

## STATUTORY INSTRUMENTS

# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### PART V **S**

#### ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

##### Interpretation of Part V **S**

**64.** For the purposes of this Part of these Regulations, unless the context otherwise requires—

<sup>F1</sup>  
...

“agent” includes the election agent and a person appointed to attend in the election agent’s place;

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in regulation 74 below;

<sup>F2</sup>  
...

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters’ ballot box” means the ballot box referred to in regulation 81(1)(a) above;

“receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in regulation 81(5) below;

“spoilt postal ballot paper” means a ballot paper referred to in regulation 77(1) below;

“universal postal service provider” has the meaning given in [<sup>F3</sup>Part 3 of the Postal Services Act 2011] to a “universal service provider”; and

[<sup>F4</sup>“valid postal voting statement” means a postal voting statement which, in accordance with regulation 85 or 85A, the returning officer is satisfied has been duly completed.]

##### Textual Amendments

**F1** Words in [reg. 64](#) 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\(1\)](#), [36\(2\)](#)

**F2** Words in [reg. 64](#) 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\(1\)](#), [36\(3\)](#)

**F3** Words in [reg. 64](#) substituted (1.10.2011) by [The Postal Services Act 2011 \(Consequential Modifications and Amendments\) Order 2011 \(S.I. 2011/2085\)](#), [art. 1\(2\)](#), [Sch. 1 para. 47](#)

**F4** Words in [reg. 64](#) substituted (with effect in accordance with [reg. 1\(2\)\(3\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), [regs. 1\(1\)](#), [2\(2\)](#)

**Status:** Point in time view as at 09/12/2014.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)

#### Commencement Information

**I1** Reg. 64 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Issue of postal ballot papers

#### Combination of polls **S**

**65.** Where the polls at parliamentary and European Parliamentary elections are taken together under subsection (1) or (2) of section 15 of the 1985 Act, the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers concerned agree, be taken together.

#### Commencement Information

**I2** Reg. 65 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Form of [<sup>F5</sup>postal voting statement] **S**

**66.** The form of the [<sup>F5</sup>postal voting statement] for the purposes of rule 24 of the rules in Schedule 1 to the 1983 Act<sup>(1)</sup> shall be—

- (a) in Form G at a parliamentary election taken alone;
- (b) in Form H at a parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election;
- (c) in Form J at a parliamentary election where the poll is taken together with the poll at another election, but where the proceedings on the issue and receipt of postal ballot papers are not.

#### Textual Amendments

**F5** Words in [Regulations](#) substituted (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\(1\), 54\(a\)](#)

#### Commencement Information

**I3** Reg. 66 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Persons entitled to be present at proceedings on issue of postal ballot papers **S**

**67.** [<sup>F6</sup>Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000,] No person may be present at the proceedings on the issue of postal ballot papers other than the returning officer and his staff.

#### Textual Amendments

**F6** Words in [reg. 67](#) 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\(1\), 51](#)

<sup>(1)</sup> Rule 24 was substituted by Schedule 6 to the 2000 Act.

#### Commencement Information

**I4** Reg. 67 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Persons entitled to be present at proceedings on receipt of postal ballot papers **S**

**68.** [<sup>F7</sup>Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000,] no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the returning officer and his staff,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place, and
- (d) any agents appointed under regulation 69 below.

#### Textual Amendments

**F7** Words in [reg. 68](#) 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\(1\), 51](#)

#### Commencement Information

**I5** Reg. 68 in force at 16.2.2001, see [reg. 1\(1\)](#)

### Agents of candidates who may attend proceedings on receipt of postal ballot papers **S**

**69.**—(1) Each candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint; the number authorised shall be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the opening of the postal voters' ballot box.

(3) Where postal ballot papers for more than one election are issued together under regulation 65 above, the returning officer to whom notice shall be given under paragraph (2) above and paragraphs (4) and (5) below is the returning officer who issues the postal ballot papers.

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part of these Regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (1) above, who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

**Status:** Point in time view as at 09/12/2014.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)

**Commencement Information**

**I6** Reg. 69 in force at 16.2.2001, see [reg. 1\(1\)](#)

**Notification of requirement of secrecy S**

**70.** The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the Act of 1983**(2)**.

**Commencement Information**

**I7** Reg. 70 in force at 16.2.2001, see [reg. 1\(1\)](#)

**[<sup>F8</sup>Time when postal ballot papers are to be issued S**

**71.** Postal ballot papers (and postal voting statements) must be issued by the returning officer as soon as it is practicable to do so.]

