

SCHEDULE 3

Regulation 81

APPLICATION OF EXISTING PROVISIONS OF REGULATIONS

PART 1

THE 2001 REGULATIONS (ENGLAND AND WALES)
AND THE 2001 REGULATIONS (SCOTLAND)

Preliminary

1.—(1) In this Part of this Schedule the “relevant regulations” means—

- (a) the Representation of the People (England and Wales) Regulations 2001 (referred to in this Part of this Schedule as “the England and Wales Regulations”), and
- (b) the Representation of the People (Scotland) Regulations 2001 (referred to in this Part of this Schedule as “the Scotland Regulations”).

(2) In any provision of the relevant regulations as applied by this Part of this Schedule—

- (a) expressions defined by section 11 of the 2015 Act have the meaning given by that section, and
- (b) expressions defined by regulation 5 have the meaning given by that regulation.

(3) Sub-paragraph (2) does not apply to the extent that the context otherwise requires.

2. The following provisions of the relevant regulations apply for the purposes of the referendum—

- (a) regulation 3(1) and (3) (interpretation)(1);
- (b) regulation 5 (applications, notices etc)(2);
- (c) regulation 6 (electronic signatures)(3);
- (d) regulation 11 (interference with notices etc);
- (e) regulation 32A (representations regarding clerical errors)(4);
- (f) regulation 36A (communication of notices issued on polling day)(5);
- (g) regulation 55A (additional requirements for applications for an emergency proxy vote)(6);
- (h) regulation 62 (marked register for polling stations)(7);

(1) Relevant amendments to regulation 3 of the England and Wales Regulations were made by regulations 2 and 3 of S.I. 2001/1700; regulation 5 of S.I. 2002/1871; regulation 2 of S.I. 2006/2910; and regulation 3 of S.I. 2013/3198. Relevant amendments to regulation 3 of the Scotland Regulations were made by regulations 2 and 3 of S.I. 2001/1749; regulation 5 of S.I. 2002/1872; regulation 2 of 2007/925; and regulation 3 of S.I. 2013/3206.

(2) Regulation 5 of the England and Wales Regulations was amended by regulation 5 of S.I. 2013/3198. Regulation 5 of the Scotland Regulations was amended by regulation 5 of S.I. 2013/3206.

(3) Regulation 6 of the England and Wales Regulations was amended by regulation 6 of S.I. 2013/3198. Regulation 6 of the Scotland Regulations was amended by regulation 6 of S.I. 2013/3206.

(4) Regulation 32A of the England and Wales Regulations was inserted by regulation 24(4) of S.I. 2006/2910. Regulation 32A of the Scotland Regulations was inserted by regulation 24(4) of S.I. 2007/925.

(5) Regulation 36A of the England and Wales Regulations was inserted by regulation 26 of S.I. 2006/2910. Regulation 36A of the Scotland Regulations was inserted by regulation 26 of S.I. 2007/925.

(6) Regulation 55A of the England and Wales Regulations was inserted by regulation 24 of S.I. 2013/3198. Regulation 55A of the Scotland Regulations was inserted by regulation 24 of S.I. 2013/3206.

(7) Regulation 62 of the England and Wales Regulations was inserted by regulation 16 of S.I. 2006/2910. Regulation 62 of the Scotland Regulations was inserted by regulation 16 of S.I. 2007/925.

Status: This is the original version (as it was originally made).

- (i) regulation 120 (calculating the fee for supply of marked registers or lists)(8).

Forms

3.—(1) Regulation 4 of the relevant regulations (forms)(9) applies for the purposes of the referendum but with the following modifications.

- (2) Paragraph (1) has effect for the purposes of the referendum as if—

- (a) after paragraph (b) there were inserted—

“, and

- (c) applications made under Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016.”

- (b) after “an election” there were inserted “or the referendum”.

(3) Paragraph (2) has effect for the purposes of the referendum only in so far as it relates to Form K in Schedule 3 to the relevant regulations.

Computation of time

4. Regulation 8 of the relevant regulations (time)(10) has effect for the purposes of the referendum as if in paragraph (2) for “regulation 56(6)” there were substituted “regulations 56(6) and 78A(5)”.

Restriction on supply etc of record of anonymous entries

5. Regulation 45B(2) of the Scotland Regulations (duties of registration officers etc in relation to record of anonymous entries)(11) has effect for the purposes of the referendum as if—

- (a) after sub-paragraph (a) there were treated as inserted—

“(aa) a deputy of the registration officer acting in that other capacity;”, and

- (b) the references in sub-paragraph (b) to “that officer” were treated as references to “a person mentioned in sub-paragraph (a) or (aa)”.

General requirements for applications for an absent vote

6.—(1) Regulation 51 of the relevant regulations (general requirements for applications for an absent vote)(12) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after “Schedule 4” there were inserted “or Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

- (3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) in sub-paragraph (b), after “Schedule 4” there were inserted “or regulation 66(4) or (5) of the European Union Referendum (Conduct) Regulations 2016”, and

(8) Regulation 120 of each of the England and Wales and Scotland Regulations was substituted by regulations 3, 5, 6 and 8 of S.I. 2008/1901.

(9) Regulation 4 of the England and Wales Regulations was amended by regulation 4 of S.I. 2013/3198. Regulation 4 of the Scotland Regulations was amended by regulation 4 of S.I. 2013/3206.

(10) Regulation 8 of the England and Wales Regulations was amended by regulation 60(1) of S.I. 2006/2910. Regulation 8 of the Scotland Regulations was amended by regulation 48(1) of S.I. 2007/925.

