
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 164

**The Scottish Parliament (Elections etc.)
Amendment (Coronavirus) Order 2021**

Amendment of the Scottish Parliament (Elections etc.) Order 2015

2.—(1) Schedule 3 (absent voting) of the Scottish Parliament (Elections etc.) Order 2015⁽¹⁾ is amended as follows.

(2) In paragraph 1(7) (general requirements for applications) for “paragraph 7” substitute “paragraph 8”.

(3) In paragraph 7 (additional requirements for applications for a proxy vote in respect of a particular election) omit sub-paragraph (2C)⁽²⁾.

(4) After paragraph 7 insert—

“Emergency change of proxy: coronavirus

7A.—(1) This paragraph applies where—

- (a) a proxy is appointed to vote for a person (“the elector”) at a forthcoming Scottish parliamentary election (whether or not the proxy is appointed only for that particular election),
- (b) the proxy is not entitled to vote by post at that election, and
- (c) the circumstances of the proxy on the date of the poll will or are likely to be such that they cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the appropriate rules as a result of following Scottish Government advice or the advice of a registered medical practitioner in relation to coronavirus.

(2) Where this paragraph applies, the elector may apply to the ERO for an alternative person to be appointed as their proxy under article 10(6) (appointment of a proxy for an indefinite period or for a period specified in the application) or article 10(7) (appointment of a proxy for the particular election).

(3) Where the ERO refuses an application described in sub-paragraph (2), or rejects it as invalid, the decision of the ERO is final and is not to be questioned in any proceedings whatsoever, but the refusal or rejection of an application does not prevent the elector from submitting a further application.

(4) In sub-paragraph (1)(c) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(5) The Scottish Ministers must review the need for the provision made by this paragraph at least once every year, with the first review being carried out no later than 10 December 2021.

(6) No application may be made under this paragraph on or after 10 December 2022.”.

⁽¹⁾ [S.S.I. 2015/425](#).

⁽²⁾ Sub-paragraphs (2A) to (2C) were inserted by [S.S.I. 2020/426](#). There is another amendment to paragraph 7 that is not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) After paragraph 9(3) (closing date for applications)(3) insert—

“(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.”.