

*Draft Regulations laid before Parliament under section 9(2) of the European Union Referendum Act 2015, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

**REFERENDUMS**

**REPRESENTATION OF THE PEOPLE**

The European Union Referendum (Conduct) Regulations 2016

*Made* - - - - **\*\*\***

*Coming into force in accordance with regulation 1*

These Regulations are made in exercise of the powers conferred by sections 4(1), (4) and (5), 5(1), 9(5) and 11(1) of the European Union Referendum Act 2015<sup>(1)</sup>.

In accordance with section 4(6) of the European Union Referendum Act 2015, the Chancellor of the Duchy of Lancaster has consulted the Electoral Commission.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 9(2) of that Act.

Accordingly, the Chancellor of the Duchy of Lancaster makes the following Regulations:

**PART 1**

**INTRODUCTORY**

**Citation and commencement**

**1.** These Regulations may be cited as the European Union Referendum (Conduct) Regulations 2016 and come into force on the day after the day on which they are made.

**Extent**

**2.—(1)** These Regulations extend to the whole of the United Kingdom.

**(2)** The following provisions extend also to Gibraltar—

- (a)** this Part,
- (b)** regulation 82,

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<sup>(1)</sup> 2015 c.36. See the definition of “the Minister” in section 11(1).

- (c) paragraphs 3 and 9 of Schedule 1 (extent and application and modification of section 52 of the 1983 Act) and regulation 79 (introduction of Schedule 1) to the extent that it introduces those paragraphs,
- (d) Part 1 of Schedule 2 (application of provisions of the Political Parties, Elections and Referendums Act 2000) and regulation 80 (introduction of Schedule 2) to the extent that it introduces that Part, and
- (e) paragraph 112 of Schedule 3 (right of audience and right to conduct litigation of Gibraltar persons in referendum proceedings), paragraphs 114 and 115 of that Schedule (persons convicted of corrupt or illegal practices: Gibraltar) and regulation 81 (introduction of Schedule 3) to the extent that it introduces those paragraphs.

### Interpretation

- 3. In these Regulations “the 2015 Act” means the European Union Referendum Act 2015.

## PART 2

### REGULATIONS FOR THE CONDUCT OF THE REFERENDUM IN THE UNITED KINGDOM

#### *Application and interpretation*

#### **Part to apply in United Kingdom and not Gibraltar**

- 4. This Part applies in England and Wales, Scotland and Northern Ireland (and not in Gibraltar).

#### Interpretation

- 5. In this Part(2)—
  - “anonymous entry”, in relation to a register of electors, is to be read in accordance with section 9B of the 1983 Act(3);
  - “ballot paper account” has the meaning given by regulation 44(6);
  - “certificate as to employment on duty on the day of the poll” has the meaning given by regulation 26(4);
  - “companion” has the meaning given by regulation 36(1);
  - “the completed corresponding number lists” has the meaning given by regulation 44(1)(e);
  - “counting agent” is to be read in accordance with regulation 23(10);
  - “declaration made by the companion of a voter with disabilities” has the meaning given by regulation 36(2)(c);
  - “declaration of identity” is to be read in accordance with regulation 17(1)(c);
  - “elector” means a person who is entitled to vote on his or her own behalf in the referendum;
  - “list of proxies”—

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(2) Other terms used in this Part are defined in section 11 of the 2015 Act.

(3) 1983 c.2. “1983 Act” is defined in section 11(1) of the 2015 Act. Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c.22) and was amended by section 20(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); paragraphs 1 and 7 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6); and article 3 of S.I. 2014/1116.

- (a) in relation to England and Wales and Scotland, means the list kept under regulation 63(3);
  - (b) in relation to Northern Ireland, means the list kept under regulation 74(3);
- “the list of voters with disabilities assisted by companions” has the meaning given by regulation 36(8);
- “the list of votes marked by the presiding officer” has the meaning given by regulation 35(4);
- “official mark” has the meaning given by regulation 12(1);
- “parliamentary polling district” means a polling district for parliamentary elections (see sections 18A and 18AA of the 1983 Act(4));
- “parliamentary polling place”, in relation to a parliamentary polling district, means the polling place designated for that district in accordance with section 18B of the 1983 Act(5);
- “peer” means a peer who is a member of the House of Lords;
- “polling agent” is to be read in accordance with regulation 23(10);
- “postal voters list”—
- (a) in relation to England and Wales and Scotland, means the list kept under regulation 63(2);
  - (b) in relation to Northern Ireland, means the list kept under regulation 74(2);
- “postal voting statement” is to be read in accordance with regulation 17(1)(b);
- “presiding officer” is to be read in accordance with regulation 19(1) and (2);
- “proxy postal voters list”—
- (a) in relation to England and Wales and Scotland, means the list kept under regulation 66(6);
  - (b) in relation to Northern Ireland, means the list kept under regulation 77(8);
- “referendum agent” means a person appointed under paragraph 15 of Schedule 1 to the 2015 Act;
- “the relevant postal voting provisions”—
- (a) in relation to England and Wales, means Part 5 of the Representation of the People (England and Wales) Regulations 2001(6) as applied by Part 1 of Schedule 3;
  - (b) in relation to Scotland, means Part 5 of the Representation of the People (Scotland) Regulations 2001(7) as so applied;
  - (c) in relation to Northern Ireland, means Part 5 of the Representation of the People (Northern Ireland) Regulations 2008(8) as applied by Part 2 of Schedule 3;
- “the relevant regulations”—
- (a) in relation to England and Wales, means the Representation of the People (England and Wales) Regulations 2001(9) as applied by Part 1 of Schedule 3;
  - (b) in relation to Scotland, means the Representation of the People (Scotland) Regulations 2001(10) as so applied;

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(4) Section 18A was inserted by section 16 of the Electoral Administration Act 2006 (c.22) and was amended by article 9(1) and (2) of S.I. 2013/3156. Section 18AA was inserted by article 9(1) and (3) of S.I. 2013/3156.

(5) Section 18B was inserted by section 16 of the Electoral Administration Act 2006 (c.22).

(6) S.I. 2001/341. Part 5 was amended by S.I. 2006/752; 2006/2910; 2011/2085; and 2013/3198.

(7) S.I. 2001/497. Part 5 was amended by S.I. 2006/834; 2007/925; 2008/305; 2010/980; 2011/2085; and 2013/3206.

(8) S.I. 2008/1741. Part 5 was amended by S.I. 2010/278; 2011/2085; and 2014/1808.

(9) Relevant amendments were made by paragraph 2 of Schedule 1 to the Counter-Terrorism Act 2008 (c.28); S.I. 2001/1700; 2002/1871; 2006/752; 2006/2910; 2007/1025; 2008/1901; 2011/2085; 2013/591; 2013/3198; 2014/1234; 2014/3161; 2014/3163; 2015/467; 2015/643; and 2015/1376.

(10) Relevant amendments were made by paragraph 2 of Schedule 1 to the Counter-Terrorism Act 2008 (c.28); S.I. 2001/1749; 2002/1872; 2006/834; 2007/925; 2008/305; 2008/1901; 2010/980; 2011/2085; 2013/591; 2013/3206; 2015/450; and 2015/1376.

- (c) in relation to Northern Ireland, means the Representation of the People (Northern Ireland) Regulations 2008(11) as applied by Part 2 of Schedule 3;
- “a spoilt ballot paper” has the meaning given by regulation 41(1)(a);
- “tendered ballot paper” has the meaning given by regulation 37(1);
- “tendered postal ballot paper” has the meaning given by regulation 39(2);
- “the tendered postal votes list” has the meaning given by regulation 39(10);
- “tendered votes list” has the meaning given by regulation 38(7);
- “voter” means a person voting in the referendum and includes a person voting as proxy and “vote” (whether noun or verb) is to be construed accordingly; and a reference to an elector voting or an elector’s vote includes a reference to an elector voting by proxy or an elector’s vote given by proxy.

### *Time*

#### **Timetable**

6. The proceedings at the referendum are to be conducted in accordance with the following table.

<i>Proceeding</i>	<i>Time</i>
Publication of notice of referendum	Not later than the 25th day before the day of the referendum
Notice of poll	Not later than the 15th day before the day of the referendum
Hours of polling	Between 7am and 10pm on the day of the referendum

#### **Computation of time**

7.—(1) In calculating any period of time (other than a year) for the purposes of this Part, the following are to be disregarded—

- (a) Saturdays and Sundays,
- (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank holiday under the Banking and Financial Dealings Act 1971(12) in any part of the United Kingdom,
- (c) any day that is a bank holiday or public holiday in Gibraltar under the Gibraltar Acts titled the Banking and Financial Dealings Act(13) and the Interpretation and General Clauses Act(14), and
- (d) any day appointed in any part of the United Kingdom or Gibraltar as a day of public thanksgiving or mourning.

(2) In relation to proceedings adjourned by a presiding officer under regulation 43 (riot or open violence)—

- (a) the reference in paragraph (1)(b) to a day that is a bank holiday in any part of the United Kingdom is to be read as a reference to a day that is a bank holiday in the part of the

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(11) Relevant amendments were made by section 14 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13); S.I. 2010/278; 2011/2085; and 2014/1808.

(12) 1971 c.80. See section 1 and Schedule 1.

(13) Gibraltar Principal Act 1973-20.

(14) Gibraltar Principal Act 1962-08.

United Kingdom where the proceedings are adjourned (“the relevant part of the United Kingdom”),

- (b) paragraph (1)(c) is to be treated as omitted, and
- (c) the reference in paragraph (1)(d) to a day that is appointed as a day of public thanksgiving or mourning in any part of the United Kingdom or Gibraltar is to be read as a reference to a day that is appointed as a day of public thanksgiving or mourning in the relevant part of the United Kingdom.

### *General provisions*

#### **Notice of referendum**

- 8. Each counting officer must give public notice of the referendum stating—
  - (a) the date of the poll;
  - (b) the date by which—
    - (i) applications to vote by post or by proxy, and
    - (ii) other applications and notices about postal or proxy voting,must reach the registration officer in order that they may be effective for the referendum.

#### **Poll to be taken by ballot**

- 9. The votes at the poll are to be given by ballot.

#### **The ballot paper**

- 10.—(1) The ballot of every voter is to consist of a ballot paper, which is to be printed in the form set out in Form 1 in Schedule 4 according to the directions specified in that Schedule.
- (2) Each ballot paper—
  - (a) must set out the question and the alternative answers to that question as specified in section 1 of the 2015 Act;
  - (b) must be capable of being folded up; and
  - (c) must have a number and other unique identifying mark printed on the back.

#### **Corresponding number list**

- 11.—(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be—
  - (a) issued by the officer in pursuance of regulation 17(1), or
  - (b) provided by the officer in pursuance of regulation 22(1).
- (2) The list must be in the form set out in Form 2 in Schedule 4.

#### **The official mark**

- 12.—(1) Every ballot paper must contain an appropriate security marking (referred to in these Regulations as the “official mark”).
- (2) The official mark must be kept secret.
- (3) The counting officer may use a different official mark for different purposes.

### Prohibition of disclosure of vote

**13.** A person who has voted in the referendum may not be required, in any legal proceeding to question the referendum, to state for which answer he or she voted.

### Use of schools and public rooms

- 14.**—(1) The counting officer may use, free of charge, for the purpose of taking the poll—
- (a) a room in a school within paragraph (3);
  - (b) a room the expense of maintaining which is met by any local authority (in England and Wales or Scotland) or is payable out of any rate (in Northern Ireland).
- (2) The counting officer must—
- (a) make good any damage done to any such room, and
  - (b) defray any expense incurred by the persons having control over any such room,
- by reason of its being used for that purpose.
- (3) The schools within this paragraph are—
- (a) in England and Wales—
    - (i) a school maintained or assisted by a local authority;
    - (ii) a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
  - (b) in Scotland, a school that is not an independent school within the meaning of the Education (Scotland) Act 1980<sup>(15)</sup>;
  - (c) in Northern Ireland, a school in receipt of a grant out of moneys appropriated by Act of the Northern Ireland Assembly, other than a school that—
    - (i) adjoins or is adjacent to a church or other place of worship, or
    - (ii) is connected with a nunnery or other religious establishment.

### Modification of forms

**15.**—(1) The Chief Counting Officer may, for the purpose of making a relevant form easier for voters to understand or use, specify modifications that are to be made to the wording or appearance of the form.

- (2) In paragraph (1) “relevant form” means any of the following—
- (a) the forms in Schedule 4, except Forms 1 (ballot paper), 2 (corresponding number list), 13 (corresponding number list for use in polling stations), 16 (certificate of employment Great Britain) or 17 (certificate of employment Northern Ireland);
  - (b) the forms of the notices set out in regulation 22<sup>(8)</sup>.
- (3) In these Regulations a reference to such a form is to be read as a reference to that form with any modifications specified under paragraph (1).
- (4) Where a form is modified by virtue of paragraph (1), section 26(2) of the Welsh Language Act 1993<sup>(16)</sup> applies as if the modified form were specified by these Regulations<sup>(17)</sup>.

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<sup>(15)</sup> 1980 c.44. See section 135.

<sup>(16)</sup> 1993 c.38.

<sup>(17)</sup> See section 9(6) of the 2015 Act.

### *Action to be taken before the poll*

#### **Notice of poll**

**16.**—(1) The counting officer must give public notice of the poll stating—

- (a) the day and hours fixed for the poll;
- (b) the question that is to appear on the ballot paper.

(2) The notice of the poll must be published not later than the 15th day before the day of the referendum.

(3) No later than the time of the publication of the notice of the poll, the counting officer must also give public notice of—

- (a) the situation of each polling station;
- (b) the description of voters entitled to vote there.

(4) As soon as practicable after giving the notice under paragraph (3), the counting officer must give a copy of it to each of the referendum agents appointed for the officer's area.

#### **Postal ballot papers**

**17.**—(1) The counting officer must, in accordance with the relevant postal voting provisions, issue to those entitled to vote by post—

- (a) a ballot paper,
- (b) in the case of those entitled to vote in England and Wales or Scotland, a postal voting statement in the form set out in Form 3 in Schedule 4, and
- (c) in the case of those entitled to vote in Northern Ireland, a declaration of identity in the form set out in Form 4 in Schedule 4,

together with envelopes for their return complying with the requirements prescribed by the relevant postal voting provisions.

(2) The counting officer must also issue to those entitled to vote by post whatever information the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to, or guidance for, voters sent with the ballot paper;
- (b) a translation into Braille of those directions or guidance;
- (c) graphical representations of those directions or guidance;
- (d) those directions or guidance in any other form (including any audible form).

(3) In the case of a ballot paper issued to a person resident in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement or declaration of identity is free of charge to the voter.

#### **Provision of polling stations**

**18.**—(1) The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this regulation, must allot the electors to the polling stations in whatever manner the officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within a particular voting area must, in the absence of special circumstances, be in the parliamentary polling place for that district unless the parliamentary polling place is outside the voting area.

(4) The number of ballot papers counted or votes cast as certified by the Chief Counting Officer or a Regional Counting Officer or counting officer may not be questioned by reason of—

- (a) any non-compliance with paragraph (3), or
- (b) any informality relative to polling districts or polling places.

(5) The counting officer must provide each polling station with however many compartments are necessary in which the voters can mark their votes screened from observation.

### Appointment of presiding officers and clerks

**19.**—(1) The counting officer must appoint and pay—

- (a) a presiding officer to attend at each polling station;
- (b) however many clerks are necessary for the purposes of the referendum.

But the officer may not employ a person who has been employed by or on behalf of a permitted participant in or about the referendum.

(2) The counting officer may, if the officer thinks fit, preside at a polling station.

The provisions of this Part relating to a presiding officer apply to a counting officer so presiding, with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by this Part to do at a polling station except order the arrest, exclusion or removal of a person from the polling station.

### Issue of official poll cards

**20.**—(1) The counting officer must, as soon as practicable after the publication of notice of the referendum, send to electors and their proxies an official poll card.

This paragraph is subject to paragraph (2).

(2) An official poll card must not be sent to a person registered, or to be registered, in pursuance of—

- (a) an overseas elector's declaration, within the meaning of section 2 of the Representation of the People Act 1985<sup>(18)</sup> (registration of British citizens overseas), or
- (b) a declaration made by virtue of subsection (5) of section 3 of that Act<sup>(19)</sup> (extension of franchise for European Parliamentary Elections).

(3) An elector's official poll card must be sent or delivered to his or her qualifying address.

(4) A proxy's official poll card must be sent or delivered to the address which—

- (a) is shown as the proxy's address in the list of proxies, or
- (b) in the case of a proxy for an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland, would be so shown but for regulation 74(4).

(5) In the case of an elector who is entitled to vote in the referendum in England and Wales or Scotland—

- (a) an official poll card sent to the elector must be in the form set out in Form 5 in Schedule 4;

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<sup>(18)</sup> 1985 c.50. Section 2 was substituted by paragraphs 1 and 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and was amended by section 12(9) of the Electoral Administration Act 2006 (c.22) and by paragraph 21 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

<sup>(19)</sup> Section 3 was substituted by paragraphs 1 and 4 of Schedule 2 to the Representation of the People Act 2000 (c.2).



- (b) an official postal poll card sent to the elector must be in the form set out in Form 6 in Schedule 4;
  - (c) an official poll card sent to the proxy of the elector must be in the form set out in Form 7 in Schedule 4;
  - (d) an official postal poll card sent to the proxy of the elector must be in the form set out in Form 8 in Schedule 4.
- (6) In the case of an elector who is entitled to vote in the referendum in Northern Ireland—
- (a) an official poll card sent to the elector must be in the form set out in Form 9 in Schedule 4;
  - (b) an official postal poll card sent to the elector must be in the form set out in Form 10 in Schedule 4;
  - (c) an official poll card sent to the proxy of the elector must be in the form set out in Form 11 in Schedule 4;
  - (d) an official postal poll card sent to the proxy of the elector must be in the form set out in Form 12 in Schedule 4.
- (7) An official poll card or official postal poll card may set out whatever information, in addition to that required by virtue of paragraph (5) or (6), the counting officer thinks appropriate.
- (8) Different information may be provided in pursuance of paragraph (7) to different electors or descriptions of elector.
- (9) In this regulation—
- “qualifying address” means the address in respect of which a person is entitled to be registered on the register of electors;
  - “elector” includes only those electors who, on the last day for publication of notice of the referendum, appear on a register to be used for the referendum.

### **Notification that certain electors entitled to absent vote**

- 21.**—(1) As soon as practicable after the publication of notice of the referendum, a registration officer must—
- (a) notify those peers who are within entry 2, 4 or 5 of the table in regulation 63(2) or 74(2) that they are entitled to vote by post in the referendum;
  - (b) notify those electors who are within entry 2, 3, 4 or 5 of the table in regulation 63(3) or 74(3) that they are entitled to vote by proxy in the referendum.
- (2) A notice given to a person under paragraph (1)(b) must—
- (a) in the case of a person within entry 2 of the table, state that the person’s entitlement to vote by proxy in the referendum arises by virtue of the person’s inclusion in the list of proxies for a specified poll mentioned in that entry;
  - (b) in the case of a person within entry 3 of the table, state that the person’s entitlement to vote by proxy in the referendum arises by virtue of the person’s inclusion in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000(20) or (as the case may be) section 6 of the Representation of the People Act 1985(21) as voting by proxy at parliamentary elections;

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(20) 2000 c.2. Paragraph 3 of Schedule 4 was amended by paragraph 164(1) and (2) of Schedule 27 to the Civil Partnership Act 2004 (c.33); section 14 of, and paragraphs 19, 20 137(1) and (4) of Schedule 1 to, the Electoral Administration Act 2006 (c.22); and sections 20(c)(i) and 34(5) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

(21) Section 6 was amended by section 1 of the Representation of the People Act 1990 (c.32); paragraph 134 of Schedule 1, and paragraphs 12 and 14 of Schedule 6, to the Representation of the People Act 2000 (c.2); section 3(1) and (2) of the Electoral Fraud (Northern Ireland) Act 2002 (c.13); paragraphs 7(1) and (2) of Schedule 4 to S.I. 2005/3129; and article 5(1) and (3) of S.I. 2014/1116.

- (c) in the case of a peer within entry 4 of the table, state that the peer's entitlement to vote by proxy in the referendum arises by virtue of the peer's inclusion in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 or (as the case may be) paragraph 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985<sup>(22)</sup> as voting by proxy;
- (d) in the case of a peer within entry 5 of the table, state that the peer's entitlement to vote by proxy in the referendum arises by virtue of the peer's inclusion in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004<sup>(23)</sup> or (as the case may be) regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004<sup>(24)</sup> as voting by proxy.

### Equipment of polling stations

**22.**—(1) The counting officer must provide each presiding officer with however many ballot boxes and ballot papers the counting officer thinks are necessary.

(2) Every ballot box must be constructed so that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or (in the case of a box without a lock) the seal being broken.

- (3) The counting officer must provide each polling station with—
  - (a) materials to enable voters to mark the ballot papers;
  - (b) copies of each register of electors used for the referendum that contains the entries relating to the electors allotted to the station (or, in the case of a register only part of which contains those entries, that part);
  - (c) the parts of any special lists prepared for the referendum corresponding to each register or part of a register provided under sub-paragraph (b);
  - (d) a list consisting of that part of the list prepared under regulation 11 that contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

The list provided under sub-paragraph (d) must be in the form set out in Form 13 in Schedule 4.

- (4) The counting officer must also provide each polling station with—
  - (a) at least one large version of the ballot paper, which must be displayed inside the polling station for the assistance of voters who are partially sighted;
  - (b) a device for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (see regulation 36(1)).
- (5) The device mentioned in paragraph (4)(b) must—
  - (a) allow a ballot paper to be inserted into and removed from the device, or attached to and detached from it, easily and without damage to the paper;
  - (b) keep the ballot paper firmly in place during use;
  - (c) provide suitable means for the voter—
    - (i) to identify the spaces on the ballot paper on which the voter may mark his or her vote,
    - (ii) to identify the answer to which each such space refers, and
    - (iii) to mark his or her vote on the space the voter has chosen.

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<sup>(22)</sup> *S.I. 1985/454*. Paragraph 1, together with the rest of Part 1 of Schedule 2, was substituted by article 5(5) of, and Schedule 2 to, *S.I. 1987/168*.

<sup>(23)</sup> *S.I. 2004/293*. Schedule 2 was substituted by regulation 40 of, and Schedule 3 to, *S.I. 2009/186*.

<sup>(24)</sup> *S.I. 2004/1267*. Regulation 8 was amended by paragraph 2(1) and (2) of Schedule 9 to 2005/2114; regulation 7 of *S.I. 2009/813*; and regulations 9 and 12 of *S.I. 2014/1803*.

(6) A notice giving directions for the guidance of the voters in voting must be printed in conspicuous characters and exhibited inside and outside every polling station.

(7) That notice must be in the form set out in Form 14 in Schedule 4 (for a polling station in England, Wales or Scotland) or Form 15 in that Schedule (for a polling station in Northern Ireland).

(8) In every compartment of every polling station there must be exhibited the notice—

“Put a cross [X] in one box only. Put no other mark on the ballot paper, or your vote may not be counted”.

(9) The reference in paragraph (3)(b) to the copies of a register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act<sup>(25)</sup> in respect of alterations to the register.

### **Appointment of polling and counting agents**

**23.**—(1) A referendum agent may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation;
- (b) counting agents to attend at the counting of the votes.

(2) A referendum agent may, for each count, designate one counting agent as a person authorised to require a re-count under regulation 47.

A designation under this paragraph must be made at the same time as the person’s appointment as a counting agent.

(3) In paragraph (2) “count” includes a re-count and “re-count” includes a further re-count.

(4) The counting officer may limit the number of counting agents that may be appointed, so long as—

- (a) the number that may be appointed by each referendum agent is the same, and
- (b) the number that may be appointed by each referendum agent is not (except in special circumstances) less than the number obtained by dividing the number of clerks employed on the counting by the number of referendum agents.

(5) For the purposes of paragraph (4)(b), a counting agent appointed by more than one referendum agent is to be treated as a separate agent for each of them.

(6) A referendum agent who appoints a polling or counting agent must give the counting officer notice of the appointment by no later than the 5th day before the day of the poll.

(7) If a polling or counting agent dies, or becomes incapable of acting, the referendum agent may appoint another agent and must give the counting officer notice of the new appointment as soon as practicable.

(8) If a referendum agent designates a counting agent under paragraph (2) the notice under paragraph (6) or (7) must include notice of that fact.

(9) A notice under paragraph (6) or (7)—

- (a) must be in writing, and
- (b) must give the name and address of the appointee.

(10) In the following provisions of this Part, references to polling agents and counting agents are to be read as references to polling or counting agents appointed under paragraph (1) or (7)—

- (a) whose appointments have been duly made and notified, and

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<sup>(25)</sup> Section 13B was inserted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2); subsections (3B) and (3D) were inserted by section 11 of the Electoral Administration Act 2006 (c.22). Section 13BA(9) was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).

(b) where the number of agents is restricted, who are within the permitted numbers.

(11) Any notice required to be given to a counting agent by the counting officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

(12) A referendum agent may do or assist in doing anything that a polling or counting agent appointed by him or her is authorised to do; and anything required or authorised by this Part to be done in the presence of the polling or counting agents may be done in the presence of a referendum agent instead of his or her polling or counting agents.

(13) Where by this Part anything is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not invalidate the thing (if the thing is otherwise duly done).

### Notification of requirement of secrecy

**24.—**(1) The counting officer must make whatever arrangements the officer thinks are appropriate to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting, or assisting a voter with disabilities to vote, or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act<sup>(26)</sup> as modified by Schedule 1;
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2)<sup>(27)</sup> and (6) of that section as so modified.

(2) In the application of this regulation in England and Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002<sup>(28)</sup> (police powers for employees).

### Return of postal ballot papers

**25.—**(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered in the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered in the proxy postal voters list,

the counting officer must mark the list in the manner prescribed by the relevant postal voting provisions.

(2) Paragraph (1) does not apply in relation to a vote on a tendered postal ballot paper (see regulation 39).

(3) Regulation 46<sup>(3)</sup> and (5) does not apply for the purpose of determining whether, for the purposes of this regulation, a postal vote or a proxy postal vote is returned.

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<sup>(26)</sup> Section 66(1) was amended by paragraphs 69 and 82 of Schedule 1 to the Electoral Administration Act 2006 (c.22); paragraphs 1 and 2 of Schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); and by article 3 of S.S.I. 2012/31. Section 66(3) was amended by paragraphs 69 and 86(b) of Schedule 1 to the Electoral Administration Act 2006 and section 34(1)(b)(ii) of the Local Electoral Administration and Registration Services (Scotland) Act 2006. Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

<sup>(27)</sup> Section 66(2) was amended by paragraphs 69 and 86(a) of Schedule 1 to the Electoral Administration Act 2006 (c.22) and section 34(1)(b)(i) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

<sup>(28)</sup> 2002 c.30. Section 38 was amended by section 120 of, and paragraphs 179 and 181 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c.15); section 7(1) of, and paragraphs 1 and 2 of Schedule 5 to, the Police and Justice Act 2006 (c.48); paragraphs 125(1) and (2) of Schedule 7 to the Policing and Crime Act 2009 (c.26); and paragraphs 277 and 292 of the Police Reform and Social Responsibility Act 2011 (c.13).

## *The poll*

### **Admission to polling station**

**26.**—(1) The presiding officer must exclude from the polling station everyone except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the Chief Counting Officer, the Regional Counting Officer (in the case of a polling station in a region for which a Regional Counting Officer is appointed) and the counting officer,
- (d) the referendum agents,
- (e) the polling agents appointed to attend at the polling station,
- (f) the clerks appointed to attend at the polling station,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act<sup>(29)</sup>,
- (h) the constables on duty, and
- (i) the companions of voters with disabilities attending at the polling station.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) No more than one polling agent may be admitted at the same time to a polling station on behalf of the same referendum agent.

(4) A constable or person employed by a counting officer may be admitted to vote in person elsewhere than at the polling station allotted under this Part only on production and surrender of a certificate (referred to in this Part as a “certificate as to employment on duty on the day of the poll”) that—

- (a) confirms that the person is a constable or, as the case may be, is employed by a counting officer,
- (b) is in the form set out in Form 16 in Schedule 4 (for a person in Great Britain) or Form 17 in that Schedule (for a person in Northern Ireland), and
- (c) is signed—
  - (i) in the case of a certificate for a person in Great Britain, by an officer of police of or above the rank of inspector or, as the case may be, by the counting officer, or
  - (ii) in the case of a certificate for a person in Northern Ireland, by an officer of the Police Service of Northern Ireland of or above the rank of chief inspector or, as the case may be, by the counting officer.

(5) A certificate surrendered under this regulation must be cancelled immediately.

(6) In the application of this regulation in England and Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).

### **Keeping of order in polling station**

**27.**—(1) It is the presiding officer’s duty to keep order at the officer’s polling station.

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<sup>(29)</sup> 2000 c.41. “2000 Act” is defined in section 11(1) of the 2015 Act. Sections 6A to 6D of the 2000 Act were inserted by section 29 of the Electoral Administration Act 2006 (c.22). There are amendments to sections 6A to 6D which are not relevant to these Regulations.

(2) If a person engages in misconduct in a polling station or fails to obey the presiding officer's lawful orders, the person may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable, or
- (b) by any other person authorised in writing by the counting officer to discharge this function.

(3) A person so removed may not, without the presiding officer's permission, re-enter the polling station that day.

(4) The powers conferred by this regulation may not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity to vote at that station.

### Sealing of ballot boxes

**28.**—(1) Immediately before the commencement of the poll, the presiding officer must show anyone present in the polling station that the ballot box is empty.

(2) The presiding officer must then—

- (a) lock the box (if it has a lock) and place his or her seal on it in a manner that prevents it from being opened without breaking the seal, and
- (b) place the box in his or her view for the receipt of ballot papers, and keep it so locked (if it has a lock) and sealed.

### Questions to be put to voters

**29.**—(1) When an application is made for a ballot paper (but not afterwards), the questions specified in the second column of the table following paragraph (4)—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and a referendum or polling agent requires the question to be put.

(2) In the case of a voter in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, references in the table to reading from the register are to be read as references to reading from that notice.

(3) A ballot paper must not be delivered to any person required to answer any of the questions in the table unless the person has answered each question satisfactorily.

(4) Except as authorised by this regulation, no inquiry is permitted as to the right of any person to vote.

<i>Person applying for ballot paper</i>	<i>Questions</i>
(1) A person applying as an elector	<ul style="list-style-type: none"> <li>(a) “Are you the person registered in the register of electors as follows (read out the whole entry from the register)?” [R]</li> <li>(b) “Have you already voted in the referendum on the United Kingdom’s membership of the European Union, here or elsewhere, otherwise than as proxy for some other person?” [R]</li> <li>(c) In Northern Ireland, “What is your date of birth?”</li> </ul>
(2) A person applying as proxy	<ul style="list-style-type: none"> <li>(a) “Are you the person whose name appears as A B in the list of proxies for the referendum on the United Kingdom’s membership of the European</li> </ul>

<i>Person applying for ballot paper</i>	<i>Questions</i>
	Union as entitled to vote as proxy on behalf of C D?" [R]
	(b) "Have you already voted in the referendum on the United Kingdom's membership of the European Union, here or elsewhere, as proxy on behalf of C D?" [R]
	(c) "Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C D?" [R]
(3) A person applying in England and Wales or Scotland as proxy for an elector with an anonymous entry (instead of the questions at entry (2))	(a) "Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (read out the number from the register)?" [R]
	(b) "Have you already voted in the referendum on the United Kingdom's membership of the European Union, here or elsewhere, as proxy on behalf of the elector whose number on the register of electors is (read out the number from the register)?" [R]
	(c) "Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number on the register of electors is (read out the number from the register)?" [R]
(4) Person applying as proxy if the question at entry (2)(c), or (3)(c) (if applicable), is not answered in the affirmative	"Have you already voted in the referendum on the United Kingdom's membership of the European Union on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild?" [R]
(5) A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) "Did you apply to vote by post?" (b) "Why have you not voted by post?"
(6) A person applying as proxy who is named in the proxy postal voters list	(a) "Did you apply to vote by post as proxy?" (b) "Why have you not voted by post as proxy?"

### Challenge of voter

**30.** A person is not to be prevented from voting by reason only that—

- (a) a referendum or polling agent declares that there is reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on suspicion of committing or of being about to commit an offence of personation.

### Voting procedure

**31.** A ballot paper must be delivered to a voter who applies for one, subject to any provision of this Part to the contrary.

**32.**—(1) In Northern Ireland a ballot paper must not be delivered to a voter unless the voter has produced a specified document to the presiding officer or a clerk.

(2) A clerk or presiding officer in Northern Ireland to whom a specified document is produced must not deliver a ballot paper to the voter if the clerk or officer decides that—

- (a) the document raises a reasonable doubt as to whether the voter is the elector or proxy he or she claims to be, or
- (b) the apparent age of the voter as compared with the date of birth supplied in pursuance of section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act<sup>(30)</sup> raises a reasonable doubt as to whether the voter is the elector or proxy he or she claims to be.

(3) Where such a decision is made by a clerk, the clerk must refer the case to the presiding officer, who must deal with it under this regulation as if the specified document had been produced to the officer in the first place.

The presiding officer must deal with the case in person (and accordingly regulation 19(3) does not apply).

(4) For the purposes of this regulation a specified document is one that for the time being falls within the following list—

- (a) a licence to drive a motor vehicle if the licence bears the photograph of the person to whom it is issued;
- (b) a passport issued by the Government of the United Kingdom or by the Government of the Republic of Ireland;
- (c) an electoral identity card, issued under section 13C of the 1983 Act<sup>(31)</sup>;
- (d) a Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (e) a Blind Person’s SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (f) a War Disabled SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (g) a 60+ SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st October 2008.

