
Changes to legislation: There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

FURTHER PROVISIONS ABOUT THE REFERENDUM

Referendum period

- 1 For the purposes of Part 7 of the 2000 Act the referendum period for the referendum—
- (a) begins with the day on which this Act is passed, and
 - (b) ends with the date of the poll.

Counting officers

- 2 (1) The counting officer for a voting area that is—
- (a) a district in England,
 - (b) a county in England, or
 - (c) a London borough,
- is the person who, by virtue of section 35 of the 1983 Act, is the returning officer for elections of councillors of the district, county or borough.
- (2) The counting officer for the City of London voting area is the person who, by virtue of that section, is the returning officer for elections of councillors of the London borough of Westminster.
- (3) The counting officer for the Isles of Scilly voting area is the person who, by virtue of that section, is the returning officer for elections to the Council of the Isles of Scilly.
- (4) The counting officer for a voting area in Wales is the person who, by virtue of provision made under section 13(1)(a) of the Government of Wales Act 2006, is the returning officer for elections of members of the National Assembly for Wales for the constituency that forms the voting area.
- (5) The counting officer for a voting area in Scotland is the person who, by virtue of provision made under section 12(1)(a) of the Scotland Act 1998, is the returning officer for elections of members of the Scottish Parliament for the constituency that forms the voting area.
- (6) The counting officer for the Northern Ireland voting area is the Chief Electoral Officer for Northern Ireland.

Regional Counting Officers

- 3 (1) The Chief Counting Officer may appoint a Regional Counting Officer for any region in Great Britain.
- (2) For the purposes of this paragraph the regions are—
- East Midlands;

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Eastern;
 London;
 North East;
 North West;
 South East;
 South West;
 West Midlands;
 Yorkshire and the Humber;
 Scotland;
 Wales.

The regions in England comprise the areas specified in the Table in Schedule 1 to the European Parliamentary Elections Act 2002 (ignoring paragraph 2(2) of that Schedule and the references to Gibraltar) as it has effect for the time being.

Assistance to counting officers etc

- 4 (1) A local authority whose area forms, or forms part of, a particular voting area must place the services of their officers at the disposal of—
- (a) the counting officer for the voting area, and
 - (b) the Regional Counting Officer (if any) appointed for the region that includes the voting area,
- for the purpose of assisting the officer in the discharge of his or her functions.
- (2) In this paragraph “local authority”—
- (a) in the case of a voting area that is a district or county in England, or a London borough, means the council for that district, county or borough;
 - (b) in the case of the City of London voting area, means the Common Council of the City of London;
 - (c) in the case of the Isles of Scilly voting area, means the Council of the Isles of Scilly;
 - (d) in the case of a voting area in Wales, means the council of a county or county borough;
 - (e) in the case of a voting area in Scotland, means the council of a local government area.

General duties of counting officers etc

- 5 (1) The Chief Counting Officer, Regional Counting Officers and counting officers must do whatever things are necessary for conducting the referendum in the manner provided by this Part.
- (2) The counting officer for a voting area is responsible, as regards that area, for—
- (a) the conduct of the poll,
 - (b) (subject to sub-paragraph (3)) the printing of the ballot papers,
 - (c) the issue and receipt of postal ballot papers for persons entitled to vote on their own behalf in the referendum and for their proxies,
 - (d) the verification of the statements made under rule 38(6) of the referendum rules (ballot paper accounts), and
 - (e) the counting of the votes cast.

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- (3) Responsibility for the printing of the ballot papers for a voting area may be taken—
- (a) by the Chief Counting Officer;
 - (b) in the case of a voting area in a region for which a Regional Counting Officer is appointed, by the Chief Counting Officer or the Regional Counting Officer.

The Chief Counting Officer or Regional Counting Officer may direct the counting officer concerned accordingly.

- (4) In the case of a region for which a Regional Counting Officer is appointed, the officer must certify as regards the votes cast in the region—
- (a) the total number of ballot papers counted, and
 - (b) the total number of votes cast in favour of each answer to the question asked in the referendum.

Where two or more forms of ballot paper are used in the referendum, a separate number must be certified under paragraph (a) in relation to each form of ballot paper used.