**Textual Amendments**

**F8** Reg. 71 substituted (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), **29**

**Procedure on issue of postal ballot paper S**

**72.—<sup>F9</sup>(1)** .....

(2) The number of the elector as stated in the register shall be marked on the [<sup>F10</sup>corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector].

(3) A mark shall be placed in the [<sup>F11</sup>postal voters list] or the [<sup>F12</sup>proxy postal voters list] against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the [<sup>F5</sup>postal voting statement] sent with that paper.

(5) Where postal ballot papers for more than one election are issued together under regulation 65 above—

- (a) one mark shall be placed in the [<sup>F11</sup>postal voters list] or the [<sup>F12</sup>proxy postal voters list] under paragraph (3) above to denote that ballot papers have been issued in respect of all those elections; except that, where ballot papers are not so issued, a different mark shall be placed in the [<sup>F11</sup>postal voters list] or [<sup>F12</sup>proxy postal voters list] to identify the election in respect of which the ballot paper was issued; and
- (b) the number of each ballot paper shall be marked on the [<sup>F5</sup>postal voting statement] under paragraph (4) above.

(6) Where the poll at one election is taken with the poll at another election under the provisions referred to in regulation 65 above but the proceedings on the issue and receipt of postal ballot papers

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(2) Section 66(6) was amended by Schedule 3 to the 1985 Act.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)

are not taken together, the colour of the postal ballot paper shall also be marked on the [F5postal voting statement] sent with that paper.

[F13(7) [F14Subject to paragraph (8),] The address to which the postal ballot paper, [F5postal voting statement] and the envelopes referred to regulation 74 below are to be sent is—

- (a) in the case of an elector, the address shown in the [F11postal voters list];
- (b) in the case of a proxy, the address shown in the [F15proxy postal voters list.]]

[F16(8) Where a person has an anonymous entry in the register, the items specified in paragraph (7) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

- (a) as shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4; or
- (b) as given in pursuance of an application made under paragraph 4(1) or 7(4)(b) of Schedule 4.]

### Textual Amendments

- F5** Words in Regulations substituted (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), **54(a)**
- F9** Reg. 72(1) omitted (with effect in accordance with reg. 1(2)(3)(a) of the amending S.I.) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **29(1)**
- F10** Words in reg. 72(2) substituted (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), **29(1)**
- F11** Words in reg. 72 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), **37(1)**
- F12** Words in reg. 72 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), **37(2)**
- F13** Reg. 72(7) inserted (1.8.2002) by Representation of the People (Scotland) (Amendment) Regulations 2002 (S.I. 2002/1872), regs. 2(1), **12**
- F14** Words in reg. 72(7) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **21(2)**
- F15** Words in reg. 72(7)(b) 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), **37(3)**
- F16** Reg. 72(8) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **21(3)**

### Commencement Information

- I8** Reg. 72 in force at 16.2.2001, see **reg. 1(1)**

## Refusal to issue postal ballot paper **S**

**73.** Where a returning officer is satisfied that two or more entries in the [F17postal voters list], or the [F18proxy postal voters list] or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector at any one election.

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### Textual Amendments

- F17** Words in [reg. 73](#) 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\(1\), 37\(1\)](#)
- F18** Words in [reg. 73](#) 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\(1\), 37\(2\)](#)

### Commencement Information

- I9** [Reg. 73](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

## Envelopes **S**

**74.**—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and [<sup>F5</sup>postal voting statement] (which are issued under rule 24 of the elections rules<sup>(3)</sup>).

(2) There shall be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the [<sup>F5</sup>postal voting statement] (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”, and
- (c) [<sup>F19</sup>unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed,] the number of the ballot paper or, as the case may be, ballot papers.

(4) Where polls are taken together (under the provisions referred to in regulation 65 above) but not the proceedings on the issue and receipt of postal ballot papers—

- (a) the envelope referred to in paragraph (2) above shall also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”, and
- (b) on the envelope referred to in paragraph (3) above, after the words “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

### Textual Amendments

- F5** Words in [Regulations](#) substituted (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\(1\), 54\(a\)](#)
- F19** Words in [reg. 74\(3\)\(c\)](#) 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\(1\), 52](#)

### Commencement Information

- I10** [Reg. 74](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

(3) Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act.

