

SCOTTISH ELECTIONS (FRANCHISE AND REPRESENTATION) ACT 2020

EXPLANATORY NOTES

THE STRUCTURE AND SUMMARY OF THE ACT

Schedule—Modifications of Enactments in Consequence of Part 3

30. Paragraph 1 of the schedule inserts a new regulation into the [Representation of the People \(Absent Voting at Local Government Elections\) \(Scotland\) Regulations 2007](#) (“the 2007 regulations”), which places additional requirements for applications for a proxy vote for a particular or indefinite period based on detention in a penal institution. New regulation 9A requires such an application to state that the applicant is eligible to vote by proxy on grounds relating to their detention in a penal institution and the name of the penal institution in which they are detained. Regulation 10 of the 2007 regulations is amended to create a requirement for an application by a prisoner to vote by proxy at a particular election to state that the applicant is eligible to vote by proxy on grounds relating to their detention in a penal institution and the name of the penal institution in which they are detained.
31. Paragraph 2 of the schedule amends article 7(6) of the 2015 Order to exclude a prisoner as a person who can vote at a polling station at a Scottish Parliamentary election. Article 8(3) is amended by paragraph 2(3) of the schedule to include a prisoner as a person eligible to vote by proxy at a Scottish Parliamentary election. A new paragraph (4A) is inserted into article 10 by paragraph 2(4) of the schedule to clarify that a prisoner cannot act as a proxy at a Scottish Parliamentary election.
32. Paragraph 2(5) of the schedule inserts a new paragraph (6A) into schedule 3 of the 2015 Order to create a requirement for applications for a proxy vote for a particular period or indefinite period based on detention in a penal institution to state that the applicant is eligible to vote by proxy on grounds relating to their detention in a penal institution and the name of the penal institution in which they are detained. A new sub-paragraph (7A) is added to paragraph 7 of schedule 3 of the 2015 Order to create a requirement for an application by a prisoner to vote by proxy at a particular Scottish Parliament election to state that the applicant is eligible to vote by proxy on grounds relating to their detention in a penal institution and the name of the penal institution in which they are detained.