(5) In paragraph (4)(a) “licence to drive a motor vehicle” means a licence granted under—

- (a) Part 3 of the Road Traffic Act 1972<sup>(32)</sup> or Part 3 of the Road Traffic Act 1988<sup>(33)</sup>, or
- (b) the Road Traffic (Northern Ireland) Order 1981<sup>(34)</sup>,

and includes a Community licence within the meaning of those enactments.

(6) References in this regulation to producing a document are to producing it for inspection.

**33.**—(1) This regulation applies where there is a duty to deliver a ballot paper to a voter under regulation 31.

(2) Immediately before delivery of the ballot paper—

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<sup>(30)</sup> Section 10 was substituted, and sections 10A and 13A were inserted, by paragraphs 1, 4 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (4A) of section 10, subsection (1A) of section 10A and subsection (2A) of section 13A were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13). Section 10(4A) was amended by paragraph 9(1) and (6) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

<sup>(31)</sup> Section 13C was inserted by section 4 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13).

<sup>(32)</sup> 1972 c.20. This Act was repealed by the Road Traffic (Consequential Provisions) Act 1988 (c.54).

<sup>(33)</sup> 1988 c.52.

<sup>(34)</sup> S.I. 1981/154.



- (a) the number and (unless paragraph (3) applies) name of the elector as stated in the copy of the register of electors must be called out;
- (b) the number of the elector must be marked on the list mentioned in regulation 22(3)(d) beside the number of the ballot paper to be issued to the elector;
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.

(3) An elector who has an anonymous entry in a register maintained by a registration officer in Great Britain must show the presiding officer his or her official poll card and only the number is to be called out in pursuance of paragraph (2)(a).

(4) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act—

- (a) the reference in paragraph (2)(a) to the copy of the register of electors is to be read as a reference to the copy of the notice;
- (b) the reference in paragraph (2)(c) to a mark being placed in the register of electors is to be read as a reference to a mark being made on the copy of the notice.

**34.—**(1) Immediately after receiving a ballot paper the voter must—

- (a) proceed into one of the compartments in the polling station and there secretly mark the paper and fold it up so as to conceal the vote, and then
- (b) show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(2) The voter must vote without undue delay, and must leave the polling station as soon as he or she has put the ballot paper into the ballot box.

(3) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting is (despite the close of the poll) entitled to apply for a ballot paper under regulation 31; and this Part applies in relation to the voter accordingly.

#### **Votes marked by presiding officer**

**35.—**(1) This regulation applies where a voter applies to the presiding officer to mark the voter's ballot paper and the voter—

- (a) is incapacitated by blindness or other disability from voting in the manner directed by this Part, or
- (b) declares orally that he or she is unable to read.

(2) The presiding officer must, in the presence of the polling agents—

- (a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and
- (b) cause the ballot paper to be placed in the ballot box,

but in Northern Ireland this is subject to paragraph (3).

(3) In the case of a voter who makes an application in Northern Ireland under this regulation, regulation 32 applies as if the references to delivering a ballot paper were references to causing the voter's vote to be marked on the ballot paper.

(4) The name of every voter whose vote is marked in pursuance of this regulation must be entered on a list (called in this Part “the list of votes marked by the presiding officer”), together with—

- (a) the voter’s number on the register of electors, and
- (b) the reason for the vote being marked in pursuance of this regulation.

(5) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name is the elector’s number.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the reference in paragraph (4)(a) to the voter’s number on the register of electors is to be read as a reference to the number relating to the voter on the notice.

### **Voting by people with disabilities**

**36.**—(1) Paragraph (2) applies where a voter applies to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of an accompanying person (referred to in this Part as the “companion”).

(2) The presiding officer must grant the application if—

- (a) the voter makes an oral or written declaration that he or she is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance,
- (b) the presiding officer is satisfied that the voter is so incapacitated, and
- (c) the presiding officer is satisfied by a written declaration made by the companion (referred to in this Part as a “declaration made by the companion of a voter with disabilities”) that the companion—
  - (i) is a person qualified to assist the voter, and
  - (ii) has not previously assisted more than one voter with disabilities to vote in the referendum,

but in Northern Ireland this paragraph is subject to paragraph (3).

(3) In the case of a voter who makes an application in Northern Ireland under this regulation, regulation 32 applies as if the references to delivering a ballot paper were references to granting the voter’s application.

(4) For the purposes of paragraph (2)(c) a person is qualified to assist a voter with disabilities to vote if the person—

- (a) is entitled to vote as an elector in the referendum, or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(5) The declaration made by the companion—

- (a) must be in the form set out in Form 18 in Schedule 4 (for a companion in Great Britain) or Form 19 in that Schedule (for a companion in Northern Ireland),
- (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of the companion, and
- (c) must be given immediately to the presiding officer,

and the presiding officer must attest and retain the declaration.

(6) No fee or other payment may be charged in respect of the declaration.

(7) If the presiding officer grants an application under this regulation, anything which is by this Part required to be done to or by the voter in connection with the giving of his or her vote may be done to, or with the assistance of, the companion.

(8) The name of every voter whose vote is given in accordance with this regulation must be entered on a list (referred to in this Part as “the list of voters with disabilities assisted by companions”) together with—

- (a) the voter’s number on the register of electors, and
- (b) the name and address of the companion.

(9) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name is the elector’s number.

(10) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the reference in paragraph (8)(a) to the voter’s number on the register of electors is to be read as a reference to the number relating to the voter on the notice.

(11) For the purposes of this Part a person is a voter with disabilities if the person has made a declaration under this regulation.

### **Tendered ballot papers**

**37.**—(1) In the following cases a person is entitled to mark a ballot paper (referred to in this Part as a “tendered ballot paper”) in the same manner as any other voter if—

- (a) in cases 1 to 7, the person satisfactorily answers the questions permitted by law to be asked at the poll;
- (b) in case 8, the person satisfactorily answers the questions permitted by law to be asked at the poll other than the question at entry (1)(c) in the table in regulation 29.

Regulation 38 makes further provision about tendered ballot papers.

(2) Case 1 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims—
  - (i) to be a particular elector named on the register, and
  - (ii) not to be named in the postal voters list or the list of proxies, and
- (c) another person has already voted in person either as that elector or as proxy for that elector.

(3) Case 2 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims to be—
  - (i) a particular person named in the list of proxies as proxy for an elector, and
  - (ii) not entitled to vote by post as proxy, and
- (c) another person has already voted in person either as that elector or as proxy for that elector.

(4) Regulation 32 applies in relation to a voter in Northern Ireland who seeks to mark a tendered ballot paper in reliance on Case 1 or 2 as it applies in relation to a voter who applies for a ballot paper under regulation 31.

(5) Case 3 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims to be a particular elector named on the register,
- (c) the person is also named in the postal voters list, and
- (d) the person claims not to have made an application to vote by post.

(6) Case 4 is that—

- (a) a person applies for a ballot paper,
  - (b) the person claims to be a particular person named as a proxy in the list of proxies,
  - (c) the person is also named in the proxy postal voters list, and
  - (d) the person claims not to have made an application to vote by post as proxy.
- (7) Case 5 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
- (a) a person claims to be a particular elector named on the register and also named in the postal voters list, and
  - (b) the person claims to have lost or not received the postal ballot paper.
- (8) Case 6 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
- (a) a person claims to be a particular person named as a proxy in the list of proxies and also named in the proxy postal voters list, and
  - (b) the person claims to have lost or not received the postal ballot paper.
- (9) Case 7 is that—
- (a) a person applies for a ballot paper in Northern Ireland, and
  - (b) there has been a refusal under paragraph (2) of regulation 32 (including that paragraph as applied by regulation 35 or 36 or this regulation) by a presiding officer.
- (10) Case 8 is that—
- (a) a person applies for a ballot paper in Northern Ireland, and
  - (b) the person fails to answer the question at entry 1(c) in the table in regulation 29 satisfactorily.
- (11) In the case of an elector who has an anonymous entry, the references in this regulation to a person named on a register or list are to be read as references to a person whose number appears on the register or list (as the case may be).
- (12) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the references in this regulation to a person named on the register are to be read as references to a person in respect of whom such a notice has been issued.
- (13) This regulation does not apply in relation to an elector who has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland.
- 38.**—(1) Tendered ballot papers must be a different colour from the other ballot papers.
- (2) A person in Northern Ireland who marks a tendered ballot paper in reliance on Case 7 or 8 in regulation 37 must sign the paper, unless it is marked after an application was refused under regulation 35 or 36.
- (3) If a tendered ballot paper is required to be signed under paragraph (2) and the paper is not signed, the paper is void.
- (4) Tendered ballot papers must be given to the presiding officer instead of being put into the ballot box.
- (5) On receiving a tendered ballot paper from a voter the presiding officer must endorse it with the voter’s name and number on the register of electors.
- (6) The presiding officer must set tendered ballot papers aside in a separate packet.
- (7) The name and number on the register of electors of every voter whose vote is marked in pursuance of regulation 37 must be entered on a list (referred to in this Part as the “tendered votes list”) and the voter must sign the list opposite the entry relating to him or her.

(8) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name is the elector's number.

(9) In the case of an elector who has an anonymous entry, the references in paragraphs (5) and (7) to the name of the voter are to be ignored.

(10) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the references in paragraphs (5) and (7) to the voter's number on the register of electors are to be read as references to the number relating to the voter on the notice.

(11) This regulation does not apply in relation to an elector who has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland.

### **Tendered postal ballot papers: anonymous entries in Northern Ireland**

**39.**—(1) This regulation applies to a person (“P”) who—

(a) is an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland, or

(b) is entitled to vote by post as a proxy for such an elector,

and who claims to have lost, or not received, a postal ballot paper.

(2) P may apply to the counting officer for a replacement postal ballot paper (referred to in this Part as a “tendered postal ballot paper”).

(3) The application—

(a) may be made by post or in person,

(b) must be accompanied by a specified document within the meaning of regulation 32,

(c) must be delivered to the counting officer—

(i) where the application is made by post, before 4pm on the fourth day before the day of the poll, or

(ii) where the application is made in person, before 4pm on the day before the day of the poll.

(4) If the counting officer—

(a) is satisfied as to P's identity, and

(b) has no reason to doubt that P has lost, or not received, a postal ballot paper,

the counting officer must issue a tendered postal ballot paper to P in accordance with the relevant postal voting provisions.

(5) A tendered postal ballot paper must be of a different colour from the other ballot papers.

(6) P, if issued with a tendered postal ballot paper, may mark it, sign it, and send it to the counting officer, in the same manner as a postal ballot paper.

(7) A tendered postal ballot paper which has not been signed, or which does not meet the conditions in regulation 46(5) and (6), is void.

(8) On receipt of a tendered postal ballot paper, the counting officer must deal with it in accordance with the relevant postal voting provisions.

(9) The counting officer must—

(a) endorse each tendered postal ballot paper with the entry in the register of the elector in question, and

(b) set it aside in a separate packet of tendered postal ballot papers.

(10) The counting officer must add the entry in the register of the elector in question to a list (referred to in this Part as “the tendered postal votes list”).

(11) The counting officer must seal the packet of tendered postal ballot papers.

(12) This regulation applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act (alteration of registers in Northern Ireland: pending elections) as if—

- (a) in paragraph (1), for “in a register maintained” there were substituted “in respect of whom a notice under section 13BA(9) of the 1983 Act has been issued”, and
- (b) in paragraphs (9)(a) and (10), for “entry in the register of the elector in question” there were substituted “entry relating to the elector in question on a notice issued under section 13BA(9) of the 1983 Act”.

### **Refusal to deliver ballot paper**

**40.** A decision by a presiding officer taken under paragraph (2) of regulation 32, including that paragraph as applied by regulation 35, 36 or 37, is final (except that it is subject to review in proceedings brought by an application for judicial review).

### **Spoilt ballot papers**

**41.—**(1) This regulation applies if a voter has inadvertently dealt with his or her ballot paper in a manner which means that it cannot conveniently be used as a ballot paper and—

- (a) the voter delivers the ballot paper (referred to in this Part as “a spoilt ballot paper”) to the presiding officer, and
- (b) proves the fact of the inadvertence to the satisfaction of the officer.

(2) The voter may obtain a replacement ballot paper and the spoilt ballot paper must be cancelled immediately.

### **Correction of errors on day of poll**

**42.** The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) or 13BA(9) of the 1983 Act that takes effect on the day of the poll.

### **Adjournment of poll in case of riot**

**43.—**(1) Where the proceedings at a polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must give notice to the counting officer as soon as practicable.

(2) Where the poll is adjourned at a polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in this Part to the close of the poll are to be read accordingly.

### **Procedure on close of poll**

**44.—**(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of any polling agents, make up into separate packets—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key (if any) attached;

- (b) the unused and spoiled ballot papers placed together;
  - (c) the tendered ballot papers;
  - (d) the marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act) and of the list of proxies;
  - (e) the lists prepared under regulation 11, including the parts that were completed in accordance with regulation 33(2)(b) (together referred to in this Part as “the completed corresponding number lists”);
  - (f) the certificates as to employment on duty on the day of the poll;
  - (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under regulation 42, and the declarations made by the companions of voters with disabilities.
- (2) The marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act) and of the list of proxies must be in one packet and must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.
- (3) The packets must be sealed with—
- (a) the presiding officer’s seal, and
  - (b) the seals of any polling agents who want to affix their seals.
- (4) The presiding officer must deliver the packets, or cause them to be delivered, to the counting officer to be taken charge of by that officer.
- (5) If the packets are not delivered by the presiding officer personally to the counting officer, their delivery must be in accordance with arrangements approved by the counting officer.
- (6) The packets must be accompanied by a statement (referred to in this Part as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him or her, and accounting for them under the following heads—
- (a) ballot papers issued and not otherwise accounted for,
  - (b) unused ballot papers,
  - (c) spoiled ballot papers, and
  - (d) tendered ballot papers.

### *Counting of votes*

#### **Attendance at the count**

- 45.**—(1) The counting officer must make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll.
- (2) The counting officer must give the counting agents notice in writing of the time and place at which the counting of votes will begin.
- (3) A person may be present at the counting of the votes only if—
- (a) the person falls within paragraph (4), or
  - (b) the person is permitted by the counting officer to attend.
- (4) The persons within this paragraph are—

- (a) the Chief Counting Officer, the Regional Counting Officer (where the voting area is in a region for which a Regional Counting Officer is appointed) and the counting officer;
  - (b) the counting officer's clerks;
  - (c) the referendum agents;
  - (d) the counting agents;
  - (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act.
- (5) The counting officer may give a person permission under paragraph (3)(b) only if—
- (a) the officer is satisfied that the person's attendance will not impede the efficient counting of the votes, and
  - (b) the officer has consulted the referendum agents or thinks it impracticable to do so.
- (6) The counting officer must give the counting agents—
- (a) whatever reasonable facilities for overseeing the proceedings, and
  - (b) whatever information with respect to the proceedings,

the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.

(7) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted.

### **The count**

- 46.**—(1) The counting officer must—
- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
  - (b) in the presence of the referendum agents verify each ballot paper account;
  - (c) count the postal ballot papers that have been duly returned and record the number counted.
- (2) The counting officer must not count the votes given on any ballot papers until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
  - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (3) In England and Wales and Scotland, a postal ballot paper is not to be taken to be duly returned unless—
- (a) it is returned in the manner prescribed by the relevant postal voting provisions and reaches the counting officer or a polling station in the appropriate area before the close of the poll,
  - (b) the postal voting statement, duly signed, is also returned in the manner prescribed by the relevant postal voting provisions and reaches the counting officer or such a polling station before that time,
  - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
  - (d) in a case where an elector's or proxy's date of birth and signature are to be verified in accordance with the relevant postal voting provisions, the counting officer verifies the date of birth and signature of the elector or proxy (as the case may be).

In paragraph (a) "the appropriate area" means the voting area containing the address in respect of which the elector is registered.



(4) A postal ballot paper or postal voting statement that reaches the counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (3) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.

(5) In Northern Ireland a postal ballot paper is not to be taken to be duly returned unless—

- (a) it is returned in the proper envelope so as to reach the counting officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated, and
- (b) in the case of an elector, the declaration of identity states the elector's date of birth and the counting officer is satisfied that the date stated corresponds with the date supplied as the elector's date of birth in pursuance of section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act.

(6) In the case of an elector in Northern Ireland, unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act<sup>(35)</sup> applies, the declaration of identity referred to in paragraph (5) is not to be taken to be duly signed unless the counting officer is satisfied that the signature on the declaration corresponds with the signature supplied as the elector's signature in pursuance of section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of that Act.

(7) The counting officer must not count any tendered ballot papers or (in Northern Ireland) tendered postal ballot papers.

(8) The counting officer, while counting and recording the number of ballot papers and counting the votes, must—

- (a) keep the ballot papers with their faces upwards, and
- (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.

(9) The counting officer must—

- (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list and, in Northern Ireland, the tendered postal votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the lists);
- (b) draw up a statement as to the result of the verification.

(10) Any counting agent present at the verification may copy the statement drawn up under paragraph (9)(b).

(11) Once the statement is drawn up the counting officer must—

- (a) in the case of a voting area in a region for which a Regional Counting Officer is appointed, inform the Regional Counting Officer of the contents of the statement;
- (b) in the case of any other voting area, inform the Chief Counting Officer of the contents of the statement.

(12) The counting officer must so far as practicable proceed continuously with the counting of votes, allowing only time for refreshment, except that—

- (a) the officer may, with the agreement of the counting agents, exclude the whole or any part of the period between 7pm and 9am on the next day;
- (b) the officer may exclude a day mentioned in regulation 7(1).

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<sup>(35)</sup> Section 10 was substituted, and sections 10A and 13A were inserted, by paragraphs 1, 4 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (4B) of section 10, subsection (1B) of section 10A and subsection (2B) of section 13A were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13). Sections 10(4B) and 10A(1B) were amended by paragraphs 104, 105 and 106 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

(13) During the time so excluded the counting officer must—

- (a) place the ballot papers and other documents relating to the referendum under the officer's own seal and the seals of any of the counting agents who want to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

(14) For the purposes of paragraph (12)(a) the agreement of a referendum agent is effective as the agreement of his or her counting agents.

### Re-count

47.—(1) A person within paragraph (2) who is present at the completion of the counting (or any re-count) of the votes in a voting area may require the counting officer to have the votes for that area re-counted (or again re-counted), but the counting officer may refuse to do so if in the officer's opinion the requirement is unreasonable.

(2) The persons within this paragraph are—

- (a) referendum agents;
- (b) counting agents who, in relation to the count (or re-count), are designated under regulation 23(2).

(3) No step is to be taken on the completion of the counting (or any re-count) of the votes until the persons within paragraph (2) present at its completion have been given a reasonable opportunity to exercise the right conferred by this regulation.

(4) A counting officer may not conduct a re-count once a direction has been given under regulation 49(3)(b).

### Rejected ballot papers

48.—(1) Any ballot paper—

- (a) that does not bear the official mark, or
- (b) on which a vote is given for both answers to the referendum question, or
- (c) on which anything is written or marked by which the voter can be identified (except the printed number and other unique identifying mark on the back), or
- (d) which is unmarked or does not indicate the voter's intention with certainty,

is void and not to be counted.

(2) But a ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

is not to be treated as void for that reason if the voter's intended answer to the referendum question is apparent, and the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified by it.

(3) The counting officer must endorse the word "rejected" on any ballot paper which under this regulation is not to be counted, and must add to the endorsement the words "rejection objected to" if an objection is made by a counting agent to the officer's decision.

(4) The counting officer must draw up a statement showing the number of ballot papers rejected under each of the following heads—

- (a) no official mark;
- (b) both answers voted for;

- (c) writing or mark by which voter could be identified;
  - (d) unmarked or void for uncertainty.
- (5) Once the statement is drawn up the counting officer must—
- (a) in the case of a voting area in a region for which a Regional Counting Officer is appointed, inform the Regional Counting Officer of the contents of the statement;
  - (b) in the case of any other voting area, inform the Chief Counting Officer of the contents of the statement.

### **Direction to conduct re-count**

**49.**—(1) On the completion of the counting of the votes (including any re-count under regulation 47), and on the completion of any re-count under this regulation, the counting officer must draw up a statement showing—

- (a) the total number of ballot papers counted, and
  - (b) the number of votes cast in favour of each answer to the question asked in the referendum.
- (2) Once the statement is drawn up the counting officer must—
- (a) in the case of a voting area in a region for which a Regional Counting Officer is appointed, inform the Regional Counting Officer of the contents of the statement;
  - (b) in the case of any other voting area, inform the Chief Counting Officer of the contents of the statement.
- (3) The Regional Counting Officer or Chief Counting Officer must then either—
- (a) direct the counting officer to have the votes re-counted, or
  - (b) direct the counting officer to make the certification under section 128(5) of the 2000 Act.
- (4) The Regional Counting Officer or Chief Counting Officer may give a direction under paragraph (3)(a) only if the officer thinks that there is reason to doubt the accuracy of the counting of the votes in the counting officer's voting area.
- (5) A counting officer who is given a direction under paragraph (3)(a) must—
- (a) begin the re-count as soon as practicable, and
  - (b) if the officer does not begin the re-count immediately, notify the counting agents of the time and place at which it will take place.
- (6) A counting officer may not make the certification under section 128(5) of the 2000 Act until directed to do so under paragraph (3)(b).

### **Decisions on ballot papers**

**50.** The decision of the counting officer on any question arising in respect of a ballot paper is final (subject to review in accordance with paragraph 19 of Schedule 3 to the 2015 Act).

### *Final proceedings*

### **Declaration by counting officers**

**51.**—(1) This regulation applies to the counting officer for a voting area in a region for which a Regional Counting Officer is appointed.

(2) After making the certification under section 128(5) of the 2000 Act, the counting officer must—

- (a) immediately give to the Regional Counting Officer notice of the matters certified;
  - (b) as soon as practicable give to the Regional Counting Officer notice of the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (3) When authorised to do so by the Regional Counting Officer, the counting officer must—
- (a) make a declaration of the matters certified under section 128(5) of the 2000 Act;
  - (b) give public notice of the matters certified together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

**52.**—(1) This regulation applies to—

- (a) the counting officer for Northern Ireland;
  - (b) the counting officer for a voting area in a region for which no Regional Counting Officer is appointed.
- (2) After making the certification under section 128(5) of the 2000 Act, the counting officer must—
- (a) immediately give to the Chief Counting Officer notice of the matters certified;
  - (b) as soon as practicable give to the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (3) When authorised to do so by the Chief Counting Officer, the counting officer must—
- (a) make a declaration of the matters certified under section 128(5) of the 2000 Act;
  - (b) give public notice of the matters certified together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

#### **Declaration by Regional Counting Officers**

**53.**—(1) After making the certification under paragraph 7(4) of Schedule 3 to the 2015 Act, a Regional Counting Officer must—

- (a) immediately give to the Chief Counting Officer notice of the matters certified;
  - (b) as soon as practicable give to the Chief Counting Officer notice of the number of rejected ballot papers for the region under each head shown in the statements of rejected ballot papers.
- (2) When authorised to do so by the Chief Counting Officer, a Regional Counting Officer must—
- (a) make a declaration of the matters certified under paragraph 7(4) of Schedule 3 to the 2015 Act;
  - (b) give public notice of the matters certified together with the number of rejected ballot papers for the region under each head shown in the statements of rejected ballot papers.

#### **Declaration of referendum result by Chief Counting Officer**

**54.** After making the certification under section 128(6) of the 2000 Act, the Chief Counting Officer must—

- (a) immediately make a declaration of the matters certified under that provision;
- (b) as soon as practicable give public notice of the matters certified together with the number of rejected ballot papers under each head shown in the statements of rejected ballot papers.

## *Disposal of documents*

### **Sealing up of ballot papers**

**55.**—(1) On the completion of the counting the counting officer must seal up in separate packets—

- (a) the counted ballot papers, and
  - (b) the rejected ballot papers.
- (2) The counting officer may not open the sealed packets of—
- (a) tendered ballot papers,
  - (b) tendered postal ballot papers (in Northern Ireland),
  - (c) the completed corresponding number lists,
  - (d) certificates as to employment on duty on the day of the poll, or
  - (e) marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act) and lists of proxies.

### **Delivery or retention of documents**

**56.**—(1) The counting officer must endorse on each of the sealed packets a description of its contents and the name of the voting area and must—

- (a) in the case of a counting officer for a voting area in England and Wales, forward the documents specified in paragraph (2) to the registration officer of the local authority in whose area that voting area is situated;
  - (b) in the case of a counting officer for a voting area in Scotland or the counting officer for Northern Ireland, retain the documents.
- (2) The documents referred to above are—
- (a) the packets of ballot papers;
  - (b) the ballot paper accounts and the statements of—
    - (i) rejected ballot papers, and
    - (ii) the result of the verification of the ballot paper accounts;
  - (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under regulation 42 and the declarations made by the companions of voters with disabilities;
  - (d) in the case of the counting officer for Northern Ireland, the tendered postal votes list;
  - (e) the packets of the completed corresponding number lists;
  - (f) the packets of certificates as to employment on duty on the day of the poll;
  - (g) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act) and marked copies of the postal voters list, of lists of proxies and of the proxy postal voters list;
  - (h) any other documents prescribed for the purposes of this paragraph by the relevant postal voting provisions.
- (3) In paragraph (1) “local authority” has the same meaning as in paragraph 6 of Schedule 3 to the 2015 Act.

### Orders for production of documents

57.—(1) The High Court or county court or, in the case of a voting area in Scotland, the Court of Session or sheriff, may make an order—

- (a) for the inspection or production of any rejected ballot papers in the custody of a registration officer or (as the case may be) a counting officer,
- (b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll, or
- (c) for the inspection of any counted ballot papers in the officer's custody,

if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of proceedings brought as mentioned in paragraph 19 of Schedule 3 to the 2015 Act.

(2) An order under this regulation may be made subject to whatever conditions the court or sheriff thinks expedient as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection, or
- (d) production or opening.

(3) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates or for the inspection of counted ballot papers, care must be taken to avoid disclosing the way in which the vote of any particular voter has been given until it has been proved—

- (a) that the vote was given, and
- (b) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of the county court under this regulation, and to the Court of Session from any order of the sheriff under this regulation.

(5) A power given under this regulation to a court (other than a county court in Northern Ireland) or the sheriff may be exercised by any judge of the court, or by the sheriff, otherwise than in open court.

(6) A power given under this regulation to a county court in Northern Ireland may be exercised in whatever manner rules of court provide.

(7) Where an order is made for the production by a registration officer or a counting officer of a document in the officer's possession relating to the referendum—

- (a) the production by the officer or the officer's agent of the document ordered in the manner directed by the order is conclusive evidence that the document relates to the referendum;
- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at the referendum, and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry on the register of electors (or on a notice issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act) at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b).

- (9) Except as provided by this regulation (or a court order) nobody may—
- (a) inspect any rejected or counted ballot papers in the possession of a registration officer or counting officer, or
  - (b) open any sealed packets of the completed corresponding number lists or of certificates.

### **Retention and public inspection of documents**

**58.**—(1) A registration officer or (as the case may be) counting officer must retain for a year all documents relating to the referendum and then, unless otherwise directed by an order of a competent court, must have them destroyed.

- (2) For the purposes of paragraph (1) a competent court is—
- (a) in relation to a registration officer in England and Wales, the High Court, the Crown Court or a magistrates' court;
  - (b) in relation to a counting officer in Scotland, the Court of Session;
  - (c) in relation to the counting officer for Northern Ireland, the High Court.
- (3) While documents are retained under paragraph (1) they must be open to public inspection.

This does not apply to—

- (a) ballot papers;
  - (b) the completed corresponding number lists;
  - (c) certificates as to employment on duty on the day of the poll.
- (4) The registration officer or (as the case may be) counting officer must, on request, supply to any person copies of or extracts from any description of the documents open to public inspection that is prescribed by the relevant regulations.
- (5) A right to inspect or be supplied with a document or part of a document under this regulation is subject to—
- (a) any conditions imposed by the relevant regulations, and
  - (b) the payment of any fee required by the relevant regulations.

## **PART 3**

### **ABSENT VOTING IN THE REFERENDUM IN THE UNITED KINGDOM**

#### **CHAPTER 1**

#### **GREAT BRITAIN**

### **Overview and interpretation**

**59.**—(1) This Chapter of this Part contains provision about voting in the referendum in England and Wales and Scotland.

- (2) In this Chapter of this Part **(36)**—
- “anonymous entry”, in relation to a register of electors, is to be read in accordance with section 9B of the 1983 Act **(37)**;

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**(36)** Other terms used in this Chapter are defined in section 11 of the 2015 Act.

**(37)** Section 9B was inserted by section 10(1) of the Electoral Administration Act 2006 (c.22) and was amended by section 20(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); paragraphs 1 and 7 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6); and article 3 of S.I. 2014/1116.

“peer” means a peer who is a member of the House of Lords;

“relevant register” means—

- (a) a register of parliamentary electors, or
- (b) in relation to a peer—
  - (i) a register of local government electors, or
  - (ii) a register of peers maintained under section 3 of the Representation of the People Act 1985<sup>(38)</sup> (peers resident outside the United Kingdom);

“the relevant regulations”—

- (a) in relation to England and Wales, means the Representation of the People (England and Wales) Regulations 2001<sup>(39)</sup> as applied by Part 1 of Schedule 3;
- (b) in relation to Scotland, means the Representation of the People (Scotland) Regulations 2001<sup>(40)</sup> as so applied;

“the RPA 2000” means the Representation of the People Act 2000<sup>(41)</sup>.

### **Manner of voting in the referendum**

**60.**—(1) This regulation applies to determine the manner of voting in England and Wales or Scotland of a person entitled to vote in the referendum.

(2) The person may vote in person at the polling station allotted to him or her under Part 2, unless the person is entitled to vote by post or by proxy in the referendum.

(3) The person may vote by post if the person is entitled to vote by post in the referendum.

(4) If the person is entitled to vote by proxy in the referendum, the person may so vote unless, before a ballot paper has been issued for the person to vote by proxy, the person applies at the polling station allotted to him or her under Part 2 for a ballot paper for the purpose of voting in person, in which case he or she may vote in person there.

(5) If the person is not entitled to vote by post or by proxy in the referendum, the person may vote in person at any polling station in the same voting area as the polling station allotted to him or her under Part 2 if paragraph (6) applies.

(6) This paragraph applies if the person cannot reasonably be expected to go in person to the polling station allotted to him or her under Part 2 by reason of his or her employment on the date of the poll for a purpose connected with the referendum, if that employment is—

- (a) as a constable or as a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees), or
- (b) by the counting officer.

(7) Nothing in this regulation applies to a person to whom section 7 of the 1983 Act<sup>(42)</sup> (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether the person is registered by virtue of that provision or not; and such a person may vote—

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<sup>(38)</sup> Section 3 was substituted by paragraphs 1 and 4 of Schedule 2 to the Representation of the People Act 2000 (c.2).

<sup>(39)</sup> S.I. 2001/341. Relevant amendments were made by paragraph 2 of Schedule 1 to the Counter-Terrorism Act 2008 (c.28); S.I. 2001/1700; 2002/1871; 2006/752; 2006/2910; 2007/1025; 2008/1901; 2011/2085; 2013/591; 2013/3198; 2014/1234; 2014/3161; 2014/3163; 2015/467; 2015/643; and 2015/1376.

<sup>(40)</sup> S.I. 2001/497. Relevant amendments were made by paragraph 2 of Schedule 1 to the Counter-Terrorism Act 2008 (c.28); S.I. 2001/1749; 2002/1872; 2006/834; 2007/925; 2008/305; 2008/1901; 2010/980; 2011/2085; 2013/591; 2013/3206; 2015/450; and 2015/1376.

<sup>(41)</sup> 2000 c.2.

<sup>(42)</sup> Section 7 was substituted by section 4 of the Representation of the People Act 2000 (c.2). It was amended by section 12(1) of the Electoral Administration Act 2006 (c.22); paragraphs 1 and 2 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6); paragraph 1 of Schedule 1 to S.I. 2005/2078; and paragraph 12 of Schedule 1 to S.S.I. 2005/465.



- (a) in person (where the person is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or
- (b) by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the referendum).

(8) Nothing in this paragraph applies to a person to whom section 7A of the 1983 Act<sup>(43)</sup> (persons remanded in custody) applies, whether the person is registered by virtue of that provision or not; and such a person may vote only by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the referendum).

(9) Paragraph (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of regulation 37.

### **Entitlement to vote by post or by proxy**

**61.**—(1) A person entitled to vote in the referendum is entitled to vote by post or by proxy if paragraph (2) or (3) (as the case may be) applies to the person.

(2) This paragraph applies to a person who is shown in the postal voters list mentioned in regulation 63(2) as entitled to vote by post in the referendum.

(3) This paragraph applies to a person who is shown in the list of proxies mentioned in regulation 63(3) as entitled to vote by proxy in the referendum.

### **Application to vote by post or by proxy in the referendum**

**62.**—(1) Where a person applies to the registration officer to vote by post in the referendum, the registration officer must grant the application if—

- (a) the officer is satisfied that the applicant is or will be registered in a relevant register, and
- (b) the application contains the applicant's signature and date of birth and meets the requirements prescribed by the relevant regulations.

(2) Where a person applies to the registration officer to vote by proxy in the referendum, the registration officer must grant the application if—

- (a) the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under Part 2,
- (b) the officer is satisfied that the applicant is or will be registered in a relevant register, and
- (c) the application contains the applicant's signature and date of birth and meets the requirements prescribed by the relevant regulations.

(3) Where a person—

- (a) has an anonymous entry in a relevant register, and
- (b) applies to the registration officer to vote by proxy in the referendum,

the registration officer must grant the application if it meets the requirements prescribed by the relevant regulations.

