

SCHEDULES

SCHEDULE 7

COMBINATION OF POLLS: SCOTLAND

PART 2

APPLICATION OF PROVISIONS ABOUT ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

- 58 (1) For the purposes of the combined polls, Schedule 4 to the 2010 Order applies—
- (a) with the modifications shown in the table, and
 - (b) with any other necessary modifications, including in particular those set out in sub-paragraph (2).
- (2) Except where the context otherwise requires—
- (a) in relation to the referendum or Scottish parliamentary election, a reference to a provision has effect as a reference to that provision as it applies for the purposes of the referendum or election;
 - (b) expressions used in relation to the referendum under section 1 are to be construed in accordance with the definitions in section 7 and rule 53 of the referendum rules.
- (3) In the Representation of the People (Scotland) Regulations 2001 ([S.I. 2001/497](#)) as they apply in relation to the referendum by virtue of Schedule 4—
- (a) regulation 61B(3)(a) has effect as if for the words after “postal ballot papers,” there were substituted “in accordance with paragraph 20(4)(b), 21(4)(b) or 22(3)(b) of Schedule 4 to the Scottish Parliament (Elections etc.) Order 2010”;
 - (b) regulation 116(1) has effect as if for “regulation 91” there were substituted “paragraph 30 of Schedule 4 to the Scottish Parliament (Elections etc.) Order 2010”.

<i>Provision</i>	<i>Modification</i>
Paragraph 1 (interpretation)	For the definition of “agent” substitute— ““agent”, except in paragraph 5(3) to (10)— (a) in relation to the election, includes an election agent and a person appointed to attend in the election agent’s place; (b) in relation to the referendum, means a referendum agent or an agent appointed under paragraph 5(3).”

In the appropriate places insert—

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<i>Provision</i>	<i>Modification</i>
	<p>““postal voters list” includes the list kept under paragraph 5(2) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011;”;</p> <p>““proxy postal voters list” includes the list kept under paragraph 8(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011;”;</p> <p>““relevant returning or counting officer” means—</p> <p>(a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2, the counting officer;</p> <p>(b) in any other case, the constituency returning officer, in relation to the election, or the counting officer, in relation to the referendum;”.</p> <p>In the definition of “valid postal voting statement”, for “CRO” substitute “relevant returning or counting officer”.</p>
Paragraph 2 (combination of polls)	<p>For paragraph 2 substitute—</p> <p>“2 Combination of polls</p> <p>Proceedings on the issue and receipt of postal ballot papers in respect of the Scottish parliamentary election and the referendum may, if the CRO and the counting officer think fit, be taken together.”</p>
Paragraph 3 (form of postal voting statement)	Omit the whole paragraph.
Paragraph 4 (persons entitled to be present at proceedings on issue of postal ballot papers)	<p>In sub-paragraph (1)—</p> <p>(a) for “CRO” substitute “relevant returning or counting officer”;</p> <p>(b) for “CRO’s” substitute “relevant returning or counting officer’s”.</p> <p>In sub-paragraph (2), for “CRO” substitute “relevant returning or counting officer”.</p>
Paragraph 5 (persons entitled to be present at proceedings on receipt of postal ballot papers)	<p>For sub-paragraph (1) substitute—</p> <p>“(1) In a case where proceedings on the receipt of postal ballot papers are taken together by virtue of paragraph 2, the only persons who may be present at those proceedings are the appropriate persons in relation to the Scottish parliamentary election and the referendum.</p>

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	<p>(1A) In any other case, the only persons who may be present at the proceedings on the receipt of postal ballot papers—</p> <ul style="list-style-type: none">(a) in respect of the Scottish parliamentary election, are the appropriate persons in relation to the election;(b) in respect of the referendum, are the appropriate persons in relation to the referendum. <p>(1B) The following are appropriate persons in relation to the Scottish parliamentary election—</p> <ul style="list-style-type: none">(a) the CRO and members of the CRO’s staff;(b) the regional returning officer;(c) a candidate for return as a constituency member or an election agent of such a candidate or any person appointed by a candidate to attend in his election agent’s place;(d) an individual candidate for return as a regional member or his election agent or any person authorised by the candidate to attend in his election agent’s place;(e) the election agent of a registered party standing nominated or the nominating officer of that party or any person authorised by that officer to attend in his place;(f) an agent appointed under sub-paragraph (3). <p>(1C) The following are appropriate persons in relation to the referendum—</p> <ul style="list-style-type: none">(a) the counting officer;(b) the counting officer’s clerks;(c) the referendum agents and any agents appointed under sub-paragraph (3). <p>(1D) This paragraph is without prejudice to section 6A, 6B, 6C, 6D or 6E of the 2000 Political Parties Act.”</p>