- (5) The Chief Counting Officer may give Regional Counting Officers or counting officers—
- (a) directions about the discharge of their functions;
 - (b) directions requiring them to take specified steps in preparation for the referendum;
 - (c) directions requiring them to provide the Chief Counting Officer with information that they have or are entitled to have.
- (6) A Regional Counting Officer for a region may give counting officers for voting areas within that region—
- (a) directions about the discharge of their functions;
 - (b) directions requiring them to take specified steps in preparation for the referendum;
 - (c) directions requiring them to provide the Regional Counting Officer with information that they have or are entitled to have.

- (7) A power under this paragraph of a Regional Counting Officer to give a direction to a counting officer is exercisable only in accordance with a specific or general authorisation or direction given by the Chief Counting Officer.

- (8) A person to whom a direction is given under this paragraph must comply with it.

- (9) This paragraph applies in addition to section 128 of the 2000 Act (Chief Counting Officers, and counting officers, for referendums).

- (10) The number of ballot papers or votes purportedly certified under this paragraph or section 128 of the 2000 Act is not liable to be questioned by reason of a defect in the title, or a lack of title, of any person purporting to exercise functions in relation to the referendum, if the person was then in actual possession of, or acting in, the office giving the right to exercise the functions.

Appointment of deputies and clerks

- 6 (1) The Chief Counting Officer or a Regional Counting Officer or counting officer may appoint deputies to carry out any or all of the officer's functions.

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- (2) An appointment under sub-paragraph (1) must be in writing.
- (3) A Regional Counting Officer may appoint however many clerks are necessary to assist in carrying out the officer's functions.

Counting officers etc: correction of procedural errors

- 7
- (1) A Regional Counting Officer or counting officer may take whatever steps the officer thinks appropriate to remedy any act or omission on the part of the officer or a relevant person that—
 - (a) arises in connection with any function that the officer or relevant person has in relation to the referendum, and
 - (b) is not in accordance with the referendum rules or any other requirements applicable to the referendum.
 - (2) But a counting officer may not under this paragraph conduct a re-count of the votes once a direction has been given under rule 43(3)(b) of the referendum rules.
 - (3) The relevant persons are—
 - (a) a registration officer;
 - (b) a presiding officer appointed under rule 14 of the referendum rules;
 - (c) a clerk of, or a person providing goods or services to, the Regional Counting Officer or the counting officer;
 - (d) a deputy or assistant of—
 - (i) the Regional Counting Officer or the counting officer, or
 - (ii) a person mentioned in paragraph (a), (b) or (c).
 - (4) For the purposes of sub-paragraph (3)(d) a person (“A”) is an assistant of another person (“P”) if—
 - (a) A is appointed to assist P, or
 - (b) in the course of employment A is assisting P,
 in connection with any function in relation to the referendum.

Public notices

- 8
- A public notice required by this Part to be given by the Chief Counting Officer, a Regional Officer or a counting officer must be given—
 - (a) by posting the notice in some conspicuous place in the area or region for which the officer acts, or
 - (b) in whatever other manner the officer thinks desirable for publicising it.

Role of Electoral Commission

- 9
- (1) The Electoral Commission must take whatever steps they think appropriate to promote public awareness about the referendum and how to vote in it.
 - (2) The Electoral Commission may take whatever steps they think appropriate to provide, for persons entitled to vote in the referendum, information about each of the two voting systems referred to in the referendum question.
 - (3) Following the referendum, the Electoral Commission must—

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- (a) publish the most accurate estimate that it is reasonably possible to make of the turnout in each of England, Wales, Scotland and Northern Ireland;
- (b) include that information in any report they submit under section 6(1)(b) of the 2000 Act to do with the referendum.

(4) In sub-paragraph (3) “turnout” means the percentage of those entitled to vote in the referendum who did so.

A ballot paper recorded under head (b), (c) or (d) of rule 42(4) of the referendum rules is to be treated as a vote for this purpose.

Encouraging participation

- 10
- (1) The Chief Counting Officer must take whatever steps the officer thinks appropriate to encourage participation in the referendum.
 - (2) An officer to whom sub-paragraph (3) applies must take whatever steps the officer thinks appropriate to encourage participation in the referendum in the area or region for which the officer acts.
 - (3) This sub-paragraph applies to—
 - (a) a Regional Counting Officer;
 - (b) a counting officer;
 - (c) a registration officer.
 - (4) The Chief Counting Officer must take whatever steps the officer thinks appropriate to facilitate co-operation between that officer and the officers to whom sub-paragraph (3) applies in taking any steps under sub-paragraph (1) or (2).
 - (5) In discharging the duty imposed by sub-paragraph (1) or (2) an officer must have regard to any guidance issued by the Electoral Commission.
 - (6) The Minister may reimburse any expenditure incurred by an officer for the purposes of sub-paragraph (1) or (2).

