

**Midlothian Council By-Election
Thursday 25 March 2021
Ward No 5 – Midlothian East**

**Midlothian
VOTES**

**Notice to Candidates/Agents of Opening of Postal
Ballot Boxes and Envelopes**

I HEREBY GIVE YOU NOTICE

That, in terms of Paragraph 18 of the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007, as amended,

- (1) I shall, in connection with the above By-Election, begin the formal opening of the Postal Ballot Boxes and the Envelopes contained therein in the Council Chambers, Midlothian House, 40-46 Buccleuch Street, Dalkeith at 10.00 am on Monday 22 March 2021.
- (2) On Thursday 25 March 2021 (Polling Day) I will commence a first opening of the Postal Ballot Boxes and the Envelopes contained therein at 10.00am and at 8.00pm commence a second opening. This second opening will proceed as and when necessary until all the postal ballot envelopes received timeously for the elections have been processed.
- (3) If any postal vote statement adjudication is required to be done by the Returning Officer, or her Depute appointed for that purpose, it will take place as the openings proceed each postal opening day.
- (4)
 - (a) That, in terms of Paragraphs 6 and 7 of the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007, as amended, each Candidate or a person appointed by him/her to attend in his/her place and each Election Agent or a person appointed by the Candidate to attend in the Election Agent's place will be entitled to be present at the Opening of Postal Ballot Boxes and the Envelopes contained therein
 - (b) That, notice in writing of the appointments (made in terms of Paragraph 7(1) above) stating the name(s) and address(es) of the person(s) appointed shall be given by the Candidate or as appropriate the Election Agent to me. **This must be done before the time fixed for the relevant opening of the postal voters' ballot boxes.**

I shall issue to every person attending the proceedings for the issue or receipt of postal ballot papers a copy of Section 66 of the Representation of the People Act 1983, as amended, in regard to the requirement of secrecy.

NOTE/...

NOTE – Where in terms of Paragraph 7(8) of the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007, as amended, any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Accordingly in the absence of such persons the Opening of Postal Ballot Boxes and the Envelopes contained therein will proceed at the times stipulated.

The Returning Officer will put in place appropriate safeguards and precautions to address the risks associated with coronavirus to staff, voters, candidates and their agents. All participants in the election process are requested to follow the public health requirements at all times, in particular social distancing and the wearing of face coverings. Should the Returning Officer (or a Depute) become concerned that an activity is not being carried out in a way compliant with public health, that activity will be suspended until the situation is resolved.

**Dr Grace Vickers
Returning Officer
15 February 2021**