In sub-paragraph (2)—

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	<p>(a) for “CRO” substitute “relevant returning or counting officer”;</p> <p>(b) at the end insert “in relation to proceedings under this Schedule”.</p> <p>In sub-paragraphs (3) to (9), for “CRO” substitute “relevant returning or counting officer”.</p> <p>Omit sub-paragraph (6).</p> <p>After sub-paragraph (9) insert—</p> <p>“(9A) In relation to the referendum, in sub-paragraph (3), (4), (7) or (10) a reference to a candidate for return as a constituency member is to be read as a reference to a referendum agent.”</p> <p>In sub-paragraph (11), for “the candidates or their agents” substitute “any persons mentioned in sub-paragraphs (1B)(c) to (f) or (1C)(c)”.</p>
Paragraph 6 (notification of requirement of secrecy)	<p>For paragraph 6 substitute—</p> <p>“6 Notification of requirements of secrecy</p> <p>(1) In a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2, the counting officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of—</p> <p>(a) the provisions of article 31(5) and (7); and</p> <p>(b) the provisions of subsections (4) and (6) of section 66 of the 1983 Act as they apply in relation to the referendum.</p> <p>(2) In any other case—</p> <p>(a) the CRO shall make such arrangements as he thinks fit to ensure that every person attending proceedings in connection with the issue or receipt of postal ballot papers for the Scottish parliamentary election has been given a copy in writing of the provisions of article 31(5) and (7);</p> <p>(b) the counting officer shall make such arrangements as he</p>

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	thinks fit to ensure that every person attending proceedings in connection with the issue or receipt of postal ballot papers for the referendum has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act as they apply to the referendum.”
Paragraph 7 (time when postal ballot papers are to be issued)	In sub-paragraph (1), after “voting statement)” insert “for the Scottish parliamentary election”. After sub-paragraph (1) insert— “(1A) In the case of a person within entry 2, 3, 4 or 5 of the table in paragraph 5(2) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 or entry 2, 3, 4 or 5 of the table in paragraph 8(6) of that Schedule (electors and proxies entitled to vote by post for an indefinite or definite period), no postal ballot paper (and no postal voting statement) for the referendum shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 9(7) of Schedule 3 to this Order).”
Paragraph 8 (procedure on issue of postal ballot papers)	In sub-paragraph (2), omit “by the CRO”. For sub-paragraph (3) substitute— “(3) Sub-paragraphs (3A) and (3B) apply where— (a) proceedings on the issue of postal ballot papers are taken together by virtue of paragraph 2; and (b) a combined postal voters list or proxy postal voters list is produced by virtue of paragraph 31 of Schedule 7 to the Parliamentary Voting System and Constituencies Act 2011. (3A) In a case where a postal ballot paper is issued at the same time in respect of the Scottish parliamentary election and the referendum, a single mark must be placed in the list under sub-paragraph (1).

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	<p>(3B) In any other case, a mark must be placed in the list under sub-paragraph (1) identifying the poll to which each postal ballot paper issued relates.</p> <p>(3C) Where proceedings on the issue of postal ballot papers are taken together by virtue of paragraph 2, the number of each postal ballot paper issued shall be marked on the postal voting statement under paragraph (2).”</p> <p>In sub-paragraph (4), for the words from the beginning to “but” substitute “Where”.</p> <p>In sub-paragraph (6)—</p> <p>(a) after “sub-paragraph (5)” insert “in relation to a Scottish parliamentary election”;</p> <p>(b) at the end insert—</p> <p>“and, in relation to the referendum, the items specified in sub-paragraph (5) must be sent to the address to which postal ballot papers should be sent as mentioned in column 3 of the table in paragraph 5(2) or 8(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011.”</p>
Paragraph 9 (refusal to issue postal ballot papers)	<p>For paragraph 9 substitute—</p> <p>“9 Refusal to issue ballot papers</p> <p>Where the relevant returning or counting officer is satisfied that two or more entries in either the postal voters list, or the proxy postal voters list, or in each of those lists relate to the same elector he shall not issue more than one constituency ballot paper, regional ballot paper or referendum ballot paper (as the case may be) in respect of the same elector.”</p>
Paragraph 10 (envelopes)	<p>In sub-paragraph (1)—</p> <p>(a) for “CRO” substitute “relevant returning or counting officer”;</p> <p>(b) after “Rules” insert “or rule 12 of the referendum rules”.</p> <p>In sub-paragraph (2)—</p> <p>(a) for “CRO” substitute “relevant returning or counting officer”;</p>

