
STATUTORY INSTRUMENTS

2001 No. 497

Representation of the People (Scotland) Regulations 2001

PART V **S**

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Receipt of postal ballot papers

[^{F1} Retrieval of cancelled postal ballot papers **S**

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 [^{F2}(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) [^{F3} 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

- F1** 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

Changes to legislation: *Representation of the People (Scotland) Regulations 2001, Section 86A is up to date with all changes known to be in force on or before 04 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) View outstanding changes*

- F2** 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)**
- F3** 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)

- C1** 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**

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 31I(3)(t) inserted by [S.I. 2022/1382 reg. 39\(2\)](#)