
STATUTORY INSTRUMENTS

2023 No. 1225

The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023

The Representation of the People (Scotland) Regulations 2001

3.—(1) The Representation of the People (Scotland) Regulations 2001(1) are amended as follows.

(2) In regulation 3 (interpretation), in paragraph (1), in the appropriate places insert—

““left behind postal voting document” is a postal voting document relating to a parliamentary election that is left behind at a polling station or left for the returning officer without being handed in and for which no return of postal voting documents form has been completed;”;

““return of postal voting documents form” has the meaning given in regulation 79A;”.

(3) In regulation 61C (notification of rejected postal voting statement)—

(a) in the heading, for “statement” substitute “document”;

(b) in paragraph (1)—

(i) after “87(4)” insert “, or on the list created under regulation 87(6) with an indication in accordance with regulation 87(6)(d) that a postal ballot paper was included in rejected postal voting documents,”;

(ii) in sub-paragraph (a)—

(aa) the words from “the returning officer” to the end become paragraph (i);

(bb) after that paragraph (i) insert—

“(ii) the postal ballot paper was handed in at a polling station or for the returning officer, and the relevant officer—

(aa) was not satisfied that the return of postal voting documents form had been completed properly and provided the required information,

(bb) suspected that the person handing it in had handed in postal ballot papers on behalf of more than the permitted number of electors, or

(cc) suspected that the person handing it in was a political campaigner who was committing an offence under section 112A of the 1983 Act;

(iii) the postal ballot paper was a left behind postal voting document;”;

(iii) in sub-paragraph (c)—

(aa) the words from “in regulation 87(5)” to the end becomes paragraph (i);

(bb) after that paragraph (i) insert—

“(ii) in regulation 87(7) applied to the absent voter’s postal ballot paper.”;

- (c) in paragraph (2)(b), at the end insert “except where that offence is committed by a political campaigner under section 112A of the 1983 Act”.
- (4) In regulation 66 (form of postal voting statement), omit paragraph (b).
- (5) In regulation 79 (alternative means of returning postal ballot paper or postal voting statement)
 - (a) in paragraph (2)—
 - (i) for “paragraph (3)” substitute “paragraphs (2A) or (3)”;
 - (ii) after “that station” insert “and any return of postal voting documents form”
 - (b) after paragraph (2) insert—

“(2A) A postal ballot paper or postal voting statement may only be delivered to the returning officer in accordance with paragraph (2) if the requirements of regulation 79A are met and the paper and statement are not rejected in accordance with regulation 79B or 79D.”;
 - (c) in paragraph (3), after “statement” insert “or return of postal voting documents form”;
 - (d) in paragraph (4), for the words from “in accordance with” to the end substitute—

“or return of postal voting documents form in accordance with paragraph (3) the presiding officer must first make up into separate packets sealed with the presiding officer’s own seal and the seals of such polling agents as are present and desire to affix their seals with a description of its contents written on each packet—

 - (a) the postal ballot papers and postal voting statements;
 - (b) the return of postal voting documents forms for those postal ballot papers and postal voting statements.”.
- (6) After regulation 79 insert—

“Requirements of return of postal voting documents form

79A.—(1) The requirements of this regulation are—

- (a) the person handing in a postal voting document (“P”) completes a form containing the following information (a “return of postal voting documents form”)—
 - (i) P’s name and address,
 - (ii) whether P is handing in P’s own postal voting documents,
 - (iii) the number of other electors for whom P is handing in postal voting documents,
 - (iv) the total number of envelopes containing postal ballot papers P is handing in, including P’s own,
 - (v) the reason P is handing in postal voting documents for other electors,
 - (vi) a declaration by P that P has not handed in postal voting documents at any polling station or to the returning officer for a total of more than the number of electors other than P set out in regulation 79B(1)(c) or 82B(1)(c), including those being handed in at that time and either—
 - (aa) that to the best of P’s knowledge, P is not a political campaigner for whom it is an offence to handle the postal voting documents concerned in accordance with section 112A of the 1983 Act, or
 - (bb) that P is a political campaigner and is only handing in postal voting documents for P and for P’s spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or someone for whom P provides

regular care or for whom regular care is provided by an organisation which employs or engages P, and

