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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Proxies. (See end of Document for details)

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## SCHEDULE 2 FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

### PART 1

#### MANNER OF VOTING

##### *Proxies*

- 5 (1) Subject to the provisions of this paragraph, any person is capable of being appointed as proxy to vote for another in the referendum and may vote in pursuance of the appointment.
- (2) A person (“A”) cannot have more than one person at a time appointed as proxy to vote for A in the referendum.
- (3) A person is not capable of being appointed to vote, or of voting, as proxy at the referendum—
- (a) if the person is subject to any legal incapacity (age apart) to vote in the referendum, or
  - (b) if the person is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union.
- (4) A person is not capable of voting as a proxy in the referendum unless, on the date of the referendum, the person is of voting age.
- (5) A person is not entitled to vote as proxy in the referendum on behalf of more than 2 others of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- (6) If there is an existing proxy for an existing proxy voter, the existing proxy is taken to have been appointed as proxy to vote for the existing proxy voter in the referendum.
- (7) In sub-paragraph (6), “existing proxy” means, in relation to an existing proxy voter—
- (a) a person appointed under paragraph 6(7) of Schedule 4 to the Representation of the People Act 2000 as proxy to vote for the existing proxy voter at local government elections, or
  - (b) if there is no such person, a person appointed under article 10(6) of the Scottish Parliament (Elections etc.) Order 2010 (SI 2010/2999) as proxy to vote for the existing proxy voter at Scottish parliamentary elections.
- (8) Where a person applies to the registration officer for the appointment of a proxy to vote for the person in the referendum, the registration officer must make the appointment if—
- (a) the registration officer is satisfied that the applicant is or will be—
    - (i) registered in the register of electors maintained by the officer, and
    - (ii) entitled to vote by proxy in the referendum by virtue of paragraph 2(3) or an application under paragraph 3,
  - (b) the registration officer is satisfied that the proxy is capable of being and willing to be appointed, and
  - (c) the application meets the requirements in paragraph 7.

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- (9) The appointment of a proxy under this paragraph is to be made by means of a proxy paper issued by the registration officer.
- (10) The appointment of a proxy to vote for a person (“A”) in the referendum—
- (a) may be cancelled by A by giving notice to the registration officer, and
  - (b) ceases to have effect on the issue of a proxy paper appointing a different person to vote for A in the referendum.

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