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	(b) in paragraph (c), at the beginning insert “unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed.”.
	In sub-paragraph (3), for the words from the beginning to “but” substitute “Where”.
Paragraph 11 (delivery of postal ballot papers)	In sub-paragraph (1)— (a) for “CRO” substitute “relevant returning or counting officer”; (b) for “CRO’s” substitute “relevant returning or counting officer’s”.
	In sub-paragraph (2), for “CRO” substitute “relevant returning or counting officer”.
Paragraph 12 (security of marked lists)	In sub-paragraphs (1) and (2), for “CRO” substitute “relevant returning or counting officer”.
Paragraph 13 (spoilt postal ballot papers)	For “CRO” (in each place) substitute “relevant returning or counting officer”.
Paragraph 14 (lost postal ballot papers)	For “CRO” (in each place) substitute “relevant returning or counting officer”.
Paragraph 15 (notice of opening of postal ballot paper envelopes)	In sub-paragraph (1)— (a) for “CRO” substitute “relevant returning or counting officer”; (b) for paragraphs (a) and (b) substitute “each of the persons mentioned in sub-paragraph (1A)”.
	After sub-paragraph (1) insert— “(1A) The persons are— (a) in relation to the Scottish parliamentary election, each candidate for return as a constituency member, each individual candidate for return as a regional member and the election agent for each registered party standing nominated; (b) in relation to the referendum, the referendum agents.”
	In sub-paragraph (2)(b), after “candidate” insert “or referendum agent (as the case may be)”.
Return of postal ballot papers etc	After paragraph 15 insert— “ 15A Return of postal ballot papers etc (1) A postal ballot paper shall not be taken to be duly returned for the purposes of

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	<p>Part 1 of Schedule 7 to the Parliamentary Voting System and Constituencies Act 2011 unless—</p> <ul style="list-style-type: none"> (a) before the close of the poll— <ul style="list-style-type: none"> (i) it is returned by hand or post and reaches the relevant returning or counting officer; or (ii) it is returned by hand to a polling station in the constituency or voting area for which the officer acts; (b) the postal voting statement duly signed is, before that time, also returned either— <ul style="list-style-type: none"> (i) by hand or post and reaches the relevant returning or counting officer; or (ii) by hand and reaches such a polling station; (c) the postal voting statement also states the date of birth of the elector or, as the case may be, proxy; and (d) in a case where the relevant returning or counting officer takes steps to verify the date of birth and signature of the elector or, as the case may be, proxy in accordance with paragraph 21 or, as the case may be, paragraph 22, he so verifies the date of birth and signature of that elector or, as the case may be, proxy. <p>(2) The presiding officer of the polling station shall deliver or cause to be delivered any postal ballot paper or postal voting statement returned to that polling station to the relevant returning or counting officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 53 of Schedule 2 or rule 38 of the referendum rules.</p> <p>(3) The relevant returning or counting officer may collect, or cause to be collected, any postal ballot paper or postal voting</p>

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	<p>statement which by virtue of sub-paragraph (2) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.</p> <p>(4) Where the relevant returning or counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with sub-paragraph (3) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.”</p>
Paragraph 16 (postal ballot boxes and receptacles)	<p>For “CRO” (in each place) substitute “relevant returning or counting officer”.</p> <p>For sub-paragraph (2) substitute—</p> <p>“(2) Each of those ballot boxes—</p> <p style="padding-left: 40px;">(a) shall be marked “postal voter’s ballot box” or “postal ballot box” as appropriate;</p> <p style="padding-left: 40px;">(b) shall be marked with the name of each constituency, electoral area or voting area in relation to which it is to be used.”</p> <p>In sub-paragraph (4)—</p> <p style="padding-left: 40px;">(a) for “CRO’s” substitute “relevant returning or counting officer’s”;</p> <p style="padding-left: 40px;">(b) after “then” insert “lock the ballot box (if it has a lock) and”.</p>
Paragraph 17 (receipt of covering envelope)	<p>In sub-paragraphs (1) and (2), for “CRO” substitute “relevant returning or counting officer”.</p> <p>Omit sub-paragraphs (3) and (4).</p>
Paragraph 18 (opening of postal voters’ ballot box)	<p>In sub-paragraphs (1) and (2), for “CRO” substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (3), for “votes under rule 55 of the Scottish Parliamentary Election Rules” substitute “ballot papers”.</p>
Paragraph 19 (opening of covering envelopes)	<p>For “CRO” (in each place) substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (10), for “or (3)(a)” substitute “, (3A) or (3B)”.</p>
Paragraph 20 (procedure in relation to postal voting statements)	<p>For “CRO” (in each place) substitute “relevant returning or counting officer”.</p>