## Sealing up of [F20 completed corresponding number lists] and security of special lists **S**

75.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the [F21 completed corresponding number lists] of those ballot papers which have been issued and shall seal such a packet.

F22(2) .....

[F23(3) Until the time referred to in regulation 84(8), the returning officer shall take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.]

### Textual Amendments

- F20** Words in reg. 75 heading substituted (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), **29(2)**
- F21** Words in reg. 75(1) substituted (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), **29(2)**
- F22** Reg. 75(2) 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), **38(2)**
- F23** Reg. 75(3) 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), **38(3)**

### Commencement Information

- I11** Reg. 75 in force at 16.2.2001, see [reg. 1\(1\)](#)

## Delivery of postal ballot papers **S**

76.—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) persons appointed under rule 26(1) of the elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) above applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

### Commencement Information

- I12** Reg. 76 in force at 16.2.2001, see [reg. 1\(1\)](#)

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## Spoilt postal ballot papers **S**

77.—<sup>[F24]</sup>(1) If a postal voter has inadvertently dealt with his postal ballot paper or <sup>[F5]</sup>postal voting statement] in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a <sup>[F5]</sup>postal voting statement] (referred to as “a spoilt <sup>[F5]</sup>postal voting statement]”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper or, as the case may be, the spoilt <sup>[F5]</sup>postal voting statement].

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the <sup>[F5]</sup>postal voting statement], whether spoilt or not;
- (b) where postal ballot papers for more than one election have been issued together under regulation 65, all other ballot papers so issued, whether spoilt or not; and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph (1) or sub paragraph (a) or (b).]

(3) <sup>[F25]</sup>Subject to paragraph (3A),] on receipt of the documents referred to in paragraph (1) and, where applicable paragraph (2) above, the returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after <sup>[F26]</sup>5 p.m. on the day of the poll].

<sup>[F27]</sup>(3A) Where the returning officer receives the documents referred to in paragraph (1) and, where applicable paragraph (2), after 5 p.m. on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returns the documents by hand.]

(4) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (7) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

<sup>[F28]</sup>(5) Any postal ballot paper or <sup>[F5]</sup>postal voting statement], whether spoilt or not, returned in accordance with paragraph (1) or (2) shall be immediately cancelled.]

(6) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

<sup>[F29]</sup>(7) Where a postal voter applies in person—

- (a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.]

(8) The returning officer shall enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register <sup>[F30]</sup>(or, in the case of an elector who has an anonymous entry, his electoral number alone)];
- (b) the number of the postal ballot paper (or papers) issued under this regulation; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.



### Textual Amendments

- F5** Words in [Regulations](#) substituted (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), **54(a)**
- F24** [Reg. 77\(1\)\(2\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **8(2)**
- F25** Words in [reg. 77\(3\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **8(3)(a)**
- F26** Words in [reg. 77\(3\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **8(3)(b)**
- F27** [Reg. 77\(3A\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **8(4)**
- F28** [Reg. 77\(5\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **8(5)**
- F29** [Reg. 77\(7\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **8(6)**
- F30** Words in [reg. 77\(8\)\(a\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **22**

### Commencement Information

- I13** [Reg. 77](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

## Lost postal ballot papers **S**

**78.**—<sup>F31</sup>(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper, or
- (b) the <sup>F5</sup>postal voting statement], or
- (c) one or more of the envelopes supplied for their return,

by the <sup>F32</sup>fourth] day before the day of the poll, he may apply (whether or not in person) to the returning officer for a replacement ballot paper.]

(2) Such an application shall include evidence of the voter's identity.

<sup>F33</sup>(2A) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall return—

- (a) the documents referred to in paragraph (1)(a) to (c); and
- (b) where postal ballot papers for more than one election have been issued together under regulation 65, all other ballot papers so issued,

which he has received and which have not been lost.

(2B) Any postal ballot paper or <sup>F5</sup>postal voting statement] returned in accordance with paragraph (2A) shall be immediately cancelled.

(2C) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.]

(3) <sup>F34</sup>Subject to paragraph (3A),] where the application is received by the returning officer before <sup>F35</sup>5 p.m. on the day of the poll] and the returning officer—

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- (a) is satisfied as to the voter’s identity, and  
 [F36(b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the [F5 postal voting statement] or one or more of the envelopes provided for their return]
- he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

[F37(3A) Where the application is received by the returning officer after 5 p.m. on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter applies in person.]

