive the requirement for a signature, sub-paragraph (a) of paragraph (3A) shall not apply.]
- (4) An application under Schedule 4 which is made for an indefinite period or the particular period specified in the application must state—
- (a) that it is so made, and
- (b) whether it is made for parliamentary elections, local government elections or both.
- (5) An application under Schedule 4 which is made for a particular parliamentary or local government election must—
- (a) state that it is so made, and
- (b) identify the election in question,
- but, where the poll at one election falls on the same day as the poll at another election, the application shall, unless a contrary intention appears, apply to both elections.
- (6) Where an application is made to vote by proxy, it shall include an application for the appointment of a proxy which meets the requirements of regulation 52 below.

Textual Amendments

- F3** Words in [reg. 51\(2\)\(b\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **3**
- F4** Word in [reg. 51\(2\)](#) omitted (8.2.2008) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **3(2)**
- F5** [Reg. 51\(2\)\(f\)\(g\)](#) inserted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **3(2)**

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F6 Reg. 51(3)-(3B) substituted for reg. 51(3) (8.2.2008) by The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305), regs. 1(1), **3(3)**

Modifications etc. (not altering text)

C1 Reg. 51 modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 6**

Commencement Information

I2 Reg. 51 in force at 16.2.2001, see **reg. 1(1)**

Additional provision concerning the requirement that an application for an absent vote must be signed by the applicant

[^{F7}51A. The registration officer may satisfy himself–

- (a) that an application under Schedule 4 meets any requirements that it has been signed by the applicant and states his date of birth by referring to any signature and date of birth–
 - (i) previously provided by the applicant to the registration officer or the returning officer; or
 - (ii) previously provided by the applicant to the authority referred to in regulation 35(2)
 - (a), if held by that authority in records which the registration officer is authorised to inspect for the purposes of his registration duties; and
- (b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.]

Textual Amendments

F7 Reg. 51A substituted (8.2.2008) by The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305), regs. 1(1), **4**

Modifications etc. (not altering text)

C2 Reg. 51A(a) modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 7**

[^{F8}[^{F9} **Additional requirement for applications for ballot papers to be sent to different address from that stated in application**

51AA.—(1) Paragraph (2) applies where–

- (a) in the case of an application to vote by post under paragraph 3(1) or (7) or 4(1) of Schedule 4, the addresses stated in accordance with regulation 51(2)(b) and (d) are different;
 - (b) in the case of an application by a proxy to vote by post under paragraph 7(4) of Schedule 4, the proxy’s address stated in accordance with regulation 51(2)(c) and the address stated in accordance with regulation 51(2)(d) are different.
- (2) The application must set out why the applicant’s circumstances will be or are likely to be such that he requires the ballot paper to be sent to the address stated in accordance with regulation 51(2) (d).
- (3) This regulation does not apply where an applicant has, or has applied for, an anonymous entry.]

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Textual Amendments	
F8	Regs. 51A, 51B inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834) , regs. 1(1), 4
F9	Reg. 51AA inserted (28.3.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925) , regs. 1(4), 49
Modifications etc. (not altering text)	
C3	Reg. 51AA(1) modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219) , reg. 1, Sch. 3 para. 8

Additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4

51B.—(1) An application under—

- (a) paragraph 4(3)(a) of Schedule 4 by a person shown as voting by post in the record kept under paragraph 3(4) of that Schedule; or
- (b) paragraph 7(7) of that Schedule by a person shown as voting by post in the record kept under paragraph 7(6) of that Schedule,

for his ballot paper to be sent to a different address from that shown in the record shall set out why the applicant’s circumstances will be or are likely to be such that he requires his ballot paper to be sent to that address.

[
^{F10}(1A) Paragraph (1) does not apply where an applicant has, or has applied for, an anonymous entry.]
^{F11}(2)]

Textual Amendments	
F8	Regs. 51A, 51B inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834) , regs. 1(1), 4
F10	Reg. 51B(1A) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925) , regs. 1(1), 19(2)
F11	Reg. 51B(2) omitted (1.4.2007) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925) , regs. 1(1), 19(3)
Modifications etc. (not altering text)	
C4	Reg. 51B modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219) , reg. 1, Sch. 3 para. 9

Additional requirements for applications for the appointment of a proxy

52. An application for the appointment of a proxy under paragraphs 3 and 4 of Schedule 4 shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, and

- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

Modifications etc. (not altering text)

C5 Reg. 52 modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 10](#)

Commencement Information

I3 Reg. 52 in force at 16.2.2001, see [reg. 1\(1\)](#)

Additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of [^{F12}blindness or any other disability]

53.—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(b) of Schedule 4 shall specify [^{F13}the disability] by reason of which it is made.

