
Changes to legislation: There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, PART 3. (See end of Document for details)

SCHEDULE 2 FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

PART 3

POSTAL VOTING: ISSUE AND RECEIPT OF BALLOT PAPERS

Persons entitled to be present at issue and receipt of postal ballot papers

- 20 (1) Without prejudice to sections 18 to 20, no person may be present at the proceedings on the issue of postal ballot papers other than the counting officer and the counting officer's staff.
- (2) Without prejudice to sections 18 to 20, no person may be present at the proceedings on the receipt of postal ballot papers other than—
- (a) the counting officer and the counting officer's staff,
 - (b) a referendum agent or any person appointed by a referendum agent to attend in such referendum agent's place,
 - (c) any agents appointed under sub-paragraph (3).
- (3) Each referendum agent may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers (“postal ballot agents”).
- (4) The number of postal ballot agents that may be appointed under sub-paragraph (3)—
- (a) is to be determined by the counting officer, and
 - (b) is to be the same for each referendum agent.
- (5) A referendum agent who appoints postal ballot agents must give the counting officer notice of the appointment no later than the time fixed for the opening of the postal voters box.
- (6) If a postal ballot agent dies or becomes unable to perform the agent's functions, the referendum agent may appoint another agent and must give the counting officer notice of the new appointment as soon as practicable.
- (7) A notice under sub-paragraph (5) or (6)—
- (a) must be given in writing, and
 - (b) must give the names and addresses of the persons appointed.
- (8) In this Part of this schedule, references to postal ballot agents are to agents appointed under sub-paragraph (3) or (6)—
- (a) whose appointments have been duly made and notified, and
 - (b) who are within the number authorised by the counting officer.
- (9) Where in this Part of this schedule anything is required or authorised to be done in the presence of postal ballot agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not invalidate the thing (if the thing is otherwise duly done).

Notification of requirement of secrecy

- 21 The counting officer must make such arrangements as are reasonably practicable to ensure that every person attending the proceedings in connection with the issue

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or receipt of postal ballot papers has been given a copy of sub-paragraphs (7), (9) and (10) of paragraph 7 of schedule 7.

Time when postal ballot papers are to be issued

- 22 The counting officer is to issue postal ballot papers (and postal voting statements) as soon as it is practicable to do so.

Issue of postal ballot papers

- 23 (1) The number of the voter as stated in the Polling List must be marked on the corresponding number list, next to the unique identifying number of the ballot paper issued to that voter.
- (2) A mark is to be placed in the postal voters list or the proxy postal voters list against the number of the voter to denote that a ballot paper has been issued to the voter or the voter's proxy, but without showing the particular ballot paper issued.
- (3) The number of a postal ballot paper must be marked on the postal voting statement sent with that paper.
- (4) Subject to sub-paragraph (5), the address to which the postal ballot paper, postal voting statement and the envelopes referred to in paragraph 25 are to be sent is—
- (a) in the case of a voter, the address shown in the postal voters list,
 - (b) in the case of a proxy, the address shown in the proxy postal voters list.
- (5) Where a person has an anonymous entry in the register of electors, the items specified in sub-paragraph (4) are to be sent in an envelope or other form of covering so as not to disclose to any other person that the person has an anonymous entry to the address to which postal ballot papers should be sent—
- (a) as shown in the record of anonymous entries, or
 - (b) as given in pursuance of an application made under paragraph 3(1) or (5) or 6(6) or (8).

Refusal to issue postal ballot paper

- 24 Where a counting officer is satisfied that two or more entries in the postal voters list, or the proxy postal voters list or in each of those lists relate to the same voter, the counting officer may not issue more than one ballot paper in respect of that voter.

Envelopes

- 25 (1) The envelope which the counting officer is required by rule 8(1) of the conduct rules to issue to a postal voter is to be marked with the letter “B”.
- (2) The counting officer must also issue to a postal voter a smaller envelope which is to be marked with—
- (a) the letter “A”,
 - (b) the words “ballot paper envelope”, and
 - (c) the number of the ballot paper.

