

SCHEDULE 1

Article 7(1)

VOTING IN THE REFERENDUM

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PART 1

Manner of voting

Persons entitled to vote

1.—(1) This paragraph applies to determine the manner of voting of a person entitled to vote as an elector in the referendum (1).

(2) The person may vote in person at the polling station allotted to that person under rule 13 of the Referendum Rules, unless that person is entitled to vote by post or by proxy in the referendum.

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

(4) If the person (“P”) is entitled to vote by proxy in the referendum, P may so vote unless, before a ballot paper has been issued for P to vote by proxy, P applies at the polling station allotted to P under rule 13 of the Referendum Rules for a ballot paper for the purpose of voting in person, in which case P may vote in person there.

(5) If a person —

(a) is not entitled to vote by post or by proxy in the referendum, but

(b) cannot reasonably be expected to go in person to the polling station allotted to that person under rule 13 of the Referendum Rules because of the particular circumstances of the person’s employment, either as a constable or by the counting officer, on the day of the poll for a purpose connected with the referendum,

that person may vote in person at any polling station in the voting area in which the polling station allotted to the person is situated.

(6) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act(2) (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 that person is registered by virtue of that provision or not, and such a person may vote—

(a) in person at the polling station allotted to the person under rule 13 of the Referendum Rules (where granted permission to be absent from the hospital and voting in person does not breach any condition attached to the permission), or

(b) by post or by proxy (where entitled so to vote at the referendum).

(7) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7A of the 1983 Act(3) (person remanded in custody) applies, whether that person is registered by virtue of that provision or not, and such a person may only vote by post or by proxy (where entitled so to vote in the referendum).

(8) A person entitled to vote in the referendum is entitled to vote —

(a) by post in the referendum if that person is shown in the postal voters list as so entitled for the referendum, or

(b) by proxy in the referendum if that person is shown in the list of proxies as so entitled for the referendum.

(9) Sub-paragraph (2) does not prevent a person, at the polling station allotted to that person, marking a tendered ballot paper in pursuance of rule 28(6) of the Referendum Rules.

(1) See paragraph 1 of Schedule 6 to the Government of Wales Act 2006 (c.32) as read with section 12 of that Act.

(2) Section 7 of the Representation of the People Act 1983 (c.2) was substituted by section 4 of the Representation of the People Act 2000 (c.2) and to which there are relevant amendments by section 12(1) of the Electoral Administration Act 2006 (c.22) and by S.I. 2005/2078, Schedule 1 paragraph 1(3).

(3) Section 7A was inserted by section 5 of the Representation of the People Act 2000 and to which there are relevant amendments by section 12(2) of the Electoral Administration Act 2006 and by S.I.2005/2078 Schedule 1 paragraph 1(4).

Existing postal and proxy voters

2.—(1) An elector is taken to have been granted a vote by post in the referendum if, at the relevant time, the elector is shown in the record kept under article 8(3) of the 2007 Order (*absent vote at Assembly elections for a particular or an indefinite period*) as voting by post at elections for the Assembly⁽⁴⁾ (in this Schedule referred to as “Assembly elections”) for an indefinite period or for a period which extends beyond the date of the poll at the referendum.

(2) Such a person is referred to in this Order as an “existing postal voter”.

(3) An elector is taken to have been granted a vote by proxy in the referendum if, at the relevant time, the person is shown in the record kept under article 8(3) of the 2007 Order as voting by proxy at Assembly elections for an indefinite period or for a period which extends beyond the date of the poll at the referendum.

(4) Such a person is referred to in this Order as an “existing proxy voter”.

(5) Sub-paragraph (1) does not apply to a person if the person is granted a vote by proxy by virtue of an application under paragraph 3.

Applications by electors for absent vote

3.—(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 registration officer is satisfied that the applicant is, or on the date of the poll will be, registered in the register maintained by the officer; and

(b) the application meets the requirements set out in paragraph 9.

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

(a) the registration officer is satisfied that the applicant’s circumstances on the day 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 rule 13 (*provision of polling stations*) of the Referendum Rules;

(b) the registration officer is satisfied that the applicant is, or on the date of the poll will be, registered in the register maintained by the officer; and

(c) the application meets the requirements set out in paragraphs 9 and 10.

(3) Where an elector who has an anonymous entry in the register maintained by a registration officer applies to the registration officer under paragraph (2) to vote by proxy in the referendum, the registration officer must grant the application if it meets the requirements set out in paragraph 9.

