

STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART V

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Receipt of postal ballot papers

Alternative means of returning postal ballot paper or [F1 postal voting statement]

79.—(1) For the purposes of rule 45(1B) of the elections rules—

- (a) the manner in which a postal ballot paper or [F1 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 [F2 statement] may be returned to the returning officer is by post or by hand.

(2) [F3 Subject to paragraph (3),] the presiding officer of the polling station shall deliver, or cause to be delivered, any postal ballot paper or [F1 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.

[F4(3) The returning officer may collect, or cause to be collected, any postal ballot paper or [F1 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 [F1 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

- F1** 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\(a\)](#)
- F2** 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\(b\)\(i\)](#)
- F3** 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\(2\)](#)
- F4** [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\(3\)](#)

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Commencement Information

I1 Reg. 79 in force at 16.2.2001, see [reg. 1\(1\)](#)

Notice of opening of postal ballot paper envelopes

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

I2 Reg. 80 in force at 16.2.2001, see [reg. 1\(1\)](#)

Postal ballot boxes and receptacles

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;
- (b) the receptacle for [^{F1}postal voting statements];
- (c) the receptacle for ballot paper envelopes; ^{F5}...
- (d) the receptacle for rejected ballot paper envelopes.

[^{F6}(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

F1 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\(a\)](#)

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers 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)

- F5** 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](#)
- F6** [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

- I3** [Reg. 81](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Receipt of covering envelope

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, [^{F1}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

- F1** 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

- I4** [Reg. 82](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Opening of postal voters' ballot box

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

- I5** [Reg. 83](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Opening of covering envelopes

84.—^{F7}(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)).

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(1A) He shall set aside for personal identifier verification not less than 20 per cent of the envelopes recorded on that occasion.

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

(2) [^{F8}The procedure in regulation 85 or, as the case may be, regulation 85A applies] where a covering envelope (including an envelope to which regulation 82(2) above applies) contains both—

- (a) a [^{F1}postal voting statement]; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(3) Where the covering envelope does not contain the [^{F1}postal voting statement] separately, the returning officer shall open the ballot paper envelope to ascertain whether the [^{F1}postal voting statement] is inside.

(4) Where a covering envelope does not contain both—

- (a) a [^{F1}postal voting statement] (whether separately or not), and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper (or ballot papers),

the returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

[^{F9}(4A) Where—

- (a) an envelope contains the postal voting statement of an elector with an anonymous entry, and
- (b) paragraph (4) does not apply,

the returning officer shall set aside that envelope and its contents for personal identifier verification in accordance with regulation 85A.]

[^{F10}(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 [^{F11}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

- F1** 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 \(S.I. 2007/925\)](#), reg. 1(1), [54\(a\)](#)

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers 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)

- F7** 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)**
- F8** Words in reg. 84(2) 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), **8(3)**
- F9** Reg. 84(4A) 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(4)**
- F10** 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**
- F11** 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)**

Commencement Information

- I6** Reg. 84 in force at 16.2.2001, see **reg. 1(1)**

[^{F12}Confirming receipt of postal vote and postal voting statements

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

- F12** 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 [^{F1}postal voting statements]

85.—[^{F13}(1) This regulation applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with regulation 84(1A) or (4A).

(1A) The returning officer must satisfy himself that the postal voting statement is duly completed.]

(2) Where the returning officer is not so satisfied, he shall mark the [^{F14}statement] “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to paragraph (3) below, place it in the receptacle for rejected votes.

(3) Before placing the [^{F14}statement] in the receptacle for rejected votes, the returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

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(4) The returning officer shall then examine the number (or numbers) on the [F1 postal voting statement] against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the [F14 statement] and the ballot paper envelope respectively in the receptacle for [F1 postal voting statements] and the receptacle for ballot paper envelopes.

[F15(5) Where—

- (a) the number (or numbers) on a valid [F1 postal voting statement] is (or are) not the same as the number (or numbers) on the ballot paper envelope, or
- (b) that envelope has no number on it (or only one number when the [F1 postal voting statement] has more than one),

the returning officer shall open the envelope.

(6) Paragraph (7) below applies where—

- (a) there is a valid [F1 postal voting statement] but no ballot paper envelope, or
- (b) the ballot paper envelope has been opened under regulation 84(3) or paragraph (5) above.