(4) Nothing in paragraph (1), (2) or (3) applies to—

- (a) a person who is included in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 (absent vote at elections for definite or indefinite period) in respect of parliamentary elections,

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<sup>(43)</sup> Section 7A was inserted by section 5 of the Representation of the People Act 2000 (c.2). It was amended by section 12(2) of the Electoral Administration Act 2006 (c.22); paragraphs 1 and 3 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6); paragraph 1 of Schedule 1 to S.I. 2005/2078; and paragraph 12 of Schedule 1 to S.S.I. 2005/465.

- (b) a peer who is included in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 (absent vote at elections for definite or indefinite period) in respect of local government elections, or
- (c) a peer who is included in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004(44) (absent vote at elections for definite or indefinite period).
- (5) But if a person is included in a record mentioned in paragraph (4) and is shown in the record as voting by post, the person may, in respect of the referendum, apply to the registration officer—
- (a) for his or her ballot paper to be sent to a different address from that shown in the record, or
- (b) to vote by proxy.
- (6) The registration officer must grant an application under paragraph (5) if—
- (a) (in the case of any application) it meets the requirements prescribed by the relevant regulations, and
- (b) (in the case of an application to vote by proxy) the registration officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under Part 2.
- (7) The registration officer may dispense with the requirement under paragraph (1)(b) or (2)(c) for the applicant to provide a signature if the officer is satisfied that the applicant—
- (a) is unable to provide a signature because of any disability the applicant has,
- (b) is unable to provide a signature because the applicant is unable to read or write, or
- (c) is unable to sign in a consistent and distinctive way because of any such disability or inability.
- (8) The registration officer must keep a record of those whose applications under this paragraph have been granted, showing—
- (a) their dates of birth, and
- (b) except in cases where the registration officer in pursuance of paragraph (7) has dispensed with the requirement to provide a signature, their signatures.
- (9) The record kept under paragraph (8) must be retained by the registration officer for the period of twelve months beginning with the date of the poll for the referendum.

### Absent voters lists

**63.**—(1) The registration officer must, for the purposes of the referendum, keep the two special lists mentioned in paragraphs (2) and (3) respectively.

(2) The first of those lists is a list (“the postal voters list”) of those within column 2 of the following table, together with the addresses provided as mentioned in column 3 as the addresses to which their ballot papers are to be sent.

	<i>Description of person voting by post</i>	<i>Address</i>
1	A person whose application under regulation 62(1) to vote by post in the referendum has been granted.	Address provided in the person's application under regulation 62(1).

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(44) S.I. 2004/293, amended by S.I. 2005/2114, S.I. 2009/186, S.I. 2013/2876, S.I. 2015/459; there are other amending instruments but none is relevant.

	<i>Description of person voting by post</i>	<i>Address</i>
2	A person who— (a) is entitled to vote in the referendum and in a poll that is taken together with the referendum, (b) is included in the postal voters list for that poll, and (c) is not within entry 1 in this table or entry 1 in the table in paragraph (3).	Address provided in the application that gave rise to the person being included in the postal voters list or, if the person is included in more than one, the address provided in the latest of those applications.
3	A person who— (a) is for the time being shown in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 as voting by post at parliamentary elections, and (b) is not within entry 1 or 2 of this table or entry 1 or 2 in the table in paragraph (3).	Address provided in the person’s application under paragraph 3 of Schedule 4 to the RPA 2000 or (as the case may be) regulation 62(5)(a).
4	A peer who— (a) is for the time being shown in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 as voting by post at local government elections, (b) is not for the time being shown in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 as voting by post, or was included in that record before being included in the record mentioned in paragraph (a) above, and (c) is not within entry 1 or 2 of this table or entry 1 or 2 in the table in paragraph (3).	Address provided in the peer’s application under paragraph 3 of Schedule 4 to the RPA 2000 or (as the case may be) regulation 62(5)(a).
5	A peer who— (a) is for the time being shown in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 as voting by post, (b) is not for the time being shown in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 as voting by post at local government elections, or was included in that record before being included in the record mentioned in paragraph (a) above, and (c) is not within entry 1 or 2 in this table or entry 1 or 2 in the table in paragraph (3).	Address provided in the peer’s application under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 or (as the case may be) regulation 62(5)(a).

(3) The second of the lists mentioned in paragraph (1) is a list (“the list of proxies”) of those within column 2 of the following table, together with the names and addresses of their proxies appointed as mentioned in column 3.

	<i>Description of person voting by proxy</i>	<i>Proxy</i>
1	A person (not within entry 1 in the table in paragraph (2)) whose application under regulation 62(2), (3) or (5)(b) to vote by proxy in the referendum has been granted.	Proxy appointed under regulation 64.
2	A person who— (a) is entitled to vote in the referendum and in a poll that is taken together with the referendum,	Proxy appointed for the purposes of that poll or, if there is more than one, the

	<i>Description of person voting by proxy</i>	<i>Proxy</i>
	(b) is included in the list of proxies for that poll, and (c) is not within entry 1 in this table or entry 1 or 2 in the table in paragraph (2).	proxy appointed for the poll in respect of which the latest of the person's applications to vote by proxy was made.
3	A person who— (a) is for the time being shown in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 as voting by proxy at parliamentary elections, and (b) is not within entry 1 or 2 of this table or entry 1 or 2 in the table in paragraph (2).	Proxy appointed under paragraph 6 of Schedule 4 to the RPA 2000 for parliamentary elections.
4	A peer who— (a) is for the time being shown in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 as voting by proxy at local government elections, (b) is not for the time being shown in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 as voting by proxy, or was included in that record before being included in the record mentioned in paragraph (a) above, and (c) is not within entry 1 or 2 of this table or entry 1, 2 or 5 in the table in paragraph (2).	Proxy appointed under paragraph 6 of Schedule 4 to the RPA 2000 for local government elections.
5	A peer who— (a) is for the time being shown in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 as voting by proxy, (b) is not for the time being shown in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 as voting by proxy at local government elections, or was included in that record before being included in the record mentioned in paragraph (a) above, and (c) is not within entry 1 or 2 in this table or entry 1, 2 or 4 in the table in paragraph (2).	Proxy appointed under paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations 2004.

(4) In the case of a person who has an anonymous entry in a register, the postal voters list or list of proxies (as the case may be) must show in relation to the person only—

- (a) his or her electoral number, and
- (b) the period for which the anonymous entry has effect.

### **Proxies**

**64.**—(1) Subject to what follows, any person is capable of being appointed under this paragraph to vote as proxy for another (the “principal”) in the referendum.

(2) The principal cannot have more than one person at a time appointed as proxy to vote for him or her in the referendum.

(3) A person is capable of being appointed to vote as proxy only if—

- (a) the person is not subject to any legal incapacity (age apart) to vote in the referendum in his or her own right, and
- (b) the person is or will on the date of the poll for the referendum be registered in a relevant register.

(4) Where the principal applies to the registration officer for the appointment of a proxy under this regulation, the registration officer must make the appointment if the application meets the requirements prescribed by the relevant regulations and the officer is satisfied that the principal is or will be—

- (a) registered in a relevant register, and
- (b) entitled to vote by proxy in the referendum by virtue of an application under regulation 62(2), (3) or (5)(b),

and that the proxy is capable of being, and willing to be, appointed.

(5) The appointment of a proxy under this paragraph is to be made by means of a proxy paper issued by the registration officer in the form set out in Form 20 in Schedule 4.

(6) The appointment may be cancelled by the principal by giving notice to the registration officer and also ceases to be in force on the issue of a proxy paper appointing a different person under this paragraph to vote for the principal in the referendum.

**65.**—(1) Subject to what follows, where a relevant proxy appointment is in force, the person appointed is entitled to vote as proxy for the person for whom the appointment was made (the “principal”).

(2) In paragraph (1) “relevant proxy appointment” means—

- (a) in relation to a principal who is included in the list of proxies by virtue of entry 1 in the table in regulation 63(3), an appointment under regulation 64;
- (b) in relation to a principal who is included in the list of proxies by virtue of entry 2 in that table, the appointment of the person mentioned in column 3 of that entry;
- (c) in relation to a principal who is included in the list of proxies by virtue of entry 3 in that table, an appointment under paragraph 6 of Schedule 4 to the RPA 2000 for parliamentary elections;
- (d) in relation to a principal who is a peer included in the list of proxies by virtue of entry 4 in that table, an appointment under paragraph 6 of Schedule 4 to the RPA 2000 for local government elections;
- (e) in relation to a principal who is a peer included in the list of proxies by virtue of entry 5 in that table, an appointment under paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations 2004.

(3) A person is capable of voting as proxy in the referendum only if—

- (a) the person is not subject to any legal incapacity (age apart) to vote in the referendum in his or her own right, and
- (b) the person is registered in a relevant register.

(4) A person is not capable of voting as proxy in the referendum unless on the date of the poll the person has attained the age of 18.

(5) A person is not entitled to vote as proxy in the referendum on behalf of more than two others of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

## Voting as proxy

66.—(1) A person entitled to vote as proxy for another (the “principal”) in the referendum may do so in person at the polling station allotted to the principal under Part 2 unless the proxy is entitled to vote by post as proxy for the principal in the referendum, in which case the proxy may vote by post.

(2) Where a person is entitled to vote by post as proxy for the principal in the referendum, the principal may not apply for a ballot paper for the purpose of voting in person in the referendum.

(3) For the purposes of this Chapter of this Part and the 1983 Act a person entitled to vote as proxy for another in the referendum is entitled so to vote by post if the person is included in the list kept under paragraph (6).

(4) Where a person applies to the registration officer to vote by post as proxy in the referendum the officer must grant the application if—

- (a) the officer is satisfied that the principal is or will be registered in a relevant register,
- (b) the applicant is the subject of a relevant proxy appointment within the meaning of regulation 65(2), and
- (c) the application contains the applicant’s signature and date of birth and meets the requirements prescribed by the relevant regulations.

(5) A person who is the subject of a relevant proxy appointment within the meaning of regulation 65(2)(b), (c) or (d) and who—

- (a) is included in the record kept under paragraph 7(6) of Schedule 4 to the RPA 2000 (record of proxies who have applied to vote by post) in respect of parliamentary elections,
- (b) is included in the record kept under paragraph 7(6) of Schedule 4 to the RPA 2000 (record of proxies who have applied to vote by post) in respect of local government elections, or
- (c) is included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (record of proxies who have applied to vote by post),

may apply to the registration officer for his or her referendum ballot paper to be sent to a different address from that shown in the record, and the officer must grant the application if it meets the requirements prescribed by the relevant regulations.

(6) The registration officer must, in respect of the referendum, keep a special list (“the proxy postal voters list”) of those within column 2 of the following table, together with the addresses provided as mentioned in column 3 as the addresses to which their ballot papers are to be sent.

	<i>Description of proxy postal voters</i>	<i>Address</i>
1	A proxy whose application under paragraph (4) has been granted.	Address provided in the proxy’s application under paragraph (4).
2	A proxy who— (a) was appointed as mentioned in column 3 of entry 2 in the table in regulation 63(3) for a person mentioned in column 2 of that entry, and (b) is included in the proxy postal voters list for the poll in respect of which that appointment was made.	Address provided in the proxy’s application to vote by post as proxy in that poll.
3	A proxy who— (a) was appointed as mentioned in column 3 of entry 3 in the table in regulation 63(3) for a person mentioned in column 2 of that entry, and	Address provided in the proxy’s application under paragraph 7(4)(a) of Schedule 4 to the RPA 2000

	<i>Description of proxy postal voters</i>	<i>Address</i>
	(b) is for the time being included in the record kept under paragraph 7(6) of Schedule 4 to the RPA 2000 (record of proxies who have applied to vote by post).	or (as the case may be) paragraph (5) above.
4	A proxy who— (a) was appointed as mentioned in column 3 of entry 4 in the table in regulation 63(3) for a peer mentioned in column 2 of that entry, and (b) is for the time being included in the record kept under paragraph 7(6) of Schedule 4 to the RPA 2000 (record of proxies who have applied to vote by post).	Address provided in the proxy's application under paragraph 7(4)(a) of Schedule 4 to the RPA 2000 or (as the case may be) paragraph (5) above.
5	A proxy who— (a) was appointed as mentioned in column 3 of entry 5 in the table in regulation 63(3) for a peer mentioned in column 2 of that entry, and (b) is for the time being included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004.	Address provided in the proxy's application under paragraph 7(4)(a) of Schedule 2 to the European Parliamentary Elections Regulations 2004 or (as the case may be) paragraph (5) above.

(7) In the case of a person who has an anonymous entry in a register, the special list mentioned in paragraph (6) must contain only—

- (a) the person's electoral number, and
- (b) the period for which the anonymous entry has effect.

(8) Paragraph (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of regulation 37.

(9) The registration officer may dispense with the requirement under paragraph (4)(c) for the applicant to provide a signature if the officer is satisfied that the applicant—

- (a) is unable to provide a signature because of any disability the applicant has,
- (b) is unable to provide a signature because the applicant is unable to read or write, or
- (c) is unable to sign in a consistent and distinctive way because of any such disability or inability.

(10) The registration officer must also keep a record in relation to those whose applications under paragraph (4) have been granted showing—

- (a) their dates of birth, and
- (b) except in cases where the registration officer in pursuance of paragraph (9) has dispensed with the requirement to provide a signature, their signatures.

(11) The record kept under paragraph (10) must be retained by the registration officer for the period of twelve months beginning with the date of the poll for the referendum.

### **Use of personal identifier information**

67. The registration officer must either—

- (a) provide the counting officer with a copy of the information contained in records kept by the registration officer in pursuance of—

- (i) paragraphs 3(9) and 7(12) of Schedule 4 to the RPA 2000 (dates of birth and signatures of certain electors and proxies) in relation to persons entitled to vote in the referendum,
  - (ii) paragraphs 3(9) and 7(13) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (dates of birth and signatures of certain electors and proxies) in relation to peers entitled to vote in the referendum, and
  - (iii) regulations 62(8) and 66(10), or
- (b) give the counting officer access to such information.

**68.** Information contained in records kept by a registration officer in pursuance of regulation 62(8) or 66(10) may be disclosed by the officer to—

- (a) any other registration officer if the officer thinks that to do so will assist the other registration officer in the performance of his or her duties;
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under the 2015 Act or the Representation of the People Acts.

## Offences

**69.**—(1) If a person—

- (a) in any declaration or form used for any of the purposes of this Chapter of this Part, makes a statement knowing it to be false, or
- (b) attests an application under regulation 62 knowing—
  - (i) that he or she is not authorised to do so, or
  - (ii) that it contains a statement which is false,

that person commits an offence.

(2) A person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland, to a fine not exceeding level 5 on the standard scale.

(3) If a person provides false information in connection with an application under regulation 62(1) or (2) or 66(4), that person commits an offence.

(4) In relation to a signature, “false information” for the purposes of paragraph (3), means a signature which—

- (a) is not the usual signature of, or
- (b) was written by a person other than,

the person whose signature it purports to be.

(5) A person does not commit an offence under paragraph (3) if the person did not know, and had no reason to suspect, that the information was false.

(6) Where sufficient evidence is adduced to raise an issue with respect to the defence under paragraph (5), the court is to assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(7) A person guilty of an offence under paragraph (3) is liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or to a fine, or to both;
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.



(8) The reference in paragraph (7)(a) to 51 weeks is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003<sup>(45)</sup>.

## CHAPTER 2

### NORTHERN IRELAND

#### Overview and interpretation

**70.**—(1) This Chapter of this Part contains provision about voting in the referendum in Northern Ireland.

(2) In this Chapter of this Part—

“anonymous entry”, in relation to a register of electors, is to be read in accordance with section 9B of the 1983 Act;

“peer” means a peer who is a member of the House of Lords;

“relevant register” means—

(a) a register of parliamentary electors, or

(b) in relation to a peer—

(i) a register of local electors, or

(ii) a register of peers maintained under section 3 of the Representation of the People Act 1985 (peers resident outside the United Kingdom);

“the 2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008<sup>(46)</sup> as applied by Part 2 of Schedule 3;

“the 1985 Act” means the Representation of the People Act 1985.

#### Manner of voting in the referendum

**71.**—(1) This regulation applies to determine the manner of voting in Northern Ireland of a person entitled to vote in the referendum.

(2) The person may vote in person at the polling station allotted to him or her under Part 2, unless the person is entitled to vote by post or by proxy in the referendum.

(3) The person may vote by post if the person is entitled to vote by post in the referendum.

(4) If the person is entitled to vote by proxy in the referendum, the person may so vote unless, before a ballot paper has been issued for the person to vote by proxy, the person applies at the polling station allotted to him or her under Part 2 for a ballot paper for the purpose of voting in person, in which case he or she may vote in person there.

(5) If the person is not entitled to vote by post or by proxy in the referendum, the person may vote in person at any polling station in Northern Ireland if paragraph (6) applies.

(6) This paragraph applies if the person cannot reasonably be expected to go in person to the polling station allotted to him or her under Part 2 by reason of his or her employment on the date of the poll for a purpose connected with the referendum, if that employment is—

(a) as a constable, or

(b) by the counting officer.

(7) Nothing in this regulation applies to—

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<sup>(45)</sup> 2003 c.44.

<sup>(46)</sup> S.I. 2008/1741. Relevant amendments were made by section 14 of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13); S.I. 2010/278; 2011/2085; and 2014/1808.

- (a) a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether the person is registered by virtue of that provision or not;
- (b) a person to whom section 7A of the 1983 Act (persons remanded in custody) applies, whether the person is registered by virtue of that provision or not;
- (c) a person who has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland;

and such a person may vote only by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the referendum).

(8) Paragraph (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of regulation 37.

### Entitlement to vote by post or by proxy

**72.**—(1) A person entitled to vote in the referendum is entitled to vote by post or by proxy if paragraph (2) or (3) (as the case may be) applies to the person.

(2) This paragraph applies to a person who is shown in the postal voters list mentioned in regulation 74(2) as entitled to vote by post in the referendum.

(3) This paragraph applies to a person who is shown in the list of proxies mentioned in regulation 74(3) as entitled to vote by proxy in the referendum.

### Application to vote by post or by proxy in the referendum

**73.**—(1) Where a person applies to the registration officer to vote by post, or to vote by proxy, in the referendum, the registration officer must grant the application if—

- (a) the officer is satisfied that the applicant is or will be registered in a relevant register,
  - (b) the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under Part 2,
  - (c) the application states the applicant's date of birth and the registration officer is satisfied that the date stated corresponds with the date supplied as the date of the applicant's birth in pursuance of section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act(47),
  - (d) the application is signed and (unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act(48) applies) the registration officer is satisfied that the signature on the application corresponds with the signature supplied as the applicant's signature in pursuance of section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act,
  - (e) the application either states the applicant's national insurance number or states that the applicant does not have one, and the registration officer is satisfied as mentioned in paragraph (2) below, and
  - (f) the application meets the requirements prescribed by the 2008 Regulations.
- (2) For the purposes of paragraph (1)(e), the registration officer must be satisfied—

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(47) Section 10 was substituted, and sections 10A and 13A were inserted, by paragraphs 1, 4 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (4A) of section 10, subsection (1A) of section 10A and subsection (2A) of section 13A were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13). Section 10(4A) was amended by paragraph 9(1) and (6) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

(48) Subsection (4B) of section 10, subsection (1B) of section 10A and subsection (2B) of section 13A were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13). Sections 10(4B) and 10A(1B) were amended by paragraphs 104, 105 and 106 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

- (a) if the application states a national insurance number, that the requirements of paragraph (3) are met, or
  - (b) if the application states that the applicant does not have a national insurance number, that no such number was supplied as the applicant’s national insurance number in pursuance of section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act.
- (3) The requirements of this paragraph are met if—
- (a) the number stated as mentioned in paragraph (2)(a) is the same as the one supplied as the applicant’s national insurance number in pursuance of section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act, or
  - (b) no national insurance number was supplied under any of those provisions, but the registration officer is not aware of any reason to doubt the authenticity of the application.
- (4) Nothing in paragraph (1) applies to—
- (a) a person who is included in the record kept under section 6 of the 1985 Act (absent vote at parliamentary elections for indefinite period),
  - (b) a peer who is included in the record kept under paragraph 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (absent vote at local elections for indefinite period), or
  - (c) a peer who is included in the record kept under regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004(49) (absent vote at elections for indefinite period).
- (5) But if a person is included in a record mentioned in paragraph (4)(a), (b) or (c) and is shown in the record as voting by post, the person may, in respect of the referendum, apply to the registration officer—
- (a) for his or her ballot paper to be sent to a different address in the United Kingdom from that shown in the record, or
  - (b) to vote by proxy.
- (6) The registration officer must grant an application under paragraph (5) if it meets the requirements prescribed by the 2008 Regulations.
- (7) A person applying to vote by post must provide an address in the United Kingdom as the address to which the person’s ballot paper is to be sent.

**Absent voters lists**

74.—(1) The registration officer must, for the purposes of the referendum, keep the two special lists mentioned in paragraphs (2) and (3) respectively.

(2) The first of those lists is a list (“the postal voters list”) of those within column 2 of the following table, together with the addresses provided as mentioned in column 3 as the addresses to which their ballot papers are to be sent.

	<i>Description of person voting by post</i>	<i>Address</i>
1	A person whose application under regulation 73(1) to vote by post in the referendum has been granted.	Address provided in the person’s application under regulation 73(1).
2	A person who—	Address provided in the application that gave rise to

(49) S.I. 2004/1267.

	<i>Description of person voting by post</i>	<i>Address</i>
	(a) is entitled to vote in the referendum and in a poll that is taken together with the referendum, (b) is shown in the absent voters list for that poll as voting by post, and (c) is not within entry 1 in this table or entry 1 in the table in paragraph (3).	the person being included in the absent voters list or, if the person is included in more than one, the address provided in the latest of those applications.
3	A person who— (a) is for the time being shown in the record kept under section 6 of the 1985 Act as voting by post at parliamentary elections, and (b) is not within entry 1 or 2 of this table or entry 1 or 2 in the table in paragraph (3).	Address provided in the person's application under section 6 of the 1985 Act or (as the case may be) regulation 73(5)(a).
4	A peer who— (a) is for the time being shown in the record kept under paragraph 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985, (b) is not for the time being shown in the record kept under regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004 as voting by post, or was included in that record before being included in the record mentioned in paragraph (a) above, and (c) is not within entry 1 or 2 of this table or entry 1 or 2 in the table in paragraph (3).	Address provided in the peer's application under paragraph 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 or (as the case may be) regulation 73(5)(a).
5	A peer who— (a) is for the time being shown in the record kept under regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004 as voting by post, (b) is not for the time being shown in the record kept under paragraph 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985, or was included in that record before being included in the record mentioned in paragraph (a) above, and (c) is not within entry 1 or 2 in this table or entry 1 or 2 in the table in paragraph (3).	Address provided in the peer's application under regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004 or (as the case may be) regulation 73(5)(a).

(3) The second of the lists mentioned in paragraph (1) is a list (“the list of proxies”) of those within column 2 of the following table, together with the names and addresses of their proxies appointed as mentioned in column 3.

	<i>Description of person voting by proxy</i>	<i>Proxy</i>
1	A person (not within entry 1 in the table in paragraph (2)) whose application under regulation 73(1) or (5)(b) to vote by proxy in the referendum has been granted.	Proxy appointed under regulation 75.
2	A person who— (a) is entitled to vote in the referendum and in a poll that is taken together with the referendum,	Proxy appointed for the purposes of that poll or, if there is more than one, the proxy appointed for the poll

	<i>Description of person voting by proxy</i>	<i>Proxy</i>
	(b) is shown in the absent voters list for that poll as voting by proxy, and (c) is not within entry 1 in this table or entry 1 or 2 in the table in paragraph (2).	in respect of which the latest of the person's applications to vote by proxy was made.
3	A person who— (a) is for the time being shown in the record kept under section 6 of the 1985 Act as voting by proxy at parliamentary elections, and (b) is not within entry 1 or 2 of this table or entry 1 or 2 in the table in paragraph (2).	Proxy appointed under section 8 of the 1985 Act <sup>(50)</sup> for parliamentary elections.
4	A peer who— (a) is for the time being shown in the record kept under paragraph 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as voting by proxy, (b) is not for the time being shown in the record kept under regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004 as voting by proxy, or was included in that record before being included in the record mentioned in paragraph (a) above, and (c) is not within entry 1 or 2 of this table or entry 1, 2 or 5 in the table in paragraph (2).	Proxy appointed under paragraph 3 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.
5	A peer who— (a) is for the time being shown in the record kept under regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004 as voting by proxy, (b) is not for the time being shown in the record kept under paragraph 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as voting by proxy, or was included in that record before being included in the record mentioned in paragraph (a) above, and (c) is not within entry 1 or 2 in this table or entry 1, 2 or 4 in the table in paragraph (2).	Proxy appointed under regulation 10 of the European Parliamentary Elections (Northern Ireland) Regulations 2004 <sup>(51)</sup> .

(4) In the case of a person who has an anonymous entry in a register, the postal voters list or list of proxies (as the case may be) must show in relation to the person only—

- (a) his or her electoral number, and
- (b) the date on which the person's entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act<sup>(52)</sup> (in the absence of a further application under section 9B of that Act).

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<sup>(50)</sup> Section 8 was amended by table (2) in Schedule 27 to the Finance Act 1985 (c.54); paragraphs 12 and 16 of Schedule 6 to the Representation of the People Act 2000 (c.2); paragraphs 7 and 8 of Schedule 2 to S.I. 1995/1948; and paragraph 7(1) and (3) of Schedule 4 to S.I. 2005/3129.

<sup>(51)</sup> Regulation 10 was amended by paragraph 2(1) and (3) of Schedule 9 to S.I. 2005/2114.

<sup>(52)</sup> Section 9C was inserted by section 10(1) of the Electoral Administration Act 2006 (c.22). Subsection (1A) of section 9C was inserted by article 3(3)(b) of S.I. 2014/1116.

## Proxies

**75.**—(1) Subject to what follows, any person is capable of being appointed under this paragraph to vote as proxy for another (the “principal”) in the referendum.

(2) The principal cannot have more than one person at a time appointed as proxy to vote for him or her in the referendum.

(3) A person is capable of being appointed to vote as proxy only if—

- (a) the person is not subject to any legal incapacity (age apart) to vote in the referendum in his or her own right, and
- (b) the person is either a Commonwealth citizen or a citizen of the Republic of Ireland.

(4) Where the principal applies to the registration officer for the appointment of a proxy under this regulation, the registration officer must make the appointment if the application meets the requirements prescribed by the 2008 Regulations and the officer is satisfied that the principal is or will be—

- (a) registered in a relevant register, and
- (b) entitled to vote by proxy in the referendum by virtue of an application under regulation 73(1) or (5)(b),

and that the proxy is capable of being, and willing to be, appointed.

(5) The appointment of a proxy under this paragraph is to be made by means of a proxy paper, in the form set out in Form 21 in Schedule 4, issued by the registration officer.

(6) The appointment may be cancelled by the principal by giving notice to the registration officer and also ceases to be in force on the issue of a proxy paper appointing a different person under this paragraph to vote for the principal in the referendum.

**76.**—(1) Subject to what follows, where a relevant proxy appointment is in force, the person appointed is entitled to vote as proxy for the person for whom the appointment was made (the “principal”).

(2) In paragraph (1) “relevant proxy appointment” means—

- (a) in relation to a principal who is included in the list of proxies by virtue of entry 1 in the table in regulation 74(3), an appointment under regulation 75;
- (b) in relation to a principal who is included in the list of proxies by virtue of entry 2 in that table, the appointment of the person mentioned in column 3 of that entry;
- (c) in relation to a principal who is included in the list of proxies by virtue of entry 3 in that table, an appointment under section 8 of the 1985 Act for parliamentary elections;
- (d) in relation to a principal who is a peer included in the list of proxies by virtue of entry 4 in that table, an appointment under paragraph 3 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985;
- (e) in relation to a principal who is a peer included in the list of proxies by virtue of entry 5 in that table, an appointment under regulation 10 of the European Parliamentary Elections (Northern Ireland) Regulations 2004.

(3) A person is capable of voting as proxy in the referendum only if—

- (a) the person is not subject to any legal incapacity (age apart) to vote in the referendum in his or her own right, and
- (b) the person is either a Commonwealth citizen or a citizen of the Republic of Ireland.

(4) A person is not capable of voting as proxy in the referendum unless on the date of the poll the person has attained the age of 18.

(5) A person is not entitled to vote as proxy in the referendum on behalf of more than two others of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

### Voting as proxy

77.—(1) A person entitled to vote as proxy for another (the “principal”) in the referendum may do so in person at the polling station allotted to the principal under Part 2 unless the proxy is entitled to vote by post as proxy for the principal in the referendum, in which case the proxy may vote by post.

(2) But in the case of a person entitled to vote as proxy for an elector who has an anonymous entry in a register—

- (a) paragraph (1) does not apply, and
- (b) the person may only so vote by post (where the person is entitled as a proxy to vote by post in the referendum).

(3) Where a person is entitled to vote by post as proxy for the principal in the referendum, the principal may not apply for a ballot paper for the purpose of voting in person in the referendum.

(4) For the purposes of this Chapter of this Part and the 1983 Act a person entitled to vote as proxy for another in the referendum is entitled so to vote by post if the person is included in the list kept under paragraph (8).

(5) Where a person applies to the registration officer to vote by post as proxy in the referendum the officer must grant the application if—

- (a) the officer is satisfied that the principal is or will be registered in a relevant register,
  - (b) the applicant is the subject of a relevant proxy appointment within the meaning of regulation 76(2),
  - (c) any of the conditions in paragraph (6) are met,
  - (d) the application specifies an address in the United Kingdom as the address to which the ballot paper is to be sent, and
  - (e) the application meets the requirements prescribed by the 2008 Regulations.
- (6) The conditions in this paragraph are that—
- (a) the officer is satisfied that the applicant’s circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the principal under Part 2,
  - (b) the applicant is, or the officer is satisfied that the applicant will be, included in the postal voters list or the list of proxies, or
  - (c) the principal is an elector who has an anonymous entry in a register.

(7) A person who is the subject of a relevant proxy appointment within the meaning of regulation 76(2)(b), (c) or (d) and who—

- (a) is included in the record kept under section 9(6) of the 1985 Act<sup>(53)</sup> (record of proxies who have applied to vote by post) in respect of parliamentary elections,
- (b) is included in the record kept under paragraph 4(5) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (record of proxies who have applied to vote by post), or
- (c) is included in the record kept under regulation 11(5) of the European Parliamentary Elections (Northern Ireland) Regulations 2004 (record of proxies who have applied to vote by post),

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(53) Section 9(6) was amended by paragraphs 12 and 17(1) and (5) of Schedule 6 to the Representation of the People Act 2000 (c.2).

may apply to the registration officer for his or her referendum ballot paper to be sent to a different address in the United Kingdom from that shown in the record, and the officer must grant the application if it meets the requirements prescribed by the 2008 Regulations.

(8) The registration officer must, in respect of the referendum, keep a special list (“the proxy postal voters list”) of those within column 2 of the following table, together with the addresses provided as mentioned in column 3 as the addresses to which their ballot papers are to be sent.

	<i>Description of proxy postal voters</i>	<i>Address</i>
1	A proxy whose application under paragraph (5) has been granted.	Address provided in the proxy’s application under paragraph (5).
2	A proxy who— (a) was appointed as mentioned in column 3 of entry 2 in the table in regulation 74(3) for a person mentioned in column 2 of that entry, and (b) is included in the proxy postal voters list for the poll in respect of which that appointment was made.	Address provided in the proxy’s application to vote by post as proxy in that poll.
3	A proxy who— (a) was appointed as mentioned in column 3 of entry 3 in the table in regulation 74(3) for a person mentioned in column 2 of that entry, and (b) is for the time being included in the record kept under section 9(6) of the 1985 Act.	Address provided in the proxy’s application under section 9(4) of the 1985 Act(54) or (as the case may be) paragraph (7) above.
4	A proxy who— (a) was appointed as mentioned in column 3 of entry 4 in the table in regulation 74(3) for a peer mentioned in column 2 of that entry, and (b) is for the time being included in the record kept under paragraph 4(5) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.	Address provided in the proxy’s application under paragraph 4(4) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 or (as the case may be) paragraph (7) above.
5	A proxy who— (a) was appointed as mentioned in column 3 of entry 5 in the table in regulation 74(3) for a peer mentioned in column 2 of that entry, and (b) is for the time being included in the record kept under regulation 11(5) of the European Parliamentary Elections (Northern Ireland) Regulations 2004.	Address provided in the proxy’s application under regulation 11(4) of the European Parliamentary Elections (Northern Ireland) Regulations 2004 or (as the case may be) paragraph (7) above.

(9) In the case of a person who has an anonymous entry in a register, the proxy postal voters list must contain only—

- (a) the person’s electoral number, and
- (b) the date on which the person’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).

(54) Section 9(4) was amended by paragraphs 12 and 17(1) and (3) of Schedule 6 to the Representation of the People Act 2000 (c.2) and article 5(1) and (5)(b) of S.I. 2014/1116.



(10) Paragraph (3) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of regulation 37.

## Offences

**78.**—(1) If a person—

- (a) in any declaration or form used for any of the purposes of this Chapter of this Part, makes a statement knowing it to be false, or
- (b) attests an application under regulation 73 knowing—
  - (i) that he or she is not authorised to do so, or
  - (ii) that it contains a statement which is false,

that person commits an offence.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) If a person provides false information in connection with an application under regulation 73(1) or 77(5), that person is guilty of an offence.

(4) In relation to a signature, “false information” for the purposes of paragraph (3), means a signature which—

- (a) is not the usual signature of, or
- (b) was written by a person other than,

the person whose signature it purports to be.

(5) A person does not commit an offence under paragraph (3) if the person did not know, and had no reason to suspect, that the information was false.