[^{F14}(2) Subject to paragraphs (3) and (5), such an application shall be attested and signed by—

- (a) a registered medical practitioner;
- (b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing;
- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984;
- (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989;

[^{F15}(e) a registered pharmacist as defined by article 3(1) of the Pharmacy Order 2010;]

- (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993;
- (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994;
- (h) a Christian Science practitioner;

[^{F16}(i)

- (j) a person registered as a member of a profession to which the [^{F17}Health Professions Order 2001 for the time being extends];
- (k) the person managing a care home service registered under [^{F18}Part 5 of the Public Services Reform (Scotland) Act 2010];
- (l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;
- (m) a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003 responsible for the administration of a hospital within the meaning of that section; or
- (n) a person registered as a social worker in the register maintained in accordance with section 44 of the Regulation of Care (Scotland) Act 2001.

(3) A person who qualifies—

- (a) by virtue of any of sub paragraphs (a) to (j) of paragraph (2) may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability; or

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- (b) by virtue of sub paragraph (n) of paragraph (2) may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the applicant in respect of the applicant’s disability.
- (4) The person attesting an application under paragraph (2), other than a person attesting by virtue of sub paragraph (2)(m), shall state—
 - (a) his name and address and the qualification by virtue of which he attests the application;
 - (b) where the person who attests the application is a person referred to in sub paragraph (3) (a), that he is treating the applicant for the disability specified in the application or that the applicant is receiving care from him in respect of that disability;
 - (c) where the person who attests the application is a person referred to in sub paragraph (3) (b), that he is treating the applicant for the disability specified in the application, that the applicant is receiving care from him in respect of that disability, or that he has arranged care or assistance for the applicant in respect of that disability;
 - (d) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
 - (e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (4A) A manager (or a person on behalf of a manager) attesting an application under sub paragraph (2)(m) shall state—
 - (a) the name of the manager attesting the application;
 - (b) that the manager is authorised to attest the application;
 - (c) the position of the manager in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;
 - (d) the statutory provision under which the applicant is detained, or is liable to be detained, at the hospital, where applicable;
 - (e) that, to the best of the manager’s knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
 - (f) that, to the best of the manager’s knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the manager attesting the application.]
- (5) ^{F19}Paragraphs (2) to (4A)] shall not apply where—
 - (a) the application is based on the applicant’s blindness and the applicant is registered as a blind person by the local authority which is specified in the application; or
 - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992⁽¹⁾) ^{F20}, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011^{F21} or the enhanced rate of the mobility component of personal independence payment (payable

(1) 1992 c. 4.

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under section 79(2) of the Welfare Reform Act 2012)] because of the [^{F22}disability] specified in the application.

(6) The fact that an applicant is registered with the local authority shall be deemed sufficient evidence that he is eligible to vote by proxy on the grounds set out in paragraph 3(3)(b) of Schedule 4.

(7) In this regulation and in regulations 54 and 55 below, “his allotted polling station” in relation to an elector means the polling station allotted or likely to be allotted to him under the appropriate rules (as defined in paragraph 1 of Schedule 4).

Textual Amendments

- F12** Words in reg. 53 heading substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **30(2)**
- F13** Words in reg. 53(1) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **30(3)**
- F14** Reg. 53(2)-(4A) substituted for reg. 53(2)-(4) (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **30(4)**
- F15** Reg. 53(2)(e) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 32** (with Sch. 5); S.I. 2010/1621, art. 2(1), Sch.
- F16** Reg. 53(2)(i) omitted (1.7.2009) by virtue of The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(9), **Sch. 4 para. 3**; S.I. 2009/1357, art. 2(1)(c)
- F17** Words in reg. 53(2)(j) substituted (2.12.2019) by The Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019 (S.I. 2019/1094), reg. 1, **Sch. 3 para. 4**; S.I. 2019/1436, reg. 2(b)
- F18** Words in reg. 53(2)(k) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 31**
- F19** Words in reg. 53(5) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **30(5)(a)**
- F20** Words in reg. 53(5)(b) inserted (6.5.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(3)(b), **Sch. para. 21(2)**
- F21** Words in reg. 53(5)(b) inserted (6.5.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 3, **Sch. para. 26**
- F22** Word in reg. 53(5)(b) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **30(5)(b)**

Commencement Information

- I4** Reg. 53 in force at 16.2.2001, see **reg. 1(1)**

Additional requirements for applications for a proxy vote for a particular or indefinite period based on occupation, service, employment or attendance on a course

54.—(1) An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(c) of Schedule 4 shall state—

- (a) whether the occupation, service or employment in respect of which it is made is that of the applicant or his spouse [^{F23}or civil partner] or, as the case may be, it is the applicant or his spouse [^{F23}or civil partner] who is attending the course provided by an educational institution in respect of which the application is made;