(4) The returning officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)–

- (a) the name and number of the elector as stated in the register [F38(or, in the case of an elector who has an anonymous entry, his electoral number alone)];
- (b) the number of the lost postal ballot paper and of its replacement issued under this regulation; and
- [F39(c) where the postal voter is a proxy, his name and address.]

(5) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (6) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

[F40(6) Where a postal voter applies in person–

- (a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.]

(7) Where the registration officer issues another ballot paper, or, as the case may be, postal ballot papers under paragraph (3) above, the lost ballot paper shall be void and of no effect.

#### Textual Amendments

- F5** Words in [Regulations](#) substituted (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), **54(a)**
- F31** [Reg. 78\(1\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(2)**
- F32** Word in [reg. 78\(1\)](#) substituted (19.12.2013) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(2)(c), **30**
- F33** [Reg. 78\(2A\)-\(2C\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(3)**
- F34** Words in [reg. 78\(3\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(4)(a)**
- F35** Words in [reg. 78\(3\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(4)(b)**
- F36** [Reg. 78\(3\)\(b\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(4)(c)**
- F37** [Reg. 78\(3A\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(5)**

- F38** Words in reg. 78(4)(a) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), 22
- F39** Reg. 78(4)(c) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 9(6)
- F40** Reg. 78(6) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), 9(7)

**Commencement Information**

- I14** Reg. 78 in force at 16.2.2001, see reg. 1(1)

[<sup>F41</sup>**Cancellation of postal ballot papers** **S**]

**78A.**—(1) Where, after the final nomination day at a parliamentary or local government election, an application under—

- (a) paragraph 3(5)(a) of Schedule 4 to the 2000 Act (application to be removed from the record of absent voters),
- (b) paragraph 3(6) or 4(3)(b) of that Schedule (application to vote by proxy by a person recorded as voting by post),
- (c) paragraph 3(7) of that Schedule (application to vote by post by person recorded as voting by proxy),
- (d) paragraph 4(3)(a) of that Schedule (application for postal ballot paper to be sent to different address),
- (e) paragraph 6(7) or (8) of that Schedule (appointment of proxy),
- (f) paragraph 7(7) of that Schedule (application from postal proxy voter for postal ballot paper to be sent to a different address), or
- (g) paragraph 7(9)(a) of that Schedule (application by proxy to be removed from record of postal proxies),

is granted or a notice under paragraph 6(10) of that Schedule (cancellation of proxy appointment) is received, and the application or notice is not to be disregarded for the purposes of that election under regulation 56, the registration officer must notify the returning officer who must immediately cancel any postal ballot paper issued to the elector or proxy and, in the case of an application mentioned in sub-paragraph (d) or (f), must issue a replacement ballot paper.

(2) Where a person returns a postal ballot paper that has been or is to be cancelled in accordance with paragraph (1) (whether to the registration officer or the returning officer), it must be dealt with as follows—

- (a) the ballot papers, together with any other ballot papers, postal voting statements or covering envelopes which are returned to the registration officer must be given by the registration officer to the returning officer;
- (b) any document returned in accordance with this paragraph but not cancelled in accordance with paragraph (1) must be immediately cancelled;
- (c) the returning officer, as soon as practicable after receiving and cancelling those documents, shall make up those documents in a separate packet and shall seal the packet, and if on any subsequent occasion documents are returned in accordance with this paragraph, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(3) The returning officer must enter in a list kept for the purpose of recording postal ballot papers cancelled under this regulation (“the list of cancelled postal ballot papers”)—

*Status: Point in time view as at 09/12/2014.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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) the name and number of the elector as stated in the register of electors (or, in the case of an elector who has an anonymous entry, their electoral number alone);
  - (b) the number of the cancelled postal ballot paper;
  - (c) the number of any replacement postal ballot paper issued under paragraph (1); and
  - (d) where the postal voter is a proxy, their name and address.
- (4) Regulations 72 (except paragraph (3)), 74, 75 and 76 apply to a replacement postal ballot paper issued under paragraph (1).
- (5) In this regulation “the final nomination day” has the meaning given by section 13B(5) of the 1983 Act.]

