

Draft Regulations laid before the Scottish Parliament under section 201(2) of the Representation of the People Act 1983 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

REPRESENTATION OF THE PEOPLE

The Representation of the People (Postal
Voting for Local Government Elections)
(Scotland) Amendment Regulations 2021

<i>Made</i>	- - - -	2021
<i>Coming into force</i>	- -	2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 53(1)(c) and (3) and 201(3), and schedule 2 of the Representation of the People Act 1983(1) and all other powers enabling them to do so.

In accordance with section 201(2) of that Act(2), a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and transitional provision

1.—(1) These Regulations may be cited as the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2021.

(2) These Regulations come into force on the day after the day on which they are made.

(3) The amendments made by these Regulations do not apply in relation to an election for which the date of the poll is on or before 4 May 2022.

(1) 1983 c. 2. Section 53(3) was amended by paragraph 13(b) of schedule 4 of the Representation of the People Act 1985 (c. 50). Section 201(3) was added by paragraph 21 of schedule 1 of the Representation of the People Act 2000 (c. 2) and amended by paragraph 6(7)(d) of schedule 21 of the Political Parties, Elections and Referendums Act 2000 (c. 41). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) Section 201(2) was substituted by paragraph 9 of schedule 4 of the Representation of the People Act 1985. Section 201(2) was amended by S.I. 1991/1728, paragraph 6(7)(b) of schedule 21 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 13(2) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13).

Amendment of the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007

2.—(1) The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007⁽³⁾ are amended as follows.

(2) In regulation 15(3) (spoilt postal ballot papers), for “5 p.m.” substitute “10 p.m.”.

(3) In regulation 16 (lost postal ballot papers)⁽⁴⁾—

(a) in paragraph (2), for “5pm” substitute “10 p.m.”,

(b) in paragraph (6), for “5 p.m.” substitute “10 p.m.”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

⁽³⁾ [S.S.I. 2007/263](#).

⁽⁴⁾ Regulation 16 was amended by [S.S.I. 2016/353](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007. Regulation 2(2) changes the time limit on the day of the poll by which voters utilising a postal vote for local government elections may request a replacement of a spoilt ballot paper. Regulation 2(3) changes the time limit on the day of the poll by which voters utilising a postal vote for such elections may request a replacement for a lost ballot paper. The time limits are changed from 5 p.m. to 10 p.m. This standardises practice with Scottish Parliament election procedure.