(11) Regulation 45B was inserted by regulation 18 of S.I. 2007/925.

(12) Regulation 51 of the England and Wales Regulations was amended by regulation 3 of S.I. 2006/752 and regulation 32 of S.I. 2006/2910. Regulation 51 of the Scotland Regulations was amended by regulation 3 of S.I. 2006/834 and regulation 3 of S.I. 2008/305.

(b) in sub-paragraph (f), after “Schedule 4” there were inserted “or regulation 62 or 66 of the European Union Referendum (Conduct) Regulations 2016,”.

(4) For the purposes of the referendum the following paragraph is to be treated as inserted after paragraph (5)—

“(5A) An application that is made under Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016 for the purposes of the referendum must state that it is so made.”

Signature of application for absent vote

7. Regulation 51A(a) of the relevant regulations (requirements that applications for an absent vote must be signed)(13) has effect for the purposes of the referendum as if—

- (a) after “Schedule 4” there were inserted “or Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) for “or the returning officer” there were substituted “, the returning officer or the counting officer”.

Address to which to send ballot paper: requirements if different to address in application

8. Regulation 51AA(1) of the relevant regulations (additional requirement for applications for ballot paper to be sent to different address from that in application)(14) has effect for the purposes of the referendum as if—

- (a) in sub-paragraph (a), after “Schedule 4” there were inserted “or regulation 62(1) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) in sub-paragraph (b), after “Schedule 4” there were inserted “or regulation 66(4) of the European Union Referendum (Conduct) Regulations 2016”.

Address to which to send ballot paper: requirements if different to address in records

9. Regulation 51B of the relevant regulations (additional requirement for applications for ballot paper to be sent to different address from that in records)(15) applies for the purposes of the referendum but as if for sub-paragraphs (a) and (b) of paragraph (1) there were substituted “regulation 62(5)(a) or 66(5) of the European Union Referendum (Conduct) Regulations 2016 by a person shown as voting by post in the record referred to in that provision.”

Applications for appointment of a proxy

10. Regulation 52 of the relevant regulations (additional requirements for applications for appointment of proxy) has effect for the purposes of the referendum as if after “Schedule 4” there were inserted “or regulation 64(4) of the European Union Referendum (Conduct) Regulations 2016”.

(13) Regulation 51A of the England and Wales Regulations was inserted by regulation 4 of [S.I. 2006/752](#) and substituted by regulation 33 of [S.I. 2006/2910](#). Regulation 51A of the Scotland Regulations was inserted by regulation 4 of [S.I. 2006/834](#) and substituted by regulation 4 of [S.I. 2008/305](#).

(14) Regulation 51AA of the England and Wales Regulations was inserted by regulation 61 of [S.I. 2006/2910](#). Regulation 51AA of the Scotland Regulations was inserted by regulation 49 of [S.I. 2007/925](#).

(15) Regulation 51B of the England and Wales Regulations was inserted by regulation 4 of [S.I. 2006/752](#) and amended by regulation 19 of [S.I. 2006/2910](#). Regulation 51B of the Scotland Regulations was inserted by regulation 4 of [S.I. 2006/834](#) and amended by regulation 19 of [S.I. 2007/925](#).

Additional requirements for applications for proxy to vote

11.—(1) Regulation 55 of the relevant regulations (additional requirement for applications for proxy to vote) applies for the purposes of the referendum but with the following modifications.

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

“(1) An application under regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016 to vote by proxy in the referendum is to set out why the applicant’s circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted to the applicant under Part 2 of those Regulations.”

(3) Paragraph (2) has effect for the purposes of the referendum as if—

(a) for “paragraph 4(2) of Schedule 4” there were substituted “regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016”, and

(b) for “at the election for which it is made” there were substituted “for the referendum”.

(4) Paragraph (3A) of the England and Wales Regulations and paragraph (4) of the Scotland Regulations has effect for the purposes of the referendum as if—

(a) for “paragraph 4(2) of Schedule 4” there were substituted “regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016”, and

(b) for “at the election for which it is made” there were substituted “for the referendum”.

(5) Paragraph (4) of the England and Wales Regulations and paragraph (3A) of the Scotland Regulations has effect for the purposes of the referendum as if—

(a) for “paragraph 4(2) of Schedule 4” there were substituted “regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016”,

(b) for “paragraph 2(5A) of that Schedule” there were substituted “regulation 60(7) of those Regulations”, and

(c) for “at the election for which it is made” there were substituted “for the referendum”.

Closing date for applications

12.—(1) Regulation 56 of the relevant regulations (closing date for applications)⁽¹⁶⁾ has effect for the purposes of the referendum with the following modifications.

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

“(1) An application under paragraph 3(1), (6) or (7) or 7(4) of Schedule 4 to the 2000 Act or an application under regulation 66(4) of the European Union Referendum (Conduct) Regulations 2016 shall be disregarded for the purposes of the referendum, and an application under regulation 62(5) of the European Union Referendum (Conduct) Regulations 2016 shall be refused, if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll for the referendum.”

(3) Paragraph (2) has effect for the purposes of the referendum as if—

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

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

⁽¹⁶⁾ Regulation 56 of the England and Wales Regulations was amended by regulations 2 and 6 of S.I. 2001/1700; regulation 6 of S.I. 2006/752; regulations 44 and 60(2) of S.I. 2006/2910; and regulation 25 of S.I. 2013/3198. Regulation 56 of the Scotland Regulations was amended by regulations 2 and 5 of S.I. 2001/1749; regulation 6 of S.I. 2006/834; regulations 32 and 48(2) of S.I. 2007/925; and regulation 25 of S.I. 2013/3206.