(6) Where sufficient evidence is adduced to raise an issue with respect to Act) the defence under paragraph (5), the court is to assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(7) A person guilty of an offence under paragraph (3) is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

## PART 4

### APPLICATION AND AMENDMENT OF EXISTING LEGISLATION

#### Application of provisions of the Representation of the People Act 1983

**79.** Schedule 1 makes provision about the application of provisions of the 1983 Act for the purposes of the referendum.

#### Application of provisions of other Acts

**80.** Schedule 2 makes provision about the application of Acts (other than the 1983 Act) for the purposes of the referendum.

#### Application of existing provisions of regulations

**81.** Schedule 3 makes provision about the application of existing provisions of regulations for the purposes of the referendum.

## **Amendment of the European Parliamentary Elections Regulations 2004**

**82.** Schedule 4 to the European Parliamentary Elections Regulations 2004 (Entitlement to Registration and Legal Incapacity to Vote in Gibraltar)(**55**) is amended as follows:

- (a) The existing words of paragraph 6(**56**) become sub-paragraph (1).
- (b) After that sub-paragraph insert—
  - “(2) Where—
    - (a) on the date this sub-paragraph comes into force, a person is registered under the law of Gibraltar as an elector for elections to the Gibraltar Parliament in respect of an address, and
    - (b) that person is not for the time being registered in the register in respect of that address,

that person is to be treated as having made, on the date this sub-paragraph comes into force, an application for registration in the register in respect of that address.”

## **PART 5**

### **SUPPLEMENTARY**

#### **Forms**

**83.** Schedule 4 specifies forms referred to in Parts 2 and 3.

*John Penrose*  
Minister for Constitutional Reform  
Cabinet Office

Date

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(55) [S.I. 2004/293](#).

(56) Paragraph 6 was amended by regulation 42 of [S.I. 2009/186](#).

## SCHEDULE 1

Regulation 79

### APPLICATION OF PROVISIONS OF THE REPRESENTATION OF THE PEOPLE ACT 1983

## PART 1

### INTERPRETATION AND EXTENT

#### Interpretation of applied provisions: general

1.—(1) In any provision of the 1983 Act as applied by this Schedule—

- “Chief Counting Officer” has the meaning given by section 11(1) of the 2015 Act;
- “counting agent” is to be read in accordance with regulation 23(10);
- “counting officer” has the meaning given by paragraph 3 of Schedule 3 to the 2015 Act;
- “declaration of identity” is to be read in accordance with regulation 17(1)(c);
- “document” means a document in whatever form;
- “Gibraltar conduct law” has the meaning given by section 11(1) of the 2015 Act;
- “the Gibraltar registration officer” means the European electoral registration officer for Gibraltar (see section 14 of the European Parliament (Representation) Act 2003(57));
- “list of proxies” has the meaning given by regulation 5;
- “official mark” has the meaning given by regulation 12(1);
- “permitted participant” has the meaning given by section 11(1) of the 2015 Act;
- “polling agent” is to be read in accordance with regulation 23(10);
- “postal voting statement” is to be read in accordance with regulation 17(1)(b);
- “presiding officer” is to be read in accordance with regulation 19(1) and (2);
- “the referendum” has the meaning given by section 11(1) of the 2015 Act;
- “referendum agent” means a person appointed under paragraph 15 of Schedule 1 to the 2015 Act;
- “Regional Counting Officer” has the meaning given by section 11(1) of the 2015 Act;
- “tendered ballot paper” has the meaning given by regulation 37(1);
- “vote” and “voter” have the meaning given by paragraph 2;
- “voting area” has the meaning given by section 11(2) of the 2015 Act.

(2) Except where the context otherwise requires, in any provision of the 1983 Act as applied by this Schedule expressions defined for the purposes of that provision by any other provision of the 1983 Act have the meaning given by that other provision (see, in particular, the following provisions of the 1983 Act—

- section 118(58) (interpretation of Part 2),
- section 185(59) (interpretation of Part 3), and
- section 202(60) (general interpretation), as modified by paragraph 46 of this Schedule).

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(57) 2003 c.7.

(58) There are amendments to section 118 that are not relevant to these Regulations.

(59) There are amendments to section 185 that are not relevant to these Regulations.

(60) Section 202 was amended by section 4(5) of, and Schedule 2 to, the Representation of the People Act 1985 (c.50); paragraphs 1 and 22(b) of Schedule 1 to the Representation of the People Act 2000 (c.2); section 73(1) and (2) of, and paragraphs 2,

(3) Nothing in this Schedule which provides for a particular reference to a provision to be read as, or as including, a reference to that provision as applied by another provision is to be taken to limit the effect of section 20(2) of the Interpretation Act 1978<sup>(61)</sup>.

### Meaning of “vote” in applied provisions

2.—(1) In any provision of the 1983 Act as applied by this Schedule “vote” as a verb means vote in the referendum and includes (where the context allows)—

- (a) voting as proxy, and
- (b) voting by proxy,

but does not include voting in Gibraltar; and “vote” as a noun and “voter” are to be construed accordingly.

(2) For the purposes of sub-paragraph (1) a person votes “in Gibraltar” if—

- (a) that person votes (on his or her own behalf or as proxy) in person in Gibraltar or by post under the law of Gibraltar relating to postal voting, or
- (b) that person votes by proxy and the proxy votes in person in Gibraltar or by post under the law of Gibraltar relating to postal voting.

### Extent of section 52 of the 1983 Act

3. For the purposes of the referendum, section 52(1), (1ZA), (1ZB) and (1A) of the 1983 Act<sup>(62)</sup> (which extends to the whole of the United Kingdom) extends also to Gibraltar.

## PART 2

### APPLICATION OF PROVISIONS

#### Alteration of registers pending the referendum: England, Wales and Scotland

4.—(1) In relation to England, Wales and Scotland, section 13AB of the 1983 Act<sup>(63)</sup> applies for the purposes of the referendum but as if—

- (a) in subsection (1)(b) for “the relevant election area” there were substituted “the area for which the registration officer acts”,
- (b) in subsection (4) for “an election to which this section applies” there were substituted “the referendum”,
- (c) in subsection (5) for “the last day on which nomination papers may be delivered to the returning officer for the purposes of the election” there were substituted “the nineteenth working day before the date of the poll for the referendum”,
- (d) subsection (8) were omitted,

13 (1) and (2), 69 and 76 of Schedule 1 and paragraphs 104 and 128(1) of Schedule 2 to the Electoral Administration Act 2006 (c.22); paragraphs 116 and 120 of Schedule 12 to the Postal Services Act 2011 (c.5); and paragraph 57(1) and (4) of Schedule 1 to S.I. 2009/1149. There are other amendments to section 202 that are not relevant to these Regulations.

(61) 1978 c.30.

(62) Subsection (1) was amended by paragraph 12 of Schedule 4 to the Representation of the People Act 1985 (c.50). Subsection (1A) was inserted by paragraphs 6(1) and (5) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41). For the purposes of the referendum, subsections (1) and (1A) are modified, and subsections (1ZA) and (1ZB) are inserted, by paragraph 9 of this Schedule.

(63) Section 13AB was inserted by section 16(1) and (3) of the Electoral Registration and Administration Act 2013 (c.6) and was amended by paragraphs 1 and 4 of Schedule 2 to the Recall of MPs Act 2015 (c.25).

(e) the reference in subsection (9) to subsection (5) of section 13B were to that subsection as applied by sub-paragraph (2) below, and

(f) after subsection (9) there were inserted—

“(10) In this section “working day” means a day that is not—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or any other day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom,
- (c) a bank holiday or public holiday in Gibraltar under the Gibraltar Acts titled the Banking and Financial Dealings Act and the Interpretation and General Clauses Act, or
- (d) a day appointed in any part of the United Kingdom or Gibraltar as a day of public thanksgiving or mourning.”

(2) In relation to England, Wales and Scotland, section 13B of the 1983 Act<sup>(64)</sup> applies for the purposes of the referendum but as if—

(a) in subsection (1), for each of “an election to which this section applies” and “the election” there were substituted “the referendum”,

(b) in each of subsections (2), (3A) and (3C)—

- (i) for “an election to which this section applies” there were substituted “the referendum”, and
- (ii) for “the relevant election area” there were substituted “the area for which the registration officer acts”,

(c) subsection (4) were omitted, and

(d) in subsection (5)—

- (i) in the definition of “the appropriate publication date”, for “an election to which this section applies” there were substituted “the referendum”, and
- (ii) the definitions of “the final nomination day” and “the relevant election area” were omitted.

(3) A reference in any enactment to section 13AB or 13B of the 1983 Act includes (where the context allows) a reference to that section as applied by this paragraph.

(4) Sub-paragraph (3) has effect, in relation to any register, until the first publication after the referendum of a revised version of the register under section 13 of the 1983 Act.

### **Alteration of registers pending the referendum: Northern Ireland**

5.—(1) In relation to Northern Ireland, section 13BA of the 1983 Act<sup>(65)</sup> applies for the purposes of the referendum but as if—

(a) in subsection (1)—

- (i) for the words from “the final nomination day” to “this section applies” there were substituted “the eleventh day before the date of the poll for the referendum”, and

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<sup>(64)</sup> Section 13B was inserted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2) was amended by section 11 of the Electoral Administration Act 2006 (c.22), section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33), paragraph 3 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13) and section 16 of, and paragraphs 1 and 13 of Schedule 4 to, the Electoral Registration and Administration Act 2013 (c.6).

<sup>(65)</sup> Section 13BA was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) and was amended by section 16(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13) and paragraphs 1 and 6 of Schedule 2 to the Recall of MPs Act 2015 (c.25).

- (ii) for “that election” there were substituted “the referendum”,
  - (b) in subsection (2)—
    - (i) for “an election to which this section applies” there were substituted “the referendum”, and
    - (ii) for “the final nomination day” there were substituted “the eleventh day before the date of the poll for the referendum”,
  - (c) in subsection (3A) for “the final nomination day” there were substituted “the eleventh day before the date of the poll for the referendum”,
  - (d) in subsection (5), for “an election to which this section applies” there were substituted “the referendum”,
  - (e) in each of subsections (7) and (8)—
    - (i) for “an election to which this section applies” there were substituted “the referendum”, and
    - (ii) for “the relevant election area” there were substituted “the area for which the registration officer acts”,
  - (f) subsection (12) were omitted, and
  - (g) the reference in subsection (13) to subsection (5) of section 13B were to that subsection as applied by paragraph 4(2) of this Schedule.
- (2) A reference in any enactment to section 13BA of the 1983 Act includes (where the context allows) a reference to that section as applied by this paragraph.
- (3) Sub-paragraph (2) has effect, in relation to any register, until the first publication after the referendum of a revised version of the register under section 13 of the 1983 Act.

### Loan of equipment

6. Section 47 of the 1983 Act<sup>(66)</sup> applies for the purposes of the referendum but as if—
- (a) in subsection (1) the reference to the returning officer at a local government election included a counting officer for the referendum for a voting area anywhere in the United Kingdom, and
  - (b) in subsection (2) the reference to the returning officer at an election mentioned there included a counting officer for the referendum for a voting area in England, Wales or Scotland.

### Effect of registers

7.—(1) Section 49 of the 1983 Act<sup>(67)</sup> applies for the purposes of the referendum but with the following modifications.

- (2) Subsection (4) has effect for those purposes as if—
  - (a) for “any purpose of this Part relating to him as elector” there were substituted “any purpose of this Part, the European Union Referendum Act 2015 or the European Union Referendum (Conduct) Regulations 2016”, and

<sup>(66)</sup> Section 47 was amended by article 4 of S.I. 1991/1728 and paragraph 6(1) and (4) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41). There are other amendments to section 47 that are not relevant to these Regulations.

<sup>(67)</sup> Section 49 was amended by Schedule 5 to the Representation of the People Act 1985 (c.50); paragraphs 2 and 7 of Schedule 1 to the Electoral Administration Act 2006 (c.22); paragraphs 1 and 12 of Schedule 1 to the Representation of the People Act 2000 (c.2); and paragraphs 1 and 16 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

- (b) for “as an elector except” to the end there were substituted “as a person entitled to vote by virtue of that entry unless the day fixed for the poll for the referendum is that or a later date”.
- (3) Subsection (5) has effect for the purposes of the referendum as if the following were omitted—
  - (a) the words “prevent the rejection of the vote on a scrutiny, or”, and
  - (b) paragraph (b)(iv).
- (4) For the avoidance of doubt, in section 49 of the 1983 Act as applied by this paragraph—
  - (a) “voting age” has the same meaning as in section 49 as it has effect apart from this Schedule, but
  - (b) “vote” as a verb is to be read in accordance with paragraph 2 of this Schedule.

### Effect of misdescription

- 8. Section 50 of the 1983 Act applies for the purposes of the referendum but as if—
  - (a) the words “nomination paper,” were omitted, and
  - (b) for the words “and the parliamentary election rules” there were substituted “or by the European Union Referendum Act 2015 or the European Union Referendum (Conduct) Regulations 2016”.

### Discharge of registration duties

9.—(1) Section 52 of the 1983(68) Act applies for the purposes of the referendum but with the following modifications.

- (2) For those purposes, the following subsections are to be treated as substituted for subsection (1)

—  
“(1) A registration officer shall comply with any general or special directions which may be given by the Secretary of State for the purposes of the referendum with respect to the arrangements to be made by that officer for carrying out—

- (a) any of that officer’s functions under Schedule 3 to the European Union Referendum Act 2015,
- (b) any of that officer’s functions under the European Union Referendum (Conduct) Regulations 2016, or
- (c) any of that officer’s functions under this Act.

(1ZA) In subsection (1) the reference to a registration officer includes the Gibraltar registration officer, and in relation to that officer—

- (a) the reference in subsection (1)(b) to “the European Union Referendum (Conduct) Regulations 2016” is to be read as a reference to any regulations under section 4 of the European Union Referendum Act 2015 that extend to Gibraltar and Gibraltar conduct law, and
- (b) the reference in subsection (1)(c) to “this Act” is to be read as a reference to the Gibraltar Act titled the European Parliamentary Elections Act 2004.

(1ZB) The Secretary of State may give a direction under subsection (1) only if it is in accordance with a recommendation made by the Electoral Commission.”

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(68) Section 52 was amended by paragraph 12 of Schedule 4 to the Representation of the People Act 1985 (c.50). Subsection (1A) was inserted by paragraphs 1 and 5 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41). Subsection (4) was amended by paragraph 68(12) of Schedule 16 to the Local Government (Wales) Act 1994 (c.19). The functions of the Secretary of State under section 52 are exercisable concurrently with the Chancellor of the Duchy of Lancaster (see article 3 of and Schedule 1 to S.I. 2015/1376).

(3) Subsection (1A) has effect for the purposes of the referendum as if after “registration officer” there were inserted “or the Gibraltar registration officer”.

(4) Subsections (2) and (4) each have effect for the purposes of the referendum as if after “this Act” there were inserted “, the European Union Referendum Act 2015 and the European Union Referendum (Conduct) Regulations 2016”.

### **Payment of expenses of registration**

**10.** Section 54 of the 1983 Act<sup>(69)</sup> applies for the purposes of the referendum but as if in subsection (1) after “2013” there were inserted “or the European Union Referendum Act 2015 or the European Union Referendum (Conduct) Regulations 2016”.

### **Registration appeals: England and Wales and Scotland**

**11.**—(1) In subsection (3) of section 56 of the 1983 Act<sup>(70)</sup>, the references to “an election” and “the election” include the referendum.

(2) For the purposes of the referendum the following subsection is to be treated as substituted for subsection (4A) of section 56 of the 1983 Act—

“(4A) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) takes effect under section 13(5), 13A(2), 13AB(3), 13B(3) or (3B) or 13BC(3) or (6) on or before the date of the poll for the referendum, subsection (3) does not apply to that appeal as respects the referendum.”

(3) References in this paragraph to section 56 of the 1983 Act include that section as applied by section 57 of that Act (registration appeals: Scotland).

### **Registration appeals: Northern Ireland**

**12.**—(1) In subsection (3) of section 58 of the 1983 Act<sup>(71)</sup>, the references to “an election” and “the election” include the referendum.

(2) For the purposes of the referendum, the following subsection is to be treated as substituted for subsection (5) of section 58 of the 1983 Act—

“(5) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) takes effect under section 13(5), 13A(2), 13BA(6) or (9) or 13BC(3) or (6) on or before the date of the poll for the referendum, subsection (3) does not apply to that appeal as respects the referendum.”

### **Offence of personation**

**13.** Section 60 of the 1983 Act applies for the purposes of the referendum but as if in subsection (2)—

- (a) for “at a parliamentary or local government election” there were substituted “in the referendum”, and
- (b) for “whether as an elector or as proxy” there were substituted “whether or not as proxy”.

<sup>(69)</sup> Section 54 was amended by paragraph 14 of Schedule 4 to the Representation of the People Act 1985 (c.50) and paragraphs 1 and 17 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

<sup>(70)</sup> Section 56 was amended by paragraph 1 of Schedule 2, paragraph 16 of Schedule 4 and Schedule 5 to the Representation of the People Act 1985 (c.50); paragraphs 1 and 14 of Schedule 1 to the Representation of the People Act 2000 (c.2); section 11(5) of and paragraph 2 and 8 of Schedule 1 to the Electoral Administration Act 2006 (c.22); and section 16(1) and (5) of, and paragraphs 1 and 18 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

<sup>(71)</sup> Section 58 was substituted by paragraph 5 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) and was amended by paragraphs 1 and 9 of Schedule 2 to the Recall of MPs Act 2015 (c.25) and article 3(1) and (4) of S.I. 2014/1116.



## Other voting offences

14.—(1) Section 61 of the 1983 Act<sup>(72)</sup> applies for the purposes of the referendum but with the modifications in sub-paragraphs (2) to (4) below.

(2) For the purposes of the referendum, the following subsections are to be treated as substituted for subsections (1) to (4)—

“(1) A person shall be guilty of an offence if—

- (a) he votes in person or by post, whether on his own behalf or as proxy, or applies to vote by proxy or by post on his own behalf, knowing that he is subject to a legal incapacity to vote; or
- (b) he applies for the appointment of a proxy to vote for him knowing that he is or the person to be appointed is subject to a legal incapacity to vote; or
- (c) he votes, whether in person or by post, as proxy for some other person knowing that that person is subject to a legal incapacity to vote.

For the purposes of this subsection references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day, include his being below voting age if he will be of voting age on that day.

(2) A person shall be guilty of an offence if—

- (a) he votes on his own behalf otherwise than by proxy more than once; or
- (b) he votes on his own behalf in person when he is entitled to vote by post; or
- (c) he votes on his own behalf in person knowing that a person appointed to vote as his proxy either has already voted in person or is entitled to vote by post; or
- (d) he applies under Part 3 of the European Union Referendum (Conduct) Regulations 2016 for a person to be appointed as his proxy to vote for him without applying for the cancellation of a previous appointment of a third person then in force under that Part or without withdrawing a pending application for such an appointment.

(3) A person shall be guilty of an offence if—

- (a) he votes as proxy for the same person more than once; or
- (b) he votes in person as proxy for another person and he is entitled to vote by post as proxy for that person; or
- (c) he votes in person as proxy for another person and he knows that other person has already voted in person.

(4) A person shall also be guilty of an offence if he votes as proxy for more than two persons of whom he is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.”

(3) Subsection (6A) has effect for the purposes of the referendum as if for the words from “in pursuance of” to the end there were substituted “in reliance on Case 3, 4, 5 or 6 in regulation 37 of the European Union Referendum (Conduct) Regulations 2016”.

(4) For the purposes of the referendum the following are to be treated as omitted—

- (a) subsection (6B);
- (b) subsection (7)(b).

(5) Paragraph 2(1) of this Schedule (meaning of “vote”) does not apply for the purposes of—

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<sup>(72)</sup> Section 61 was amended by paragraph 2 of Schedule 2 to the Representation of the People Act 1985 (c.50); paragraph 83 of Schedule 27 to the Civil Partnership Act 2004 (c.33); and section 38(3) of the Electoral Administration Act 2006 (c.22). There are other amendments that are not relevant to these Regulations.

- (a) subsection (2)(a) and (c), or
- (b) subsection (3)(a) and (c),

of section 61 of the 1983 Act as applied by this paragraph, and in those provisions “vote” is to be read in accordance with sub-paragraphs (6) and (7).

(6) In subsections (2)(a) and (3)(a) “vote” means vote in the referendum (and does not exclude voting in Gibraltar).

(7) In subsections (2)(c) and (3)(c)—

- (a) references to voting in person are to voting in the referendum in person either in the United Kingdom or Gibraltar, and
- (b) references to voting by post are to voting in the referendum by post, either under the law of the United Kingdom relating to postal voting or under the law of Gibraltar relating to postal voting.

(8) But—

- (a) a person does not commit an offence under subsection (2)(a) or (3)(a) of section 61 of the 1983 Act as applied by this paragraph unless at least one of the votes mentioned in subsection (2)(a) or (3)(a) (as the case may be) is a vote in the United Kingdom;
- (b) a person does not commit an offence under subsection (2)(c) of section 61 of the 1983 Act as so applied unless either or both of the following apply—
  - (i) the person’s vote on his own behalf is a vote in person in the United Kingdom;
  - (ii) the proxy’s vote (or entitlement to a postal vote) is a vote in (or an entitlement to a postal vote in) the United Kingdom;
- (c) a person does not commit an offence under subsection (3)(c) of section 61 of the 1983 Act as so applied unless at least one of the votes mentioned in subsection (3)(c) is a vote in person in the United Kingdom.

(9) In sub-paragraph (6) the reference to voting “in Gibraltar” is to voting—

- (a) in person in Gibraltar, or
- (b) by post under the law of Gibraltar relating to postal voting,

and in sub-paragraph (8) references to a vote “in the United Kingdom” are to be read accordingly.

### **Offences relating to applications for absent voting**

**15.** Section 62A(1) to (5) of the 1983 Act<sup>(73)</sup> applies for the purposes of the referendum but as if—

- (a) in subsection (1)(a) the words “at a parliamentary or local government election” were omitted, and
- (b) in subsection (2)(c) for “returning officer” there were substituted “counting officer”.

### **Breach of official duty**

**16.** Section 63 of the 1983 Act<sup>(74)</sup> applies for the purposes of the referendum but as if for subsections (3) and (4) there were substituted—

“(3) The persons to whom this section applies are—

<sup>(73)</sup> Section 62A was inserted by section 40 of the Electoral Administration Act 2006 (c.22).

<sup>(74)</sup> Section 63 was substituted by paragraph 19 of Schedule 4 to the Representation of the People Act 1985 (c.50) and was amended by sections 7, 41(8) and 46(6) of the Electoral Administration Act 2006 (c.22); section 25(a) of the Political Parties and Elections Act 2009 (c.12); and paragraph 57(1) and (2) of Schedule 1 to S.I. 2001/1149.

- (a) the Chief Counting Officer,
- (b) any Regional Counting Officer,
- (c) any counting officer,
- (d) any registration officer,
- (e) the Gibraltar registration officer,
- (f) any presiding officer, or any equivalent officer in Gibraltar,
- (g) any official designated by a universal postal service provider (within the meaning given by section 202), and
- (h) any deputy of a person mentioned in any of paragraphs (a) to (g) above or any person appointed to assist, or in the course of his employment assisting, a person so mentioned in connection with his official duties;

and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by this Act, the European Union Referendum Act 2015 or regulations under section 4 of that Act, Gibraltar conduct law, the Gibraltar Act titled the European Parliamentary Elections Act 2004 or the law of the United Kingdom or of Gibraltar relating to referendums.

(4) Where—

- (a) a Regional Counting Officer or counting officer is guilty of an act or omission in breach of his official duty, but
- (b) he remedies that act or omission in full by taking steps under paragraph 9 of Schedule 3 to the European Union Referendum Act 2015,

he shall not be guilty of an offence under subsection (1) above.”

### **Tampering with papers**

**17.**—(1) Section 65 of the 1983 Act<sup>(75)</sup> applies for the purposes of the referendum but with the following modifications.

(2) Subsection (1) has effect for those purposes as if—

- (a) for “at a parliamentary or local government election” there were substituted “in the referendum”,
- (b) paragraph (a) were omitted, and
- (c) in paragraph (f), for “election” there were substituted “referendum”.

(3) But nothing in that subsection is to be taken to apply to anything done in connection with the referendum so far as held in Gibraltar.

(4) For the purposes of the referendum the following subsection is to be treated as substituted for subsection (2)—

“(2) In Scotland, a person shall be guilty of an offence if—

- (a) in the referendum, he forges or counterfeits any ballot paper or the official mark on any ballot paper; or
- (b) he fraudulently or without due authority, as the case may be, attempts to do any of those things.”

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<sup>(75)</sup> Section 65 was amended by paragraph 2 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraphs 69 and 72 of Schedule 1 to the Electoral Administration Act 2006 (c.22). There are other amendments that are not relevant to these Regulations.

(5) Subsection (3) has effect for the purposes of the referendum as if for “a returning officer” there were substituted “the Chief Counting Officer, a Regional Counting Officer, a counting officer”.

### **Requirement of secrecy**

**18.**—(1) Section 66(1) to (6) of the 1983 Act(**76**) applies for the purposes of the referendum but with the following modifications.

(2) Subsection (1) has effect for those purposes as if—

(a) for paragraphs (a) to (c) there were substituted—

“(a) the Chief Counting Officer, and every Regional Counting Officer and counting officer, attending at a polling station in the United Kingdom,

(b) every deputy of such an officer so attending,

(c) every presiding officer and clerk so attending,

(d) every referendum agent, polling agent and counting agent so attending, and

(e) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,”

(b) in paragraph (i) for “elector or proxy for an elector” there were substituted “person”, and

(c) in paragraph (ii) for “elector” there were substituted “person”.

(3) The references in subsections (1) and (4) to the closure of the poll are to be read, in relation to the referendum, as references to the closure of the poll in the United Kingdom or Gibraltar, whichever is the later.

(4) Subsections (2)(b), (3)(b) and (c), (4)(d) and (5) have effect for the purposes of the referendum as if for “the candidate for whom” there were substituted “the referendum answer for which”.

(5) Subsection (3)(d) has effect for those purposes as if for “the name of the candidate for whom” there were substituted “the referendum answer for which”.

(6) Subsection (5) has effect for those purposes as if—

(a) for “blind voter” there were substituted “voter with disabilities”, and

(b) at the end there were inserted—

““Voter with disabilities” has the meaning given by regulation 36(11) of the the European Union Referendum (Conduct) Regulations 2016.”

### **Prohibition on publication of exit polls**

**19.**—(1) Section 66A of the 1983 Act(**77**) applies for the purposes of the referendum but with the following modifications.

(2) Subsection (1) has effect for those purposes as if “the referendum” were substituted for each of the following—

(a) “an election to which this section applies”, and

(b) “the election” (in both places).

(3) For the purposes of the referendum subsection (2) is to be treated as omitted.

(4) Subsection (4) has effect for the purposes of the referendum as if for the words after “whatever means” there were substituted—

(76) Section 66 was amended by paragraph 2 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraphs 69, 82 and 86 of Schedule 1 to the Electoral Administration Act 2006 (c.22). There are other amendments that are not relevant to these Regulations.

(77) Section 66A was inserted by paragraphs 3 and 6 of Schedule 6 to the Representation of the People Act 2000 (c.2).

“and the reference to a forecast as to the result of the referendum includes a forecast as to the number or proportion of votes expected to be cast for each answer to the referendum question in any region, voting area or other area.”

(5) In section 66A of the 1983 Act as applied by this paragraph—

(a) the reference in subsection (1) to the closure of the poll is to be read as a reference to the closure of the poll in the United Kingdom or Gibraltar, whichever is the later, and

(b) the references in subsection (1)(a) to “voters” include any voters in the referendum, whether voting in the United Kingdom or Gibraltar, and “vote” is to be read accordingly,

and, accordingly, paragraph 2(1) of this Schedule (meaning of “vote”) does not apply in relation to that section.

(6) In subsection (4) of that section as so applied, the references to the public are to the public in the United Kingdom.

### **Failure to comply with conditions relating to supply etc of documents**

**20.** Section 66B of the 1983 Act(**78**) applies for the purposes of the referendum, but as if in subsection (1)(a) for “imposed in pursuance of regulations under rule 57 of the parliamentary election rules” there were substituted “to which the right to inspect or be supplied with a document or part of document under regulation 58 of the European Union Referendum (Conduct) Regulations 2016 is subject under paragraph (5)(a) of that regulation”.

### **Broadcasting from outside UK**

**21.** Section 92 of the 1983 Act(**79**) applies for the purposes of the referendum but as if in subsection (1)—

(a) for “at a parliamentary or local government election” there were substituted “in the referendum”, and

(b) for “the election” there were substituted “the referendum”.

### **Imitation poll cards**

**22.—**(1) Section 94(1) of the 1983 Act(**80**) applies for the purposes of the referendum but as if for “the election of any candidate at a parliamentary election or a local government election to which this section applies” there were substituted “a particular result in the referendum”.

(2) The references in section 94(1) to poll cards do not include poll cards for the purposes of the referendum so far as held in Gibraltar.

### **Disturbances at meetings**

**23.** Section 97 of the 1983 Act(**81**) applies for the purposes of the referendum but as if for subsection (2) there were substituted—

“(2) This section applies to a meeting in connection with the referendum which—

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(78) Section 66B was inserted by section 41(9) of the Electoral Administration Act 2006 (c.22).

(79) Section 92 was amended by paragraph 35(3) and (5) of Schedule 20 to the Broadcasting Act 1990 (c.42) and paragraph 61 of Schedule 17 to the Communications Act 2003 (c.21).

(80) Section 94(1) was amended by paragraph 36 of Schedule 4 to the Representation of the People Act 1985 (c.50).

(81) Section 97 was amended by paragraph 39 of Schedule 4 to the Representation of the People Act 1985 (c.50) and Part 1 of Schedule 7 to the Police and Criminal Evidence Act 1984 (c.60).

- (a) is held by a permitted participant during the referendum period (within the meaning given by paragraph 1 of Schedule 1 to the European Union Referendum Act 2015), and
- (b) is held in the United Kingdom.”

### **Premises used for referendum meetings in Scotland or Northern Ireland**

**24.** Section 98 of the 1983 Act(**82**) applies for the purposes of the referendum but as if the reference to public meetings in furtherance of any person’s candidature at a parliamentary or local government election included public meetings to promote or procure a particular result in the referendum.

### **Officials not to act for candidates**

**25.** Section 99 of the 1983 Act(**83**) applies for the purposes of the referendum but as if for subsection (1) there were substituted—

“(1) If—

- (a) the Chief Counting Officer,
- (b) any Regional Counting Officer,
- (c) any counting officer for a voting area in the United Kingdom,
- (d) any officer, deputy or clerk appointed by a person mentioned in paragraph (a), (b) or (c), or
- (e) any officer whose services have been placed at the disposal of a counting officer or Regional Counting Officer under paragraph 6(1) of Schedule 3 to the European Union Referendum Act 2015,

acts as a referendum agent for a permitted participant, he shall be guilty of an offence.”

### **Illegal canvassing by police officers**

**26.** Section 100 of the 1983 Act(**84**) applies for the purposes of the referendum but as if in subsection (1)—

- (a) for “as an elector” there were substituted “on that person’s own behalf”, and
- (b) the words after “proxy” were omitted.

### **Payments for exhibition of election notices**

**27.** Section 109 of the 1983 Act applies for the purposes of the referendum but as if—

- (a) in subsection (1) for “the election of a candidate at an election” there were substituted “a particular result in the referendum”,
- (b) in subsection (2) for “an election” there were substituted “the referendum”, and
- (c) after subsection (2) there were inserted—

“(3) In this section “elector” means a person entitled to vote on his own behalf.”

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(82) Section 98 was repealed as regards England and Wales by Part 1 of Schedule 13 to the Local Government Finance Act 1988 (c.41).

(83) Section 99 was amended by paragraph 4 of Schedule 3 to the Representation of the People Act 1985 (c.50).

(84) Section 100 was amended by paragraph 5 of Schedule 3 to the Representation of the People Act 1985 (c.50) and section 78(2) (c) of the Police (Northern Ireland) Act 2000 (c.32).

### Prohibition of paid canvassers

**28.**—(1) Section 111 of the 1983 Act applies for the purposes of the referendum but as if—

- (a) for “an election” there were substituted “the referendum”, and
- (b) for “a candidate’s election” there were substituted “a particular result in the referendum”.

(2) But nothing in that section applies in relation to canvassing in Gibraltar in connection with the referendum.

### Providing money etc for illegal purposes

**29.** Section 112 of the 1983 Act applies for the purposes of the referendum but as if—

- (a) the reference in paragraph (a) to the provisions of the 1983 Act were to any provision of the 1983 Act as applied by this Schedule, and
- (b) the following were omitted—
  - (i) paragraph (b),
  - (ii) in paragraph (c) the words “or expenses”, and
  - (iii) the words “or the incurring of the expenses”.

### Bribery

**30.**—(1) Section 113 of the 1983 Act<sup>(85)</sup> applies for the purposes of the referendum but with the following modifications.

(2) Subsection (2) has effect for those purposes as if—

- (a) for “the return of any person at an election” (in the first two places) there were substituted “a particular result in the referendum”, and
- (b) paragraph (iii) were omitted.

(3) Subsection (3) has effect for those purposes as if for “at any election” (in both places) there were substituted “in the referendum”.

(4) Each of subsections (4), (5) and (6) has effect for those purposes as if for “an election” there were substituted “the referendum”.

### Treating

**31.** Section 114 of the 1983 Act applies for the purposes of the referendum but as if—

- (a) in subsection (2) for “an election” there were substituted “the referendum”, and
- (b) in subsection (3) for “Every elector or his proxy” there were substituted “Every person entitled to vote on his own behalf, and every proxy of such a person,”.

