
STATUTORY INSTRUMENTS

2021 No. 391

The Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021

Amendment of the Representation of the People (Scotland) Regulations 2001

- 4.—(1) The Representation of the People (Scotland) Regulations 2001⁽¹⁾ are amended as follows.
- (2) In regulation 52 (additional requirements for applications for the appointment of a proxy)—
- (a) the existing text becomes paragraph (1);
 - (b) before that paragraph insert—
 - “(A1) Paragraph (1) applies to an application for the appointment of a proxy for the purposes of voting by proxy at a parliamentary election, where that application is—
 - (a) included in an application under paragraph 3 or 4 of Schedule 4 in accordance with regulation 51(6), or
 - (b) otherwise made under paragraph 6(7) of Schedule 4.”;
 - (c) in that paragraph, omit “for the appointment of a proxy under paragraphs 3 and 4 of Schedule 4”;
 - (d) after that paragraph insert—
 - “(2) An application under paragraph 6(7) of Schedule 4 for the appointment of a proxy for the purposes of voting by proxy at a parliamentary election, which is made in the circumstances set out in regulation 56(2B), must state that it is so made.”.
- (3) In regulation 55 (additional requirements for applications for a proxy vote for a particular election), after paragraph (3) insert—
 - “(3ZA) For the purposes of paragraphs (2) and (3), an application on grounds of the applicant’s disability does not include an application on grounds relating to coronavirus within the meaning of regulation 56(3B)(a), (b) or (c).”.
- (4) In regulation 56 (closing date for applications)—
- (a) in paragraph (2), before “An application” insert “Subject to paragraph (2A),”;
 - (b) after paragraph (2) insert—
 - “(2A) An application under paragraph 6(7) of Schedule 4 which is made in the circumstances set out in paragraph (2B) shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after 5pm on the day of the poll at that election.
 - (2B) The circumstances are that—
 - (a) the applicant is, at the time the application is made, included in the register kept under paragraph 3 of Schedule 4, and

⁽¹⁾ S.I. 2001/497; relevant amending instruments are S.I. 2001/1749, 2006/834, 2007/925, 2013/3206.

- (b) the person already appointed as the applicant’s proxy at the time the application is made (“P”) considers that they are, or are likely to be, unable to attend the allotted polling station on the day of the poll referred to in paragraph (2A)—
 - (i) for reasons relating to compliance by P with a legal requirement to self-isolate;
 - (ii) because P has been notified that they are clinically extremely vulnerable in respect of coronavirus or (as the case may be) at the highest risk of severe illness from coronavirus, or because attendance would otherwise be contrary to coronavirus advice given to P;
 - (iii) because, due to P’s particular circumstances, attendance would give rise to a risk of transmission of coronavirus by P to another person.”;
- (c) in paragraph (3A), after sub-paragraph (a) insert—
 - “(aza) on grounds relating to coronavirus; or”;
- (d) after paragraph (3A) insert—
 - “(3B) For the purposes of paragraph (3A)(aza) an application is made on grounds relating to coronavirus if it is made—
 - (a) because the applicant (“A”) considers that attendance at the allotted polling station would not be permitted due to A’s need to comply with a legal requirement to self-isolate;
 - (b) because A has been notified that they are clinically extremely vulnerable in respect of coronavirus or (as the case may be) at the highest risk of severe illness from coronavirus, or because A considers that attendance at the allotted polling station would otherwise be contrary to coronavirus advice given to A;
 - (c) because A considers that, due to A’s particular circumstances, attendance at the allotted polling station would give rise to a risk of transmission of coronavirus by A to another person;
 - (d) where A already has a person appointed as proxy under paragraph 6(8) of Schedule 4 (“P”), on the ground that P considers that they are, or are likely to be, unable to attend the allotted polling station because any of sub-paragraphs (a), (b) or (c) applies (reading references in those sub-paragraphs to A as references to P).
 - (3C) In this regulation—
 - “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
 - “coronavirus advice” means advice relating to coronavirus given by a registered medical practitioner or a registered nurse.”.

Commencement Information

II Reg. 4 in force at 24.3.2021, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Representation of the People (Proxy Vote Applications) (Coronavirus) Regulations 2021, Section 4.