(4) For the purposes of the referendum the following paragraphs are to be treated as substituted for paragraphs (3) and (3A)—

“(3) Subject to paragraph (3A), an application under regulation 62(2) or 64(4) of the European Union Referendum (Conduct) Regulations 2016 shall be refused if it is received by the registration officer after 5 pm on the sixth day before the date of the poll for the referendum.

(3A) Where an application made under regulation 62(2) of the European Union Referendum (Conduct) Regulations 2016 is made—

- (a) on the grounds of the applicant’s disability and the applicant became disabled after 5 pm on the sixth day before the date of the poll for the referendum; or
- (b) on grounds relating to the applicant’s occupation, service or employment and the applicant became aware of those grounds after 5 pm on the sixth day before the date of the poll for the referendum; or
- (c) by a person to whom regulation 60(7) of those Regulations applies,

the application, or an application under regulation 64(4) of those Regulations made by virtue of that application, is to be refused if it is received after 5pm on the day of the poll for the referendum.”

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

“(4) An application under regulation 62(1) or 66(5) of the European Union Referendum (Conduct) Regulations 2016 is to be refused if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll for the referendum.”

(6) Paragraph (5) has effect for the purposes of the referendum as if—

- (a) after “paragraph 6(10) of that Schedule by an elector” there were treated as inserted “, or a notice under regulation 64(6) of the European Union Referendum (Conduct) Regulations 2016 by a person,”,
- (b) for “a particular parliamentary or local government election” there were substituted “the referendum”, and
- (c) for “at that election” there were substituted “for the referendum”.

(7) Paragraph (5A) has effect for the purposes of the referendum as if for “a particular parliamentary or local government election” there were substituted “the referendum”.

(8) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraphs (6) and (7)—

“(6) In computing a period of days for the purposes of this regulation the following days are to be disregarded—

- (a) a Saturday or Sunday, and
- (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

Grant or refusal of applications

13.—(1) Regulation 57 of the relevant regulations (grant or refusal of applications)(17) has effect for the purposes of the referendum with the following modifications.

(17) Regulation 57 of the England and Wales Regulations was amended by regulation 7 of S.I. 2006/752 and regulation 61 of S.I. 2006/2910. Regulation 57 of the Scotland Regulations was amended by regulation 7 of S.I. 2006/834 and regulation 50 of S.I. 2007/925.

Status: This is the original version (as it was originally made).

(2) For those purposes, paragraph (3) is treated as omitted.

(3) Paragraph (4) has effect for the purposes of the referendum as if after “Schedule 4” there were inserted “or Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(4) Paragraph (4A) has effect for the purposes of the referendum as if after sub-paragraph (b) there were inserted—

“, or

(c) regulation 62(5)(a) of the European Union Referendum (Conduct) Regulations 2016 by a person shown as voting by post in a record mentioned in that provision, or

(d) regulation 66(5) of those Regulations by a person shown as voting by post in a record mentioned in that provision.”

(5) Paragraph (4B) has effect for the purposes of the referendum as if after “Schedule 4” there were inserted “or regulation 62(5)(a) or 66(5) of the European Union Referendum (Conduct) Regulations 2016”.

(6) Paragraph (5) has effect for the purposes of the referendum as if for “any particular parliamentary or local government election,” there were substituted “the referendum”.

(7) For the purposes of the referendum the following paragraph is to be treated as inserted after paragraph (6)—

“(7) Where the registration officer is not the counting officer for any voting area or part of a voting area in the area for which he is the registration officer, he shall send to that officer details of any application to vote by post which he has granted as soon as practicable after doing so.”

Cancellation of proxy appointment

14. Regulation 59 of the relevant regulations (cancellation of proxy appointment) has effect for the purposes of the referendum as if—

(a) after “paragraph 6(10) of Schedule 4” there were inserted “or regulation 64(6) of the European Union Referendum (Conduct) Regulations 2016”,

(b) for “that provision” there were substituted “either of those provisions”,

(c) for “of that Schedule” there were substituted “of Schedule 4”, and

(d) after “paragraph 3(4)(c) of Schedule 4” there were inserted “or the list of proxies kept under regulation 63(3) of the European Union Referendum (Conduct) Regulations 2016”.

Requirement to provide fresh signatures every 5 years

15.—(1) Regulation 60A of the relevant regulations (requirement to provide fresh signatures)(**18**) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (7) has effect for those purposes as if for the words from “kept under” to the end there were substituted “kept under regulation 63(2), 63(3) or 66(6) of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraph (8) has effect for the purposes of the referendum as if—

(a) in sub-paragraph (a), at the end there were inserted “or under Part 2 of the European Union Referendum (Conduct) Regulations 2016 (as the case may be)”, and

(b) in sub-paragraph (b), after “Schedule 4” there were inserted “or Chapter 1 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(18) Regulation 60A of the England and Wales Regulations was inserted by regulation 34 of S.I. 2006/2910. Regulation 60A of the Scotland Regulations was inserted by regulation 5 of S.I. 2008/305.

(4) Paragraph (9) has effect for the purposes of the referendum as if for the words from “kept under” to the end there were substituted—

“kept under regulation 63(2), 63(3) or 66(6) of the European Union Referendum (Conduct) Regulations 2016, information—

- (a) explaining the effect of such removal, and
- (b) reminding the absent voter that he may make a fresh application to vote by post or by proxy (as the case may be).”

