

---

## STATUTORY INSTRUMENTS

---

# 2001 No. 497

## Representation of the People (Scotland) Regulations 2001

### PART IV

#### ABSENT VOTERS

##### Closing date for applications

**56.**—(1) An application under paragraph [F13(1), (6) or (7), or 7(4)] of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at that election.

(2) [F2Subject to paragraph [F3(2ZA)]F4....] an application under paragraph [F53(2) or 6(7)] of Schedule 4 shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at that election.

[F6(2ZA) An application under paragraph 6(7) of Schedule 4 which is made on grounds relating to voter identification must be disregarded for the purpose of a particular parliamentary election if it is received by the registration officer after 5pm on the day of the poll at that election.]

[F7(2A) An application under paragraph 6(7) of Schedule 4 which is made in the circumstances set out in paragraph (2B) shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after 5pm on the day of the poll at that election.

(2B) The circumstances are that—

- (a) the applicant is, at the time the application is made, included in the register kept under paragraph 3 of Schedule 4, and
- (b) the person already appointed as the applicant's proxy at the time the application is made ("P") considers that they are, or are likely to be, unable to attend the allotted polling station on the day of the poll referred to in paragraph (2A)—
  - (i) for reasons relating to compliance by P with a legal requirement to self-isolate;
  - (ii) [F8because attendance would be contrary to coronavirus advice given to P;]
  - (iii) because, due to P's particular circumstances, attendance would give rise to a risk of transmission of coronavirus by P to another person.]

[F9(3) Subject to paragraph (3A) [F10or (3D)], an application under paragraph 4(2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at the election for which it is made.

[F11(3A) Where an application made under paragraph 4(2) of Schedule 4 is made—

- (a) on the grounds of the applicant's disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or

[F12(aza) on grounds relating to coronavirus; or]

*Status: Point in time view as at 28/02/2023. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, Section 56 is up to date with all changes known to be in force on or before 30 June 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)*

[<sup>F13</sup>(aa) on grounds relating to the applicant’s occupation, service or employment and the applicant became aware of those grounds after 5 p.m. on the sixth day before the date of poll at the election for which it is made; or]

(b) by a person to whom paragraph 2(5A) of that Schedule applies, the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.]]

[<sup>F14</sup>(3B) For the purposes of paragraph (3A)(aza) an application is made on grounds relating to coronavirus if it is made—

- (a) because the applicant (“A”) considers that attendance at the allotted polling station would not be permitted due to A’s need to comply with a legal requirement to self-isolate;
- (b) [<sup>F15</sup>because A considers that attendance at the allotted polling station would be contrary to coronavirus advice given to A;]
- (c) because A considers that, due to A’s particular circumstances, attendance at the allotted polling station would give rise to a risk of transmission of coronavirus by A to another person;
- (d) where A already has a person appointed as proxy under paragraph 6(8) of Schedule 4 (“P”), on the ground that P considers that they are, or are likely to be, unable to attend the allotted polling station because any of sub-paragraphs (a), (b) or (c) applies (reading references in those sub-paragraphs to A as references to P).

(3C) In this regulation—

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“coronavirus advice” means advice relating to coronavirus given by a registered medical practitioner or a registered nurse.]

[<sup>F16</sup>(3D) Where an application is made under paragraph 4(2) or 6(8) of Schedule 4 in relation to a parliamentary election on grounds relating to voter identification, the application must be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3E) In paragraphs (2ZA) and (3D), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).]

(4) An application under paragraph [<sup>F17</sup>4(1) or 7(7)] of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at the election for which it is made.

[<sup>F16</sup>(3D) Where an application is made under paragraph 4(2) or 6(8) of Schedule 4 in relation to a parliamentary election on grounds relating to voter identification, the application must be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(3E) In paragraphs (2ZA) and (3D), “grounds relating to voter identification” is interpreted in accordance with regulation 56A(1).]

(5) An application under—

- (a) paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or
- (b) paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy’s appointment shall be disregarded for the purposes of a particular parliamentary or local government election if it is received by the registration officer after [<sup>F18</sup>5.00 p.m. on the eleventh day before the date of the poll at that election.]

*Status: Point in time view as at 28/02/2023. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, Section 56 is up to date with all changes known to be in force on or before 30 June 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)*

[<sup>F19</sup>(5A) Any application or notice mentioned in this regulation shall be disregarded for the purposes of a particular parliamentary or local government election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the returning officer (except where it has been returned in accordance with regulation 77 or 78 (spoilt and lost postal ballot papers)).]

