
STATUTORY INSTRUMENTS

2007 No. 925

**The Representation of the People
(Scotland) (Amendment) Regulations 2007**

PART 5

Absent Voting: Proxy Applications

Persons who may attest applications for a proxy vote

30.—(1) Regulation 53(1) is amended as follows.

(2) In the heading to regulation 53, for the words “physical incapacity or blindness” substitute “blindness or any other disability”.

(3) In paragraph (1) for “the physical incapacity” substitute “the disability”.

(4) For paragraphs (2), (3) and (4) substitute—

“(2) Subject to paragraphs (3) and (5), such an application shall be attested and signed by—

- (a) a registered medical practitioner;
- (b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(2) by virtue of qualifications in nursing;
- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984(3);
- (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989(4);
- (e) a registered pharmaceutical chemist as defined by section 24(1) of the Pharmacy Act 1954(5);
- (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993(6);
- (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994(7);
- (h) a Christian Science practitioner;
- (i) a person for the time being listed in the British Psychological Society’s register of chartered psychologists;

(1) Regulation 53 was amended by [S.I. 2002/881](#) and [2004/1771](#).

(2) [S.I. 2002/253](#).

(3) [1984 c. 24](#).

(4) [1989 c. 44](#).

(5) [1954 c. 61](#).

(6) [1993 c. 21](#).

(7) [1994 c. 17](#).

- (j) a person registered as a member of a profession to which the Health Professions Order 2001⁽⁸⁾ for the time being extends;
 - (k) the person managing a care home service registered under Part 1 of the Regulation of Care (Scotland) Act 2001⁽⁹⁾;
 - (l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;
 - (m) 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⁽¹⁰⁾ responsible for the administration of a hospital within the meaning of that section; or
 - (n) a person registered as a social worker in the register maintained in accordance with section 44 of the Regulation of Care (Scotland) Act 2001.
- (3) A person who qualifies—
- (a) by virtue of any of sub paragraphs (a) to (j) of paragraph (2) may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (b) by virtue of sub paragraph (n) of paragraph (2) may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the applicant in respect of the applicant's disability.
- (4) The person attesting an application under paragraph (2), other than a person attesting by virtue of sub paragraph (2)(m), shall state—
- (a) his name and address and the qualification by virtue of which he attests the application;
 - (b) where the person who attests the application is a person referred to in sub paragraph (3)(a), that he is treating the applicant for the disability specified in the application or that the applicant is receiving care from him in respect of that disability;
 - (c) where the person who attests the application is a person referred to in sub paragraph (3)(b), that he is treating the applicant for the disability specified in the application, that the applicant is receiving care from him in respect of that disability, or that he has arranged care or assistance for the applicant in respect of that disability;
 - (d) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
 - (e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.

⁽⁸⁾ S.I. 2002/254.

⁽⁹⁾ 2001 asp 8.

⁽¹⁰⁾ 2003 asp 13.

(4A) A manager (or a person on behalf of a manager) attesting an application under sub paragraph (2)(m) shall state—

- (a) the name of the manager attesting the application;
- (b) that the manager is authorised to attest the application;
- (c) the position of the manager in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;
- (d) the statutory provision under which the applicant is detained, or is liable to be detained, at the hospital, where applicable;
- (e) that, to the best of the manager’s knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
- (f) that, to the best of the manager’s knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the manager attesting the application.”.

(5) In paragraph (5)—

- (a) for “Paragraphs (2) to (4) above” substitute “Paragraphs (2) to (4A); and
- (b) in sub paragraph (b) for “physical incapacity” substitute “disability”.

Additional requirements for certain proxy applications for a particular election

31.—(1) Regulation 55(11) shall be amended as follows.

(2) In paragraph (2)(a) for “physical incapacity” substitute “disability”.

(3) In paragraph (3)—

- (a) for “regulation 53(4)” substitute “regulation 53”; and
- (b) for “physically incapacitated” substitute “disabled”.

(4) After paragraph (3) insert—

“(3A) Where an application under paragraph 4(2) of Schedule 4 is made by a person to whom paragraph 2(5A)(12) of that Schedule applies after 5 p.m. on the sixth day before the date of the poll at the election for which it is made, the requirements of paragraph (3B) as to the matters to be specified and as to attestation shall apply.

(3B) Where an application mentioned in paragraph (3A) 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

(11) Regulation 55 was substituted by [S.I. 2006/834](#) and is also amended by regulation 20 of these Regulations.

(12) Paragraph 2(5A) was inserted by section 35 of the Electoral Administration Act 2006 (c. 22).

- (iv) the statutory provision under which the applicant is liable to be detained at the hospital.”.

Closing date for applications

32.—(1) Regulation 56(13) shall be amended as follows.

(2) For paragraph (3A) substitute—

“(3A) Where an application made under paragraph 4(2) of Schedule 4 is made—

(a) on the grounds of the applicant’s disability and the applicant became disabled after 5 p.m. on the sixth day before the date of the poll at the election for which it is made; or

(b) by a person to whom paragraph 2(5A) of that Schedule applies,

the application, or an application under paragraph 6(8) of that Schedule made by virtue of that application, shall be refused if it is received after 5 p.m. on the day of the poll at the election for which it is made.”.

(3) Omit paragraph (8).