#### Textual Amendments

**F41** Reg. 78A 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)(c), **31**

### *Receipt of postal ballot papers*

#### **Alternative means of returning postal ballot paper or [F<sup>5</sup>postal voting statement] S**

- 79.**—(1) For the purposes of rule 45(1B) of the elections rules—
- (a) the manner in which a postal ballot paper or [F<sup>5</sup>postal voting statement] may be returned to a polling station in the same constituency, is by hand;
  - (b) the manner in which such a paper or [F<sup>42</sup>statement] may be returned to the returning officer is by post or by hand.
- (2) [F<sup>43</sup>Subject to paragraph (3),] the presiding officer of the polling station shall deliver, or cause to be delivered, any postal ballot paper or [F<sup>5</sup>postal voting statement] returned to that station to the returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 43(1) of the elections rules.
- [F<sup>44</sup>(3) The returning officer may collect, or cause to be collected, any postal ballot paper or [F<sup>5</sup>postal voting statement] which by virtue of paragraph (2) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.
- (4) Where the returning officer collects, or causes to be collected, any postal ballot paper or [F<sup>5</sup>postal voting statement] in accordance with paragraph (3) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.]

#### Textual Amendments

- F5** Words in *Regulations* substituted (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), **54(a)**
- F42** Word in reg. 79(1)(b) substituted (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), **54(b)(i)**
- F43** Words in reg. 79(2) inserted (23.3.2006) by *The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834)*, regs. 1(1), **10(2)**

Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)

**F44** Reg. 79(3)(4) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **10(3)**

**Commencement Information**

**I15** Reg. 79 in force at 16.2.2001, see **reg. 1(1)**

**Notice of opening of postal ballot paper envelopes** **S**

**80.**—(1) The returning officer shall give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

- (2) Such a notice shall specify—
  - (a) the time and place at which such an opening is to take place, and
  - (b) the number of agents a candidate may appoint under regulation 69(1) above to attend each opening.

**Commencement Information**

**I16** Reg. 80 in force at 16.2.2001, see **reg. 1(1)**

**Postal ballot boxes and receptacles** **S**

- 81.**—(1) The returning officer shall provide a separate ballot box for the reception of—
  - (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
  - (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency or electoral area for which the election or elections is or are held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

- (5) The returning officer shall provide the following receptacles—
  - (a) the receptacle for rejected votes;
  - <sup>F45</sup>(b) . . . . .
  - (c) the receptacle for ballot paper envelopes; <sup>F46</sup> . . . . .
  - (d) the receptacle for rejected ballot paper envelopes.
  - <sup>F47</sup>(e) the receptacle for rejected votes (verification procedure); and
  - (f) the receptacle for postal voting statements (verification procedure).]

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

**Textual Amendments**

**F45** Reg. 81(5)(b) revoked (6.4.2014) by The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206), reg. 1(3)(a), **Sch. 2**

**Status:** Point in time view as at 09/12/2014.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)

- F46** Word in [reg. 81\(5\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), [regs. 1\(1\), 7](#)
- F47** [Reg. 81\(5\)\(e\)\(f\)](#) inserted (with effect in accordance with [reg. 1\(2\)\(3\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), [regs. 1\(1\), 7](#)

**Commencement Information**

**I17** [Reg. 81](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Receipt of covering envelope** S

**82.**—(1) The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the returning officer—

(a) has been opened, and

(b) contains a ballot paper envelope, [<sup>F5</sup>postal voting statement] or ballot paper,

the first mentioned envelope, together with its contents, shall be placed in a postal voters' ballot box.

**Textual Amendments**

**F5** Words in [Regulations](#) substituted (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\(1\), 54\(a\)](#)

**Commencement Information**

**I18** [Reg. 82](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Opening of postal voters' ballot box** S

**83.**—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of any agents, if in attendance.

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 45 of the elections rules.

**Commencement Information**

**I19** [Reg. 83](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

**Opening of covering envelopes** S

**84.**—<sup>F48</sup>(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in regulation 82(2)).

<sup>F49</sup>(1A) .....

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)*

(1B) He shall open separately each covering envelope (including an envelope described in regulation 82(2)).]

[<sup>F50</sup>(2) The procedure in regulation 85A applies where a covering envelope (including an envelope to which regulation 82(2) above applies) contains a postal voting statement.]

