
STATUTORY INSTRUMENTS

2006 No. 834

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

Amendment to provision about lost postal ballot papers

9.—(1) Regulation 78 of the 2001 Regulations shall be amended as follows.

(2) For paragraph (1) substitute—

“(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper, or
- (b) the declaration of identity, or
- (c) one or more of the envelopes supplied for their return,

by the third day before the day of the poll, he may apply (whether or not in person) to the returning officer for a replacement ballot paper.”.

(3) After paragraph (2) insert—

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

- (a) the documents referred to in paragraph (1)(a) to (c); and
- (b) where postal ballot papers for more than one election have been issued together under regulation 65, all other ballot papers so issued,

which he has received and which have not been lost.

(2B) Any postal ballot paper or declaration of identity returned in accordance with paragraph (2A) shall be immediately cancelled.

(2C) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.”.

(4) 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”;
- (c) for sub paragraph (b) substitute—

“(b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the declaration of identity or one or more of the envelopes provided for their return”.

(5) After paragraph (3) insert the following paragraph—

“(3A) Where the application is received by the returning officer 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 applies in person.”.

(6) For paragraph (4)(c) substitute—

“(c) where the postal voter is a proxy, his name and address.”.

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

“(6) 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.”.