(4) Sub-paragraphs (1) and (2) do not apply to an elector who is an existing postal voter or an existing proxy voter.

(5) If an existing postal voter applies to the registration officer for the ballot paper, in respect of the referendum, to be sent to a different address from that shown in the record referred to in paragraph 2(1) in relation to that existing postal voter, the registration officer must grant the application if it meets the requirements set out in paragraph 9.

(6) If an existing postal voter applies to the appropriate registration officer to vote by proxy in the referendum, the registration officer must grant the application if—

(a) the registration officer is satisfied that the applicant’s circumstances on the date of the poll in the referendum will be or will be likely to be such that the person cannot reasonably be expected to vote in person at the polling station allotted, or likely to be allotted, to the person under rule 13 of the Referendum Rules; and

(4) See Part 1 of the Government of Wales Act 2006 for the National Assembly for Wales and elections to it.

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(b) the application meets the requirements set out in paragraphs 9 and 10.

(7) 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 has dispensed with the requirement to provide a signature, their signatures,

as provided in accordance with the requirements set out in paragraph 9 and, as the case may be, paragraph 10.

(8) The record kept under sub-paragraph (7) must be retained by the registration officer for the period of twelve months beginning with the date of the poll at the referendum.

Absent voters lists

4.—(1) The registration officer must keep the 2 lists mentioned in sub-paragraphs (2) and (3).

(2) The first of those lists is a list (“the postal voters list”) of—

(a) those who are existing postal voters (excluding those whose applications to vote by proxy under paragraph 3(6) have been granted), together with the addresses, as the case may be—

(i) shown in the record mentioned in paragraph 2(1) kept by the registration officer, or

(ii) provided by them in any application granted under paragraph 3(5),

as the addresses to which their ballot papers are to be sent; and

(b) those granted a vote by post in the referendum by the registration officer by virtue of an application under paragraph 3(1) together with the addresses provided by them in their application as the addresses to which their ballot papers are to be sent.

(3) The second of those lists is a list (“the list of proxies”) of—

(a) those who are existing proxy voters by reason of an entry in the record mentioned in paragraph 2(3) kept by the registration officer; and

(b) those granted a vote by proxy in the referendum by the registration officer by virtue of an application under paragraph 3(2) or (6),

together (in each case) with the names and addresses of those appointed as their proxies.

(4) In the case of an elector who has an anonymous entry in the register, any entry in the postal voters list or list of proxies, as the case may be, must show in relation to the elector only the elector’s electoral number and the period for which the anonymous entry has effect.

Proxies

5.—(1) Subject to the provisions of this paragraph, any person is capable of being appointed as a proxy to vote for an elector in the referendum and may vote in pursuance of the appointment.

(2) An elector cannot have more than one person at a time appointed as a proxy to vote for the elector in the referendum.

(3) A person is not capable of being appointed to vote, or of voting, as a proxy in the referendum if—

(a) the person is subject to any legal incapacity (age apart) to vote in the referendum in that person’s own right, or

(b) the person is neither a qualifying Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union.

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(4) A person is not capable of voting as a proxy in the referendum unless, on the day of the poll, the person has attained the age of eighteen.

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

(6) If there is an existing proxy for an existing proxy voter, the existing proxy is to be treated as having been appointed under this paragraph as a proxy to vote for that existing proxy voter in the referendum.

(7) In sub-paragraph (6), “existing proxy” means, in relation to an existing proxy voter, a person appointed under article 11(6) of the 2007 Order (*proxies at Assembly elections*) as a proxy to vote for the existing proxy voter at Assembly elections for an indefinite period or for a period which extends beyond the date of the poll at the referendum.

(8) Where an elector applies to the registration officer for the appointment of a proxy to vote in the referendum, the registration officer must make the appointment if—

- (a) the registration officer is satisfied that the applicant—
 - (i) is, or on the date of the poll will be, registered in the register maintained by the officer, and
 - (ii) is entitled to vote by proxy in the referendum by virtue of paragraph 2(3) or an application under paragraph 3;
- (b) the registration officer is satisfied that the proxy is capable of being and willing to be appointed; and
- (c) the application meets the requirements in paragraphs 9 and 10.

(9) The appointment of a proxy under this paragraph is to be made by means of a proxy paper (in the form A set out in Schedule 6) issued by the registration officer to the proxy.