(3) Where the covering envelope does not contain the [<sup>F5</sup>postal voting statement] separately, the returning officer shall open the ballot paper envelope to ascertain whether the [<sup>F5</sup>postal voting statement] is inside.

[<sup>F51</sup>(4) Where a covering envelope does not contain a postal voting statement (whether separately or not), the returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.]

<sup>F52</sup>(4A) .....

[<sup>F53</sup>(5) In carrying out the procedures in this regulation and regulations 85 to 88, the returning officer—

- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(6) Where an envelope [<sup>F54</sup>opened in accordance with paragraph (1B)] contains a postal voting statement, the returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(7) A mark made under paragraph (6) shall be distinguishable from and shall not obscure the mark made under regulation 72(3).

(8) As soon as practicable after the last covering envelope has been opened, the returning officer shall make up into a packet the copy of the postal voters list and proxy postal voters list that have been marked in accordance with paragraph (6) and shall seal such a packet.]

#### Textual Amendments

- F5** Words in *Regulations* substituted (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), **54(a)**
- F48** Reg. 84(1)-(1B) substituted for reg. 84(1) (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by *The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305)*, regs. 1(1), **8(2)**
- F49** Reg. 84(1A) omitted (6.4.2014) by virtue of *The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206)*, regs. 1(3)(c), **32(1)**
- F50** Reg. 84(2) substituted (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)(c), **32(2)**
- F51** Reg. 84(4) substituted (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)(c), **32(3)**
- F52** Reg. 84(4A) omitted (6.4.2014) by virtue of *The Representation of the People (Scotland) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3206)*, regs. 1(3)(c), **32(1)**
- F53** Reg. 84(5)-(8) 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), **39**
- F54** Words in reg. 84(6) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by *The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305)*, regs. 1(1), **8(5)**

*Status: Point in time view as at 09/12/2014.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)*

**Commencement Information**

**I20** Reg. 84 in force at 16.2.2001, see [reg. 1\(1\)](#)

**[<sup>F55</sup>Confirming receipt of postal vote and postal voting statements S**

**84A.**—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may request, at any time before the close of the poll, that the returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of rejected votes kept by the returning officer under paragraphs (2) and (3) of regulation 87.

(2) The returning officer shall satisfy himself that any such request has been made by the elector or their proxy, and if so satisfied shall provide confirmation of the matters specified paragraph (1).]

**Textual Amendments**

**F55** [Reg. 84A](#) 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\(1\), 40](#)

**Procedure in relation to [<sup>F56</sup>postal voting statements] S**

<sup>F57</sup>**85.** . . . . .

**Textual Amendments**

- F56** Words in Regulations substituted (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\(1\), 54\(a\)](#)
- F57** [Reg. 85](#) revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), [reg. 1\(3\)\(a\), Sch. 2](#)

**[<sup>F58</sup>Procedure in relation to postal voting statements: personal identifier verification S**

**85A.**—[<sup>F59</sup>(1) This regulation applies in the circumstances described in regulation 84(2).]

(2) The returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the returning officer is not so satisfied, he shall mark the statement “rejected”, attach it to the ballot paper envelope, or if there is no such envelope [<sup>F60</sup>but there is a ballot paper], the ballot paper, and, subject to paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”.



Changes to legislation: Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)

(5) The returning officer shall then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the returning officer shall open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under regulation 84(3) or paragraph (6).

(8) In the circumstances described in paragraph (7), the returning officer shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper, or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).]

**Textual Amendments**

**F58** Regs. 85A, 85B inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **10**

**F59** Reg. 85A(1) substituted (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)(c), **33(1)**

**F60** Words in reg. 85A(3) 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)(c), **33(2)**

**Postal voting statements: additional personal identifier verification** **S**

<sup>F61</sup>**85B.** .....

**Textual Amendments**

**F61** Reg. 85B revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(a), **Sch. 2**

**Status:** Point in time view as at 09/12/2014.

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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)

## Opening of ballot paper envelopes **S**

**86.**—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

### Commencement Information

**I21** Reg. 86 in force at 16.2.2001, see [reg. 1\(1\)](#)

## [<sup>F62</sup>Retrieval of cancelled postal ballot papers **S**

**86A.**—(1) Where it appears to the returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters' ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters' ballot box is opened in accordance with regulation 83, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements [<sup>F63</sup>(verification procedure)];
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by regulation 77(6) [<sup>F64</sup>or 78A(2)]; and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 45 of the elections rules, re lock (if it has a lock) and re seal the postal ballot box in the presence of the agents.