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Sealing up of completed corresponding number lists and security of special lists

- 26 (1) As soon as practicable after the issue of each batch of postal ballot papers, the counting officer must make up into a packet the completed corresponding number lists for those ballot papers which have been issued and must seal that packet.
- (2) Until the counting officer has sealed the packet as described in paragraph 35(11), the counting officer must take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.

Payment of postage on postal ballot papers

- 27 (1) Where ballot papers are posted to postal voters, postage must be prepaid.
- (2) Return postage must be prepaid where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

Spoilt postal ballot papers

- 28 (1) If a postal voter has inadvertently dealt with a postal ballot paper or postal voting statement in such manner that it cannot be conveniently used as a ballot paper (a “spoilt ballot paper”) or a postal voting statement (a “spoilt postal voting statement”) the postal voter may return the spoilt ballot paper or (as the case may be) the spoilt postal voting statement to the counting officer (either by hand or by post).
- (2) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), the postal voter must also return—
- (a) the postal ballot paper or (as the case may be) the postal voting statement (whether spoilt or not), and
 - (b) the envelopes supplied for their return.
- (3) Subject to sub-paragraph (4), on receipt of the documents referred to in sub-paragraphs (1) and (2), the counting officer must issue another postal ballot paper except where those documents are received after 5pm on the date of the referendum.
- (4) Where the counting officer receives the documents referred to in sub-paragraphs (1) and (2) after 5pm on the day before the date of the referendum, the counting officer may only issue another postal ballot paper if the postal voter returns the documents by hand.
- (5) The following provisions apply in relation to a replacement postal ballot paper under sub-paragraph (3) as they apply in relation to a ballot paper—
- (a) paragraph 23 (except sub-paragraph (2)),
 - (b) paragraphs 25 and 26, and
 - (c) subject to sub-paragraph (8), paragraph 27.
- (6) Any postal ballot paper or postal voting statement (whether spoilt or not) returned in accordance with sub-paragraphs (1) and (2) must be immediately cancelled.
- (7) The counting officer must, as soon as practicable after cancelling those documents, make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned in sub-paragraph (6), the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.

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- (8) Where a postal voter applies in person after 5pm on the day before the date of the referendum, the counting officer may only issue a replacement postal ballot paper by handing it to the postal voter.
- (9) The counting officer must enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—
 - (a) the name and number of the postal voter as stated in the Polling List (or, in the case of a postal voter who has an anonymous entry, that person's voter number alone),
 - (b) the number of the postal ballot paper (or papers) issued under this paragraph, and
 - (c) where the postal voter whose ballot paper is spoilt is a proxy, the name and address of the proxy.

Lost postal ballot papers

- 29 (1) Where a postal voter claims either to have lost or not to have received—
 - (a) the postal ballot paper (a “lost postal ballot paper”),
 - (b) the postal voting statement, or
 - (c) one or more of the envelopes supplied for their return,
 by the fourth day before the date of the referendum, the postal voter may apply (whether or not in person) to the counting officer for a replacement ballot paper.
- (2) For the purposes of sub-paragraph (1), the following days are to be disregarded—
 - (a) a Saturday or Sunday,
 - (b) Christmas Eve or Christmas Day,
 - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971.
- (3) An application under sub-paragraph (1) must include evidence of the postal voter's identity.
- (4) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), the postal voter must return any of the documents referred to in sub-paragraph (1)(a) to (c) which the postal voter has received and which have not been lost.
- (5) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (4) must be immediately cancelled.
- (6) The counting officer must, as soon as practicable after cancelling those documents, make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned in sub-paragraph (5), the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.
- (7) Subject to sub-paragraph (8), where the application referred to in sub-paragraph (1) is received by the counting officer before 5pm on the date of the referendum and the counting officer—
 - (a) is satisfied as to the postal voter's identity, and
 - (b) has no reason to doubt that the postal voter has either lost or has not received a document referred to in sub-paragraph (1)(a) to (c),
 the counting officer may issue another postal ballot paper.

