

*Changes to legislation:* There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3

Section 3.

#### CONDUCT OF THE REFERENDUMS, ETC.

- 1 The provisions of this Schedule shall have effect in relation to the referendums under sections 1 and 2.

#### *Time*

- 2 (1) In calculating any period of time for the purposes of any provision of, or applied by, this Act, the following days shall be disregarded.
- (2) In relation to the referendum in Scotland, the days are—
- (a) a Saturday or Sunday, and
  - (b) a day which is a bank holiday under the <sup>M1</sup>Banking and Financial Dealings Act 1971 in Scotland.
- (3) In relation to the referendum in Wales, the days are—
- (a) a Saturday or Sunday, and
  - (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

#### **Marginal Citations**

**M1** 1971 c. 80.

#### *Advertisements*

- 3 (1) The <sup>M2</sup>Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 shall have effect in relation to the display on any site in Scotland of an advertisement relating specifically to the referendum under section 1 of this Act as they have effect in relation to the display of an advertisement relating specifically to a Parliamentary election.
- (2) The <sup>M3</sup>Town and Country Planning (Control of Advertisements) Regulations 1992 shall have effect in relation to the display on any site in Wales of an advertisement relating specifically to the referendum under section 2 of this Act as they have effect in relation to the display of an advertisement relating specifically to a Parliamentary election.

#### **Marginal Citations**

**M2** S.I. 1984/467.

**M3** S.I. 1992/666.

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*Premises used for election purposes*

- 4 (1) In relation to premises in Scotland, section 98 of the <sup>M4</sup>Representation of the People Act 1983 (premises not affected for rates) shall have effect as if the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result in the referendum under section 1 of this Act.
- (2) In relation to premises in Wales, section 65(6) of the <sup>M5</sup>Local Government Finance Act 1988 (occupation for election meetings and polls) shall have effect as if—
- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result in the referendum under section 2 of this Act, and
  - (b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a person exercising functions of a returning officer in accordance with paragraph 5(1)(b) of this Schedule for the purposes of taking the poll in the referendum under section 2 of this Act.

**Marginal Citations**

**M4** 1983 c. 2.

**M5** 1988 c. 41.

*Returning officers and counting officers*

- 5 (1) Functions conferred by this Schedule on the returning officer shall be exercised—
- (a) in each local government area in Scotland, by the person who, under section 41 of the Representation of the People Act 1983 (local government elections in Scotland) is, or may discharge the functions of, the returning officer at an election of councillors for that area,
  - (b) in each county or county borough in Wales, by the person who is for the time being appointed to act as returning officer for that county or county borough under section 35(1A)(a) of the Representation of the People Act 1983 (local government elections in Wales).
- (2) A returning officer may, in writing, appoint one or more persons to discharge all or any of his functions.
- (3) It is the returning officer's general duty at a referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by this Schedule.
- 6 (1) In Scotland, the council for a local government area shall place the services of its officers at the disposal of any person who is acting as returning officer or counting officer in relation to that area.
- (2) In Wales, the council for any county or county borough shall place the services of its officers at the disposal of any person who is acting as returning officer or counting officer in relation to that county or county borough.
- 7 A counting officer may, in writing, appoint one or more persons to discharge all or any of his functions.

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- 8 (1) Order 45, rule 1 of the <sup>M6</sup>County Court Rules 1981 (application for taxation of returning officer's account under section 30 of the Representation of the People Act 1983) shall have effect in relation to applications made under section 30 of that Act as applied by paragraph 13(2) below.
- (2) For the purpose of sub-paragraph (1), a reference in Order 45, rule 1 to a returning officer shall be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.

**Marginal Citations**

**M6** S.I. 1981/1687.

*Hours of polling*

- 9 The hours of polling shall be between 7 a.m. and 10 p.m.

*The ballot papers*

- 10 (1) The back of the ballot papers shall be in the form set out in the Appendix.
- (2) A ballot paper—
- (a) shall be capable of being folded up,
  - (b) shall have a number printed on the back, and
  - (c) shall have attached a counterfoil with the same number printed on it.
- (3) For the referendum in Scotland, the two forms of ballot paper shall be of different colours.

*Counting of votes, etc.*

- 11 (1) A counting officer shall, in accordance with any directions given by his Chief Counting Officer, appoint persons to observe the counting of the votes and the verification of the ballot paper accounts.
- (2) No person may attend the counting of votes for any voting area unless he is—
- (a) the counting officer for that area or a person appointed by him under rule 26 of the Parliamentary Elections Rules as applied by paragraph 13 below,
  - (b) a Chief Counting Officer,
  - (c) the Member of Parliament for a constituency wholly or partly within that area,
  - (d) an observer appointed by the counting officer for that area under sub-paragraph (1), or
  - (e) permitted by the counting officer for that area to attend the count.
- (3) A counting officer shall give observers such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

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- (4) Before a counting officer makes a certification under section 1(6)(b) or 2(6)(b), or makes any public announcement as to the result of the count, he shall consult his Chief Counting Officer who may direct him to recount—
- (a) the ballot papers, or
  - (b) in the case of the referendum in Scotland, either or both of the forms of ballot paper.
- (5) In this paragraph “voting area” means a local government area in Scotland or a county or county borough in Wales.
- 12 A counting officer shall, as soon as possible after his Chief Counting Officer has made the certification required by section 1(7) or 2(7), forward to the Secretary of State—
- (a) the packets of ballot papers in his possession,
  - (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
  - (c) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,
  - (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll, and
  - (e) the packets containing marked copies of registers and of lists of proxies, endorsing on each packet a description of its contents and the name of the area for which the counting officer was appointed.

