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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Cross Heading: Requirements as to applications. (See end of Document for details)

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## SCHEDULE 1 FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

### PART 1

#### MANNER OF VOTING

##### *Requirements as to applications*

- 7 (1) This paragraph applies in relation to applications under paragraph 3, 5(9) or 6(6) or (8).
- (2) An application must—
- (a) be made in writing,
  - (b) state the date on which it is made, and
  - (c) be made before the cut-off date.
- (3) An application to vote by post (including an application to vote by post as a proxy) must contain—
- (a) the applicant's full name and date of birth,
  - (b) the applicant's signature, and
  - (c) the address to which the ballot paper is to be sent.
- (4) An application to vote by proxy must contain—
- (a) the applicant's full name and date of birth,
  - (b) the applicant's signature,
  - (c) a statement of the reasons why the applicant's circumstances on the date of the referendum will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under rule 9(1)(b) of the conduct rules, and
  - (d) an application under paragraph 5(9) for the appointment of a proxy.
- (5) An application to vote by proxy made as described in sub-paragraph (9)(a) must also meet any applicable additional requirements set out in paragraph 8.
- (6) The registration officer may, in relation to any application to which sub-paragraph (3) or (4) applies, dispense with the requirement to include the applicant's signature if the officer is satisfied that the applicant is unable—
- (a) to provide a signature because—
    - (i) of any disability that the applicant has, or
    - (ii) the applicant is unable to read or write, or
  - (b) to sign in a consistent and distinctive way because of any such disability or inability.
- (7) For the purposes of sub-paragraphs (3)(a) and (b) and (4)(a) and (b), the applicant's date of birth and signature must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning and, in particular—
- (a) the date of birth must be set out numerically in the sequence day, month, year (for example, the date 30 July 1965 must be set out 30071965),

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- (b) the signature must be written within an area of white, unlined paper no smaller than 5 centimetres by 2 centimetres.
- (8) An application for the appointment of a proxy must state the full name and address of the person whom the applicant wishes to appoint as proxy, together with that person's family relationship, if any, with the applicant and—
  - (a) if the application is signed only by the applicant, the application must contain a statement signed by the applicant that the applicant has consulted the person so named and that that person is capable of being and willing to be appointed to vote as the applicant's proxy, or
  - (b) if the application is signed also by the person to be appointed as proxy, must contain a statement by that person that the person is capable of being and willing to be appointed to vote as the applicant's proxy.
- (9) Sub-paragraph (10) applies in relation to an application to vote by proxy (and an application under paragraph 5(9) for the appointment of a proxy contained in such an application to vote by proxy)—
  - (a) made after the cut-off date and on the grounds that the applicant cannot reasonably be expected to vote in person at the polling station allotted under rule 9(1)(b) of the conduct rules because—
    - (i) of a disability suffered before that date, in circumstances where the disability means that the application could not reasonably have been made before that date,
    - (ii) of a disability suffered after that date, or
    - (iii) of reasons relating to the applicant's occupation, service or employment, of which the applicant only became aware after the cut-off date, or
  - (b) by a person to whom paragraph 1(6)(a) applies.
- (10) Sub-paragraph (2)(c) does not apply in relation to the application and instead the application must be made before 5pm on the date of the referendum.
- (11) Sub-paragraph (12) applies in relation to an application under paragraph 3(5) or 6(8) for the person's ballot paper to be sent to a different address.
- (12) Subject to sub-paragraph (13), the application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to that address.
- (13) The requirement in sub-paragraph (12) does not apply where an applicant has, or has applied for, an anonymous entry.

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