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

SCHEDULES

SCHEDULE 3

ABSENT VOTING IN THE REFERENDUM

PART 1

GREAT BRITAIN

Interpretation

- 1 In this Part of this Schedule—
- “anonymous entry”, in relation to a register of electors, is to be read in accordance with section 9B of the 1983 Act;
 - “European Parliamentary Elections Regulations” means the European Parliamentary Elections Regulations 2004 (S.I. 2004/293);
 - “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 (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 (S.I. 2001/341) as applied by Schedule 4;
 - (b) in relation to Scotland, means the Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) as so applied;
 - “the RPA 2000” means the Representation of the People Act 2000.

Manner of voting in the referendum

- 2
- (1) This paragraph 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 the referendum rules, 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

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person applies at the polling station allotted to him or her under the referendum rules for a ballot paper for the purpose of voting in person, in which case he or she may vote in person there.

- (5) If—
- (a) the person is not entitled to vote by post or by proxy in the referendum, but
 - (b) the person cannot reasonably be expected to go in person to the polling station allotted to him or her under the referendum rules by reason of the particular circumstances of his or her employment, either as a constable or by the counting officer, on the date of the poll for a purpose connected with the referendum,
- he or she may vote in person at any polling station.
- (6) Nothing in this paragraph applies to 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; and such a person may vote—
- (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).
- (7) Nothing in this paragraph applies to 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; 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) Sub-paragraph (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of rule 32 of the referendum rules.

Entitlement to vote by post or by proxy

- 3
- (1) A person entitled to vote in the referendum is entitled to vote by post or by proxy if sub-paragraph (2) or (3) (as the case may be) applies to the person.
 - (2) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 5(2) as entitled to vote by post in the referendum.
 - (3) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 5(3) as entitled to vote by proxy in the referendum.

Application to vote by post or by proxy in the referendum

- 4
- (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—

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- (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 the referendum rules,
 - (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 sub-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,
 - (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 (absent vote at elections for definite or indefinite period).
- (5) But if a person is included in a record mentioned in sub-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 from that shown in the record, or
 - (b) to vote by proxy.
- (6) The registration officer must grant an application under sub-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 the referendum rules.
- (7) The registration officer may dispense with the requirement under sub-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.

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- (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 sub-paragraph (7) has dispensed with the requirement to provide a signature, their signatures.
- (9) The record kept under sub-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

- 5 (1) The registration officer must, for the purposes of the referendum, keep the two special lists mentioned in sub-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 paragraph 4(1) to vote by post in the referendum has been granted.	Address provided in the person's application under paragraph 4(1).
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 sub-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 sub-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) paragraph 4(5)(a) above.
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 as voting by post, or was included in that record before being included	Address provided in the peer's application under paragraph 3 of Schedule 4 to the RPA 2000 or (as the case may be) paragraph 4(5)(a) above.

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- 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 sub-paragraph (3).
- 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 as voting by post, Address provided in the peer's application under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations or (as the case may be) paragraph 4(5)(a) above.
- (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 sub-paragraph (3).
- (3) The second of the lists mentioned in sub-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 sub-paragraph (2)) whose application under paragraph 4(2), (3) or (5)(b) to vote by proxy in the referendum has been granted.	Proxy appointed under paragraph 6.
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 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 sub-paragraph (2).	Proxy appointed for the purposes of that poll or, if there is more than one, the 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 sub-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	Proxy appointed under paragraph 6 of Schedule 4 to the RPA 2000 for local government elections.

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- the European Parliamentary Elections Regulations 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 subparagraph (2).
- 5 A peer who—
- | | |
|--|---|
| <p style="margin-left: 20px;">(a) is for the time being shown in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations as voting by proxy,</p> <p style="margin-left: 20px;">(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</p> <p style="margin-left: 20px;">(c) is not within entry 1 or 2 in this table or entry 1, 2 or 4 in the table in subparagraph (2).</p> | <p>Proxy appointed under paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations.</p> |
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- (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

- 6 (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 paragraph, 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 paragraph 4(2), (3) or (5)(b),
- and that the proxy is capable of being, and willing to be, appointed.

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- (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 Part 3 of this Schedule, 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.
- 7 (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 sub-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 paragraph 5(3), an appointment under paragraph 6;
 - (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.
- (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) 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

- 8 (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 the referendum rules 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.

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- (3) For the purposes of this Part of this Schedule 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 sub-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 paragraph 7(2)(a), 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 paragraph 7(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 (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 sub-paragraph (4) has been granted.	Address provided in the proxy's application under sub-paragraph (4).
2 A proxy who— (a) was appointed as mentioned in column 3 of entry 2 in the table in paragraph 5(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 paragraph 5(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 or (as the case

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- (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). may be) sub-paragraph (5) above.
- 4 A proxy who—
(a) was appointed as mentioned in column 3 of entry 4 in the table in paragraph 5(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) sub-paragraph (5) above.
- 5 A proxy who—
(a) was appointed as mentioned in column 3 of entry 5 in the table in paragraph 5(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. Address provided in the proxy's application under paragraph 7(4)(a) of Schedule 2 to the European Parliamentary Elections Regulations or (as the case may be) sub-paragraph (5) above.
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- (7) In the case of a person who has an anonymous entry in a register, the special list mentioned in sub-paragraph (6) must contain only—
(a) the person's electoral number, and
(b) the period for which the anonymous entry has effect.
- (8) Sub-paragraph (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of rule 32 of the referendum rules.
- (9) The registration officer may dispense with the requirement under sub-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 sub-paragraph (4) have been granted showing—
(a) their dates of birth, and
(b) except in cases where the registration officer in pursuance of sub-paragraph (9) has dispensed with the requirement to provide a signature, their signatures.
- (11) The record kept under sub-paragraph (10) must be retained by the registration officer for the period of twelve months beginning with the date of the poll for referendum.

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Use of personal identifier information

- 9 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), 4(6) 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) articles 8(9), 9(6) and 12(13) of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (dates of birth and signatures of certain electors and proxies) in relation to persons entitled to vote in the referendum,
 - (iii) articles 8(9), 9(8) and 11(12) of the Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999) (dates of birth and signatures of certain electors and proxies) in relation to persons entitled to vote in the referendum,
 - (iv) paragraphs 3(9) and 7(13) of Schedule 2 to the European Parliamentary Elections Regulations (dates of birth and signatures of certain electors and proxies) in relation to peers entitled to vote in the referendum, and
 - (v) paragraphs 4(8) and 8(10) above, or
 - (b) give the counting officer access to such information.
- 10 Information contained in records kept by a registration officer in pursuance of paragraph 4(8) or 8(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 this Act or the Representation of the People Acts.

Offences

- 11 (1) A person who—
- (a) in any declaration or form used for any of the purposes of this Part of this Schedule, makes a statement knowing it to be false, or
 - (b) attests an application under paragraph 4 knowing—
 - (i) that he or she is not authorised to do so, or
 - (ii) that it contains a statement which is false,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) A person who provides false information in connection with an application under paragraph 4(1) or (2) or 8(4) is guilty of an offence.
- (3) Subsections (3) to (8) of section 13D of the 1983 Act (but not the words “and Northern Ireland” in subsection (7)) apply for the purposes of sub-paragraph (2) as they apply for the purposes of subsection (1A) of that section.

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