#### *Application of enactments*

- 13 (1) The provisions set out in column (1) of Tables 1 to 4 below shall have effect in relation to the referendum in Scotland.
- (2) The provisions set out in column (1) of Tables 1 to 3 and 5 below shall have effect in relation to the referendum in Wales.
- (3) In their application for the purposes of a referendum, the provisions set out in column (1) of the Tables below shall have effect with the modifications shown in column (2) and any other necessary modifications; in particular, except where the context otherwise requires—
- (a) a reference to an election shall be construed as a reference to a referendum,
  - (b) a reference to a constituency shall be construed as a reference to a local government area in Scotland or a county or county borough in Wales,
  - (c) a reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, a proposition,
  - (d) a reference to promoting or procuring the election of a candidate, or furthering a person’s candidature, shall be construed as a reference to promoting or procuring a particular result in a referendum,
  - (e) a reference to the return of a person shall be construed as a reference to a particular result in a referendum,
  - (f) a reference to a person voting as an elector shall be construed as a reference to a person voting on his own behalf,

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- (g) a reference to a person’s entitlement as an elector to an absent vote shall be construed as a reference to a person’s entitlement to vote by post on his own behalf or to vote by proxy,
- (h) where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents shall be ignored,
- (i) a reference to anything being prescribed shall be construed as a reference to its being provided for by a provision of subordinate legislation applied by this Schedule,
- (j) a form which is required to be used may be used with such variations as the circumstances may require, and
- (k) a reference to the registration officer is a reference to the relevant registration officer appointed under section 8 of the <sup>M7</sup>Representation of the People Act 1983; and for the purpose of the exercise of a registration officer’s functions in relation to a referendum, sections 52(1) to (4) (discharge of registration duties) and 54(1), (3) and (4) (payment of expenses of registration) of the 1983 Act shall have effect.

TABLE 1

REPRESENTATION OF THE PEOPLE ACT 1983

(1) <i>Provision</i>	(2) <i>Modification</i>
Section 18 (polling districts and polling places)	For subsections (1) to (8) substitute—  “(1) Every voting area shall be divided into the same polling districts, each with the same polling place, as have effect for the purposes of local government elections.  (2) Subsection (1) shall have effect subject to any direction of a returning officer changing polling districts or places where he considers it necessary to do so by reason of special circumstances.  (3) In this section “voting area” means a local government area in Scotland or a county or county borough in Wales.”.
Section 29(3) to (4A) and (5) to (9) (payments by and to returning officer)	A reference to a returning officer is to be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.
Section 30(1) to (3) (taxation of returning officer’s account)	A reference to a returning officer shall be construed as a reference to a

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	returning officer, a counting officer or a Chief Counting Officer.
Section 47(1) (loan of equipment for local elections)	Omit the words “at a local government election”.
Section 49(2), (4) and (5) (effect of registers)	In subsection (5)— (a) omit “a parliamentary or”, and (b) omit “prevent the rejection of the vote on a scrutiny, or”.
Section 50(b) and (c) (effect of misdescription)	
Section 60 (personation)	
Section 61 (other voting offences)	For subsections (2) to (4) substitute— “(2) A person shall be guilty of an offence if— (a) he votes on his own behalf otherwise than by proxy— (i) more than once in the same electoral area, (ii) in more than one electoral area, or (iii) in any electoral area when there is in force an appointment of a person to vote as his proxy in the referendum in another electoral area, or (b) he votes on his own behalf in person and 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 has already voted in person or is entitled to vote by post, or (d) he applies for a person to be appointed as his proxy to vote for him without applying for

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the cancellation of a previous appointment of a third person then in force 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 either—
    - (i) more than once in the same electoral area, or
    - (ii) in more than one electoral area, or
  - (b) he votes in person as proxy for a person and is entitled to vote by post as proxy for that person, or
  - (c) he votes in person as proxy for someone whom he knows already to have voted in person.
- (4) A person shall also be guilty of an offence if he votes as proxy in any electoral area for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
- (4A) In this section a reference to voting more than once is, in relation to the referendum in Scotland, a reference to voting more than once with either or both of the two forms of ballot paper.”.

Section 63 (breach of official duty)

The reference in subsection (3)(b) to a returning officer shall be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.

