

SCHEDULE 3

ABSENT VOTING

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

7.—(1) An application under article 9(2) to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the applicant's allotted polling station.

(2) Where such an application is made on the grounds of the applicant's disability and it is made after 5 pm on the sixth day before the date of a poll at the election for which it is made—

- (a) the requirements of paragraph 5 as to the matters to be specified and the attestation shall apply; and
- (b) the person who attests the application shall also state, to the best of the person's knowledge and belief, the date upon which the applicant became disabled.

[^{F1}(2A) Sub-paragraph (2B) applies where such an application (or an application under article 10(7) made by virtue of that application) is made after 5 pm on the sixth day before the date of a poll at the election for which it is made and on the grounds that the applicant cannot reasonably be expected to vote in person at the applicant's allotted polling station because—

- (a) of a disability suffered before that date, in circumstances where the disability means that the application could not reasonably have been made before that date, or
- (b) of a disability suffered after that date.

(2B) The application must, in addition to providing the information required by sub-paragraph (1)

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- (a) state the reasons why the applicant was unable to make the application before 5 pm on the sixth day before the date of the poll at the election for which it was made, and
 - (b) satisfy the requirements of paragraph 5(2).

[^{F2}(2C)]

(3) Where such an application is made by a person to whom paragraph 2(5A) of Schedule 4 to the 2000 Act⁽¹⁾ (mental patients who are not detained offenders) applies and it is made after 5 pm on the sixth day before the date of a poll at the election for which it is made—

- (a) the requirements of paragraph 5 as to the matters to be specified and the attestation shall apply;
- (b) the application shall additionally state the name and address of the hospital at which the applicant is liable to be detained; and
- (c) the application shall be attested by a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003 responsible for the administration of the hospital at which the applicant is liable to be detained, and the attestation shall state—
 - (i) the name of the manager attesting the application;
 - (ii) that the manager is authorised to attest the application;
 - (iii) the position of the manager in the hospital at which the applicant is liable to be detained; and

(1) Paragraph 2(5A) was inserted by the 2006 Act, section 35.

(iv) the statutory provision under which the applicant is liable to be detained at the hospital.

(4) Where such an application is made on grounds relating to the applicant's occupation, service or employment and it is made after 5 pm on the sixth day before the date of a poll at the election for which it is made—

(a) the application must, in addition to providing the information required by sub-paragraph (1), state—

(i) where the applicant is self-employed, that fact, and, in any other case, the name of the applicant's employer;

(ii) that the reason provided in accordance with sub-paragraph (1) relates to the applicant's occupation, service or employment; and

(iii) the date on which the applicant became aware of that reason; and

(b) the application must be attested in accordance with sub-paragraphs (5) to (7), unless the applicant is or will be registered as a service voter.

(5) An application to which sub-paragraph (4) applies must be attested and signed—

(a) where the applicant is self-employed, by a person who—

(i) is aged 16 years or over;

(ii) knows the applicant; and

(iii) is not related to the applicant;

(b) where the applicant is not self-employed, by the applicant's employer or by another employee to whom this function is delegated by the employer.

(6) The person ("P") attesting an application under sub-paragraph (5) must certify that the statements required by sub-paragraph (4)(a) and the information required by sub-paragraph (1) are true to the best of P's knowledge and belief.

(7) P shall also state—

(a) P's name and address;

(b) where the applicant is self-employed, that fact and that P is aged 16 years or over and that P knows, but is not related to, the applicant; and

(c) where the applicant is not self-employed, that P is the applicant's employer or the position P holds in the employment of P's employer.

[^{F3}(7A) Sub-paragraph (7B) applies where an application under article 9(2) to vote by proxy at a particular election—

(a) is made on grounds relating to the applicant's detention in a penal institution, and

(b) is made after 5pm on the sixth day before the date of a poll at the election for which it is made.

(7B) The application must, in addition to providing the information required by sub-paragraph (1), state—

(a) that the applicant is detained in a penal institution, and

(b) the name of the penal institution at which the applicant is detained.]

(8) This paragraph does not apply where an applicant has an anonymous entry.

Changes to legislation: There are currently no known outstanding effects for the The Scottish Parliament (Elections etc.) Order 2015, Paragraph 7. (See end of Document for details)

Textual Amendments

- F1** Sch. 3 para. 7(2A)-(2C) inserted (11.12.2020) by [The Scottish Parliament \(Elections etc.\) \(Miscellaneous Amendments\) Order 2020 \(S.S.I. 2020/426\)](#), arts. 1(1), **16(4)** (with art. 1(2))
- F2** Sch. 3 para. 7(2C) omitted (24.3.2021) by virtue of [The Scottish Parliament \(Elections etc.\) Amendment \(Coronavirus\) Order 2021 \(S.S.I. 2021/164\)](#), arts. 1(1), **2(3)** (with art. 1(2))
- F3** Sch. 3 para. 7(7A)(7B) inserted (2.4.2020) by [Scottish Elections \(Franchise and Representation\) Act 2020 \(asp 6\)](#), s. 12(1), **sch. para. 2(5)(b)**
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Commencement Information

- I1** Sch. 3 para. 7 in force at 16.12.2015 in accordance with art. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Scottish Parliament (Elections etc.) Order 2015, Paragraph 7.