(10) The appointment of a proxy to vote for an elector in the referendum—

- (a) may be cancelled by the elector by giving notice to the registration officer, and
- (b) ceases to be in force on the issue of a proxy paper appointing a different person to vote as proxy for the elector in the referendum.

Voting as proxy

6.—(1) A person entitled to vote as proxy for an elector in the referendum may do so in person at the polling station allotted to the elector under rule 13 of the Referendum Rules unless the person is entitled to vote by post as proxy for that elector in the referendum, in which case the person may vote by post.

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

(3) For the purposes of this Schedule, a person entitled to vote as proxy for an elector in the referendum is entitled so to vote by post if that person is included in the proxy postal voters list kept under sub-paragraph (8).

(4) An existing proxy is to be treated as having been granted a vote by post as proxy at the referendum if the existing proxy is, at the relevant time, shown in the record kept under article 12(6) of the 2007 Order (*voting as proxy at Assembly elections*) as voting by post as proxy at Assembly elections for an indefinite period or for a period which extends beyond the day of the poll at the referendum.

(5) In sub-paragraph (4), “existing proxy” means a person who is to be treated as having been appointed as proxy by virtue of paragraph 5(6).

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(6) Where such an existing proxy applies to the registration officer for the ballot paper to be sent to a different address from that shown in the record kept under the said article 12(6), the registration officer must grant the application if it meets the requirements set out in paragraph 9.

(7) Where a person applies to the registration officer to vote by post as proxy for an elector in the referendum, the registration officer must grant the application if—

- (a) the registration officer is satisfied that the elector is, or on the date of the poll will be, registered in the register maintained by the officer;
- (b) there is in force an appointment of the applicant as the elector’s proxy to vote for the elector in the referendum; and
- (c) the application meets the requirements in paragraph 9.

(8) The registration officer must keep a list (“the proxy postal voters list”) of—

- (a) those treated as having been granted a vote by post as proxy by virtue of sub-paragraph (4) together with the addresses as the case may be—
 - (i) shown in the record mentioned in that sub-paragraph kept by the registration officer, or (as the case may be)
 - (ii) provided by them in their applications granted under sub-paragraph (6), as the addresses to which their ballot papers are to be sent, and
- (b) those whose applications under sub-paragraph (7) have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(9) In the case of an elector who has an anonymous entry in the register, the proxy postal voters list must contain only the elector’s electoral number and the period for which the anonymous entry has effect.

(10) Sub-paragraph (2) does not prevent an elector at the polling station allotted to the elector under rule 13 of the Referendum Rules, from marking a tendered ballot paper in pursuance of rule 28(6) of those Rules.

(11) The registration officer must keep a record of those whose applications under sub-paragraph (7) have been granted, showing —

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

as provided in accordance with the requirements set out in paragraph 9.

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

Use of personal identifier information

7. Where the registration officer is not the counting officer for any voting area that is the same as or falls wholly or partly within the registration officer’s area, the registration officer must provide the counting officer for that voting area with a copy of the information contained in the records kept by the registration officer in pursuance of —

- (a) paragraphs 3(7) and 6(11); and
- (b) articles 8(9) and 12 (13) of the 2007 Order in relation to persons entitled to an absent vote in the referendum by virtue of paragraph 2(3) or 6(4).

8. Information contained in records kept by a registration officer in pursuance of paragraph 3(7) or 6(11) may be disclosed by the officer to —

- (a) any other registration officer if the officer by whom the information is kept thinks that to do so will assist the other registration officer in the performance of that other officer's duties; and
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under this Order.