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Section 65 (tampering with papers)	The reference in subsection (3) to a returning officer shall be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.
Section 66 (requirement of secrecy)	For subsection (1)(b) substitute— “(b) every Member of Parliament or councillor so attending”.
Section 92 (broadcasting from outside the United Kingdom).	
Section 94(1) (imitation poll cards)	
Section 95 (schools and rooms for meetings)	For subsection (1) substitute— “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in a referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (1A) In subsection (1) “the campaign period” means the period of 17 days ending with the day before the date of the referendum.”. Omit subsection (2). In subsection (3), omit “situated in the constituency”. In subsection (4), omit “or on whose behalf”. In subsection (5), for “candidate” substitute “person”. The lists maintained in accordance with paragraph 3 of Schedule 5 to the 1983 Act shall have effect for the purposes of a referendum; and any person shall, before a referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.
Section 97 (disturbances at election meetings)	For subsection (2) substitute— “(2) This section applies to a meeting in connection with a



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	referendum held during the campaign period.
	(2A) In subsection (2) “the campaign period” means the period of 17 days ending with the day before the date of the referendum.”.
Section 100(1) and (2) (illegal canvassing by police officers)	In subsection (1), for the words from “from giving his vote” to the end substitute “ from giving his vote, in a referendum, in a local government area wholly or partly within the police area ”.
Sections 101 to 104 (conveyance of voters)	
Section 105(1) and (3) (access to polling place by sea)	The reference in subsection (1) to a county constituency shall be construed as a reference to a local government area in Scotland or a county or county borough in Wales.
Section 109 (payments for exhibition of election notices)	
Section 110 (printer’s name and address on election publications)	For subsection (3) substitute— “(3) A person acting in contravention of this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.
Section 111 (prohibition of paid canvassers)	
Section 112(a) and (c) (providing money for illegal purposes)	
Sections 113 to 115 (bribery, treating and undue influence)	
Section 116(a) (rights of creditors)	
Section 117(2) (granting employees right of absence to vote)	
In section 118 (interpretation of Part II), the definitions of “money”, “pecuniary reward” and “payment”	
Section 160(4), (5) and (7) (persons guilty of corrupt or illegal practices)	This section has effect only for the purposes of the application of section 173; and— (a) a reference in subsection (4) or (5) to an election is not affected by paragraph 13(3)(a) of this Schedule, and (b) for subsection (5)(a) and (b), and the words in subsection (5) after paragraph (b), substitute— “for or within any voting area where, or in relation to which, the illegal practice occurred.

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(5A) In subsection (5) “voting area” means a local government area in Scotland or a county or county borough in Wales.”.

Section 167 (application for relief)

Sections 168 to 170 (prosecutions for corrupt and illegal practices)

Section 173 (incapacities on conviction of corrupt or illegal practice)

Sections 174 to 176 (mitigation of incapacities, illegal payments, etc., and prosecutions)

Section 177 (summary trial)

For “in the county in which the local government area for which the election was held is situated or which it adjoins” substitute “ in the county or county borough where, or in relation to which, the offence is alleged to have been committed ”.

Section 178 (prosecution of offences committed outside the United Kingdom)

Section 179 (offences by associations)

Section 181(1) (Director of Public Prosecutions)

Section 184 (service of notices)

In section 185 (interpretation of Part III), the definitions of “judicial office”, “money” and “pecuniary reward”, “payment”, and “public office”

Section 200(1) and (2) (public notices, and declarations)

In section 202 (interpretation), the definitions in subsection (1) of “the absent voters’ list”, “citizen of the Union” and “relevant citizen of the Union”, “elector”, “legal incapacity”, “the list of proxies”, “parliamentary elections rules”, “person”, and “voter”; and subsection (2)

Section 203(1) (local government provisions as to England and Wales)

Section 204(1), (3) and (5) (general application to Scotland)

TABLE 2

PARLIAMENTARY ELECTIONS RULES (SCHEDULE 1 TO THE  
<sup>M8</sup>REPRESENTATION OF THE PEOPLE ACT 1983)

(1) <i>Provision</i>	(2) <i>Modification</i>
Rule 20 (ballot papers: official mark)	For paragraph (2) substitute—  “(2) The official mark shall be kept secret.”.
Rule 22(1) and (2) (use of schools and public rooms)	
Rule 23(1) (notice of poll)	For “in the statement of persons nominated include” substitute “ publish,

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- not later than the tenth day before the date of the referendum.”.
- Rule 24 (postal ballot papers) Omit “and in no event later than any date which may be prescribed as the last date for the purpose”.
- Rule 25 (provision of polling stations)
- Rule 26 (appointment of presiding officers and clerks) In paragraph (1), for the words from “but he shall not appoint” to the end substitute “ and the counting officer shall appoint and pay such persons as may be necessary for the purpose of the counting of the votes ”.
- Rule 28(1) to (3) (issue of official poll cards)
- Rule 29 (equipment of polling stations) For the notice referred to in paragraph (4) substitute the notice in the Appendix to this Schedule.
- For paragraph (5) substitute—
- “(5) In every compartment of every polling station a notice shall be exhibited.
- (5A) In Scotland, the notice shall be in the following form:  
’Read the ballot papers carefully. On each ballot paper, mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot papers or your vote may not be counted.’.
- (5B) In Wales, the notice shall be in the following form:  
’Mark one box only. Put no other mark on the ballot paper or your vote may not be counted.’  
Marciwch un blwch yn unig.  
Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio neu fe all na chaiff eich pleidlais ei chyfrif.”.
- Rule 31 (notification of requirement of secrecy) The reference in paragraph (a) to section 66 of the 1983 Act shall be construed as a reference to that section as modified in Table 1.
- The duty under paragraph (b) shall be the duty not of the returning officer but of the counting officer.

