
EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations provide for revised procedures on the issue and receipt of postal ballot papers for local government elections. The purpose of the instrument is to extend to local government elections the procedures introduced by Part V of the Representation of the People (Scotland) Regulations 2001 in February 2001 for the Scottish Parliament elections.

Regulation 3 provides that the proceedings on the issue of ballot papers may be taken together where there is a combined poll. Regulations 4 to 6 deal with persons who are entitled to be present at or may attend proceedings at the issue or receipt of postal ballot papers. Since postal ballot papers will no longer be issued in batches, the provision about the persons entitled to attend the issue (regulation 4) has been amended to restrict the right to the returning officer and his staff. Regulation 7 deals with the notification of secrecy for those attending the proceedings at the issue or receipt of ballot papers. Regulation 8 is a new provision which is designed to ensure that, subject to special provision in paragraph (1) in respect of those entitled to vote by post for a definite or indefinite period, a postal ballot paper is issued as soon as practicable after the registration officer has granted the application.

Regulations 9 to 12 deal with the issue of ballot papers and envelopes and the procedures for dealing with counterfoils and the absent voters and postal proxies lists. Regulation 13 expands the existing provision as to the means by which postal ballot papers may be delivered to the voters. Regulation 14 deals with spoilt ballot papers and paragraph (1) covers voters who have inadvertently spoilt their ballot papers. Regulation 15 is a new provision which allows postal ballot papers that have been lost in the post to be replaced. A voter who has not received his or her ballot paper by the third day before the poll will be able to apply, whether or not in person, to the Returning Officer for a replacement.

Regulation 16 enables a postal ballot paper and a declaration of identity to be validly returned even if they are returned separately provided that they reach the returning officer or a polling station in the constituency in the manner provided by regulations before the close of the poll. Paragraphs (1) and (2) prescribe the manner of return. Regulations 17, 18 and 19 deal respectively with the procedures for the notice to candidates of the opening of postal ballot boxes and contents, provision of ballot boxes and receptacles and handling of the covering envelopes following their receipt. Regulations 20 to 25 contain revised procedures for the opening of postal ballot boxes and postal ballot papers, envelopes and counting thereof. Regulation 21 provides for the opening of the covering envelopes. Regulation 22 sets out the procedure in relation to declarations of identity and provides that a witness needs only to sign the declaration and give his or her address and is no longer required to print his or her name on the form. Regulation 23 deals with the opening of the ballot paper envelopes. Regulations 24 and 25 provide the means of matching up postal ballot papers and declarations of identity that have been returned separately.

Regulations 26 to 28 deal with procedures for the disposal of rejected votes, declarations of identity, rejected ballot paper envelopes and lists of spoilt and lost ballot papers; procedures for dealing with returned postal ballot papers in the event that a poll is abandoned or countermanded; and the forwarding of documents following the election. The Schedule to the Regulations prescribes the form of statement as to postal ballot papers referred to in regulation 28.