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	In sub-paragraph (4)(c), for “CRO’s” substitute “relevant returning or counting officer’s”.
Paragraph 21 (procedure in relation to postal voting statements: personal identifier verification)	For “CRO” (in each place) substitute “relevant returning or counting officer”. In sub-paragraph (4)(c), for “CRO’s” substitute “relevant returning or counting officer’s”.
Paragraph 22 (postal voting statements: additional personal identifier verification)	For “CRO” (in each place) substitute “relevant returning or counting officer”. In sub-paragraphs (3)(c) and (5), for “CRO’s” substitute “relevant returning or counting officer’s”.
	In sub-paragraph (4), for “reseal the postal ballot box” substitute “lock the postal ballot box (if it has a lock), and reseal it.”.
Paragraph 23 (opening of ballot paper envelopes)	In sub-paragraph (1), for “CRO” substitute “relevant returning or counting officer”.
Paragraph 24 (retrieval of cancelled postal ballot papers)	In sub-paragraphs (1) and (2), for “returning officer”, and for “CRO”, substitute “relevant returning or counting officer”. In sub-paragraph (2)(f), for “votes under rule 55 of the Scottish Parliamentary Election Rules” substitute “ballot papers”. In sub-paragraph (3)— (a) for “CRO” substitute “relevant returning or counting officer”; (b) for “CRO’s” substitute “relevant returning or counting officer’s”.
Paragraph 25 (lists of rejected postal ballot papers)	In sub-paragraph (1), for “any election, the CRO” substitute “the Scottish parliamentary election and in respect of the referendum, the relevant returning or counting officer”.
Paragraph 26 (checking of lists of rejected postal ballot papers)	For “CRO” (in each place) substitute “the relevant returning or counting officer”. In sub-paragraph (3), at the end insert “or voting area under rule 38 of the referendum rules”.
Paragraph 27 (confirming receipt of postal votes and postal voting statements)	In sub-paragraphs (1) and (2), for “CRO” substitute “the relevant returning or counting officer”.
Paragraph 28 (sealing of receptacles)	In sub-paragraph (1), for “CRO” substitute “the relevant returning or counting officer”.
Paragraph 29 (abandoned poll)	In sub-paragraph (2), for “election” substitute “poll”.
Paragraph 30 (forwarding or retention of documents)	In sub-paragraph (1)—

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	<p>(a) for the words before sub-paragraph (a) substitute “The relevant returning or counting officer shall retain, together with the documents mentioned in rule 69(1) of the Scottish Parliamentary Election Rules and rule 49 of the referendum rules”;</p> <p>(b) in paragraph (a), for the words from “the election to which” to the end substitute “the election or referendum to which it relates and the area to which it relates”;</p> <p>(c) in paragraph (b), at the end insert “in respect of the election, and a completed statement in the form set out in Form 10 in Part 3 of Schedule 7 to the Parliamentary Voting System and Constituencies Act 2011 in respect of the referendum”.</p> <p>In sub-paragraph (2)—</p> <p>(a) in paragraph (a), for “Rule 53(2)(g) of the Scottish Parliamentary Election Rules” substitute “paragraph 15A”;</p> <p>(b) for “CRO” substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (3), for “Rules 68, 69, 70 and 71(1) of the Scottish Parliamentary Elections Rules” substitute “The rules specified in sub-paragraph (3A)”.</p> <p>After sub-paragraph (3) insert—</p> <p>“(3A) The rules are—</p> <p>(a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2—</p> <p>(i) rule 51 of the referendum rules and rule 70 of the Scottish Parliamentary Elections Rules, and</p> <p>(ii) rule 52 of the referendum rules;</p> <p>(b) in any other case—</p> <p>(i) in relation to a document or packet relating to the Scottish parliamentary election, rules 68, 69, 70 and 71(1) of the Scottish Parliamentary Election Rules;</p> <p>(ii) in relation to a document or packet relating to the</p>

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	referendum, rules 50 and 51 of the referendum rules.”
	In sub-paragraph (4), for “CRO” substitute “relevant returning or counting officer”.
In the Appendix, form W	In a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 4 to the Scottish Parliamentary Election Order, for “Returning Officer” or “Constituency Returning Officer”, in each place, substitute “Counting Officer”.