### Undue influence

**32.** Section 115 of the 1983 Act<sup>(86)</sup> applies for the purposes of the referendum but as if after subsection (2) there were inserted—

“(3) In this section “elector” means a person entitled to vote on his own behalf.”

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<sup>(85)</sup> There are amendments to section 113 that are not relevant to these Regulations.

<sup>(86)</sup> Section 115 was amended by section 39 of the Electoral Administration Act 2006 (c.22) and section 14 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

### **Rights of creditors where applied provision prohibits payments**

**33.** In section 116 of the 1983 Act the reference to the provisions of Part 2 of that Act prohibiting payments and contracts for payments includes any such provision as applied by this Schedule.

### **Saving for employees to be absent for voting**

**34.** Section 117(2) of the 1983 Act applies for the purposes of the referendum but as if—

- (a) for “parliamentary electors or their proxies” there were substituted “persons entitled to vote (on their own behalf or as proxies)”,
- (b) the words “at a parliamentary election” were omitted, and
- (c) in paragraphs (b) and (c), for “any particular candidate at the election” there were substituted “a particular answer in the referendum”.

### **Computation of time**

**35.—**(1) Section 119 of the 1983 Act(**87**), in its application for the purposes of any provision of the 1983 Act as applied by this Schedule, has effect as if for subsection (3) there were substituted—

“(3) In this section, in relation to a voting area—

- (a) “bank holiday” means any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom in which the voting area is situated, and
- (b) “a day appointed for public thanksgiving or mourning” means a day appointed in the part of the United Kingdom in which the voting area is situated as a day of public thanksgiving or mourning.”

(2) The reference in sub-paragraph (1) to section 119 of the 1983 Act includes that section as applied by any other provision of that Act.

### **Application for relief**

**36.—**(1) Section 167(1) to (2)(**88**) applies for the purposes of the referendum but with the following modifications.

(2) For the purposes of the referendum the following subsection is to be treated as substituted for subsection (1)—

“(1) An application for relief under this section may be made to the High Court.”

(3) Subsection (2)(c) has effect for those purposes as if the words from “in the constituency” to “was held,” were omitted.

### **Powers of court on conviction of corrupt practice**

**37.** In section 168 of the 1983 Act(**89**)—

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(87) Section 119 was amended by section 19(4) of the Representation of the People Act 1985 (c.50); paragraphs 49 and 51 of Schedule 2 to the Electoral Administration Act 2006 (c.22); section 30 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); and paragraphs 6 and 9 of the Schedule to the Fixed-term Parliaments Act 2011 (c.14).

(88) Section 167(1) was amended by paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c.22). Section 167(1A) was inserted by paragraph 56 of Schedule 4 to the Representation of the People Act 1985 (c.50).

(89) Section 168 was amended by paragraph 8 of Schedule 3 and paragraph 57 of Schedule 4 to the Representation of the People Act 1985 (c.50); paragraphs 104 and 121 of Schedule 1 to the Electoral Administration Act 2006 (c.22); and paragraphs 1 and 11 of Schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).



- (a) the reference in subsection (1) to a person who is guilty of a corrupt practice includes a person who is guilty of a corrupt practice under a provision of the 1983 Act as applied by this Schedule,
- (b) the reference in subsection (1)(a) to section 60 or 62A includes either of those sections as so applied, and
- (c) the reference in subsection (7) to the offence of bribery or treating includes an offence under section 113 or 114 of the 1983 Act as applied by this Schedule.

### **Prosecution and conviction of illegal practice and illegal payments**

**38.** In sections 169(90), 170, 173(91), 173A(92) and 175(1) and (3)(93) of the 1983 Act—

- (a) references to an illegal practice include an illegal practice under a provision of the 1983 Act as applied by this Schedule,
- (b) references to a corrupt practice include a corrupt practice under such a provision, and
- (c) references to an offence of illegal payment or employment include an offence of illegal payment or employment under such a provision;

and in section 173(2) any reference to a corrupt practice or illegal practice under a section mentioned there includes a reference to a corrupt practice or illegal practice under that section as applied by this Schedule.

### **Time limit for prosecutions**

**39.**—(1) In section 176 of the 1983 Act(94), the reference in subsection (1) to any offence under any provision contained in the 1983 Act includes any offence under any such provision as applied by this Schedule.

(2) Subsections (2) to (2G) of section 176 of the 1983 Act have effect in relation to such an offence (“a referendum offence”) with the following modifications.

(3) Subsection (2C) has effect in relation to a referendum offence as if for “rule 57 of the parliamentary elections rules” there were substituted “regulation 58 of the European Union Referendum (Conduct) Regulations 2016”.

(4) Subsection (2D) has effect in relation to a referendum offence as if for paragraph (a) there were substituted—

- “(a) directing the registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in regulation 58 of the European Union Referendum (Conduct) Regulations 2016.”

### **Prosecution of offences committed outside the United Kingdom**

**40.** In section 178 of the 1983 Act(95) the reference to an offence under that Act includes an offence under any provision of that Act as applied by this Schedule.

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(90) Section 169 was amended by paragraph 9 of Schedule 3 to the Representation of the People Act 1985 (c.50).

(91) Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2006 (c.41) and amended by article 2(1) and (4) of S.I. 2007/931.

(92) Section 173A was inserted by section 136 of the Political Parties, Elections and Referendums Act 2006 (c.41) and was amended by paragraphs 104 and 123 of the Electoral Administration Act 2006 (c.22); section 34(3) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); and article 2(1) and (5) of S.I. 2007/931.

(93) Section 175(1) and (3) was amended by paragraph 6(1) and (6) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41). Subsection (1) was also amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c.50).

(94) Section 176 was amended by paragraph 61 of Schedule 4 to the Representation of the People Act 1985 (c.50) and section 70 of the Electoral Administration Act 2006 (c.22).

(95) Section 178 was substituted by paragraph 62 of Schedule 4 to the Representation of the People Act 1985 (c.50).

### Offences by associations

41. In section 179 of the 1983 Act(96)—

- (a) the reference to any corrupt or illegal practice includes any corrupt or illegal practice under any provision of the 1983 Act as applied by this Schedule, and
- (b) the reference to any illegal payment, employment or hiring includes any illegal payment or employment under any such provision.

### Director of Public Prosecutions

42. In section 181(1) of the 1983 Act(97) the reference to any offence under that Act includes any offence under any provision of that Act as applied by this Schedule.

### Service of notices

43. Section 184 of the 1983 Act(98) applies for the purposes of the referendum but as if in subsection (1)—

- (a) for “an election” there were substituted “the referendum”,
- (b) for the words from “the High Court” to “any election court” there were substituted “the High Court or the county court”, and
- (c) in paragraph (a), the words from “in the constituency” to “held” were omitted.

### Computation of time for purposes of Part 3

44. In section 186 of the 1983 Act the reference to Part 3 of that Act includes any provision of that Part as applied by this Schedule.

### Translations etc of certain documents

45.—(1) Section 199B(1) to (9) of the 1983 Act(99) applies for the purposes of the referendum but with the following modifications.

(2) For those purposes, the following subsection is to be treated as substituted for subsection (1)—

“(1) Subsections (2) and (3) below apply to any document which under or by virtue of this Act, the European Union Referendum Act 2015 or the European Union Referendum (Conduct) Regulations 2016 is required or authorised—

- (a) to be given to voters, or
- (b) to be displayed in any place in the United Kingdom, for the purposes of the referendum.”

(3) Subsection (4) has effect for the purposes of the referendum as if paragraph (a) were omitted.

(4) For the purposes of the referendum the following subsections are to be treated as substituted for subsections (5) to (7)—

“(5) The counting officer for a voting area in the United Kingdom may cause to be displayed at every polling station in that area an enlarged sample copy of the ballot paper.

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(96) Section 179 was amended by paragraphs 1 and 12 of Schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006 ([asp 14](#)).

(97) Section 181(1) was amended by paragraph 63(a) of Schedule 4 to the Representation of the People Act 1985 ([c.50](#)).

(98) Section 184 was amended by paragraphs 1 and 19(5) of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 ([c.41](#)); paragraphs 116 and 118 of Schedule 12 to the Postal Services Act 2011 ([c.5](#)); and paragraphs 57(1) and (3) of Schedule 1 to [S.I. 2001/1149](#).

(99) Section 199B was inserted by section 36 of the Electoral Administration Act 2006 ([c.22](#)).

(6) The sample copy mentioned in subsection (5) above—

- (a) must have printed on it the words “Put a cross (X) in one box only” both at the top and immediately below the referendum question, and
- (b) below the second occurrence of those words, may include a translation of those words into such other languages as the counting officer thinks appropriate.

(7) The counting officer for a voting area in the United Kingdom must provide at every polling station in that area an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.”

(5) Subsection (9) has effect for the purposes of the referendum as if for “returning officer” there were substituted “counting officer”.

### General interpretation

**46.** In its application for the purposes of any provision of the 1983 Act as applied by this Schedule, section 202 of the 1983 Act(**100**) has effect as if in subsection (1)—

(a) for the definition of “list of proxies” there were substituted—

““list of proxies” is to be read in accordance with paragraph 1(1) of Schedule 1 to the European Union Referendum (Conduct) Regulations 2016;”, and

(b) for the definition of “voter” and “vote” there were substituted—

““vote” and “voter” are to be read in accordance with paragraph 2(1) of Schedule 1 to the European Union Referendum (Conduct) Regulations 2016 (subject to any provision to the contrary in that Schedule).”

### General application to Scotland

**47.** Section 204(3), (5) and (8) of the 1983 Act applies for the purposes of any provision of the 1983 Act as applied by this Schedule, so far as that provision applies to Scotland.

### General application to Northern Ireland

**48.** Section 205 of the 1983 Act(**101**) applies for the purposes of any provision of the 1983 Act as applied by this Schedule, so far as that provision applies to Northern Ireland.

### Premises used for poll: Scotland and Northern Ireland

**49.** Rule 22(3) in Schedule 1 to the 1983 Act(**102**) applies for the purposes of the referendum but as if the reference to use for the purpose of taking the poll in an election included use by a counting officer for the purpose of taking the poll in the referendum.

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(**100**)Section 202 was amended by section 4(5) of, and Schedule 2 and paragraphs 70 of Schedule 4 to, the Representation of the People Act 1985 (c.50); Part 14 of Schedule 1 to the Statute Law (Repeals) Act 1993 (c.50); the Schedule to the Law Officers Act 1997 (c.60); paragraphs 1 and 22 of Schedule 1 and paragraphs 3 and 9 of Schedule 6 to the Representation of the People Act 2000 (c.2); paragraphs 1 and 19(6) of Schedule 18 and paragraph 6(1) and (8) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41); section 28(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); section 73(1) and (2) of, and paragraphs 2, 13, 69, 76, 104 and 128 of Schedule 1 to, the Electoral Administration Act 2006 (c.22); paragraphs 116 and 120 of Schedule 12 to the Postal Services Act 2011 (c.5), regulation 4(2) of S.I. 1994/1948; and paragraphs 57(1) and (4) of Schedule 1 to S.I. 2001/1149. There are other amendments that are not relevant to these Regulations.

(**101**)Section 205 was amended by paragraph 72 of Schedule 4 to the Representation of the People Act 1985 (c.50).

(**102**)Rule 22(3) was repealed as regards England and Wales by Part 1 of Schedule 13 to the Local Government Finance Act 1988 (c.41).

## SCHEDULE 2

Regulation 80

## APPLICATION OF PROVISIONS OF OTHER ACTS

## PART 1

## POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000

**Attendance of representatives of Electoral Commission at referendum proceedings**

1. Section 6A of the 2000 Act(**103**) has effect for the purposes of the referendum as if for subsection (4) there were substituted—

“(4) In this section, “the relevant counting officer” means, in relation to proceedings at the referendum under section 1 of the European Union Referendum Act 2015, the counting officer for the voting area to which the proceedings relate (determined in accordance with paragraph 3 of Schedule 3 to that Act).”

**Observation of working practices by representatives of the Electoral Commission**

2. Section 6B of the 2000 Act(**104**) has effect for the purposes of the referendum as if—

(a) for subsection (1)(c) there were substituted—

“(c) a counting officer for the referendum under section 1 of the European Union Referendum Act 2015”, and

(b) subsection (2)(a) were omitted.

**Accredited observers of referendum proceedings**

3. Section 6C of the 2000 Act(**105**) has effect for the purposes of the referendum as if the following subsection were inserted after subsection (1)—

“(1A) In subsection (1)(c) the reference to “proceedings at the counting of votes” includes proceedings of—

(a) a Regional Counting Officer in connection with the officer’s duty to certify the matters specified in paragraph 7(4) of Schedule 3 to the European Union Referendum Act 2015, and

(b) the Chief Counting Officer in connection with the officer’s duty to certify the matters specified in section 128(6).”

4. Section 6D of the 2000 Act(**106**) has effect for the purposes of the referendum as if the following subsection were inserted after subsection (1)—

“(1A) In subsection (1)(c) the reference to “proceedings at the counting of votes” includes proceedings of—

(103) Section 6A was inserted by section 29 of the Electoral Administration Act 2006 (c.22). There are amendments that are not relevant to these Regulations.

(104) Section 6B was inserted by section 29 of the Electoral Administration Act 2006 (c.22). There are amendments that are not relevant to these Regulations.

(105) Section 6C was inserted by section 29 of the Electoral Administration Act 2006 (c.22). There are amendments that are not relevant to these Regulations.

(106) Section 6D was inserted by section 29 of the Electoral Administration Act 2006 (c.22). There are amendments that are not relevant to these Regulations.

- (a) a Regional Counting Officer in connection with the officer's duty to certify the matters specified in paragraph 7(4) of Schedule 3 to the European Union Referendum Act 2015, and
- (b) the Chief Counting Officer in connection with the officer's duty to certify the matters specified in section 128(6)."

#### **Provision to the Electoral Commission of information about expenditure**

5. Section 9C of the 2000 Act(107) has effect for the purposes of the referendum as if for subsection (2)(c) there were substituted—

- "(c) in the case of a counting officer for the referendum under section 1 of the European Union Referendum Act 2015, expenditure in connection with that referendum."

#### **Right to use rooms for holding public meetings**

6. Paragraph 2(3) of Schedule 12 to the 2000 Act has effect for the purposes of the referendum as if after "public funds" there were inserted ", Gibraltar public funds".

## **PART 2**

### **APPLICATION OF OTHER ENACTMENTS**

#### **Premises used for referendum purposes in England and Wales**

7. Section 65(6) of the Local Government Finance Act 1988(108) (which makes provision for England and Wales corresponding to section 98 of and rule 22(3) in Schedule 1 to the 1983 Act) applies for the purposes of the referendum but as if—

- (a) the reference in paragraph (a) to public meetings in furtherance of a person's candidature at a parliamentary or local government election included public meetings to promote or procure a particular result in the referendum, and
- (b) the reference in paragraph (b) to use by a returning officer for the purpose of taking the poll in a parliamentary or local government election included use by a counting officer for the purpose of taking the poll in the referendum.

#### **Restriction on powers of arrest at polling station by persons other than constables**

8. Section 71 of the Electoral Administration Act 2006(109) applies for the purposes of the referendum but as if the reference to an offence under section 60 of the 1983 Act were a reference to an offence under that section as applied by Schedule 1.

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(107) Section 9C was inserted by section 67 of the Electoral Administration Act 2006 (c.22).

(108) 1988 c.41.

(109) 2006 c.22.

## SCHEDULE 3

Regulation 81

## APPLICATION OF EXISTING PROVISIONS OF REGULATIONS

## PART 1

THE 2001 REGULATIONS (ENGLAND AND WALES)  
AND THE 2001 REGULATIONS (SCOTLAND)**Preliminary**

1.—(1) In this Part of this Schedule the “relevant regulations” means—

- (a) the Representation of the People (England and Wales) Regulations 2001 (referred to in this Part of this Schedule as “the England and Wales Regulations”), and
- (b) the Representation of the People (Scotland) Regulations 2001 (referred to in this Part of this Schedule as “the Scotland Regulations”).

(2) In any provision of the relevant regulations as applied by this Part of this Schedule—

- (a) expressions defined by section 11 of the 2015 Act have the meaning given by that section, and
- (b) expressions defined by regulation 5 have the meaning given by that regulation.

(3) Sub-paragraph (2) does not apply to the extent that the context otherwise requires.

2. The following provisions of the relevant regulations apply for the purposes of the referendum—

- (a) regulation 3(1) and (3) (interpretation)(**110**);
- (b) regulation 5 (applications, notices etc)(**111**);
- (c) regulation 6 (electronic signatures)(**112**);
- (d) regulation 11 (interference with notices etc);
- (e) regulation 32A (representations regarding clerical errors)(**113**);
- (f) regulation 36A (communication of notices issued on polling day)(**114**);
- (g) regulation 55A (additional requirements for applications for an emergency proxy vote)(**115**);
- (h) regulation 62 (marked register for polling stations)(**116**);

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(110) Relevant amendments to regulation 3 of the England and Wales Regulations were made by regulations 2 and 3 of S.I. 2001/1700; regulation 5 of S.I. 2002/1871; regulation 2 of S.I. 2006/2910; and regulation 3 of S.I. 2013/3198. Relevant amendments to regulation 3 of the Scotland Regulations were made by regulations 2 and 3 of S.I. 2001/1749; regulation 5 of S.I. 2002/1872; regulation 2 of 2007/925; and regulation 3 of S.I. 2013/3206.

(111) Regulation 5 of the England and Wales Regulations was amended by regulation 5 of S.I. 2013/3198. Regulation 5 of the Scotland Regulations was amended by regulation 5 of S.I. 2013/3206.

(112) Regulation 5 of the England and Wales Regulations was amended by regulation 6 of S.I. 2013/3198. Regulation 6 of the Scotland Regulations was amended by regulation 6 of S.I. 2013/3206.

(113) Regulation 32A of the England and Wales Regulations was inserted by regulation 24(4) of S.I. 2006/2910. Regulation 32A of the Scotland Regulations was inserted by regulation 24(4) of S.I. 2007/925.

(114) Regulation 36A of the England and Wales Regulations was amended by regulation 26 of S.I. 2006/2910. Regulation 36A of the Scotland Regulations was inserted by regulation 26 of S.I. 2007/925.

(115) Regulation 55A of the England and Wales Regulations was inserted by regulation 24 of S.I. 2013/3198. Regulation 55A of the Scotland Regulations was inserted by regulation 24 of S.I. 2013/3206.

(116) Regulation 62 of the England and Wales Regulations was inserted by regulation 16 of S.I. 2006/2910. Regulation 62 of the Scotland Regulations was inserted by regulation 16 of S.I. 2007/925.

- (i) regulation 120 (calculating the fee for supply of marked registers or lists)(**117**).

### Forms

**3.**—(1) Regulation 4 of the relevant regulations (forms)(**118**) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for the purposes of the referendum as if—

(a) after paragraph (b) there were inserted—

“, and

(c) applications made under Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016.”

(b) after “an election” there were inserted “or the referendum”.

(3) Paragraph (2) has effect for the purposes of the referendum only in so far as it relates to Form K in Schedule 3 to the relevant regulations.

### Computation of time

**4.** Regulation 8 of the relevant regulations (time)(**119**) has effect for the purposes of the referendum as if in paragraph (2) for “regulation 56(6)” there were substituted “regulations 56(6) and 78A(5)”.

### Restriction on supply etc of record of anonymous entries

**5.** Regulation 45B(2) of the Scotland Regulations (duties of registration officers etc in relation to record of anonymous entries)(**120**) has effect for the purposes of the referendum as if—

(a) after sub-paragraph (a) there were treated as inserted—

“(aa) a deputy of the registration officer acting in that other capacity;”, and

(b) the references in sub-paragraph (b) to “that officer” were treated as references to “a person mentioned in sub-paragraph (a) or (aa)”.

### General requirements for applications for an absent vote

**6.**—(1) Regulation 51 of the relevant regulations (general requirements for applications for an absent vote)(**121**) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after “Schedule 4” there were inserted “or Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

(a) in sub-paragraph (b), after “Schedule 4” there were inserted “or regulation 66(4) or (5) of the European Union Referendum (Conduct) Regulations 2016”, and

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(117) Regulation 120 of each of the England and Wales and Scotland Regulations was substituted by regulations 3, 5, 6 and 8 of [S.I. 2008/1901](#).

(118) Regulation 4 of the England and Wales Regulations was amended by regulation 4 of [S.I. 2013/3198](#). Regulation 4 of the Scotland Regulations was amended by regulation 4 of [S.I. 2013/3206](#).

(119) Regulation 8 of the England and Wales Regulations was amended by regulation 60(1) of [S.I. 2006/2910](#). Regulation 8 of the Scotland Regulations was amended by regulation 48(1) of [S.I. 2007/925](#).

(120) Regulation 45B was inserted by regulation 18 of [S.I. 2007/925](#).

(121) Regulation 51 of the England and Wales Regulations was amended by regulation 3 of [S.I. 2006/752](#) and regulation 32 of [S.I. 2006/2910](#). Regulation 51 of the Scotland Regulations was amended by regulation 3 of [S.I. 2006/834](#) and regulation 3 of [S.I. 2008/305](#).

(b) in sub-paragraph (f), after “Schedule 4” there were inserted “or regulation 62 or 66 of the European Union Referendum (Conduct) Regulations 2016,”.

(4) For the purposes of the referendum the following paragraph is to be treated as inserted after paragraph (5)—

“(5A) An application that is made under Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016 for the purposes of the referendum must state that it is so made.”

### **Signature of application for absent vote**

7. Regulation 51A(a) of the relevant regulations (requirements that applications for an absent vote must be signed)(122) has effect for the purposes of the referendum as if—

- (a) after “Schedule 4” there were inserted “or Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) for “or the returning officer” there were substituted “, the returning officer or the counting officer”.

### **Address to which to send ballot paper: requirements if different to address in application**

8. Regulation 51AA(1) of the relevant regulations (additional requirement for applications for ballot paper to be sent to different address from that in application)(123) has effect for the purposes of the referendum as if—

- (a) in sub-paragraph (a), after “Schedule 4” there were inserted “or regulation 62(1) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) in sub-paragraph (b), after “Schedule 4” there were inserted “or regulation 66(4) of the European Union Referendum (Conduct) Regulations 2016”.

### **Address to which to send ballot paper: requirements if different to address in records**

9. Regulation 51B of the relevant regulations (additional requirement for applications for ballot paper to be sent to different address from that in records)(124) applies for the purposes of the referendum but as if for sub-paragraphs (a) and (b) of paragraph (1) there were substituted “regulation 62(5)(a) or 66(5) of the European Union Referendum (Conduct) Regulations 2016 by a person shown as voting by post in the record referred to in that provision.”

### **Applications for appointment of a proxy**

10. Regulation 52 of the relevant regulations (additional requirements for applications for appointment of proxy) has effect for the purposes of the referendum as if after “Schedule 4” there were inserted “or regulation 64(4) of the European Union Referendum (Conduct) Regulations 2016”.

(122) Regulation 51A of the England and Wales Regulations was inserted by regulation 4 of [S.I. 2006/752](#) and substituted by regulation 33 of [S.I. 2006/2910](#). Regulation 51A of the Scotland Regulations was inserted by regulation 4 of [S.I. 2006/834](#) and substituted by regulation 4 of [S.I. 2008/305](#).

(123) Regulation 51AA of the England and Wales Regulations was inserted by regulation 61 of [S.I. 2006/2910](#). Regulation 51AA of the Scotland Regulations was inserted by regulation 49 of [S.I. 2007/925](#).

(124) Regulation 51B of the England and Wales Regulations was inserted by regulation 4 of [S.I. 2006/752](#) and amended by regulation 19 of [S.I. 2006/2910](#). Regulation 51B of the Scotland Regulations was inserted by regulation 4 of [S.I. 2006/834](#) and amended by regulation 19 of [S.I. 2007/925](#).



### **Additional requirements for applications for proxy to vote**

**11.**—(1) Regulation 55 of the relevant regulations (additional requirement for applications for proxy to vote) applies for the purposes of the referendum but with the following modifications.

(2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—

“(1) An application under regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016 to vote by proxy in the referendum is to set out why the applicant’s circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted to the applicant under Part 2 of those Regulations.”

(3) Paragraph (2) has effect for the purposes of the referendum as if—

(a) for “paragraph 4(2) of Schedule 4” there were substituted “regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016”, and

(b) for “at the election for which it is made” there were substituted “for the referendum”.

(4) Paragraph (3A) of the England and Wales Regulations and paragraph (4) of the Scotland Regulations has effect for the purposes of the referendum as if—

(a) for “paragraph 4(2) of Schedule 4” there were substituted “regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016”, and

(b) for “at the election for which it is made” there were substituted “for the referendum”.

(5) Paragraph (4) of the England and Wales Regulations and paragraph (3A) of the Scotland Regulations has effect for the purposes of the referendum as if—

(a) for “paragraph 4(2) of Schedule 4” there were substituted “regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016”,

(b) for “paragraph 2(5A) of that Schedule” there were substituted “regulation 60(7) of those Regulations”, and

(c) for “at the election for which it is made” there were substituted “for the referendum”.

### **Closing date for applications**

**12.**—(1) Regulation 56 of the relevant regulations (closing date for applications)(125) has effect for the purposes of the referendum with the following modifications.

(2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—

“(1) An application under paragraph 3(1), (6) or (7) or 7(4) of Schedule 4 to the 2000 Act or an application under regulation 66(4) of the European Union Referendum (Conduct) Regulations 2016 shall be disregarded for the purposes of the referendum, and an application under regulation 62(5) of the European Union Referendum (Conduct) Regulations 2016 shall be refused, if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll for the referendum.”

(3) Paragraph (2) has effect for the purposes of the referendum as if—

(a) for “a particular parliamentary or local government election” there were substituted “the referendum”, and

(b) for “at that election” there were substituted “for the referendum”.

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(125) Regulation 56 of the England and Wales Regulations was amended by regulations 2 and 6 of S.I. 2001/1700; regulation 6 of S.I. 2006/752; regulations 44 and 60(2) of S.I. 2006/2910; and regulation 25 of S.I. 2013/3198. Regulation 56 of the Scotland Regulations was amended by regulations 2 and 5 of S.I. 2001/1749; regulation 6 of S.I. 2006/834; regulations 32 and 48(2) of S.I. 2007/925; and regulation 25 of S.I. 2013/3206.

(4) For the purposes of the referendum the following paragraphs are to be treated as substituted for paragraphs (3) and (3A)—

“(3) Subject to paragraph (3A), an application under regulation 62(2) or 64(4) of the European Union Referendum (Conduct) Regulations 2016 shall be refused if it is received by the registration officer after 5 pm on the sixth day before the date of the poll for the referendum.

(3A) Where an application made under regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016 is made—

- (a) on the grounds of the applicant’s disability and the applicant became disabled after 5 pm on the sixth day before the date of the poll for the referendum; or
- (b) on grounds relating to the applicant’s occupation, service or employment and the applicant became aware of those grounds after 5 pm on the sixth day before the date of the poll for the referendum; or
- (c) by a person to whom regulation 60(7) of those Regulations applies,

the application, or an application under regulation 64(4) of those Regulations made by virtue of that application, is to be refused if it is received after 5pm on the day of the poll for the referendum.”

(5) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraph (4)—

“(4) An application under regulation 62(1) or 66(5) of the European Union Referendum (Conduct) Regulations 2016 is to be refused if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll for the referendum.”

(6) Paragraph (5) has effect for the purposes of the referendum as if—

- (a) after “paragraph 6(10) of that Schedule by an elector” there were treated as inserted “, or a notice under regulation 64(6) of the European Union Referendum (Conduct) Regulations 2016 by a person,”,
- (b) for “a particular parliamentary or local government election” there were substituted “the referendum”, and
- (c) for “at that election” there were substituted “for the referendum”.

(7) Paragraph (5A) has effect for the purposes of the referendum as if for “a particular parliamentary or local government election” there were substituted “the referendum”.

(8) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraphs (6) and (7)—

“(6) In computing a period of days for the purposes of this regulation the following days are to be disregarded—

- (a) a Saturday or Sunday, and
- (b) Christmas Eve, Christmas Day, 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.”

### **Grant or refusal of applications**

**13.**—(1) Regulation 57 of the relevant regulations (grant or refusal of applications)(126) has effect for the purposes of the referendum with the following modifications.

(126) Regulation 57 of the England and Wales Regulations was amended by regulation 7 of S.I. 2006/752 and regulation 61 of S.I. 2006/2910. Regulation 57 of the Scotland Regulations was amended by regulation 7 of S.I. 2006/834 and regulation 50 of S.I. 2007/925.

(2) For those purposes, paragraph (3) is treated as omitted.

(3) Paragraph (4) has effect for the purposes of the referendum as if after “Schedule 4” there were inserted “or Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(4) Paragraph (4A) has effect for the purposes of the referendum as if after sub-paragraph (b) there were inserted—

“, or

(c) regulation 62(5)(a) of the European Union Referendum (Conduct) Regulations 2016 by a person shown as voting by post in a record mentioned in that provision, or

(d) regulation 66(5) of those Regulations by a person shown as voting by post in a record mentioned in that provision.”

(5) Paragraph (4B) has effect for the purposes of the referendum as if after “Schedule 4” there were inserted “or regulation 62(5)(a) or 66(5) of the European Union Referendum (Conduct) Regulations 2016”.

(6) Paragraph (5) has effect for the purposes of the referendum as if for “any particular parliamentary or local government election,” there were substituted “the referendum”.

(7) For the purposes of the referendum the following paragraph is to be treated as inserted after paragraph (6)—

“(7) Where the registration officer is not the counting officer for any voting area or part of a voting area in the area for which he is the registration officer, he shall send to that officer details of any application to vote by post which he has granted as soon as practicable after doing so.”

### **Cancellation of proxy appointment**

**14.** Regulation 59 of the relevant regulations (cancellation of proxy appointment) has effect for the purposes of the referendum as if—

(a) after “paragraph 6(10) of Schedule 4” there were inserted “or regulation 64(6) of the European Union Referendum (Conduct) Regulations 2016”,

(b) for “that provision” there were substituted “either of those provisions”,

(c) for “of that Schedule” there were substituted “of Schedule 4”, and

(d) after “paragraph 3(4)(c) of Schedule 4” there were inserted “or the list of proxies kept under regulation 63(3) of the European Union Referendum (Conduct) Regulations 2016”.

### **Requirement to provide fresh signatures every 5 years**

**15.—(1)** Regulation 60A of the relevant regulations (requirement to provide fresh signatures)(127) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (7) has effect for those purposes as if for the words from “kept under” to the end there were substituted “kept under regulation 63(2), 63(3) or 66(6) of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraph (8) has effect for the purposes of the referendum as if—

(a) in sub-paragraph (a), at the end there were inserted “or under Part 2 of the European Union Referendum (Conduct) Regulations 2016 (as the case may be)”, and

(b) in sub-paragraph (b), after “Schedule 4” there were inserted “or Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

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(127) Regulation 60A of the England and Wales Regulations was inserted by regulation 34 of S.I. 2006/2910. Regulation 60A of the Scotland Regulations was inserted by regulation 5 of S.I. 2008/305.

(4) Paragraph (9) has effect for the purposes of the referendum as if for the words from “kept under” to the end there were substituted—

“kept under regulation 63(2), 63(3) or 66(6) of the European Union Referendum (Conduct) Regulations 2016, information—

- (a) explaining the effect of such removal, and
- (b) reminding the absent voter that he may make a fresh application to vote by post or by proxy (as the case may be).”

### Records and lists

**16.**—(1) Regulation 61 of the relevant regulations (records and lists)(**128**) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if for the words from “any of the following” to the end there were substituted “the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists which he is required to keep under regulation 63(2), 63(3) or 66(6) of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraph (3) of the Scotland Regulations has effect for the purposes of the referendum as if after sub-paragraph (b) there were inserted—

“or

- (c) purposes connected with the referendum.”.

(4) Paragraph (5) has effect for the purposes of the referendum as if for “paragraph 5(2) of Schedule 4” there were substituted “regulation 63(2) of the European Union Referendum (Conduct) Regulations 2016.”

(5) Paragraph (6) has effect for the purposes of the referendum as if—

- (a) in sub-paragraph (a), for “paragraphs 5 and 7(8) of Schedule 4” there were substituted “regulations 63 and 66(6) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) for sub-paragraph (b) there were substituted—

“(b) if he is not the counting officer for any voting area or part of a voting area in the area for which he is the registration officer, send to that officer a copy of those lists and provide any subsequent revised lists or revisions to the lists;”.

(6) Paragraph (6A) has effect for the purposes of the referendum as if—

- (a) for “parliamentary election” there were substituted “the referendum”,
- (b) for “acting returning officer” there were substituted “counting officer”,
- (c) for “any constituency or part of a constituency” there were substituted “any voting area or part of a voting area”, and
- (d) for “paragraphs 5 and 7(8) of Schedule 4” there were substituted “regulations 63 and 66(6) of the European Union Referendum (Conduct) Regulations 2016”.

(7) Paragraph (7) has effect for the purposes of the referendum as if for “the proxy voters list kept under paragraph 5(3) of Schedule 4” there were substituted “the list of proxies kept under regulation 63(3) of the European Union Referendum (Conduct) Regulations 2016”.

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(128) Regulation 61 of the England and Wales Regulations was substituted by regulation 55 of S.I. 2006/2910 and amended by regulation 27 of S.I. 2013/3198. Regulation 61 of the Scotland Regulations was substituted by regulation 43 of S.I. 2007/925 and amended by regulation 27 of S.I. 2013/3206.

### Conditions on use, supply and inspection of absent voter records or lists

17. Regulation 61A of the relevant regulations (conditions on the use, supply and inspection of absent voter records or lists)(129) applies for the purposes of the referendum but as if—

- (a) for “regulations 61(1)(a) and (b)” there were substituted “regulation 61(1)”,
- (b) the word “either” were omitted, and
- (c) after sub-paragraph (b) there were inserted—
  - “, or
  - (c) purposes connected with the referendum.”