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- (b) the nature of the occupation, service, employment or course provided by an educational institution giving rise to the application;
 - (c) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as “the employed person”) is self employed, that fact; and in any other case the name of that person’s employer;
 - (d) the reason, relevant to the general nature of the employment, service or occupation in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.
- (2) Such an application shall be attested and signed–
- (a) where the person is self-employed, by a person who–
 - (i) is aged 18 years or over;
 - (ii) knows the self-employed person; and
 - (iii) is not related to him;
 - (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; and
 - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the head or principal.
- (3) The person attesting an application made under paragraph (2) above shall–
- (a) where the applicant is the employed person or the person attending the course, certify that the statements required by sub paragraphs (a) to (d) of paragraph (1) above to be included in the application are true; or
 - (b) where the applicant is the spouse [^{F24}or civil partner] of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (c) of paragraph (1) above are true.
- (4) The person attesting an application under paragraph (2) above shall also state–
- (a) his name and address, that he is aged 18 years or over, that he knows the employed person, self employed person or person attending a course provided by an educational institution but is not related to him; and
 - (b) if he is attesting as or on behalf of the employer of the employed person, that he is the employer or the position he holds in the employment of that employer; or
 - (c) if he is attesting an application made on the grounds of attendance at a course provided by an educational institution, the post he holds at that institution.
- (5) For the purposes of this regulation, one person is related to another if the person is the [^{F25}spouse, civil partner], parent, grandparent, brother, sister, child or grandchild of the other.

Textual Amendments

- F23** Words in [reg. 54\(1\)\(a\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(6\)\(a\)](#)
- F24** Words in [reg. 54\(3\)\(b\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(6\)\(b\)](#)
- F25** Words in [reg. 54\(5\)](#) substituted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, [Sch. 10 para. 1\(6\)\(c\)](#)

Commencement Information

I5 Reg. 54 in force at 16.2.2001, see [reg. 1\(1\)](#)

Additional requirements for applications for a proxy vote in respect of a particular election

^[F26]**55.**—(1) An application under paragraph 4(2) of Schedule 4 to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

^[F27](1A) This regulation does not apply where the applicant has an anonymous entry.]

(2) Where an application under paragraph 4(2) of Schedule 4—

- (a) is made on the grounds of the applicant's ^[F28]disability]; and
- (b) is made after 5 p.m. on the sixth day before the date of poll at the election for which it is made,

the requirements of regulation 53 as to the matters to be specified and the attestation shall apply.

(3) Where an application mentioned in paragraph (2) is made, the person who attests the application shall state, in addition to those matters specified in ^[F29]regulation 53], to the best of his knowledge and belief, the date upon which the applicant became ^[F30]disabled].

^[F31](3A) Where an application under paragraph 4(2) of Schedule 4 is made by a person to whom paragraph 2(5A) of that Schedule applies after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, the requirements of paragraph (3B) as to the matters to be specified and as to attestation shall apply.

(3B) Where an application mentioned in paragraph (3A) is made—

- (a) the application shall additionally state the name and address of the hospital at which the applicant is liable to be detained; and
- (b) the application shall be attested by a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003 responsible for the administration of the hospital at which the applicant is liable to be detained, and the attestation shall state—
 - (i) the name of the manager attesting the application;
 - (ii) that the manager is authorised to attest the application;
 - (iii) the position of the manager in the hospital at which the applicant is liable to be detained; and
 - (iv) the statutory provision under which the applicant is liable to be detained at the hospital.]

^[F32](4) Where an application under paragraph 4(2) of Schedule 4 is made—

- (a) on grounds relating to the applicant's occupation, service or employment; and
- (b) after 5 p.m. on the sixth day before the date of the poll at the election for which it is made,

the requirements of regulation 55A as to the matters to be specified and the attestation shall apply.]]

Textual Amendments

F26 [Reg. 55](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), 5

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- F27** Reg. 55(1A) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **20(2)**
- F28** Word in reg. 55(2)(a) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **31(2)**
- F29** Words in reg. 55(3) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **31(3)(a)**
- F30** Word in reg. 55(3) substituted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **31(3)(b)**
- F31** Reg. 55(3A)(3B) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **31(4)**
- F32** Reg. 55(4) inserted (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), regs. 1(3)(b), **23**

Modifications etc. (not altering text)

- C6** Reg. 55 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 11**

[^{F33}Additional requirements for application for an emergency proxy vote in respect of a particular election