Records and lists

16.—(1) Regulation 61 of the relevant regulations (records and lists)(**19**) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if for the words from “any of the following” to the end there were substituted “the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists which he is required to keep under regulation 63(2), 63(3) or 66(6) of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraph (3) of the Scotland Regulations has effect for the purposes of the referendum as if after sub-paragraph (b) there were inserted—

“or

- (c) purposes connected with the referendum.”.

(4) Paragraph (5) has effect for the purposes of the referendum as if for “paragraph 5(2) of Schedule 4” there were substituted “regulation 63(2) of the European Union Referendum (Conduct) Regulations 2016.”

(5) Paragraph (6) has effect for the purposes of the referendum as if—

- (a) in sub-paragraph (a), for “paragraphs 5 and 7(8) of Schedule 4” there were substituted “regulations 63 and 66(6) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) for sub-paragraph (b) there were substituted—

“(b) if he is not the counting officer for any voting area or part of a voting area in the area for which he is the registration officer, send to that officer a copy of those lists and provide any subsequent revised lists or revisions to the lists;”.

(6) Paragraph (6A) has effect for the purposes of the referendum as if—

- (a) for “parliamentary election” there were substituted “the referendum”,
- (b) for “acting returning officer” there were substituted “counting officer”,
- (c) for “any constituency or part of a constituency” there were substituted “any voting area or part of a voting area”, and
- (d) for “paragraphs 5 and 7(8) of Schedule 4” there were substituted “regulations 63 and 66(6) of the European Union Referendum (Conduct) Regulations 2016”.

(7) Paragraph (7) has effect for the purposes of the referendum as if for “the proxy voters list kept under paragraph 5(3) of Schedule 4” there were substituted “the list of proxies kept under regulation 63(3) of the European Union Referendum (Conduct) Regulations 2016”.

(19) Regulation 61 of the England and Wales Regulations was substituted by regulation 55 of S.I. 2006/2910 and amended by regulation 27 of S.I. 2013/3198. Regulation 61 of the Scotland Regulations was substituted by regulation 43 of S.I. 2007/925 and amended by regulation 27 of S.I. 2013/3206.

Status: This is the original version (as it was originally made).

Conditions on use, supply and inspection of absent voter records or lists

17. Regulation 61A of the relevant regulations (conditions on the use, supply and inspection of absent voter records or lists)(20) applies for the purposes of the referendum but as if—

- (a) for “regulations 61(1)(a) and (b)” there were substituted “regulation 61(1)”,
- (b) the word “either” were omitted, and
- (c) after sub-paragraph (b) there were inserted—
 - “, or
 - (c) purposes connected with the referendum.”

Personal identifiers record

18.—(1) Regulation 61B of the relevant regulations (personal identifiers record)(21) has effect for the purposes of the referendum with the following modifications.

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

“(1) In these Regulations “personal identifiers record” means a record kept by a registration officer in pursuance of—

- (a) paragraph 3(9) or 7(12) of Schedule 4 to the Representation of the People Act 2000 in relation to persons entitled to vote in the referendum,
- (b) paragraph 3(9) or 7(13) of Schedule 2 to the European Parliamentary Elections Regulations 2004 in relation to peers entitled to vote in the referendum, or
- (c) regulation 62(8) or 66(10) of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraph (3) has effect for the purposes of the referendum as if the following were substituted for sub-paragraph (a)—

“(a) any agent attending proceedings on receipt of postal ballot papers, in accordance with regulation 85A(4).”

Notification of rejected postal voting statement

19. Regulation 61C of the relevant regulations (notification of rejected postal voting statement)(22) applies for the purposes of the referendum but as if, in paragraphs (1)(a) and (2)(b), for “returning officer” there were substituted “counting officer”.

Interpretation of Part 5

20. Regulation 64 of the relevant regulations (interpretation of Part 5)(23) has effect for the purposes of the referendum as if—

- (a) the following were substituted for the definition of “agent”—
 - ““agent”, except in regulation 69, means a referendum agent or an agent appointed under regulation 69;”, and

(20) Regulation 61A of the England and Wales Regulations was inserted by regulation 56 of S.I. 2006/2910. Regulation 61A of the Scotland Regulations was inserted by regulation 44 of S.I. 2007/925.

(21) Regulation 61B of the England and Wales Regulations was inserted by regulation 35 of S.I. 2006/2910. Regulation 61B of the Scotland Regulations was inserted by regulation 6 of S.I. 2008/305.

(22) Regulation 61C of the England and Wales Regulations was inserted by regulation 28 of S.I. 2013/3198. Regulation 61C of the Scotland Regulations was inserted by regulation 28 of S.I. 2013/3206.

(23) Regulation 64 of the England and Wales Regulation was amended by regulations 31(2) and 48 of S.I. 2006/2910 and paragraph 46 of Schedule 1 to S.I. 2011/2085. Regulation 64 of the Scotland Regulations was amended by regulation 36 of S.I. 2007/925; regulation 2(2) of S.I. 2008/305; and paragraph 47 of Schedule 1 to S.I. 2011/2085.

- (b) in the definition of “valid postal voting statement”, for “returning officer” there were substituted “counting officer”.

Persons entitled to be present at proceedings on issue of postal ballot papers

21. Regulation 67 of the relevant regulations (persons entitled to be present at proceedings on issue of postal ballot papers)(24) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

Persons entitled to be present at proceedings on receipt of postal ballot papers

22. Regulation 68 of the relevant regulations (persons entitled to be present at proceedings on receipt of postal ballot papers)(25) applies for the purposes of the referendum but as if for sub-paragraphs (a) to (c) there were substituted—

- “(a) the counting officer and his clerks,
(b) a referendum agent,”.

