

STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART V

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Receipt of postal ballot papers

Alternative means of returning postal ballot paper or [F1postal voting statement]

79.—(1) For the purposes of rule 45(1B) of the elections rules—

- (a) the manner in which a postal ballot paper or [F1postal voting statement] may be returned to a polling station in the same constituency, is by hand;
- (b) the manner in which such a paper or [F2statement] may be returned to the returning officer is by post or by hand.

(2) [F3Subject to paragraph (3),] the presiding officer of the polling station shall deliver, or cause to be delivered, any postal ballot paper or [F1postal voting statement] returned to that station to the returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 43(1) of the elections rules.

[F4(3) The returning officer may collect, or cause to be collected, any postal ballot paper or [F1postal voting statement] which by virtue of paragraph (2) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.

(4) Where the returning officer collects, or causes to be collected, any postal ballot paper or [F1postal voting statement] in accordance with paragraph (3) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.]

Textual Amendments

- F1** 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\(a\)](#)
- F2** Word in [reg. 79\(1\)\(b\)](#) 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\(b\)\(i\)](#)
- F3** Words in [reg. 79\(2\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), [10\(2\)](#)
- F4** [Reg. 79\(3\)\(4\)](#) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), [10\(3\)](#)

Status: Point in time view as at 08/12/2021.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers is up to date with all changes known to be in force on or before 03 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)

Modifications etc. (not altering text)

C1 [Reg. 79](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 35](#)

Commencement Information

I1 [Reg. 79](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Notice of opening of postal ballot paper envelopes

80.—(1) The returning officer shall give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

- (2) Such a notice shall specify—
 - (a) the time and place at which such an opening is to take place, and
 - (b) the number of agents a candidate may appoint under regulation 69(1) above to attend each opening.

Modifications etc. (not altering text)

C2 [Reg. 80](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1](#), [Sch. 3 para. 36](#)

Commencement Information

I2 [Reg. 80](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Postal ballot boxes and receptacles

- 81.**—(1) The returning officer shall provide a separate ballot box for the reception of—
 - (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
 - (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency or electoral area for which the election or elections is or are held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

- (5) The returning officer shall provide the following receptacles—
 - (a) the receptacle for rejected votes;
 - ^{F5}(b)
 - (c) the receptacle for ballot paper envelopes; ^{F6}...
 - (d) the receptacle for rejected ballot paper envelopes.
 - ^{F7}(e) the receptacle for rejected votes (verification procedure); and
 - (f) the receptacle for postal voting statements (verification procedure).]

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers is up to date with all changes known to be in force on or before 03 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)

(6) The returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Textual Amendments

- F5** Reg. 81(5)(b) revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(a), **Sch. 2**
- F6** Word in reg. 81(5) omitted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by virtue of [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 7
- F7** Reg. 81(5)(e)(f) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), 7

Modifications etc. (not altering text)

- C3** Reg. 81 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 37**

Commencement Information

- I3** Reg. 81 in force at 16.2.2001, see [reg. 1\(1\)](#)

Receipt of covering envelope

82.—(1) The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the returning officer—

- (a) has been opened, and
- (b) contains a ballot paper envelope, [^{F1}postal voting statement] or ballot paper,

the first mentioned envelope, together with its contents, shall be placed in a postal voters' ballot box.

Textual Amendments

- F1** 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)**

Modifications etc. (not altering text)

- C4** Reg. 82 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 38**

Commencement Information

- I4** Reg. 82 in force at 16.2.2001, see [reg. 1\(1\)](#)

Opening of postal voters' ballot box

83.—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of any agents, if in attendance.

Status: Point in time view as at 08/12/2021.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers is up to date with all changes known to be in force on or before 03 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)

(2) So long as the returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 45 of the elections rules.

Modifications etc. (not altering text)

C5 Reg. 83 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, Sch. 3 para. 39

Commencement Information

I5 Reg. 83 in force at 16.2.2001, see [reg. 1\(1\)](#)

Opening of covering envelopes

84.—^{F8}(1) When a postal voters' ballot box is opened, the returning officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in regulation 82(2)).

^{F9}(1A)

(1B) He shall open separately each covering envelope (including an envelope described in regulation 82(2)).]

^{F10}(2) The procedure in regulation 85A applies where a covering envelope (including an envelope to which regulation 82(2) above applies) contains a postal voting statement.]

(3) Where the covering envelope does not contain the ^{F1}[postal voting statement] separately, the returning officer shall open the ballot paper envelope to ascertain whether the ^{F1}[postal voting statement] is inside.