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| Rule 32(1), (3) and (4) (admission to polling station) | <p>In paragraph (1), for sub-paragraphs (a) and (b) substitute—</p> <p style="margin-left: 2em;">“(a) the Member of Parliament for the constituency within which the polling station is situated;</p> <p style="margin-left: 2em;">(b) a member of the council for—</p> <p style="margin-left: 4em;">(i) in Scotland, the local government area, or</p> <p style="margin-left: 4em;">(ii) in Wales, the county or county borough, within which the polling station is situated;”.</p>   |
| Rule 33 (keeping order in station)                     |   |
| Rule 34 (sealing of ballot boxes)                      |   |
| Rule 35 (questions to be put to voters)                | <p>For paragraphs (1) and (2) substitute—</p> <p style="margin-left: 2em;">“(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards, one or both of the relevant questions.</p> <p style="margin-left: 2em;">(2) In the case of a person applying to vote on his own behalf, the relevant questions are—</p> <p style="margin-left: 4em;">(a) ‘Are you the person registered in the register of local government electors [for this local government area] [for this county] [for this county borough] as follows?’ (<i>read the whole entry from the register.</i>)</p> <p style="margin-left: 4em;">(b) ‘Have you already voted, here or elsewhere, in this referendum, otherwise than as a proxy for some other person?’.</p> |

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- (2A) In the case of a person applying as proxy, the relevant questions are—
- (a) 'Are you the person whose name appears as A.B. in the list of proxies for this referendum as entitled to vote as proxy on behalf of C.D.?'
  - (b) 'Have you already voted here or elsewhere in this referendum as proxy on behalf of C.D.?'.

- (2B) In the case of a person applying as proxy, the presiding officer may put the following additional question—  
'Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?'

and if that question is not answered in the affirmative the following question

—  
'Have you already voted in this referendum in this electoral area on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?'

In the case of the referendum in Wales, article 5 of, and Forms 1 to 3 in Schedule 2 to, the Representation of the

<sup>M9</sup>People (Welsh Forms) Order 1989 (which prescribe Welsh versions of questions) shall have effect in relation to rule 35 as applied in this Table, with the following modifications—

- (a) in Form 1—
- (i) for "seneddol" substitute "llywodraeth leol",
  - (ii) for "yr etholiad hwn" substitute "[y sir hon] [y fwrdeistref sirol hon]", and
  - (iii) for "yr is-etholiad [etholiad cyffredinol] hwn" substitute "y refferendwm hwn",

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- (b) in Form 2, for “yr etholiad hwn” and “yr is-etholiad [etholiad cyffredinol] hwn” substitute “ y refferendwm hwn ”, and
- (c) in Form 3, for “yr etholiad hwn ac yn yr etholaeth hon” substitute “ y refferendwm hwn yn y rhanbarth etholiadol hwn ”.
- Rule 36 (challenge of voter) For “a candidate or his election or polling agent” substitute “ a Member of Parliament or a member of the council for a local government area in Scotland or a county or county borough in Wales ”.
- Rule 37 (voting procedure) In the case of the referendum in Scotland, a person may apply under this rule for either or both of the two forms of ballot paper.
- Rule 38 (votes marked by presiding officer)
- Rule 39 (voting by blind persons)
- Rule 40 (tendered ballot papers)
- Rule 41 (spoilt ballot papers)
- Rule 42 (adjournment of poll in case of riot) After “returning officer” insert “ and the counting officer ”.
- Rule 43 (procedure on close of poll) A reference to the returning officer is to be construed as a reference to the counting officer.
- Rule 45 (the count) A reference to the returning officer is, except in paragraph (2), to be construed as a reference to the counting officer.
- A reference to counting agents or election agents is to be construed as a reference to observers.
- In paragraph (5), for “election agent” substitute “ observer present at the verification ”.
- In paragraph (6), for “in so far as he and the agents agree” substitute “ , if his Chief Counting Officer approves, ”; and omit from “For the purposes of this exception” to the end.
- For paragraph (7) substitute—
- “(7) During the excluded time the counting officer shall take proper precautions for the