Agents of candidate who may attend proceedings on receipt of postal ballot papers

23. Regulation 69 of the relevant regulations (agents of candidates who may attend proceedings on receipt of postal ballot papers) applies for the purposes of the referendum but as if—

- (a) for “candidate” (in each place) there were substituted “referendum agent”,
(b) for “returning officer” (in each place) there were substituted “counting officer”, and
(c) paragraphs (3) and (5) were omitted.

Notification of requirement of secrecy

24. Regulation 70 of the relevant regulations (notification of requirement of secrecy) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

Time when postal ballot papers are to be issued

25. Regulation 71 of the relevant regulations (time when postal ballot papers are to be issued)(26) applies for the purposes of the referendum but as if for the words from “be issued” to the end there were substituted—

“not be issued by a counting officer so as to be received by persons entitled to vote in the referendum before the beginning of the relevant period within the meaning of section 125 of the Political Parties, Elections and Referendums Act 2000 (restriction on campaigning by certain persons or bodies).”

(24) Regulation 67 of the England and Wales Regulations was amended by regulation 63 of S.I. 2006/2910. Regulation 67 of the Scotland Regulations was amended by regulation 51 of S.I. 2007/925.

(25) Regulation 68 of the England and Wales Regulations was amended by regulation 63 of S.I. 2006/2910. Regulation 67 of the Scotland Regulations was amended by regulation 51 of S.I. 2007/925.

(26) Regulation 71 of the England and Wales Regulations was substituted by regulation 29 of S.I. 2013/3198. Regulation 71 of the Scotland Regulations was substituted by regulation 29 of S.I. 2013/3206.

Procedure on issue of postal ballot papers

26. Regulation 72 of the relevant regulations (procedure on issue of postal ballot papers)(27) applies for the purposes of the referendum but as if in paragraph (8) for sub-paragraphs (a) and (b) there were substituted “as mentioned in column 3 of the table in regulation 63(2) or 66(6) of the European Union Referendum (Conduct) Regulations 2016.”

Refusal to issue ballot paper

27. Regulation 73 of the relevant regulations (refusal to issue ballot paper)(28) has effect for the purposes of the referendum as if—

- (a) for “returning officer” there were substituted “counting officer”, and
- (b) for “at any one election” there were substituted “for the referendum”.

Envelopes

28. Regulation 74 of the relevant regulations (envelopes)(29) applies for the purposes of the referendum but as if in paragraph (1) for “rule 24 of the elections rules” there were substituted “regulation 17 of the European Union Referendum (Conduct) Regulations 2016”.

Sealing up of completed corresponding number lists

29. Regulation 75 of the relevant regulations (sealing up of completed corresponding number lists)(30) applies for the purposes of the referendum but as if for “returning officer” (in both places) there were substituted “counting officer”.

Delivery of postal ballot papers

30.—(1) Regulation 76 of the relevant regulations (delivery of postal ballot papers) applies for the purposes of the referendum but with the following modifications.

- (2) For those purposes paragraph (1) has effect as if—
 - (a) for “returning officer” there were substituted “counting officer”, and
 - (b) in sub-paragraph (c), for “rule 26(1) of the elections rules” there were substituted “regulation 19 of the European Union Referendum (Conduct) Regulations 2016.”
- (3) For the purposes of the referendum paragraph (2) has effect as if for “returning officer” there were substituted “counting officer”.

Spoilt postal ballot papers

31. Regulation 77 of the relevant regulations (spoilt postal ballot papers)(31) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

(27) Regulation 72 of the England and Wales Regulations was amended by regulation 12 of S.I. 2002/1871 and regulations 30(1), 49 and 65(a) of S.I. 2006/2910. Regulation 72 of the Scotland Regulations was amended by regulations 29(1), 37 and 54(a) of S.I. 2007/925.

(28) Regulation 73 of the England and Wales Regulations was amended by regulation 49 of S.I. 2006/2910. Regulation 72 of the Scotland Regulations was amended by regulation 37 of S.I. 2007/925.

(29) Regulation 74 of the England and Wales Regulations was amended by regulations 64 and 65(a) of S.I. 2006/2910. Regulation 72 of the Scotland Regulations was amended by regulations 52 and 54(a) of S.I. 2007/925.

(30) Regulation 75 of the England and Wales Regulations was amended by regulations 30(2) and 50 of S.I. 2006/2910. Regulation 75 of the Scotland Regulations was amended by regulations 29(2) and 38 of S.I. 2007/925.

(31) Regulation 77 of the England and Wales Regulations was amended by regulation 9 of S.I. 2006/752 and regulations 22 65(a) of S.I. 2006/2910. Regulation 77 of the Scotland Regulations was amended by regulation 8 of S.I. 2006/834 and regulations 22 and 54(a) of S.I. 2007/925.

Lost postal ballot papers

32. Regulation 78 of the relevant regulations (lost postal ballot papers)(**32**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

Cancellation of postal ballot papers

33.—(1) Regulation 78A of the relevant regulations (cancellation of postal ballot papers)(**33**) applies for the purposes of the referendum but with the following modifications.

