

Status: Point in time view as at 29/12/2022.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Issue of postal ballot papers is up to date with all changes known to be in force on or before 04 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)

STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART V

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Issue of postal ballot papers

Combination of polls

^{F1}65.

Textual Amendments

F1 Reg. 65 revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1310), reg. 1, [Sch. 1 Pt. 2](#) (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

Form of [^{F2}postal voting statement]

66. The form of the [^{F2}postal voting statement] for the purposes of rule 24 of the rules in Schedule 1 to the 1983 Act⁽¹⁾ shall be—

- (a) in Form G at a parliamentary election taken alone;
- (b) in Form H at a parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election;
- (c) in Form J at a parliamentary election where the poll is taken together with the poll at another election, but where the proceedings on the issue and receipt of postal ballot papers are not.

Textual Amendments

F2 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

I1 Reg. 66 in force at 16.2.2001, see [reg. 1\(1\)](#)

⁽¹⁾ Rule 24 was substituted by Schedule 6 to the 2000 Act.

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Persons entitled to be present at proceedings on issue of postal ballot papers

67. [^{F3}Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000,] No person may be present at the proceedings on the issue of postal ballot papers other than the returning officer and his staff.

Textual Amendments

F3 Words in [reg. 67](#) inserted (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\(1\)](#), [51](#)

Modifications etc. (not altering text)

C1 [Reg. 67](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 21](#)

Commencement Information

I2 [Reg. 67](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Persons entitled to be present at proceedings on receipt of postal ballot papers

68. [^{F4}Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000,] no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the returning officer and his staff,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place, and
- (d) any agents appointed under regulation 69 below.

Textual Amendments

F4 Words in [reg. 68](#) inserted (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\(1\)](#), [51](#)

Modifications etc. (not altering text)

C2 [Reg. 68](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 22](#)

Commencement Information

I3 [Reg. 68](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Agents of candidates who may attend proceedings on receipt of postal ballot papers

69.—(1) Each candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint; the number authorised shall be the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the opening of the postal voters' ballot box.

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^{F5}(3)

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part of these Regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (1) above, who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Textual Amendments

F5 [Reg. 69\(3\)](#) revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), [reg. 1](#), [Sch. 1 Pt. 2](#) (as amended by [S.I. 2019/1389](#), [regs. 1](#), [2\(2\)](#))

Modifications etc. (not altering text)

C3 [Reg. 69](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 23](#)

Commencement Information

I4 [Reg. 69](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Notification of requirement of secrecy

70. The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the Act of 1983⁽²⁾.

Modifications etc. (not altering text)

C4 [Reg. 70](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 24](#)

Commencement Information

I5 [Reg. 70](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F6}Time when postal ballot papers are to be issued

71. Postal ballot papers (and postal voting statements) must be issued by the returning officer as soon as it is practicable to do so.]

(2) Section 66(6) was amended by Schedule 3 to the 1985 Act.

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Textual Amendments

F6 Reg. 71 substituted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(b), **29**

Modifications etc. (not altering text)

C5 Reg. 71 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 25**

Procedure on issue of postal ballot paper

72.—^{F7}(1)

(2) The number of the elector as stated in the register shall be marked on the [^{F8}corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector].

(3) A mark shall be placed in the [^{F9}postal voters list] or the [^{F10}proxy postal voters list] against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the [^{F2}postal voting statement] sent with that paper.

^{F11}(5)

^{F11}(6)

[^{F12}(7) [^{F13}Subject to paragraph (8),] The address to which the postal ballot paper, [^{F2}postal voting statement] and the envelopes referred to regulation 74 below are to be sent is—

- (a) in the case of an elector, the address shown in the [^{F9}postal voters list];
- (b) in the case of a proxy, the address shown in the [^{F14}proxy postal voters list.]]

[^{F15}(8) Where a person has an anonymous entry in the register, the items specified in paragraph (7) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

- (a) as shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4; or
- (b) as given in pursuance of an application made under paragraph 4(1) or 7(4)(b) of Schedule 4.]