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- (8) Where the application referred to in sub-paragraph (1) is received by the counting officer after 5pm on the day before the date of the referendum, the counting officer may only issue another postal ballot paper if the postal voter applies in person.
- (9) The counting officer must enter in a list kept for the purpose (“the list of lost postal ballot papers”)—
- (a) the name and number of the postal voter as stated in the Polling List (or, in the case of a postal voter who has an anonymous entry, that person's voter number alone),
 - (b) the number of the lost postal ballot paper and of its replacement issued under this paragraph, and
 - (c) where the postal voter is a proxy, the name and address of the proxy.
- (10) The following provisions apply in relation to a replacement postal ballot paper under sub-paragraph (7) as they apply in relation to a ballot paper—
- (a) paragraph 23 (except sub-paragraph (2)),
 - (b) paragraphs 25 and 26, and
 - (c) subject to sub-paragraph (11), paragraph 27.
- (11) Where a postal voter applies in person after 5pm on the day before the date of the referendum, the counting officer may only issue a replacement postal ballot paper by handing it to the postal voter.
- (12) Where the counting officer issues another postal ballot paper under sub-paragraph (7), the lost postal ballot paper is void and of no effect.

Superseded postal ballot papers

- 30 (1) This paragraph applies where—
- (a) an event mentioned in sub-paragraph (2) occurs in relation to a voter or a voter's proxy, and
 - (b) the documents mentioned in sub-paragraph (3) have previously been issued to the voter or, as the case may be, proxy.
- (2) The events are—
- (a) an application by the voter is granted under paragraph 3(2), (5), (6) or (7),
 - (b) the voter is removed from the postal voters list,
 - (c) the appointment of the proxy to vote for the voter in the referendum is cancelled, or ceases to have effect, by virtue of paragraph 5(10),
 - (d) the proxy is removed from the proxy postal voters list,
 - (e) an application by the proxy is granted under paragraph 6(8).
- (3) The documents are—
- (a) a postal ballot paper (a “superseded postal ballot paper”),
 - (b) a postal voting statement,
 - (c) the envelopes supplied for their return.
- (4) The registration officer must notify the counting officer of the occurrence of the event.
- (5) The superseded postal ballot paper is void and of no effect.

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- (6) The counting officer must issue a replacement postal ballot paper where an application is granted under paragraph 3(5) or 6(8).
- (7) The voter or, as the case may be, proxy must return the documents mentioned in sub-paragraph (3).
- (8) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (7) must be immediately cancelled.
- (9) The counting officer must, as soon as practicable after cancelling those documents, make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned in sub-paragraph (8), the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.
- (10) The counting officer must enter in a list kept for the purpose (“the list of superseded postal ballot papers”)—
 - (a) the name and number of the voter as stated in the Polling List (or, in the case of a voter who has an anonymous entry, the voter's voter number alone),
 - (b) the number of the superseded postal ballot paper,
 - (c) the number of any replacement postal ballot paper issued under sub-paragraph (6), and
 - (d) where the superseded postal ballot paper was issued to a proxy, the name and address of the proxy.

Notice of opening of postal ballot paper envelopes

- 31
- (1) The counting officer must give to each of the referendum agents appointed for the area not less than 48 hours' notice in writing of each occasion on which a postal voters' box and the envelopes contained in it are to be opened.
 - (2) That notice must specify—
 - (a) the time and place at which such an opening is to take place, and
 - (b) the number of postal ballot agents that may be appointed to attend each opening.

Boxes and receptacles

- 32
- (1) The counting officer must provide a separate box for the reception of—
 - (a) the covering envelopes when returned by the postal voters, and
 - (b) postal ballot papers.
 - (2) Each such box must be marked “postal voters box” or “postal ballot box” (as the case may be) and with the name of the local government area.
 - (3) The postal ballot box must be shown as being empty to any postal ballot agents present on the occasion of opening the first postal voters box.
 - (4) The counting officer must then—
 - (a) lock the postal ballot box,
 - (b) apply the counting officer's seal in such manner as to prevent the box being opened without breaking the seal, and

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- (c) allow any postal ballot agent present who wishes to affix the agent's seal to do so.
- (5) The counting officer must provide separate receptacles for—
 - (a) rejected votes,
 - (b) postal voting statements,
 - (c) ballot paper envelopes,
 - (d) rejected ballot paper envelopes,
 - (e) rejected votes (verification procedure), and
 - (f) postal voting statements (verification procedure).
- (6) The counting officer must take proper precautions for the safe custody of every box and receptacle referred to in this paragraph.