PART 2

Applications for absent vote

General requirements for applications

- 9.—(1) This paragraph applies in relation to applications under paragraphs 3, 5(8) or 6(6) or (7).
- (2) An application must be—
- (a) dated; and
 - (b) made in writing.
- (3) An application must contain—
- (a) the applicant's full name and date of birth;
 - (b) the applicant's signature or, in the case of an applicant who is unable to provide a signature, that applicant's request for waiver of the requirement to provide a signature stating the reasons for the request and the name and address of any person who has assisted the applicant in completing the application;
 - (c) except in the case of an application under paragraph 6(6) or (7), the applicant's address in respect of which the applicant is registered or has applied (or is treated as having applied) to be registered in the register;
 - (d) in the case of an application under paragraph 6(6) or (7), the applicant's address together with the name of the elector for whom the applicant will act as proxy and the elector's address for the purposes of paragraph (c);
 - (e) in the case of an application to vote by post, the address to which the ballot paper should be sent;
 - (f) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote; and
 - (g) where the applicant has, or has applied for, an anonymous entry in the register, that fact.
- (4) Subject to sub-paragraph (12), where—
- (a) in the case of an application to vote by post under paragraph 3(1), the addresses stated in accordance with sub-paragraph (3)(c) and (e) are different; or
 - (b) in the case of an application by a proxy to vote by post under paragraph 6(7), the proxy's address stated in accordance with sub-paragraph (3)(d) and the address stated in accordance with sub-paragraph (3)(e) are different,

the application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to the address stated in accordance with sub-paragraph (3)(e).

(5) Subject to sub-paragraph (12), in the case of an application under paragraph 3(5) or 6(6), the application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to that other address.

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(6) Where an applicant has requested a waiver of the requirement to provide a signature with an application, the registration officer may dispense with that requirement if the registration officer is satisfied that the applicant is unable —

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

(7) An application for the appointment of a proxy must state the full name and address of the person whom the applicant wishes to appoint as proxy, together with that person's family relationship, if any, with the applicant and—

- (a) if the application is signed only by the applicant, the application must contain a statement signed by the applicant that the applicant has consulted the person so named and that that person is capable of being and willing to be appointed to vote as the applicant's proxy; or
- (b) if the application is signed also by the person to be appointed as proxy, must contain a statement by that person that the person is capable of being and willing to be appointed to vote as the applicant's proxy.

(8) Where an application is required to contain a signature and a date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into the record by configuring the information as follows—

- (a) the signature must appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
- (b) the applicant's date of birth must be set out numerically configured in the sequence of date, month, year namely [d][d] [m][m] [y][y][y][y].

(9) Where the application contains a request that the registration officer dispense with a requirement for signature, sub-paragraph (8)(a) does not apply.

(10) The registration officer may take steps so as to be satisfied that—

- (a) an application meets any requirements that it has been signed by the applicant and states the applicant's date of birth by referring to any signature and date of birth—
 - (i) previously provided by the applicant to the registration officer; or
 - (ii) previously provided by the applicant to the county or county borough council by whom the registration officer was appointed or any registrar of births and deaths and which the registration officer is authorised to inspect for the purposes of the registration officer's duties; and
- (b) an applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.

(11) For the purposes of sub-paragraph (3)(c), the address in respect of which the applicant is or has applied to be (or is treated as having applied to be) registered includes—

- (a) in the case of a service voter, the address given in the service declaration in accordance with section 16(d) of the 1983 Act⁽⁵⁾;
- (b) in the case of a person to whom section 7 of the 1983 Act applies (mental patients who are not detained offenders), the address of the mental hospital or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act⁽⁶⁾;

(5) Section 16(d) of the Representation of the People Act 1983 was amended by paragraph 9(c) of Schedule 1 to the Representation of the People Act 2000.

(6) Section 7B of the Representation of the People Act 1983 was inserted by section 6 of the Representation of the People Act 2000 and to which there is an amendment not relevant to this Order.

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- (c) in the case of a person to whom section 7A of the 1983 Act applies (person remanded in custody), the address of the place at which that person is detained or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act; and
- (d) in the case of a homeless person (within the meaning of section 7B(2)(c) of the 1983 Act), the address shown on the declaration of local connection in accordance with section 7B(3)(d) of that Act.

(12) Sub-paragraphs (4) and (5) do not apply where an applicant has, or has applied for, an anonymous entry in the register.

Additional requirements for applications to vote by proxy

10.—(1) An application under paragraph 3(2) or (6) to vote by proxy must also contain a statement of the reasons why the applicant’s circumstances on the date of the poll at the referendum will be or are likely to be such that the application cannot reasonably be expected to vote in person at the polling station allotted to the applicant.

(2) Where an application under paragraph 3(2)—

- (a) is made on the grounds of the applicant’s disability, and
- (b) is made after 5p.m. on the sixth day before the day of the poll,

the requirements of paragraph 4 of Schedule 1 to the 2007 Order⁽⁷⁾ as to the matters to be specified and the attestation apply to that application as they apply to an application under article 8(1) of that Order save that references to the allotted polling station mean the polling station allotted or likely to be allotted to the applicant under this Order.

