
STATUTORY INSTRUMENTS

2006 No. 834

**The Representation of the People
(Scotland) (Amendment) Regulations 2006**

Amendment to provision about spoilt postal ballot papers

8.—(1) Regulation 77 of the 2001 Regulations shall be amended as follows.

(2) For paragraphs (1) and (2) substitute—

“(1) If a postal voter has inadvertently dealt with his postal ballot paper or declaration of identity in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a declaration of identity (referred to as “a spoilt declaration of identity”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper or, as the case may be, the spoilt declaration of identity.

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the declaration of identity, whether spoilt or not;
- (b) where postal ballot papers for more than one election have been issued together under regulation 65, all other ballot papers so issued, whether spoilt or not; and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph (1) or sub paragraph (a) or (b).”.

(3) In paragraph (3)—

- (a) at the beginning insert “Subject to paragraph (3A),”; and
- (b) for “5 p.m. on the day before the day of the poll” substitute “5 p.m. on the day of the poll”.

(4) After paragraph (3) insert—

“(3A) Where the returning officer receives the documents referred to in paragraph (1) and, where applicable paragraph (2), after 5 p.m. on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returns the documents by hand.”.

(5) For paragraph (5) substitute—

“(5) Any postal ballot paper or declaration of identity, whether spoilt or not, returned in accordance with paragraph (1) or (2) shall be immediately cancelled.”.

(6) For paragraph (7) substitute the following paragraph—

“(7) Where a postal voter applies in person—

- (a) by 5 p.m. on the day before the day of the poll, the returning officer may hand a replacement postal ballot paper to him; or
- (b) after 5 p.m. on the day before the day of the poll, the returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with regulation 76.”.