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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Elections (Franchise and Representation) Act 2020. (See end of Document for details)

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## SCHEDULE

(introduced by section 10)

### MODIFICATIONS OF ENACTMENTS IN CONSEQUENCE OF PART 3

#### *The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007*

- 1 (1) The `Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 (S.S.I. 2007/170) are amended as follows.

- (2) After regulation 9, insert—

*“Additional requirements for applications for a proxy vote for a particular or indefinite period based on detention in a penal institution*

- 9A An application to vote by proxy for a particular or indefinite period under paragraph 3(3)(e) (absent vote at elections for definite or indefinite period - offenders sentenced to term not exceeding 12 months) of Schedule 4 must state—

- (a) that the applicant is eligible to vote by proxy at local government elections on grounds relating to the applicant's detention in a penal institution, and
- (b) the name of the penal institution at which the applicant is detained.”.

- (3) In regulation 10 (additional requirements for applications for a proxy vote in respect of a particular election), after paragraph (5D) insert—

“(5E) Paragraph (5F) applies where an application under paragraph 4(2) of Schedule 4—

- (a) is made on grounds relating to the applicant's detention in a penal institution, and
- (b) is made after 5pm on the sixth day before the date of a poll at the election for which it is made.

(5F) The application must, in addition to providing the information required by paragraph (1), state—

- (a) that the applicant is detained in a penal institution, and
- (b) the name of the penal institution at which the applicant is detained.”.

#### *The Scottish Parliament (Elections etc.) Order 2015*

- 2 (1) The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) is amended as follows.

- (2) In article 7(6) (manner of voting at Scottish parliamentary elections)—

- (a) the word “or” at the end of sub-paragraph (a) is revoked,
- (b) at the end of sub-paragraph (b), insert “; or
- (c) a person to whom section 3(1A) of that Act (exception to disenfranchisement for offenders sentenced to term not exceeding 12 months) applies, and such a person may only vote by post or by proxy (where the person is entitled as an

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elector to vote by post or, as the case may be, by proxy at the election).”.

(3) In article 8(3) (absent vote at Scottish parliamentary elections for an indefinite period or a particular period)—

- (a) the word “or” at the end of sub-paragraph (d) is revoked,
- (b) at the end of sub-paragraph (e), insert “; or
- (f) is a person to whom section 3(1A) of the 1983 Act (exception to disenfranchisement for offenders sentenced to term not exceeding 12 months) applies.”.

(4) In article 10 (proxies at Scottish parliamentary elections), after paragraph (4) insert—

“(4A) A person is not capable of voting as proxy at a Scottish parliamentary election if on the date of the election the person is a person to whom section 3(1A) of the 1983 Act (exception to disenfranchisement for offenders sentenced to term not exceeding 12 months) applies.”.

(5) In schedule 3 (absent voting)—

- (a) after paragraph 6, insert—

*“Additional requirements for applications for a proxy vote for a particular or indefinite period based on detention in a penal institution*

6A An application to vote by proxy for a particular or indefinite period under article 8(3)(f) (application by offender sentenced to term not exceeding 12 months) must state—

- (a) that the applicant is eligible to vote by proxy at Scottish parliamentary elections on grounds relating to the applicant's detention in a penal institution, and
- (b) the name of the penal institution at which the applicant is detained.”,

(b) in paragraph 7 (additional requirements for applications for a proxy vote in respect of a particular election), after sub-paragraph (7) insert—

“(7A) Sub-paragraph (7B) applies where an application under article 9(2) to vote by proxy at a particular election—

- (a) is made on grounds relating to the applicant's detention in a penal institution, and
- (b) is made after 5pm on the sixth day before the date of a poll at the election for which it is made.

(7B) The application must, in addition to providing the information required by sub-paragraph (1), state—

- (a) that the applicant is detained in a penal institution, and
- (b) the name of the penal institution at which the applicant is detained.”.

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