(3) Where an application mentioned in sub-paragraph (2) is made, the person who attests the application must state, in addition to those matters specified by virtue of that sub-paragraph, to the best of that person’s knowledge and belief, the date upon which the applicant became disabled.

(4) Where an application under paragraph 3(2) is made by a person to whom paragraph 1(6) applies and is made after 5p.m. on the sixth day before the date of the poll, the requirements of sub-paragraph (5) apply.

(5) Where an application mentioned in sub-paragraph (4) is made—

- (a) the application must additionally state the name and address of the hospital at which the applicant is liable to be detained;
- (b) the application must be attested by or on behalf of the managers responsible for the administration of the hospital within the meaning of section 145(1) of the Mental Health Act 1983⁽⁸⁾ at which the applicant is liable to be detained, and the attestation must state—
 - (i) the name of the person attesting the application;
 - (ii) that person’s position in the hospital at which the applicant is liable to be detained;
 - (iii) that the person is a person who is authorised to make the attestation; and
 - (iv) the statutory provision under which the applicant is liable to be detained in the hospital.

(6) This paragraph does not apply where the applicant has an anonymous entry in the register.

⁽⁷⁾ Paragraph 4 of Schedule 1 was amended by [SIs 2009/1182](#) and [1357](#) and [2010/1621](#).

⁽⁸⁾ [1983 c.20](#). See section 145(1), for the meaning of “hospital” and the meaning of “the managers”. Both definitions have been amended.

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Closing dates for applications

11.—(1) An application—

- (a) under paragraph 3(1); or
- (b) under paragraph 6(7),

must be disregarded if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

(2) Subject to sub-paragraph (3), an application—

- (a) under paragraph 3(2); or
- (b) under paragraph 5(8),

must be disregarded if it is received by the registration officer after 5p.m. on the sixth day before the day of the poll.

(3) Where an application under paragraph 3(2) is made—

- (a) on the grounds of the applicant’s disability and the applicant became disabled after 5p.m. on the sixth day before the day of the poll; or
- (b) by a person to whom paragraph 1(6) applies,

the application, or an application under paragraph 5(8) made by virtue of that application, must be refused if it is received after 5p.m. on the day of the poll.

(4) An application—

- (a) under paragraph 3(5);
- (b) under paragraph 3(6); or
- (c) under paragraph 6(6),

must be refused if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

(5) A notice under paragraph 5(10)(a) must be disregarded if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

(6) In computing a period of days for the purposes of this paragraph, Saturday, Sunday, Christmas Eve, Christmas Day or a bank holiday are to be disregarded.

(7) In sub-paragraph (6) “bank holiday” means a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(9).

Grant or refusal of applications

12.—(1) Where the registration officer grants an application to vote by post the registration officer must notify the applicant of the decision.

(2) Where the registration officer grants an application for the appointment of a proxy, the registration officer must confirm in writing to the elector that the proxy has been appointed, the proxy’s name and address and the duration of the appointment.

(3) Where the registration officer refuses an application for an absent vote the registration officer must notify the applicant of the decision and the reason for it.

(4) Where the registration officer grants an application made under—

- (a) paragraph 3(5); or
- (b) paragraph 6(6),

(9) 1971 c.80

the registration officer must notify the applicant of this.

(5) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer must, where practicable notify the elector that the appointment has been cancelled or, as the case may be, notify the elector that the appointment has ceased and the reason for it.

(6) Where under paragraph 11 the registration officer refuses or disregards an application for the purposes of the referendum, the registration officer must notify the applicant of this.

(7) If, for the purposes of the referendum, the registration officer is not also the counting officer for any voting area that is the same as or falls wholly or partly within the registration officer's area, the registration officer must send to the counting officer for that voting area details of any application to vote by post which the registration officer has granted as soon as practicable after doing so.

Cancellation of proxy appointment

13. Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 5(10) or ceases to be in force under that provision, the registration officer must notify the person whose appointment as proxy has been cancelled or ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that the person no longer wishes to act as proxy.

The personal identifiers record

14.—(1) In this paragraph, “personal identifiers record” means a record kept by a registration officer in pursuance of—

- (a) article 8(9) or 12(13) of the 2007 Order in relation to persons entitled to an absent vote in the referendum under paragraph 2 or 6(4) of this Schedule, or
- (b) paragraph 3(7) or 6(11) of this Schedule.

