

SCHEDULE 2  
FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

**PART 3**

POSTAL VOTING: ISSUE AND RECEIPT OF BALLOT PAPERS

*Lost postal ballot papers*

- 29 (1) Where a postal voter claims either to have lost or not to have received—
- (a) the postal ballot paper (a “lost postal ballot paper”),
  - (b) the postal voting statement, or
  - (c) one or more of the envelopes supplied for their return,
- by the fourth day before the date of the referendum, the postal voter may apply (whether or not in person) to the counting officer for a replacement ballot paper.
- (2) For the purposes of sub-paragraph (1), the following days are to be disregarded—
- (a) a Saturday or Sunday,
  - (b) Christmas Eve or Christmas Day,
  - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971.
- (3) An application under sub-paragraph (1) must include evidence of the postal voter’s identity.
- (4) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), the postal voter must return any of the documents referred to in sub-paragraph (1)(a) to (c) which the postal voter has received and which have not been lost.
- (5) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (4) must be immediately cancelled.
- (6) The counting officer must, as soon as practicable after cancelling those documents, make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned in sub-paragraph (5), the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.
- (7) Subject to sub-paragraph (8), where the application referred to in sub-paragraph (1) is received by the counting officer before 5pm on the date of the referendum and the counting officer—
- (a) is satisfied as to the postal voter’s identity, and
  - (b) has no reason to doubt that the postal voter has either lost or has not received a document referred to in sub-paragraph (1)(a) to (c),
- the counting officer may issue another postal ballot paper.
- (8) Where the application referred to in sub-paragraph (1) is received by the counting officer after 5pm on the day before the date of the referendum, the counting officer may only issue another postal ballot paper if the postal voter applies in person.
- (9) The counting officer must enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the name and number of the postal voter as stated in the Polling List (or, in the case of a postal voter who has an anonymous entry, that person's voter number alone),
  - (b) the number of the lost postal ballot paper and of its replacement issued under this paragraph, and
  - (c) where the postal voter is a proxy, the name and address of the proxy.
- (10) The following provisions apply in relation to a replacement postal ballot paper under sub-paragraph (7) as they apply in relation to a ballot paper—
- (a) paragraph 23 (except sub-paragraph (2)),
  - (b) paragraphs 25 and 26, and
  - (c) subject to sub-paragraph (11), paragraph 27.
- (11) Where a postal voter applies in person after 5pm on the day before the date of the referendum, the counting officer may only issue a replacement postal ballot paper by handing it to the postal voter.
- (12) Where the counting officer issues another postal ballot paper under sub-paragraph (7), the lost postal ballot paper is void and of no effect.