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STATUTORY INSTRUMENTS

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**1986 No. 1111 (S. 93)**

**REPRESENTATION OF THE PEOPLE**

**The Representation of the People (Scotland) Regulations 1986**

*Laid before Parliament in draft*

Made - - - - 25th June 1986

Coming into operation in  
accordance with regu-  
lation 2 - - - -



LONDON  
HER MAJESTY'S STATIONERY OFFICE  
1986



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Whereas a draft of these regulations has been approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon me by those provisions of the Representation of the People Act 1983(a) and the Representation of the People Act 1985(b) which are specified in Schedule 1 to these regulations, I hereby make the following regulations:-

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(a) 1983 c.2.  
(b) 1985 c.50.

## PART I

### GENERAL, INTERPRETATION AND MISCELLANEOUS

#### *Citation and extent*

1.—(1) These regulations may be cited as the Representation of the People (Scotland) Regulations 1986.

(2) These regulations shall extend to Scotland only.

#### *Commencement*

2. Those regulations in -

(a) Parts I, II and III of these regulations shall come into force when sections 1 to 4 of the Act of 1985 come into force;

(b) Parts IV and V of these regulations shall come into force on the date when sections 6 to 9 and 11 of, and Schedule 2 to, the Act of 1985 come into force and shall have effect for the purposes of any election the poll at which is on or after that date;

(c) Part VI of these regulations shall come into force when section 15 of the Act of 1985 comes into force.

#### *Revocations*

3.—(1) The regulations in Parts II, III and VI, except regulations 67, 70 and 74 of the Representation of the People (Scotland) Regulations 1983(a) and regulations 3 to 5 of the Representation of the People (Scotland) Amendment Regulations 1985(b) are revoked as from the coming into force of the regulations in Parts I, II and III of these regulations.

(2) The regulations in Parts I, IV and V of the Representation of the People (Scotland) Regulations 1983 and regulations 67, 70 and 74 of those regulations, and regulations 1 and 2 of the Representation of the People (Scotland) Amendment Regulations 1985 (being in each case the remaining regulations not revoked by paragraph 1 above) are revoked on the coming into force of the regulations in Parts IV and V of these regulations.

#### *Interpretation*

4.—(1) For the purposes of these regulations, unless the context otherwise requires -

“Act of 1978” means the European Assembly Elections Act 1978(c);

“Act of 1983” means the Representation of the People Act 1983;

“Act of 1985” means the Representation of the People Act 1985;

“Assembly constituency” means a constituency constituted by an Order in Council under section 3 of the House of Commons (Redistribution of Seats) Act 1949(d), as applied by paragraph 4 of Schedule 2 to the Act of 1978;

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(a) S.I. 1983/548; Schedule 3 was amended by the European Assembly Elections Regulations 1984 (S.I. 1984/137), regulation 4.

(b) S.I. 1986/139.

(c) 1978 c.10.

(d) 1949 c.66.

“Assembly election” has the meaning given in section 27(1) of the Act of 1985;

“Assembly overseas elector” means a peer who has made an Assembly overseas elector’s declaration and is registered or is entitled to be registered as an elector at an Assembly election in pursuance of it;

“Assembly overseas elector’s declaration” means a declaration made in pursuance of section 2 of the Act of 1985 as applied by regulation 13 of and Schedule 3 to, these regulations;

“available for inspection” means available for inspection during ordinary office hours;

“British Council employee” means a person employed by the British Council in a post outside the United Kingdom;

“candidate” means -

(a) in relation to a parliamentary election, a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;

(b) in relation to a local government election, a person having been nominated or having declared himself a candidate for election to the office to be filled at the election;

“constituency” means a parliamentary constituency;

“Crown servant” means a person who is employed in a post falling within the class or description set out in regulation 14 below;

“data” and “data user” have the same meanings as in section 1 of the Data Protection Act 1984(a);

“electoral area” in relation to a region or islands area, means an electoral division and, in relation to a district, means a ward, within the meaning of section 5 of the Local Government (Scotland) Act 1973(b);

“list of overseas electors” means the list prepared under regulation 32 below;

“overseas attesting officer” means an officer who is authorised by regulation 23 to attest overseas electors’ declarations;

“overseas elector” means a person who has made an overseas elector’s declaration and is registered or entitled to be registered as a parliamentary elector in pursuance of it;

“patient’s declaration” means a declaration made under section 7 of the Act of 1983 by a voluntary mental patient;

“postal proxy” means a person entitled to vote by post as proxy at an election;

“register” means the register of electors;

“registration area” means the area for which the registration officer acts;

“registration officer” means the electoral registration officer;

“service declaration” means a declaration made in accordance with section 15 of the Act of 1983; and

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(a) 1984 c.35.

(b) 1973 c.65.



“voluntary mental patient” has the meaning given in section 7(2) of the Act of 1983.

(2) A reference in these regulations to a numbered rule in the elections rules shall be construed as a reference to -

- (a) the rule of that number in the parliamentary elections rules in Schedule 1 to the Act of 1983 in the case of a parliamentary election, or
- (b) the corresponding rule in the rules made or having effect as if made, under section 42 of the Act of 1983 in the case of a local government election.

(3) A claim or objection includes a claim or objection that a letter or date should or should not be placed against a person’s name in the electors lists and register in accordance with regulations 30(5) and 48 below as respects a letter, and paragraph (a) of section 12(5) of the Act of 1983 and regulation 31 below as respects a date.

(4) A reference in these regulations to a form identified by means of a letter shall be construed as a reference to the form so identified in Schedule 2 to these regulations.

#### *Forms*

5.—(1) The registration officer shall supply free of charge as many copies of forms for use in connection with -

- (a) regulations 37, 38 and 56 below, and
- (b) applications made under section 6, 7, 8 or 9 of the Act of 1985 and Part IV of these regulations,

as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with an election.

(2) The forms set out in Schedule 2 to these regulations or forms substantially to the like effect may be used with such variations as the circumstances may require.

#### *Sending of applications, notices etc.*

6.—(1) Any application, notice, claim or objection which is required by these regulations to be made to the registration officer or returning officer shall be made in writing and sent by post or delivered to his office or to the address specified by him for the purpose.

(2) Where the registration officer or returning officer is required by these regulations to notify any person, such notification shall be in writing and may be sent by post -

- (a) in the case of a person other than a service voter, to the address provided by that person for the purpose of such notification or of any record or, if there is no such address, to the last known place of abode of that person;
- (b) in the case of a service voter, to any address provided by him for the purpose of such notification or of any record or to the address provided for the purpose by the appropriate government department (as defined

by section 59(3) of the Act of 1983) or, as the case may be, the British Council.

*Publication of documents*

7.—(1) Any failure to publish a document in accordance with these regulations shall not invalidate the document, but this provision shall not relieve the registration officer from any penalty for such a failure.

(2) Where a document is made available for inspection, any person may make a copy of, or take extracts from, such document.

*Misnomers*

8. No misnomer or inaccurate description of any person or place in any notice or list required for the purposes of these regulations shall affect the full operation of that document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

*Time*

9.—(1) Where the day or last day of the time allowed by these regulations for the doing of any thing falls on any of the days mentioned in paragraph (3) below, that time shall be extended until the next following day which is not one of those days.

(2) Subject to regulation 67 below, in computing any period of not more than 7 days for the purposes of these regulations any of the days mentioned in paragraph (3) below shall be disregarded.

(3) The days referred to in paragraphs (1) and (2) above are a Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday.

In this paragraph 'bank holiday' means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in Scotland.

*Official poll card at parliamentary elections*

10. At parliamentary elections -

(a) the official poll card issued to an elector shall be in Form D; and

(b) the official poll card issued to the proxy of an elector shall be in Form E.

*Return and declaration of election expenses*

11.—(1) The return and declaration of expenses required by section 75 of the Act of 1983 to be authorised by an election agent shall be in Forms K and L.

(2) The fee for inspecting a return or declaration (including any accompanying documents) specified in section 89(1) of, or paragraph 8(1) of Schedule 4 to, the Act of 1983 (which relate to the return and declaration of election expenses) shall be £1.20.

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(a) 1971 c.80.

(3) The price of a copy of any such return, declaration or document shall be at the rate of 12p for each side of each page.

*Interference with notices etc.*

12. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on summary conviction to a fine not exceeding £400.

*Registration of Assembly overseas electors*

13.—(1) A peer who, apart from the requirement of registration, is entitled to vote as an elector at an Assembly election in any particular Assembly constituency by virtue of section 3 of the Act of 1985 is, subject to -

- (a) section 2(1) of the Act of 1985, as applied by this regulation, and
- (b) any provision made by or under any enactment imposing a disqualification for registration as such an elector,

entitled to be registered in a register under section 3 of the Act of 1985, prepared and published by a registration officer under this regulation.

(2) It is the duty of the relevant registration officer appointed under section 8 of the Act of 1983 to prepare and publish a register under section 3 of the Act of 1985 (which under subsection (6) of that section shall so far as practicable be combined with the register of parliamentary and local government electors) in respect of any year for which any peer to whom paragraph (1) above applies is entitled to be registered and to take reasonable steps to obtain information required by him for that purpose.

For the purposes of this paragraph, “the relevant registration officer” is the officer who acts for the area within which is situated the place specified in the declaration in accordance with section 2(4) of the Act of 1985, as applied by this regulation, as having been the address in respect of which the declarant was previously registered.

(3) The provisions of the Act of 1983 and the Act of 1985 which are set out in column 1 of Schedule 3 to these regulations shall, subject to -

- (a) any modifications and exceptions specified in relation to those provisions in column 2 of that Schedule, and
- (b) paragraph (4) below,

apply for the purposes of the registration of peers who (subject to the requirement of registration) are entitled by virtue of section 3 of the Act of 1985 to vote at an Assembly election as they apply for the purposes of the registration of parliamentary or local government electors.

(4) Unless the context otherwise requires, in the provisions applied by Schedule 3 to these regulations -

- (a) any reference to an overseas elector’s declaration shall be construed as a reference to an Assembly overseas elector’s declaration;
- (b) any reference to a register of electors shall be construed as a reference to a register kept under section 3 of the Act of 1985;

- (c) any reference to a provision which is also applied by Schedule 3 to these regulations shall be construed as a reference to such a provision as so applied; and
  - (d) “Assembly constituency” and “Assembly overseas elector’s declaration” have the meanings given in regulation 4(1) above and “qualifying date” has the same meaning as in section 3(8) of the Act of 1985.
- (5) This Part, Part II and Part III of these regulations shall apply to an Assembly overseas elector’s declaration and registration in pursuance of it as they apply to an overseas elector’s declaration and registration in pursuance of the latter declaration; and for these purposes provisions in this Part and Parts II and III shall, unless the context otherwise requires, have effect as if:-
- (a) any reference to a parliamentary elector is a reference to a peer entitled to vote at an Assembly election under section 3 of the Act of 1985;
  - (b) any reference to an overseas elector is a reference to an Assembly overseas elector;
  - (c) any reference to an overseas elector’s declaration is a reference to an Assembly overseas elector’s declaration;
  - (d) any reference to a register includes the register kept under section 3 of the Act of 1985; and
  - (e) any reference to a provision which is applied by Schedule 3 to these regulations is a reference to that provision as so applied.

## PART II

### SERVICE, PATIENTS’ AND OVERSEAS ELECTORS’ DECLARATIONS

#### *Service declarations*

##### *Qualification for Crown servant*

**14.** A person (not being a member of the forces within the meaning of section 59(1) of the Act of 1983) who is employed in the service of the Crown in a post outside the United Kingdom falls within the class or description referred to in section 14(1)(b) of the Act of 1983 if he is required to devote his whole working time to the duties of that post and the remuneration of it is paid wholly out of money provided by Parliament.

##### *Service declaration ceasing to be in force on change of circumstances*

**15.—(1)** A service declaration to which -

- (a) subsection (2) of section 15 of the Act of 1983 applies shall cease to be in force, or
- (b) subsection (4) of that section applies shall have no effect under that subsection,

on the change in the circumstances giving the service qualification set out in paragraph (2) below.

(2) The change in circumstances referred to in paragraph (1) above is where the declarant ceases to be entitled to a service qualification as -

- (a) a member of the forces,
- (b) a person employed in the service of the Crown to whom regulation 14 above applies,
- (c) a person employed by the British Council in a post outside the United Kingdom,
- (d) the spouse of a member of the forces, or
- (e) the spouse of a person mentioned in sub-paragraphs (b) and (c) above to whom section 14(1)(e) of the Act of 1983 applies,

as the case may be, but continues to be so entitled because he or his spouse falls within another of those categories.

*Contents of service declaration*

**16.**—(1) In addition to the matters specified in paragraphs (a) to (f) of section 16 of the Act of 1983, a service declaration shall state -

- (a) the declarant's full name and present address,
- (b) the grounds on which the declarant claims a service qualification, and
- (c) such of the particulars specified in paragraph (2), (3) or (4) below as are relevant to the service qualification claimed by the declarant.

(2) Where the declarant claims a service qualification on the grounds that he is a member of the forces (within the meaning of section 59(1) of the Act of 1983) or the spouse of such a member, the service declaration shall state -

- (a) the service (whether naval, military or air forces) in which that member serves,
- (b) the rank or rating of that member, and
- (c) the service number of that member;

and where that member serves in the military forces, the service declaration shall in addition state the regiment or corps in which he serves.

(3) Where the declarant claims a service qualification on the grounds that he is a Crown servant to whom regulation 14 above applies or the spouse of such a servant, the service declaration shall state -

- (a) the name of the government department in which that servant works, and
- (b) a description of the post of that servant.

(4) Where the declarant claims a service qualification on the grounds that he is a British Council employee or the spouse of such an employee, the service declaration shall state a description of the post of that employee.

*Attestation of service declaration by Crown servants, British Council employees and their spouses*

**17.**—(1) A service declaration made by -

- (a) a person to whom section 14(1)(b) of the Act of 1983 and regulation 14 above apply or will apply, or
- (b) the spouse of such a person to whom section 14(1)(e) of that Act applies or will apply,

shall be attested by either -

- (i) an officer of, or designated by, the government department under which the person mentioned in sub-paragraph (a) above is or will be employed, or
  - (ii) another officer who himself has a service qualification by virtue of section 14(1)(b) of that Act and regulation 14 above.
- (2) A service declaration made by -
- (a) a person to whom section 14(1)(c) of the Act of 1983 applies or will apply, or
  - (b) the spouse of such a person to whom section 14(1)(e) of that Act applies or will apply,

shall be attested by either -

- (i) an officer of the British Council, or
- (ii) an officer referred to in paragraph (1)(ii) above.

(3) An officer shall not attest a service declaration unless he is satisfied whether on production of such evidence as he may reasonably require or by virtue of his own knowledge that the particulars which are included in the declaration in accordance with the requirements of regulation 16 above are true.

(4) An officer attesting a service declaration shall record on it -

- (a) his full name,
- (b) the office that he holds, and
- (c) that he is satisfied as to the matters referred to in paragraph (3) above,

and he shall attest the declaration by signing it.

#### *Transmission of service declaration*

**18.**—(1) A service declaration made by a member of the forces or his spouse shall be transmitted to the appropriate registration officer.

(2) A service declaration made by a person who is or will be a Crown servant or by his spouse shall be transmitted by the declarant to the government department under which that person or his spouse is or will be employed or to an officer designated by that department and transmitted by that department or officer to the appropriate registration officer.

(3) A service declaration made by a person who is or will be a British Council employee or by his spouse shall be transmitted by the declarant to the British Council and transmitted by the British Council to the appropriate registration officer.

(4) Where the registration officer is satisfied that the service declaration is duly made he shall so notify the declarant.

(5) In this regulation, the “appropriate registration officer” means the registration officer for that part of a constituency within which is situated the address specified in the declaration under section 16(d) of the Act of 1983.

#### *Notification of rejection of application for registration as a service voter*

**19.** Where the registration officer rejects an application for registration in pursuance of a service declaration because it -

(a) does not contain the particulars required in paragraphs (a) to (f) of section 16 of the Act of 1983 and regulation 16 above, or  
(b) does not comply with the requirements of sections 14 and 15 of the Act of 1983 or, where appropriate, regulations 14, 15, 17 or 18 above,  
he shall return the declaration to the declarant setting out his reasons for so doing.

