

SCHEDULE 3

ABSENT VOTING

Additional requirements for applications for a proxy vote in respect of a particular election

5.—(1) An application under article 10(2) to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Where an application under article 10(2)—

- (a) is made on the grounds of the applicant's disability; and
- (b) is made after 5 pm on the sixth day before the date of poll at the election for which it is made,

the requirements of paragraph 3 as to the matters to be specified and the attestation shall apply.

(3) Where an application mentioned in sub-paragraph (2) is made, the person who attests the application shall state, in addition to those matters specified in paragraph 3(4), to the best of his knowledge and belief, the date upon which the applicant became disabled.

(4) Where an application under article 10(2) is made by a person to whom paragraph 2(5A) of Schedule 4 to the 2000 Act⁽¹⁾ (mental patients who are not detained offenders) applies after 5 pm on the sixth day before the date of the poll at the election for which it is made, the requirements of sub-paragraph (5) as to the matters to be specified and as to attestation shall apply.

(5) Where an application mentioned in sub-paragraph (4) is made—

- (a) the application shall additionally state the name and address of the hospital at which the applicant is liable to be detained; and
- (b) the application shall be attested by a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003 responsible for the administration of the hospital at which the applicant is liable to be detained, and the attestation shall state—
 - (i) the name of the manager attesting the application;
 - (ii) that the manager is authorised to attest the application;
 - (iii) the position of the manager in the hospital at which the applicant is liable to be detained; and
 - (iv) the statutory provision under which the applicant is liable to be detained at the hospital.

(6) This paragraph does not apply where an applicant has an anonymous entry.

(1) Paragraph 2(5A) was inserted by the 2006 Act, section 35.