(3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the returning officer and his staff—

- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.]

**Changes to legislation:** Representation of the People (Scotland) Regulations 2001, PART V is up to date with all changes known to be in force on or before 20 August 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

- F62** Reg. 86A 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), **33**
- F63** Words in reg. 86A(2)(c) 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)(c), **34(a)**
- F64** Words in reg. 86A(2)(e) 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)(c), **34(b)**

### Lists of rejected postal ballot papers **S**

**87.**—(1) In respect of any election, the returning officer shall keep [<sup>F65</sup>three separate lists relating to] rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid [<sup>F5</sup>postal voting statement] was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid [<sup>F5</sup>postal voting statement] where that ballot paper is not received with the [<sup>F5</sup>postal voting statement].

[<sup>F66</sup>(4) In the third list, he shall record for every postal voting statement within the receptacle for rejected votes (verification procedure) immediately prior to sealing—

- (a) the elector's name and address (and the name of the address of the proxy if the elector has a proxy),
- (b) the elector's number on the register of electors (and that of the proxy if the elector has a proxy),
- (c) the specified reason or reasons for the rejection of the postal voting statement, and
- (d) any other information relating to the rejection that the returning officer considers appropriate, but not the ballot paper number.

(5) The specified reasons that may be given under paragraph (4)(c) for the rejection of a postal voting statement are as follows—

- (a) the signature does not match the example held on the personal identifiers record,
- (b) the date of birth does not match the one held on the personal identifiers record,
- (c) the signature field is blank, or
- (d) the date of birth field is blank.]

### Textual Amendments

- F5** Words in Regulations substituted (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), **54(a)**
- F65** Words in reg. 87(1) substituted (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)(c), **35(1)**
- F66** Reg. 87(4)(5) 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)(c), **35(2)**

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**Commencement Information**

I22 Reg. 87 in force at 16.2.2001, see [reg. 1\(1\)](#)

**Checking of lists kept under regulation 87** **S**

88.—(1) Where the returning officer receives a valid [<sup>F5</sup>postal voting statement] without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list kept under regulation 87(2) above to see whether the number (or numbers) of a postal ballot paper to which the [<sup>F67</sup>statement] relates is entered in that list.

(2) Where the returning officer receives a postal ballot paper without the [<sup>F5</sup>postal voting statement] to which it relates, he may, at any time prior to the close of the poll, check the list kept under regulation 87(3) above to see whether the number of that ballot paper is entered in that list.

(3) The returning officer shall conduct the checks required by paragraphs (1) and (2) above as soon as practicable after the receipt of packets from every polling station in the constituency under rule 43(1) of the elections rules.

(4) Where the ballot paper number in the list matches that number on a valid [<sup>F5</sup>postal voting statement] or, as the case may be, the postal ballot paper, the returning officer shall retrieve that [<sup>F67</sup>statement] or paper.

(5) The returning officer shall then take the appropriate steps under this Part of these Regulations as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

**Textual Amendments**

F5 Words in [Regulations](#) substituted (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\(1\), 54\(a\)](#)

F67 Word in [reg. 88\(1\)\(4\)](#) substituted (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\(1\), 54\(b\)\(iii\)](#)

**Commencement Information**

I23 Reg. 88 in force at 16.2.2001, see [reg. 1\(1\)](#)

**Sealing of receptacles** **S**

89.—(1) As soon as practicable after the completion of the procedure under regulation 88(3) and (4) above, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- <sup>F68</sup>(b) .....
- (c) the receptacle of rejected ballot paper envelopes, <sup>F69</sup>...
- (d) the lists of [<sup>F70</sup>spoilt, lost or cancelled] postal ballot papers,
- <sup>F71</sup>(e) the receptacle for rejected votes (verification procedure), and
- (f) the receptacle for postal voting statements (verification procedure),]

and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

#### Textual Amendments

- F68** Reg. 89(1)(b) omitted (6.4.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **36(a)**
- F69** Word in reg. 89(1) omitted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **11**
- F70** Words in reg. 89(1)(d) substituted (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)(c), **36(b)**
- F71** Reg. 89(1)(e)(f) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **11**

#### Commencement Information

- I24** Reg. 89 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### Abandoned poll **S**

**90.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of these Regulations; and
- (b) shall, notwithstanding regulations 84 to 86 above, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Paragraph (1) above shall not apply where postal ballot papers for more than one election have been issued together under regulation 65 above.