#### *Patients' declarations*

##### *Patient's declaration*

**20.**—(1) A patient's declaration shall be attested by a person who is -

- (a) a member of the staff of the mental hospital (as defined by section 7(2) of the Act of 1983) in which the person making the declaration is a voluntary mental patient on the date of the declaration, and
- (b) authorised for the purpose by the managers (as defined by section 125(1) of the Mental Health (Scotland) Act 1984(a)) of that hospital.

(2) A person shall not attest a patient's declaration unless he is satisfied whether on production of such evidence as he may reasonably require or by virtue of his own knowledge that the particulars which are included in the declaration in accordance with the requirements of section 7(4)(d) of the Act of 1983 are true.

(3) A person attesting a patient's declaration shall record on it -

- (a) his full name,
- (b) the office that he holds,
- (c) that he is satisfied as to the matters referred to in paragraph (2) above, and
- (d) that the declaration was either made without assistance by the person named in it or, if that person was assisted, that assistance was necessitated by reason only of blindness or other physical incapacity,

and he shall attest the declaration by signing it.

(4) A patient's declaration shall be transmitted to the registration officer for that part of a constituency within which is situated the address specified in the declaration under section 7(4)(d)(iv) of the Act of 1983.

(5) Where the registration officer is satisfied that the patient's declaration is duly made he shall so notify the declarant.

##### *Notification of rejection of application for registration in pursuance of a patient's declaration*

**21.** Where the registration officer rejects an application for registration in pursuance of a patient's declaration because it -

- (a) does not contain the particulars required by paragraph (d) of section 7(4) of the Act of 1983, or

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(a) 1984 c.36.

(b) does not otherwise comply with the provisions of subsections (4) and (5) of section 7 of the Act of 1983 or regulation 20 above, he shall return the declaration to the declarant setting out his reasons for so doing.

#### *Overseas electors' declarations*

##### *Content of an overseas elector's declaration*

**22.**—(1) In addition to the information required by paragraphs (a) to (e) of subsection (3) and subsection (4) of section 2 of the Act of 1985, an overseas elector's declaration shall state the declarant's full name and present address and, where appropriate, the information required by paragraphs (2) and (3) below.

(2) If the declarant was last registered in pursuance of -

- (a) a service declaration under section 15 of the Act of 1983, or
- (b) a patient's declaration under section 7(4) of the Act of 1983,

in respect of the address specified in the overseas elector's declaration under section 2(4) of the Act of 1985, that declaration shall state that the declarant was so registered.

(3) If the declarant claims that his name has changed since he was last registered in respect of the address specified in the overseas elector's declaration in accordance with section 2(4) of the Act of 1985, that declaration shall -

- (a) set out the name in respect of which the declarant was last previously registered, and
- (b) give the reason for the change of name.

##### *Officers authorised to attest an overseas elector's declaration*

**23.**—(1) Where an overseas elector's declaration is required to be attested under regulation 24 below, it shall be attested by an officer who is authorised by paragraph (2) below to attest the declaration in the country, colony or other territory in which the attestation is made.

(2) That officer, who is referred to in regulation 24 below as the "overseas attesting officer", is -

- (a) in a country in respect of which consular officers are appointed to serve by Her Majesty's Government in the United Kingdom or members of a diplomatic mission are so appointed, any consular officer authorised for the purpose by the head of the relevant consular post or any member of the relevant mission authorised for the purpose by the head of the mission;
- (b) in a colony, an officer authorised for the purpose by the officer in charge of administering that colony; or
- (c) in any of the Channel Islands or the Isle of Man, an officer authorised for the purpose by the relevant Lieutenant Governor.

(3) In this regulation -



the expressions “consular officer” and “head of consular post” have the same meanings as in Article 1 of the Vienna Convention on Consular Relations, set out in Schedule 1 to the Consular Relations Act 1968(a); and

the expressions “head of the mission” and “member of the mission” have the same meanings as in Article 1 of the Vienna Convention on Diplomatic Relations, set out in Schedule 1 to the Diplomatic Privileges Act 1964(b).

*Attestation of an overseas elector’s declaration*

24.—(1) An overseas elector’s declaration shall be attested outside the United Kingdom by an overseas attesting officer except where the declarant had on a previous occasion within the period of five years ending immediately after the qualifying date made an overseas elector’s declaration (“the previous declaration”) in pursuance of which he was registered in a register of parliamentary electors, and -

- (a) the address specified in the declaration in accordance with section 2(4) of the Act of 1985 is the same as the address specified in the previous declaration in accordance with that provision, and
- (b) since being registered in pursuance of the previous declaration, the declarant has not been included in any register of parliamentary electors by virtue of being resident or treated for the purposes of registration as resident at an address in the United Kingdom.

(2) An overseas attesting officer shall not attest an overseas elector’s declaration unless he is satisfied, by such evidence as he may reasonably require, that -

- (a) the declarant is a British citizen who is not resident in the United Kingdom on the date of the declaration, and
- (b) in the case of a declarant who claims that his name has changed since he was last registered in respect of the address specified in the declaration in accordance with section 2(4) of the Act of 1985, the declarant is the person whose name has changed.

(3) An overseas attesting officer shall record on the declaration -

- (a) his full name,
- (b) the office that he holds and the country, colony or other territory in which he holds that office, and
- (c) that he is satisfied as to the matters referred to in paragraph (2) above,

and he shall attest the declaration by signing it.

(4) For the purposes of the application of this regulation by regulation 13(5) above, paragraph (1) above shall have effect as if, in addition to the modifications made by that regulation, for the words “register of parliamentary electors” -

- (a) in the first place where those words occur, the words “register kept under section 3 of the Act of 1985” are substituted, and
- (b) in the second place where those words occur, the words “register of local government electors” are substituted.

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(a) 1968 c.18.  
(b) 1964 c.81.

*Transmission of an overseas elector's declaration*

**25.** An overseas elector's declaration shall be transmitted to the registration officer for that part of a constituency within which is situated the address specified in the declaration under section 2(4) of the Act of 1985.

*Evidential value of an overseas elector's declaration*

**26.—(1)** An overseas elector's declaration which appears to be properly made out and attested in accordance with regulation 24 above, shall, until the contrary is proved, be treated as sufficient evidence that the declarant will not be resident in the United Kingdom on the qualifying date with reference to which the declaration was made.

(2) In determining for the purposes of section 1(3)(d) of the Act of 1985 whether the declarant's name was included in a register of parliamentary electors prepared by reference to a qualifying date after the last qualifying date on which the declarant was resident, or treated for the purposes of registration as resident, in respect of an address at a place within the constituency concerned, the date given in the overseas elector's declaration, properly made out and, where required, attested in accordance with regulation 24 above, as the date on which the declarant ceased to be so resident, or treated for the purposes of registration as so resident, shall, until the contrary is proved, be treated as sufficient evidence of that event.

(3) For the purposes of the application of this regulation by regulation 13(5) above, paragraph (2) shall have effect as if, in addition to the modifications made by that regulation -

- (a) the words "section 3(4)(d)" are substituted for the words "section 1(3)(d)";
- (b) the words "register of local government electors" are substituted for the words "register of parliamentary electors"; and
- (c) the word "Assembly" is inserted before the word "constituency".

*Notification about registration as overseas elector*

**27.—(1)** Where the registration officer is satisfied that the declarant qualifies as an overseas elector under the provisions of sections 1 and 2 of the Act of 1985, he shall so notify the declarant.

(2) Where the registration officer rejects an application for registration in pursuance of an overseas elector's declaration because -

- (a) the declaration -
  - (i) does not contain the particulars required by subsections (3) and (4) of section 2 of the Act of 1985 and by regulation 22 above, or
  - (ii) does not otherwise comply with the requirements of section 2 to the Act of 1985, or
  - (iii) is not attested in accordance with the requirements of regulations 23 and 24 above, or
- (b) the declarant was not included within the period of five years ending immediately before the qualifying date in a register of parliamentary electors in respect of the address which is specified in the declaration under section 2(4) of the Act of 1985, or

- (c) if the declarant was so included in the register, he was not resident or treated for the purposes of registration as resident within the period of five years,

he shall return the declaration to the declarant setting out his reasons for so doing.

(3) For the purposes of the application of this regulation by regulation 13(5) above, paragraphs (1) and (2) above shall have effect as if, in addition to the modifications made by that regulation -

- (a) in paragraph (1), the words “sections 2 and 3” are substituted for the words “sections 1 and 2”; and  
(b) in paragraph (2), the words “register of local government electors” are substituted for the words “register of parliamentary electors”.

### PART III

#### REGISTRATION

##### *Information about electors*

###### *Information from householders*

**28.**—(1) The registration officer may require any householder or person owning or occupying any premises within the registration area for which he acts or the agent of any such person to give information required for the purposes of his registration duties.

(2) Form A may be used as a means of obtaining such information.

(3) If any person -

- (a) fails to comply with, or  
(b) gives false information in pursuance of,

any such requisition of the registration officer as is mentioned in this regulation, he shall be liable on summary conviction to a fine not exceeding £400.

###### *Declarations as to age and nationality*

**29.**—(1) Except in the case of a person who has made a service declaration, an overseas elector’s declaration or a patient’s declaration, the registration officer may, where he has doubts about a person’s age or, as the case may be, nationality, require that person for the purposes of registration -

- (a) to produce a birth certificate or to make a statutory declaration as to the date of his birth, or  
(b) to produce a certificate of naturalisation or a document showing that he has become a Commonwealth citizen by virtue of registration, or to make a statutory declaration that he was a Commonwealth citizen or citizen of the Republic of Ireland on the qualifying date.

(2) Where a declaration is so made, any fee payable in connection with it shall be paid by the registration officer as part of his registration expenses (within the meaning of section 54(1) of the Act of 1983(a)).

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(a) Section 54(1) was amended by paragraph 14(a) of Schedule 4 to the Act of 1985.

(3) Any such declaration shall be made available for inspection at the registration officer's office until the completion of the hearing of claims and objections or, in the case of an application under section 11(2) of the Act of 1983(a), until the registration officer has registered or, as the case may be, has not registered the person who has made the declaration.

#### *Electors lists*

##### *General provisions as to electors lists*

**30.**—(1) The electors lists shall be prepared in accordance with this regulation and regulation 31 below.

(2) The electors lists shall be framed in separate parts for each parliamentary polling district, except that, where a parliamentary polling district is contained in more than one electoral area, there shall be a separate part of the electors lists for each part of the polling district which is contained in each electoral area.

(3) The requirement in paragraph (b) of section 10 of the Act of 1983(b) to include in the electors lists the qualifying address of a person appearing to the registration officer to be entitled to be registered shall not apply to an address -

- (a) to which paragraph (4) below applies, or
- (b) which is specified in an overseas elector's declaration in accordance with section 2(4) of the Act of 1985.

(4) This paragraph applies where it appears to the registration officer that -

- (a) a service voter in his service declaration, or
- (b) a voluntary mental patient in his patient's declaration,

has given an address -

- (i) at which that service voter or patient has resided, but
- (ii) which is not an address at which that service voter or patient would reside on the qualifying date but for the circumstances entitling him to make the relevant declaration.

(5) Regulation 48 below applies to the electors lists as it applies to the register.

##### *Electors lists prepared as draft register*

**31.** The electors lists for each separate part referred to in regulation 30(2) above shall be prepared in the form of a draft register; and regulations 46 and 47 below and sections 9(2) and 12(5)(a) of the Act of 1983 shall apply to them as they apply to the register.

##### *Preparation and publication of list of overseas electors*

**32.**—(1) The registration officer shall prepare a list of the names of each person who appears to him to be entitled to be registered in pursuance of an overseas elector's declaration ("the list of overseas electors"); and shall include in that list the addresses specified in that declaration in accordance with section 2(4) of the Act of 1985 and regulation 22(1) above.

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(a) Section 11(2) was substituted by paragraph 2 of Schedule 4 to the Act of 1985.  
(b) Section 10(b) was amended by section 4(2)(b) of the Act of 1985.

(2) In respect of each constituency which is wholly or partly comprised in the registration area there shall be a separate part of the list of overseas electors; and the names of the persons included in each part shall be listed in alphabetical order.

(3) At the time when the registration officer publishes the electors lists under regulation 33 below, he shall publish the list of overseas electors by making a copy of it available for inspection at his office; and the list shall be kept so published until the register prepared from the electors lists ceases to be in force.

(4) The name of a peer appearing to the registration officer to be entitled to be registered in pursuance of an Assembly overseas elector's declaration (and included in the list of overseas electors by virtue of regulation 13(5) above) shall be marked with the letter "E".

*Publication of electors lists*

**33.** The registration officer shall, on or before 28th November, publish the electors lists by -

- (a) making a copy of them available for inspection at his office, and
- (b) as soon as practicable thereafter, making a copy of the part of the electors lists relating to each electoral area available for inspection at a specified place in or near that electoral area to which the public have access;

and the lists shall be kept so published until the publication of the register prepared from them.

*Free copies of electors lists and list of overseas electors*

**34.** The registration officer shall on request supply free of charge four copies of so much of the electors lists as relates to the constituency, and four copies of so much of the list of overseas electors as so relates, so long as those lists are kept published, to any person who satisfies the registration officer that he requires them for use in connection with his own or some other person's prospective candidature at a parliamentary election for that constituency provided that not more than one person in respect of the same candidature shall be so supplied.

*Alterations to electors lists*

*Amendments to electors lists*

**35.—(1)** No alteration shall be made to the electors lists, except an alteration which is required to -

- (a) give effect to the registration officer's decision on any claim or objection;
- (b) correct any misnomer or inaccurate description;
- (c) give effect to a provision in an order under Part II (changes in local government areas) of the Local Government (Scotland) Act 1973(a);
- (d) give effect to alterations to parliamentary polling districts made under regulation 43(2) or (3) below;

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(a) 1973 c.65.

(e) delete the name of any person who the registration officer is satisfied is dead; or

(f) give effect to a correction in accordance with the procedure in paragraph (2) or (3) below.

(2) Where it appears to the registration officer that it is necessary to make a correction to the electors lists which includes -

(a) the deletion of a person's name from the register, other than a deletion to which paragraph 1(e) above applies, or

(b) some other correction to a person's entry in the register other than a correction to which paragraph (1)(b) above applies,

he shall -

(i) send to the person affected by the proposed correction notice of it, and

(ii) give him an opportunity of objecting to the proposed correction within 5 days from the date of the notice and, if necessary, of appearing and being heard in accordance with the provisions of regulation 41 below,

before making the proposed correction.

(3) Where it appears to the registration officer that it is necessary to make a correction to the electors lists which involves the addition of a person's name (or persons' names) to the register, he shall -

(a) draw up a list of such names,

(b) for the next 5 days make the list available for inspection at his office,

(c) send a copy of the list to any person who has received a copy of the electors lists under regulation 34 above, and

(d) if within that period of 5 days a person appearing from the electors lists to be himself entitled to be registered objects to the addition of a name to the register, give such a person a subsequent opportunity of appearing and being heard in accordance with the provisions of regulation 41 below,

before making the proposed correction.

#### *Notice of claims and objections*

**36.**—(1) The registration officer shall at the time of publishing the electors lists publish a notice in Form B specifying the manner in which and the time within which claims and objections in respect of the electors lists may be made.

(2) The notice shall also specify the places referred to in paragraph (b) of regulation 33 above.

(3) The notice shall be published by means of the registration officer posting a copy of it in some conspicuous place or places in the registration area and may also be given in such other manner as he thinks fit for publicising it.