- (b) the relevant officer has endorsed the return of postal voting documents form returned by P to confirm the relevant officer's name and that—
 - (i) the relevant officer is satisfied that the form has been completed properly and provides the information required by paragraph (a),
 - (ii) the relevant officer does not suspect that the number of electors other than P for whom P is handing in postal voting documents exceeds number of electors set out in regulation 79B(1)(c) or 82B(1)(c),
 - (iii) the relevant officer does not suspect that P is a political campaigner who is committing an offence under section 112A of the 1983 Act, and
 - (iv) the postal voting documents to which the form relates are not rejected.

(2) For the purposes of paragraph (1)(a)(vi)(bb), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.

Rejection of postal voting documents handed in at a polling station

79B.—(1) A relevant officer must reject—

- (a) all postal voting documents handed in by P where P fails to fully complete the return of postal voting documents form with the required information;
- (b) all postal voting documents handed in by P other than P's own postal voting documents where the relevant officer has reasonable cause to suspect that the documents are handed in on behalf of more than five other electors;
- (c) a postal voting document handed in by P or all postal voting documents handed in together by P (other than P's own postal voting documents) where the relevant officer has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by P on any previous occasion in respect of the same election (whether to a polling station or to the returning officer and disregarding any that were rejected), P has handed in postal voting documents on behalf of more than five other electors.

(2) Where P hands in one or more proxy postal ballot papers completed by P as proxy for another elector, for "five" in paragraphs (1)(b) and (c), substitute the number that is five minus the number of proxy postal ballot papers P hands in.

(3) A relevant officer may reject a postal voting document handed in by P where the relevant officer knows or has reasonable cause to suspect that, in handing in the document, P is committing an offence under section 112A of the 1983 Act.

Procedure for dealing with rejected postal voting documents handed in at a polling station

79C.—(1) Where any postal voting document has been rejected in accordance with regulation 79B the relevant officer must indicate this, together with the reason or reasons for the rejection and the relevant officer's name, on the return of postal voting documents form and attach the form to the postal voting documents concerned.

(2) The presiding officer must make up a packet (or packets) of the rejected postal voting documents and the accompanying return of postal voting documents forms, sealed with the presiding officer's own seal and the seals of such polling agents as are present and desire to affix their seals with a description of its contents written on each packet.

(3) Where a return of postal voting documents form relates to postal voting documents which have not all been rejected, that form must be dealt with as if it related just to the rejected postal voting documents, and the postal voting documents which have been rejected must be noted on it.

(4) The presiding officer must deliver, or cause to be delivered, those packets in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, the packets referred to in rule 43(1) of the elections rules.

Postal voting documents left behind at a polling station

79D.—(1) Where a person leaves a left behind postal voting document at a polling station, the relevant officer must reject that left behind postal voting document.

(2) The relevant officer must—

- (a) write on a return of postal voting documents form to confirm that the postal voting document is a left behind postal voting document,
- (b) write the relevant officer’s name on that form, and
- (c) attach that form to the left behind postal voting document.

(3) Left behind postal voting documents and the attached return of postal voting documents forms must be included in the packet of rejected postal voting documents and forms made up in accordance with regulation 79C(2).”.

(7) In regulation 82 (receipt of covering envelope), in paragraph (1) for “(whether by hand or by post)” substitute “by post”.

(8) After regulation 82 insert—

“Postal voting documents handed in to the returning officer

82A.—(1) Subject to paragraphs (2) and (3), a person acting under the authority of the returning officer (“the authorised person”) must deliver to the returning officer—

- (a) any postal voting document handed in under regulation 79(1)(b) before the close of the poll, and
- (b) the return of postal voting documents form completed in respect of it.