(2) The personal identifiers record must contain the following information in respect of each absent voter on the postal voters list, the list of proxies or the proxy postal voters list—

- (a) that person's name;
- (b) that person's date of birth; and
- (c) that person's signature, or a record of waiver by the registration officer of the requirement for the signature.

(3) A registration officer may disclose information contained in the personal identifiers record to—

- (a) any agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to in paragraphs 20(4) and 21 (3)(a) of Schedule 2; or
- (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the 2000 Act⁽¹⁰⁾ but only to the extent required to permit them to observe the proceedings.

(4) The registration officer must keep the personal identifiers record for twelve months from the date of the poll at the referendum.

⁽¹⁰⁾ Sections 6A-6D were Inserted into the Political Parties, Elections and Referendums Act 2000 by section 29 of the Electoral Administration Act 2006. Section 6A was amended by [S.I.2007/1388](#), Schedule 1 paragraph 92.

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PART 3

Registration

Effect of register

15.—(1) Any entry in the register, if it gives a date as that on which the person named will attain voting age, is for any purpose of this Order relating to that person as an elector conclusive that until the date given in the entry that person is not of voting age nor entitled to be treated as an elector for the purposes of the referendum unless the day fixed for the poll is that or a later date.

(2) A person registered in the register or entered in the list of proxies is not to be excluded from voting in the referendum on any ground set out in sub-paragraph (3), but this does not affect the person's liability to any penalty for voting.

(3) The grounds referred to in sub-paragraph (2) are—

- (a) that the person is not of voting age,
- (b) that the person is not or, on the specified date or (in the case of a proxy) the date of the proxy's appointment, was not—
 - (i) a qualifying Commonwealth citizen;
 - (ii) a citizen of the Republic of Ireland;
 - (iii) a relevant citizen of the Union, or
- (c) that the person is or, on the specified date or (in the case of a proxy) the date of the proxy's appointment, was otherwise subject to any other legal incapacity to vote in the referendum.

(4) In sub-paragraph (3), the "specified date" means—

- (a) in relation to a person registered in the register as published in accordance with section 13(1) of the 1983 Act⁽¹¹⁾, the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register, the relevant date for the purposes of section 4 of the 1983 Act⁽¹²⁾.

(5) Sub-paragraph (1) applies to an entry in the record of anonymous entries as it applies to an entry in the register.

Effect of misdescription

16. No misnomer or inaccurate description of any person or place named—

- (a) in the register; or
- (b) in any list, record, proxy paper, ballot paper, notice or other document required for the purposes of this Order or having effect in relation to the referendum,

affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

⁽¹¹⁾ Section 13 (together with sections 13A and 13B)) was substituted for previous section 13 of the Representation of the People Act 1983 by the Representation of the People Act 2000, Schedule 1 paragraph 6. There have been amendments to this substituted section 13 which are not relevant to this Order.

⁽¹²⁾ Section 4 of the Representation of the People Act 1983 was substituted by section 1(2) of the Representation of the People Act 2000 and has been amended by the Electoral Administration Act 2006, Schedule 1 paragraph 3.

Discharge of registration duties

17.—(1) A registration officer must carry out the registration officer’s functions under this Order in accordance with any general or specific directions given by the Secretary of State.

(2) The Secretary of State may give a direction under paragraph (1) only if it is in accordance with a recommendation of the Commission.

(3) Any of the duties and powers of a registration officer under this Order may be performed and exercised by any deputy for the time being approved by the county or county borough council which appointed the registration officer; and the provisions of this Order apply to any such deputy so far as respects any duties or powers to be performed or exercised by that deputy as they apply to the registration officer.

(4) Any acts authorised or required to be done by or with respect to the registration officer under this Order may, in the event of the registration officer’s incapacity to act or of a vacancy, be done by or with respect to the proper officer of the county or county borough council by whom the registration officer was appointed.

(5) A county or county borough council by whom a registration officer is appointed must assign such officers to assist the registration officer as may be required in carrying out the registration officer’s functions under this Order.

Alterations in the register

18.—(1) Section 13B of the 1983 Act(13) (*alteration of register: pending elections*) and regulations having effect in relation to that section(14) have effect for the purposes of the referendum as if a reference to an election to which that section applies included a reference to the referendum.