#### *Claims in respect of electors lists*

**37.**—(1) A claim to be added to the electors lists may be made by or on behalf of the person who claims to be entitled to be included in those lists ("the claimant") and shall state -

- (a) the full name of the claimant and, where a person makes the claim on behalf of the claimant, that person's name and address;
  - (b) the address in respect of which the claimant claims to be registered and whether he was resident there on the qualifying date;
  - (c) whether the claimant will be 18 years of age or more on the day when the next register comes into force, and, if not, the day on which he will attain that age;
  - (d) if the claimant was not resident at the address in respect of which he claims to be registered on the qualifying date, whether he had made a service declaration, patient's declaration or overseas elector's declaration by that date; and
  - (e) if he was a merchant seaman on the qualifying date, that fact.
- (2) A claim to which paragraph (1) above applies shall be made in writing to the registration officer and shall be signed and dated by the person making it, who shall declare that -
- (a) the particulars given in the claim in accordance with paragraph (1) above are true, and
  - (b) the claimant is a Commonwealth citizen or citizen of the Republic of Ireland, or, in the case of a person claiming to be registered in pursuance of an overseas elector's declaration, a British citizen.
- (3) Claims shall be made available for inspection at the office of the registration officer until the completion of the hearing of claims and objections.

*Form of objections*

- 38.**—(1) An objection to an entry in the electors lists or, as the case may be, to a claim shall be made in writing to the registration officer and shall be signed and dated by the objector and shall state -
- (a) the name of the person against whom the objection is made,
  - (b) the address of that person as shown in the electors lists (if so shown) or, as the case may be, given in the claim,
  - (c) the grounds of the objection, and
  - (d) the name of the objector and his address as shown in the electors lists (if so shown) together with the address to which the correspondence should be sent if that address is different or is not shown in the electors lists.
- (2) Regulation 37(3) above shall apply to objections as it applies to claims.

*Time for making claims and objections*

- 39.**—(1) A claim or objection in respect of the electors lists which is delivered to the registration officer after 16th December shall be disregarded:
- Provided that an objection to a claim shall not be disregarded if it is delivered to the registration officer within three days after the claim has been entered in the list of claims kept under regulation 40(1) below.

- (2) Where -

- (a) a service declaration made by a member of the forces or the spouse of such a member which is in force on the qualifying date, or
- (b) a service declaration made by any other person with reference to the qualifying date and made during the twelve months ending with that date, or
- (c) a patient's declaration or an overseas elector's declaration made with reference to the qualifying date and made during the twelve months ending with that date,

is received by the registration officer too late for inclusion of the declarant's name in the electors lists, the declaration shall, if it is received by that officer -

- (i) not later than the last day for making claims, be treated as a claim; or
- (ii) after that last day, be treated as a claim to which paragraph (5) of regulation 56 below applies and as though it were made under paragraph (1) of that regulation.

*Entry and preliminary disposal of claims and objections*

**40.—(1)** The registration officer shall keep separate lists of claims and objections and shall, on receipt of a claim or objection, forthwith enter in the appropriate list the name and qualifying address of the claimant or the person in respect of whom the objection is made.

In this paragraph "qualifying address" includes the address specified in an overseas elector's declaration in accordance with section 2(4) of the Act of 1985.

- (2) If the registration officer is of opinion -
  - (a) that the particulars given in a claim or objection are insufficient, he may ask for further information and take no further action until such information is supplied;
  - (b) that a claim may be allowed without a hearing, he may allow the claim, provided that no objection is made to it, and shall so inform the person making the claim;
  - (c) that the objector is not entitled to object, he may disallow the objection and shall so inform the objector;
  - (d) that a claim or objection cannot be allowed because -
    - (i) the matter has been concluded by the decision of a court, or
    - (ii) the particulars given in a claim or objection do not entitle the claimant or objector to succeed,

he may send to the person making the claim or objection a notice stating his opinion, the grounds for it and that he intends to disallow the claim or objection unless that person gives the registration officer notice within three days from the date of the registration officer's notice that he requires the claim or objection to be heard, and, if he receives no such notice within that time, he may disallow the claim or objection.

(3) The registration officer shall, unless he allows or disallows a claim or disallows an objection under paragraph (2) above, send a notice, in the case of a claim, to the person making the claim and, in the case of an objection, to the objector and the person objected to, stating the time and place at which he proposes to hear the claim or objection; and the notice sent to a person



objected to shall also state the name and address of the objector and the grounds of the objection.

(4) The time fixed for the hearing of a claim or objection shall not be earlier than the third day after the date of the notice referred to in paragraph (3) above.

(5) The registration officer shall make available for inspection at his office until the completion of the hearing of claims and objections the lists of claims and objections, together with the time and place at which he proposes to hear any claim or objection.

#### *Hearing of claims and objections*

**41.**—(1) On the hearing of a claim, the person making the claim and any person who has duly made an objection to it and, on the hearing of an objection, the objector and the person objected to and, on the hearing of either, any other person who appears to the registration officer to be interested shall be entitled to appear and be heard.

(2) The right to appear and be heard includes the right to make written representations.

(3) Any person entitled to appear and be heard may do so either in person or by any other person on his behalf.

(4) The registration officer may, at the request of any person entitled to appear and be heard or, if he thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath and may administer an oath for the purpose.

#### *Registration appeals*

**42.**—(1) A person desiring to appeal under section 56(1)(a)(a) of the Act of 1983 against the decision of a registration officer must give notice of appeal to the registration officer and to the opposite party (if any) when the decision is given, or within 14 days thereafter, specifying the grounds of appeal.

(2) The registration officer shall forward any such notice to the sheriff with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal, and shall also give to the sheriff any further information which the sheriff may require and which the registration officer is able to give.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the sheriff so that the sheriff may consolidate the appeals or select a case as a test case.

#### *Adaptation of electors lists in consequence of altered parliamentary polling districts*

**43.**—(1) Paragraphs (2) and (3) below set out exceptions to the rule in section 18(8) of the Act of 1983 (which provides that an alteration of parliamentary polling districts is not effective until the coming into force of the first register prepared from electors lists published after the alteration is made).

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(a) Section 56 is applied to Scotland by section 57 of the Act of 1983.

(2) Where, under section 18(5) of the Act of 1983, the Secretary of State directs a returning officer to make, or himself makes, any alteration of parliamentary polling districts, he may also direct that, if the alteration is made between the publication of any electors lists and the coming into force of the register prepared from those lists, the form of that register shall be framed in accordance with the alteration.

(3) Where any alteration of parliamentary polling districts is made during the time referred to in paragraph (2) above but otherwise than by virtue of section 18(5) of the Act of 1983, the registration officer shall, if required by the returning officer, make the alteration set out in paragraph (2) above.

*Amendments to list of overseas electors*

**44.**—(1) If any amendment is made to the electors lists as respects any person appearing to the registration officer to be entitled to be registered in pursuance of an overseas elector's declaration, the registration officer shall make the appropriate amendment to the list of overseas electors.

(2) If any amendment is made to the list of overseas electors under paragraph (1) above, the registration officer shall, at the time when he publishes the register, publish in the manner described in regulation 32(3) above either -

(a) the list of overseas electors, as amended, or

(b) any such amendment;

and he shall keep that list or any such amendment published as long as the register remains in force.

(3) The registration officer shall supply free of charge a copy of any document published under sub-paragraph (a) or (b) of paragraph (2) above to each person to whom he has supplied copies of the list of overseas electors under regulation 34 above.

*The register*

*Separate part of register for each parliamentary polling district*

**45.** The register shall be framed in separate parts for each parliamentary polling district, except that, where a parliamentary polling district is contained in more than one electoral area, there shall be a separate part of the register for each part of the polling district which is contained in each electoral area.

*Different letter for each parliamentary polling district*

**46.** There shall be a different letter or letters in the register for each parliamentary polling district and such letter or letters shall be deemed to form part of an elector's number in the register.

*Order and numbering of names*

**47.**—(1) Subject to paragraph (2) below, the names and addresses in each separate part of the register shall be arranged in street order unless the council which appointed the registration officer determine for any part of the register that street order is not reasonably practicable in which case the names and addresses shall be arranged in alphabetical order or partly in street order and partly in alphabetical order as the council may determine.

- (2) The names of -
- (a) each service voter and voluntary mental patient to whom regulation 30(4) above applies, and
  - (b) each overseas elector,

shall be grouped together in alphabetical order at the end of that part of the register which relates to -

- (i) the address given by that service voter or patient in his declaration, or
- (ii) the address specified by the overseas elector in his declaration in accordance with section 2(4) of the Act of 1985,

beneath the heading "Other electors", but without giving those addresses.

(3) The names in the register shall be numbered so far as is reasonably practicable consecutively; and there shall be a separate series of numbers (beginning with the number one) for each parliamentary polling district.

#### *Marking of names*

**48.**—(1) To indicate that an elector is registered only as a local government elector the letter "L" shall be placed against his name in the register.

(2) To indicate that an overseas elector is registered only as a parliamentary elector the letter "F" shall be placed against his name in the register.

(3) To indicate that an Assembly overseas elector is registered only as an elector at Assembly elections (and included in the register by virtue of regulation 13 above) the letter "E" shall be placed against his name in the register.

#### *Publication of register*

**49.**—(1) The registration officer shall publish the register by making a copy of it available for inspection at his office and by making copies of the part of the register relating to each electoral area available for inspection as soon as practicable thereafter at the place at which copies of the part of the electors lists relating to that electoral area have been made available for inspection.

(2) The register shall be kept published until the coming into force of the next register.

#### *Information about register*

**50.**—(1) The registration officer shall as soon as practicable after publication of the register, supply to the Secretary of State a document setting out the information about electors which is required by paragraphs (2) to (4) below.

(2) The document referred to in paragraph (1) above shall state the name of the constituency (and, if only part of the constituency is situated in the registration area, that fact) and shall list the following total numbers of electors in that constituency or part thereof, namely -

- (a) parliamentary electors including those referred to in sub-paragraph (d) below;
- (b) local government electors including those referred to in sub-paragraph (d) below;

- (c) those local government electors who, as peers, are ineligible to vote at parliamentary elections;
  - (d) those registered by virtue of section 12(5) of the Act of 1983; and
  - (e) those regarded as Assembly overseas electors in pursuance of an Assembly overseas elector's declaration.
- (3) The document referred to in paragraph (1) above shall set out separately as respects those electors referred to in sub-paragraphs (a) and (d) of paragraph (2) above the following totals, namely -
- (a) those registered by virtue of residence at a qualifying address on the qualifying date;
  - (b) those registered by virtue of a service declaration;
  - (c) those registered by virtue of an overseas elector's declaration; and
  - (d) those registered by virtue of a patient's declaration.
- (4) The document referred to in paragraph (1) above shall in respect of each ward (or part thereof) of a district situated in the constituency state -
- (a) its name or number;
  - (b) the letters referred to in regulation 46 above for each parliamentary polling district in each ward (or part thereof); and
  - (c) if only part of the ward is situated in the constituency, that fact;
- and shall list the following total numbers of electors in that ward (or part thereof), namely -
- (i) parliamentary electors (including those referred to in sub-paragraph (ii) below);
  - (ii) those registered by virtue of section 12(5) of the Act of 1983; and
  - (iii) those local government electors who, as peers, are ineligible to vote at parliamentary elections.

*Supply of register etc.*

*Free copies of register etc.*

- 51.**—(1) The registration officer shall, on request, supply free of charge -
- (a) one copy of the register for any constituency or part of a constituency included in the registration area to the Member of Parliament for that constituency and one copy of as much of the list of overseas electors as relates to that constituency;
  - (b) four copies of the register (which may be printed on one side only) for any constituency or part of a constituency included in the registration area to any person who satisfies the registration officer that he requires them for use in connection with his own or some other person's prospective candidature at a parliamentary election for that constituency:  
Provided that not more than one person in respect of the same candidature shall be so supplied;
  - (c) two copies of the register for any constituency or part of the constituency included in the registration area to each candidate at a parliamentary election for that constituency or his election agent;

- (d) one copy of so much of the register as relates to an electoral area to the councillor for that area;
- (e) one copy of so much of the register as relates to an electoral area to each candidate at a local government election for that area or his election agent;
- (f) one copy of so much of the register as relates to the area of a community council to the secretary of that community council.

(2) A copy of the register and of the list of overseas electors shall, on publication, be supplied free of charge by the registration officer to the Secretary of State, the National Library of Scotland and the British Library; and a copy of the register shall be supplied free of charge by him at that time to the returning officer for parliamentary elections.

(3) References in this regulation to the list of overseas electors are references to that list as amended under regulation 44(2) above; and the reference in paragraph (2) above to the publication of that list shall be construed as a reference to its publication as amended under regulation 44(2).

*Sale of lists and register*

**52.**—(1) So long as there are sufficient copies available after allowing for the number which may be required for his registration duties (including the purposes of regulation 34 above), the registration officer shall supply to any person copies of any part or parts of the electors lists on payment -

- (a) in the case of a person who has been supplied under regulation 34 above with copies of any part of the electors lists or who is a returning officer or a local authority, of a fee at the rate of 20p for each thousand (or remaining part of one thousand) names in such copy; or
- (b) in the case of any other person, of a fee at the rate of £2 for each thousand (or remaining part of one thousand) names in such copy.

(2) So long as there are sufficient copies available after allowing for the number which may be required for his registration duties (including the purposes of regulations 34 and 51 above) the registration officer shall supply to any person copies of any part or parts of the list of overseas electors on payment -

- (a) in the case of a person who has been supplied in pursuance of regulation 34 or 51 above with a copy of any part of the list of overseas electors or who is a returning officer or a local authority, of a fee at the rate of 20p for each hundred (or remaining part of one hundred) names in such copy; or
- (b) in the case of any other person, of a fee at the rate of £2 for each hundred (or remaining part of one hundred) names in such copy.

(3) So long as there are sufficient copies available after allowing for the number which may be required for the purposes of any election, including an Assembly election, or the purposes of regulation 51 above, the registration officer shall supply to any person copies of any part or parts of the register on payment -

- (a) in the case of a person who has been supplied in pursuance of regulation 51 above with a copy of any part of the register or who is a returning

- officer or a local authority, of a fee at the rate of 20p for each thousand (or remaining part of one thousand) names in such copy; or
- (b) in the case of any other person, of a fee at the rate of £2 for each thousand (or remaining part of one thousand) names in such copy.

*Supply of data*

**53.**—(1) This regulation applies only to a registration officer who is a data user.

(2) In this regulation -

“data to which this regulation applies” means data consisting of the names of those persons included in the register together with any data, other than data to which paragraph (3) below applies, consisting of information relating to them including -

- (i) their electoral numbers;
- (ii) except where the address is excluded from the register under regulation 47(2), their addresses; and
- (iii) any distinguishing letter; and

“holds” has the same meaning as in section 1(5) of the Data Protection Act 1984(a).

(3) The registration officer shall not supply data which consists of information (including addresses) which is not required to be published in the register in accordance with those provisions of the Act of 1983 or these regulations, which relate to the registration of electors:

Provided that this restriction shall not apply to the supply of data to the returning officer for the constituency.

(4) Any obligation on the registration officer to supply data under this regulation imposes an obligation to supply only such data which is recorded in the form in which he holds it and only data which relates to a whole constituency.

(5) The registration officer shall, on payment of a fee determined in accordance with paragraph (6) below, supply to a person who is entitled to a free copy (or copies) of the whole or part of the register under regulation 51 above of the data to which this regulation applies:

Provided that not more than one person in respect of the same candidature shall be so supplied by virtue of the entitlement under regulation 51(1)(b) above.

(6) The fee for a person supplied with data under paragraph (5) above shall be at the rate of £1.50 for each thousand (or remaining part of one thousand) names in the data supplied.

(7) The registration officer may, on payment of a fee at the rate of £15 for each thousand (or remaining part of one thousand) names in the data supplied, supply data to which this regulation applies to a person other than a person to whom paragraph (5) above applies.

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(a) 1984 c.35.

### *Supply of labels*

**54.**—(1) This regulation applies only to a registration officer who is a data user.

(2) In this regulation:-

“relevant information” means the name and address of any elector whose name and address appear on the register and such other information as appears on the register as the registration officer thinks fit, but not information constituting data to which regulation 53(3) above applies.

(3) The registration officer may on application to him and on payment of a fee at the rate of £10 for each thousand (or remaining part of one thousand) labels supplied, supply to a person who is entitled to a free copy (or copies) of the whole or part of the register under regulation 51 above, labels containing relevant information extracted from so much of the data to which regulation 53 above applies as relates to the part or parts of the register to which such a person is so entitled:

Provided that not more than one person in respect of the same candidature shall be so supplied by virtue of the entitlement under regulation 51(1)(b).