^{F11}(4) Where a covering envelope does not contain a postal voting statement (whether separately or not), the returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.]

^{F12}(4A)

^{F13}(5) In carrying out the procedures in this regulation and regulations 85 to 88, the returning officer—

- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(6) Where an envelope ^{F14}[opened in accordance with paragraph (1B)] contains a postal voting statement, the returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(7) A mark made under paragraph (6) shall be distinguishable from and shall not obscure the mark made under regulation 72(3).

(8) As soon as practicable after the last covering envelope has been opened, the returning officer shall make up into a packet the copy of the postal voters list and proxy postal voters list that have been marked in accordance with paragraph (6) and shall seal such a packet.]

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Textual Amendments

- F1** 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)**
- F8** [Reg. 84\(1\)-\(1B\)](#) substituted for [reg. 84\(1\)](#) (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **8(2)**
- F9** [Reg. 84\(1A\)](#) omitted (6.4.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **32(1)**
- F10** [Reg. 84\(2\)](#) 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)(c), **32(2)**
- F11** [Reg. 84\(4\)](#) 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)(c), **32(3)**
- F12** [Reg. 84\(4A\)](#) omitted (6.4.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), regs. 1(3)(c), **32(1)**
- F13** [Reg. 84\(5\)-\(8\)](#) inserted (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), **39**
- F14** Words in [reg. 84\(6\)](#) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **8(5)**

Modifications etc. (not altering text)

- C6** [Reg. 84](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 40**

Commencement Information

- I6** [Reg. 84](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F15}Confirming receipt of postal vote and postal voting statements

84A.—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may request, at any time before the close of the poll, that the returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of rejected votes kept by the returning officer under paragraphs (2) and (3) of regulation 87.

(2) The returning officer shall satisfy himself that any such request has been made by the elector or their proxy, and if so satisfied shall provide confirmation of the matters specified paragraph (1).]

Textual Amendments

- F15** [Reg. 84A](#) inserted (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), **40**

Modifications etc. (not altering text)

- C7** [Reg. 84A](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 41**

Status: Point in time view as at 08/12/2021.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers is up to date with all changes known to be in force on or before 03 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)

Procedure in relation to [F16 postal voting statements]

F17 85.

Textual Amendments

F16 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 \(S.I. 2007/925\)](#), reg. 1(1), **54(a)**

F17 [Reg. 85](#) revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(a), **Sch. 2**

[F18 Procedure in relation to postal voting statements: personal identifier verification

85A.—[F19(1) This regulation applies in the circumstances described in regulation 84(2).]

(2) The returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the returning officer is not so satisfied, he shall mark the statement “rejected”, attach it to the ballot paper envelope, or if there is no such envelope [F20but there is a ballot paper], the ballot paper, and, subject to paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”.

(5) The returning officer shall then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the returning officer shall open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under regulation 84(3) or paragraph (6).

(8) In the circumstances described in paragraph (7), the returning officer shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers is up to date with all changes known to be in force on or before 03 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)

- (i) there is no ballot paper, or
- (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).]

Textual Amendments

- F18** Regs. 85A, 85B inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2008 \(S.I. 2008/305\)](#), regs. 1(1), **10**
- F19** Reg. 85A(1) 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)(c), **33(1)**
- F20** Words in reg. 85A(3) 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), **33(2)**

Modifications etc. (not altering text)

- C8** Reg. 85A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 42**

Postal voting statements: additional personal identifier verification

^{F21}**85B.**

Textual Amendments

- F21** Reg. 85B revoked (6.4.2014) by [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), reg. 1(3)(a), **Sch. 2**

Opening of ballot paper envelopes

86.—(1) The returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

- (2) He shall place—
 - (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
 - (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and
 - (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

Modifications etc. (not altering text)

- C9** Reg. 86 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 43**

Status: Point in time view as at 08/12/2021.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers is up to date with all changes known to be in force on or before 03 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)

Commencement Information

I7 Reg. 86 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F22}Retrieval of cancelled postal ballot papers

86A.—(1) Where it appears to the returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters' ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters' ballot box is opened in accordance with regulation 83, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements [^{F23}(verification procedure)];
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by regulation 77(6) [^{F24}or 78A(2)]; and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 45 of the elections rules, re lock (if it has a lock) and re seal the postal ballot box in the presence of the agents.

(3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the returning officer and his staff—

- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.]

