

Status: Point in time view as at 30/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020,
Cross Heading: Additional requirements as to certain applications to vote by proxy. (See end of Document for details)

SCHEDULE 1 FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

PART 1

MANNER OF VOTING

Additional requirements as to certain applications to vote by proxy

- 8 (1) Sub-paragraphs (3) to (7) apply in relation to an application to vote by proxy made as described in paragraph 7(9)(a)(i).
- (2) Sub-paragraphs (4) to (7) apply in relation to an application to vote by proxy made as described in paragraph 7(9)(a)(ii).
- (3) The application must contain a statement of the reasons why the applicant did not apply before the cut-off date.
- (4) The application must contain a statement of the date on which the applicant became aware of the reasons given in the statement required by paragraph 7(4)(c).
- (5) Where the application is made on or after the fifth day before the date of the referendum, the application must be signed by a person who—
- (a) is aged 16 or over,
 - (b) knows the applicant, and
 - (c) is not related to the applicant.
- (6) The person who signs the application in accordance with sub-paragraph (5) must certify in the application that the following information is true to the best of the person's knowledge and belief—
- (a) the information given in the statement required by sub-paragraph (4), and
 - (b) the reasons given in the statement required by paragraph 7(4)(c).
- (7) That person must also state in the application—
- (a) the person's name and address,
 - (b) that the person—
 - (i) is aged 16 or over,
 - (ii) knows the applicant, and
 - (iii) is not related to the applicant.
- (8) Sub-paragraphs (10) to (13) apply in relation to an application to vote by proxy made as described in paragraph 7(9)(a)(iii).
- (9) But sub-paragraphs (11) to (13) do not apply if the applicant is or will be registered as a service voter.
- (10) The application must contain a statement of—
- (a) where the applicant is an employee, the name of the applicant's employer,
 - (b) where the applicant is not an employee, details of the applicant's occupation or service,
 - (c) the date on which the applicant became aware of the reasons given in the statement required by paragraph 7(4)(c).

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- (11) Where the application is made on or after the fifth day before the date of the referendum, the application must be signed—
- (a) where the applicant is an employee, by—
 - (i) the applicant's employer, or
 - (ii) another employee to whom this function is delegated by the employer,
 - (b) where the applicant is not an employee, by a person who—
 - (i) is aged 16 or over,
 - (ii) knows the applicant, and
 - (iii) is not related to the applicant.
- (12) The person who signs the application in accordance with sub-paragraph (11) must certify in the application that the following information is true to the best of the person's knowledge and belief—
- (a) the information given in the statement required by sub-paragraph (10), and
 - (b) the reasons given in the statement required by paragraph 7(4)(c).
- (13) That person must also state in the application—
- (a) the person's name and address,
 - (b) if the applicant is an employee, either (as the case may be)—
 - (i) that the person is the applicant's employer, or
 - (ii) the position that the person holds in the employment of the applicant's employer,
 - (c) if the applicant is not an employee, that the person—
 - (i) is aged 16 or over,
 - (ii) knows the applicant, and
 - (iii) is not related to the applicant.
- (14) For the purposes of this paragraph—
- (a) a person (“A”) is related to another person (“B”) if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B,
 - (b) a person is registered as a service voter if the person has made a service declaration under section 15 of the 1983 Act and is registered in the register of local government electors in pursuance of it.
- (15) For the purposes of sub-paragraphs (5) and (11), the following days are to be disregarded—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day or Easter Monday,
 - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971,
 - (d) a day appointed for public thanksgiving or mourning.

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