(4) The registration officer may on application to him and on payment of a fee at the rate of £20 for each thousand (or remaining part of one thousand) labels supplied, supply labels containing relevant information extracted from data to which regulation 53 above applies to a person other than a person to whom paragraph (3) above applies.

(5) An application under this regulation may request the registration officer to supply labels containing relevant information extracted from data to which regulation 53 above applies in respect of part only of the area for which the registration officer is authorised by this regulation to supply such labels; and, if the registration officer supplies labels under this regulation, he shall comply with such a request.

### *Alterations to published register*

#### *Adaptation of register in consequence of altered parliamentary polling districts*

**55.**—(1) Paragraphs (2) and (3) below set out exceptions to the rule in section 18(8) of the Act of 1983 (which provides that an alteration of parliamentary polling districts is not effective until the coming into force of the first register prepared from electors lists published after the alteration is made).

(2) Where, under section 18(5) of the Act of 1983, the Secretary of State directs a returning officer to make, or himself makes, any alteration of parliamentary polling districts, he may also direct that the register in force be adapted to the alteration.

(3) Where any alteration of parliamentary polling districts is made otherwise than by virtue of section 18(5) of the Act of 1983, the registration officer shall, if required by the returning officer, make the alterations set out in paragraph (2) above.

*Claims for inclusion in register and objections thereto*

**56.—(1)** A claim for inclusion in the register under section 11(2) of the Act of 1983(a) shall indicate that it is such a claim and may be made by or on behalf of the person who makes such a claim.

(2) Such a claim shall state the particulars referred to in sub-paragraphs (a) to (e) of paragraph (1) of regulation 37 above and paragraph (2) of that regulation shall apply to a claim under paragraph (1) of this regulation as it applies to a claim under that regulation.

(3) Where the claim is made by a person who is not entitled to be registered except in pursuance of -

- (a) an appropriate service declaration (within the meaning of section 12(3) of the Act of 1983),
- (b) an overseas elector's declaration, or
- (c) a patient's declaration

it shall be accompanied by whichever of those declarations is appropriate, unless the registration officer already has possession of it.

(4) The registration officer shall keep a list of claims made under paragraph (1) above and shall -

- (a) on receipt of a claim, forthwith enter in that list the name and qualifying address of the claimant together with the date of that entry;
- (b) subject to paragraph (5) below, at the first opportunity having regard to the provisions of paragraph (6)(c) below publish a notice stating that a new name has been added to that list, and
- (c) record in that list against the name of any claimant the date when the notice in respect of his claim was published.

In this paragraph and paragraph (8) below "qualifying address" includes the address specified in an overseas elector's declaration in accordance with section 2(4) of the Act of 1985.

(5) Where a claim made under paragraph (1) above is received by the registration officer after 16th December but before 16th February in the next following year, he shall, unless it appears that the claim relates to the existing register, treat the claim as one relating to the register which will come into force on the next 16th February and shall not publish a notice under paragraph (4)(b) above in respect of such a claim until that register is published.

(6) A notice under paragraph (4)(b) above -

- (a) shall be published by means of the registration officer posting a copy of it in some conspicuous place or places in the registration area and may also be given in such other manner as he thinks fit for publicising it;
- (b) may be published in respect of one or more claims;
- (c) shall be published on any day between the 11th and 20th day of any month, or in February between the 11th and 22nd day; but only one notice shall be published in any month;

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(a) Subsection (2) of section 11 was substituted by paragraph 2 of Schedule 4 to the Act of 1985.



- (d) shall state that any claim in respect of which the notice was published is available for inspection at the registration officer's office; and
- (e) shall specify the manner in which any objection to the claim may be made and that any such objection must be delivered to the registration officer not later than the last day of the month in which the notice is published.

(7) As soon as practicable after the publication of a notice under paragraph (4)(b) above, the registration officer shall supply free of charge to each person to whom he has supplied a copy of so much of the register as relates to a particular constituency under regulation 51(1)(b) above a copy of so much of the list of claims kept under paragraph (4) above as relates to -

- (a) claims to which that notice applies, and
- (b) that constituency.

(8) An objection to the inclusion of a name in the register under section 11(2) of the Act of 1983 shall be made in writing to the registration officer by a person who is included in the register and shall -

- (a) be signed and dated by him;
- (b) state the name and qualifying address of the person against whom the objection is made and the grounds of the objection, and
- (c) state the name of the objector and his address as shown in the register (if so shown), together with the address to which correspondence should be sent if that address is different or is not shown in the register.

(9) Claims and objections shall be made available for inspection in the registration officer's office until such time as the claim has been disposed of, or, in the case of an objection which has been disallowed before disposal of the claim to which it relates, the time when it is disallowed.

*Preliminary disposal of claims and objections made under regulation 56*

57.—(1) The registration officer shall keep a separate list of objections made under regulation 56 above and shall, on receipt of an objection, forthwith enter in that list the name and qualifying address of the claimant in respect of whom the objection is made.

In this paragraph and paragraph (7) below "qualifying address" includes the address specified in an overseas elector's declaration in accordance with section 2(4) of the Act of 1985.

- (2) If the registration officer is of opinion -
  - (a) that the particulars given in a claim or objection are insufficient, he may ask for further information and take no further action until such information is supplied;
  - (b) that the objector is not entitled to object or that the objection was delivered after the expiry of the month in which the claims notice in respect of the claim objected to was published, he may disallow the objection and shall so inform the objector;
  - (c) that a claim relates to a register which is no longer in force, he shall disallow the claim and shall so inform the person making the claim;
  - (d) that a claim or objection cannot be allowed because -

- (i) the matter has been concluded by the decision of a court, or
- (ii) the particulars given in a claim or objection do not entitle the claimant or objector to succeed,

he may send to the person making the claim or objection a notice stating his opinion, the grounds for it and that he intends to disallow the claim or objection unless that person gives the registration officer notice within three days from the date of the registration officer's notice that he requires the claim or objection to be heard and, if he receives no such notice within that time, he may disallow the claim or objection.

(3) If after the expiry of the month in which the claims notice in respect of a claim has been published the registration officer is of opinion that the claim may be allowed without a hearing, he may allow the claim provided that no objection has been made to it, and shall so inform the person making the claim.

(4) Except where the registration officer disallows a claim or objection under paragraph (2) or allows a claim under paragraph (3) above, he shall, as soon as practicable after the expiry of the month in which the claims notice in respect of a claim was published, send a notice, in the case of a claim, to the person making the claim and, in the case of an objection, to the objector and the person objected to, stating the time and place at which he proposes to hear the claim or objection; and the notice sent to a person objected to shall also state the name and address of the objector and the grounds of the objection.

(5) The time fixed for the hearing of a claim or objection shall not be earlier than the third day nor later than the fourteenth day after the date of the notice of hearing referred to in paragraph (4) above.

(6) The registration officer shall make available for inspection at his office the lists of claims and objections together with (when available) the time and place at which he proposes to hear any claim or objection.

(7) When a claim has been disposed of, the name and qualifying address of the claimant shall be deleted from the list of claims referred to in regulation 56(4) above and the list of objections referred to in paragraph (1) above:

Provided that, where an objection has been disallowed before the disposal of the claim to which it relates the name and qualifying address of the claimant shall be deleted from the list of objections at the time when the objection is disallowed.

(8) For the purposes of this regulation -

(a) the expression "claims notice" means a notice published under regulation 56 above, and

(b) a particular claims notice is published in respect of a particular claim where the date of that notice is recorded against the name of that claimant in the list of claims kept by the registration officer in accordance with regulation 56(4) above.

*Hearing of claims and objections made under regulation 56*

**58.** Regulation 41 above shall apply for the hearing of claims to be included in a register in force and objections to them as it applies for the hearing of claims and objections in respect of the electors lists.

*Appeals in respect of claims and objections made under regulation 56*

**59.** Regulation 42 above shall apply in respect of an appeal under section 56(1)(d) of the Act of 1983 as it applies in respect of an appeal under section 56(1)(a) of that Act.

*Correction of register*

**60.**—(1) Where a registration officer makes an alteration in a register pursuant to subsection (1) or (2) of section 11 of the Act of 1983, he shall -

- (a) send to the person affected by the alteration and, if he gives effect to a decision on an objection, to the objector a notice stating the alteration;
- (b) make a copy of the alteration available for inspection at his office;
- (c) make copies of the alteration available for inspection at the place at which copies of the part of the register to which the alteration relates have been made available for inspection; and
- (d) supply free of charge a copy of the alteration to each person to whom he has supplied a copy of the part of the register to which the alteration relates in pursuance of regulation 51 above or paragraph (a) or regulation 52(3) above.

(2) Copies of alterations made available for inspection under this regulation shall be kept available for the same length of time as the register is kept published.

## PART IV

### ABSENT VOTERS

*General requirements for applications*

**61.**—(1) Applications under section 6, 7, 8 or 9 of the Act of 1985 shall, in addition to the address which is required by section 6(6), 7(5) or 9(12) (as the case may be) in the case of a person applying to vote by post, state -

- (a) the applicant's full name,
- (b) except in the case of an application under section 9, the address in respect of which the applicant is or will be registered in the register,
- (c) in the case of an application under section 9, the address of the applicant, together with the name of the elector for whom he acts as proxy and the address of that elector for the purposes of sub-paragraph (b) above, and
- (d) in the case of an application under section 6(1), 7(1) or 9(4) or (7), the grounds on which the applicant claims to be entitled to an absent vote;

and the application shall be signed by the applicant and made and sent or delivered in accordance with regulation 6(1) above.

For the purposes of sub-paragraph (b) above, the address in respect of which the applicant is or will be registered includes:

- (i) in the case of a service voter, the address given in the service declaration in accordance with section 16(d) of the Act of 1983;
  - (ii) in the case of a voluntary mental patient, the address given in the patient's declaration in accordance with section 7(4)(d)(iv) of the Act of 1983;
- and

(iii) in the case of an overseas elector, the address given in the overseas elector's declaration in accordance with section 2(4) of the Act of 1985.

(2) An application under section 6(1), 8(6) or 9(4) of the Act of 1985 shall state whether it is made in respect of parliamentary elections, local government elections or both.

(3) An application under section 7(1) or (2), 8(7) or 9(7) or (8) of the Act of 1985 shall specify the election in respect of which it is made.

(4) An application to vote by proxy under section 6(1) or (5) or 7(1) or (2) of the Act of 1985 shall include an application for the appointment of a proxy which meets the requirements of regulation 65 below.

(5) An application under section 6, 7, 8 or 9 of the Act of 1985 shall comply with such further requirements of this Part of these regulations as apply to such an application and with the requirements as to time set out by regulation 67 below.

*Additional requirements for applications on grounds of physical incapacity*

**62.**—(1) An application under paragraph (b) of section 6(2) of the Act of 1985 shall specify the physical incapacity by reason of which the application is made.

(2) Subject to paragraph (4) below, such an application shall be attested and signed by -

- (a) a registered medical practitioner;
- (b) a first level nurse trained in general nursing registered in Part 1 of the register maintained under section 10(1) of the Nurses, Midwives and Health Visitors Act 1979(a) in accordance with Article 2 of, and Schedule 1 to, the Nurses, Midwives and Health Visitors (Parts of the Register) Order 1983(b);
- (c) a Christian Science practitioner;
- (d) in the case of an application in which the applicant states that he is resident in an establishment within the meaning of section 61 of the Social Work (Scotland) Act 1968(c) in respect of which a person is required to be registered under that section, by that person;
- (e) in the case of an application in which the applicant states that he is resident in residential accommodation provided by a local authority under section 59(2) of the Social Work (Scotland) Act 1968, by the matron or other person in charge of that accommodation; or
- (f) in the case of an application in which the applicant states that he resides in premises forming one of a group of premises -
  - (i) which are provided for persons of pensionable age or physically disabled persons, and
  - (ii) for which there is a resident warden, by that warden.

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(a) 1979 c.36.

(b) S.I. 1983/667.

(c) 1968 c.49.

- (3) The person attesting an application under paragraph (2) above shall state -
- (a) his name and address and the qualification by virtue of which he is authorised to attest the application;
  - (b) that, to the best of his knowledge and belief, the applicant is suffering from the physical incapacity 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 incapacity; and
  - (c) that, to the best of his knowledge and belief, the physical incapacity specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (4) Paragraphs (2) and (3) above shall not apply where -
- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by a local authority, or by a local society for the blind, which is specified in the application; or
  - (b) the applicant is in receipt of a mobility allowance under section 37A of the Social Security Act 1975<sup>(a)</sup> and the reference number of such an allowance is set out in the application.
- (5) The fact that an applicant is either -
- (a) registered with a local authority or local society for the blind, or
  - (b) in receipt of a mobility allowance,

shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in paragraph (b) of section 6(2) of the Act of 1985.

(6) In this regulation and regulations 63 and 64 below, "his allotted polling station", in relation to an elector, means the polling station allotted or likely to be allotted to him under the appropriate rules (within the meaning of the definition in section 5(7) of the Act of 1985).

*Additional requirements for applications based on occupation, service or employment*

**63.**—(1) An application under paragraph (c) of section 6(2) of the Act of 1985 shall state -

- (a) whether the occupation, service or employment, in respect of which it is made, is that of the applicant or his spouse;
- (b) the nature of the occupation, service or employment in respect of which it is made;
- (c) where the person in respect of whose occupation, service or employment it is made (in this regulation referred to as "the employed person") is self-employed, that fact; and in any other case the name of that person's employer;
- (d) why the applicant cannot reasonably be expected to go in person to his allotted polling station (within the meaning of regulation 62(6) above) by reason of the general nature of the occupation, service or employment referred to in sub-paragraph (b) above.

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<sup>(a)</sup> 1975 c. 14; section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975 (c.60).

(2) Such an application shall be attested and signed -

(a) where the employed person is self-employed, by a person who -

- (i) is aged 18 years or over,
- (ii) knows the employed person, and
- (iii) is not related to him; and

(b) in any other case, by the employer of the employed person or by another employee to whom this function is delegated by the employer.

For the purposes of sub-paragraph (a) above and sub-paragraph (i) of paragraph (3) below, one person is related to another if he is the husband, wife, parent, grandparent, brother, sister, child or grandchild of the other.

(3) The person attesting an application under paragraph (2) above shall -

(a) where the applicant is the employed person, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (d) of paragraph (1) above are true; or

(b) where the applicant is the spouse of the employed person, certify that the statements included in the application in accordance with the requirements of sub-paragraphs (a) to (c) of paragraph (1) above are true;

and in addition, he shall state -

(i) in the case of a person who attests an application under sub-paragraph (a) of paragraph (2) above, his name and address, and that he is aged 18 years or over, knows the employed person, but is not related to him; or

(ii) in the case of a person who attests an application under sub-paragraph (b) of that paragraph, either that he is the employer of the employed person or the position he holds in the employment of that employer.

*Additional requirements for applications in respect of a particular election*

**64.**—(1) An application under section 7(1) of the Act of 1985 shall set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station (within the meaning of regulation 62(6) above).

(2) Except in respect of an application to which paragraph (4) below applies, such an application shall be signed and attested by a person who -

- (a) is aged 18 years or over,
- (b) knows the applicant but is not related to him, and
- (c) has not attested under this paragraph any other application in respect of the election for which the application he attests is made.

For the purposes of sub-paragraph (b) above and sub-paragraph (c) of paragraph (3) below, one person is related to another if he is the husband, wife, parent, grandparent, brother, sister, child or grandchild of the other.

(3) The person attesting an application under paragraph (2) above shall state -

- (a) his name and address,
- (b) that he is aged 18 years or over,

(c) that he knows the applicant, but is not related to him, and  
(d) that he has not attested under paragraph (2) above any other application in respect of the election for which the application he attests is made; and shall certify that, to the best of his knowledge and belief, the statement included in the application in accordance with the requirements of paragraph (1) above is true.