### Personal identifiers record

18.—(1) Regulation 61B of the relevant regulations (personal identifiers record)(130) has effect for the purposes of the referendum with the following modifications.

(2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—

“(1) In these Regulations “personal identifiers record” means a record kept by a registration officer in pursuance of—

- (a) paragraph 3(9) or 7(12) of Schedule 4 to the Representation of the People Act 2000 in relation to persons entitled to vote in the referendum,
- (b) paragraph 3(9) or 7(13) of Schedule 2 to the European Parliamentary Elections Regulations 2004 in relation to peers entitled to vote in the referendum, or
- (c) regulation 62(8) or 66(10) of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraph (3) has effect for the purposes of the referendum as if the following were substituted for sub-paragraph (a)—

“(a) any agent attending proceedings on receipt of postal ballot papers, in accordance with regulation 85A(4).”

### Notification of rejected postal voting statement

19. Regulation 61C of the relevant regulations (notification of rejected postal voting statement)(131) applies for the purposes of the referendum but as if, in paragraphs (1)(a) and (2)(b), for “returning officer” there were substituted “counting officer”.

### Interpretation of Part 5

20. Regulation 64 of the relevant regulations (interpretation of Part 5)(132) has effect for the purposes of the referendum as if—

- (a) the following were substituted for the definition of “agent”—
  - ““agent”, except in regulation 69, means a referendum agent or an agent appointed under regulation 69;”, and

(129) Regulation 61A of the England and Wales Regulations was inserted by regulation 56 of S.I. 2006/2910. Regulation 61A of the Scotland Regulations was inserted by regulation 44 of S.I. 2007/925.

(130) Regulation 61B of the England and Wales Regulations was inserted by regulation 35 of S.I. 2006/2910. Regulation 61B of the Scotland Regulations was inserted by regulation 6 of S.I. 2008/305.

(131) Regulation 61C of the England and Wales Regulations was inserted by regulation 28 of S.I. 2013/3198. Regulation 61C of the Scotland Regulations was inserted by regulation 28 of S.I. 2013/3206.

(132) Regulation 64 of the England and Wales Regulation was amended by regulations 31(2) and 48 of S.I. 2006/2910 and paragraph 46 of Schedule 1 to S.I. 2011/2085. Regulation 64 of the Scotland Regulations was amended by regulation 36 of S.I. 2007/925; regulation 2(2) of S.I. 2008/305; and paragraph 47 of Schedule 1 to S.I. 2011/2085.

- (b) in the definition of “valid postal voting statement”, for “returning officer” there were substituted “counting officer”.

#### **Persons entitled to be present at proceedings on issue of postal ballot papers**

21. Regulation 67 of the relevant regulations (persons entitled to be present at proceedings on issue of postal ballot papers)(133) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

#### **Persons entitled to be present at proceedings on receipt of postal ballot papers**

22. Regulation 68 of the relevant regulations (persons entitled to be present at proceedings on receipt of postal ballot papers)(134) applies for the purposes of the referendum but as if for sub-paragraphs (a) to (c) there were substituted—

- “(a) the counting officer and his clerks,
- (b) a referendum agent,”.

#### **Agents of candidate who may attend proceedings on receipt of postal ballot papers**

23. Regulation 69 of the relevant regulations (agents of candidates who may attend proceedings on receipt of postal ballot papers) applies for the purposes of the referendum but as if—

- (a) for “candidate” (in each place) there were substituted “referendum agent”,
- (b) for “returning officer” (in each place) there were substituted “counting officer”, and
- (c) paragraphs (3) and (5) were omitted.

#### **Notification of requirement of secrecy**

24. Regulation 70 of the relevant regulations (notification of requirement of secrecy) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

#### **Time when postal ballot papers are to be issued**

25. Regulation 71 of the relevant regulations (time when postal ballot papers are to be issued)(135) applies for the purposes of the referendum but as if for the words from “be issued” to the end there were substituted—

“not be issued by a counting officer so as to be received by persons entitled to vote in the referendum before the beginning of the relevant period within the meaning of section 125 of the Political Parties, Elections and Referendums Act 2000 (restriction on campaigning by certain persons or bodies).”

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(133) Regulation 67 of the England and Wales Regulations was amended by regulation 63 of S.I. 2006/2910. Regulation 67 of the Scotland Regulations was amended by regulation 51 of S.I. 2007/925.

(134) Regulation 68 of the England and Wales Regulations was amended by regulation 63 of S.I. 2006/2910. Regulation 67 of the Scotland Regulations was amended by regulation 51 of S.I. 2007/925.

(135) Regulation 71 of the England and Wales Regulations was substituted by regulation 29 of S.I. 2013/3198. Regulation 71 of the Scotland Regulations was substituted by regulation 29 of S.I. 2013/3206.

### Procedure on issue of postal ballot papers

26. Regulation 72 of the relevant regulations (procedure on issue of postal ballot papers)(136) applies for the purposes of the referendum but as if in paragraph (8) for sub-paragraphs (a) and (b) there were substituted “as mentioned in column 3 of the table in regulation 63(2) or 66(6) of the European Union Referendum (Conduct) Regulations 2016.”

### Refusal to issue ballot paper

27. Regulation 73 of the relevant regulations (refusal to issue ballot paper)(137) has effect for the purposes of the referendum as if—

- (a) for “returning officer” there were substituted “counting officer”, and
- (b) for “at any one election” there were substituted “for the referendum”.

### Envelopes

28. Regulation 74 of the relevant regulations (envelopes)(138) applies for the purposes of the referendum but as if in paragraph (1) for “rule 24 of the elections rules” there were substituted “regulation 17 of the European Union Referendum (Conduct) Regulations 2016”.

### Sealing up of completed corresponding number lists

29. Regulation 75 of the relevant regulations (sealing up of completed corresponding number lists)(139) applies for the purposes of the referendum but as if for “returning officer” (in both places) there were substituted “counting officer”.

### Delivery of postal ballot papers

30.—(1) Regulation 76 of the relevant regulations (delivery of postal ballot papers) applies for the purposes of the referendum but with the following modifications.

- (2) For those purposes paragraph (1) has effect as if—
  - (a) for “returning officer” there were substituted “counting officer”, and
  - (b) in sub-paragraph (c), for “rule 26(1) of the elections rules” there were substituted “regulation 19 of the European Union Referendum (Conduct) Regulations 2016.”
- (3) For the purposes of the referendum paragraph (2) has effect as if for “returning officer” there were substituted “counting officer”.

### Spoilt postal ballot papers

31. Regulation 77 of the relevant regulations (spoilt postal ballot papers)(140) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

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(136) Regulation 72 of the England and Wales Regulations was amended by regulation 12 of S.I. 2002/1871 and regulations 30(1), 49 and 65(a) of S.I. 2006/2910. Regulation 72 of the Scotland Regulations was amended by regulations 29(1), 37 and 54(a) of S.I. 2007/925.

(137) Regulation 73 of the England and Wales Regulations was amended by regulation 49 of S.I. 2006/2910. Regulation 72 of the Scotland Regulations was amended by regulation 37 of S.I. 2007/925.

(138) Regulation 74 of the England and Wales Regulations was amended by regulations 64 and 65(a) of S.I. 2006/2910. Regulation 72 of the Scotland Regulations was amended by regulations 52 and 54(a) of S.I. 2007/925.

(139) Regulation 75 of the England and Wales Regulations was amended by regulations 30(2) and 50 of S.I. 2006/2910. Regulation 75 of the Scotland Regulations was amended by regulations 29(2) and 38 of S.I. 2007/925.

(140) Regulation 77 of the England and Wales Regulations was amended by regulation 9 of S.I. 2006/752 and regulations 22 65(a) of S.I. 2006/2910. Regulation 77 of the Scotland Regulations was amended by regulation 8 of S.I. 2006/834 and regulations 22 and 54(a) of S.I. 2007/925.

**Lost postal ballot papers**

**32.** Regulation 78 of the relevant regulations (lost postal ballot papers)(**141**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

**Cancellation of postal ballot papers**

**33.**—(1) Regulation 78A of the relevant regulations (cancellation of postal ballot papers)(**142**) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if—

- (a) for the words from “final” to “application under” there were substituted “nineteenth day before the day of the poll for the referendum, an application under”,
- (b) in sub-paragraph (b), for the reference to “or 4(3)(b) of that Schedule” there were substituted “of Schedule 4 or regulation 62(5)(b) of the European Union Referendum (Conduct) Regulations 2016”,
- (c) in sub-paragraph (c), for the reference to “that Schedule” there were substituted “Schedule 4”,
- (d) in sub-paragraph (d), for the reference to “paragraph 4(3)(a) of that Schedule” there were substituted “regulation 62(5)(a) of the European Union Referendum (Conduct) Regulations 2016”,
- (e) in sub-paragraph (e), for the reference to “or (8) of that Schedule” there were substituted “of Schedule 4 or regulation 64(4) of the European Union Referendum (Conduct) Regulations 2016”,
- (f) in sub-paragraph (f), for the reference to “paragraph 7(7) of that Schedule” there were substituted “regulation 66(5) of the European Union Referendum (Conduct) Regulations 2016”,
- (g) in sub-paragraph (g), for the reference to “that Schedule” there were substituted “Schedule 4”,
- (h) for the reference to “paragraph 6(10) of that Schedule” there were substituted “paragraph 6(10) of Schedule 4 or regulation 64(4) of the European Union Referendum (Conduct) Regulations 2016”, and
- (i) for the reference to “that election” there were substituted “the referendum”.

(3) For the purposes of the referendum, paragraphs (1), (2) and (3) have effect as if for “returning officer” (in each place) there were substituted “counting officer”.

(4) For the purposes of the referendum the following paragraph is treated as substituted for paragraph (5)—

“(5) In computing a period of days for the purposes of this regulation the following days are to be disregarded—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, 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,

(141) Regulation 78 of the England and Wales Regulations was amended by regulation 10 of [S.I. 2006/752](#) and regulations 22 and 65(2) of [S.I. 2006/2910](#). Regulation 78 of the Scotland Regulations was amended by regulation 9 of [S.I. 2006/834](#); regulations 22 and 54(a) of [S.I. 2007/925](#); and regulation 30 of [S.I. 2013/3206](#).

(142) Regulation 78A of the England and Wales Regulations was inserted by regulation 30 of [S.I. 2013/3198](#). Regulation 78A of the Scotland Regulations was inserted by regulation 31 of [S.I. 2013/3206](#) and was amended by regulations 2 and 9 of [S.I. 2015/450](#).



- (c) any day that is a bank or public holiday in Gibraltar under the Gibraltar Acts titled the Banking and Financial Dealings Act and the Interpretation and General Clauses Act, and
- (d) any day appointed in any part of the United Kingdom or Gibraltar as a day of public thanksgiving or mourning.”

#### **Alternative means of returning postal ballot paper or postal voting statement: England and Wales**

**34.** Regulation 79 of the England and Wales Regulations (alternative means of returning postal ballot paper or postal voting statement)(**143**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) in paragraph (1) for “rule 45(1B) of the rules in Schedule 1 to the 1983 Act” there were substituted “regulation 46(3) of the European Union Referendum (Conduct) Regulations 2016”, and
- (c) in paragraph (3) for “rule 43(1) of the elections rules” there were substituted “regulation 44(1) of the European Union Referendum (Conduct) Regulations 2016”.

#### **Alternative means of returning postal ballot paper or postal voting statement: Scotland**

**35.** Regulation 79 of the Scotland Regulations (alternative means of returning postal ballot paper or postal voting statement) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) in paragraph (1) for “rule 45(1B) of the elections rules” there were substituted “regulation 46(3) of the European Union Referendum (Conduct) Regulations 2016”, and
- (c) in paragraph (2) for “rule 43(1) of the elections rules” there were substituted “regulation 44(1) of the European Union Referendum (Conduct) Regulations 2016”.

#### **Notice of opening of postal ballot paper envelopes**

**36.—**(1) Regulation 80 of the relevant regulations (notice of opening of postal ballot paper envelopes) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if—

- (a) for “returning officer” there were substituted “counting officer”, and
- (b) for “candidate” there were substituted “referendum agent”.

(3) Paragraph (2) has effect for the purposes of the referendum as if for “candidate” there were substituted “referendum agent”.

#### **Postal ballot boxes and receptacles**

**37.** Regulation 81 of the relevant regulations (postal ballot boxes and receptacles)(**144**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,

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(143) Regulation 79 of the England and Wales Regulations was amended by regulation 11 of [S.I. 2006/752](#) and regulation 65 of [S.I. 2006/2910](#). Regulation 79 of the Scotland Regulations was amended by regulation 10 of [S.I. 2006/834](#) and regulation 54 of [S.I. 2007/925](#).

(144) Regulation 81 of the England and Wales Regulations was amended by regulation 36 of [S.I. 2006/2910](#) and Schedule 2 to [S.I. 2103/3198](#). Regulation 81 of the Scotland Regulations was amended by regulation 7 of [S.I. 2008/305](#) and Schedule 2 to [S.I. 2013/3206](#).

- (b) in paragraph (2) for the words from “constituency” to the end there were substituted “voting area”, and
- (c) in paragraph (4) after “box” there were inserted “(if it has a lock)”.

#### **Receipt of covering envelope**

**38.** Regulation 82 of the relevant regulations (receipt of covering envelope)(**145**) applies for the purposes of the referendum but as if for “returning officer” (in both places) there were substituted “counting officer”.

#### **Opening of postal voters’ ballot box**

**39.** Regulation 83 of the relevant regulations (opening of postal voters’ ballot box) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in both places) there were substituted “counting officer”, and
- (b) in paragraph (3) for “rule 45 of the elections rules” there were substituted “regulation 46 of the European Union Referendum (Conduct) Regulations 2016”.

#### **Opening of covering envelopes**

**40.** Regulation 84 of the relevant regulations (opening of covering envelopes)(**146**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

#### **Confirming receipt of postal voting statements**

**41.** Regulation 84A of the relevant regulations (confirming receipt of postal voting statements)(**147**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

#### **Procedure in relation to postal voting statements: personal identifier verification**

**42.** Regulation 85A of the relevant regulations (procedure in relation to postal voting statements: personal identifier verification)(**148**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

#### **Opening of ballot paper envelopes**

**43.** Regulation 86 of the relevant regulations (opening of ballot paper envelopes) applies for the purposes of the referendum but as if, in paragraph (1), for “returning officer” there were substituted “counting officer”.

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(145) Regulation 82 of the England and Wales Regulations was amended by regulation 65(a) of [S.I. 2006/2910](#). Regulation 82 of the Scotland Regulations was amended by regulation 54(a) of [S.I. 2007/925](#).

(146) Regulation 84 of the England and Wales Regulations was amended by regulations 37, 51 and 65(a) of [S.I. 2006/2910](#) and regulation 31 of [S.I. 2013/3198](#). Regulation 84 of the Scotland Regulation was amended by regulations 39 and 54(1) of [S.I. 2007/925](#); regulation 8 of [S.I. 2008/305](#); and regulation 32 of 2013/3206 regulation 54(1) of [S.I. 2007/925](#).

(147) Regulation 84A of the England and Wales Regulations was inserted by regulation 52 of [S.I. 2006/2910](#). Regulation 84A of the Scotland Regulations was inserted by regulation 40 of [S.I. 2007/925](#).

(148) Regulation 85A of the England and Wales Regulations was inserted by regulation 39 of [S.I. 2006/2910](#) and was amended by regulation 32 of [S.I. 2013/3198](#). Regulation 85A of the Scotland Regulations was inserted by regulation 10 of [S.I. 2008/305](#) and was amended by regulation 33 of [S.I. 2013/3206](#).

### Retrieval of cancelled postal ballot papers

**44.**—(1) Regulation 86A of the relevant regulations (retrieval of cancelled postal ballot papers)(**149**) applies for the purposes of the referendum but with the following modifications.

(2) Paragraphs (1) and (3) have effect for those purposes as if for “returning officer” (in each place) there were substituted “counting officer”.

(3) Paragraph (2)(f) has effect for the purposes of the referendum as if for “rule 45 of the elections rules” there were substituted “regulation 46 of the European Union Referendum (Conduct) Regulations 2016”.

### Lists of rejected postal ballot papers

**45.** Regulation 87 of the relevant regulations (lists of rejected postal ballot papers)(**150**) applies for the purposes of the referendum but as if in paragraph (1) for “In respect of any election, the returning officer” there were substituted “The counting officer”.

### Checking of lists of rejected postal ballot papers

**46.** Regulation 88 of the relevant regulations (checking of lists of rejected postal ballot papers)(**151**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”, and
- (b) in paragraph (3), for the words from “constituency” to the end there were substituted “voting area under regulation 44(4) of the European Union Referendum (Conduct) Regulations 2016”.

### Sealing of receptacles

**47.** Regulation 89 of the relevant regulations (sealing of receptacles)(**152**) applies for the purposes of the referendum but as if, in paragraph (1), for “returning officer” there were substituted “counting officer”.

### Forwarding or retention of documents: England and Wales

**48.**—(1) Regulation 91 of the England and Wales Regulations (forwarding of documents)(**153**) applies for the purposes of the referendum but with the following modifications.

- (2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—
- “(1) When the counting officer forwards the documents mentioned in regulation 56 of the European Union Referendum (Conduct) Regulations 2016, he shall forward to the same registration officer—

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(149) Regulation 86A of the England and Wales Regulations was inserted by regulation 45 of [S.I. 2006/2910](#) and amended by regulation 33 of [S.I. 2013/3198](#). Regulation 86A of the Scotland Regulations was inserted by regulation 33 of [S.I. 2007/925](#) and was amended by regulation 34 of [S.I. 2013/3206](#).

(150) Regulation 87 of the England and Wales Regulations was amended by regulation 65(a) of [S.I. 2006/2910](#) and regulation 34 of [S.I. 2013/3198](#). Regulation 87 of the Scotland Regulations was amended by regulation 54(a) of [S.I. 2007/925](#) and regulation 35 of [S.I. 2013/3206](#).

(151) Regulation 88 of the England and Wales Regulations was amended by regulation 65 of [S.I. 2006/2910](#). Regulation 88 of the Scotland Regulations was amended by regulation 54 of [S.I. 2007/925](#).

(152) Regulation 89 of the England and Wales Regulations was amended by regulation 40 of [S.I. 2006/2910](#) and regulation 35 of [S.I. 2013/3198](#). Regulation 89 of the Scotland Regulations was amended by regulation 11 of [S.I. 2008/305](#) and regulation 36 of [S.I. 2013/3206](#).

(153) Regulation 91 was amended by regulation 12 of [S.I. 2006/752](#); regulation 53 of [S.I. 2006/2910](#); and regulation 36 of [S.I. 2013/3198](#).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The European Union Referendum (Conduct) Regulations 2016 No. 219*

- (a) any packets referred to in regulations 75, 77(6), 78(2C), 78A(2), 84(9) and 89, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area, and
  - (b) a completed statement in Form K of the number of postal ballot papers issued.”
- (3) Paragraph (3) has effect for the purposes of the referendum as if for “returning officer” (in both places) there were substituted “counting officer”.
- (4) Paragraph (3A) has effect for the purposes of the referendum as if—
- (a) for “returning officer” (in both places) there were substituted “counting officer”,
  - (b) the following were substituted for sub-paragraph (a)—
    - “(a) forward to the registration officer mentioned in that paragraph the list required to be compiled under regulation 87(4),”, and
    - (c) in sub-paragraph (b) for “constituency” there were substituted “voting area”.
- (5) Paragraph (4) has effect for the purposes of the referendum as if for “Rules 56 and 57 of the elections rules” there were substituted “Regulations 57 and 58 of the European Union Referendum (Conduct) Regulations 2016”.
- (6) Paragraph (5) has effect for the purposes of the referendum as if for “returning officer” there were substituted “counting officer”.

#### **Retention of documents: Scotland**

- 49.**—(1) Regulation 91 of the Scotland Regulations (retention of documents)(**154**) applies for the purposes of the referendum but with the following modifications.
- (2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—
- “(1) The counting officer shall retain together with the documents mentioned in regulation 56 of the European Union Referendum (Conduct) Regulations 2016—
- (a) any packets referred to in regulations 75, 77(6), 78(2C), 78A(2), 84(8) and 89, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area,
  - (b) a completed statement in Form K of the number of postal ballot papers issued, and
  - (c) any list compiled under regulation 87(4).”
- (3) Paragraph (2) has effect for the purposes of the referendum as if for “returning officer” (in both places) there were substituted “counting officer”.
- (4) Paragraph (4) has effect for the purposes of the referendum as if—
- (a) for “Rules 56, 57 and 58 of the elections rules” there were substituted “Regulations 57 and 58 of the European Union Referendum (Conduct) Regulations 2016”, and
  - (b) for “rules 56 and 57” there were substituted “those regulations”.
- (5) Paragraph (5) has effect for the purposes of the referendum as if for “returning officer” there were substituted “counting officer”.

#### **Forwarding of documents: Scotland**

- 50.**—(1) Regulation 91A of the Scotland Regulations (forwarding of documents)(**155**) applies for the purposes of the referendum but with the following modifications.

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(154) Regulation 91 was amended by regulation 11 of S.I. 2006/834; regulation 41 of S.I. 2007/925; regulations 2 and 3 of S.I. 2010/980; and regulation 37 of S.I. 2013/3206.

(155) Regulation 91A was inserted by regulation 38 of S.I. 2013/3206.

- (2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—
- “(1) Before the counting officer seals up the counted and rejected ballot papers as provided by regulation 55 of the European Union Referendum (Conduct) Regulations 2016, the counting officer must send a copy of any list compiled under regulation 87(4) to the registration officer for the local government area for which the counting officer is appointed.”
- (3) Paragraph (2) has effect for the purposes of the referendum as if the words from “and requiring” to the end were omitted.
- (4) Paragraph (3) has effect for the purposes of the referendum as if—
- (a) for “Rule 56 of the elections rules, as modified by rule 58 of those rules,” there were substituted “Regulation 57 of the European Union Referendum (Conduct) Regulations 2016”,
- (b) the words “, or extracts of the list,” were omitted,
- (c) for “returning officer” (in both places) there were substituted “counting officer”,
- (d) in sub-paragraph (a)—
- (i) for “rule 56” there were substituted “regulation 57”, and
- (ii) the words “, or extracts of the list,” were omitted, and
- (e) in sub-paragraph (b)—
- (i) the words “(as modified by rule 58 of the elections rules)” were omitted, and
- (ii) the words “, or extracts of a list,” were omitted.
- (5) Paragraph (4) has effect for the purposes of the referendum as if the words “, or extracts of the list,” were omitted.
- (6) Paragraph (5) has effect for the purposes of the referendum as if—
- (a) the words “, or extracts of the list,” (in both places) were omitted, and
- (b) the words “, and issued any notices under regulation 60B,” were omitted.

### **Interpretation and application of Part 6: England and Wales**

**51.** Regulation 92 of the England and Wales Regulations (interpretation and application of Part 6)(156) applies for the purposes of the referendum but as if—

- (a) in paragraph (7), for the words from “under regulations” to the first “may” there were substituted “under regulation 98 may”, and
- (b) in paragraph (10), for the words from “in regulations” to “below” there were substituted “in regulations 94(3) and 98(9) below”.

### **Restriction on supply etc of full register: England and Wales**

**52.** Regulation 94 of the England and Wales Regulations (restrictions on supply etc of full register)(157) has effect for the purposes of the referendum as if, in paragraph (1), after sub-paragraph (b) there were inserted—

- “(ba) the Chief Counting Officer and any Regional Counting Officer; and
- (bb) any deputy of the Chief Counting Officer or of any Regional Counting Officer; and”.

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(156) Regulation 92 was inserted by regulation 15 of S.I. 2002/1871 and was amended by regulation 13 of S.I. 2006/752; regulations 27 and 57 of S.I. 2006/2910; and regulations 37 and 42 of S.I. 2013/3198.

(157) Regulation 94 was inserted by regulation 15 of S.I. 2002/1871.

**Restriction on supply etc of full register: Scotland**

**53.**—(1) Regulation 94 of the Scotland Regulations (restrictions on supply etc of full register)(**158**) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after sub-paragraph (a) there were inserted—

- “(aa) the Chief Counting Officer and any Regional Counting Officer, and
- (ab) any deputy of the Chief Counting Officer or of any Regional Counting Officer, and”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) after sub-paragraph (a) there were inserted—
  - “(aa) any deputy of the registration officer acting in that other capacity, and”, and
- (b) the references in sub-paragraph (b) to “that officer” were treated as references to “a person mentioned in sub-paragraph (a) or (aa)”.

**Supply of free copy of full register for electoral purposes and restrictions on use: Scotland**

**54.** For the purposes of the referendum the following is treated as substituted for regulation 97 of the Scotland Regulations(**159**)—

**“Supply of free copy of full register for electoral purposes and restrictions on use**

**97.**—(1) By no later than the publication of the notice of the referendum, the registration officer shall supply each relevant counting officer with as many printed copies of the following as he may reasonably require for the purposes of the referendum—

- (a) the latest version of the relevant registers,
- (b) any notice, published under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of a relevant register, and
- (c) the latest version of the list of overseas electors.

(2) In this regulation—

“relevant counting officer” in relation to a registration officer—

- (a) means a counting officer for a voting area that is the same as, or falls wholly or partly within, the registration officer’s registration area, but
- (b) does not include a counting officer who is the same individual as the registration officer;

“relevant register” means—

- (a) the register of parliamentary electors, published under section 13(1) or (3) of the 1983 Act,
- (b) the register of local government electors, published under section 13(1) or (3) of that Act, or
- (c) the register of peers, maintained under section 3 of the 1985 Act, and published under section 13(1) or (3) of the 1983 Act (as applied by regulation 13(4) of, and Schedule 4 to, these regulations).

(3) If at any time after a registration officer has complied with paragraph (1)—

- (a) a revised version of a relevant register is published,

(**158**) Regulation 94 was inserted by regulation 14 of *S.I. 2002/1872* and was amended by regulation 53 of *S.I. 2007/925*.

(**159**) Regulation 97 was inserted by regulation 14 of *S.I. 2002/1872*. There are amendments that are not relevant to these Regulations.

(b) a notice is published, under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of a relevant register, or

(c) a revised version of the list of overseas electors is published,

the registration officer shall supply the counting officer with as many printed copies of the register, notice or list as he may reasonably require for the purposes of the referendum.

(4) Where a registration officer is under a duty to supply a counting officer with printed copies of a register, notice or list under this regulation, he must also supply a copy of the register, notice or list in data form.

(5) A register notice or list supplied under this regulation shall be supplied free of charge.

(6) No person to whom a copy of any register has been supplied under this regulation may—

(a) supply a copy of the full register,

(b) disclose any information contained in it (that is not contained in the edited register), or

(c) make use of any such information,

except for the purposes of the referendum.”

### **Supply of free copy of full register for electoral purposes and restrictions on use: England and Wales**

**55.** For the purposes of the referendum the following is treated as substituted for regulation 98 of the England and Wales Regulations(160)—

#### **“Supply of free copy of full register for electoral purposes and restrictions on use**

**98.**—(1) By no later than the publication of the notice of the referendum, the registration officer shall supply each relevant counting officer with as many printed copies of the following as he may reasonably require for the purposes of the referendum—

(a) the latest version of the relevant registers,

(b) any notice, published under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of a relevant register, and

(c) the latest version of the list of overseas electors.

(2) In this regulation—

“relevant counting officer” in relation to a registration officer—

(a) means a counting officer for a voting area that is the same as, or falls wholly or partly within, the registration officer’s registration area, but

(b) does not include a counting officer who is the same individual as the registration officer;

“relevant register” means—

(a) the register of parliamentary electors, published under section 13(1) or (3) of the 1983 Act,

(b) the register of local government electors, published under section 13(1) or (3) of that Act, or

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(160) Regulation 98 was inserted by regulation 15 of S.I. 2002/1871. There are amendments that are not relevant to these Regulations.

- (c) the register of peers, maintained under section 3 of the 1985 Act, and published under section 13(1) or (3) of the 1983 Act (as applied by regulation 13(4) of, and Schedule 4 to, these regulations).
- (3) If at any time after a registration officer has complied with paragraph (1)—
- (a) a revised version of a relevant register is published,
  - (b) a notice is published, under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of a relevant register, or
  - (c) a revised version of the list of overseas electors is published,
- the registration officer shall supply the counting officer with as many printed copies of the register, notice or list as he may reasonably require for the purposes of the referendum.
- (4) Where a registration officer is under a duty to supply a counting officer with printed copies of a register, notice or list under this regulation, he must also supply a copy of the register, notice or list in data form.
- (5) A register notice or list supplied under this regulation shall be supplied free of charge.
- (6) No person to whom a copy of any register has been supplied under this regulation may—
- (a) supply a copy of the full register,
  - (b) disclose any information contained in it (that is not contained in the edited register), or
  - (c) make use of any such information,
- except for the purposes of the referendum.”

**Offences: England and Wales**

**56.** Regulation 115 of the England and Wales Regulations (offences)(**161**) has effect for the purposes of the referendum as if in paragraph (2) for “98(9)” there were substituted “98(6)”.

**Offences: Scotland**

**57.** Regulation 115 of the Scotland Regulations (offences)(**162**) has effect for the purposes of the referendum as if in paragraph (2) for “97(7)” there were substituted “97(6)”.

**Interpretation of Part 7: England and Wales**

**58.** Regulation 116 of the England and Wales Regulations (interpretation of Part 7)(**163**) has effect for the purposes of the referendum as if—

- (a) in paragraph (1) for “rule 55(1)(e) of the elections rules” there were substituted “by virtue of regulation 56(2)(g) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) after paragraph (1) there were inserted—

(161) Regulation 115 was inserted by regulation 15 of S.I. 2002/1871, substituted by regulation 58 of S.I. 2006/2910 and amended by paragraphs 2(1) and (7) of Schedule 1 to the Counter-Terrorism Act 2008 (c.28).

(162) Regulation 115 was inserted by regulation 14 of S.I. 2002/1872, substituted by regulation 46 of S.I. 2007/925 and amended by paragraphs 3(1) and (7) of Schedule 1 to the Counter-Terrorism Act 2008 (c.28).

(163) Regulation 116 was inserted by regulation 59 of S.I. 2006/2910 and was amended by regulation 2(1) and (5) of S.I. 2007/1025 and regulations 3 and 4(1) of S.I. 2008/1901.



“(1A) In this Part references to “the relevant registration officer” means the registration officer to whom packets are forwarded under regulation 56(1) of the European Union Referendum (Conduct) Regulations 2016.”

### **Interpretation of Part 7: Scotland**

**59.**—(1) Regulation 116 of the Scotland Regulations (interpretation of Part 7)(164) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if—

- (a) for “returning officer” there were substituted “counting officer”, and
- (b) for “rule 58 of the elections rules” there were substituted “by virtue of regulation 56(2)(g) of the European Union Referendum (Conduct) Regulations 2016”.

(3) Paragraph (4) has effect for the purposes of the referendum as if for “returning officer” there were substituted “counting officer”.

### **Supply of marked registers and lists after an election: England and Wales**

**60.**—(1) Regulation 117 of the England and Wales Regulations (supply of marked registers and lists)(165) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if—

- (a) for the words from “regulation 100” to “local government election” there were substituted “regulation 100, 106, 109 or 113 with copies of the full register”, and
- (b) at the end there were treated as inserted—

“The reference to a person entitled to be supplied in accordance with regulation 106 with copies of the full register does not include a person mentioned in regulation 106(1)(b).”

(3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) for “regulation 103, 105, 106 or 108 before a particular election” there were substituted “regulation 106(1)(a) or (c) before the referendum”, and
- (b) for “that election for which the marked register or list was prepared” there were substituted “the referendum”.

(4) Paragraph (6)(b) has effect for the purposes of the referendum as if for “regulations 100, 103, 105, 106, 108, 109 or 113” there were substituted “regulations 100, 106, 109 and 113”.

(5) Paragraph (7) has effect for the purposes of the referendum as if for “regulations 100(3), 105(4), 106(3), 108(5) and 109(3)” there were substituted “regulations 100(3), 106(3) and 109(3)”.

### **Supply of marked registers and lists after an election: Scotland**

**61.**—(1) Regulation 117 of the Scotland Regulations (supply of marked registers and lists)(166) applies for the purposes of the referendum but with the following modifications.

(2) The regulation has effect for those purposes as if for “returning officer” (in each place) there were substituted “counting officer”.

(3) Paragraph (1) has effect for the purposes of the referendum as if—

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(164) Regulation 116 was inserted by regulation 47 of S.I. 2007/925 and was amended by regulations 3 and 7 of S.I. 2008/1901 and regulations 2, 4 and 5 of S.I. 2010/980.

(165) Regulation 117 was inserted by regulation 59 of S.I. 2006/2910 and amended by regulation 2(1) and (5) of S.I. 2007/1025 and regulations 3 and 4(1) of S.I. 2008/1901.

(166) Regulation 117 inserted by regulation 47 of S.I. 2007/925 and amended by regulation 14(4) of S.I. 2008/305 and regulations 2 and 5 of S.I. 2010/980.

- (a) for the words from “regulation 99” to “parliamentary election” there were substituted “regulation 99, 105, 108 or 112 with copies of the full register”, and
- (b) at the end there were treated as inserted—  
“The reference to a person entitled to be supplied in accordance with regulation 105 with copies of the full register does not include a person mentioned in regulation 105(1)(b).”
- (4) Paragraph (2) has effect for the purposes of the referendum as if—
  - (a) for “regulation 102, 104, 105 or 107 before a particular election” there were substituted “regulation 105(1)(a) or (c) before the referendum”, and
  - (b) for “that election for which the marked register or list was prepared” there were substituted “the referendum”.
- (5) Paragraph (6)(b) has effect for the purposes of the referendum as if for “regulations 99, 102, 104, 105, 107, 108 or 112” there were substituted “regulations 99, 105, 108 and 112”.
- (6) Paragraph (7) has effect for the purposes of the referendum as if for “regulations 99(3), 102(3), 104(4), 105(3), 107(5) or 108(3)” there were substituted “regulations 99(3), 105(3) or 108(3)”.

