
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 58

**The Health Board Elections (Scotland)
Amendment Regulations 2010**

Amendment of the Health Board Elections (Scotland) Regulations 2009

- 2.—(1) The Health Board Elections (Scotland) Regulations 2009⁽¹⁾ are amended as follows.
(2) After regulation 5 insert—

“Application of the 1983 Act

5A.—(1) Without prejudice to regulation 6, the following provisions of the 1983 Act⁽²⁾ apply, with modifications, to a Health Board election.

(2) Section 60 (personation) of the 1983 Act⁽³⁾ applies to a Health Board election with the following modifications—

(a) for subsection (2) substitute—

“(2) A person shall be deemed to be guilty of personation at a Health Board election if that person votes by post as some other person whether that other person is living or dead or is a fictitious person.”; and

(b) in subsection (3) omit “who has applied for a ballot paper for the purpose of voting in person or”.

(3) Section 61 (other voting offences) of the 1983 Act⁽⁴⁾ applies to a Health Board election with the following modifications—

(a) omit subsections (1), (2A), (3), (3A), (4), (6A) and (6B);

(b) for subsection (2) substitute—

“(2) A person shall be guilty of an offence if that person votes either—

(a) more than once in the same Health Board area; or

(b) in more than one Health Board area.”;

(c) for subsection (6) substitute—

“(6) For the purposes of this section a person who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.”; and

(d) in subsection (7)(a) for “below” substitute “as applied to a Health Board election by the Health Board Elections (Scotland) Regulations 2009”.

(1) S.S.I. 2009/352.

(2) “the 1983 Act” is defined in the Health Board Elections (Scotland) Regulations 2009 as the Representation of the People Act 1983 (c.2).

(3) Section 60 provides that an offence under that section is a corrupt practice; the penalties for a corrupt practice are found in section 168 of 1983 Act.

(4) Section 61 was relevantly amended by the Representation of the People Act 1985 (c. 50) Schedule 2, paragraph 2, the Greater London Authority Act 1999 (c.29) Schedule 3, paragraph 10, the Electoral Administration Act 2006 (c.22) section 38(3) and the Local Electoral Administration and Registration (Scotland) Act 2006 (asp 14). Section 61 provides that an offence under that section is an “illegal practice”; the penalties for an illegal practice are found in section 169 of the 1983 Act.

- (4) Section 65 (tampering with nomination papers, ballot papers etc.) of the 1983 Act⁽⁵⁾ applies to a Health Board election with the following modifications—
- (a) any reference to—
 - (i) a local government election; or
 - (ii) a parliamentary or local government election,is to be read as a reference to a Health Board election.
 - (b) in subsection (1)(b)—
 - (i) omit “postal voting statement or”; and
 - (ii) for “declaration of identity or official” substitute “covering”;
 - (c) omit subsection (1)(e); and
 - (d) in subsection (3) omit “, a presiding officer”.
- (3) Omit the cross heading to regulation 6 (application of Part 3 of the 1983 Act).
- (4) In rule 5 of the Schedule (voters - eligibility)—
- (a) before “An individual” insert “(1)”;
 - (b) at the end insert—
 - “(2) A voter may not vote in more than one Health Board area.
 - (3) A voter may not vote more than once in the same Health Board area.”.

⁽⁵⁾ Section 65 was amended by the Representation of the People Act 1985 (c.50), Schedule 3, paragraph 2, and the Electoral Administration Act 2006 (c.22), Schedule 1, paragraph 72.