(4) This paragraph applies in respect of an application under section 7(1) of the Act of 1985 which -

- (a) states that it is made on the grounds that the applicant cannot reasonably be expected to vote in person at his allotted polling station (within the meaning of regulation 62(6) above) because he will be or is likely to be physically ill on the date of the poll,
- (b) specifies that illness, and
- (c) is attested and signed by one of the persons specified in sub-paragraphs (a), (b) and (c) of regulation 62(2) above.

(5) The person attesting an application under paragraph (4) above shall state -

- (a) his name and address and the qualification by virtue of which he is authorised to attest it; and
- (b) that, to the best of his knowledge and belief, the applicant is suffering from the physical illness specified in the application, that he will be or is likely to be so suffering on the date of the poll, and that he cannot reasonably be expected to vote in person at his allotted polling station by reason of that illness.

*Additional requirements for applications for appointment of a proxy*

**65.** An application for the appointment of a proxy under section 8(6) or (7) of the Act of 1985 shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and -

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, or
- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

*Additional requirements for applications by proxies to vote by post at a particular election*

**66.** An application under section 9(7) of the Act of 1985 shall set out why the applicant's circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the elector under the appropriate rules (within the meaning of the definition in section 5(7) of the Act of 1985).

*Closing dates for applications*

**67.—(1)** An application -

- (a) to vote by post or proxy under section 6(1) of the Act of 1985;
- (b) by an absent voter to alter his choice as to the manner of absent voting under section 6(5) of that Act;
- (c) for the appointment of a proxy under section 8(6) of that Act; or
- (d) from a proxy to vote by post under section 9(4) of that Act,

shall be disregarded for the purposes of any particular parliamentary or local government election if it is received by the registration officer after noon on the thirteenth day before the date of the poll at that election.

(2) Subject to paragraphs (3) and (4) below, an application -

- (a) to vote by post or proxy under section 7(1) of the Act of 1985;
- (b) by a postal voter for his ballot paper to be sent to a different address or to vote instead by proxy at a particular election under section 7(2) of that Act;
- (c) for the appointment of a proxy under section 8(7) of that Act;
- (d) from a proxy to vote by post under section 9(7) of that Act; or
- (e) from a postal proxy for his ballot paper to be sent to a different address at a particular election under section 9(8) of that Act,

shall be disallowed if it is received by the registration officer after noon on the thirteenth day before the date of the poll at the election for which it was made.

(3) Paragraph (2) above shall not apply to an application -

- (a) to which paragraph (4) of regulation 64 above applies and which is attested in accordance with paragraph (5) of that regulation, and
- (b) in which, in addition to those requirements, the applicant states that on the thirteenth day before the date of the poll at the election for which the application is made (calculated in accordance with paragraph (6) below) he could not reasonably have foreseen that he would be or was likely to be physically ill on the date of the poll and the attester states that, so far as he is aware, that statement is true; and such an application shall be disallowed if it is received by the registration officer after noon on the sixth day before the date of the poll at the election for which it was made.

(4) Paragraph (2) above shall not apply to an application to vote by post or proxy under section 7(1) of the Act of 1985 in which the applicant's circumstances on the date of the poll for the election in respect of which it is made are stated to be his employment, either as a constable or by the returning officer, on that date for a purpose connected with that election; and such an application may be allowed if it is received by the registration officer after noon on the thirteenth day before that date.



(5) An application -

(a) under section 6(4)(a) of the Act of 1985, by an elector to be removed from the record kept under section 6(3), and

(b) under section 9(11)(a) of that Act, by a proxy to be removed from the record kept under section 9(6), and

a notice under section 8(9) of that Act of the cancellation of a proxy's appointment may be disregarded for the purposes of any particular parliamentary or local government election if it is received by the registration officer after noon on the thirteenth day before the date of the poll at that election.

(6) In computing a period of days for the purposes of this regulation -

(a) a Saturday or Sunday, or

(b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday,

shall be disregarded.

In sub-paragraph (b) above, "bank holiday" means -

(i) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in any part of the United Kingdom, and

(ii) in relation to a by-election, a day which is a bank holiday under that Act in Scotland;

but at a general election, sub-paragraph (ii) and not sub-paragraph (i) above applies in relation to any proceedings commenced afresh by reason of a candidate's death.

#### *Grant or refusal of applications*

**68.**—(1) Where the registration officer grants an application under section 6, 7, 8 or 9 of the Act of 1985 he shall, where practicable, notify the applicant of his decision.

(2) The proxy paper to be issued by the registration officer on the appointment of a proxy shall be in Form C.

(3) Where the registration officer disallows an application under section 6, 7, 8 or 9 of the Act of 1985, he shall notify the applicant of his decision and, in the case of an application under section 6(1) or 9(4), of the reason for his decision; and he shall date such notification.

(4) Where under regulation 67(1) or (5) above the registration officer disregards an application for the purposes of any particular parliamentary or local government election, he shall, where practicable, notify the applicant of this.

#### *Notice of appeal*

**69.**—(1) A person desiring to appeal under section 56(1)(b) of the Act of 1983(b) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notification given under regulation 68(3) above, specifying the grounds of the appeal.

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(a) 1971 c.80.

(b) Section 56(1)(b) was amended by paragraph 1 of Schedule 2 to the Act of 1985.

(2) The registration officer shall forward any such notice to the sheriff with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal and shall also give to the sheriff any other information which the sheriff may require and which the registration officer is able to give.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the sheriff so that the sheriff may consolidate the appeals or select a case as a test case.

*Cancellation of proxy appointment*

**70.** Where the appointment of a proxy is cancelled by notice given to the registration officer under section 8(9) of the Act of 1985 or ceases to be in force under that provision or is no longer in force under section 8(10)(b) of that Act, the registration officer shall -

- (a) notify the person whose appointment as proxy has been cancelled or ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy, and
- (b) remove his name from the record kept under section 6(3)(c) of that Act.

*Inquiries by registration officer*

**71.—(1)** The registration officer may, at such times as he thinks fit, make inquiries of a person -

- (a) who is shown in the record kept under subsection (3) of section 6 of the Act of 1985 by virtue of an application under that section on the grounds set out in paragraph (b) or (c) of subsection (2) of that section, or
- (b) who immediately before the date of the commencement of sections 5 to 9 of that Act was entitled to vote by post or by proxy for an indefinite period at parliamentary elections, local government elections or both in pursuance of an application or applications to be treated as an absent voter based on the grounds set out in paragraph (b)(i), (c), (g) or (h) of section 19(1), or paragraph (b)(i), (c), (f) or (g) of section 32(1) of the Act of 1983 and in respect of whom section 6 of the Act of 1985 has effect, by virtue of paragraph 9(1)(a) of Schedule 2 to that Act, as if an application under that section so to vote at elections of the kind or kinds in question had been granted on that date,

for the purpose of determining whether there has been a material change of circumstances.

- (2) In the case of a person -
  - (a) who is shown in the record kept under subsection (3) of section 6 of the Act of 1985 by virtue of an application under subsection (1) of that section on the grounds set out in paragraph (c) of subsection (2) of that section, or
  - (b) to whom paragraph (1)(b) above applies and whose application to be treated as an absent voter was based on the ground set out in paragraph

(b)(i), (g) or (h) of section 19(1), or paragraph (b)(i), (f) or (g) of section 32(1) of the Act of 1983,

the registration officer shall make the inquiries referred to in paragraph (1) above not later than three years after the date of the granting of the application or the last such inquiries, as the case may be.

In respect of a person to whom paragraph (1)(b) above applies, the date of the commencement of sections 5 to 9 of the Act of 1985 shall be treated as the date of the granting of the application.

(3) The registration officer may treat the failure by a person of whom inquiries have been made under paragraph (1) or (2) above to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

*Records and lists kept under sections 6, 7 and 9 of Act of 1985*

72.—(1) Subject to the provisions of this regulation, the records kept under sections 6(3) and 9(6) of the Act of 1985 and the lists kept under sections 7(4) and 9(9) of that Act shall be in such form as the registration officer thinks fit.

(2) In that part of the absent voters list referred to in paragraph (a) of section 7(4) of the Act of 1985, the address to which the ballot paper is to be sent to a person who is entitled to vote by post as an elector shall be placed on the right hand side of his name and electoral number.

(3) In that part of the absent voters list referred to in paragraph (b) of section 7(4) of the Act of 1985 (the list of proxies), the name and address of the proxy shall be placed on the right hand side of the elector's name and electoral number.

(4) In the list kept under section 9(9) of the Act of 1985 (those proxies who are entitled to vote by post), the name of the proxy, together with the address to which his ballot paper is to be sent, shall be placed on the right hand side of the elector's name and electoral number.

(5) The registration officer shall make available for inspection at his office a copy of the records kept under sections 6(3) and 9(6) of the Act of 1985.

(6) As soon as practicable after the day referred to in regulation 67(1) above, the registration officer shall publish the lists kept under sections 7(4) and 9(9) of the Act of 1985 by making a copy of them available for inspection at his office; and he shall continue to make a copy of those lists so available until the date of the poll.

(7) As soon as practicable after the publication of the lists referred to in paragraph (6) above, the registration officer shall, on request, supply free of charge a copy of them to each candidate or his election agent:

Provided that, if such a request is made before any issue of postal ballot papers, he shall before that issue supply a copy of those lists or so much of them as relates to that issue.

(8) In this regulation, "electoral number" means a person's number in the register to be used at the election or, pending publication of the register, his number (if any) in the electors lists for that register.

*Marked register for polling stations*

73. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter "A" shall be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

*Certificate of employment at a parliamentary election*

74. The certificate as to the employment of constables and persons employed by the returning officer on the day of the poll at a parliamentary election (to enable such a constable or person to vote elsewhere than at his own polling station) shall be in Form F and shall be signed, in the case of a constable, by an officer of a police force of or above the rank of inspector.

PART V

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

*Interpretation of Part V*

75. For the purposes of this Part of these regulations, unless the context otherwise requires -

"agent" includes the election agent and a person appointed to attend in the election agent's place;

"ballot paper envelope" and "covering envelope" mean the envelopes referred to in regulation 83 below;

"issue" includes the original and any subsequent issue;

"list of postal proxies" means the list kept under section 9(9) of the Act of 1985;

"postal ballot paper" means a ballot paper issued to a postal voter;

"postal voter" means a voter who is entitled to vote by post (and includes a postal proxy);

"postal voters' ballot box" means the ballot box referred to in regulation 85 below;

"receptacle for ballot paper envelopes" and "receptacle for declarations of identity" mean the receptacles referred to in regulation 90(4) below, "receptacle for postal ballot papers" means the receptacle referred to in regulation 89(4) below and "receptacle for rejected votes" means the receptacle referred to in regulation 90(2) below; and

"spoilt postal ballot paper" means a ballot paper referred to in regulation 87(1) below.

*Issue of postal ballot papers*

*Combination of polls*

76. Where the polls at elections are taken together under subsection (1) or (2) of section 15 (combination of polls at parliamentary, European Assembly and local elections) of the Act of 1985, the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers concerned agree, be taken together.

*Form of declaration of identity*

77. The declaration of identity sent with the postal ballot paper to a postal voter shall be -

- (a) in Form G at a parliamentary election other than one to which paragraph (b) or (c) below applies;
- (b) in Form H at a parliamentary election where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election under regulation 76 above;
- (c) in Form J at a parliamentary election the poll at which is taken together with the poll at another election under section 15(1) or (2) of the Act of 1983 in any part of the constituency but where the proceedings on the issue and receipt of postal ballot papers are not taken together under regulation 76 above, for use in that part of the constituency in which polls at more than one election are taken together.

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

78.—(1) No person may be present at the proceedings on the issue or receipt of postal ballot papers other than -

- (a) the returning officer and his clerks,
- (b) a candidate,
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place or,
- (d) any agents appointed under paragraph (2) below.

(2) Where postal ballot papers are to be issued, or the envelopes contained in the postal voters' ballot boxes are to be opened, simultaneously in two or more batches, each candidate may appoint one or more agents up to the number he may be authorised by the returning officer to appoint not exceeding the number of such batches so, however, that the number authorised shall be the same in the case of each candidate.

(3) Notice of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters' ballot boxes, as the case may be. Where postal ballot papers for more than one election are issued together under regulation 76 above, the returning officer to whom notice shall be given under this paragraph and paragraphs (4) and (6) below is the returning officer who issues the postal ballot papers.

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part of these regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (2) above, who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part of these regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

*Notification of requirement of secrecy*

**79.** The returning officer shall make arrangements 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 the provisions of subsections (4) and (6) of section 66 of the Act of 1983<sup>(a)</sup>.

*Notice of issue of postal ballot papers*

**80.—**(1) The returning officer shall give each candidate not less than 48 hours' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents he may appoint under regulation 78(2) above to attend that issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents the candidate may appoint under regulation 78(2) above to attend such issue.

*Marking of postal ballot paper etc.*

**81.—**(1) Each postal ballot paper issued shall be stamped with the official mark and the name and number of the elector as stated in the register shall be called out, and such number shall be marked on the counterfoil, and a mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy but without showing the particular ballot paper issued.

(2) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(3) Where postal ballot papers for more than one election are issued together under regulation 76 above:

- (a) one mark shall be placed in the absent voters list or the list of postal proxies under paragraph (1) above to denote that ballot papers have been issued in respect of all of those elections, except that where ballot papers are not so issued a different mark shall be placed in the absent voters list or list of postal proxies to identify the election in respect of which the ballot paper was issued; and
- (b) the number of each ballot paper shall be marked on the declaration of identity under paragraph (2) above.

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(a) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Act of 1985.

(4) Where the poll at one election is taken together with the poll at another election under section 15(1) or (2) of the Act of 1985 but the proceedings on the issue and receipt of postal ballot papers are not taken together under regulation 76 above, the colour of the postal ballot paper shall also be marked on the declaration of identity sent with that paper.

*Refusal to issue postal ballot paper*

**82.** Where a returning officer is satisfied that two or more entries in either the absent voters list, or the list of postal proxies, or in each of those lists, relate to the same elector he shall not issue more than one ballot paper in respect of the same elector in respect of any one election.

*Envelopes*

**83.—(1)** The envelope which the returning officer is required by rule 24 of the elections rules to send to a postal voter for the return of the postal ballot paper or, as the case may be, ballot papers and the declaration of identity (referred to as a “covering envelope”) shall be marked with the letter “B”.

(2) In addition to the documents referred to in paragraph (1) above, the returning officer shall send to a postal voter a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with -

- (a) the letter “A”,
- (b) the words “Ballot paper envelope”, and
- (c) the number of the ballot paper or, as the case may be, ballot papers.

(3) Where the poll at one election is taken together with the poll at another election under section 15(1) or (2) of the Act of 1985 but the proceedings on the issue and receipt of postal ballot papers are not taken together under regulation 76 above -

- (a) the envelope referred to in paragraph (1) above shall also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”; and
- (b) on the envelope referred to in paragraph (2) above, after the words “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

*Delivery of postal ballot papers to post office*

**84.—(1)** Envelopes addressed to postal voters shall be counted and forthwith delivered by the returning officer to the nearest head post office, or such other office as may be arranged with the head postmaster, and the postmaster shall stamp with the post office date stamp a form of receipt to be presented by the returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

(2) First class postage of all such envelopes and all covering envelopes shall be pre-paid by the returning officer.

*Provision of postal voters' ballot box*

**85.**—(1) The returning officer shall, at the proceedings on the original issue of postal ballot papers, provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the postal voters.

(2) Every such ballot box shall be shown open and empty to the agents present and shall then be locked by the returning officer and sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals in such manner as to prevent its being opened without breaking the seal.

(3) Every such ballot box shall be marked “postal voters' ballot box” and with the name of the constituency or electoral area (or areas) for which the election (or elections) is held.

(4) The returning officer shall make provision for the safe custody of every such ballot box.

*Sealing up of special lists and counterfoils*

**86.**—(1) The returning officer, as soon as practicable after the completion of the issue of the postal ballot papers, and in the presence of the agents, shall make up in separate packets -

(a) the marked copies of the absent voters list and of the list of postal proxies, and

(b) the counterfoils of those ballot papers which were issued,

and shall seal such packets.