- 55A.**—(1) This regulation sets out the requirements referred to in regulation 55(4).
- (2) The application must (in addition to providing the information required by regulation 55(1)) state—
- (a) where the applicant is self-employed, that fact; and, in any other case, the name of the applicant’s employer;
 - (b) that the reason provided in accordance with regulation 55(1) relates to the applicant’s occupation, service or employment; and
 - (c) the date on which the applicant became aware of that reason.
- (3) Paragraphs (4), (5) and (6) apply unless the applicant is or will be registered as a service voter.
- (4) The application must be attested and signed—
- (a) where the applicant is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the applicant; and
 - (iii) is not related to the applicant;
 - (b) where the applicant is not self-employed, by the applicant’s employer or by another employee to whom this function is delegated by the employer.
- (5) The person attesting an application under paragraph (4) (the “attestor”) must certify that the statements required by paragraph (2) and the information required by regulation 55(1) are true to the best of their knowledge and belief.
- (6) The attestor shall also state—
- (a) the attestor’s name and address, and
 - (b) if the attestor is attesting—
 - (i) where the applicant is self-employed, that the attestor is aged 18 years or over and that the attestor knows, but is not related to, the applicant; or
 - (ii) as or on behalf of the employer of the applicant, that the attestor is the employer, or the position the attestor holds in the employment of that employer.

(7) For the purposes of this regulation, one person ('A') is related to another ('B') if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B.]

Textual Amendments

F33 Reg. 55A inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(b), **24**

Modifications etc. (not altering text)

C7 Reg. 55A applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 2(g)**

Closing date for applications

56.—(1) An application under paragraph [^{F34}3(1), (6) or (7), or 7(4)] of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at that election.

(2) An application under paragraph [^{F35}3(2) or 6(7)] of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at that election.

[^{F36}(3) Subject to paragraph (3A), an application under paragraph 4(2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at the election for which it is made.

[^{F37}(3A) Where an application made under paragraph 4(2) of Schedule 4 is made—

(a) on the grounds of the applicant's disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or

[^{F38}(aa) on grounds relating to the applicant's occupation, service or employment and the applicant became aware of those grounds after 5 p.m. on the sixth day before the date of poll at the election for which it is made; or]

(b) by a person to whom paragraph 2(5A) of that Schedule applies,

the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.]]

(4) An application under paragraph [^{F39}4(1) or 7(7)] of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at the election for which it is made.

(5) An application under—

(a) paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or

(b) paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after [^{F40}5.00 p.m. on the eleventh day before the date of the poll at that election.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART IV is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F41}(5A) Any application or notice mentioned in this regulation shall be disregarded for the purposes of a particular parliamentary or local government election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the returning officer (except where it has been returned in accordance with regulation 77 or 78 (spoilt and lost postal ballot papers)).]

(6) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, ^{F42}... Good Friday or a bank holiday shall be disregarded.

(7) In paragraph (6) above “bank holiday” means–

- (a) in relation to a parliamentary general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in any part of the United Kingdom, and
- (b) in relation to a parliamentary by election or a local government election, a day which is a bank holiday under that Act in Scotland;

except that where, at a parliamentary general election, any proceedings are commenced afresh by reason of a candidate’s death, sub-paragraph (b) and not (a), shall apply.

^{F43}(8)

Textual Amendments

- F34** Words in [reg. 56\(1\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(2)**
- F35** Words in [reg. 56\(2\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(3)**
- F36** [Reg. 56\(3\)\(3A\)](#) substituted for [reg. 56\(3\)](#) (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(4)**
- F37** [Reg. 56\(3A\)](#) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **32(2)**
- F38** [Reg. 56\(3A\)\(aa\)](#) inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(b), **25(1)**
- F39** Words in [reg. 56\(4\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(5)**
- F40** Words in [reg. 56\(5\)](#) substituted (4.5.2001) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2001 \(S.I. 2001/1749\)](#), regs. 1(1), **5**
- F41** [Reg. 56\(5A\)](#) inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(b), **25(2)**
- F42** Words in [reg. 56\(6\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **48(2)**
- F43** [Reg. 56\(8\)](#) omitted (1.4.2007) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **32(3)**

Modifications etc. (not altering text)

- C8** [Reg. 56](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), **Sch. 3 para. 12**

Commencement Information

- I6** [Reg. 56](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Grant or refusal of applications

57.—(1) Where the registration officer grants an application to vote by post, he shall ^{F44}... notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall, where practicable, confirm in writing to the elector that the proxy has been appointed, his name and address, and the duration of the appointment.

(3) The form of the proxy paper ^{F45}... in Form E is hereby prescribed for the purposes of paragraph 6(9) of Schedule 4.

(4) Where the registration officer refuses an application under Schedule 4, he shall notify the applicant of his decision and of the reason for it.

[^{F46}(4A) Where the registration officer grants an application made under—

(a) paragraph 4(3)(a) of Schedule 4 by a person shown as voting by post in the record kept under paragraph 3(4) of that Schedule; or

(b) paragraph 7(7) of that Schedule by a person shown as voting by post in the record kept under paragraph 7(6) of that Schedule,

he shall notify the applicant of this.

