
STATUTORY INSTRUMENTS

2008 No. 48

The Absent Voting (Transitional Provisions) (Scotland) Regulations 2008

Consequence of failure or refusal to provide personal identifiers

5.—(1) Where the registration officer determines that an absent voter has failed or refused to provide the required personal identifiers—

- (a) if the absent voter has an entry in the registration officer's absent voting records, he or she must remove that entry, and the absent voter shall not be entitled to vote by post, by proxy or by post as a proxy (as the case may be) otherwise than in pursuance of a further application made under Schedule 4;
- (b) in the case of an absent voter whose application under paragraph 4(1) or (2) or paragraph 7(4)(b) of Schedule 4 has been granted, the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) at the particular election for which the application under paragraph 4(1) or (2) or paragraph 7(4)(b) of Schedule 4 was made, otherwise than in pursuance of a further application made under Schedule 4.

(2) Where an absent voter ceases to be entitled to vote by post, by proxy or by post as proxy in the circumstances to which paragraph (1) refers—

- (a) the registration officer shall inform the absent voter of the location of the polling station to which the absent voter has been allotted, or is likely to be allotted, under the appropriate rules (as defined in paragraph 1 to Schedule 4), unless that voter is not likely to be allotted to a polling station;
- (b) regulation 57(4) and regulation 58 of the Representation of the People (Scotland) Regulations 2001⁽¹⁾ shall apply as if the registration officer were refusing an application under Schedule 4; and
- (c) in the case of an absent voter who ceases to be entitled to vote by post as proxy, the registration officer must also notify the elector for whom the proxy was appointed.

(3) The registration officer shall include in the notice to be sent to an absent voter pursuant to paragraph (2), information—

- (a) explaining the effect of removal from the absent voting records (where applicable); and
- (b) reminding the absent voter that he or she may make a fresh application under Schedule 4 to vote by post, by proxy or by post as a proxy (as the case may be).

⁽¹⁾ S.I.2001/497; Regulation 57 was amended by S.I. 2006/834 and 2007/925.