(2) The sealed packet containing the marked copies of the absent voters list and of the list of postal proxies may be opened by the returning officer for the purposes of a subsequent issue, and on completion of that issue the copies shall be again made up and sealed in accordance with paragraph (1) above.

*Spoilt postal ballot paper*

**87.**—(1) If a postal voter has inadvertently dealt with his postal paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt postal ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt postal ballot paper, the declaration of identity, the ballot paper envelope and the covering envelope.

(2) Where postal ballot papers for more than one election have been issued together under regulation 76 above, the postal voter shall, if he exercises the entitlement conferred by paragraph (1) above, return all of the ballot papers so issued, whether spoilt or not.

(3) On receipt of the documents referred to in paragraph (1) and, where applicable, (2) above, the returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received too late for another ballot paper (or ballot papers) to be returned before the close of the poll.

(4) Regulations 78 to 86 above, except -

(a) sub-paragraphs (b), (c) and (d) of paragraph (1) and paragraphs (2) to (8) of regulation 78,



(b) regulation 80, and  
(c) any reference to the presence of the agents,  
shall apply to the issue of postal ballot papers under paragraph (3) above.

(5) The spoilt postal ballot paper, and any other postal ballot paper issued with it under regulation 76 above, the declaration of identity and the ballot paper envelope shall be immediately cancelled.

(6) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall then be again made up and sealed.

#### *Receipt of postal ballot papers*

##### *Receipt of covering envelope*

**88.** The returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box locked and sealed in accordance with regulation 85 above.

##### *Opening of postal voters' ballot box*

**89.**—(1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents.

(2) So long as the returning officer ensures that there is at least one postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The returning officer shall give each candidate not less than 48 hours' notice in writing of the time and place of the opening of each postal voters' ballot box and the envelopes contained in it and of the number of agents the candidate may appoint under regulation 78(2) above to be present at each opening.

(4) The returning officer shall provide a ballot box as a receptacle for postal ballot papers (referred to as "receptacle for postal ballot papers") and every such ballot box shall be shown open and empty to the agents present and shall then be locked by the returning officer and sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals in such manner as to prevent its being opened without breaking the seal.

(5) Every ballot box referred to in paragraph (4) above shall be marked "postal voters' ballot papers" and with the constituency or electoral area (or areas) for which the election (or elections) is held.

(6) The returning officer shall make provision for the safe custody of every such ballot box.

(7) The ballot box shall be opened at the counting of the votes under rule 45 of the elections rules.

*Opening of covering envelopes*

**90.**—(1) When a postal voters' ballot box has been opened, the returning officer shall count and note the number of covering envelopes, and shall then open each covering envelope separately.

(2) Where a covering envelope does not contain both a declaration of identity and a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper (or ballot papers) he shall mark the covering envelope "rejected", attach to it the contents (if any) of the covering envelope and place it in a separate receptacle (referred to as "the receptacle for rejected votes"); and if the covering envelope does not contain the declaration separately, the returning officer shall open the ballot paper envelope to ascertain if the declaration is inside that envelope.

(3) On opening a covering envelope, other than one to which paragraph (2) above applies, the returning officer shall first satisfy himself that the declaration of identity has been duly signed and authenticated and, if he is not so satisfied, he shall mark the declaration "rejected", attach to it the ballot paper envelope or, if there is no such envelope, the ballot paper (or ballot papers), and place it in the receptacle for rejected votes:

Provided that before so doing he shall show the declaration to the agents and, if any objection is made by any agent to his decision, he shall add the words "rejection objected to".

(4) Where the number (or numbers) on the declaration of identity duly signed and authenticated agrees with the number (or numbers) on the ballot paper envelope, he shall place the declaration in a separate receptacle (referred to as "the receptacle for declarations of identity") and the ballot paper envelope in another separate receptacle (referred to as "the receptacle for ballot paper envelopes").

(5) Where there is no ballot paper envelope or the ballot paper envelope has been opened under paragraph (2) above, he shall place -

(a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity, duly signed and authenticated;

(b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked "rejected"; and

(c) in the receptacle for declarations of identity, any such declaration not disposed of under sub-paragraph (b) above.

(6) Where the number (or numbers) on the declaration of identity, duly signed and authenticated, is not the same as the number (or numbers) on the ballot paper envelope or that envelope has no number on it (or only one number where the declaration of identity has more than one) he shall open the envelope and shall place -

(a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity, duly signed and authenticated;

(b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked "rejected";

- (c) in the receptacle for rejected votes, any declaration of identity, marked “rejected”, in respect of a ballot paper envelope which either does not contain a ballot paper or, where more than one number appears on the declaration, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper); and
- (d) in the receptacle for declarations of identity, any such declaration not disposed of under sub-paragraph (b) or (c) above.

(7) Except for the purposes of ascertaining under paragraph (2) above whether a ballot paper envelope contains a declaration of identity or under paragraph (6) above whether the number (or numbers) on the declaration agrees with the number on the ballot paper (or ballot papers), the returning officer shall not open the ballot paper envelopes before they are opened under regulation 92 below.

*Sealing up of rejected votes and declarations of identity*

**91.** On the conclusion of the proceedings under regulation 90 above the returning officer shall put the contents of the receptacle for rejected votes and the contents of the receptacle for declarations of identity into two separate packets and shall seal up such packets.

*Opening of ballot paper envelopes*

**92.—**(1) After sealing up the packets referred to in regulation 91 above the returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

- (2) He shall place -
  - (a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
  - (b) in a separate receptacle, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and
  - (c) in the receptacle referred to in sub-paragraph (b) above, any ballot paper envelope which shall be marked “rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper);

and he shall make the contents of the receptacle referred to in sub-paragraph (b) above up into a packet and shall seal such packet.

*Abandoned poll*

**93.—**(1) Subject to paragraph (2) below, where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the returning officer -

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of these regulations, and

(b) shall, notwithstanding regulation 91 or 92 above, treat all unopened covering envelopes and the contents of those which have been opened as if they were counted ballot papers.

(2) Paragraph (1) above shall not apply where postal ballot papers for more than one election have been issued together under regulation 76 above.

*Forwarding of documents*

**94.**—(1) The returning officer shall forward, in the case of a parliamentary election to the sheriff clerk and, in the case of a local government election, to the proper officer of the authority to which councillors are to be elected, at the same time as he forwards the documents mentioned in rule 55 of the elections rules -

(a) any packets referred to in regulation 86, 87, 91 or 92 above, subject to the provisions of regulation 93 above, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral area (or areas) for which the election (or elections) was held, and

(b) at a parliamentary election, a completed statement in Form M of the number of postal ballot papers issued.

(2) Where any covering envelopes are received by the returning officer after the close of the poll or any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued, he shall put them unopened into a separate packet, seal up such packet and forward it at a subsequent date in the manner described in paragraph (1) above.

(3) Any packet or statement forwarded under this regulation shall be deemed to have been forwarded in pursuance of the elections rules.

(4) A copy of the statement referred to in paragraph (1)(b) above shall be provided by the returning officer to the Secretary of State.

## PART VI

### COMBINATION OF POLLS

*Returning officers and polling stations*

**95.**—(1) Where the polls at a parliamentary general election and an Assembly general election are taken together under section 15(1) of the Act of 1985 -

(a) those functions of the returning officer at the Assembly election which are specified in regulation 96 below shall be discharged by the returning officer at the parliamentary election for such part of the Assembly constituency; and

(b) only polling stations used for the parliamentary election shall be used for the Assembly election.

(2) Where the polls at a parliamentary general election and an ordinary local government election are taken together under section 15(1) of the Act of 1985 -

- (a) those functions of the returning officer at the local government election which are specified in regulation 96 below shall be discharged by the returning officer at the parliamentary election for such part of the local government area as is situated in the parliamentary constituency; and
- (b) only polling stations used for the parliamentary election shall be used for the local government election.

(3) Where the polls at an ordinary local government election and an Assembly general election are taken together under section 15(1) of the Act of 1985 -

- (a) those functions of the returning officer at the Assembly election which are specified in regulation 96 below shall be discharged by the returning officer at the local government election for such part of the Assembly constituency as is situated in the local government area; and
- (b) only polling stations used for the local government election shall be used for the Assembly election.

(4) Where the polls at elections for related areas (within the meaning of section 15(3) of the Act of 1985) are taken together under section 15(2) of the Act of 1985 -

- (a) the returning officers for those elections shall decide which returning officer shall discharge in the related area those functions of the other (or others) which are specified in regulation 96 below:  
Provided that the returning officer at an Assembly election shall not discharge those functions; and
- (b) the only polling stations which shall be used at such elections are the polling stations used at the election for which the returning officer who discharges the functions referred to in sub-paragraph (a) above acts as returning officer.

*Functions at combined polls*

**96.**—(1) The functions referred to in regulation 95 above are the functions conferred -

- (a) at a parliamentary election by those rules in the parliamentary elections rules in Schedule 1 to the Act of 1983 which are specified in paragraph (2) below;
- (b) at an Assembly election, by the rules specified in paragraph (2) below as applied by regulations made under paragraph 2 of Schedule 1 to the Act of 1978; and
- (c) at a local government election, by those rules in the rules made under section 42 of the Act of 1983 which correspond to the rules specified in paragraph (2) below;

and, where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under regulation 76 above, the functions conferred by Part V of these regulations, including that Part as applied by regulations made under paragraph 2 of Schedule 1 to the Act of 1978.

- (2) The rules referred to in paragraph (1) above are -

- (a) rule 23(2) (notice of situation of polling stations etc.)(a);
- (b) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under regulation 76 above, rule 24 (postal ballot papers)(b);
- (c) rule 25 (provision of polling stations);
- (d) rule 26(1) and (2) (appointment of presiding officers and clerks) to the extent that that rule concerns the appointment of presiding officers and clerks to assist them;
- (e) rule 29 (equipment of polling stations)(c);
- (f) rule 31(a) (notification of requirement of secrecy at polling stations)(d);
- (g) rule 32(3) (signing of certificate as to employment);
- (h) rule 33(2)(b) (authorisation to order removal of persons from polling station); and
- (i) in rule 45 (the count), paragraph (1), as substituted by regulation 98(18) below, and paragraph (5).

*Modification of provisions about expenses in Act of 1983*

**97.—**(1) Where those functions of a returning officer at an election which are specified in regulation 96 above are discharged by the returning officer at another election under regulation 95 above, references to the returning officer or his charges or expenditure in subsections (3), (4), (5), (7) and (8) of section 29 (payments by and to returning officer), section 30 (taxation of returning officer's account) and in subsections (5) and (6) of section 42 (expenditure of returning officer at local elections in Scotland) of the Act of 1983 shall, to the extent that such functions are so discharged, be construed as references to the returning officer who discharges those functions and his charges or expenditure in respect of those functions.

References in this paragraph to sections 29 and 30 of the Act of 1983 include references to those provisions as applied by regulations under paragraph 2 of Schedule 1 to the Act of 1978.

(2) The reference in section 42(6) of the Act of 1983 to the returning officer or person acting as returning officer requesting an advance in respect of his expenses shall, to the extent that those expenses relate to the functions specified in regulation 96 above, include a reference to the returning officer who under regulation 95 above discharges those functions at the local government election.

(3) In relation to elections the polls at which are taken together under section 15(1) or (2) of the Act of 1985, the Treasury may in the scale of maximum charges which they are required to prescribe under section 29(3) of the Act of 1983, including that provision as applied by regulations under paragraph 2 of Schedule 1 to the Act of 1978, include special provision for services rendered and expenses incurred in respect of the functions specified in regulation 96

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- (a) Rule 23 was amended by paragraph 77 of Schedule 4 to the Act of 1985.
  - (b) Rule 24 was amended by paragraph 5 of Schedule 2 to, and paragraph 78 of Schedule 4 to, the Act of 1985.
  - (c) Rule 29 was amended by paragraph 79 of Schedule 4 to the Act of 1985.
  - (d) Rule 31 was substituted by paragraph 80 of Schedule 4 to the Act of 1985.

above by the returning officer who discharges those functions by virtue of regulation 95 above.

*Modification of parliamentary elections rules*

98.—(1) Where the poll at a parliamentary election is to be taken with the poll at a local government election or an Assembly election under subsection (1) or (2) of section 15 of the Act of 1985, the parliamentary elections rules in Schedule 1 to the Act of 1983 shall have effect subject to the provisions of this regulation.

(2) At the end of paragraph (2) of rule 19 (the ballot papers) the following sub-paragraph shall be added:-

“(e) shall be of a different colour from that of any ballot papers used at an election the poll for which is taken together with the poll for the parliamentary election.”.

(3) At the end of rule 23 (notice of poll)(a) the following paragraph shall be added:-

“(3) The notice published under paragraph (2) above shall:

(a) state that the poll at the parliamentary election is to be taken together with the poll at a local government election or, as the case may be, a European Assembly election;

(b) specify the relevant local authority and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held or, as the case may be, European Assembly constituency; and

(c) where the polls are to be taken together in part of the constituency only, specify that part.”.

(4) At the end of rule 28 (issue of official poll cards) the following paragraph shall be added:

“(5) An official poll card issued under this rule may be combined with any official poll card issued at a local government election or, as the case may be, a European Assembly election.”.

(5) After paragraph (1) of rule 29 (equipment of polling stations) there shall be inserted the following paragraph:-

“(1A) The same ballot box shall be used for the poll at the parliamentary election and the poll at the local government election or, as the case may be, European Assembly election.”.

(6) For paragraph (5) of rule 29 there shall be substituted the following paragraph:-

“(5) In every compartment of every polling station there shall be exhibited the notice -

‘PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

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(a) Rule 23 was amended by paragraph 77 of Schedule 4 to the Act of 1985.

\*[Specify name of council] COUNCIL ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

\*EUROPEAN ASSEMBLY ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED.

\* *Delete as necessary*'.

(7) At the end of paragraph (3) of rule 30 (appointment of polling and counting agents) there shall be added the following -

“Notices of the appointment of polling agents which are required by this paragraph and paragraphs (4) and (5) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986.”.

(8) In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 35 (questions to be put to voters) and in the second question in paragraph (2) of that rule, after the words “at this” there shall be inserted the word “parliamentary”.

(9) At the end of rule 37 (voting procedure) there shall be added the following paragraph:-

“(4) The same copy of the register of electors may be used under paragraph (1) above for each election and one mark may be placed in that register under paragraph (1)(d) above to denote that a ballot paper has been received in respect of each election: except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register so as to identify the election in respect of which the ballot paper was issued.”.

(10) At the end of paragraph (2) of rule 38 (votes marked by presiding officer) there shall be added -

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

(11) At the end of paragraph (4) of rule 39 (voting by blind person) there shall be added:

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

(12) At the end of paragraph (3) of rule 40 (tendered ballot papers) there shall be added -

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were



marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.

(13) At the end of paragraph (1) of rule 42 (adjournment of poll in case of riot) there shall be added “who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986”.

(14) After paragraph (1) of rule 43 (procedure on close of poll) there shall be inserted the following paragraphs:

“(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election or, as the case may be, a European Assembly election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986.”.

(15) For paragraph (1) of rule 44 (attendance at counting of votes) there shall be substituted the following paragraphs:-

“(1) Where the returning officer at the parliamentary election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, he shall make arrangements for discharging the functions under rule 45(1) below (as substituted by regulation 98 of those regulations) in the presence of the counting agents appointed for the purposes of the parliamentary election as soon as practicable after the close of the poll and for thereafter counting the votes at the parliamentary election in the presence of those agents; and he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1) below (as so substituted).

(1A) Where the returning officer at the parliamentary election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.”.

(16) In paragraph (2) of rule 44 before the words “the counting of the votes” there shall be inserted the words “the proceedings under rule 45(1) below (as so substituted) or at”.

(17) In paragraph (3) of rule 44 before the words “counting of the votes”, in the first place where they occur, there shall be inserted the words “proceedings under rule 45(1) below (as so substituted) or the” and before the words “the efficient” there shall be inserted the words “the efficient separating of the ballot papers or, as the case may be”.