(4B) Where a person is removed from the record kept pursuant to paragraph 3(4) [^{F47}or 7(6)] of Schedule 4, the registration officer shall [^{F48}where practicable] notify him of this and the reason for it.

(4C) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer shall [^{F49}where practicable] notify the elector that the appointment has been cancelled or, as the case may be, notify him that the appointment has ceased and the reason for it.]

(5) Where, under regulation 56 above, a registration officer disregards an application for the purposes of any particular parliamentary or local government election, he shall ^{F50}... notify the applicant of this.

(6) At a parliamentary election where the registration officer is not the returning officer for any constituency or part of a constituency in the area for which he is the registration officer, he shall send to that officer details of any application to vote by post which he has granted as soon as practicable after doing so.

^{F51}(7)

Textual Amendments	
F44	Words in reg. 57(1) omitted (23.3.2006) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834) , regs. 1(1), 7(2)
F45	Words in reg. 57(3) revoked (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310) , reg. 1, Sch. 1 Pt. 2 (as amended by S.I. 2019/1389, regs. 1, 2(2))
F46	Reg. 57(4A)-(4C) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834) , regs. 1(1), 7(3)
F47	Words in reg. 57(4B) inserted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925) , regs. 1(1), 50(2)(a)
F48	Words in reg. 57(4B) inserted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925) , regs. 1(1), 50(2)(b)

Status: Point in time view as at 31/12/2020.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART IV is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F49** Words in reg. 57(4C) inserted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **50(3)**
- F50** Words in reg. 57(5) omitted (23.3.2006) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **7(2)**
- F51** Reg. 57(7) omitted (with effect in accordance with reg. 1(2)(3)(c) of the amending S.I.) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **50(4)**

Modifications etc. (not altering text)

- C9** Reg. 57 modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 13**
- C10** Reg. 57(4) applied (8.2.2008) by The Absent Voting (Transitional Provisions) (Scotland) Regulations 2008 (S.I. 2008/48), regs. 1(1), **5(2)(b)**

Commencement Information

- I7** Reg. 57 in force at 16.2.2001, see **reg. 1(1)**

Notice of appeal

58.—(1) A person desiring to appeal under section 56(1)(b) of the 1983 Act⁽³⁾ against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under regulation 57(4) above specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the sheriff with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal; and he shall give to the sheriff any other information which the sheriff may require and which the registration officer is able to give.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the sheriff of this to enable the sheriff (if he thinks fit) to consolidate the appeals or select a case as a test case.

Modifications etc. (not altering text)

- C11** Reg. 58 applied (8.2.2008) by The Absent Voting (Transitional Provisions) (Scotland) Regulations 2008 (S.I. 2008/48), regs. 1(1), **5(2)(b)**

Commencement Information

- I8** Reg. 58 in force at 16.2.2001, see **reg. 1(1)**

Cancellation of proxy appointment

59. Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 6(10) of Schedule 4 or ceases to be in force under that provision or is no longer in force under paragraph 6(11)(b) of that Schedule, the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, expired, ceases to be or is no longer in force, unless the registration officer has previously been notified in writing by that person that he no longer wishes to act as proxy, and
- (b) remove his name from the record kept under paragraph 3(4)(c) of Schedule 4.

(3) Section 56(1)(b) was amended by Schedule 2 to the 1985 Act.

Modifications etc. (not altering text)

C12 Reg. 59 modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 14](#)

Commencement Information

I9 Reg. 59 in force at 16.2.2001, see [reg. 1\(1\)](#)

Inquiries by registration officer

60.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person—

- (a) who is shown as voting by proxy in the record kept under paragraph 3(4) of Schedule 4 in pursuance of an application granted on the grounds set out in paragraph 3(3)(b) and (c) of that Schedule; or
- (b) who immediately before the date of the commencement of Schedule 4 was entitled to vote by proxy for an indefinite period at parliamentary elections, local government elections or both in pursuance of an application granted on grounds corresponding to those set out in paragraph 3(3)(b) and (c) of Schedule 4 (physical incapacity, blindness, occupation, service or employment),

for the purpose of determining whether there has been a material change of circumstances.

(2) Where the grant of an application for a proxy vote for an indefinite or particular period was based on the grounds referred to in paragraph 3(3)(c) of Schedule 4 (or grounds corresponding to those grounds), the registration officer shall make the inquiries referred to not later than three years after the granting of the application or the last such inquiries, as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Commencement Information

I10 Reg. 60 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F52}Requirement to provide fresh signatures at five yearly intervals

60A.—(1) The registration officer shall every year by 31st January send every person who remains an absent voter and whose signature held on the personal identifiers record is more than five years old a notice in writing—

- (a) requiring him to provide a fresh signature, and
- (b) informing him of the date (six weeks from the date of sending the notice) on which he would cease to be entitled to vote by post or by proxy in the event of a failure or refusal to provide a fresh signature.