Receipt of covering envelopes and collection of postal votes

- 33
- (1) The counting officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters box.
 - (2) Where an envelope, other than a covering envelope issued by the counting officer—
 - (a) has been opened, and
 - (b) contains a ballot paper envelope, postal voting statement or ballot paper,the envelope, together with its contents, is to be placed in a postal voters box.
 - (3) The counting officer may collect (or arrange to be collected) any postal ballot paper or postal voting statement which by virtue of rule 28(2)(g) of the conduct rules the presiding officer of a polling station would otherwise be required to deliver (or arrange to be delivered) to the counting officer.
 - (4) Where the counting officer collects (or arranges to be collected) any postal ballot paper or postal voting statement in accordance with sub-paragraph (3), the presiding officer must first make it (or them) up into a packet (or packets) sealed with the presiding officer's seal and the seal of any polling agent present who wishes to affix the agent's seal.

Opening of postal voters box

- 34
- (1) Each postal voters box must be opened by the counting officer in the presence of any postal ballot agents who are present.
 - (2) So long as the counting officer ensures that there is at least one sealed postal voters box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters boxes may be opened by the counting officer.
 - (3) The last postal voters box and the postal ballot box must be opened at the counting of the votes under rule 30 of the conduct rules.

Opening of covering envelopes

- 35
- (1) When a postal voters box is opened, the counting officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 33(2)).

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- (2) The counting officer must set aside for personal identifier verification not less than 20 percent of the envelopes recorded on that occasion.
- (3) The counting officer must open separately each covering envelope that is not set aside (including an envelope described in paragraph 33(2)).
- (4) The procedure in paragraph 37 or 38 applies where a covering envelope (including an envelope to which paragraph 33(2) applies) contains both—
 - (a) a postal voting statement, and
 - (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.
- (5) Where the covering envelope does not contain the postal voting statement separately, the counting officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.
- (6) Where a covering envelope does not contain both—
 - (a) a postal voting statement (whether separately or not), and
 - (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,the counting officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.
- (7) Where—
 - (a) an envelope contains the postal voting statement of a voter with an anonymous entry, and
 - (b) sub-paragraph (6) does not apply,the counting officer must set aside that envelope and its contents for personal identifier verification in accordance with paragraph 38.
- (8) In carrying out the procedures in this paragraph and paragraphs 37 to 43, the counting officer and the counting officer's staff—
 - (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers, and
 - (b) must not look at the corresponding number list used at the issue of postal ballot papers.
- (9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the counting officer must place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the voter to denote that a postal vote has been returned.
- (10) A mark made under sub-paragraph (9) must be distinguishable from and must not obscure the mark made under paragraph 23(2).
- (11) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and must seal that packet.

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Confirmation of receipt of postal voting statement

- 36 (1) A voter or a voter's proxy who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballots under paragraph 23 and the close of the poll, that the counting officer confirm—
- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the voter to denote that a postal vote has been returned, and
 - (b) whether the number of the ballot paper issued to the voter or the voter's proxy has been recorded on either of the lists of provisionally rejected postal ballot papers kept by the counting officer under sub-paragraphs (2) and (3) of paragraph 42.
- (2) Where a request is received in accordance with sub-paragraph (1) the counting officer must, if satisfied that the request has been made by the voter or the voter's proxy, provide confirmation of the matters mentioned in sub-paragraph (1).

Procedure in relation to postal voting statements

- 37 (1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 35(2) or (7).
- (2) The counting officer must determine whether the postal voting statement is duly completed.
- (3) Where the counting officer determines that the postal voting statement is not duly completed, the counting officer must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.
- (4) Before placing the statement in the receptacle for rejected votes, the counting officer must—
- (a) show it to the postal ballot agents, and
 - (b) if any agent objects to the counting officer's decision, add the words “rejection objected to”.
- (5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.
- (6) Where—
- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
 - (b) that envelope has no number on it,
- the counting officer must open the envelope.
- (7) Sub-paragraph (8) applies where—
- (a) there is a valid postal voting statement but no ballot paper envelope, or
 - (b) the ballot paper envelope has been opened under paragraph 35(5) or sub-paragraph (6).
- (8) The counting officer must place—

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- (a) in the postal ballot box, any postal ballot paper the number on which is the same as the number on the valid postal voting statement,
- (b) in the receptacle for rejected votes, any other postal ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”,
- (c) in the receptacle for rejected votes, any valid postal voting statement marked “provisionally rejected” where there is no postal ballot paper, and
- (d) in the receptacle for postal voting statements, any valid statement not disposed of under paragraph (b) or (c).