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	security of the ballot papers and documents.”.
Rule 47 (rejected ballot papers)	A reference to the returning officer is to be construed as a reference to the counting officer.  In paragraph (3), omit from “and shall add to the endorsement” to the end.
Rule 54 (sealing up of ballot papers)	A reference to the returning officer is to be construed as a reference to the counting officer.
The Appendix of Forms: form of declaration to be made by the companion of a blind voter	For “election now being held in this constituency”— (a) in the case of the referendum in Scotland substitute “ referendum now being held in Scotland under section 1(1) of the Referendums (Scotland and Wales) Act 1997 ”, and (b) in the case of the referendum in Wales substitute “ referendum now being held in Wales under section 2(1) of the Referendums (Scotland and Wales) Act 1997 ”.  For “said election” in each place substitute “ said referendum ”.  In the case of the referendum in Wales, article 5 of, and Form 6 in Schedule 2 to, the <sup>M10</sup> Representation of the People (Welsh Forms) Order 1989 (which prescribe a Welsh version of the form of declaration to be made by the companion of a blind voter) shall have effect in relation to the form in the Appendix as applied in this Table, with the following modifications— (a) for “yr etholiad a gynhelir yn awr yn yr etholaeth hon” substitute “ y refferendwm yng Nghymru a gynhelir yn awr o dan adran 2(1) Deddf Refferenda (Yr Alban a Chymru) 1997 ”, and (b) for the second and third “yr etholiad” substitute “ y refferendwm ”.

TABLE 3

THE <sup>M11</sup>REPRESENTATION OF THE PEOPLE ACT 1985

(1)	(2)
<i>Provision</i>	<i>Modification</i>

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Section 5 (manner of voting)	<p>In the application of any provision of the 1985 Act to a referendum, a reference to prescribed requirements is to be construed as a reference to the requirements of the provisions of—</p> <p>(a) in the case of the referendum in Scotland, the <sup>M12</sup>Representation of the People (Scotland) Regulations 1986, and</p> <p>(b) in the case of the referendum in Wales, the <sup>M13</sup>Representation of the People Regulations 1986, as applied by Tables 4 and 5.</p> <p>In subsection (1), for “at a parliamentary or local government election” substitute “in a referendum”.</p> <p>In subsection (5) for “constituency or, as the case may be, electoral area” substitute “local government area in Scotland or county or county borough in Wales”.</p> <p>For subsection (6) substitute—</p> <p style="padding-left: 40px;">“(6) For the purposes of the provisions of this Act and the Representation of the People Act 1983, a person entitled to vote in a referendum on his own behalf is entitled to vote by post or by proxy if he is shown in the absent voters list for the referendum.”.</p> <p>In subsection (7), for the definition of “appropriate rules” substitute—</p> <p style="padding-left: 40px;">““appropriate rules” means the parliamentary elections rules as they have effect for the purposes of a referendum.”.</p>
Section 7 (absent vote at a particular election and absent voters list)	<p>In subsection (1)—</p> <p>(a) for “at a particular parliamentary or local government election” substitute “in a referendum”, and</p> <p>(b) for paragraph (b) substitute—</p> <p style="padding-left: 40px;">“(b) he is satisfied that the applicant will be entitled to vote in the referendum,”.</p> <p>In subsection (2)—</p>



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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)

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- (a) for “elections of the kind in question”, in each place, substitute “local government elections”, and
- (b) for “in respect of a particular parliamentary or local government election” substitute “in respect of a referendum”.

In subsection (4)—

- (a) for “in respect of each parliamentary or local government election” substitute “in respect of a referendum”,

- (b) for paragraph (a)(ii) substitute—

- “(ii) those who are shown in the record kept under section 6 of this Act as voting by post at local government elections, together with the addresses provided by them in their applications under that section or, as the case may be, subsection (2) above as the addresses to which their ballot papers are to be sent,”

- (c) for paragraph (b) substitute—

- “(b) a list (“the list of proxies”) of those whose applications under this section to vote by proxy in the referendum have been granted or who are shown in the record kept under section 6 of this Act as voting by proxy at local government elections, together with the names and addresses of those

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**Changes to legislation:** *There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)*

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Section 8 (proxies)	<p style="text-align: right;">appointed as their proxies.”.</p> <p>In subsection (1), for “at any parliamentary or local government election” substitute “ in a referendum ”.</p> <p>For subsection (2) substitute—</p> <p style="padding-left: 40px;">“(2) The elector cannot have more than one person at a time appointed as proxy to vote for him in the referendum.”.</p> <p>Omit subsection (3).</p> <p>In subsection (3A)—</p> <p>(a) for “at a local government election” substitute “ in a referendum ”, and</p> <p>(b) for “at that election as an elector” substitute “ in the referendum on his own behalf ”.</p> <p>For subsection (5) substitute—</p> <p style="padding-left: 40px;">“(5) A person is not entitled to vote as proxy in any electoral area in a referendum on behalf of more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.”.</p> <p>Subsection (6) shall not have effect to permit applications in relation to referendums; but an appointment made under subsection (6) which has effect in relation to local government elections shall have effect in relation to a referendum.</p> <p>For subsection (7) substitute—</p> <p style="padding-left: 40px;">“(7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him in a referendum the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—</p> <p style="padding-left: 80px;">(a) entitled to vote in the referendum, and</p> <p style="padding-left: 80px;">(b) entitled to vote by proxy in the</p>
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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)

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referendum by virtue of an application under section 7 of this Act, and that the proxy is capable of being and willing to be appointed.”.