(2) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

(4) Where a notice or copy of a notice is sent by post, the registration officer may use—

Status: Point in time view as at 31/12/2020.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART IV is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid.

(5) A notice or copy of a notice sent to an absent voter in accordance with paragraph (1) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of any notice or copy of a notice sent to an address in the United Kingdom, return postage must be prepaid.

(6) The registration officer must, no later than the date specified in the notice sent to the absent voter in accordance with paragraph (1), determine whether the absent voter has failed or refused to provide a fresh signature.

(7) Where the registration officer determines that the absent voter has failed or refused to provide a fresh signature, he must from the date specified in the notice sent to the absent voter in accordance with paragraph (1) remove that person's entry from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8) of that Schedule.

(8) Where a registration officer removes an absent voter's entry in the circumstances to which paragraph (7) refers—

- (a) the registration officer shall inform the absent voter of the location of the polling station to which he has been allotted or is likely to be allotted under the appropriate rules (as defined in paragraph 1 of Schedule 4) unless that voter is not likely to be allotted to a polling station;
- (b) regulation 57(4) and regulation 58 shall apply as if the registration officer were refusing an application under Schedule 4; and
- (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.

(9) The registration officer shall include in the notice to be sent to an absent voter regarding his removal from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8) of that Schedule, information—

- (a) explaining the effect of such removal; and
- (b) reminding the absent voter that he may make a fresh application under Schedule 4 to vote by post or by proxy (as the case may be).]

Textual Amendments

F52 Reg. 60A inserted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 5

Modifications etc. (not altering text)

C13 Reg. 60A modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 15](#)

[^{F53} Requirement to provide fresh signatures following rejection of a postal voting statement

60B.—(1) Where an absent voter is notified under regulation 61C that the signature does not match the example held on the personal identifiers record, and the absent voter continues to be shown on the relevant record as voting by post, the registration officer may require the absent voter to provide a fresh signature for the personal identifiers record.

(2) In doing so the registration officer must—

- (a) issue a notice in writing to the absent voter, requiring the provision of a fresh signature, and
 - (b) inform the absent voter of the date (six weeks from the sending of the notice) on which the absent voter would cease to be entitled to vote by post in the event of a failure or refusal to provide a fresh signature.
- (3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to the absent voter.
- (4) The notice and any copy must be sent by the registration officer to the current or last known address of the absent voter.
- (5) Where a notice or copy of a notice is sent by post, the registration officer may use—
- (a) a universal postal service provider; or
 - (b) a commercial delivery firm,
- and postage must be prepaid.
- (6) A notice or copy of a notice sent to an absent voter in accordance with paragraph (2) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of any notice or copy of a notice sent to an address in the United Kingdom, return postage must be prepaid.
- (7) Following the date specified in the notice sent to the absent voter, the registration officer must determine whether the absent voter has failed or refused to provide a fresh signature.
- (8) Where the registration officer determines that the absent voter has refused or failed to provide a fresh signature, the registration officer must remove that person's entry from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list or proxy postal voters list (as the case may be) kept under paragraph 5(2) or 7(8) of that Schedule.
- (9) Where a registration officer removes an absent voter's entry in the circumstances to which paragraph (8) refers—
- (a) the registration officer shall inform the absent voter, where appropriate, of the location of the polling station allotted or likely to be allotted to the voter under the appropriate rules (as defined in paragraph 1 of Schedule 4);
 - (b) regulations 57(4) and 58 shall apply as if the registration officer were refusing an application under Schedule 4; and
 - (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.
- (10) The registration officer shall include in the notice to be sent to an absent voter regarding their removal from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list or proxy postal voters list (as the case may be) kept under paragraph 5(2) or 7(8) of that Schedule, information—
- (a) explaining the effect of such removal; and
 - (b) reminding the absent voter that they may make a fresh application under Schedule 4 to vote by post or by proxy (as the case may be).
- (11) Where an absent voter has provided a registration officer with a fresh signature in response to a notice issued by the registration officer under this paragraph, or in response to a notice issued by the registration officer under any other enactment following the rejection of the absent voter's postal voting statement at an election or referendum, the registration officer may use that signature and enter it in the records kept in accordance with regulation 61B and paragraphs [F543(9)], 4(6) and 7(12) of Schedule 4.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART IV is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F53** Reg. 60B inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(b), **26**
- F54** Word in reg. 60B(11) substituted (27.4.2017) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2017 \(S.I. 2017/604\)](#), regs. 1, **12**

[^{F55}Records and lists kept under Schedule 4

61.—(1) Any person entitled to be supplied in accordance with regulation 102, 104, 105 or 107 with copies of the full register is also a person entitled, subject to this regulation and to regulation 61A, to request that the registration officer supply free of charge the relevant part (within the meaning of those regulations) of a copy of any of the following information which he keeps—