Procedure in relation to postal voting statements: personal identifier verification

- 38 (1) This paragraph applies to any postal voting statement contained in an envelope that has been set aside for personal identifier verification in accordance with paragraph 35(2) or (7).
- (2) The counting officer must open the envelope and determine whether the postal voting statement is duly completed and, as part of that process, must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.
- (3) Where the counting officer determines that the statement is not duly completed, the counting officer must mark the statement “rejected”, attach it to the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).
- (4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the counting officer must—
- (a) show it to the postal ballot agents,
 - (b) permit the agents to view the entries in the personal identifiers record relating to the person to whom the postal ballot paper was addressed, and
 - (c) if any agent objects to the counting officer's decision, add the words “rejection objected to”.
- (5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, the counting officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.
- (6) Where—
- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
 - (b) that envelope has no number on it,
- the counting officer must open the envelope.
- (7) Sub-paragraph (8) applies where—
- (a) there is a valid postal voting statement but no ballot paper envelope, or
 - (b) the ballot paper envelope has been opened under paragraph 35(5) or sub-paragraph (6).
- (8) The counting officer must place—

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- (a) in the postal ballot box, any postal ballot paper the number on which is the same as the number on the valid postal voting statement,
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”,
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where there is no postal ballot paper, and
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under paragraph (b) or (c).

Postal voting statements: additional personal identifier verification

- 39 (1) A counting officer may on any occasion on which a postal voters box is opened in accordance with paragraph 34 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.
- (2) Where a counting officer undertakes additional verification of personal identifiers, the officer must—
- (a) remove as many postal voting statements from the receptacle for postal voting statements as the officer wishes to subject to additional verification, and
 - (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and the signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.
- (3) Where the counting officer is no longer satisfied that the postal voting statement has been duly completed, the officer must mark the statement “rejected” and, before placing the postal voting statement in the receptacle for rejected votes (verification procedure), must—
- (a) show it to the postal ballot agents and permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and, if any agent objects to the counting officer's decision, add the words “rejection objected to”,
 - (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement,
 - (c) show the ballot paper number on the retrieved ballot paper to the agents, and
 - (d) attach the ballot paper to the postal voting statement.
- (4) Following the removal of a postal ballot paper from a postal ballot box the counting officer must lock and reseal the postal ballot box in the presence of the postal ballot agents.
- (5) Whilst retrieving a ballot paper in accordance with sub-paragraph (3), the counting officer and the counting officer's staff—
- (a) must keep the ballot papers face downwards and take proper precautions for preventing any person from seeing the votes made on the ballot papers, and
 - (b) must not look at the corresponding number list used at the issue of postal ballot papers.

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Opening of ballot paper envelopes

- 40 (1) The counting officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.
- (2) The counting officer must place—
- (a) in the postal ballot box, any postal ballot paper the number on which is the same as the number on the ballot paper envelope,
 - (b) in the receptacle for rejected votes, any other postal ballot paper, which is to be marked “provisionally rejected” and to which is to be attached the ballot paper envelope, and
 - (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which is to be marked “provisionally rejected” because it does not contain a postal ballot paper.