(18) For paragraphs (1) and (1A) of rule 45 (the count)(a) there shall be substituted the following paragraphs:-

“(1) Where the returning officer at the parliamentary election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, he shall -

- (a) in the presence of the counting agents appointed for the purposes of the parliamentary election open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the election agents appointed for the purposes of the parliamentary election verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to the parliamentary election from the ballot papers relating to the local government election or, as the case may be, European Assembly election;
- (e) make up into packets the ballot papers for each election other than the parliamentary election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer at the election to which the ballot papers relate -
  - (i) those containers, together with a list of them and of the contents of each; and
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver to that returning officer packets which so relate containing -
  - (i) the unused and spoilt ballot papers,
  - (ii) the tendered ballot papers, and
  - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(1A) After completion of the proceedings under paragraph (1) above, the returning officer shall mix together all of the ballot papers used at the parliamentary election and count the votes given on them.

(1B) Where the returning officer at the parliamentary election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, he shall -

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(1A) above (as substituted by regulation 98 of those regulations) open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election

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(a) Paragraphs (1) and (1A) were substituted by paragraph 82 of Schedule 4 to the Act of 1985.

under regulation 76 of those regulations, count such of the postal ballot papers as have been duly returned and record the number counted; and

(c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (5) below does not apply to these proceedings.”.

(19) At the end of paragraph (1) of rule 55 (delivery of documents to sheriff clerk)(a) there shall be added -

“At an election where the returning officer does not discharge the functions referred to in regulation 96 of the Representation of the People (Scotland) Regulations 1986, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.”.

(20) In rule 60 (countermand or abandonment of poll on death of candidate) -

(a) at the end of paragraph (1) there shall be added:

“Provided that neither the countermand of the poll at the parliamentary election nor the direction that that poll be abandoned shall affect the poll at the local government election or, as the case may be, European Assembly election”; and

(b) for paragraph (2) there shall be substituted the following paragraph:-

“(2) Where the poll at the parliamentary election is abandoned by reason of a candidate’s death, no further ballot papers at that election shall be delivered in any polling station and, at the close of the poll for the local government election or, as the case may be, European Assembly election the presiding officer at any polling station shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the parliamentary election had not been abandoned, and the returning officer shall dispose of ballot papers used at the parliamentary election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but

(a) it shall not be necessary for any parliamentary ballot paper account to be prepared or verified; and

(b) the returning officer, having separated the ballot papers relating to the local government election or, as the case may be, European Assembly election shall take no step or further step for the counting of the ballot papers used at the parliamentary election or of the votes and shall seal up all those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

(21) In the Appendix of forms for the form of directions for the guidance of the voters in voting there shall be substituted -

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(a) Rule 55 of the parliamentary elections rules in its application to Scotland is to be read with rule 58.

*“Form of directions for the guidance of the voters in voting*

**GUIDANCE FOR VOTERS AT COMBINED POLLS**

1. Make sure the ballot papers you are given are stamped with the official mark.
2. Go to one of the compartments. Mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for.
3. Vote only for the number of candidates specified on each ballot paper. Put no other mark on the ballot papers, or your votes may not be counted.
4. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

(22) In the Appendix of forms, in the form of declaration to be made by the companion of a blind voter -

- (a) after the words “election now being held in this constituency” there shall be inserted the words “and the election now being held in this \*Assembly constituency/\*electoral area (\*delete whichever is inappropriate)”, and
- (b) for the words “said election” in both places where they occur there shall be substituted the words “said elections”.

*Malcolm Rifkind,*  
One of Her Majesty’s Principal  
Secretaries of State.

New St. Andrew’s House,  
Edinburgh.  
25th June 1986.

SCHEDULE 1

Preamble

ENABLING POWERS

These regulations are made under the following provisions of the Representation of the People Act 1983 (“the Act of 1983”) and, having regard to section 27(2) of the Representation of the People Act 1985 (“the Act of 1985”), the following provisions of that Act -

(a) sections 15(2) and (4), 18(8), 53(a) and 201(1) of, and Schedule 2(b) to, the Act of 1983, and

(b) sections 3(5), (6) and (7) and 15(5) of the Act of 1985, and

having regard to the definition of “prescribed” in section 202(1) of the Act of 1983, the following further provisions of those Acts -

(i) sections 7(4), 10(b)(c), 14(1), 16, 56(1) and (5) and 57, 75(3) and 89(1) of the Act of 1983,

(ii) rules 24(d), 28(3) and 32(3) in Schedule 1 to the Act of 1983, and

(iii) sections 2(3), 6(1) and (5), 7(1) and (3), 8(6) and (7) and 9(4), (7) and (8) of the Act of 1985.

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(a) Section 53 of the Act of 1983 was amended by paragraph 13 of Schedule 4 to the Act of 1985.

(b) Schedule 2 to the Act of 1983 was amended by section 4(7) of, paragraph 8 of Schedule 2 to, paragraph 11 of Schedule 3 to, and paragraph 87 of Schedule 4 to, the Act of 1985.

(c) Section 10(b) of the Act of 1983 was amended by section 4(2)(b) of the Act of 1985.

(d) Rule 24 was amended by paragraph 78 of Schedule 4 to the Act of 1985, but the additional power conferred is not exercised in these regulations.

## SCHEDULE 2

### FORMS

#### ARRANGEMENT OF FORMS

- Form A: Return by householder as to residents.
- Form B: Notice of publication of draft register.
- Form C: Proxy paper.
- Form D: Elector's official poll card.
- Form E: Proxy's official poll card.
- Form F: Certificate of employment.
- Form G: Declaration of identity referred to in regulation 77(a).
- Form H: Declaration of identity referred to in regulation 77(b).
- Form J: Declaration of identity referred to in regulation 77(c).
- Form K: Form of return of expenses required by section 75 of the Act of 1983.
- Form L: Form of declaration as to expenses required by section 75 of Act of 1983.
- Form M: Statement as to postal ballot papers.

FORM A: RETURN BY HOUSEHOLDER AS TO RESIDENTS  
REPRESENTATION OF THE PEOPLE ACTS  
REGISTER OF ELECTORS 19

*Register in force for twelve months from 16th February 19 .*

*Qualifying date 10th October 19 .*

No one may vote at elections to Parliament, local councils or the European Assembly unless their name appears in a register of electors. A new register is produced each year and *the law requires the householder to supply the information necessary to ensure that all eligible persons are included.*

Please complete, sign and return the form as quickly as possible. *Do not wait until 10th October.*

You should complete the form even if you intend to move house after 10th October 19 . If no one in the household is eligible to be included in the register, please write 'NO ONE' and give an explanation in the appropriate section.

*REMEMBER: Only those in a Register of Electors are entitled to vote*

The Electoral Registration Officer

<b>ADDRESS</b>		No. of house (or name if not numbered)	Name of street or road	Remainder of address including post code
No. of flat, room or floor (where applicable)				

<b>NAMES</b> Enter in block capitals the names of residents who are eligible to vote. Enter householder's name first, if resident and eligible.		If 18 or over on 18th February 19 - enter a ✓ in this column	16/17 YEAR OLDS  If 18th birthday is after 16th February 19 and on or before the following 15th February, give date of birth  DAY MTH. YR.
<b>SURNAME</b>	<b>FIRST FORENAME IN FULL. INITIALS OF OTHER FORENAMES</b>		
			/ /
			/ /
			/ /
			/ /
			/ /
			/ /
			/ /
			/ /

**NO ONE ELIGIBLE.** If no one in your household is eligible to vote, please write 'NO ONE' and give an explanation.

**DECLARATION**  
I declare that to the best of my knowledge and belief the particulars given above are true and accurate, and that all those whose names are entered above are *British citizens, other Commonwealth citizens or citizens of the Irish Republic*, will be 18 or over by 15th February 19 , and are eligible to be included in the register of electors.

Sign here: ..... Date .....



## NOTES ON HOW TO COMPLETE THE FORM

*You are required to enter the names of all those eligible to vote. These are British citizens, other Commonwealth citizens and citizens of the Irish Republic who will be resident at your address on 10th October 19 and who are 18 or will become 18 while the register is in force.*

### *Remember to include*

- (a) Those who are only 16 or 17 now, but who will become 18 on or before 15th February 19 . They will be eligible to vote as soon as they are 18.
- (b) Those who normally live at your address but are temporarily away, for example on holiday; as students; in hospital (including voluntary patients in mental hospitals); or as reservists called up for service or training.
- (c) Any residents (except short stay guests) at your address (which may be, for example, a hostel or club), including merchant seamen who live there when not at sea.
- (d) Anyone who is away working, unless the absence will be for more than six months.

*Do not include the following, for whom special arrangements are made:*

- (a) Members of H.M. Forces;
- (b) Wives or husbands of members of H.M. Forces who have made a service declaration which they have not cancelled;
- (c) Crown servants employed outside the United Kingdom;
- (d) British Council staff employed outside the United Kingdom;
- (e) Wives or husbands of Crown servants or British Council staff employed outside the United Kingdom if living abroad to be with their husbands or wives;
- (f) Persons who have made an overseas elector's declaration.

### *Draft Register of Electors*

This register can be checked at council offices etc, from 28th November. Claims in respect of names not included in the draft register must be received by 16th December.

### *Postal voting*

If you think you may be entitled to vote by post or to appoint a proxy because you are disabled, because your work takes you away from home, or for any other reason, ask the electoral registration officer for an application form. Do not wait for an election before applying.

**FORM B: NOTICE OF PUBLICATION OF DRAFT REGISTER  
REPRESENTATION OF THE PEOPLE ACTS  
DRAFT REGISTER OF ELECTORS**

**1. WHAT THE DRAFT REGISTER IS FOR**

The register of electors for the twelve months beginning on 16th February next will be based on the draft register. Your name must be on the register of electors as published on 15th February next, to ensure your right to vote during the full period while the register is in force.

To ensure that your name is included in the new register, you should therefore check the draft register to see that your name is included in it.

**2. PERSONS ENTITLED TO BE REGISTERED**

Your name ought to be on the draft register if you are over 18 now or if your 18th birthday is not later than 15th February in the year after next, and as a British or other Commonwealth citizen or a citizen of the Republic of Ireland, you were either (i) resident at your qualifying address on 10th October last or (ii) you had, as a service voter, a voluntary mental patient or an overseas elector, made a declaration on or before 10th October last in respect of an address in the constituency.

**3. HOW TO FIND YOUR NAME IN THE DRAFT REGISTER**

Before you can trace your name in the draft register you must first establish in which polling district your qualifying address lies. This is done by consulting the Index of Streets. Where no such index exists, you may require to contact the electoral registration officer for advice.

Once the polling district is established you will find that the streets therein are listed in alphabetical order.

**4. WHAT TO DO IF YOU FIND THAT YOUR NAME IS NOT ON THE DRAFT REGISTER OR IS WRONGLY DISPLAYED ON IT**

If you are duly qualified by residence, nationality and age, and your name is not on the draft register or is shown incorrectly as regards essentials (e.g. wholly wrong surname in respect of a woman now married) or detail (e.g. a person whose 18th birthday is wrongly quoted) you should submit a claim to the electoral registration officer by 16th December.

Claim forms are normally available at all display points. Where this is not so, forms can be obtained at your electoral registration office.

**5. OBJECTIONS TO ENTRIES**

An objection to the inclusion of another person's name as shown in the draft register should also be submitted to the electoral registration officer by 16th December on a form which can be obtained from him.

Address of the electoral registration officer

.....  
.....

FORM C: PROXY PAPER  
REPRESENTATION OF THE PEOPLE ACTS

Constituency .....

Polling district .....

Local government electoral area(s) .....

.....

Name of Proxy .....

Address.....

.....

.....

is hereby appointed as proxy for

(Name of elector).....

\*[who is qualified to be registered for

(Qualifying address).....]

\*[who qualifies as an overseas elector in respect of the above constituency]

to vote for him/her at

\*[the \*[parliamentary] \*[local government] election for the above \*[constituency] \*[electoral area] on

(date).....]

\*[any \*[parliamentary] \*[parliamentary or local government] election for the above \*[constituency] \*[constituency or electoral area]]

\*[This proxy appointment is not valid until

.....]

*\*Delete whichever is inappropriate*

Signature .....

Electoral Registration Officer

Address .....

.....

.....

Date .....

YOUR RIGHT TO VOTE AS PROXY

1. This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given above.

2. Your appointment as proxy may be for a particular election only, or it may be for an indefinite period. If it is for a particular election, you have the right to vote as proxy only at the election specified in the proxy paper. If it is for an indefinite period, you have in general the right to vote as proxy at any parliamentary or local election until the electoral registration officer informs you to the contrary. But if the person on whose behalf you have the right to vote as proxy qualifies as an overseas elector you may vote on his or her behalf only at parliamentary elections.

3. When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she had consulted you and that you were capable of being and willing to be appointed as proxy OR you signed a statement stating that you were capable of being and willing to be appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other Commonwealth citizen or a citizen of the Republic of Ireland and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be appointed, as proxy, please write to the elector asking him to cancel the appointment.

4. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. However, you may not vote as proxy at the same election for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but you may find it helpful to do so. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as a proxy on his or her behalf.

5. If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post. If your appointment is for an indefinite period, you may apply to vote by post, throughout the period your appointment is in force if you live in a different electoral division from the elector's qualifying address. If you are registered for the same constituency or electoral area as the elector, you may apply if you are entitled to vote by post or proxy on your own behalf. In addition, you may vote by post at a particular election if the electoral registration officer is satisfied that you cannot reasonably be expected to vote in person at the elector's polling station. But the electoral registration officer cannot allow an application to vote by post at a particular election if he receives it after midday on the thirteenth working day before the poll.

FORM D: ELECTOR'S OFFICIAL POLL CARD

Front of card

REPRESENTATION OF THE PEOPLE ACTS

OFFICIAL POLL CARD

Constituency	Number on register
Polling Day	Name
Your polling station will be	Address
Polling hours 7 a.m. to 10 p.m.	

Back of card

PARLIAMENTARY ELECTION

1. You need not take this card with you when you go to the polling station, but it will save time if you take it and show it to the clerk there.
2. When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The presiding officer will give you a ballot paper; see that he stamps the official mark on it before he gives it to you.
3. Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.
4. Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.
5. Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
7. If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.
8. If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

ISSUED BY THE RETURNING OFFICER

FORM E: PROXY'S OFFICIAL POLL CARD

Front of card

REPRESENTATION OF THE PEOPLE ACTS

PROXY'S OFFICIAL POLL CARD

Proxy's name.....

Proxy's address .....

.....

PARLIAMENTARY ELECTION

..... Constituency

Polling day.....

The poll will be open from 7 a.m. to 10 p.m.

Back of card

The elector named below whose proxy you are is entitled to vote at the polling station -

.....

.....

To vote as proxy you must go to that polling station. Tell the clerk that you wish to vote as proxy; give the name and qualifying address of the elector, as follows:-

Number on Register .....

Name.....

Address.....

.....

The presiding officer will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his or her sentence. It is also an offence to vote at this election for more than two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may himself vote in person at this election if he or she is able, and wishes, to do so and if he votes before you vote on his behalf.

ISSUED BY THE RETURNING OFFICER

FORM F: CERTIFICATE OF EMPLOYMENT  
REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE

.....

CONSTITUENCY

I certify that (name) .....  
who is numbered.....  
in the register of electors for the constituency named above, cannot reasonably be  
expected to go in person to the polling station allotted to him or her at the election on  
(date of poll).....  
by reason of the particular circumstances of his employment on that date for a purpose  
connected with the election, \*(a) as a constable \*(b) by me.

*\*Delete whichever is inapplicable*

Signature .....  
\*Returning officer/Police Officer  
(Inspector or above)

Date .....

Note:- The person named above is entitled to vote at any polling station of the above  
constituency on production and surrender of this certificate to the presiding officer.

FORM G: DECLARATION OF IDENTITY REFERRED TO IN  
REGULATION 77(a)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No .....

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature (or mark) .....

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature .....

Name of witness.....  
(CAPITAL LETTERS)

Address of witness .....

(CAPITAL LETTERS)  
.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. Vote for one candidate only. Put no other mark on the ballot paper or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper, in order to be counted, must be received by the returning officer not later than the close of the poll.



