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STATUTORY INSTRUMENTS

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**1997 No. 979 (S.88)**

**REPRESENTATION OF THE PEOPLE**

**The Representation of the People  
(Scotland) Amendment Regulations 1997**

*Made - - - - 16th March 1997*

*Coming into force in accordance with regulation 2*

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament; Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 53 and 201(1)(1) of, and paragraphs 3 and 5A(1) of Schedule 2 to, the Representation of the People Act 1983(2) and sections 6(1) and (5), 7(1) and (3), 8(6) and (7) and 9(4), (7) and (8) of the Representation of the People Act 1985(3), having regard to section 27(2) of that Act and the definition of “prescribed” in section 202(1) of the Representation of the People Act 1983, hereby makes the following Regulations:

**Citation and extent**

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) Amendment Regulations 1997.

(2) These Regulations shall extend to Scotland only.

**Commencement**

2.—(1) These Regulations, except regulation 4, shall come into force on the expiry of seven days after the day on which they are made but regulation 5 shall not apply to an election where the last day by which the notice of election must be published precedes the coming into force of these Regulations.

(2) Regulation 4 below shall come into force on the expiry of three months after the day on which these Regulations are made but that regulation shall not apply to an application for an absent vote which is received by the registration officer before the coming into force of that regulation.

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(1) Sections 53 and 201(1) have been amended but the amendments are not relevant in the context of these Regulations.

(2) 1983 c. 2; paragraph 5A was inserted by paragraph 8 of Schedule 2 to the Representation of the People Act 1985 (c. 50).

(3) 1985 c. 50.

## Interpretation

3. In these Regulations, “the 1986 Regulations” mean the Representation of the People (Scotland) Regulations 1986(4).

## Amendment of the 1986 Regulations

4.—(1) Regulation 62 of the 1986 Regulations (additional requirements for applications on grounds of physical incapacity) shall be amended as follows.

(2) For sub-paragraph (2)(b) there shall be substituted the following sub-paragraph—

“(b) a registered nurse within the meaning of section 10(7) of the Nurses, Midwives and Health Visitors Act 1979(5);”.

(3) In sub-paragraphs (d) and (f) of paragraph (2), the word “by” shall in each case be omitted.

(4) In sub-paragraph (e) of paragraph (2), the word “by” shall be omitted in the second place where it occurs.

(5) At the end of paragraph (2) there shall be added—

“Provided that a person may not attest an application under section 6(2)(b) of the Act of 1985 by virtue of sub-paragraphs (a), (b) or (c) above unless he is treating the applicant for the physical incapacity specified in accordance with paragraph (1) above or the applicant is receiving care from him in respect of that incapacity.”.

(6) At the end of paragraph (3)(a) there shall be added the following—

“and, where the person attests the application by virtue of sub-paragraph (a), (b) or (c) of paragraph (2) above, that he is treating the applicant for the physical incapacity specified in accordance with paragraph (1) above or the applicant is receiving care from him in respect of that incapacity;”.

5. In regulations 64 (additional requirements for applications in respect of a particular election) and 67 (closing dates for applications) of the 1986 Regulations—

(a) in paragraph (2)(a) of regulation 64(6) and paragraphs (1), (2) and (5) of regulation 67(7), for the words “noon on the thirteenth day” there shall in each case be substituted the words “5 p.m. on the eleventh day”; and

(b) in paragraph (2)(a) of regulation 64 and paragraph (3) of regulation 67(8), for the words “noon on the sixth day” there shall in each case be substituted the words “5 p.m. on the sixth day”.

St Andrew’s House Edinburgh  
16th March 1997

*James Douglas-Hamilton*  
Minister of State

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(4) S.I.1986/1111, as amended by S.I. 1990/629 and there have been other amendments to it which are not relevant to these Regulations.

(5) 1979 c. 36.

(6) Paragraph (2) of regulation 64 was substituted by regulation 20 of the Representation of the People (Scotland) Amendment Regulations 1990 (S.I. 1990/629).

(7) Paragraph (2) of regulation 67 was amended by regulation 21(1) of the Representation of the People (Scotland) Amendment Regulations 1990.

(8) Paragraph (3) of regulation 67 was substituted by regulation 21(2) of the Representation of the People (Scotland) Amendment Regulations 1990.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Representation of the People (Scotland) Regulations 1986 (“the 1986 Regulations”) and extend to Scotland only.

Regulation 62 of the 1986 Regulations sets out the additional requirements which apply where a person applies for an absent vote for an indefinite period on the grounds of physical incapacity. Paragraphs (2) and (3) of regulation 62 make provision for the attestation of such applications. Regulation 4(2) of these Regulations amends regulation 62(2) to allow any registered nurse to attest such an application (instead of a first level nurse). Paragraphs (5) and (6) of regulation 4 of these Regulations amend the provisions in regulation 62 in respect of attestation by registered medical practitioners, registered nurses and Christian Science practitioners. Where an application for an absent vote for an indefinite period is attested by such a person, he is required to state that he is treating the applicant for the physical incapacity specified in the application or that the applicant is receiving care from him in respect of that incapacity.

Regulations 64(2) and 67 of the 1986 Regulations set out the time by which applications relating to absent voting must be received by the registration officer in order to be effective at a particular election. Regulation 5 of these Regulations extends the deadline in respect of most applications from noon on the thirteenth working day before the day of the poll to 5pm on the eleventh working day before the day of the poll. In the case of applications falling within regulation 64(2) (late applications for an absent vote at a particular election because of unforeseen circumstances relating to the applicant’s health) the deadline is extended from noon on the sixth working day before the day of the poll to 5pm on that sixth day.