

## SCHEDULE 3

### ABSENT VOTING

#### Closing dates for applications

9.—(1) An application—

- (a) to vote by post under article 8(1);
- (b) to vote by proxy under article 8(7);
- (c) to vote by post under article 8(7); or
- (d) from a proxy to vote by post under article 11(4),

shall be disregarded for the purposes of any particular election, and an application by a postal voter for the voter's ballot papers to be sent to a different address or to vote instead by proxy at a particular election under article 9(4) shall be refused, if it is received by the ERO after 5 pm on the eleventh day before the date of the poll at that election.

(2) An application—

- (a) to vote by proxy under article 8(2);
- (b) for the appointment of a proxy under article 10(6),

shall be disregarded for the purposes of any particular election if it is received by the ERO after 5 pm on the sixth day before the date of the poll at that election.

(3) An application (other than an application to which sub-paragraph (4) applies)—

- (a) to vote by proxy under article 9(2);
- (b) for the appointment of a proxy under article 10(7),

shall be refused if it is received by the ERO after 5 pm on the sixth day before the date of the poll at the election for which it is made.

[<sup>F1</sup>(3A) Sub-paragraphs (2) and (3) do not apply to the application permitted by paragraph 7A(2) and sub-paragraph (6) does not apply to any notice under article 10(9) for cancellation of the related proxy appointment, but that application must be refused if it is made later than 5 pm on the day of the poll at the election.]

[<sup>F2</sup>(4) Where an application to vote by proxy under article 9(2) is made—

- (a) on the grounds set out in paragraph 7(2) or (2A) and the applicant—
  - (i) became disabled after 5 pm on the sixth day before the date of the poll at the election for which it is made, or
  - (ii) could not be reasonably expected to have made an application before 5 pm on the sixth day before the date of the poll at the election for which it is made by virtue of a disability suffered before that date,
- (b) on the grounds set out in paragraph 7(4) and the applicant became aware of those grounds after 5 pm on the sixth day before the date of the poll at the election for which it is made,
- (c) on the grounds set out in paragraph 7(7A) and the applicant became detained in a penal institution after 5 pm on the sixth day before the date of the poll at the election for which it is made,
- (d) on the ground set out in sub-paragraph (4A) and the applicant became aware of that ground after 5 pm on the sixth day before the date of the poll at the election for which it is made, or
- (e) by a person to whom paragraph 2(5A) of schedule 4 of the 2000 Act (mental patients who are not detained offenders) applies,

the application, or an application under article 10(7) made by virtue of that application, must be refused if it is received after 5 pm on the day of the poll at that election.]

[<sup>F3</sup>(4A) The ground referred to in sub-paragraph (4)(d) is that the applicant’s circumstances on the date of the poll will or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under the appropriate rules as a result of following Scottish Government advice or the advice of a registered medical practitioner in relation to coronavirus.

(4B) In sub-paragraph (4A) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(4C) The Scottish Ministers must review the need for the provision made by sub-paragraphs (4A) and (4B) at least once every year, with the first review being carried out within one year of the Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order 2020 coming into force.

(4D) Sub-paragraphs (4A) and (4B) cease to have effect at the end of the period of 2 years beginning with the day on which that Order comes into force.]

(5) An application—

- (a) to vote by post under article 9(1);
- (b) from a proxy postal voter for the voter’s ballot papers to be sent to a different address at a particular election under article 11(6),

shall be refused if it is received by the ERO after 5 pm on the eleventh day before the date of the poll at the election for which it is made.

(6) The following, namely—

- (a) an application under article 8(5)(a) by an elector to be removed from the record kept under article 8(4);
- (b) an application under article 11(9)(a) by a proxy to be removed from the record kept under article 11(5); and
- (c) a notice under article 10(9) of the cancellation of a proxy’s appointment,

shall be disregarded for the purposes of a particular election if it is received by the ERO after 5 pm on the eleventh day before the date of the poll at that election.

(7) In computing a period of days for the purposes of this paragraph—

- (a) a Saturday or a Sunday;
- (b) Christmas Eve, Christmas Day, Good Friday or Easter Monday; or
- (c) a day which is a bank holiday in Scotland under section 1 of the Banking and Financial Dealings Act 1971(1),

shall be disregarded.

#### Textual Amendments

- F1** Sch. 3 para. 9(3A) inserted (24.3.2021) by [The Scottish Parliament \(Elections etc.\) Amendment \(Coronavirus\) Order 2021 \(S.S.I. 2021/164\)](#), arts. 1(1), **2(5)** (with art. 1(2))
- F2** Sch. 3 para. 9(4) substituted (11.12.2020) by [The Scottish Parliament \(Elections etc.\) \(Miscellaneous Amendments\) Order 2020 \(S.S.I. 2020/426\)](#), arts. 1(1), **16(5)** (with art. 1(2))
- F3** Sch. 3 para. 9(4A)-(4D) inserted (11.12.2020) by [The Scottish Parliament \(Elections etc.\) \(Miscellaneous Amendments\) Order 2020 \(S.S.I. 2020/426\)](#), arts. 1(1), **16(6)** (with art. 1(2))

(1) 1971 c.80.

**Changes to legislation:** There are currently no known outstanding effects for the The Scottish Parliament (Elections etc.) Order 2015, Paragraph 9. (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** Sch. 3 para. 9 modified (30.1.2021) by [Scottish General Election \(Coronavirus\) Act 2021 \(asp 5\)](#), **ss. 3(2)**, 15 (with s. 12)
- C2** Sch. 3 para. 9(1): power to modify conferred (30.1.2021) by [Scottish General Election \(Coronavirus\) Act 2021 \(asp 5\)](#), **ss. 3(5)**, 15 (with ss. 3(6), 12)
- C3** Sch. 3 para. 9(5): power to modify conferred (30.1.2021) by [Scottish General Election \(Coronavirus\) Act 2021 \(asp 5\)](#), **ss. 3(5)**, 15 (with ss. 3(6), 12)

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**Commencement Information**

- I1** Sch. 3 para. 9 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 9.