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

- (a) for the words from “final” to “application under” there were substituted “nineteenth day before the day of the poll for the referendum, an application under”,
- (b) in sub-paragraph (b), for the reference to “or 4(3)(b) of that Schedule” there were substituted “of Schedule 4 or regulation 62(5)(b) of the European Union Referendum (Conduct) Regulations 2016”,
- (c) in sub-paragraph (c), for the reference to “that Schedule” there were substituted “Schedule 4”,
- (d) in sub-paragraph (d), for the reference to “paragraph 4(3)(a) of that Schedule” there were substituted “regulation 62(5)(a) of the European Union Referendum (Conduct) Regulations 2016”,
- (e) in sub-paragraph (e), for the reference to “or (8) of that Schedule” there were substituted “of Schedule 4 or regulation 64(4) of the European Union Referendum (Conduct) Regulations 2016”,
- (f) in sub-paragraph (f), for the reference to “paragraph 7(7) of that Schedule” there were substituted “regulation 66(5) of the European Union Referendum (Conduct) Regulations 2016”,
- (g) in sub-paragraph (g), for the reference to “that Schedule” there were substituted “Schedule 4”,
- (h) for the reference to “paragraph 6(10) of that Schedule” there were substituted “paragraph 6(10) of Schedule 4 or regulation 64(4) of the European Union Referendum (Conduct) Regulations 2016”, and
- (i) for the reference to “that election” there were substituted “the referendum”.

(3) For the purposes of the referendum, paragraphs (1), (2) and (3) have effect as if for “returning officer” (in each place) there were substituted “counting officer”.

(4) For the purposes of the referendum the following paragraph is treated as substituted for paragraph (5)—

“(5) In computing a period of days for the purposes of this regulation the following days are to be disregarded—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom,

(32) Regulation 78 of the England and Wales Regulations was amended by regulation 10 of [S.I. 2006/752](#) and regulations 22 and 65(2) of [S.I. 2006/2910](#). Regulation 78 of the Scotland Regulations was amended by regulation 9 of [S.I. 2006/834](#); regulations 22 and 54(a) of [S.I. 2007/925](#); and regulation 30 of [S.I. 2013/3206](#).

(33) Regulation 78A of the England and Wales Regulations was inserted by regulation 30 of [S.I. 2013/3198](#). Regulation 78A of the Scotland Regulations was inserted by regulation 31 of [S.I. 2013/3206](#) and was amended by regulations 2 and 9 of [S.I. 2015/450](#).

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- (c) any day that is a bank or public holiday in Gibraltar under the Gibraltar Acts titled the Banking and Financial Dealings Act and the Interpretation and General Clauses Act, and
- (d) any day appointed in any part of the United Kingdom or Gibraltar as a day of public thanksgiving or mourning.”

Alternative means of returning postal ballot paper or postal voting statement: England and Wales

34. Regulation 79 of the England and Wales Regulations (alternative means of returning postal ballot paper or postal voting statement)(**34**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) in paragraph (1) for “rule 45(1B) of the rules in Schedule 1 to the 1983 Act” there were substituted “regulation 46(3) of the European Union Referendum (Conduct) Regulations 2016”, and
- (c) in paragraph (3) for “rule 43(1) of the elections rules” there were substituted “regulation 44(1) of the European Union Referendum (Conduct) Regulations 2016”.

Alternative means of returning postal ballot paper or postal voting statement: Scotland

35. Regulation 79 of the Scotland Regulations (alternative means of returning postal ballot paper or postal voting statement) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) in paragraph (1) for “rule 45(1B) of the elections rules” there were substituted “regulation 46(3) of the European Union Referendum (Conduct) Regulations 2016”, and
- (c) in paragraph (2) for “rule 43(1) of the elections rules” there were substituted “regulation 44(1) of the European Union Referendum (Conduct) Regulations 2016”.

Notice of opening of postal ballot paper envelopes

36.—(1) Regulation 80 of the relevant regulations (notice of opening of postal ballot paper envelopes) applies for the purposes of the referendum but with the following modifications.

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

- (a) for “returning officer” there were substituted “counting officer”, and
- (b) for “candidate” there were substituted “referendum agent”.

(3) Paragraph (2) has effect for the purposes of the referendum as if for “candidate” there were substituted “referendum agent”.

Postal ballot boxes and receptacles

37. Regulation 81 of the relevant regulations (postal ballot boxes and receptacles)(**35**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,

(34) Regulation 79 of the England and Wales Regulations was amended by regulation 11 of [S.I. 2006/752](#) and regulation 65 of [S.I. 2006/2910](#). Regulation 79 of the Scotland Regulations was amended by regulation 10 of [S.I. 2006/834](#) and regulation 54 of [S.I. 2007/925](#).

(35) Regulation 81 of the England and Wales Regulations was amended by regulation 36 of [S.I. 2006/2910](#) and Schedule 2 to [S.I. 2103/3198](#). Regulation 81 of the Scotland Regulations was amended by regulation 7 of [S.I. 2008/305](#) and Schedule 2 to [S.I. 2013/3206](#).

- (b) in paragraph (2) for the words from “constituency” to the end there were substituted “voting area”, and
- (c) in paragraph (4) after “box” there were inserted “(if it has a lock)”.

Receipt of covering envelope

38. Regulation 82 of the relevant regulations (receipt of covering envelope)(**36**) applies for the purposes of the referendum but as if for “returning officer” (in both places) there were substituted “counting officer”.

Opening of postal voters’ ballot box

39. Regulation 83 of the relevant regulations (opening of postal voters’ ballot box) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in both places) there were substituted “counting officer”, and
- (b) in paragraph (3) for “rule 45 of the elections rules” there were substituted “regulation 46 of the European Union Referendum (Conduct) Regulations 2016”.

