SCHEDULE 3

ABSENT VOTING

Additional requirements for applications for proxy vote on grounds of disability

5.—(1) An application to vote by proxy under article 8(2), as read with article 8(3)(c) (application by reason of blindness or other disability), must specify the disability by reason of which the application is made.

(2) Subject to sub-paragraphs (3) and (6), such an application shall be attested and signed by—

(a) a registered medical practitioner;

(b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(**1**) by virtue of qualifications in nursing;

(c) a registered dentist as defined by section 53(1) of the Dentists Act 1984(**2**);

(d) a registered dispensing optician or a registered optometrist as defined by section 36(1) of the Opticians Act 1989(**3**);

(e) a registered pharmacist as defined in article 3(1) of the Pharmacy Order 2010(**4**);

(f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993(**5**);

(g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994(**6**);

(h) a Christian Science practitioner;

(i) a person registered as a member of a profession to which the Health and Social Work Professions Order 2001(**7**) for the time being extends, other than the profession of social worker;

(j) the person managing a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010(**8**);

(k) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that the applicant resides in such premises;

(l) a manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003(**9**) responsible for the administration of a hospital within the meaning of that section; or

(m) a person registered as a social worker in the register maintained in accordance with section 44 of the Regulation of Care (Scotland) Act 2001(**10**).

(3) A person ("P") who qualifies—

(a) by virtue of any of paragraphs (a) to (i) of sub-paragraph (2) may not attest an application for these purposes unless—

(i) P is treating the applicant for the disability specified in the application; or

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(**1**) S.I. 2002/253, to which there are amendments not relevant to this Order.
(**2**) 1984 c.24.
(**3**) 1989 c.44. The definitions of "registered dispensing optician" and "registered optometrist" were inserted by S.I. 2007/3101, regulation 187(e).
(**4**) S.I. 2010/231, to which there are amendments not relevant to this Order.
(**5**) 1993 c.21. The definition of "registered osteopath" was amended by S.I. 2007/3101, regulation 214(c).
(**6**) 1994 c.17. The definition of "registered chiropractor" was amended by S.I. 2007/3101, regulation 226(c).
(**7**) S.I. 2002/254, amended by S.I. 2004/2033. The title of the Order is amended by the Health and Social Care Act 2012 (c.7), section 213(6). There are other amending instruments but none is relevant.
(**8**) 2010 asp 8. The definition of "managers" was amended by S.S.I. 2011/211, schedule 2, paragraph 8(5)(b).
(**9**) 2003 asp 13.
(**10**) 2001 asp 8. Section 44 was amended by S.I. 2007/3101, regulation 257.

(ii) the applicant is receiving care from P in respect of that disability; or

(b) by virtue of paragraph (m) of sub-paragraph (2) may not attest an application for these purposes unless—

(i) P is treating the applicant for the disability specified in the application;

(ii) the applicant is receiving care from P in respect of that disability; or

(iii) P has arranged care or assistance for the applicant in respect of that disability.

(4) The person ("Q") attesting an application under sub-paragraph (2), other than a person attesting by virtue of sub-paragraph (2)(l), shall state—

(a) Q's name and address and the qualification by virtue of which Q attests the application;

(b) where Q is a person referred to in sub-paragraph (3)(a), that Q is treating the applicant for the disability specified in the application or that the applicant is receiving care from Q in respect of that disability;

(c) where Q is a person referred to in sub-paragraph (3)(b), that Q is treating the applicant for the disability specified in the application, that the applicant is receiving care from Q in respect of that disability, or that Q has arranged care or assistance for the applicant in respect of that disability;

(d) that, to the best of Q's knowledge and belief, the applicant has the disability specified in the application and that the applicant cannot reasonably be expected to go in person to the applicant's allotted polling station or to vote unaided there, by reason of that disability; and

(e) that, to the best of Q's knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by Q.

(5) A manager (or a person on behalf of a manager) attesting an application under sub-paragraph (2)(l) shall state—

(a) the name of the manager attesting the application;

(b) that the manager is authorised to attest the application;

(c) the position of the manager in the hospital at which the applicant is liable to be detained or at which the applicant is receiving treatment;

(d) the statutory provision under which the applicant is detained, or liable to be detained, at the hospital, where applicable;

(e) that, to the best of the manager's knowledge and belief, the applicant has the disability specified in the application and that the applicant cannot reasonably be expected to go in person to the applicant's allotted polling station or to vote unaided there, by reason of that disability; and

(f) that, to the best of the manager's knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the manager attesting the application.

(6) Sub-paragraphs (2) to (5) 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, which is specified in the application; or

(b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992(**11**)), armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**12**) or the

(**11**) 1992 c.4.
(**12**) S.I. 2011/517, which is relevantly amended by S.I. 2013/436.

enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012(**13**)) because of the disability specified in the application.

(7) The fact that an applicant is registered as a blind person with a local authority shall be deemed sufficient evidence that the applicant is eligible to vote by proxy on the grounds set out in article 8(3)(c).

(8) In this paragraph and paragraphs 6 and 7, "the applicant's allotted polling station", in relation to an elector, means the polling station allotted or likely to be allotted to the elector under this Order.

(**13**) 2012 c.5.