For subsections (9) and (10) substitute—

“(9) The appointment shall remain in force for the referendum, unless cancelled by notice from the elector to the registration officer.”.

Section 9 (voting as proxy)

In subsections (1), (3) and (9), for “parliamentary or local government election” substitute “ referendum ”.

Subsections (4) to (6) shall not have effect to permit applications in relation to referendums; but the record kept under subsection (6) shall have effect for the purposes of the application to the referendums of subsection (9).

In subsections (8) and (9), for “elections of the kind in question” substitute “ local government elections ”.

In subsection (10), for “is or will be registered in the register of parliamentary electors, local government electors, or both (as the case may be)” substitute “ will be entitled to vote in the referendum ”.

Section 12(3) and (4) (offences)

TABLE 4

THE <sup>M14</sup>REPRESENTATION OF THE PEOPLE (SCOTLAND) REGULATIONS 1986

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(1)

(2)

**Provision**

**Modification**

In regulation 4(1) (interpretation), the definitions of “available for inspection”, “electoral area”, “local authority”, “local government area”, “postal proxy”, “register”, “registration area” and “registration officer”

Regulation 5(1)(b) and (2) (forms)

Regulation 6(1) and (2) (sending of applications, notices, etc.)

Regulation 8 (misnomers)

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)*

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- Regulation 10 (official poll card)
- Regulation 12 (interference with notices, etc.)
- Regulation 61 (absent voters: general requirements for applications)
- Regulation 64 (applications in respect of a particular election)
- Regulation 65 (additional requirements for applications for appointments of proxy)
- Regulation 66 (additional requirements for application by proxies to vote by post at a particular election)
- Regulation 67(1) to (5) (closing dates for applications)
- Regulation 68 (grant or refusal of applications)      The reference to Form C shall be construed as a reference to the form of proxy paper in the Appendix to this Schedule.
- Regulation 70 (cancellation of proxy appointment)
- Regulation 72 (records and lists)
- Regulation 73 (marked register for polling stations)
- Regulation 74 (certificate of employment at an election)
- Regulation 75 (interpretation of Part V)
- Regulation 77 (form of declaration of identity)      Omit the words after “Form G”.
- Regulation 78(1)(a) (persons entitled to be present at issue and receipt of postal ballot papers)
- Regulation 79 (notification of requirement of secrecy)
- Regulation 81(1) and (2) (marking of postal ballot papers)
- Regulation 82 (refusal to issue postal ballot paper)      For the words from “more than one ballot paper” to the end substitute “more than one of each form of ballot paper in respect of that elector”.
- Regulation 83(1) and (2) (envelopes)
- Regulation 84 (delivery of postal ballot papers to post office)
- Regulation 85 (provision of postal voters’ ballot box)      For paragraph (2) substitute—  
“(2) Every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal.”.
- Regulation 86 (sealing up of special lists and counterfoils)
- Regulation 87 (spoil postal ballot papers)      In paragraph (1)—  
(a) for “his postal paper” substitute “a postal ballot paper”, and

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)

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(b) for “the spoilt postal ballot paper” substitute “ both forms of ballot paper ”.

Omit paragraph (2).

In paragraph (3)—

(a) for “another postal ballot paper or, as the case may be, ballot papers” substitute “ replacement ballot papers ”, and

(b) for “another ballot paper (or ballot papers)” substitute “ replacement ballot papers ”.

In paragraph (5), for the words “The spoilt postal ballot paper, and any other postal ballot paper issued with it under regulation 76 above,” substitute “ The returned postal ballot papers ”.

Regulation 88 (receipt of covering envelope)

Regulation 89(1) and (2) and (4) to (7) (opening of postal voters’ ballot box)

In paragraph (4) for the words from “and every such ballot box” to the end substitute “ ; and every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal. ”.

Regulation 90 (opening of covering envelopes)

Regulation 91 (sealing up of rejected votes and declarations of identity)

Regulation 92 (opening of ballot paper envelopes)

Regulation 94 (forwarding of documents)

For paragraph (1) substitute—

“(1) The returning officer shall, as soon as possible after the Chief Counting Officer for Scotland has made the certification required by section 1(7) of the Referendums (Scotland and Wales) Act 1997, forward to the Secretary of State—

(a) any packets referred to in regulations 86, 87, 91 and 92, endorsing on each packet a description of its contents and the name of the local government area for which the returning officer acts, and