(2) A postal voting document may only be delivered to the returning officer in accordance with paragraph (1) if the requirements of regulation 79A are met and the document is not rejected in accordance with regulation 82B or 82D.

(3) Before delivering them to the returning officer in accordance with paragraph (1), the authorised person must first make up into separate packets with a description of its contents written on each packet which is then sealed up—

- (a) the postal voting documents;
- (b) the return of postal voting documents forms for those postal voting documents.

Rejection of postal voting documents handed in to the returning officer

82B.—(1) The authorised person must reject—

- (a) all postal voting documents handed in by P in accordance with regulation 79(1)(b) where P fails to fully complete the return of postal voting documents form with the required information;
- (b) all postal voting documents handed in by P in accordance with regulation 79(1)(b) other than P’s own postal voting documents where the authorised person has

reasonable cause to suspect that the documents are handed in on behalf of more than five other electors;

- (c) a postal voting document handed in by P or all postal voting documents handed in together by P in accordance with regulation 79(1)(b) (other than P's own postal voting documents) where the authorised person has reasonable cause to suspect that, taking that document or those documents together with any postal voting documents handed in by P on any previous occasion in respect of the same election (whether to a polling station or to the returning officer and disregarding any that were rejected), P has handed in postal voting documents on behalf of more than five other electors.

(2) Where P hands in one or more proxy postal ballot papers completed by P as proxy for another elector, for "five" in paragraphs (1)(b) and (c), substitute the number that is five minus the number of proxy postal ballot papers P hands in.

(3) The authorised person may reject a postal voting document handed in by P where the authorised person knows or has reasonable cause to suspect that, in handing in the document, P is committing an offence under section 112A of the 1983 Act.

Procedure for dealing with rejected postal voting documents handed in to the returning officer

82C.—(1) Where any postal voting document has been rejected in accordance with regulation 82B the authorised person must indicate this, together with the reason or reasons for the rejection and the authorised person's name, on the return of postal voting documents form and attach the form to the postal voting documents concerned.

(2) The authorised person must make up a packet (or packets) of the rejected postal voting documents and the accompanying return of postal voting documents forms which must be sealed up with a description of its contents written on each packet.

(3) Where a return of postal voting documents form relates to postal voting documents which have not all been rejected, that form must be dealt with as if it related just to rejected postal voting documents, and the postal voting documents which have been rejected must be noted on it.

(4) The authorised person must deliver those packets to the returning officer before the close of the poll.

Postal voting documents left behind with the returning officer

82D.—(1) Where a person leaves a left behind postal voting document for the returning officer in accordance with regulation 79(1)(b), the authorised person must reject that left behind postal voting document.

(2) The authorised person must—

- (a) write on a return of postal voting documents form to confirm that the postal voting document is a left behind postal voting document,
- (b) write the authorised person's name on that form, and
- (c) attach that form to the left behind postal voting document.

(3) Left behind postal voting documents and the attached return of postal voting documents forms must be included in the packet of rejected postal voting documents and forms made up in accordance with regulation 82C(2).

Opening of delivered or collected packets of postal voting documents

82E.—(1) Paragraph (2) applies to the packets of postal voting documents delivered to or collected by the returning officer in accordance with regulation 79(2) or (4) or 82A(1).

(2) Regulations 69(2), 80, 81(6), 83(1) and 84 apply to a packet to which this paragraph applies as if that packet were a postal voters' ballot box."