Referendum agents

- 11
- A permitted participant may, for any voting area, appoint an individual (who may be the responsible person) to act as the permitted participant's agent (“referendum agent”).
- 12
- (1) This paragraph applies if a permitted participant appoints a referendum agent for a voting area.
 - (2) The responsible person must give the counting officer for the area notification of the name and home or business address of—
 - (a) the permitted participant, and
 - (b) the referendum agent.
 - (3) The notification must be given before noon on the 16th day before the date of the poll, disregarding for this purpose—
 - (a) Saturdays and Sundays,
 - (b) Good Friday and any other day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom, and
 - (c) any day appointed as a day of public thanksgiving or mourning.

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- (4) The notification must be in writing and signed by the responsible person.
- (5) The duties imposed on a responsible person by this paragraph may be discharged by any person authorised in writing by the responsible person.
- 13 (1) This paragraph applies if a counting officer is notified under paragraph 12 that a permitted participant has appointed a referendum agent.
- (2) The counting officer must as soon as practicable give public notice of—
 - (a) the name and address of the referendum agent, and
 - (b) the name of the permitted participant.
- 14 (1) This paragraph applies if—
 - (a) a permitted participant revokes the appointment of a referendum agent or a referendum agent dies, and
 - (b) the referendum agent has notified the counting officer of the appointment of a polling or counting agent under rule 18 of the referendum rules.
- (2) The permitted participant must as soon as possible appoint another agent under paragraph 11.
- (3) The notification under paragraph 12 must be made as soon as possible after the appointment of the new referendum agent (rather than before noon on the 16th day before the date of the poll).

Responsible persons

- 15 (1) A person who is the responsible person for a permitted participant may not give a notification under section 106(3) of the 2000 Act (notification given to become a permitted participant).
- (2) An individual who is a permitted participant ceases to be a permitted participant if he or she is the treasurer of a registered party (other than a minor party) that becomes a permitted participant.
- (3) A declaration made or notification given by a body does not comply with the requirement in subsection (2)(b) or (4)(b)(ii) of section 106 of the 2000 Act (to state the name of the person who will be responsible for compliance) if the person whose name is stated—
 - (a) is already the responsible person for a permitted participant,
 - (b) is an individual who gives a notification under subsection (3) of that section at the same time, or
 - (c) is the person whose name is stated, in purported compliance with the requirement in subsection (2)(b) or (4)(b)(ii) of that section, in a notification given at the same time by another body.
- (4) Where a registered party (other than a minor party) makes a declaration under section 106 of the 2000 Act and the treasurer of the party (“T”) is already the responsible person for a permitted participant (“P”)—
 - (a) T ceases to be the responsible person for P at the end of the period of 14 days beginning with the day on which (by reason of the declaration) T becomes the responsible person for the party;

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- (b) P must, before the end of that period, give a notice of alteration under section 106(5) of the 2000 Act stating the name of the person who is to replace T as the responsible person for P.
- (5) In sub-paragraphs (3) and (4) “the person”, in relation to a body other than a minor party, is to be read as “the person or officer”.
- (6) In this paragraph “registered party” and “minor party” have the meaning given in section 160(1) of the 2000 Act.

Grants to designated organisations may be paid in instalments

- 16 (1) This paragraph applies to a grant under subsection (2) of section 110 of the 2000 Act (assistance available to designated organisations) made in respect of the referendum.
- (2) The grant may be paid in whatever instalments the Electoral Commission consider appropriate.
- (3) Instalments may be withheld if the Commission are satisfied that the designated organisation concerned has failed to comply with a condition imposed under section 110(3) of the 2000 Act.
- (4) Section 110(2) of the 2000 Act, in so far as it requires the grant to be of the same amount in the case of each designated organisation, has effect in relation to the referendum subject to sub-paragraph (3).