- (a) the current version of the information which would, in the event of a particular parliamentary election, be included in the postal voters lists, the list of proxies or the proxy postal voters lists, which he is required to keep under paragraph 5 or 7(8) of Schedule 4;
 - (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists kept under paragraph 5 or 7(8) of Schedule 4.
- (2) A request under paragraph (1) shall be made in writing and shall specify—
- (a) the information (or the relevant parts of the information) requested;
 - (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
 - (c) whether a printed copy of the records or lists is requested or a copy in data form.
- (3) A person who obtains any information under this regulation may use it only for—

- [^{F56}(a) Article 89 GDPR purposes;] or
- (b) electoral purposes,

and such use shall be subject to any restrictions specified in regulation 61A or, where the request for information was made by reference to entitlement under regulations 102, 104, 105 or 107, subject to any restrictions which would apply to the use of the full register under whichever of those regulations entitled that person to obtain that information.

(4) The registration officer shall supply a current copy of the information requested under paragraph (1), as soon as practicable after receipt of a request that is duly made.

(5) The registration officer shall supply a final copy of the postal voters list kept under paragraph 5(2) of Schedule 4, as soon as practicable after 5 p.m. on the eleventh day before the day of the poll, in response to a request under paragraph (1) that has been duly made.

(6) As soon as practicable after 5 p.m. on the sixth day before the day of the poll the registration officer shall—

- (a) make a copy of the lists kept under paragraphs 5 and 7(8) of Schedule 4 available for inspection at his office in accordance with paragraphs (10) to (15); and
- (b) at a parliamentary election, if he is not the returning officer for any constituency or part of a constituency in the area for which he is the registration officer, send to that officer a copy of those lists;
- (c) supply a final copy of the postal voters lists or the list of proxies in response to every request under paragraph (1) that has been duly made.

[^{F57}(6A) At a parliamentary election, the registration officer must, on a request made at any time, supply the returning officer for any constituency or part of a constituency for which he is the

registration officer with so much of the lists kept under paragraphs 5 and 7(8) of Schedule 4 as relate to that constituency or part of a constituency.]

(7) The registration officer shall supply a final copy of the proxy voters list kept under paragraph 5(3) of Schedule 4, updated to include any additions to that list made in consequence of any applications granted in accordance with regulation 56(3A), as soon as practicable after 5 p.m. on the day of the poll, to every person who received that list in accordance with paragraph (6)(c).

(8) Any person who has obtained or is entitled to obtain a copy of information covered by paragraph (1) may—

- (a) supply a copy of the information to a processor for the purpose of processing the information; or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this regulation,

for use in respect of the purposes for which that person is entitled to obtain such information.

(9) Paragraphs (2) and (3) and the condition in paragraph (4) of regulation 114 shall be taken to apply to the supply and processing of information supplied under this regulation as they apply to the supply and processing of the full register under Part 6 of these Regulations.

(10) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in paragraph (1).

(11) A request under paragraph (10) shall be made in writing and shall specify—

- (a) the information (or relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in a printed or data form.

(12) The registration officer shall make a copy of the information available for inspection under supervision on the date requested or as soon as practicable thereafter, if the request under paragraph (10) has been duly made.

(13) Where inspection requested under paragraph (10) takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and 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.

(14) A person who inspects a copy of information provided under paragraph (12), whether a printed copy or in data form, may not—

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

otherwise than by means of hand written notes.

(15) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a registration officer to supply a copy or make information available for inspection under this regulation, imposes only a duty to provide that information in the form in which he holds it.

(16) For the purposes of this regulation—

- (a) a “current” copy of records or lists is a copy of the records or lists as kept by the registration officer at the beginning of the day it is supplied; and

Status: Point in time view as at 31/12/2020.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART IV is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) any period of days shall be calculated in accordance with regulation 56(6) and (7).

(17) The registration officer shall ensure that where he supplies or discloses information covered by paragraph (1)(a) in accordance with this regulation, he does not supply or disclose any record relating to—

- (a) a person who has an anonymous entry; or
- (b) the proxy of a person who has an anonymous entry.]

Textual Amendments

- F55** Reg. 61 substituted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **43**
- F56** Reg. 61(3)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 270** (with ss. 117, 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)
- F57** Reg. 61(6A) inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(b), **27**

Modifications etc. (not altering text)

- C14** Reg. 61 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 16**

^{F58}Conditions on the use, supply and inspection of absent voter records or lists

61A. The restrictions on the supply, disclosure and use of the full register in regulations 94 and 95 shall apply to information covered by regulations 61(1)(a) and (b), as they apply to the full register, except that the permitted purpose shall mean either—

- ^{F59}(a) Article 89 GDPR purposes;] or
- (b) electoral purposes.]