(b) a statement of the number of postal ballot

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)*

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In Schedule 2 (forms), Form D (elector’s official poll card)	<p style="text-align: right;">papers issued by him in such form, and giving such details about the papers, as the Secretary of State may require.”.</p> <p>Omit paragraphs (3) and (4).</p> <p>On the front of the card—</p> <p>(a) for the heading “REPRESENTATION OF THE PEOPLE ACTS” substitute “REFERENDUM”, and</p> <p>(b) for “Constituency” substitute “Local government area”.</p> <p>On the back of the card—</p> <p>(a) for the heading substitute “REFERENDUM”,</p> <p>(b) in paragraph 2, for “a ballot paper” substitute “one of each of two forms of ballot paper (unless you ask for only one)”</p> <p>(c) in paragraph 2, for “on it” substitute “on each form of ballot paper”,</p> <p>(d) for paragraphs 3 to 5 substitute—</p> <p>“3 Take the ballot papers to one of the voting compartments and read them carefully.</p> <p>4 On each ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted.</p> <p>5 Fold each ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.”.</p>
In Schedule 2 (forms), Form E (proxy’s official poll card)	On the back of the card, for “elector’s ballot paper” substitute “elector’s ballot papers”.
In Schedule 2 (forms), Form F (certificate of employment)	For the heading “ELECTION IN THE..... CONSTITUENCY” substitute “REFERENDUM..... LOCAL GOVERNMENT AREA”.

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)

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In Schedule 2 (forms), Form G  
(declaration of identity)

For “constituency named above” and “above constituency” substitute “ local government area named above ”.

For “election” in each place substitute “ referendum ”.

On the front of the form, for the heading “REPRESENTATION OF THE PEOPLE ACTS” substitute “ REFERENDUM ”.

For “Ballot Paper No.” substitute “ Ballot Paper Nos. ”.

For “the ballot paper numbered as above was sent” substitute “ the ballot papers numbered as above were sent ”.

On the back of the form—

(a) for paragraphs 2 and 3 substitute—

“2 Read the ballot papers carefully.

3 On each ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted.”,

(b) in paragraph 4, for “ballot paper” in each place substitute “ ballot papers ”,

(c) for paragraph 5 substitute—

“5 If you receive more than one of either form of ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) with the same form of ballot paper.”,

(d) in paragraph 6, for “election” substitute “ referendum ”, and

(e) for paragraph 7 substitute—

“7 If you inadvertently spoil either form of ballot paper, you can apply to the returning officer for another one. To do this you MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED, including the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you MUST RETURN, in your own envelope, the declaration of identity and the

*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)*

envelopes marked “A” and “B”. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.”.

TABLE 5

THE <sup>M15</sup>REPRESENTATION OF THE PEOPLE REGULATIONS 1986

(1) <i>Provision</i>	(2) <i>Modification</i>
In regulation 4(1) (interpretation), the definitions of “available for inspection”, “postal proxy”, “register”, and “registration officer”.	
Regulation 6(1)(b) (forms)	
Regulation 7 (sending of applications, notices, etc.)	
Regulation 9 (misnomers)	
Regulation 11 (official poll card)	<p>The reference to Form E is to be construed as a reference to the form of elector’s official poll card in Part II of the Schedule to the Representation of the <sup>M16</sup>People (Welsh Forms) Order 1986 with the following modifications—</p> <p>(a) on the front of the card, for “REPRESENTATION OF THE PEOPLE ACTS” and “DEDDFAU CYNRYCHOLAETH Y BOBL” substitute “ REFERENDUM ” and “ REFFERENDWM ”,</p> <p>(b) on the front of the card, for “Constituency” and “Etholaeth” substitute “ County / County Borough ” and “ Sir / Bwrdeistref Sirol ”,</p> <p>(c) on the back of the card, for “PARLIAMENTARY ELECTION” and “ETHOLIAD SENEDDOL” substitute “ REFERENDUM ” and “ REFFERENDWM ”,</p> <p>(d) on the back of the card, for the third paragraph in English substitute—</p> <p>“Take the ballot paper to one of the voting compartments and read it carefully. On the ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted.”,</p>



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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)

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(e) on the back of the card, for the third paragraph in Welsh substitute—

“Ewch â'r papur pleidleisio i un o'r cabanau pleidleisio a darllenwch ef yn ofalus. Ar y papur pleidleisio rhowch groes (X) yn y blwch i'r dde o'r gosodiad yr ydych yn pleidleisio drosto. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio neu fe all na chaiff eich pleidlais ei chyfrif.”

(f) on the back of the card, in the penultimate and final paragraphs in English and in Welsh, for “this election” and “yr etholiad hwn” substitute “ the referendum ” and “ y refferendwm ”,

(g) on the back of the card, omit the fifth paragraph in English and in Welsh.

The reference to Form F is to be construed as a reference to the form of proxy's official poll card in Part II of the Schedule to the Representation of the <sup>M17</sup>People (Welsh Forms) Order 1986 with the following modifications—

(a) on the front of the card, omit “REPRESENTATION OF THE PEOPLE ACTS” and “DEDDFAU CYNRYCHIOLAETH Y BOBL”,

(b) on the front of the card, for “PARLIAMENTARY ELECTION” and “ETHOLIAD SENEDDOL” substitute “ REFERENDUM ” and “ REFFERENDWM ”,

(c) on the front of the card, for “Etholaeth” and “Constituency” substitute “ Sir / Bwrdeistref Sirol ” and “ County / County Borough ”,

(d) on the back of the card, in the penultimate and final paragraphs in English and in Welsh, for “this election” and “yr etholiad hwn” substitute “ the referendum ” and “ y refferendwm ”.