Expenses incurred by persons acting in concert

- 17 (1) This paragraph applies where—
 - (a) referendum expenses are incurred by or on behalf of an individual or body during the referendum period for the referendum, and
 - (b) those expenses are incurred in pursuance of a plan or other arrangement by which referendum expenses are to be incurred by or on behalf of—
 - (i) that individual or body, and
 - (ii) one or more other individuals or bodies,respectively with a view to, or otherwise in connection with, promoting or procuring a particular outcome in relation to the question asked in the referendum.
- (2) The expenses mentioned in sub-paragraph (1)(a) are to be treated for the purposes of the provisions of the 2000 Act set out in sub-paragraph (3) as having also been incurred, during the referendum period, by or on behalf of the other individual or body (or, as the case may be, each of the other individuals or bodies) mentioned in sub-paragraph (1)(b)(ii).
- (3) The provisions are—
 - (a) section 117;
 - (b) section 118 and Schedule 14;
 - (c) sections 120 to 123.
- (4) This paragraph applies whether or not any of the individuals or bodies in question is a permitted participant.

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- (5) But this paragraph does not treat any expenses incurred by or on behalf of a permitted participant that is designated in respect of the referendum by the Electoral Commission under section 108 of the 2000 Act (designation of organisations to whom assistance is available) as having been incurred by or on behalf of any other individual or body.
- (6) Subsections (5) and (6) of section 117 of the 2000 Act (certain expenditure incurred before the referendum period treated as incurred during that period) apply for the purposes of this paragraph as they apply for the purposes of that section.

Advertisements

- 18 (1) The Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666) apply in relation to the display on any site in Wales of an advertisement relating specifically to the referendum as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.
- (2) The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (S.I. 1984/467) apply in relation to the display on any site in Scotland of an advertisement relating specifically to the referendum as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.
- (3) The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 (S.R. 1992/448) apply in relation to the display on any site in Northern Ireland of an advertisement relating specifically to the referendum as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

Non-domestic rating: premises used for referendum purposes

- 19 (1) Section 65(6) of the Local Government Finance Act 1988 (occupation for election meetings and polls) has effect as if—
 - (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings to promote or procure a particular outcome in relation to the question asked in the referendum, and
 - (b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a counting officer for the purposes of taking the poll in the referendum.
- (2) Section 98 of the 1983 Act and rule 22(3) in Schedule 1 to that Act (which make equivalent provision, applying in Scotland and Northern Ireland) have effect as if—
 - (a) the reference in section 98 to public meetings in furtherance of a person's candidature at an election included a reference to public meetings to promote or procure a particular outcome in relation to the question asked in the referendum, and
 - (b) the reference in rule 22(3) to use for the purpose of taking the poll in an election included a reference to use by a counting officer for the purposes of taking the poll in the referendum.

Payments to counting officers and Regional Counting Officers

- 20 (1) Subject to sub-paragraphs (3) and (4), a counting officer or Regional Counting Officer is entitled to recover his or her charges in respect of services rendered, or expenses incurred, for or in connection with the referendum if—

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- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the referendum, and
 - (b) the total of the officer's charges does not exceed the amount ("the overall maximum recoverable amount") specified in, or determined in accordance with, an order made by the Minister, with the consent of the Treasury, for the purposes of this sub-paragraph.
- (2) Sub-paragraph (3) applies to a service rendered by—
 - (a) the counting officer for a voting area in England, Wales or Scotland, or
 - (b) a Regional Counting Officer,which in the opinion of the Electoral Commission was inadequately performed.
- (3) In respect of a service to which this sub-paragraph applies, the officer is entitled under sub-paragraph (1) to no more than the amount (which may be nil) that seems reasonable in all the circumstances—
 - (a) to the Commission, or
 - (b) on a taxation under paragraph 21, to the county court or Auditor.
- (4) An order under sub-paragraph (1) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of a specified description—
 - (a) for counting officers;
 - (b) for Regional Counting Officers.Subject to sub-paragraph (5), an officer may not recover more than the specified amount in respect of such services or expenses.
- (5) In a particular case the Electoral Commission may, with the consent of the Treasury, authorise the payment of—
 - (a) more than the overall maximum recoverable amount, or
 - (b) more than the specified maximum recoverable amount for any specified services or expenses,if the Commission are satisfied that the conditions in sub-paragraph (6) are met.
- (6) The conditions are—
 - (a) that it was reasonable for the officer concerned to render the services or incur the expenses, and
 - (b) that the charges in question are reasonable.
- (7) The Chief Counting Officer is entitled to recover expenses incurred by that officer for or in connection with the referendum if—
 - (a) the expenses are of a kind that would otherwise have been incurred by counting officers or Regional Counting Officers, and
 - (b) the Chief Counting Officer considered that it would be more economical for the expenses to be incurred by that officer instead.
- (8) The Electoral Commission must pay the amount of any charges recoverable in accordance with this paragraph on an account being submitted to them.
- (9) Where the superannuation contributions required to be paid by a local authority in respect of a person are increased by a fee paid under this paragraph as part of the charges of a counting officer or Regional Counting Officer at the referendum, then

