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STATUTORY INSTRUMENTS

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**2010 No. 2999**

**The Scottish Parliament (Elections etc.) Order 2010**

**PART 2**

**THE FRANCHISE AND ITS EXERCISE**

**Manner of voting at Scottish parliamentary elections**

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

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

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

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

(5) If—

(a) P is not entitled as an elector to an absent vote at the election, but

(b) P cannot reasonably be expected to go in person to the polling station allotted to P under this Order by reason of the particular circumstances of P’s employment, either as a constable or by a CRO or RRO, on the date of the poll for a purpose connected with the election,

P 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 (“Q”) to whom section 7 of the 1983 Act<sup>(1)</sup> (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 Q is registered by virtue of that provision or not, and Q may vote—

(i) in person (where Q 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 Q is entitled as an elector to vote by post or, as the case may be, by proxy at the election); or

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

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(1) Section 7 was substituted by the 2000 Act, section 4. It was amended by the 2006 Act, section 12, and [S.I. 2005/2078](#), Schedule 1, paragraph 1(3)

(2) Section 7A was inserted by the 2000 Act, section 5. It was amended by the 2006 Act, section 12(2), [S.I. 2005/2078](#), Schedule 1, paragraph 1(4) and [S.S.I. 2005/465](#), Schedule 1, paragraph 12(4).

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

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(7) Paragraph (2) does not prevent a person, at the polling station allotted to that person, marking a tendered ballot paper in pursuance of rule 49(5) of the Scottish Parliamentary Election Rules (entitlement to mark a tendered ballot paper).

(8) For the purposes 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 at the election if that person is shown in the postal voters list or the list of proxies for the election as so entitled; and references in this Order 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.