Regulation 13 (interference with notices, etc.)

Regulation 63 (absent voters: general requirements for applications)

Regulation 66 (additional requirements for applications in respect of a particular election)

Regulation 67 (additional requirements for applications for appointment of proxy)

Regulation 68 (additional requirements for applications by proxies to vote by post at a particular election)

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)*

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Regulation 69(1) to (5) (closing dates for applications)

Regulation 70 (grant or refusal of applications)                      The reference to Form D shall be construed as a reference to the form of proxy paper in the Appendix to this Schedule.

Regulation 72 (cancellation of proxy appointment)

Regulation 74 (records and lists)

Regulation 75 (marked register for polling stations)

Regulation 76 (certificate of employment at an election)                      The reference to Form G is to be construed as a reference to the form of certificate of employment in the Appendix to this Schedule.

Regulation 77 (interpretation of Part V)

Regulation 79 (form of declaration of identity)                      For the words from “shall be” to the end substitute “shall be in the form of Form 3 in Schedule 1 to the Representation of the <sup>M18</sup>People (Welsh Forms) Order 1989 with the following modifications—  
 (a) on the front of the form, for the headings substitute—

**“REFERENDUM**

REFFERENDWM”

(b) on the back of the form, for paragraphs 2 and 3 in English substitute—

“2            Read the ballot paper carefully. On the ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.”

(c) on the back of the form, for paragraphs 2 and 3 in Welsh substitute—

“2            Darllenwch y papur pleidleisio yn ofalus. Ar y papur pleidleisio rhwch groes (X) yn y blwch i'r dde o'r gosodiad yr ydych yn pleidleisio drosto. Peidiwch aj rhoi unrhyw farc arall ar

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y papur pleidleisio neu fe all na chaiff eich pleidlais ei chyfrif. Os na fedrwech bleidleisio heb gymorth, rhaid i'r person sy'n eich cynorthwyo beidio â datgelu sut yr ydych wedi pleidleisio.”

- (d) on the back of the form, in paragraph 5 in English and in Welsh, for “same election” and “yr un etholiad” substitute “ referendum ” and “ y refferendwm ”,
- (e) on the back of the form, in paragraph 6 in English and in Welsh, for “this election” and “yr etholiad hwn” substitute “ the referendum ” and “ y refferendwm ”, and
- (f) on the back of the form, renumber paragraphs 4 to 7 in English and in Welsh accordingly.”

Regulation 80(1)(a) (persons entitled to be present at issue and receipt of postal ballot papers)

Regulation 81 (notification of requirement of secrecy)

Regulation 83(1) and (2) (marking of postal ballot papers)

Regulation 84 (refusal to issue postal ballot paper)

Regulation 85(1) and (2) (envelopes)

Regulation 86 (delivery of postal ballot papers to post office)

Regulation 87 (provision of postal voters' ballot box)

For paragraph (2) substitute—

“(2) Every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal.”.

Regulation 88 (sealing up of special lists and counterfoils)

Regulation 89 (spoilt postal ballot papers)

Omit paragraph (2).

In paragraph (3)—

- (a) omit “or, as the case may be, ballot papers”, and
- (b) omit “(or ballot papers)”.

In paragraph (5) omit “, and any other postal ballot paper issued with it under Regulation 78 above”.

Regulation 90 (receipt of covering envelope)

Regulation 91(1) and (2) and (4) to (7) (opening of postal voters' ballot box)

In paragraph (4) for the words from “and every such ballot box” to the end

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997, SCHEDULE 3. (See end of Document for details)*

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substitute “ ; and every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal. ”.

Regulation 92 (opening of covering envelopes)

Regulation 93 (sealing up of rejected votes and declarations of identity)

Regulation 94 (opening of ballot paper envelopes)

Regulation 96 (forwarding of documents)

For paragraph (1) substitute—

“(1) The returning officer shall, as soon as possible after the Chief Counting Officer for Wales has made the certification required by section 2(7) of the Referendums (Scotland and Wales) Act 1997, forward to the Secretary of State—

- (a) the packets referred to in regulations 88, 89, 93 and 94, endorsing on each packet a description of its contents and the name of the county or county borough for which the returning officer acts, and
- (b) a statement of the number of postal ballot papers issued by him in such form, and giving such details about the papers, as the Secretary of State may require.”.

Omit paragraphs (2), (4) and (5).

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**Marginal Citations**

- M7** 1983 c. 2.
- M8** 1983 c. 2.
- M9** S.I. 1989/429.
- M10** S.I. 1989/429.
- M11** 1985 c. 50.
- M12** S.I. 1986/1111.
- M13** S.I. 1986/1081.
- M14** S.I. 1986/1111.
- M15** S.I. 1986/1081.
- M16** S.I. 1986/1460.
- M17** S.I. 1986/1460.

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums  
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**M18** [S.I. 1989/429](#).

**Changes to legislation:**

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