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on an account being submitted to them the Electoral Commission must pay to the authority a sum equal to the increase.

- (10) At the request of a counting officer or Regional Counting Officer or the Chief Counting Officer, the Electoral Commission may make an advance on account of the officer's charges on such terms as they think fit.
- (11) The Electoral Commission may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to the Commission for the purposes of the payment of the charges of a counting officer or Regional Counting Officer or the Chief Counting Officer.
- (12) An order or regulations under this paragraph may make different provision for different cases.
- (13) Any sums required by the Electoral Commission for making payments under this paragraph are to be charged on and paid out of the Consolidated Fund.

Taxation of counting officer's or Regional Counting Officer's account

- 21 (1) An application for the account of a counting officer or Regional Counting Officer to be taxed must be made—
- (a) except where paragraph (b) applies, to a county court;
 - (b) where the officer is one who was appointed for an area in Scotland, or for the region of Scotland, to the Auditor of the Court of Session.

A reference in this paragraph to “the court” includes a reference to that Auditor.

- (2) On any such application the court has jurisdiction to tax the account in whatever manner and at whatever time and place the court thinks fit, and finally to determine the amount payable to the officer.
- (3) Where an application is made for the account of a counting officer or Regional Counting Officer to be taxed, the officer may apply to the court for it to examine any claim made by any person (“the claimant”) against the officer in respect of matters charged in the account.
- (4) On an application under sub-paragraph (3), after the claimant has been given notice and an opportunity to be heard and to tender any evidence, the court may allow, disallow or reduce the claim, with or without costs.
- (5) An application under sub-paragraph (1) for taxation of the account of the Chief Electoral Officer for Northern Ireland must be made to the county court that has jurisdiction at the place where the officer certified the number of ballot papers counted and votes cast.

Electoral Commission accounts

- 22 (1) If directed to do so by the Treasury, the Electoral Commission must prepare accounts in respect of their expenditure in relation to the referendum.
- (2) Accounts under this paragraph must be prepared in accordance with directions given to the Commission by the Treasury.
 - (3) Directions under sub-paragraph (2) may include, in particular, directions as to—

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- (a) the information to be contained in the accounts and the manner in which it is to be presented,
 - (b) the methods and principles in accordance with which the accounts are to be prepared, and
 - (c) the additional information (if any) that is to accompany the accounts.
- (4) Accounts under this paragraph must be submitted by the Commission to—
- (a) the Comptroller and Auditor General, and
 - (b) the Speaker's Committee,
- as soon may be practicable after the giving of the direction under sub-paragraph (1).

Restriction on challenge to referendum result

- 23 (1) No court may entertain any proceedings for questioning the number of ballot papers counted or votes cast in the referendum as certified by the Chief Counting Officer or a Regional Counting Officer or counting officer unless—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the permitted period.
- (2) In sub-paragraph (1) “the permitted period” means the period of 6 weeks beginning with—
- (a) the day on which the officer in question gives a certificate as to the number of ballot papers counted and votes cast in the referendum, or
 - (b) if the officer gives more than one such certificate, the day on which the last is given.
- (3) In the application of this paragraph to Scotland, sub-paragraph (1) has effect—
- (a) with the substitution in paragraph (a) of “a petition” for “a claim”;
 - (b) with the substitution in paragraph (b) of “the petition is lodged” for “the claim form is filed”.
- (4) In the application of this paragraph to Northern Ireland, sub-paragraph (1) has effect—
- (a) with the substitution in paragraph (a) of “an application” for “a claim”;
 - (b) with the substitution in paragraph (b) of “the application for leave to apply for judicial review is lodged” for “the claim form is filed”.

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