Textual Amendments

- F22** Reg. 86A inserted (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), **33**
- F23** Words in reg. 86A(2)(c) 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), **34(a)**
- F24** Words in reg. 86A(2)(e) 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), **34(b)**

Modifications etc. (not altering text)

- C10** Reg. 86A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 3 para. 44](#)

Lists of rejected postal ballot papers

87.—(1) In respect of any election, the returning officer shall keep [^{F25}three separate lists relating to] rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid [^{F1}postal voting statement] was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid [^{F1}postal voting statement] where that ballot paper is not received with the [^{F1}postal voting statement].

[^{F26}(4) In the third list, he shall record for every postal voting statement within the receptacle for rejected votes (verification procedure) immediately prior to sealing—

- (a) the elector's name and address (and the name of the address of the proxy if the elector has a proxy),
- (b) the elector's number on the register of electors (and that of the proxy if the elector has a proxy),
- (c) the specified reason or reasons for the rejection of the postal voting statement, and
- (d) any other information relating to the rejection that the returning officer considers appropriate, but not the ballot paper number.

(5) The specified reasons that may be given under paragraph (4)(c) for the rejection of a postal voting statement are as follows—

- (a) the signature does not match the example held on the personal identifiers record,
- (b) the date of birth does not match the one held on the personal identifiers record,
- (c) the signature field is blank, or
- (d) the date of birth field is blank.]

Textual Amendments

F1 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)**

F25 Words in [reg. 87\(1\)](#) 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)(c), **35(1)**

F26 [Reg. 87\(4\)\(5\)](#) 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), **35(2)**

Modifications etc. (not altering text)

C11 [Reg. 87](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 45**

Commencement Information

I8 [Reg. 87](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Checking of lists kept under regulation 87

88.—(1) Where the returning officer receives a valid [^{F1}postal voting statement] without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list kept under regulation 87(2) above to see whether the number (or numbers) of a postal ballot paper to which the [^{F27}statement] relates is entered in that list.

Status: Point in time view as at 08/12/2021.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers is up to date with all changes known to be in force on or before 03 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)

(2) Where the returning officer receives a postal ballot paper without the [F1 postal voting statement] to which it relates, he may, at any time prior to the close of the poll, check the list kept under regulation 87(3) above to see whether the number of that ballot paper is entered in that list.

(3) The returning officer shall conduct the checks required by paragraphs (1) and (2) above as soon as practicable after the receipt of packets from every polling station in the constituency under rule 43(1) of the elections rules.

(4) Where the ballot paper number in the list matches that number on a valid [F1 postal voting statement] or, as the case may be, the postal ballot paper, the returning officer shall retrieve that [F27 statement] or paper.

(5) The returning officer shall then take the appropriate steps under this Part of these Regulations as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

Textual Amendments

- F1** 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\(a\)](#)
- F27** Word in [reg. 88\(1\)\(4\)](#) 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\(b\)\(iii\)](#)

Modifications etc. (not altering text)

- C12** [Reg. 88](#) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), [reg. 1, Sch. 3 para. 46](#)

Commencement Information

- I9** [Reg. 88](#) in force at 16.2.2001, see [reg. 1\(1\)](#)

Sealing of receptacles

89.—(1) As soon as practicable after the completion of the procedure under regulation 88(3) and (4) above, the returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- ^{F28}(b)
- (c) the receptacle of rejected ballot paper envelopes, ^{F29}...
- (d) the lists of [^{F30}spoilt, lost or cancelled] postal ballot papers,
- ^{F31}(e) the receptacle for rejected votes (verification procedure), and
- (f) the receptacle for postal voting statements (verification procedure).]

and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

Textual Amendments

- F28** [Reg. 89\(1\)\(b\)](#) omitted (6.4.2014) by virtue of [The Representation of the People \(Scotland\) \(Description of Electoral Registers and Amendment\) Regulations 2013 \(S.I. 2013/3206\)](#), [regs. 1\(3\)\(c\), 36\(a\)](#)

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Cross Heading: Receipt of postal ballot papers is up to date with all changes known to be in force on or before 03 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)

- F29** Word in reg. 89(1) omitted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305), regs. 1(1), **11**
- F30** Words in reg. 89(1)(d) 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)(c), **36(b)**
- F31** Reg. 89(1)(e)(f) inserted (with effect in accordance with reg. 1(2)(3) of the amending S.I.) by The Representation of the People (Scotland) (Amendment) Regulations 2008 (S.I. 2008/305), regs. 1(1), **11**

Modifications etc. (not altering text)

- C13** Reg. 89 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 47**

Commencement Information

- I10** Reg. 89 in force at 16.2.2001, see **reg. 1(1)**

Abandoned poll

90.—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of these Regulations; and
- (b) shall, notwithstanding regulations 84 to 86 above, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