(9) In regulation 87 (lists of rejected postal ballot papers)—

- (a) in the heading, for "ballot papers" substitute "voting documents";
- (b) in paragraph (1), for "three" substitute "four";
- (c) after paragraph (5) insert—

"(6) In the fourth list, the relevant officer must, subject to paragraph (9), record in relation to any elector whose postal voting documents were rejected in accordance with regulation 79B or 82B or were left behind postal voting documents—

- (a) the elector's name and address (and the name and address of the proxy if the elector has a proxy),
- (b) the elector's number on the register of electors (and that of the proxy if the elector has a proxy),
- (c) the specified reason or reasons for the rejection of the postal voting documents,
- (d) an indication as to whether the postal voting documents included a postal ballot paper the number of which matched the postal ballot paper number marked on the postal voting statement, and
- (e) any other information relating to the rejection that the returning officer considers appropriate, but not the postal ballot paper number.

(7) The specified reasons that may be given under sub-paragraph (6)(c) for the rejection of the postal voting documents are—

- (a) the postal voting documents were handed in at a polling station or to the returning officer but the return of postal voting documents form was not fully completed with the required information;
- (b) the postal voting documents were handed in at a polling station or to the returning officer but the number of postal voting documents handed in exceeded or was suspected to exceed the permitted number;
- (c) the postal voting documents were handed in by a political campaigner who was not permitted to hand in those postal voting documents;
- (d) the postal voting documents were left behind postal voting documents.

(8) In compiling the fourth list the returning officer must open separately each covering envelope (including an envelope described in regulation 82(2)) and each ballot paper envelope.

(9) The obligation in paragraph (6) does not apply where an elector's rejected postal voting documents do not include a postal voting statement."

(10) In regulation 89 (sealing of receptacles), in paragraph (1) after paragraph (f) insert—

- "(g) the packets of rejected postal voting documents and accompanying return of postal voting documents forms made up in accordance with regulations 79C(2) and 82C(2),"

(11) In regulation 91 (retention of documents)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a) after "78A(2)," insert "79(3)(b), 82A(3)(b),";

- (ii) in sub-paragraph (c) after “87(4)” insert “and (6)”; and
- (b) for paragraph (4) substitute—
 - “(4) Rules 56, 57 and 58 of the elections rules will apply to any packet or document retained under this regulation save that in applying rules 56 and 57 to the lists provided for by regulation 87(4) and (6), these lists and any extracts from them are to be treated as if they were counted ballot papers.”.
- (12) In regulation 91A (forwarding of documents)—
 - (a) in paragraph (1) for sub-paragraphs (a) and (b) substitute—
 - “(a) where any lists compiled under regulation 87(4) or (6) relate to a constituency contained within a single local government area, send copies of those lists to the registration officer for that local government area;
 - (b) where any lists compiled under regulations 87(4) or (6) relates to a constituency which comprises any part of more than one local government area, send copies of such extracts of the lists as are relevant to each of the registration officers for those local government areas.”;
 - (b) in paragraph (3)—
 - (i) for “copy of the list, or extracts of the list” in both places it occurs substitute “copies of the lists, or extracts of the lists”;
 - (ii) in sub-paragraph (b) for “a list, or extracts of a list” substitute “lists, or extracts of lists”;
 - (c) in paragraphs (4) and (5) for “the copy of the list, or extracts of the list” in each place it occurs substitute “copies of the lists, or extracts of the lists”.
- (13) In regulation 118 (inspection of documents open to public inspection) for paragraph (1)(b) (iv) substitute—
 - “(iv) the lists required to be compiled under regulation 87(4) and (6), and any extracts produced from those lists;
 - (v) return of postal voting documents forms.”.
- (14) In Schedule 3 (forms)—
 - (a) in the arrangement of forms, omit the entry for Form H;
 - (b) for form A1 (official postal poll card to be sent to an elector voting by post), form B1 (official proxy postal poll card to be sent to an appointed proxy voting by post) and form G (postal voting statement for use at a parliamentary election taken alone) substitute the corresponding forms in Schedule 2 to these Regulations;
 - (c) omit form H (postal voting statement for use when postal ballots are combined);
 - (d) for form J (postal voting statement for use when a parliamentary poll is combined with another poll but the postal ballots are not combined) and form K (statement as to postal ballot papers) substitute the corresponding forms in Schedule 2 to these Regulations.