
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

Spoilt postal ballot papers

77.—^[F1](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 ^[F2]postal voting statement]”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper or, as the case may be, the spoilt ^[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 spoilt or not;
- (b) where postal ballot papers for more than one election have been issued together under regulation 65, all other ballot papers so issued, whether spoilt or not; and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph (1) or sub paragraph (a) or (b).]

(3) ^[F3]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 ^[F4]5 p.m. on the day of the poll].

^[F5](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.

^[F6](5) Any postal ballot paper or ^[F2]postal voting statement], whether spoilt 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.

^[F7](7) Where a postal voter applies in person—

Status: Point in time view as at 01/04/2018. This version of this provision has been superseded.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Section 77 is up to date with all changes known to be in force on or before 18 August 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)

- (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 spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register [^{F8}(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 spoilt is a proxy, his name and address.

Textual Amendments

- F1** 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)**
- 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)

- C1** 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

- I1** Reg. 77 in force at 16.2.2001, see **reg. 1(1)**

Status:

Point in time view as at 01/04/2018. This version of this provision has been superseded.

Changes to legislation:

Representation of the People (Scotland) Regulations 2001, Section 77 is up to date with all changes known to be in force on or before 18 August 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.