Textual Amendments

F2 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)**

F7 Reg. 72(1) omitted (with effect in accordance with reg. 1(2)(3)(a) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **29(1)**

F8 Words in reg. 72(2) substituted (with effect in accordance with reg. 1(2)(3)(a) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **29(1)**

F9 Words in reg. 72 substituted (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), **37(1)**

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- F10** Words in [reg. 72](#) substituted (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\(1\), 37\(2\)](#)
- F11** [Reg. 72\(5\)\(6\)](#) revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), [reg. 1, Sch. 1 Pt. 2](#) (as amended by [S.I. 2019/1389](#), [regs. 1, 2\(2\)](#))
- F12** [Reg. 72\(7\)](#) inserted (1.8.2002) by [Representation of the People \(Scotland\) \(Amendment\) Regulations 2002 \(S.I. 2002/1872\)](#), [regs. 2\(1\), 12](#)
- F13** Words in [reg. 72\(7\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 21\(2\)](#)
- F14** Words in [reg. 72\(7\)\(b\)](#) substituted (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\(1\), 37\(3\)](#)
- F15** [Reg. 72\(8\)](#) inserted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 21\(3\)](#)

Modifications etc. (not altering text)

- C6** [Reg. 72](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 26](#)

Commencement Information

- I6** [Reg. 72](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Refusal to issue postal ballot paper

73. Where a returning officer is satisfied that two or more entries in the [^{F16}postal voters list], or the [^{F17}proxy postal voters list] or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector at any one election.

Textual Amendments

- F16** Words in [reg. 73](#) substituted (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\(1\), 37\(1\)](#)
- F17** Words in [reg. 73](#) substituted (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\(1\), 37\(2\)](#)

Modifications etc. (not altering text)

- C7** [Reg. 73](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 27](#)

Commencement Information

- I7** [Reg. 73](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

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Envelopes

74.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and [F2 postal voting statement] (which are issued under rule 24 of the elections rules(3)).

(2) There shall be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the [F2 postal voting statement] (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”, and
- (c) [F18 unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed,] the number of the ballot paper or, as the case may be, ballot papers.

F19(4)

Textual Amendments

- F2** 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** Words in reg. 74(3)(c) inserted (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), 52
- F19** Reg. 74(4) revoked (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, Sch. 1 Pt. 2 (as amended by S.I. 2019/1389, regs. 1, 2(2))

Modifications etc. (not altering text)

- C8** Reg. 74 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 3 para. 28

Commencement Information

- I8** Reg. 74 in force at 16.2.2001, see reg. 1(1)

Sealing up of [F20 completed corresponding number lists] and security of special lists

75.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the [F21 completed corresponding number lists] of those ballot papers which have been issued and shall seal such a packet.

F22(2)

[F23(3) Until the time referred to in regulation 84(8), the returning officer shall take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.]

(3) Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act.

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Textual Amendments

- F20** Words in [reg. 75](#) heading substituted (with effect in accordance with [reg. 1\(2\)\(3\)\(a\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 29\(2\)](#)
- F21** Words in [reg. 75\(1\)](#) substituted (with effect in accordance with [reg. 1\(2\)\(3\)\(a\)](#) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 29\(2\)](#)
- F22** [Reg. 75\(2\)](#) omitted (with effect in accordance with [reg. 1\(2\)\(3\)\(b\)](#) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), [regs. 1\(1\), 38\(2\)](#)
- F23** [Reg. 75\(3\)](#) substituted (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\(1\), 38\(3\)](#)

Modifications etc. (not altering text)

- C9** [Reg. 75](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 29](#)

Commencement Information

- I9** [Reg. 75](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Delivery of postal ballot papers

76.—(1) For the purposes of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) persons appointed under [rule 26\(1\)](#) of the elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where [paragraph \(1\)\(c\)](#) above applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

Modifications etc. (not altering text)

- C10** [Reg. 76](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 30](#)

Commencement Information

- I10** [Reg. 76](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Spoilt postal ballot papers

77.—^[F24](1) If a postal voter has inadvertently dealt with his postal ballot paper or ^[F2]postal voting statement] in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a ^[F2]postal voting statement] (referred to as “a spoilt

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[^{F2}postal voting statement]”) he may return (either by hand or by post) to the returning officer the spoiled ballot paper or, as the case may be, the spoiled [^{F2}postal voting statement].