(2) A reference in any enactment to section 13B includes (where the context allows) a reference to that section as modified by this paragraph.

(3) Sub-paragraphs (1) and (2) have 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.

Payment of expenses of registration

19.—(1) Any expenses properly incurred by a registration officer in the performance of that officer’s functions under this Order (in this paragraph referred to as “registration expenses”) must be paid by the county or county borough council by whom the registration officer was appointed.

(2) Any fees paid to the registration officer under this Order must be accounted for by that officer and paid to the county or county borough council by whom that officer was appointed.

(3) On the request of a registration officer for an advance on account of registration expenses, the county or county borough council by whom the registration officer was appointed may, if it thinks fit, make such an advance to the officer of such an amount and subject to such conditions as it may approve.

Supply of free copy of register, notices and lists for referendum purposes

20.—(1) This paragraph applies where a registration officer is not the counting officer for the voting area that is the same as or falls wholly or partly within the registration officer’s area; and references in this paragraph to “relevant counting officer” mean the counting officer for that voting area.

(13) A relevant amendment to section 13B was made by section 11 of the Electoral Administration Act 2006.

(14) See in particular regulations 32, 36 and 36A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as amended by S.I. 2002/1871 and S.I. 2006/2910.

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(2) By no later than the publication of the notice of the referendum, the registration officer must supply the relevant counting officer with as many printed copies of the following as the relevant counting officer may reasonably require for the purposes of the referendum—

- (a) the latest version of the register; and
- (b) any notice, published under section 13A(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of the register.

(3) If at any time after a registration officer has complied with paragraph (2)—

- (a) a revised version of the register is published; or
- (b) a notice is published, under sections 13A(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of the register as published,

the registration officer must supply the relevant counting officer with as many printed copies of the register or notice as the relevant counting officer may reasonably require for the purposes of the referendum.

(4) Where a registration officer is under a duty to supply a relevant counting officer with printed copies of a register or notice under this paragraph, the registration officer must also supply a copy of the register, notice or list in data form.

(5) A register or notice supplied under this paragraph must be supplied free of charge.

(6) No person to whom a copy of the register has been supplied under this paragraph 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,

other than for the purposes of the referendum.

(7) In this paragraph—

- (a) the full register and edited register have the same meaning as in regulation 93 of the 2001 Regulations; and
- (b) “data form” means information which is in a form which is capable of being processed by means of equipment operating automatically in response to instructions given for that purpose.

21.—(1) A permitted participant is entitled, subject to the following provisions of this paragraph, to request that the registration officer supply free of charge a copy of the current or the final version of any of the postal voters list, the list of proxies or the proxy postal voters list.

(2) A request under sub-paragraph (1) must be made in writing and must specify —

- (a) the information requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
- (c) whether a printed copy of the records or lists is requested or a copy in data form.

(3) A person who obtains any information under this paragraph may use it only for the purposes specified in sub-paragraph (4) and any restrictions specified in that sub-paragraph apply to such use.

(4) The restrictions on the supply, disclosure and use of the full register in regulations 94 and 96 of the 2001 Regulations apply to information covered by sub-paragraph (1), as they apply to the full register (within the meaning of regulation 93 of those Regulations)**(15)**, except that the permitted purpose means either—

(15) Regulations 93 ,94 and 96 were inserted by [S.I.2002/1871](#). Relevant amendments have been made to regulation 96 by [S.I.2006/752](#).

- (a) referendum purposes; or
- (b) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998⁽¹⁶⁾.

(5) If a request is duly made to a registration officer for a current copy of the information under sub-paragraph (1), the registration officer must supply that copy as soon as practicable after receipt of that request.

(6) If a request is duly made to a registration officer for a final copy of the postal voters list under sub-paragraph (1), the registration officer must supply that copy as soon as practicable after 5p.m. on the eleventh day before the day of the poll.

(7) As soon as practicable after 5p.m. on the sixth day before the day of the poll, the registration officer must—

- (a) make a copy of the postal voters list, the list of proxies and the proxy postal voters list available for inspection at the registration officer's office in accordance with sub-paragraphs (11) to (16);
- (b) if the registration officer is not also the counting officer for any part of a voting area that lies wholly or partly within the registration officer's area, send to the relevant counting officer a copy of those lists; and
- (c) supply a final copy of the lists in response to every request under sub-paragraph (1) that has been duly made.