#### Commencement Information

- I25** Reg. 90 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### [<sup>F72</sup>Retention of documents] **S**

**91.**—(1) The returning officer shall [<sup>F73</sup>retain together with] the documents mentioned in rule 55 of the elections rules—

- (a) any packets referred to in regulations 75, 77(6) [<sup>F74</sup>, 78(2C)] [<sup>F75</sup>, [<sup>F76</sup>78A(2),] 84(8)], and 89 above, subject to regulation 90 above, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral ward for which the election (or elections) was (or were) held, and
- (b) a completed statement in Form K of the number of postal ballot papers issued.
- [<sup>F77</sup>(c) any list compiled under regulation 87(4).]

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll (apart from those delivered in accordance with the provisions of regulation 79(3) above);

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- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up such packet and endorse and <sup>[F78]</sup>retain it] in the manner described in paragraph (1) above.

(4) <sup>[F79]</sup>Rules 56, 57 and 58] of the elections rules shall apply to any packet or document <sup>[F80]</sup>retained] under this regulation <sup>[F81]</sup>save that in applying rules 56 and 57 to the list provided for by regulation 87(4), this list and any extracts from it are to be treated as if they were counted ballot papers.]

(5) A copy of the statement referred to in paragraph (1)(b) above shall be provided by the returning officer to the Secretary of State <sup>[F82]</sup>and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after the day of the poll].

#### Textual Amendments

- F72** Reg. 91 heading substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(1)** (with reg. 1(2))
- F73** Words in reg. 91(1) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(3)** (with reg. 1(2))
- F74** Word in reg. 91(1)(a) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **11(2)**
- F75** Word in reg. 91(1)(a) 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), **41**
- F76** Word in reg. 91(1)(a) 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)(c), **37(a)**
- F77** Reg. 91(1)(c) 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)(c), **37(b)**
- F78** Words in reg. 91(2) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(4)** (with reg. 1(2))
- F79** Words in reg. 91(4) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(5)** (with reg. 1(2))
- F80** Word in reg. 91(4) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(5)** (with reg. 1(2))
- F81** Words in reg. 91(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)(c), **37(c)**
- F82** Words in reg. 91(5) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **11(3)**

#### Commencement Information

- I26** Reg. 91 in force at 16.2.2001, see [reg. 1\(1\)](#)

#### <sup>[F83]</sup>Forwarding of documents **S**

**91A.**—(1) Before the returning officer seals up the counted and rejected ballot papers as provided by rule 54 of the elections rules, the returning officer must—

- (a) where any list compiled under regulation 87(4) relates to a constituency contained within a single local government area, send a copy of the list to the registration officer for that local government area;

- (b) where any list compiled under regulation 87(4) relates to a constituency which comprises any part of more than one local government area, send a copy of such extracts of the list as are relevant to each of the registration officers for those local government areas.
- (2) A registration officer may only use the information sent in accordance with paragraph (1) for the purposes of notifying voters in accordance with regulation 61C and requiring fresh signatures to be provided in accordance with regulation 60B.
- (3) Rule 56 of the elections rules, as modified by rule 58 of those rules, shall apply to the copy of the list, or extracts of the list, sent in accordance with paragraph (1) as if—
  - (a) references in rule 56 to counted ballot papers in the custody of the returning officer were to references to the copy of the list, or extracts of the list, sent to a registration officer in accordance with paragraph (1);
  - (b) references to the returning officer (as modified by rule 58 of the elections rules) were to references to a registration officer who was sent a list, or extracts of a list, provided in accordance with paragraph (1).
- (4) Except as provided for by virtue of paragraph (3), no other person shall be allowed to inspect the copy of the list, or extracts of the list, sent to a registration officer in accordance with paragraph (1).
- (5) The registration officer must cause the copy of the list, or extracts of the list, sent in accordance with paragraph (1) to be destroyed—
  - (a) as soon as practicable after the registration officer has complied with the requirements of regulation 61C, and issued any notices under regulation 60B, in relation to the information provided in the copy of the list, or extracts of the list; and
  - (b) in any event, within 4 months of receipt.]

#### **Textual Amendments**

- F83** Reg. 91A 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)(c), **38**

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