Retrieval of cancelled postal ballot papers

- 41 (1) Where it appears to the counting officer that a cancelled postal ballot paper has been placed—
- (a) in a postal voters box,
 - (b) in the receptacle for ballot paper envelopes, or
 - (c) in a postal ballot box,
- the counting officer must proceed as set out in sub-paragraphs (2) and (3).
- (2) The counting officer must on the next occasion on which a postal voters box is opened in accordance with paragraph 34, also open any postal ballot box and the receptacle for ballot paper envelopes and—
- (a) retrieve the cancelled postal ballot paper,
 - (b) show the ballot paper number on the cancelled postal ballot paper to the postal ballot agents,
 - (c) retrieve the postal voting statement that relates to a cancelled paper from the receptacle for postal voting statements,
 - (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates,
 - (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for in paragraph 28(7), and
 - (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 30 of the conduct rules, seal the postal ballot box in the presence of the agents.
- (3) Whilst retrieving a cancelled postal ballot paper in accordance with sub-paragraph (2), the counting officer and the counting officer's staff—
- (a) must keep the ballot papers face downwards and take proper precautions for preventing any person from seeing the votes made on the ballot papers, and
 - (b) must not look at the corresponding number list used at the issue of postal ballot papers.

Lists of provisionally rejected postal ballot papers

- 42 (1) The counting officer must keep two separate lists of provisionally rejected postal ballot papers.

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- (2) In the first list, the counting officer must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.
- (3) In the second list, the counting officer must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that postal ballot paper is not received with the postal voting statement.

Checking of lists kept under paragraph 42

- 43
- (1) Where the counting officer receives a valid postal voting statement without the postal ballot paper to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under paragraph 42(2) to see whether the number of any postal ballot paper to which the statement relates is entered in the list.
 - (2) Where the counting officer receives a postal ballot paper without the postal voting statement to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under paragraph 42(3) to see whether the number of the postal ballot paper is entered in the list.
 - (3) The counting officer must conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt, under rule 28(1)(c) of the conduct rules, of packets from every polling station in the local government area.
 - (4) Where the ballot paper number in the list matches that number on a valid postal voting statement or (as the case may be) the postal ballot paper, the counting officer must retrieve that statement or paper.
 - (5) The counting officer must then take the appropriate steps under this Part of this schedule as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

Sealing of receptacles

- 44
- (1) As soon as practicable after the completion of the procedure under paragraph 43(3) and (4), the counting officer must make up into separate packets the contents of—
 - (a) the receptacle for rejected votes,
 - (b) the receptacle for postal voting statements,
 - (c) the receptacle for rejected ballot paper envelopes,
 - (d) the lists of spoilt, lost and superseded postal ballot papers,
 - (e) the receptacle for rejected votes (verification procedure), and
 - (f) the receptacle for postal voting statements (verification procedure),and must seal up such packets.
 - (2) Any document in those packets marked “provisionally rejected” is to be deemed to be marked “rejected”.

Forwarding of documents

- 45
- (1) The counting officer must, at the same time as sending the documents mentioned in rule 37 of the conduct rules, send to the proper officer—
 - (a) any packets referred to in paragraphs 26, 28(7), 29(6), 30(9), 35(11), 41(2) (e) and 44, endorsing on each packet a description of its contents and the date of the referendum, and

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 Scottish Independence Referendum Act 2013, PART 3. (See end of Document for details)*

(b) a completed statement giving details of postal ballot papers issued, received, counted and rejected in the form prescribed.

(2) Where—

- (a) any covering envelopes are received by the counting officer after the close of the poll (apart from those delivered in accordance with the provisions of rule 28 of the conduct rules),
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be re-addressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the counting officer must put them unopened in a separate packet, seal up that packet and endorse and send it at a subsequent date in the manner described in sub-paragraph (1).

- (3) Rules 38 and 40 of the conduct rules apply to any packet or document sent under this paragraph as they apply for the purposes of the documents referred to in those rules.
- (4) A copy of the statement referred to in sub-paragraph (1)(b) is to be provided by the counting officer to the Electoral Commission.

Power of Chief Counting Officer to prescribe

- 46 (1) In paragraphs 10(2) and 45(1)(b), “prescribed” means prescribed by the Chief Counting Officer.
- (2) Where a form is prescribed under sub-paragraph (1), the form may be used with such variations as the circumstances may require.

Interpretation of Part

47 In this Part—

- “postal ballot paper” means a ballot paper issued, or to be issued, to a postal voter,
- “postal voter” means a voter or a voter’s proxy who is entitled to vote by post.

Changes to legislation:

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