
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

[^{F1}Cancellation of postal ballot papers

78A.—(1) Where, after the final nomination day at a parliamentary ^{F2}... 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;
- (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

Status: Point in time view as at 01/04/2018.

Changes to legislation: Representation of the People (Scotland) Regulations 2001, Section 78A is up to date with all changes known to be in force on or before 19 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)

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

- F1** 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**
- F2** 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)

- C1** [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**

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