(6) In computing a period of days for the purposes of this regulation, Saturday, Sunday, Christmas Eve, Christmas Day, <sup>F20</sup>... Good Friday or a bank holiday shall be disregarded.

(7) In paragraph (6) above “bank holiday” means—

- (a) in relation to a parliamentary general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in any part of the United Kingdom, and
- (b) in relation to a parliamentary by election or a local government election, a day which is a bank holiday under that Act in Scotland;

except that where, at a parliamentary general election, any proceedings are commenced afresh by reason of a candidate’s death, sub-paragraph (b) and not (a), shall apply.

<sup>F21</sup>(8) .....

**Textual Amendments**

- F1** Words in [reg. 56\(1\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(2)**
- F2** Words in [reg. 56\(2\)](#) inserted (temp.) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(4)(a)** (with regs. 1(2)(b), 2)
- F3** Words in [reg. 56\(2\)](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **39(7)(a)** (with [reg. 1\(6\)\(7\)](#))
- F4** Words in [reg. 56\(2\)](#) omitted (at the end of 28.2.2023) by virtue of [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(5), **40(2)** (with [reg. 40\(3\)](#))
- F5** Words in [reg. 56\(2\)](#) substituted (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(3)**
- F6** [Reg. 56\(2ZA\)](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **39(7)(b)** (with [reg. 1\(6\)\(7\)](#))
- F7** [Reg. 56\(2A\)\(2B\)](#) inserted (temp.) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(4)(b)** (with regs. 1(2)(b), 2)
- F8** [Reg. 56\(2B\)\(b\)\(ii\)](#) substituted (temp.) (27.2.2022) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) \(Amendment\) Regulations 2022 \(S.I. 2022/175\)](#), regs. 1(1), **4(a)** (with regs. 1(2)(3), 2)
- F9** [Reg. 56\(3\)\(3A\)](#) substituted for [reg. 56\(3\)](#) (23.3.2006) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2006 \(S.I. 2006/834\)](#), regs. 1(1), **6(4)**
- F10** Words in [reg. 56\(3\)](#) inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **39(7)(c)** (with [reg. 1\(6\)\(7\)](#))
- F11** [Reg. 56\(3A\)](#) substituted (1.4.2007) by [The Representation of the People \(Scotland\) \(Amendment\) Regulations 2007 \(S.I. 2007/925\)](#), regs. 1(1), **32(2)**
- F12** [Reg. 56\(3A\)\(aza\)](#) inserted (temp.) (24.3.2021) by virtue of [The Representation of the People \(Proxy Vote Applications\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/391\)](#), regs. 1(1), **4(4)(c)** (with regs. 1(2)(b), 2)
- F13** [Reg. 56\(3A\)\(aa\)](#) 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)(b), **25(1)**

*Status: Point in time view as at 28/02/2023. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People (Scotland) Regulations 2001, Section 56 is up to date with all changes known to be in force on or before 30 June 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)*

- F14** Reg. 56(3B)(3C) inserted (temp.) (24.3.2021) by virtue of The Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021 (S.I. 2021/391), regs. 1(1), **4(4)(d)** (with regs. 1(2)(b), 2)
- F15** Reg. 56(3B)(b) substituted (temp.) (27.2.2022) by virtue of The Representation of the People (Proxy Vote Applications) (Coronavirus) (Amendment) Regulations 2022 (S.I. 2022/175), regs. 1(1), **4(b)** (with regs. 1(2)(3), 2)
- F16** Reg. 56(3D)(3E) inserted (16.1.2023) by The Voter Identification Regulations 2022 (S.I. 2022/1382), regs. 1(3), **39(7)(d)** (with reg. 1(6)(7))
- F17** Words in reg. 56(4) substituted (23.3.2006) by The Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I. 2006/834), regs. 1(1), **6(5)**
- F18** Words in reg. 56(5) substituted (4.5.2001) by The Representation of the People (Scotland) (Amendment) Regulations 2001 (S.I. 2001/1749), regs. 1(1), **5**
- F19** Reg. 56(5A) 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)(b), **25(2)**
- F20** Words in reg. 56(6) 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), **48(2)**
- F21** Reg. 56(8) omitted (1.4.2007) by virtue of The Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regs. 1(1), **32(3)**

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

- C1** Reg. 56 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 3 para. 12**

#### **Commencement Information**

- I1** Reg. 56 in force at 16.2.2001, see **reg. 1(1)**

**Status:**

Point in time view as at 28/02/2023. This version of this provision has been superseded.

**Changes to legislation:**

Representation of the People (Scotland) Regulations 2001, Section 56 is up to date with all changes known to be in force on or before 30 June 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.