(8) A registration officer must supply a final copy of the list of proxies, updated to include any additions to that list made in consequence of any applications granted in accordance with paragraph 11(3), as soon as practicable after 5p.m. on the day of the poll, to every person who received that list in accordance with sub-paragraph (7)(c).

(9) Any person who has obtained or is entitled to obtain a copy of information covered by sub-paragraph (1) may—

- (a) supply a copy of the information to a processor for the purpose of processing the information, or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this paragraph,

for use in respect of the purposes for which that person is entitled to obtain such information.

(10) Paragraphs (2) and (3) and the condition in paragraph (9) of regulation 92 of the 2001 Regulations⁽¹⁷⁾ apply to the supply and processing of information supplied under this paragraph as they apply to the supply and processing of the full register under Part 6 of those regulations.

(11) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in sub-paragraph (1).

(12) A request under sub-paragraph (11) must be made in writing and must specify—

- (a) the information requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in a printed or data form.

⁽¹⁶⁾ 1998 c. 29.

⁽¹⁷⁾ Regulation 92 was inserted by S.I.2002/1871. Paragraph (2) of that regulation has been amended by S.I.2006/752.

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(13) A registration officer must make a final copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request that has been duly made.

(14) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer must ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person, or
- (b) copy or transmit any part of that copy by electronic or any other means.

(15) A person who inspects a copy of the information, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(16) Subject to any direction by the Secretary of State under paragraph 17(1), any duty on a registration officer to supply a copy or make information available for inspection under this paragraph imposes only a duty to provide that information in the form in which the registration officer holds it.

(17) For the purposes of this paragraph—

- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9 a.m. on the date that it is supplied;
- (b) “data form” has the same meaning as in paragraph 20; and
- (c) any period of days is to be calculated in accordance with paragraph 11(6) and (7).

(18) A registration officer must ensure that where the registration officer supplies or discloses information covered by sub-paragraph (1) in accordance with this paragraph, the registration officer does not supply or disclose any record relating to—

- (a) a person who has an anonymous entry in the register, or
- (b) the proxy of a person who has an anonymous entry in the register.

Appeals

22.—(1) An appeal under section 56 of the 1983 Act (**18**) (*registration appeals*) or under article 5 of the 2007 Order (*registration appeals*) which is pending when notice of the referendum is given does not prejudice the operation as respects the referendum of the decision appealed against, and anything done in pursuance of the decision is as good as if no such appeal had been brought and is not affected by the decision on appeal.

(2) Where, as a result of the decision on an appeal under section 56 of the 1983 Act, an alteration in the register is made which takes effect under section 13(5), 13A(2) or 13B(3) or (3B) of the 1983 Act on or before the day of the poll at the referendum, sub-paragraph (1) does not apply to that appeal.

Marked register for polling stations

23. To indicate that an elector or a proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” must be placed against the entry for that elector in any copy of the register, or part of it, provided for a polling station.

(18) There are amendments to section 56 that are not relevant for the purposes of this Order.

Notification by registration officer

24. Where a registration officer is required by this Schedule to notify any person, such notification must be in writing and may be sent by post—

- (a) in the case of a person other than a service voter, to the address provided by that person for the purpose of such notification or of any record or list or, if there is no such address, to the last known place of abode of that person; or
- (b) in the case of a service voter, to any address provided by the service voter for the purpose of such notification or of any record or list or to the address provided for the purpose by the appropriate government department (as defined by section 59(3B) of the 1983 Act) or, as the case may be, the British Council.

Service Voters

25. For the purposes of section 59 of the 1983 Act (supplemental provisions as to members of forces and service voters)—

- (a) subsections (3)(b) and (c)(**19**) are to be construed as including a reference to this Order in connection with the right conferred by this Order on a person having a service qualification by virtue of section 14(1)(a) or (b) of that Act in relation to the making and cancellation of appointments of a proxy and in relation to voting in person, by post or by proxy; and
- (b) subsection (3A) is to be similarly construed.

Forms

26. A registration officer must supply free of charge as many forms for use in connection with applications made under Parts 1 and 2 of this Schedule as appear to that officer reasonable in the circumstances to any person who satisfies that officer of that person's intention to use the forms in connection with the referendum.

(19) Section 59(3) and (3A) to (3D) substituted for subsection (3) as originally enacted by section 13(2) of the Electoral Administration Act 2006.