5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.
6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in a fresh envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be counted.

FORM H: DECLARATION OF IDENTITY REFERRED TO IN  
REGULATION 77(b)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper Nos. ....

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter's signature (or mark) .....

Witness's signature .....

Name of Witness.....

(CAPITAL LETTERS)

Address of Witness .....

(CAPITAL LETTERS)

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. Put the ballot papers in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with this declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.
5. If you receive more than one ballot paper relating to the same election, remember that it is illegal to vote more than once (otherwise than as proxy) at that election.
6. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this you MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you MUST RETURN, in your own envelope, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if fresh postal ballot papers are to be issued and counted.

FORM J: DECLARATION OF IDENTITY REFERRED TO IN  
REGULATION 77(c)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

To be returned with the [insert colour of ballot paper] coloured ballot paper.

[Insert colour of ballot paper] coloured ballot paper No. ....

I hereby declare that I am the person to whom the [insert colour of ballot paper] coloured ballot paper numbered above was sent.

Voter's signature (or mark) .....

The voter, who is personally known to me, has signed (or marked) the declaration in my presence.

Witness's signature .....

Name of witness.....  
(CAPITAL LETTERS)

Address of witness.....  
(CAPITAL LETTERS)

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed (or marked) a similar declaration of identity in respect of another election to be held on the same day. The person known to you should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. Vote for one candidate only. Put no other mark on the ballot paper or your vote may not be counted.

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the [insert colour of ballot paper] coloured ballot paper in the small envelope marked "A" and "Ballot paper envelope for the [insert colour of ballot paper] coloured ballot paper" and seal it. Then put the envelope marked "A" and "Ballot paper envelope for the [insert colour of ballot paper] coloured ballot paper", together with the declaration of identity, in the larger envelope marked "B" and "Covering envelope for the [insert colour of ballot paper] coloured ballot paper". TAKE CARE THAT YOU PLACE THE CORRECT BALLOT PAPER, BALLOT PAPER ENVELOPE AND DECLARATION OF IDENTITY IN THE CORRECT COVERING ENVELOPE AND RETURN IT WITHOUT DELAY, OTHERWISE YOUR VOTE MAY NOT BE

COUNTED. The ballot paper, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in a fresh envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be counted.

FORM K: FORM OF RETURN OF EXPENSES REQUIRED BY SECTION 75  
OF THE REPRESENTATION OF THE PEOPLE ACT 1983

REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE

.....

CONSTITUENCY/LOCAL GOVERNMENT ELECTORAL AREA

Date of publication of notice of election .....

The expenses incurred at the above election in support of  
.....

a candidate thereat, by  
.....

*(insert name of person or association or body of persons incurring the expense)* being expenses required by section 75 of the Representation of the People Act 1983 to be authorised in writing by the election agent, amounted to £ .....

That written authority is annexed to this return.

Signature .....

Date .....

FORM L: FORM OF DECLARATION AS TO EXPENSES REQUIRED BY SECTION 75 OF THE REPRESENTATION OF THE PEOPLE ACT 1983 REPRESENTATION OF THE PEOPLE ACTS

ELECTION IN THE

.....

CONSTITUENCY/LOCAL GOVERNMENT ELECTORAL AREA

Date of publication of notice of election .....

I hereby declare that:-

- 1. I am the person or a director, general manager, secretary or similar officer of the association or body of persons named as incurring expenses in the accompanying return, marked ..... of expenses required by section 75 of the Representation of the People Act 1983 to be authorised by an election agent.
2. To the best of my knowledge and belief that return is complete and correct.
3. The matters for which the expenses referred to in that return were incurred as follows:-

.....
.....
.....

Signature .....
Office held .....

Date .....

FORM M: STATEMENT AS TO POSTAL BALLOT PAPERS  
REPRESENTATION OF THE PEOPLE ACTS  
PARLIAMENTARY ELECTION

Constituency .....

Date of poll ..... 19

<i>A. Issue and receipt of postal ballot papers</i>		<i>Number</i>
1.	Total Number of postal ballot papers issued (including papers issued under regulation 87(3)).	
2.	Number of postal ballot papers issued under regulation 87(3).	
3.	Number of ballot papers returned as part of sets of documents under regulation 87(1) too late for another ballot paper to be issued.	
4.	Number of covering envelopes received by the Returning Officer before the close of the poll, excluding any returned either as undelivered or under regulation 87(1).	
5.	Number of covering envelopes received by the Returning Officer after the close of the poll, excluding any returned as undelivered.	
6.	Number of covering envelopes returned as undelivered up to the date of this statement.	
7.	Number of covering envelopes which have not been received by the Returning Officer at the date of this statement.	

<i>B. Count of ballot papers</i>		<i>Number</i>
1.	Number of covering envelopes received by the Returning Officer before the close of the poll, excluding any returned either as undelivered or under regulation 87(1).	
2.	Number of ballot papers returned by postal voters which were included in the count of ballot papers.	
3.	Number of cases in which the covering envelope or its contents were marked "rejected".	

Date .....

Signed .....

Returning Officer

Address .....

.....

NOTES

1. In columns A and B the figure entered against the first item should equal the sum of the figures entered against the remaining items in the column.
2. At the same time as this statement is sent to the Clerk of the Crown in Chancery, a copy must be sent to the Secretary of State for Scotland.

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE ACTS  
OF 1983 AND 1985

1. <i>Provision applied</i>	2. <i>Modifications</i>
<b>PART I: ACT OF 1983</b>	
Section 10 (preparation of registers)(a).	For the word “registers” there shall be substituted the words “the register”; paragraph (a) shall be omitted; and in paragraph (c) the words from “including claims” to the end shall be omitted.
Section 11 (correction of registers)(b).	In subsection (1), paragraph (b) shall be omitted.
In section 13 (publication of registers), subsection (1).	For the words from the beginning to the end of paragraph (a) there shall be substituted the words “The register shall be”; and for the word “registers” there shall be substituted the words “the register”.
Section 50 (effect of misdescription).	For paragraphs (a), (b) and (c) there shall be substituted the words “in the register”.
Section 52 (discharge of registration duties)(c).	In subsections (1) and (4) after the word “Act” there shall be added the words “and regulation 13 of the Representation of the People (Scotland) Regulations 1986”.
Section 54 (payment of expenses of registration)(d).	In subsection (1) after the word “Act” in the first place where it occurs there shall be inserted the words “and regulation 13 of the Representation of the People (Scotland) Regulations 1986”. Subsection (3) shall be omitted.
Section 56 (registration appeals)(e).	In subsection (1), paragraph (b) shall be omitted.
Section 63 (breach of official duties)(f).	In subsection (3), for paragraphs (a) to (d) there shall be substituted “(a) any registration officer,”; and for the words from “relating to” to the end of the subsection there shall be substituted the words “relating to the registration of Assembly overseas electors”.
<b>PART II: ACT OF 1985</b>	
Section 2 (registration of British citizens overseas).	In subsection (1):- (a) for the words “section 12(1) of the principal Act” there shall be substituted the words “regulation 13(1) of the Representation of the People (Scotland) Regulations 1986”; (b) for the words “section 1” there shall be substituted the words “section 3”;

- 
- (a) Section 10 was amended by section 4(2)(b) of the Act of 1985.  
 (b) Subsections (2) and (3) of section 11 were substituted by paragraph 2 of Schedule 4 to the Act of 1985.  
 (c) Subsections (1), (2) and (3) of section 52 were amended by, and subsection (4) was substituted by, paragraph 12 of Schedule 4 to the Act of 1985.  
 (d) Section 54 was amended by paragraph 14 of Schedule 4 to the Act of 1985.  
 (e) Section 56 is applied to Scotland by section 57 and in section 56 subsections 1(1)(c) and (6) were repealed by Schedule 5 to the Act of 1985 and subsection (4A) was inserted by paragraph 16(b) of Schedule 4 to that Act.  
 (f) Section 63 was substituted by paragraph 19 of Schedule 4 to the Act of 1985.



(c) for the word "parliamentary" there shall be substituted the word "Assembly"; and

(d) for the words "in respect of the constituency" there shall be substituted the words "in respect of that part of the Assembly constituency".

In subsection (6):-

(a) for the words "section 1" there shall be substituted the words "section 3";

(b) for the words "constituency or part of a" there shall be substituted the words "part of an Assembly";

(c) the words "constituency or, as the case may be," shall be omitted; and the words from "and for the purposes" to the end of the subsection shall be omitted.

In section 12 (offences as to declarations etc.), subsections (1), (2) and (4).

In subsection (1)(a), for the word "parliamentary" there shall be substituted the word "Assembly".

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations replace the Representation of the People (Scotland) Regulations 1983, (“the 1983 regulations”) as amended by the Representation of the People (Scotland) Amendment Regulations 1985. The principal changes made are in consequence of, and to give effect to, the Representation of the People Act 1985 (“the Act of 1985”); in particular, the extension of the franchise made by sections 1 to 4 of that Act, the changes to the entitlement to an absent vote made by sections 5 to 9 and the provisions for the combination of polls at certain elections made by section 15.

Part I of these regulations repeats much of the substance of Parts I and VI of the 1983 regulations. Certain provisions which were included in that Part VI appear in the Part of these regulations to which the subject matter of those provisions relates. The substance of regulation 67 (appeals) of the 1983 regulations is included as regulations 42, 59 and 69 in these regulations. Regulation 74(2) (time) is included (in modified form) as regulation 67(6) and regulation 75(1) (penalties) is included as regulation 28(3) (with the maximum fine increased from £100 to £400). The definition of “available for inspection” in regulation 4(1) makes provision equivalent to that in regulation 72(2) of the 1983 regulations. The provisions about the calculation of time made by regulation 9 of these regulations differ from the provisions in regulation 74 of the 1983 regulations, and regulation 9(3) reflects the changes made by section 19(3), (4) and (5) of the Act of 1985. The fees which were prescribed by paragraphs (2) and (3) of regulation 69 (return and declaration of election expenses) of the 1983 regulations have been increased from £1 and 10p to £1.20 and 12p respectively by paragraphs (2) and (3) of regulation 11 of these regulations. The maximum fine in regulation 75(2) (interference with notices etc.) of the 1983 regulations which was £100 is now £400 in regulation 12 of these regulations.

In addition to those changes, regulation 13, together with Schedule 3 to these regulations, provides for the first time for a register to be kept under section 3 of the Act of 1985 in respect of those peers who are entitled to vote at elections of representatives to the Assembly of the European Communities under subsections (2), (3) and (4) of that section. Paragraphs (1) and (2) of regulation 13 require registration officers to prepare and publish registers of such peers. Certain provisions about registration in the Representation of the People Act 1983 (“the Act of 1983”) and the Act of 1985 are applied by paragraph (3) of regulation 13 and column 1 of Schedule 3, subject to the modifications and exceptions in column 2 of that Schedule and paragraph (4) of that regulation. Amongst the provisions that are applied with such modifications and exceptions is section 2 of the Act of 1985 which requires a person entitled to vote at parliamentary elections in pursuance of section 1 of that Act to make an overseas elector’s declaration. As applied by regulation 13 and Schedule 3, section 2 of that Act makes a similar requirement in respect of peers to whom section 3 applies. Paragraph (5) of regulation 13 applies Parts I, II and III of these regulations for the purposes of declarations by such peers and registration in pursuance of them and makes certain general adaptations for that purpose. Specific adaptations to particular regulations are made where necessary (for example, by regulations 26(3) and 27(3)).

Part II of these regulations replaces the supplementary provisions about service declarations and patients' declarations made by Part II of the 1983 regulations as well as making new supplementary provisions about overseas electors' declarations. No provision is included equivalent to regulation 8 of the 1983 regulations (which exercised the power in section 15(1)(b) of the 1983 Act) and the provision about service declarations ceasing to be in force on a change in circumstances has been expanded to include all service declarations (regulation 15). Additional attestation requirements in respect of a patient's declaration have been included (regulation 20(3)).

As regards overseas electors' declarations Part II of these regulations supplements section 2 of the Act of 1985 by prescribing further information to be included in such declarations (regulation 22), by whom such declarations may be attested (regulation 23) and the conditions and manner of such attestation (regulation 24). Regulations 25 and 26 provide for the transmission of overseas electors' declarations and their evidential value and regulation 27 provides for notification about registration as an overseas elector.

Part III of these regulations repeats the substance of Part III of the 1983 regulations with the additions and omissions mentioned below. Additional provisions are included in respect of the registration of overseas electors (principally regulations 30(3)(b), 32, 44, 47(2)(ii), 48(2) and 52(2)). New provisions are made in respect of alterations to the electors lists (regulation 35). No provision is included equivalent to regulation 32 of the 1983 regulations (corrupt and illegal practices list) consequent on the repeal of section 51 of the Act of 1983 by paragraph 11 of Schedule 4 to the Act of 1985. The order of the regulations is also changed and now follows the following sequence: information about electors; preparation, publication and free supply of the electors lists; alterations to those lists; publication, free supply and sale of register (and data connected with register); and alterations to the published register.

Part IV of these regulations makes fresh provision about absent voting to supplement the provisions of sections 6 to 9 of the Act of 1985. In addition, regulations 72, 73 and 74 make provision about records, specially marked copies of the register for polling stations and the certificate of employment under rule 32 of the parliamentary elections rules in Schedule 1 to the Act of 1983 similar to the provision made by regulations 44, 45 and 46 of the 1983 regulations. Unlike the 1983 regulations, forms for use in connection with applications to vote by post or by proxy are not prescribed by these regulations. Instead the regulations set out general requirements about the information that all such applications must provide (regulation 61) as well as additional requirements which must be satisfied in respect of applications under particular provisions (regulations 62 to 66). In particular, an application under section 7(1) of the Act of 1985 is required to be attested (regulation 64). Regulation 67 makes provision for the closing date for applications, including new provision allowing a late closing date where an application under section 7(1) of the Act of 1985 is made on the grounds of illness (regulation 67(3)). Regulation 71 is a new provision about periodic inquiries to be made by the registration officer as to the circumstances of persons shown in the lists of those entitled to an absent vote for an indefinite period on the grounds set out in paragraphs (b) and (c) of section 6(2) of the Act of 1985.

Part V of these regulations is based on Part V of the 1983 regulations. Those provisions however, are expanded to allow the proceedings on the issue and receipt of postal ballot papers to be taken together where the polls at elections are taken together under section 15(1) or (2) of the Act of 1985. Regulation 79 provides for the notification of the requirement of secrecy, thereby replacing regulation 51 of the 1983 regulations with a provision similar to rule 31 of the parliamentary elections rules (as substituted by paragraph 80 of Schedule 4 to the Act of 1985). No provision is made equivalent to regulation 48 of the 1983 regulations (form of postal ballot paper) since rule 19 of those rules already requires all ballot papers to be printed in the same form.

Part VI of these regulations makes provision about the combination of polls at elections under section 15 of the Act of 1985. Regulation 95 determines which polling stations are to be used at elections the polls at which are to be taken together and which returning officer is to discharge the functions specified in regulation 96. Those functions include the provision of polling stations and the appointment of staff for them (regulation 96(2)(c) and (d)) and functions in connection with sorting the ballot papers at the count between the combined elections (regulation 96(2)(i)). Regulation 97 extends the powers of various authorities under the Act of 1983 to set a scale of expenses for returning officers to allow them to set a scale in respect of returning officers who discharge the functions specified in regulation 96 at combined elections. Regulation 98 makes amendments to the parliamentary elections rules which have effect where the poll at a parliamentary election is taken together with the poll at some other election. These include provisions requiring the ballot papers at the parliamentary election to be of a different colour (regulation 98(2)); requiring the same ballot box to be used for combined elections (regulation 98(5)); and concerning the sorting of the ballot papers at the count between combined elections.

By virtue of the Representation of the People Act 1985 (Commencement No. 3) Order 1986 (S.I. 1986/1080) sections 1 to 4 of the Act of 1985 come into force on 11th July 1986, and sections 6 to 9 and 15 of, and Schedule 2 to, the Act come into force on 16th February 1987.

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STATUTORY INSTRUMENTS

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