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the [^{F2}postal voting statement], whether spoiled or not;
- (b) ^{F25}... and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph (1) or sub paragraph (a) ^{F26}....]

(3) [^{F27}Subject to paragraph (3A),] on receipt of the documents referred to in paragraph (1) and, where applicable paragraph (2) above, the returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after [^{F28}5 p.m. on the day of the poll].

[^{F29}(3A) Where the returning officer receives the documents referred to in paragraph (1) and, where applicable paragraph (2), after 5 p.m. on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returns the documents by hand.]

(4) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (7) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

[^{F30}(5) Any postal ballot paper or [^{F2}postal voting statement], whether spoiled or not, returned in accordance with paragraph (1) or (2) shall be immediately cancelled.]

(6) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

[^{F31}(7) Where a postal voter applies in person—

- (a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.]

(8) The returning officer shall enter in a list kept for the purpose (“the list of spoiled postal ballot papers”)—

- (a) the name and number of the elector as stated in the register [^{F32}(or, in the case of an elector who has an anonymous entry, his electoral number alone)];
- (b) the number of the postal ballot paper (or papers) issued under this regulation; and
- (c) where the postal voter whose ballot paper is spoiled is a proxy, his name and address.

Textual Amendments

F2 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)**

F24 [Reg. 77\(1\)\(2\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **8(2)**

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- F25** Words in reg. 77(2)(b) revoked (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 2** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)
- F26** Words in reg. 77(2)(c) revoked (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 1 Pt. 2** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)
- F27** Words in reg. 77(3) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **8(3)(a)**
- F28** Words in reg. 77(3) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **8(3)(b)**
- F29** Reg. 77(3A) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **8(4)**
- F30** Reg. 77(5) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **8(5)**
- F31** Reg. 77(7) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **8(6)**
- F32** Words in reg. 77(8)(a) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **22**

Modifications etc. (not altering text)

- C11** Reg. 77 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 31**

Commencement Information

- I11** Reg. 77 in force at 16.2.2001, see **reg. 1(1)**

Lost postal ballot papers

78.—^{F33}(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper, or
- (b) the ^{F2}postal voting statement], or
- (c) one or more of the envelopes supplied for their return,

by the ^{F34}fourth] day before the day of the poll, he may apply (whether or not in person) to the returning officer for a replacement ballot paper.]

(2) Such an application shall include evidence of the voter’s identity.

^{F35}(2A) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall return—

- (a) the documents referred to in paragraph (1)(a) to (c); ^{F36}...
- ^{F36}(b)

which he has received and which have not been lost.

(2B) Any postal ballot paper or ^{F2}postal voting statement] returned in accordance with paragraph (2A) shall be immediately cancelled.

(2C) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.]

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Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Issue of postal ballot papers is up to date with all changes known to be in force on or before 04 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)

(3) [^{F37}Subject to paragraph (3A),] where the application is received by the returning officer before [^{F38}5 p.m. on the day of the poll] and the returning officer—

(a) is satisfied as to the voter’s identity, and

[^{F39}(b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the [^{F2}postal voting statement] or one or more of the envelopes provided for their return]

he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

[^{F40}(3A) Where the application is received by the returning officer after 5 p.m. on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter applies in person.]

(4) The returning officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

(a) the name and number of the elector as stated in the register [^{F41}(or, in the case of an elector who has an anonymous entry, his electoral number alone)];

(b) the number of the lost postal ballot paper and of its replacement issued under this regulation; and

[^{F42}(c) where the postal voter is a proxy, his name and address.]

(5) Regulations 72 (except paragraph (3)), 74, 75 and, subject to paragraph (6) below, 76 above shall apply to the issue of a replacement postal ballot paper under paragraph (3) above.

[^{F43}(6) Where a postal voter applies in person—

(a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or

(b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.]

(7) Where the registration officer issues another ballot paper, or, as the case may be, postal ballot papers under paragraph (3) above, the lost ballot paper shall be void and of no effect.