Textual Amendments

- F58** Reg. 61A inserted (with effect in accordance with reg. 1(2)(3)(b) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **44**
- F59** Reg. 61A(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 271** (with ss. 117, 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)

Modifications etc. (not altering text)

- C15** Reg. 61A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 17**

^{F60}The personal identifiers record

61B.—(1) The registration officer shall maintain a record (“the personal identifiers record”), apart from the other records and lists which he is required to keep under Schedule 4, of the signatures and dates of birth provided by persons whose applications under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4)(a) or (b) of Schedule 4 were granted, until the expiry of twelve months from—

- (a) the date on which a person is removed from the record kept pursuant to paragraph 3(4) or 7(6) of Schedule 4; or
- (b) the date of the poll for the purposes of which the person’s application for an absent vote was granted under paragraph 4(1) or (2) or 7(4)(b) of Schedule 4.

(2) The personal identifiers record shall contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list—

- (a) his name;
- (b) his date of birth; and
- (c) his signature, or a record of a waiver by the registration officer of the requirement for a signature.

(3) A returning officer may disclose information held in the personal identifiers record to—

- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to [^{F61}in regulation 85A];
- (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000, but only to the extent required to permit them to observe the proceedings.]

Textual Amendments

F60 Reg. 61B inserted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 6

F61 Words in reg. 61B(3)(a) substituted (2.12.2015) by [The Representation of the People \(Scotland\) \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1966\)](#), regs. 1, 10

Modifications etc. (not altering text)

C16 Reg. 61B modified (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 18**

[^{F62}N] Notification of a rejected postal voting statement

61C.—(1) Where an absent voter (whether an elector or a proxy), appears on the list created under regulation 87(4) then—

- (a) the registration officer responsible for the personal identifier record that contains information in respect of the absent voter must notify them (and the elector if the absent voter is a proxy) that the ballot paper concerned was rejected because the returning officer was not satisfied that the postal voting statement was duly completed;
- (b) the registration officer must send the notification within the period of three months beginning with the date of the poll at which the ballot paper was rejected; and
- (c) the notification must include information as to which of the specified reasons referred to in regulation 87(5) applied to the absent voter's postal voting statement.

(2) The registration officer is not obliged to send a notification—

- (a) to any person who is no longer shown as voting by post in the relevant record at the time the registration officer proposes to send out the notification; or
- (b) where the returning officer suspects that an offence may have been committed in relation to the postal ballot paper, postal voting statement or the absent voter's registration as an elector.

(3) A notification issued under paragraph (1) may also include any other information that the registration officer considers appropriate, but a notification must not include information held on the personal identifiers record.]

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Textual Amendments

F62 Reg. 61C inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(b), **28**

Modifications etc. (not altering text)

C17 Reg. 61C applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 19**

Marked register for polling stations

62. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the [^{F63}entry] of that elector in any copy of the register, or part of it, provided for a polling station.

Textual Amendments

F63 Word in reg. 62 substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **16**

Modifications etc. (not altering text)

C18 Reg. 62 applied (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 2(h)**

Commencement Information

I11 Reg. 62 in force at 16.2.2001, see [reg. 1\(1\)](#)

Certificate of employment at a parliamentary election

63.—(1) The form of certificate in Form F is hereby prescribed for the purposes of rule 32(3) of the elections rules in Schedule 1 to the 1983 Act.

(2) The prescribed officer of police for those purposes is an officer of or above the rank of inspector.

Commencement Information

I12 Reg. 63 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F64}Corresponding number lists

63A.—(1) The form of the corresponding number list to be prepared by a returning officer under rule 19A of the rules in Schedule 1 to the 1983 Act shall be in Form L1.

(2) The form of the corresponding number list to be prepared by a returning officer for the purposes of [^{F65}rules 29(3)(e) and 37(1)(b)] of the rules in Schedule 1 to the 1983 Act shall be in Form L2.

(3) The form of the corresponding number list to be prepared by a returning officer under rule 19A of the rules in Schedule 1 to the 1983 Act, when a parliamentary election is combined with another poll under section 15 of the Representation of the People Act 1985 shall be in Form M1.

(4) The form of the corresponding number list to be prepared by a returning officer for the purposes of [^{F66}rules 29(3)(e) and 37(1)(b)] of the rules in Schedule 1 to the 1983 Act, when a parliamentary election is combined with another poll under section 15 of the Representation of the People Act 1985 shall be in Form M2.]

Textual Amendments

- F64** Reg. 63A inserted (with effect in accordance with reg. 1(2)(3)(a) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **28(1)**
- F65** Words in reg. 63A(2) substituted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **14(1)**
- F66** Words in reg. 63A(4) substituted (8.2.2008) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **14(2)**

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