Opening of covering envelopes

40. Regulation 84 of the relevant regulations (opening of covering envelopes)(**37**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

Confirming receipt of postal voting statements

41. Regulation 84A of the relevant regulations (confirming receipt of postal voting statements)(**38**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

Procedure in relation to postal voting statements: personal identifier verification

42. Regulation 85A of the relevant regulations (procedure in relation to postal voting statements: personal identifier verification)(**39**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

Opening of ballot paper envelopes

43. Regulation 86 of the relevant regulations (opening of ballot paper envelopes) applies for the purposes of the referendum but as if, in paragraph (1), for “returning officer” there were substituted “counting officer”.

(36) Regulation 82 of the England and Wales Regulations was amended by regulation 65(a) of [S.I. 2006/2910](#). Regulation 82 of the Scotland Regulations was amended by regulation 54(a) of [S.I. 2007/925](#).

(37) Regulation 84 of the England and Wales Regulations was amended by regulations 37, 51 and 65(a) of [S.I. 2006/2910](#) and regulation 31 of [S.I. 2013/3198](#). Regulation 84 of the Scotland Regulation was amended by regulations 39 and 54(1) of [S.I. 2007/925](#); regulation 8 of [S.I. 2008/305](#); and regulation 32 of [2013/3206](#) regulation 54(1) of [S.I. 2007/925](#).

(38) Regulation 84A of the England and Wales Regulations was inserted by regulation 52 of [S.I. 2006/2910](#). Regulation 84A of the Scotland Regulations was inserted by regulation 40 of [S.I. 2007/925](#).

(39) Regulation 85A of the England and Wales Regulations was inserted by regulation 39 of [S.I. 2006/2910](#) and was amended by regulation 32 of [S.I. 2013/3198](#). Regulation 85A of the Scotland Regulations was inserted by regulation 10 of [S.I. 2008/305](#) and was amended by regulation 33 of [S.I. 2013/3206](#).

Retrieval of cancelled postal ballot papers

44.—(1) Regulation 86A of the relevant regulations (retrieval of cancelled postal ballot papers)(**40**) applies for the purposes of the referendum but with the following modifications.

(2) Paragraphs (1) and (3) have effect for those purposes as if for “returning officer” (in each place) there were substituted “counting officer”.

(3) Paragraph (2)(f) has effect for the purposes of the referendum as if for “rule 45 of the elections rules” there were substituted “regulation 46 of the European Union Referendum (Conduct) Regulations 2016”.

Lists of rejected postal ballot papers

45. Regulation 87 of the relevant regulations (lists of rejected postal ballot papers)(**41**) applies for the purposes of the referendum but as if in paragraph (1) for “In respect of any election, the returning officer” there were substituted “The counting officer”.

Checking of lists of rejected postal ballot papers

46. Regulation 88 of the relevant regulations (checking of lists of rejected postal ballot papers)(**42**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”, and
- (b) in paragraph (3), for the words from “constituency” to the end there were substituted “voting area under regulation 44(4) of the European Union Referendum (Conduct) Regulations 2016”.

Sealing of receptacles

47. Regulation 89 of the relevant regulations (sealing of receptacles)(**43**) applies for the purposes of the referendum but as if, in paragraph (1), for “returning officer” there were substituted “counting officer”.

Forwarding or retention of documents: England and Wales

48.—(1) Regulation 91 of the England and Wales Regulations (forwarding of documents)(**44**) applies for the purposes of the referendum but with the following modifications.

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

“(1) When the counting officer forwards the documents mentioned in regulation 56 of the European Union Referendum (Conduct) Regulations 2016, he shall forward to the same registration officer—

(40) Regulation 86A of the England and Wales Regulations was inserted by regulation 45 of [S.I. 2006/2910](#) and amended by regulation 33 of [S.I. 2013/3198](#). Regulation 86A of the Scotland Regulations was inserted by regulation 33 of [S.I. 2007/925](#) and was amended by regulation 34 of [S.I. 2013/3206](#).

(41) Regulation 87 of the England and Wales Regulations was amended by regulation 65(a) of [S.I. 2006/2910](#) and regulation 34 of [S.I. 2013/3198](#). Regulation 87 of the Scotland Regulations was amended by regulation 54(a) of [S.I. 2007/925](#) and regulation 35 of [S.I. 2013/3206](#).

(42) Regulation 88 of the England and Wales Regulations was amended by regulation 65 of [S.I. 2006/2910](#). Regulation 88 of the Scotland Regulations was amended by regulation 54 of [S.I. 2007/925](#).

(43) Regulation 89 of the England and Wales Regulations was amended by regulation 40 of [S.I. 2006/2910](#) and regulation 35 of [S.I. 2013/3198](#). Regulation 89 of the Scotland Regulations was amended by regulation 11 of [S.I. 2008/305](#) and regulation 36 of [S.I. 2013/3206](#).

(44) Regulation 91 was amended by regulation 12 of [S.I. 2006/752](#); regulation 53 of [S.I. 2006/2910](#); and regulation 36 of [S.I. 2013/3198](#).

- (a) any packets referred to in regulations 75, 77(6), 78(2C), 78A(2), 84(9) and 89, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area, and
 - (b) a completed statement in Form K of the number of postal ballot papers issued.”
- (3) Paragraph (3) has effect for the purposes of the referendum as if for “returning officer” (in both places) there were substituted “counting officer”.
- (4) Paragraph (3A) has effect for the purposes of the referendum as if—
- (a) for “returning officer” (in both places) there were substituted “counting officer”,
 - (b) the following were substituted for sub-paragraph (a)—
 - “(a) forward to the registration officer mentioned in that paragraph the list required to be compiled under regulation 87(4),”, and
 - (c) in sub-paragraph (b) for “constituency” there were substituted “voting area”.
- (5) Paragraph (4) has effect for the purposes of the referendum as if for “Rules 56 and 57 of the elections rules” there were substituted “Regulations 57 and 58 of the European Union Referendum (Conduct) Regulations 2016”.
- (6) Paragraph (5) has effect for the purposes of the referendum as if for “returning officer” there were substituted “counting officer”.