### Inspection of documents open to public inspection

**62.** Regulation 118 of the relevant regulations (inspection of documents)(**167**) applies for the purposes of the referendum but as if in paragraph (1)—

- (a) for “an election” there were substituted “the referendum”, and
- (b) for “the election” there were substituted “the referendum”.

**63.** For the purposes of the referendum, in regulation 118 of the Scotland Regulations, for “returning officer” (in each place) there is to be treated as substituted “counting officer”.

### Conditions on use, supply and disclosure of documents open to public inspection

**64.** Regulation 119 of the relevant regulations (conditions on the use, supply and disclosure of documents)(**168**) applies for the purposes of the referendum but as if, in paragraph (2)(b)—

- (a) the word “either” were omitted, and
- (b) the following were treated as inserted after paragraph (ii)—  
“; or  
(iii) any purpose in connection with the referendum.”

### Form K: statement as to postal ballot papers

**65.** Form K in Schedule 3 to the relevant regulations (statement as to postal ballot papers)(**169**) applies for the purposes of the referendum but as if—

(167) Regulation 118 of the England and Wales Regulations was inserted by regulation 59 of [S.I. 2006/2910](#) and amended by paragraphs 2(1) and (8) of Schedule 1 to the Counter-Terrorism Act 2008 ([c.28](#)) and regulation 44 of [S.I. 2013/3198](#). Regulation 118 of the Scotland Regulations was inserted by regulation 47 of [S.I. 2007/925](#) and amended by paragraphs 3(1) and (8) of Schedule 1 to the Counter-Terrorism Act 2008 ([c.28](#)); regulations 2, 5 and 6 of [S.I. 2010/980](#); and regulation 46 of [2013/3206](#).

(168) Regulation 119 of the England and Wales Regulations was inserted by regulation 59 of [S.I. 2006/2910](#) and amended by paragraphs 2(1) and (9) of Schedule 1 to the Counter-Terrorism Act 2008 ([c.28](#)). Regulation 118 of the Scotland Regulations was inserted by regulation 47 of [S.I. 2007/925](#) and amended by paragraphs 3(1) and (9) of Schedule 1 to the Counter-Terrorism Act 2008 ([c.28](#)).

(169) Form K in Schedule 3 to the England and Wales Regulations was substituted by Schedule 2 to [S.I. 2006/2910](#) and amended by regulation 49 of [S.I. 2013/3198](#). Form K in Schedule 3 to the Scotland Regulations was substituted by the Schedule to [S.I. 2008/305](#) and amended by regulation 51 of [S.I. 2013/3206](#).

- (a) for the heading “REPRESENTATION OF THE PEOPLE ACTS PARLIAMENTARY ELECTION” there were substituted “REFERENDUM ON THE UNITED KINGDOM’S MEMBERSHIP OF THE EUROPEAN UNION”,
- (b) for “constituency” there were substituted “voting area”, and
- (c) for “Returning Officer” (in each place) there were substituted “Counting Officer”.

## PART 2

### THE 2008 REGULATIONS (NORTHERN IRELAND)

#### Preliminary

**66.**—(1) In this Part of this Schedule the “2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008.

- (2) In any provision of the 2008 Regulations as applied by this Part of this Schedule—
  - (a) expressions defined by section 11 of the 2015 Act have the meaning given by that section, and
  - (b) expressions defined by regulation 5 have the meaning given by that regulation.
- (3) Sub-paragraph (2) does not apply to the extent that the context otherwise requires.

**67.** The following provisions of the 2008 Regulations apply for the purposes of the referendum—

- (a) regulation 3 (interpretation)(**170**);
- (b) regulation 5 (applications, notices etc);
- (c) regulation 6 (electronic signatures);
- (d) regulation 8 (time);
- (e) regulation 11 (interference with notices etc);
- (f) regulation 25 (alteration of registers under section 13BA(3) of the 1983 Act)(**171**);
- (g) regulation 40 (representations regarding clerical errors);
- (h) regulation 119 (fees relating to the supply of marked registers and lists).

#### Forms

**68.**—(1) Regulation 4 of the 2008 Regulations (forms) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if for “an election” there were substituted “the referendum”.

(3) Paragraph (2) has effect for the purposes of the referendum only in so far as it relates to Form N in Schedule 3 to the 2008 Regulations.

#### Communication of notices made on polling day

**69.** Regulation 45 of the 2008 Regulations (communication of notices made on polling day) applies for the purposes of the referendum but as if in paragraph (3) for “returning officer” there were substituted “counting officer”.

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(170) Regulation 3 was amended by regulation 2 of S.I. 2014/1808.

(171) Regulation 25 was amended by regulation 2 of S.I. 2010/278.

**Interpretation of Part 4**

**70.** Regulation 54 of the 2008 Regulations (interpretation of Part 4) has effect for the purposes of the referendum as if after “his allotted polling station” there were inserted “(apart from in regulation 59)”.

**General requirements for applications for an absent vote**

**71.—**(1) Regulation 55 of the 2008 Regulations (general requirements for applications for an absent vote)(**172**) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after “the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) after “section 6(1) or 7(1)” there were inserted “of the 1985 Act or regulation 73(1) or 77(5) of the European Union Referendum (Conduct) Regulations 2016”,
- (b) after “section 7(1)(ba) to (bc) of the 1985 Act” there were inserted “regulation 73(1)(c) to (e) or 77(5)(d) of those Regulations”,
- (c) in sub-paragraph (b), after “the 1985 Act” there were inserted “or regulation 77(5) of the European Union Referendum (Conduct) Regulations 2016”,
- (d) in sub-paragraph (c) for “such an application” there were substituted “an application under section 9 of the 1985 Act”, and
- (e) in sub-paragraph (d), after “the 1985 Act” there were inserted “or regulation 73(1) or 77(5) of the European Union Referendum (Conduct) Regulations 2016”.

**Address to which to send ballot paper: requirements if different to address in application**

**72.** Regulation 55A of the 2008 Regulations (additional requirement for applications for ballot paper to be sent to different address to that in register)(**173**) has effect for the purposes of the referendum as if—

- (a) after paragraph (1)(c) there were inserted—
  - “(d) in the case of an application to vote by post under regulation 73(1) of the European Union Referendum (Conduct) Regulations 2016, the address provided in accordance with regulation 73(7) of those Regulations and regulation 55(2)(b) above are different.”, and
- (b) in paragraph (2) “of the 1985 Act” were omitted.

**Address to which to send ballot paper: requirements if different to address in records**

**73.** Regulation 55B of the 2008 Regulations (additional requirement for applications for ballot paper to be sent to different address from that in records)(**174**) applies for the purposes of the referendum but as if for sub-paragraphs (a) and (b) of paragraph (1) there were inserted “regulation 73(5)(a) or 77(7) of the European Union Referendum (Conduct) Regulations 2016 by a person (“A”) shown as voting by post in the record referred to in that provision”.

(172) Regulation 55 was amended by regulation 16 of S.I. 2014/1808.

(173) Regulation 55A was inserted by regulation 5 of S.I. 2010/278 and amended by regulation 17 of S.I. 2014/1808.

(174) Regulation 55B was inserted by regulation 5 of S.I. 2010/278 and amended by regulation 18 of S.I. 2014/1808.

### **Additional requirements for applications for appointment of a proxy**

74. Regulation 56 of the 2008 Regulations (additional requirement for applications for the appointment of a proxy)(175) applies for the purposes of the referendum but as if—

- (a) in paragraph (1), after “the 1985 Act” there were inserted “or regulation 75(4) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) after paragraph (2)(b) there were inserted—
  - “; or
  - (c) regulation 77(5) of the European Union Referendum (Conduct) Regulations 2016.”

### **Additional requirements for applications in respect of a particular election**

75.—(1) Regulation 59 of the 2008 Regulations (additional requirements for applications in respect of a particular election)(176) applies for the purposes of the referendum but with the following modifications.

(2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—

“(1) An application under regulation 73(1) of the European Union Referendum (Conduct) Regulations 2016 shall set out why the applicant’s circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted to him under Part 2 of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraphs (2)(d) and (3)(e) have effect for the purposes of the referendum as if the words from “in respect” to the end of the paragraph were omitted.

(4) Paragraphs (4), (6) and (8) have effect for the purposes of the referendum as if for “section 7(1) of the 1985 Act” there were substituted “regulation 73(1) of the European Union Referendum (Conduct) Regulations 2016”.

(5) Paragraph (6)(a) has effect for the purposes of the referendum as if for “at the election in question” there were substituted “for the referendum”.

(6) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraph (8)(b)—

- “(b) in which the circumstances set out in accordance with paragraph (1) relate to the applicant’s employment either as a constable or by a counting officer on the date of the poll for the referendum for a purpose connected with the referendum;”.

### **Additional requirements for applications by proxies to vote by post at a particular election**

76. Regulation 60 of the 2008 Regulations (additional requirements for applications by proxies to vote by post at a particular election)(177) applies for the purposes of the referendum but as if for “section 9(7)(a) of the 1985 Act” there were substituted “regulation 77(5) of the European Union Referendum (Conduct) Regulations 2016”.

### **Closing date for applications**

77.—(1) Regulation 61 of the 2008 Regulations (closing date for applications) has effect for the purposes of the referendum with the following modifications.

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(175) Regulation 56 was amended by regulation 19 of S.I. 2014/1808.

(176) Regulation 59 was amended by regulation 7 of S.I. 2010/278.

(177) Regulation 60 was amended by regulation 20 of S.I. 2014/1808.

(2) For those purposes the following paragraphs are to be treated as substituted for paragraphs (1) to (3)—

“(1) An application under section 6(1) or (5), 8(6) or 9(4) of the 1985 Act shall be disregarded for the purposes of the referendum if it is received by the registration officer after 5 pm on the fourteenth day before the date of the poll for the referendum.

(2) Subject to paragraph (3), an application under regulation 73(1) or (5), 75(4) or 77(5) of the European Union Referendum (Conduct) Regulations 2016 shall be refused if it is received by the registration officer after 5 pm on the fourteenth day before the date of the poll for the referendum.

(3) Paragraph (2) shall not apply to an application which satisfies the requirements of either paragraphs (6) and (7) or paragraph (8) of regulation 59; and such an application shall be refused if it is received by the registration officer after 5 pm on the sixth day before the date of the poll for the referendum.”

(3) Paragraph (4) has effect for the purposes of the referendum as if—

- (a) after “section 8(9) of that Act by an elector” there were inserted “, or a notice under regulation 75(6) of the European Union Referendum (Conduct) Regulations 2016 by a person,”,
- (b) for “a particular election” there were substituted “the referendum”, and
- (c) for “at that election” there were substituted “for the referendum”.

(4) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraphs (5) and (6)—

“(5) In computing a period of days for the purposes of this regulation the following days are to be disregarded—

- (a) a Saturday or Sunday, and
- (b) Christmas Eve, Christmas Day, 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.”

### **Grant or refusal of applications**

**78.**—(1) Regulation 62 of the 2008 Regulations (grant or refusal of applications) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after “section 6, 7, 8 or 9 of the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(3) For the purposes of the referendum, paragraph (3) is to be treated as omitted.

(4) For the purposes of the referendum paragraph (4) has effect as if after “the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”

(5) Paragraph (5) has effect for the purposes of the referendum as if after “a particular election” there were inserted “or the referendum”.

### **Cancellation of proxy appointment**

**79.** Regulation 64 of the 2008 Regulations (cancellation of proxy appointment) has effect for the purposes of the referendum as if—

- (a) after “the 1985 Act” there were inserted “or regulation 75(6) of the European Union Referendum (Conduct) Regulations 2016,

- (b) for “that provision” there were substituted “either of those provisions”,
- (c) for “that Act” there were substituted “the 1985 Act”, and
- (d) before “remove his name” there were inserted “in the case where an application was made under section 8 of the 1985 Act”.

### **Records and lists**

**80.**—(1) Regulation 66 of the 2008 Regulations (records and lists)(**178**) applies for the purposes of the referendum but with the following modifications.

- (2) Paragraph (1) has effect for those purposes as if—
  - (a) for “sections 7(4) and 9(9) of the 1985 Act” there were substituted “regulations 74(2) or (3) or 77(8) of the European Union Referendum (Conduct) Regulations 2016”, and
  - (b) for “candidate at a parliamentary election or his election agent” there were substituted “referendum agent”.

(3) For the purposes of the referendum paragraphs (2) and (2A) are to be treated as omitted.

(4) Paragraph (3) has effect for the purposes of the referendum as if for “sections 7(4) and 9(9) of the 1985 Act” there were substituted “regulations 74(2) or (3) or 77(8) of the European Union Referendum (Conduct) Regulations 2016”.

### **Interpretation of Part 5**

**81.**—(1) Regulation 70 of the 2008 Regulations (interpretation of Part 5)(**179**) has effect for the purposes of the referendum with the following modifications.

(2) For those purposes the definition of “absent voters list” has effect as if for “section 7(4) of the 1985 Act” there were substituted “regulations 74(2) or (3) of the European Union Referendum (Conduct) Regulations 2016”.

(3) For the purposes of the referendum the definition of “agent” has effect as if the following were substituted for it—

““agent”, except in regulation 73, means a referendum agent or an agent appointed under regulation 73;”.

(4) For the purposes of the referendum the definition of “list of postal proxies” has effect as if for “section 9(9) of the 1985 Act” there were substituted “regulation 77(8) of the European Union Referendum (Conduct) Regulations 2016”.

### **Time when postal ballot papers are to be issued**

**82.** For the purposes of the referendum, the following regulation is to be treated as inserted after regulation 70 of the 2008 Regulations—

#### **“Time when postal ballot papers are to be issued**

**70A.** Postal ballot papers (and declarations of identity) must not be issued by the counting officer so as to be received by persons entitled to vote in the referendum before the beginning of the relevant period within the meaning of section 125 of the Political Parties, Elections and Referendums Act 2000 (restriction on campaigning by certain persons and bodies).”

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(178) Regulation 66 was amended by regulation 21 of S.I. 2014/1808.

(179) Regulation 70 was amended by paragraph 76 of Schedule 1 to S.I. 2011/2085.

**Persons entitled to be present at proceedings on issue and receipt of postal ballot papers**

**83.**—(1) Regulation 72 of the 2008 Regulations (persons entitled to be present at proceedings on issue of postal ballot papers)(**180**) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if—

(a) For “a parliamentary election” there were substituted “the referendum”, and

(b) for sub-paragraphs (a) to (c) there were substituted—

“(a) the counting officer and his clerks;

(b) a referendum agent;”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

(a) for “sub-paragraphs (b), (c) and (d)” there were substituted “sub-paragraphs (b) and (d)”, and

(b) for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

**Agents of candidate who may attend proceedings on issue or receipt of postal ballot papers**

**84.** Regulation 73 of the 2008 Regulations (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers)(**181**) applies for the purposes of the referendum but as if—

(a) for “candidate” (in each place) there were substituted “referendum agent”,

(b) for “returning officer” (in each place) there were substituted “counting officer”,

(c) paragraph (6) were treated as omitted, and

(d) in paragraph (10), for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

**Notification of requirement of secrecy**

**85.** Regulation 74 of the 2008 Regulations (notification of requirement of secrecy) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

**Notice of issue of postal ballot papers**

**86.** Regulation 75 of the 2008 Regulations (notice of issue of postal ballot papers)(**182**) applies for the purposes of the referendum but as if—

(a) for “returning officer” (in both places) there were substituted “counting officer”,

(b) for “candidate” (in each place) there were substituted “referendum agent”, and

(c) in paragraph (3), for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

**Procedure on issue of postal ballot paper**

**87.**—(1) Regulation 76 of the 2008 Regulations (procedure on issue of postal ballot paper)(**183**) applies for the purposes of the referendum but with the following modifications.

(**180**) Regulation 72 was amended by regulation 8 of S.I. 2010/278 and regulation 22 of S.I. 2014/1808.

(**181**) Regulation 73 was amended by regulation 23 of S.I. 2014/1808.

(**182**) Regulation 75 was amended by regulation 24 of S.I. 2014/1808.

(**183**) Regulation 76 was amended by regulation 25 of S.I. 2014/1808.



- (2) For those purposes paragraph (5) has effect as if—
- (a) in sub-paragraph (a) for “section 7(4A) of the 1985 Act” there were substituted “regulation 74(4) of the European Union Referendum (Conduct) Regulations 2016”, and
  - (b) in sub-paragraph (b)—
    - (i) for “section 9(9) of the 1985 Act” there were substituted “regulation 77(8) of those Regulations”, and
    - (ii) for “section 9(9A) or (9B) of that Act” there were substituted “regulation 77(9) of those Regulations”.

### **Refusal to issue ballot paper**

**88.** Regulation 77 of the 2008 Regulations (refusal to issue ballot paper) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

### **Envelopes**

**89.** Regulation 78 of the 2008 Regulations (envelopes)(**184**) applies for the purposes of the referendum but as if in paragraph (1) for “rule 24 of the elections rules” there were substituted “regulation 17 of the European Union Referendum (Conduct) Regulations 2016”.

### **Sealing up of completed corresponding number lists**

**90.** Regulation 79 of the 2008 Regulations (sealing up of completed corresponding number lists) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

### **Delivery of postal ballot papers**

**91.**—(1) Regulation 80 of the 2008 Regulations (delivery of postal ballot papers) applies for the purposes of the referendum but with the following modifications.

- (2) For those purposes paragraph (1) has effect as if—
- (a) for “returning officer” there were substituted “counting officer”, and
  - (b) in sub-paragraph (c), for “rule 26(1) of the elections rules” there were substituted “regulation 19 of the European Union Referendum (Conduct) Regulations 2016.”
- (3) For the purposes of the referendum paragraph (2) has effect as if for “returning officer” there were substituted “counting officer”.

### **Spoilt postal ballot papers**

**92.** Regulation 81 of the 2008 Regulations (spoilt postal ballot papers)(**185**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

### **Tendered postal ballot papers**

**93.**—(1) Regulation 81A of the 2008 Regulations (tendered postal ballot papers)(**186**) applies for the purposes of the referendum but with the following modifications.

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(**184**) Regulation 78 was amended by regulation 9 of S.I. 2010/278.

(**185**) Regulation 81 was amended by regulation 26 of S.I. 2014/1808.

(**186**) Regulation 81A was inserted by regulation 27 of S.I. 2014/1808.

- (2) Paragraph (1) has effect for those purposes as if for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.
- (3) Paragraph (2) has effect for the purposes of the referendum as if—
- (a) for “a parliamentary election” there were substituted “the referendum”, and
  - (b) for “section 15 of the 1985 Act” there were substituted “regulations under section 4(2) of the European Union Referendum Act 2015”.
- (4) Paragraph (4) has effect for the purposes of the referendum as if—
- (a) in sub-paragraph (a), for “section 7(4A) of the 1985 Act” there were substituted “regulation 74(4) of the European Union Referendum (Conduct) Regulations 2016”, and
  - (b) in sub-paragraph (b), for the words from “section 9(9)” to the end there were substituted “regulation 77(8) of the European Union Referendum (Conduct) Regulations 2016 but for regulations 74(4) or 77(9) of those Regulations.”
- (5) Paragraphs (5) to (11) have effect for the purposes of the referendum as if for “Chief Electoral Officer” (in each place) there were substituted “counting officer”.
- (6) Paragraph (9) has effect for the purposes of the referendum as if—
- (a) for “rule 40ZA(9) of the elections rules” there were substituted “regulation 39(9) of the European Union Referendum (Conduct) Regulations 2016”, and
  - (b) for “rule 40ZA(7) of the elections rules” there were substituted “regulation 39(7) of the European Union Referendum (Conduct) Regulations 2016”.

**Notice of opening of postal ballot paper envelopes**

**94.**—(1) Regulation 82 of the 2008 Regulations (notice of opening of postal ballot paper envelopes) applies for the purposes of the referendum but with the following modifications.

- (2) Paragraph (1) has effect for those purposes as if—
- (a) for “returning officer” there were substituted “counting officer”, and
  - (b) for “candidate” there were substituted “referendum agent”.
- (3) Paragraph (2) has effect for the purposes of the referendum as if for “candidate” there were substituted “referendum agent”.

**Postal ballot boxes and receptacles**

**95.** Regulation 83 of the 2008 Regulations (postal ballot boxes and receptacles) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) in paragraph (2), for the words from “constituency” to the end there were substituted “voting area”, and
- (c) in paragraph (4), after “box” there were inserted “(if it has a lock)”.

**Receipt of covering envelope**

**96.** Regulation 84 of the 2008 Regulations (receipt of covering envelope)(187) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

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(187) Regulation 84 was amended by regulation 28 of [S.I. 2014/1808](#).

### Opening of postal voters' ballot box

97. Regulation 85 of the 2008 Regulations (opening of postal voters' ballot box) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in both places) there were substituted “counting officer”, and
- (b) in paragraph (3), for “rule 45 of the elections rules” there were substituted “regulation 46 of the European Union Referendum (Conduct) Regulations 2016”.

### Opening of covering envelopes

98. Regulation 86 of the 2008 Regulations (opening of covering envelopes) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”, and
- (b) after paragraph (4) there were inserted—

“(5) Where an envelope opened in accordance with paragraph (1) contains a declaration of identity (whether separate or not), the counting officer must place a mark in the marked copy of the postal voters list or the proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(6) A mark made under paragraph (5) must be distinguishable from and must not obscure the mark made under regulation 76.

(7) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the postal voters list and the proxy postal voters list that has been marked in accordance with paragraph (5) and must seal the packet.”

### Procedure in relation to declarations of identity

99. Regulation 87 of the 2008 Regulations (procedure in relation to declarations of identity)(188) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”, and
- (b) in paragraph (1)(b) for “rule 45(2)(b) and (2A) of the elections rules” there were substituted “regulation 46(5)(b) and (6) of the European Union Referendum (Conduct) Regulations 2016”.

### Opening of ballot paper envelopes

100. Regulation 88 of the 2008 Regulations (opening of ballot paper envelopes) applies for the purposes of the referendum but as if, in paragraph (1), for “returning officer” there were substituted “counting officer”.

### Sealing of receptacles

101. Regulation 89 of the 2008 Regulations (sealing of receptacles) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

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(188) Regulation 87 was amended by regulation 9(2) of S.I. 2010/278.

**Forwarding of documents**

**102.** Regulation 91 of the 2008 Regulations (forwarding of documents)(**189**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) the following were treated as substituted for paragraph (1)—
  - “(1) The Chief Electoral Officer for Northern Ireland shall retain together with the documents mentioned in regulation 56 of the European Union Referendum (Conduct) Regulations 2016—
  - (a) any packets referred to in regulation 79, 81(5), 81A(11) and 89, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area,
  - (b) the list of spoiled ballot papers and the list of tendered ballot papers, and
  - (c) a completed statement in Form N.”,
- (c) in paragraph (2), for the words from “and endorse” to the end there were substituted “, endorse the packet as mentioned in paragraph (1)(a) and retain the packet”,
- (d) the following were treated as substituted for paragraph (3)—
  - “(3) Regulations 57 and 58 of the European Union Referendum (Conduct) Regulations 2016 shall apply to any packet or document retained under this regulation.”, and
- (e) in paragraph (4) for “(1)(b)” there were substituted “(1)(c)”.

**Restriction on supply etc of full register**

**103.** Regulation 94(1) of the 2008 Regulations (restrictions on supply etc of full register) has effect for the purposes of the referendum as if—

- (a) after sub-paragraph (b) there were inserted—
  - “(ba) the Chief Counting Officer;
  - (bb) any deputy of the Chief Counting Officer;”, and
- (b) the references in sub-paragraph (c) to “any such officer” were treated as references to “a person mentioned in sub-paragraph (a), (b), (ba) or (bb)”.

**Interpretation of Part 7**

**104.** Regulation 115 of the 2008 Regulations (interpretation of Part 7) has effect for the purposes of the referendum as if, in paragraph (1), for “rule 57(1A) of the elections rules” there were substituted “regulation 56(1)(b) of the European Union Referendum (Conduct) Regulations 2016”.

**Supply of marked registers and lists after an election**

**105.**—(1) Regulation 116 of the 2008 Regulations (supply of marked registers and lists) applies for the purposes of the referendum but with the following modifications.

- (2) Paragraph (1) has effect for those purposes as if—
  - (a) for the words from “regulation 99” to “local government election” there were substituted “regulations 99, 105, 107 or 111, with copies of the full register”, and
  - (b) at the end there were treated as inserted—

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(189) Regulation 91 was amended by regulation 29 of [S.I. 2014/1808](#).

“The reference to a person entitled to be supplied in accordance with regulation 105 with copies of the full register does not include a person mentioned in regulation 105(1)(b).”

- (3) Paragraph (2) has effect for the purposes of the referendum as if—
- (a) for the words from “regulation 102” to “particular election” there were substituted “regulation 105(1)(a) or (c) applies before the referendum”, and
  - (b) for “that election” there were substituted “the referendum”.
- (4) Paragraph (6)(b) has effect for the purposes of the referendum as if for “regulations 99, 102, 104, 105, 106, 107 or 111” there were substituted “regulations 99, 105, 107 or 111”.

### **Inspection of documents open to public inspection**

**106.** Regulation 117 of the 2008 Regulations (inspection of documents) applies for the purposes of the referendum but as if in paragraph (1)(b) for “an election” there were substituted “the referendum”.

### **Conditions on use, supply and disclosure of documents open to public inspection**

**107.** Regulation 118 of the 2008 Regulations (conditions on the use, supply and disclosure of documents) applies for the purposes of the referendum but as if, in paragraph (2)—

- (a) the word “either” were omitted, and
- (b) at the end, there was inserted “or any purpose in connection with the referendum”.

### **Form N: statement as to postal ballot papers**

**108.** Form N in Schedule 3 of the 2008 Regulations (statement as to postal ballot papers)(**190**) applies for the purposes of the referendum but as if—

- (a) for the heading “REPRESENTATION OF THE PEOPLE ACTS PARLIAMENTARY ELECTION” there were substituted “REFERENDUM ON THE UNITED KINGDOM’S MEMBERSHIP OF THE EUROPEAN UNION”,
- (b) for “constituency” there were substituted “voting area”, and
- (c) for “Returning Officer” (in each place) there were substituted “Counting Officer”.

## **PART 3**

### **OTHER REGULATIONS**

#### **Control of advertisements**

**109.** The Town and Country Planning (Control of Advertisements) Regulations 1992(**191**) 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.

**110.** The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984(**192**) apply in relation to the display on any site in Scotland of an advertisement relating

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(190) Form N was amended by regulation 32(1) and (8) of S.I. 2014/1808.

(191) S.I. 1992/666, amended by S.I. 1999/1910 and S.I. 2012/791 (W. 106), extended by article 11 of S.I. 2006/1282 and revoked in relation to England by S.I. 2007/783; there are other amending instruments but none is relevant.

(192) S.I. 1984/467, amended by S.S.I. 2003/503 and S.S.I. 2004/334 and extended by article 6 of S.S.I. 2006/270.

specifically to the referendum as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

**111.** The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015(**193**) 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.

### **Right of audience and right to conduct litigation**

**112.** Article 6 of the European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004(**194**) applies for the purposes of the referendum but as if for “European Parliamentary elections in the combined region” (in each place) there were substituted “the referendum under section 1 of the European Union Referendum Act 2015 in the South West and Gibraltar Region within the meaning of that Act (see paragraph 5 of Schedule 3 to that Act)”.

### **Provision of information regarding proxies**

**113.** Regulation 2 of the Representation of the People (Provision of Information Regarding Proxies) Regulations 2013(**195**) has effect for the purposes of the referendum as if—

(a) the following paragraph were treated as substituted for paragraph (1)—

“(1) A registration officer in Great Britain may require a registration officer in Great Britain or Northern Ireland to provide information as soon as reasonably practicable about—

- (a) whether the person, whom an elector wishes to be appointed as their proxy under paragraph 6(7) or (8) of Schedule 4 to the Representation of the People Act 2000, has or will have an entry in a relevant register maintained by that officer under section 9(1) of the Representation of the People Act 1983; or
- (b) whether the person, whom the principal wishes to be appointed as their proxy under regulation 64 of the European Union Referendum (Conduct) Regulations 2016, has or will have an entry in a relevant register maintained by that officer.”, and

(b) the following paragraphs were treated as substituted for paragraph (2)—

“(2) In paragraph (1)(a) “relevant register” means a register which relates to elections of the same kind as those to which the proxy appointment relates.

(3) In paragraph (1)(b) “relevant register” means—

- (a) a register of parliamentary electors, or
- (b) in relation to a peer —
  - (i) a register of local government electors in Great Britain, or
  - (ii) a register of local electors in Northern Ireland, or
  - (iii) a register of peers maintained under section 3 of the Representation of the People Act 1985 (peers resident outside the United Kingdom).”

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(193) S.R. 2015/66.

(194) S.I. 2004/366.

(195) S.I. 2103/3199.

### **Persons convicted of corrupt or illegal practices: Gibraltar**

**114.** Regulation 107 of the European Parliamentary Elections Regulations 2004(**196**) applies for the purposes of the referendum but as if—

- (a) references to an illegal practice included an illegal practice under any provision of Gibraltar conduct law,
- (b) references to a corrupt practice included a corrupt practice under any such provision,
- (c) in paragraph (1) for “paragraph (2)” there were substituted “paragraphs (1A) and (2)”,
- (d) after that paragraph there were inserted—

“(1A) Paragraph (1) does not apply in relation to an act or omission that is an illegal practice by reason of being a contravention of Gibraltar conduct law (within the meaning of section 11(1) of the European Union Referendum Act 2015) in respect of which the Gibraltar court has made an order under any provision of Gibraltar conduct law making provision corresponding to regulation 108.”,

- (e) the reference in paragraph (2) to regulation 23 included any provision of Gibraltar conduct law making provision corresponding to that regulation, and
- (f) the reference in that paragraph to regulation 24 included any provision of Gibraltar conduct law making provision corresponding to that regulation.

**115.** Regulation 112 of the European Parliamentary Elections Regulations 2004 applies for the purposes of the referendum.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

SCHEDULE 4

Regulation 83

FORMS

Form 1 – Form of ballot paper

Front of ballot paper

<b>Referendum on the United Kingdom's membership of the European Union</b>	
<b>Vote only once</b> by putting a cross <input checked="" type="checkbox"/> in the box next to your choice	
Should the United Kingdom remain a member of the European Union or leave the European Union?	
<b>Remain a member of the European Union</b>	<input type="checkbox"/>
<b>Leave the European Union</b>	<input type="checkbox"/>

Back of ballot paper

Number

*[Other unique identifying mark]*

Referendum on the United Kingdom's membership of the European Union

*[insert voting area]*



#### **Directions as to printing the ballot paper**

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 9 must be observed in the printing of the ballot paper.
3. No words may be printed on the front of the ballot paper except:
  - (a) the heading "Referendum on the United Kingdom's membership of the European Union";
  - (b) the direction "Vote only once by putting a cross [X] in the box next to your choice";
  - (c) those constituting the referendum question; and
  - (d) those indicating the alternative forms of answer to the question.
4. A box must be printed around the heading, direction, referendum question and alternative forms of answer referred to in paragraph 3; and the heading, direction, referendum question and alternative forms of answer referred to in paragraph 3 must be separated from each other by horizontal rules extending across the box.
5. No rule may be printed on the face except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) the horizontal rules referred to in paragraph 4; and
  - (c) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal rules separating the alternative forms of answer from the referendum question and from each other must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.
7. The boxes referred to in paragraph 5(c) must not touch any horizontal rule and each one must be equidistant between the horizontal rule above it and the horizontal rule below it.
8. All the words on the front of the ballot paper must appear in very large type and:
  - (a) the heading referred to in paragraph 3(a) must appear in bold;
  - (b) in the direction referred to in paragraph 3(b), the words "Vote only once" must appear in bold; and
  - (c) the alternative forms of answer must appear in bold.
9. Nothing must be printed on the back of the ballot paper except:

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The European Union Referendum (Conduct) Regulations 2016 No. 219*

- (a) the number and other unique identifying mark;
- (b) the name of the referendum; and
- (c) the name of the voting area.

Form 2 – Form of Corresponding Number List

Voting area: _____
Date of poll: _____
Sheet No.: _____

Ballot Paper Number	Unique Identifying Mark	Elector Number (to be completed only in respect of ballot papers issued to postal voters)

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 3 - Form of Postal Voting Statement

<b>Postal voting statement</b>	<i>[Space for barcode]</i>
<b>Referendum on the United Kingdom's membership of the European Union</b>	
<b>Voting area:</b> <i>[insert voting area]</i>	
Date of referendum <i>[day] [date] [month] [year]</i>	
<p><b>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper number _____</p> <p>* Counting Officer to insert name but omit where sent to an anonymous elector</p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If they do not match, call us <b>immediately</b> on <i>(insert helpline number)</i>.</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>I am the person the ballot paper numbered above was sent to.</b></p> <p><b>My Date of Birth is:</b>    <input type="text"/> <input type="text"/>    <input type="text"/> <input type="text"/>    <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p style="text-align: center;">Day                      Month                      Year</p> <p>* <b>My Signature is:</b> <b>(You must sign inside the box)</b></p> <p>* Counting Officer to omit box where the elector has been granted a waiver</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div> <p><b>We will check this information against our records for security.</b></p> </div> <p><b>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once at the same referendum (unless you are appointed as a proxy).</b></p> <p><i>Counting Officer to add pictorial guidance as appropriate.</i></p>	

Back of statement

## Instructions for voting by post

**Please read through carefully. If you need help, please call us on [insert helpline number]**

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the **date of birth** **\*[and signature] box(es)** on this postal voting statement.  
*\*Counting Officer to delete where elector has been granted a waiver.*
3. Vote **only once** by putting a cross  in the box next to your choice.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by **10pm on [day] [date of poll]**. If you miss the post, you can hand it in at our office or at any polling station in the voting area listed on the front of this form before **10pm on [day][date of poll]**.
6. After receiving this postal vote, you cannot vote in person at a polling station in this referendum.

## Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on [insert helpline number]. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on [day] [date] [month]**. If you apply after 5pm on **[day before poll]** we can only issue a replacement if you return this ballot pack by hand.

**Electoral fraud is a crime. It is an offence to vote more than once at the same referendum (unless you are voting on your own behalf and as a proxy for another person).**

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The Counting Officer issued this statement.

*Counting Officer to add pictorial guidance as appropriate.*

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 4 - Declaration of Identity (Northern Ireland)

<b>Declaration of Identity</b>	[Space for barcode]
<b>Referendum on the United Kingdom's membership of the European Union</b>	
<b>Voting area: Northern Ireland</b>	
Date of referendum [day] [date] [month] [year]	
<p><b>Important – you must fill in and return this declaration with your completed ballot paper for it to be counted.</b></p> <p><b>Please read the instructions carefully and use a black pen.</b></p> <p>* Name _____ Ballot paper number _____</p> <p>* <i>Counting Officer to insert name but omit where sent to an anonymous elector</i></p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If they do not match, call us <b>immediately</b> on (insert helpline number).</p>	
<p><b>I am the person the ballot paper numbered above was sent to.</b></p> <p><b>My Date of Birth is:</b>      <input type="text"/> <input type="text"/>      <input type="text"/> <input type="text"/>      <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p style="text-align: center;">Day                      Month                      Year</p> <p><b>My Signature is:</b> <b>(You must sign inside the box)</b></p> <div style="border: 1px solid black; height: 60px; width: 100%; margin-top: 10px;"></div> <p><b>We will check this information against our records for security.</b></p>	
<p>The voter has signed this declaration in my presence.</p> <p>Witness signature _____</p> <p>The witness must be aged 18 or over and satisfied to the best of their knowledge and belief as to the identity of the voter.</p> <p><i>Counting Officer to add pictorial guidance as appropriate.</i></p>	

Back of Declaration

## Instructions for voting by post

**Please read through carefully. If you need help, please call us on [insert helpline number]**

1. For your vote to be counted, you must fill in, in the presence of a witness, and return this declaration of identity with your ballot paper.
2. Make sure you have filled in all the information on this declaration of identity and your witness has signed it.
3. Vote **only once** by putting a cross  in the box next to your choice.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. Put the ballot paper in the smaller envelope marked "A" and seal it. Then put the envelope marked "A" together with this declaration of identity, in the larger envelope marked "B".
6. We must get your postal vote in the envelope provided by **10pm on [day] [date of poll]**.
7. After receiving this postal vote, you cannot vote in person at a polling station in this referendum.

## Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on [insert helpline number]. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake you can get a replacement if you return all your postal vote documents. Call us immediately as **we can only issue a replacement before 5pm on [day] [date] [month]**.

**Electoral fraud is a crime. It is an offence to vote more than once at the same referendum (unless you are voting on your own behalf and as a proxy for another person).**

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The Counting Officer issued this statement.  
Counting Officer to add pictorial guidance as appropriate.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 5 - Official Poll Card (to be sent to an elector not voting by post)

<b>Poll Card</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
Voting area: <i>[Insert name of area]</i>
Date of referendum <i>[day] [date] [ month] [year]</i>

<b>Voting information</b>	
Polling day	
Voting hours	
Your polling station will be	

**Your details:**

\* *[Elector's name and qualifying address details here]*

\* *Counting Officer to omit where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope*

**Number on register:**

\*\* [You do not need to take this card with you in order to vote.]

\*\* [You must have this card with you. You cannot vote without it.]

\*\* *If anonymous elector omit the words in the first set of brackets, if not omit the words in the second set of brackets.*

*[Insert helpline and other details including website].*


**Please turn over**

Back of card

*This space for map or other information such as helpline and website details*

**It is an offence to:**

- vote more than once at this referendum unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

** If you need any help or to find out if your polling station is accessible, please contact us.**

*[Counting Officer to add contact details including website if appropriate]*

**If undelivered return to:**

*[Insert return address]*

**If you are away or cannot go to the polling station on *[day] [date of poll]* you can do one of the following:**

- Apply to vote by post. Completed applications must reach us **before 5pm on *[day] [date of deadline]***. If you are given a postal vote, you will not be able to vote in person at this referendum.

OR

- Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us by **5pm on *[day] [date of deadline]***. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.

**If after 5pm on *[the sixth day before the date of the poll]* you are unable to vote in person because you:**

- **Have a medical emergency**
- **Learn you cannot go to the polling station because of work reasons**

You can apply to vote by proxy. Completed applications must reach us **before 5pm on *[day] [date of deadline]***. To find out how to apply, call the helpline immediately.

The Counting Officer issued this card.



Form 6 - Official Postal Poll Card (to be sent to an elector voting by post)

<b>Postal poll card</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
Voting area: <i>[Insert name of area]</i>
Date of referendum <i>[day] [date] [month] [year]</i>
<b>Voting information</b>
We will send your postal vote around <i>[day] [date] [month] [year]</i> <b>*[addressed to:]</b>
<i>*[Elector's name and address]</i>

**Your details:**

- \* *[Elector's name and qualifying address details here]*
- \* *Counting Officer to omit in both places where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope*

**Number on register:**

**Your postal vote**

- You will receive a postal vote for this referendum because you asked to vote by post.
- You will not be able to vote in a polling station.
- **If you have not received your postal vote by *[day] [date] [month]* call *[insert helpline number]*.**

**Please turn over**

Back of card

**How to vote**

1. When you receive your postal vote, read the instructions carefully.
2. Your postal vote includes your ballot paper and a postal voting statement.
3. Complete both of these and return them immediately.
4. We need to receive your postal vote by **10pm on *[day/date of poll]***.

- i** **If you need information in another format, please call our helpline below.**
- i** **If you need help to vote, you can ask someone you know or get independent help by calling our helpline:**

*[insert helpline and other details including website]*

**If you lose your postal vote or make a mistake**

Please phone the helpline immediately.

We can only issue a replacement postal vote before **5pm on *[day/date of deadline]***.

If you would rather vote in person, or ask someone else to vote on your behalf, you must cancel your postal vote before **5pm on *[day/date of deadline]***. For more information, please call the helpline.

**It is an offence to:**

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once at this referendum unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Counting Officer issued this card.

**If undelivered return to**

*[insert return address]*

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 7 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

<b>Proxy poll card</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
Voting area: <i>[Insert name of area]</i>
Date of referendum <i>[day] [date] [month] [year]</i>

<p><b>Your details:</b></p> <p>* <i>[Proxy's name and qualifying address details here]</i></p> <p>* <i>Counting Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope</i></p>
--

<b>Voting information</b>	
Polling day	
Voting hours	
Your polling station will be	

**You will receive a proxy vote**

\*\* [The person named on the back of the card] [Another person] has appointed you as a proxy to vote on their behalf at this referendum.

\*\* [You do not need to take this card with you to vote.] [You must have this card with you when you vote. You cannot vote as a proxy without it.]

\*\* *If sent to the proxy of an anonymous elector omit the words in each of the first sets of brackets, if not omit the words in each of the second sets of brackets.*

*[Insert helpline and other details including website].*

**Please turn over**

Back of card

**For this referendum you are proxy for:**

\* *[(Elector's name)  
(Elector's address)  
(Elector's number on register)]*  
 [the person with this elector number: *(insert elector's number on register)*]  
 \* *If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

**The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.**

*This space for map or other information such as helpline and website details*

**📞 If you need any help or to find out if your polling station is accessible, please contact us.**  
*Counting Officer to add contact details including website if appropriate*

**How to vote as a proxy**

1. [At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.] \* [At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]  
 \* *If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*
2. Go to one of the voting booths.
3. Follow the instructions on how to mark the ballot paper.
4. Fold the ballot paper and put in the ballot box

**If you need any help, just ask the staff.**

**If you are away or cannot go to the polling station on *[day] [date of poll]***

- You can apply to vote by post. The deadline for completed applications is **5pm on *[day] [date of deadline]***.
- If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this referendum.
- **To find out how to apply, please call us on *[insert helpline number or other contact details]*.**

**It is an offence to:**

- vote more than once at this referendum unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Counting Officer issued this card.  
 If undelivered return to  
*[insert return address]*

Form 8 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

<b>Proxy postal poll card</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
Voting area: <i>[Insert name of area]</i>
Date of referendum <i>[day] [date] [month] [year]</i>

<b>Voting information</b>
<b>We will send your postal vote around <i>[day] [date] [month] [year]</i> *<i>[addressed to:]</i></b>
<p>* <i>[Proxy's name and qualifying address details here]</i></p> <p>* <i>Counting Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope.</i></p>

Please turn over

**Voting as a proxy**

\*\* [The person named on the back of the card] [Another person] has appointed you as a proxy to vote on their behalf at this referendum

\*\* *If sent to the proxy of an anonymous elector omit the words in the first set of brackets, if not omit the words in the second set of brackets.*

**Your postal vote**

- You will receive a postal vote for this referendum because you asked to vote by post.
- You will not be able to vote as proxy in a polling station.
- If you have not received your postal vote by *[day] [date] [month]* call *[insert helpline number]*.**

Back of card

**For this referendum you are proxy for:**

\* *[(Elector's name)  
(Elector's address)  
(Elector's number on register)]*

*[the person with this elector number: (insert elector's number on register)]*

\* *if anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

**How to vote**

- When you receive your postal vote, read the instructions carefully.
- Your postal vote includes your ballot paper and a postal voting statement.
- Complete both of these and return them straight away.
- We need to get your postal vote by **10pm on *[day/date of poll]***.

**📞 If you need information in another format, please call our helpline below.**

**📞 If you need help to vote, you can ask someone you know or get independent help by calling our helpline:**

*[insert helpline and other details including website]*

**If you lose your postal vote or make a mistake**

- Please phone the helpline immediately.
- We can only issue a replacement postal vote before **5pm on *[day/date of deadline]***.

If you would rather vote in person, you must cancel your postal vote before **5pm on *[day/date of deadline]***. For more information, please call the helpline.

**It is an offence to:**

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once at this referendum unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at this referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Counting Officer issued this card.

If undelivered return to *[insert return address]*

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 9 – Official Poll Card (to be sent to an elector in Northern Ireland not voting by post)

<b>Poll Card</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
<b>Voting area: Northern Ireland</b>

<b>Voting information</b>	
Polling day	
Polling hours	7.00am to 10.00pm
Ballot box number	
Your polling station will be	

You do not have to take this card with you in order to vote but it will save time if you do

<p><b>Your details:</b></p> <p>* [Elector's name and qualifying address details here]</p> <p><b>Number on register:</b></p>
---

- i** Remember that you will not be able to vote unless you show one of the following forms of photographic identification:
- A UK, Irish or EEA driving licence
  - A UK or Irish passport
  - An Electoral Identity Card
  - A Translink Senior SmartPass
  - A Translink 60+ SmartPass
  - A Translink War Disabled SmartPass
  - A Translink Blind Person's SmartPass

Please turn over

Back of card

<p>If you are away or cannot go to the polling station on [day] [date of poll] you can do one of the following</p> <ul style="list-style-type: none"> <li>• Apply to vote by post. Completed applications must be returned by 5pm on [day] [date of deadline]. If you are given a postal vote you will not be able to vote in person at this referendum.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Apply to vote by proxy (this means someone else can vote on your behalf.) Completed applications must reach us before 5pm on [day] [date of deadline].</li> </ul> <p>An application form is available on the website or can be requested via the helpline.</p>
---

<p><b>i</b> If you need any help, require information in another format or language or wish to find out if your polling station is accessible, please contact us.</p> <p>[insert helpline and other contact details including website]</p>
--

**Electoral fraud is a crime.**

Issued by the Counting Officer

**If undelivered please return to:** [insert return address]

Form 10 - Official Postal Poll Card (to be sent to an elector in Northern Ireland voting by post)

<b>Postal poll card</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
<b>Voting area: Northern Ireland</b>

<b>Voting information</b>
<b>We will send your postal vote approximately 10 working days before polling day.</b>

<b>Your details:</b> * [Elector's name and qualifying address details here] <b>Number on register:</b> * Counting Officer to omit in both places where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope
--


**Your postal vote**

- You will receive a postal vote for this referendum because you successfully applied to vote by post.
- You will not be able to vote in a polling station.
- **If you have not received your postal vote by [day] [date] [month] please contact us.**

**Please turn over**

Back of card

<b>How to vote</b> <ol style="list-style-type: none"><li>1. When you receive your postal vote, read the instructions carefully.</li><li>2. Your postal vote includes your ballot paper and a declaration of identity.</li><li>3. Complete the declaration of identity.</li><li>4. Complete the ballot paper.</li><li>5. Return your postal voting papers in the envelope provided.</li><li>6. We need to receive your postal vote by <b>10pm on [day/date of poll]</b>. Postal voting papers cannot be accepted at polling stations</li></ol>
---

 <b>If you need help to vote, you can ask someone you know or get advice by calling our helpline. If you need information in another format or language, please call our helpline.</b>
---

<b>If you make a mistake</b> <p>Please phone the helpline immediately.</p> <p>We can only issue a replacement postal vote if you return all your postal vote documents before <b>5pm on [day/date of deadline]</b>.</p> <p>If you would rather vote in person, or ask someone else to vote on your behalf, you must cancel your postal vote before <b>5pm on [day/date of deadline]</b>.</p> <p>[* Note that if you have an anonymous entry on the register you will not be able to vote in person but you can ask someone else to vote by post on your behalf.]</p> <p>Counting Officer to include only on postal poll card sent to an anonymous elector.</p>
--

**Electoral fraud is a crime**

*[insert helpline and other contact details including website]*

The Counting Officer issued this card.

**If undelivered return to:** *[insert return address]*

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 11 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person in Northern Ireland)

**Proxy poll card**


**Referendum on the United Kingdom's membership of the European Union**  
**Voting area: Northern Ireland**

Voting information	
Polling day	
Polling hours	7.00am to 10.00pm
Ballot box number	
Polling station	

**For this referendum you are proxy for:**  
*[Elector's name]*  
*Elector's address*  
*Elector's number on register]*

**You do not need to take this card with you in order to vote but it will save time if you do.**

**Your details**  
*[Proxy's name and address details here]*

-  **Remember that you will not be able to vote unless you show one of the following forms of photographic identification for yourself:**
- A UK, Irish or EEA driving licence
  - A UK or Irish passport
  - An Electoral Identity Card
  - A Translink Senior SmartPass
  - A Translink 60+ SmartPass
  - A Translink War Disabled SmartPass
  - A Translink Blind Person's SmartPass

**Please turn over**


Back of card

**How to vote as a proxy**  
 At the polling station, tell the staff that you are a proxy for the person named on the front of this card. Show an accepted form of photographic identification for yourself. They will give you that person's ballot paper.  
**If you need any help, just ask the staff.**

**If you are away or cannot go to the polling station on [day] [date of poll]:**

- You can apply to vote by post. The deadline for completed applications is 5pm on **[day] date of deadline**.
- If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this referendum
- **To find out how to apply, please contact us.**

**The person you are proxy for can vote for themselves if they wish – but only if you have not already voted on their behalf.**

 **If you need any help, require information in another format or language, or wish to find out if your polling station is accessible, please contact us.**  
*[Insert helpline and other contact details including website]*

**Electoral fraud is a crime**

Issued by the Counting Officer.

If undelivered return to *[Insert return address]*

Form 12 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post in Northern Ireland)

<b>Proxy postal poll card</b>
<b>Referendum on the United Kingdom's membership of the European Union</b>
<b>Voting area: Northern Ireland</b>
<b>Voting information</b>
<b>We will send your postal vote approximately 10 working days before polling day</b>

<b>Your details:</b>  * [Proxy's name and address details here] * Counting Officer to omit where proxy postal poll card sent to the proxy of an anonymous elector. Proxy postal poll card to proxy of an anonymous elector must be delivered in a sealed envelope.
---

**For this referendum you are proxy for:**

\* [(Elector's name)  
(Elector's address)  
(Elector's number on register)]  
[the person with this elector number: (Insert elector's number on register)]  
\* If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets

**Your postal vote**


- You will receive a postal vote for this referendum because you successfully applied to vote by post.
- You will not be able to vote as proxy in a polling station.
- **If you have not received your postal vote by [day] [date] [month] please call the helpline.**

**Please turn over**

Back of card

<b>How to vote</b> 1. When you receive your postal vote, read the instructions carefully. 2. Your postal vote includes your ballot paper and a declaration of identity. 3. Complete the declaration of identity. 4. Complete the ballot paper. 5. Return your postal voting papers in the envelope provided. 6 We need to get your postal vote by <b>10pm on [day/date of poll]</b> . Postal voting papers cannot be accepted at polling stations.
--

<b>If you make a mistake</b> <ul style="list-style-type: none"><li>• Please phone the helpline immediately.</li><li>• We can only issue a replacement postal vote if you return all your postal vote documents before <b>5pm on [day/date of deadline]</b>.</li></ul> If you would rather vote in person, you must cancel your postal vote before <b>5pm on [day/date of deadline]</b> . For more information, please call the helpline. * [Note that if you are a proxy for a person with an anonymous entry on the register you will not be able to vote in person.] * Counting Officer to include only on proxy postal poll card sent to the proxy of an anonymous elector.
--

 <b>If you need help to vote, you can ask someone you know or get advice by calling our helpline.</b>  <b>If you need information in another format or language, please call our helpline.</b>
---

**Electoral fraud is a crime**

**[insert helpline and other contact details including website]**

The Counting Officer issued this card.

If undelivered return to  
[insert return address]

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 13 – Form of Corresponding Number List  
(for use in Polling Stations)

Voting area: _____
Date of poll: _____
Polling station: _____
Sheet No.: _____

Ballot Paper Number	Elector Number



Form 14 – Form of Directions for the Guidance of the Voters in Voting (Great Britain)

## How to vote at this referendum

1

Go to the desk and tell the staff your name and address. They will give you your ballot paper.



2

Take your ballot paper to a voting booth.



3

Read the instructions in the booth and mark your ballot paper.



4

When you have marked your ballot paper, fold it so that nobody can see how you have voted.



5

Put your folded ballot paper into the ballot box.



**(!) Voting is secret. Do not let anyone see how you have voted.**  
**(?) If you make a mistake or need some help, just ask the staff.**

Form 15 – Form of Directions for the Guidance of Voters in Voting (Northern Ireland)

## How to vote at this referendum

1

Go to the desk and tell the staff your name and address and show your accepted form of photographic identification.

They will give you your ballot paper.



2

Take your ballot paper to a voting booth.



3

Read the instructions in the booth and mark your ballot paper.



4

When you have marked your ballot paper, fold it so that nobody can see how you have voted.



5

Put your folded ballot paper into the ballot box.



**(!) Voting is secret. Do not let anyone see how you have voted.**

**i If you make a mistake or need some help, just ask the staff.**

Form 16 – Form of Certificate of Employment (Great Britain)

<b>Certificate of Employment</b>
<b>Referendum on the United Kingdom’s membership of the European Union</b>
Date of referendum [day] [date] [month] [year]
Voting area [insert name of area]
The person named below is entitled to vote at any polling station in the above voting area on production and surrender of this certificate to the Presiding Officer.
<p>I certify that _____ (name of elector)</p> <p>who is numbered* _____ in the register of electors for the voting area named above, cannot reasonably be expected to go in person to the polling station allotted to them at this referendum by reason of his/her employment on the above date for a purpose connected with this referendum:</p> <ul style="list-style-type: none"> <li>– as a constable**</li> <li>– as a Police Community Support Officer**</li> <li>– by me (Only applies to Counting Officer’s staff)**</li> </ul> <p>Signature _____ Counting Officer/Police Officer (<i>Inspector or above</i>)**</p> <p>Date _____</p> <p>* The elector’s number can be found on the poll card which was sent to them shortly after the referendum was announced, or can be checked by contacting the Electoral Registration Officer.</p> <p>** Person completing the form to delete whichever does not apply.</p>

Form 17 – Form of Certificate of Employment (Northern Ireland)

<b>Certificate of Employment</b>
<b>Referendum on the United Kingdom’s membership of the European Union</b>
Date of referendum [day] [date] [month] [year]
Voting area: Northern Ireland
Ballot box number:
The person named below is entitled to vote at any polling station in Northern Ireland on production and surrender of this certificate to the Presiding Officer.
<p>I certify that _____ (name of elector)</p> <p>who is numbered _____ in the register of electors for the voting area named above, cannot reasonably be expected to go in person to the polling station allotted to them at this referendum by reason of his/her employment on the above date for a purpose connected with this referendum:</p> <ul style="list-style-type: none"> <li>– as a constable*</li> <li>– by me (only applies to Counting Officer’s staff)*</li> </ul> <p>Signature _____ Counting Officer/Police Officer (<i>Chief Inspector or above</i>)*</p> <p>Date _____</p> <p>* Person completing the form to delete whichever does not apply.</p>

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 18 - Form of Declaration made by the companion of a voter or proxy with disabilities (Great Britain)

<b>Declaration for the companion of a voter with disabilities</b>	
<b>Referendum on the United Kingdom's membership of the European Union</b>	
Voting area: <i>[insert voting area]</i>	
Date of referendum <i>[day] [date] [month] [year]</i>	
A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote at this referendum without assistance. In this form, "voter" means the person casting the vote at the referendum and includes a person voting as a proxy.	
<b>Part 1 To be completed by the voter's companion</b>	
Companion's name	
Companion's address	
Voter's name	
<i>[Only for use if the disabled voter is acting as a proxy]</i> Voter is acting as proxy for:	
Elector's number <i>[If the disabled voter is acting as a proxy, this is the number of the person for whom the voter is acting]</i>	
<p><b>I have been requested to assist the voter named above to record their vote at this referendum. I declare that:</b></p> <p><b>(1)</b></p> <ul style="list-style-type: none"> <li>• I am entitled to vote as a voter at this referendum</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• I am the *spouse/*civil partner/*parent/*brother/*sister/*child of the voter with disabilities and am 18 years of age or over</li> </ul> <p style="text-align: center;"><i>*Please delete whichever does not apply</i></p> <p><b>AND</b></p> <p><b>(2)</b></p> <ul style="list-style-type: none"> <li>• I have not previously assisted more than one voter with disabilities at this referendum.</li> </ul> <p>If I have assisted one other voter their name and address is:</p>	
<i>[Complete if appropriate]</i> Name and address of other person assisted	

Back of declaration

<b>NOTE – It is a criminal offence to knowingly make a false statement in this form.</b>			
Companion's signature		Date	
<b>Part 2 To be completed by the Presiding Officer</b>			
I, the undersigned, being the Presiding Officer for:			
Polling station		Voting area of	
Hereby certify that the above declaration was signed in my presence.		Presiding Officer signature	
Date		Time (exact)	

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 19 - Form of Declaration made by the companion of a voter or proxy with disabilities (Northern Ireland)

<b>Declaration for the companion of a voter with disabilities</b>	
<b>Referendum on the United Kingdom's membership of the European Union</b>	
Voting area: Northern Ireland	
Date of referendum [day] [date] [month] [year]	
Ballot box number:	
A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote at this referendum without assistance. In this form, "voter" means the person casting the vote at the referendum and includes a person voting as a proxy.	
<b>Part 1 To be completed by the voter's companion</b>	
Companion's name	
Companion's address	
Voter's name	
[Only for use if the disabled voter is acting as a proxy] Voter is acting as proxy for:	
Elector's number [If the disabled voter is acting as a proxy, this is the number of the person for whom the voter is acting]	
<p><b>I have been requested to assist the voter named above to record their vote at this referendum. I declare that:</b></p> <p><b>(1)</b></p> <ul style="list-style-type: none"> <li>● I am entitled to vote as a voter at this referendum</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>● I am the *spouse/*civil partner/*parent/*brother/*sister/*child of the voter with disabilities and am 18 years of age or over</li> </ul> <p style="text-align: center;"><i>*Please delete whichever does not apply</i></p> <p><b>AND</b></p> <p><b>(2)</b></p> <ul style="list-style-type: none"> <li>● I have not previously assisted more than one voter with disabilities at this referendum.</li> </ul> <p>If I have assisted one other voter their name and address is:</p>	

Back of declaration

[Complete if appropriate] Name and address of other person assisted			
<b>NOTE – It is a criminal offence to communicate at any time to any person any information as to the way in which the voter intends to vote or has voted.</b>			
Companion's signature		Date	
<b>Part 2 To be completed by the Presiding Officer</b>			
I, the undersigned, being the Presiding Officer for:			
Polling station			
Certify that the above declaration was signed in my presence.		Presiding Officer signature	
Date		Time (exact)	

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Form 20 – Form of Proxy Paper (Great Britain)

<b>Proxy Paper</b>	
<b>Referendum on the United Kingdom's membership of the European Union</b>	
<b>Voting area: <i>[insert name of voting area]</i></b>	
Name of Proxy	
Address of Proxy	
<p>You have been appointed as proxy for</p> <p>_____ (name of elector)</p> <p>[*who is qualified to be registered at</p> <p>(Qualifying address)_____ ]</p> <p>[*who has made an overseas elector's declaration]</p> <p>to vote for them in the referendum.</p> <p>Signature _____ (Electoral Registration officer)</p> <p>Date _____</p> <p><i>* Delete whichever is inappropriate</i></p>	

1. This proxy paper gives you the right to vote as proxy for the elector named above.
2. You may not vote as proxy in the referendum for more than two electors, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this paper with you to vote but it will save time if you do take the poll card with you.
4. If you cannot vote in person at the polling station, contact the helpline or visit our website.

*[Insert helpline and other contact details including website]*



Form 21 – Form of Proxy Paper (Northern Ireland)

<b>Proxy Paper</b>	
<b>Referendum on the United Kingdom's membership of the European Union</b>	
<b>Voting area: Northern Ireland</b>	
Name of Proxy	
Address of Proxy	
You have been appointed as proxy for _____ (name of elector) [*who is qualified to be registered at (Qualifying address)_____ ] [*who has made an overseas elector's declaration] to vote for them in the referendum.  Signature_____ (Electoral Registration officer) Date_____	
* Delete whichever is inappropriate	

1. This proxy paper gives you the right to vote as proxy for the elector named above.
2. You may not vote as proxy in the referendum for more than two electors, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
3. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this paper with you to vote but it will save time if you do take the poll card with you.
4. If you cannot vote in person at the polling station, contact the helpline or visit our website.
5. If you have been appointed as a proxy in behalf of an elector who has an anonymous entry in the register, you can only vote by post. If you have not already been granted a postal vote, you should contact the electoral registration officer.

[Insert helpline and other contact details including website]

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations supplement provisions about the conduct of the European Union referendum contained in the European Union Referendum Act 2015 (“the 2015 Act”), in particular Schedule 3 to the 2015 Act.

The Regulations are based on rules that govern the conduct of parliamentary elections (see Schedule 1 to the Representation of the People Act 1983 (c.2) (“the 1983 Act”) and rules that were used for the Parliamentary Voting System referendum in 2011 (see Schedules 2 to 4 to the Parliamentary Voting System and Constituencies Act 2011 (c.1)). Those rules have been modified to reflect the fact that the European Union referendum will take place in Gibraltar as well as in the United Kingdom. They have also been updated to reflect changes to electoral law, notably changes made by and under the Electoral Registration and Administration Act 2013 and changes in Northern Ireland providing for the registration of anonymous electors.

Part 1 contains introductory provisions. Regulation 2 provides that the Regulations extend to the whole of the United Kingdom only, except for a small number of provisions which extend also to Gibraltar. It is expected that the Gibraltar Parliament and Government will make further provision for the conduct of the referendum in Gibraltar (“Gibraltar conduct law”).

Part 2 contains the main conduct rules. Part 2 covers such matters as: the timetable for the referendum (regulation 6); the provision and equipment of polling stations (regulations 18 and 22); the appointment of polling and counting agents by referendum agents appointed by permitted participants under Schedule 1 to the 2015 Act regulation (regulation 23); voting procedure (regulations 29 to 39); counting and re-counting of votes (regulations 45 to 50); the declaration of results (regulations 51 to 54); and the disposal of ballot papers and other referendum documents after the poll (regulations 55 to 58).

Part 3 contains the absent voting rules, which provide for people to vote by post or proxy in the referendum as an alternative to voting in person at a polling station. Chapter 1 of Part 3 relates to Great Britain; Chapter 2 relates to Northern Ireland. The referendum absent voting rules build on the rules that apply at elections. If a person is eligible to vote at specified elections by post or proxy for an indefinite or definite period, the person will be entitled to vote by post or proxy in the referendum (see the tables in regulations 63(2) and (3) and 74(2) and(3)). A person who is not listed as voting by post or proxy at elections may apply to vote by post or proxy specifically in the referendum (under regulation 62 or 73).

Part 4 contains regulations about the application and amendment of existing legislation, including regulations that introduce the Schedules described below. Regulation 82 provides for a person included in the register of electors for Gibraltar Parliamentary elections to be treated as if they have made an application for registration in the Gibraltar register for European Parliamentary elections. This will assist eligible Gibraltar electors to vote in the referendum (because, under section 2(1)(c) of the 2015 Act, entitlement to vote in the referendum is extended to certain person entitled to vote in European Parliamentary elections in Gibraltar).

Schedule 1 applies to the referendum (and modifies in their application to the referendum) provisions of the 1983 Act. The 1983 Act is the principal Act that governs parliamentary elections in the United Kingdom. Schedule 1 applies to the referendum provisions about the alteration of electoral registers in the lead up to an election (see paragraphs 4 and 5). It also applies existing electoral offences to the referendum (see paragraphs 13 to 23 and 25 to 32).

In general, the application to the referendum of provisions of the 1983 Act will not affect the referendum so far as it is held in Gibraltar. However, some 1983 Act provisions are modified to reflect the fact that the referendum is taking place in Gibraltar (see, for example, paragraphs 14, 19, 22, and 23 of Schedule 1). Also, paragraph 9 of Schedule 1 provides for the Secretary of State to give a direction to the Gibraltar registration officer under section 52 of the 1983 Act for the purposes of the referendum in the same way as he may give directions to any other registration officer (and paragraph 3 of Schedule 1 provides for relevant subsections of section 52 to extend to Gibraltar).

The application by Schedule 1 of provisions of the 1983 Act to the referendum is in addition to the provisions of that Act that will apply in any event (because eligibility to vote in the referendum follows from eligibility to vote in elections, including parliamentary elections – see section 2 of the 2015 Act).

Schedule 2 applies to the referendum (and modifies in their application to the referendum) provisions of other statutes. They provide for: the attendance of Electoral Commission representatives at referendum proceedings and observation by them of counting officers' working practices (sections 6A and 6B of the Political Parties, Elections and Referendums Act 2000 (c.41) ("the 2000 Act"); paragraphs 1 and 2 of Schedule 2); accredited observers at certain proceedings of the Chief Counting Officer or a Regional Counting Officer (sections 6C and 6D of the 2000 Act; paragraphs 3 and 4 of Schedule 2); the provision of expenditure information by counting officers to the Electoral Commission (section 9C of the 2000 Act; paragraph 5 of Schedule 2); the use of publicly funded meeting rooms in Gibraltar by designated organisations (paragraph 2(3) of Schedule 12 to the 2000 Act; paragraph 6 of Schedule 2); the use of premises in England and Wales for referendum purposes (section 65(6) of the Local Government Finance Act 1988 (c.41); paragraph 7 of Schedule 2); and the restriction, to constables, of the power of arrest inside a polling station for the offence of personation (section 71 of the Electoral Administration Act 2006 (c.22); paragraph 8 of Schedule 2).

Schedule 3 applies to the referendum (and modifies in their application to the referendum) provisions of existing regulations.

Part 1 of Schedule 3 makes provision about the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) and the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497). Part 2 makes provision about the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741). The three sets of regulations comprise the principal secondary legislation that governs parliamentary elections in the United Kingdom. They prescribe additional detailed rules about absent voting (including about applications to vote by post or proxy and the issue of postal ballots) and access to documents after the referendum. The application, by Schedule 3, of provisions of the regulations to the referendum is in addition to provision of those regulations that will apply in any event.

Part 3 of Schedule 3 applies to the referendum provisions of planning regulations controlling the display of advertisements, with the effect that advertisements relating to the referendum are governed by the same rules as advertisements relating to a pending parliamentary election (see paragraphs 109 to 111 of Schedule 3). Part 3 also applies for the purposes of the referendum regulations providing for persons who have a right of audience before a Gibraltar court or a right to conduct litigation in Gibraltar to have a right of audience before, or right to conduct litigation in, a court in England and Wales (see paragraph 116 of Schedule 3). Part 3 modifies for the purposes of the referendum regulation 2 of the Representation of the People (Provision of Information Regarding Proxies) Regulations 2013 (S.I. 2013/3199) to provide for the sharing of information between registration officers so that they may verify that a proposed proxy in Great Britain is registered as an elector (as required by regulations 64(3) and 65(3) above). Finally, Part 3 of Schedule 3 applies and modifies for the purposes of the referendum regulation 107 of the European Parliamentary Elections Regulations 2004 (S.I. 2004/293) with the effect that a person convicted of a corrupt or illegal practice under Gibraltar conduct law is subject to the same incapacities as apply to a person convicted under those regulations.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

Schedule 4 contains referendum forms, which are referred to in Part 2 of the Regulations and the absent voting rules (in Part 3 of the Regulations).

A full regulatory impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.