
STATUTORY INSTRUMENTS

2007 No. 937

The Scottish Parliament (Elections etc.) Order 2007

PART II

THE FRANCHISE AND ITS EXERCISE

Manner of voting at Scottish parliamentary elections

8.—(1) This article applies to determine the manner of voting of a person entitled to vote as an elector at a Scottish parliamentary election.

(2) He may vote in person at the polling station allotted to him under this Order, unless he is entitled as an elector to an absent vote at the election.

(3) He may vote by post if he is entitled as an elector to vote by post at the election.

(4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under this Order for a ballot paper for the purposes of voting in person, in which case he may vote in person there.

(5) If he is not entitled as an elector to an absent vote at the election but cannot reasonably be expected to go in person to the polling station allotted to him under this Order by reason of the particular circumstances of his employment, either as a constable or by a returning officer, on the date of the poll for a purpose connected with the election, he may vote in person at any polling station in the constituency.

(6) Nothing in the preceding provisions of this article applies to—

(a) a person to whom section 7 of the 1983 Act⁽¹⁾ (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not, and such a person may vote—

(i) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or

(ii) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election); or

(b) a person to whom section 7A⁽²⁾ of that Act (persons remanded in custody) applies, whether he is registered by virtue of that provision or not, and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(7) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 49(4) or (6) of the Scottish Parliamentary Election Rules.

(8) For the purposes of the provisions of this Order a person entitled to vote as an elector at a Scottish parliamentary election is entitled as an elector to vote by post or entitled to vote by proxy

(1) Section 7 was substituted by the 2000 Act, section 4.

(2) Section 7A was inserted by the 2000 Act, section 5.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

at the election if he is shown in the absent voter list for the election as so entitled; and references in those provisions to entitlement as an elector to an absent vote at an election are references to an entitlement as an elector to vote by post or entitlement to vote by proxy at the election.