(7) In the circumstances described in paragraph (6) above, the returning officer shall place—

- (a) in the postal ballot paper box, any ballot paper the number on which is the same as the number (or one of the numbers) on the valid [F1 postal voting statement];
- (b) in the receptacle for rejected votes, any other ballot paper, with the valid [F1 postal voting statement] attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes, any valid [F1 postal voting statement] marked “provisionally rejected” where—
 - (i) there is no ballot paper, or
 - (ii) in the case of a [F14 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 [F14 statement] to indicate which ballot paper is missing;
- (d) in the receptacle for [F1 postal voting statements], any valid [F14 statement] not disposed of under sub-paragraph (b) or (c) above.]

Textual Amendments

- F1** 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\(a\)](#)
- F13** [Reg. 85\(1\)\(1A\)](#) substituted for [reg. 85\(1\) \(8.2.2008\)](#) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), [9](#)
- F14** Word in [reg. 85\(1\)-\(4\), \(7\)](#) 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\(b\)\(ii\)](#)
- F15** [Reg. 85\(5\)-\(7\)](#) substituted (1.8.2002) by [Representation of the People \(Scotland\) \(Amendment\) Regulations 2002 \(S.I. 2002/1872\)](#), regs. 2(1), [13](#)

Commencement Information

- I7** [Reg. 85](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

[F16] Procedure in relation to postal voting statements: personal identifier verification

85A.—(1) This regulation applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with regulation 84(1A) or (4A).

(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, 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”.

(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

F16 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

Status: Point in time view as at 08/02/2008.

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Postal voting statements: additional personal identifier verification

85B.—(1) A returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with regulation 83 undertake additional verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where a returning officer undertakes additional verification of personal identifiers, he must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as he wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and the signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the returning officer is no longer satisfied that the postal voting statement has been duly completed he must mark the statement “rejected” and before placing the postal voting statement in the receptacle for rejected votes (verification procedure), he must—

- (a) 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”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the returning officer must lock and reseal the postal ballot box in the presence of the agents.

(5) Whilst retrieving a ballot paper in accordance with paragraph (3), 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.]

Textual Amendments

F16 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**

Opening of ballot paper envelopes

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

I8 Reg. 86 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F17} Retrieval of cancelled postal ballot papers

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;
- (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); 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.]

Textual Amendments

F17 [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](#)

Lists of rejected postal ballot papers

87.—(1) In respect of any election, the returning officer shall keep two separate lists of 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 [^{F1}postal voting statement] was received with it.

Status: Point in time view as at 08/02/2008.

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(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid [F1postal voting statement] where that ballot paper is not received with the [F1postal voting statement].

Textual Amendments

F1 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

I9 Reg. 87 in force at 16.2.2001, see [reg. 1\(1\)](#)

Checking of lists kept under regulation 87

88.—(1) Where the returning officer receives a valid [F1postal 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 [F18statement] relates is entered in that list.

(2) Where the returning officer receives a postal ballot paper without the [F1postal 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 [F1postal voting statement] or, as the case may be, the postal ballot paper, the returning officer shall retrieve that [F18statement] 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

F1 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\(a\)](#)

F18 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

I10 Reg. 88 in force at 16.2.2001, see [reg. 1\(1\)](#)

Sealing of receptacles

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,

- (b) the receptacle of [^{F1}postal voting statements],
 - (c) the receptacle of rejected ballot paper envelopes, ^{F19}...
 - (d) the lists of spoiled and lost postal ballot papers,
 - [^{F20}(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

- F1** 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** 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](#)
- F20** [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

- I11** Reg. 89 in force at 16.2.2001, see [reg. 1\(1\)](#)

Abandoned poll

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

- I12** Reg. 90 in force at 16.2.2001, see [reg. 1\(1\)](#)

Forwarding of documents

91.—(1) The returning officer shall forward to the sheriff clerk at the same time as he forwards the documents mentioned in rule 55 of the elections rules—

- (a) any packets referred to in regulations 75, 77(6) [^{F21}, 78(2C)] [^{F22}, 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.

Status: Point in time view as at 08/02/2008.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers 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)

(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);
- (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 forward it at a subsequent date in the manner described in paragraph (1) above.

(4) Rules 56 and 57 of the elections rules shall apply to any packet or document forwarded under this regulation.

(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 [^{F23}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

- F21** 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)**
- F22** 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**
- F23** 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

- I13** Reg. 91 in force at 16.2.2001, see [reg. 1\(1\)](#)

Status:

Point in time view as at 08/02/2008.

Changes to legislation:

Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers 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.