^{F32}(2)

Textual Amendments

- F32** Reg. 90(2) 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)**)

Commencement Information

- I11** Reg. 90 in force at 16.2.2001, see **reg. 1(1)**

[^{F33}Retention of documents]

91.—(1) The returning officer shall [^{F34}retain together with] the documents mentioned in rule 55 of the elections rules—

- (a) any packets referred to in regulations 75, 77(6) [^{F35}, 78(2C)] [^{F36}, [^{F37}78A(2),] 84(8)], and 89 above, subject to regulation 90 above, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral ward for which the election (or elections) was (or were) held, and
- (b) a completed statement in Form K of the number of postal ballot papers issued.
- [^{F38}(c) any list compiled under regulation 87(4).]

(2) Where—

- (a) any covering envelopes are received by the returning officer after the close of the poll (apart from those delivered in accordance with the provisions of regulation 79(3) above);

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- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the returning officer shall put them unopened in a separate packet, seal up such packet and endorse and [F39 retain it] in the manner described in paragraph (1) above.

(4) [F40 Rules 56, 57 and 58] of the elections rules shall apply to any packet or document [F41 retained] under this regulation [F42 save that in applying rules 56 and 57 to the list provided for by regulation 87(4), this list and any extracts from it are to be treated as if they were counted ballot papers.]

(5) A copy of the statement referred to in paragraph (1)(b) above shall be provided by the returning officer to the Secretary of State [F43 and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after the day of the poll].

Textual Amendments

- F33** Reg. 91 heading substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(1)** (with reg. 1(2))
- F34** Words in reg. 91(1) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(3)** (with reg. 1(2))
- F35** Word in reg. 91(1)(a) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **11(2)**
- F36** Word in reg. 91(1)(a) inserted (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), **41**
- F37** Word in reg. 91(1)(a) 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), **37(a)**
- F38** Reg. 91(1)(c) 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), **37(b)**
- F39** Words in reg. 91(2) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(4)** (with reg. 1(2))
- F40** Words in reg. 91(4) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(5)** (with reg. 1(2))
- F41** Word in reg. 91(4) substituted (26.3.2010) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2010 \(S.I. 2010/980\)](#), regs. 1(1), **3(5)** (with reg. 1(2))
- F42** Words in reg. 91(4) 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), **37(c)**
- F43** Words in reg. 91(5) inserted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **11(3)**

Modifications etc. (not altering text)

- C14** Reg. 91 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 49**

Commencement Information

- I12** Reg. 91 in force at 16.2.2001, see [reg. 1\(1\)](#)

[^{F44}Forwarding of documents

91A.—(1) Before the returning officer seals up the counted and rejected ballot papers as provided by rule 54 of the elections rules, the returning officer must—

- (a) where any list compiled under regulation 87(4) relates to a constituency contained within a single local government area, send a copy of the list to the registration officer for that local government area;
- (b) where any list compiled under regulation 87(4) relates to a constituency which comprises any part of more than one local government area, send a copy of such extracts of the list as are relevant to each of the registration officers for those local government areas.

(2) A registration officer may only use the information sent in accordance with paragraph (1) for the purposes of notifying voters in accordance with regulation 61C and requiring fresh signatures to be provided in accordance with regulation 60B.

(3) Rule 56 of the elections rules, as modified by rule 58 of those rules, shall apply to the copy of the list, or extracts of the list, sent in accordance with paragraph (1) as if—

- (a) references in rule 56 to counted ballot papers in the custody of the returning officer were to references to the copy of the list, or extracts of the list, sent to a registration officer in accordance with paragraph (1);
- (b) references to the returning officer (as modified by rule 58 of the elections rules) were to references to a registration officer who was sent a list, or extracts of a list, provided in accordance with paragraph (1).

(4) Except as provided for by virtue of paragraph (3), no other person shall be allowed to inspect the copy of the list, or extracts of the list, sent to a registration officer in accordance with paragraph (1).

(5) The registration officer must cause the copy of the list, or extracts of the list, sent in accordance with paragraph (1) to be destroyed—

- (a) as soon as practicable after the registration officer has complied with the requirements of regulation 61C, and issued any notices under regulation 60B, in relation to the information provided in the copy of the list, or extracts of the list; and
- (b) in any event, within 4 months of receipt.]

Textual Amendments

F44 Reg. 91A 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), **38**

Modifications etc. (not altering text)

C15 Reg. 91A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 3 para. 50**

Status:

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