Textual Amendments

F2 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)**

F33 Reg. 78(1) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(2)**

F34 Word in reg. 78(1) substituted (19.12.2013) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(2)(c), **30**

F35 Reg. 78(2A)-(2C) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(3)**

F36 Reg. 78(2A)(b) and word revoked (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 2** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)

F37 Words in reg. 78(3) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **9(4)(a)**

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- F38** Words in reg. 78(3) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(4)(b)**
- F39** Reg. 78(3)(b) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(4)(c)**
- F40** Reg. 78(3A) inserted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(5)**
- F41** Words in reg. 78(4)(a) inserted (1.4.2007) by The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **22**
- F42** Reg. 78(4)(c) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(6)**
- F43** Reg. 78(6) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **9(7)**

Modifications etc. (not altering text)

- C12** Reg. 78 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 32**

Commencement Information

- I12** Reg. 78 in force at 16.2.2001, see **reg. 1(1)**

[^{F44}Cancellation of postal ballot papers

78A.—(1) Where, after the final nomination day at a parliamentary ^{F45}... election, an application under—

- (a) paragraph 3(5)(a) of Schedule 4 to the 2000 Act (application to be removed from the record of absent voters),
- (b) paragraph 3(6) or 4(3)(b) of that Schedule (application to vote by proxy by a person recorded as voting by post),
- (c) paragraph 3(7) of that Schedule (application to vote by post by person recorded as voting by proxy),
- (d) paragraph 4(3)(a) of that Schedule (application for postal ballot paper to be sent to different address),
- (e) paragraph 6(7) or (8) of that Schedule (appointment of proxy),
- (f) paragraph 7(7) of that Schedule (application from postal proxy voter for postal ballot paper to be sent to a different address), or
- (g) paragraph 7(9)(a) of that Schedule (application by proxy to be removed from record of postal proxies),

is granted or a notice under paragraph 6(10) of that Schedule (cancellation of proxy appointment) is received, and the application or notice is not to be disregarded for the purposes of that election under regulation 56, the registration officer must notify the returning officer who must immediately cancel any postal ballot paper issued to the elector or proxy and, in the case of an application mentioned in sub-paragraph (d) or (f), must issue a replacement ballot paper.

(2) Where a person returns a postal ballot paper that has been or is to be cancelled in accordance with paragraph (1) (whether to the registration officer or the returning officer), it must be dealt with as follows—

- (a) the ballot papers, together with any other ballot papers, postal voting statements or covering envelopes which are returned to the registration officer must be given by the registration officer to the returning officer;

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- (b) any document returned in accordance with this paragraph but not cancelled in accordance with paragraph (1) must be immediately cancelled;
- (c) the returning officer, as soon as practicable after receiving and cancelling those documents, shall make up those documents in a separate packet and shall seal the packet, and if on any subsequent occasion documents are returned in accordance with this paragraph, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.
- (3) The returning officer must enter in a list kept for the purpose of recording postal ballot papers cancelled under this regulation (“the list of cancelled postal ballot papers”)—
- (a) the name and number of the elector as stated in the register of electors (or, in the case of an elector who has an anonymous entry, their electoral number alone);
- (b) the number of the cancelled postal ballot paper;
- (c) the number of any replacement postal ballot paper issued under paragraph (1); and
- (d) where the postal voter is a proxy, their name and address.
- (4) Regulations 72 (except paragraph (3)), 74, 75 and 76 apply to a replacement postal ballot paper issued under paragraph (1).
- (5) In this regulation “the final nomination day” has the meaning given by section 13B(5) of the 1983 Act.]

Textual Amendments

- F44** Reg. 78A inserted (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **31**
- F45** Words in reg. 78A(1) omitted (4.3.2015) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2015 \(S.I. 2015/450\)](#), regs. 1, **9**

Modifications etc. (not altering text)

- C13** Reg. 78A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 33**

Status:

Point in time view as at 29/12/2022.

Changes to legislation:

Representation of the People (Scotland) Regulations 2001, Cross Heading: Issue of postal ballot papers is up to date with all changes known to be in force on or before 04 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.