Retention of documents: Scotland

- 49.**—(1) Regulation 91 of the Scotland Regulations (retention of documents)(**45**) applies for the purposes of the referendum but with the following modifications.
- (2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—
- “(1) The counting officer shall retain together with the documents mentioned in regulation 56 of the European Union Referendum (Conduct) Regulations 2016—
 - (a) any packets referred to in regulations 75, 77(6), 78(2C), 78A(2), 84(8) and 89, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area,
 - (b) a completed statement in Form K of the number of postal ballot papers issued, and
 - (c) any list compiled under regulation 87(4).”
- (3) Paragraph (2) has effect for the purposes of the referendum as if for “returning officer” (in both places) there were substituted “counting officer”.
- (4) Paragraph (4) has effect for the purposes of the referendum as if—
- (a) for “Rules 56, 57 and 58 of the elections rules” there were substituted “Regulations 57 and 58 of the European Union Referendum (Conduct) Regulations 2016”, and
 - (b) for “rules 56 and 57” there were substituted “those regulations”.
- (5) Paragraph (5) has effect for the purposes of the referendum as if for “returning officer” there were substituted “counting officer”.

Forwarding of documents: Scotland

- 50.**—(1) Regulation 91A of the Scotland Regulations (forwarding of documents)(**46**) applies for the purposes of the referendum but with the following modifications.

(45) Regulation 91 was amended by regulation 11 of S.I. 2006/834; regulation 41 of S.I. 2007/925; regulations 2 and 3 of S.I. 2010/980; and regulation 37 of S.I. 2013/3206.

(46) Regulation 91A was inserted by regulation 38 of S.I. 2013/3206.

Status: This is the original version (as it was originally made).

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

“(1) Before the counting officer seals up the counted and rejected ballot papers as provided by regulation 55 of the European Union Referendum (Conduct) Regulations 2016, the counting officer must send a copy of any list compiled under regulation 87(4) to the registration officer for the local government area for which the counting officer is appointed.”

(3) Paragraph (2) has effect for the purposes of the referendum as if the words from “and requiring” to the end were omitted.

(4) Paragraph (3) has effect for the purposes of the referendum as if—

(a) for “Rule 56 of the elections rules, as modified by rule 58 of those rules,” there were substituted “Regulation 57 of the European Union Referendum (Conduct) Regulations 2016”,

(b) the words “, or extracts of the list,” were omitted,

(c) for “returning officer” (in both places) there were substituted “counting officer”,

(d) in sub-paragraph (a)—

(i) for “rule 56” there were substituted “regulation 57”, and

(ii) the words “, or extracts of the list,” were omitted, and

(e) in sub-paragraph (b)—

(i) the words “(as modified by rule 58 of the elections rules)” were omitted, and

(ii) the words “, or extracts of a list,” were omitted.

(5) Paragraph (4) has effect for the purposes of the referendum as if the words “, or extracts of the list,” were omitted.

(6) Paragraph (5) has effect for the purposes of the referendum as if—

(a) the words “, or extracts of the list,” (in both places) were omitted, and

(b) the words “, and issued any notices under regulation 60B,” were omitted.

Interpretation and application of Part 6: England and Wales

51. Regulation 92 of the England and Wales Regulations (interpretation and application of Part 6)(47) applies for the purposes of the referendum but as if—

(a) in paragraph (7), for the words from “under regulations” to the first “may” there were substituted “under regulation 98 may”, and

(b) in paragraph (10), for the words from “in regulations” to “below” there were substituted “in regulations 94(3) and 98(9) below”.

Restriction on supply etc of full register: England and Wales

52. Regulation 94 of the England and Wales Regulations (restrictions on supply etc of full register)(48) has effect for the purposes of the referendum as if, in paragraph (1), after sub-paragraph (b) there were inserted—

“(ba) the Chief Counting Officer and any Regional Counting Officer; and

(bb) any deputy of the Chief Counting Officer or of any Regional Counting Officer; and”.

(47) Regulation 92 was inserted by regulation 15 of S.I. 2002/1871 and was amended by regulation 13 of S.I. 2006/752; regulations 27 and 57 of S.I. 2006/2910; and regulations 37 and 42 of S.I. 2013/3198.

(48) Regulation 94 was inserted by regulation 15 of S.I. 2002/1871.

Restriction on supply etc of full register: Scotland

53.—(1) Regulation 94 of the Scotland Regulations (restrictions on supply etc of full register)⁽⁴⁹⁾ has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after sub-paragraph (a) there were inserted—

- “(aa) the Chief Counting Officer and any Regional Counting Officer, and
- (ab) any deputy of the Chief Counting Officer or of any Regional Counting Officer, and”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) after sub-paragraph (a) there were inserted—
 - “(aa) any deputy of the registration officer acting in that other capacity, and”, and
- (b) the references in sub-paragraph (b) to “that officer” were treated as references to “a person mentioned in sub-paragraph (a) or (aa)”.

Supply of free copy of full register for electoral purposes and restrictions on use: Scotland

54. For the purposes of the referendum the following is treated as substituted for regulation 97 of the Scotland Regulations⁽⁵⁰⁾—

“Supply of free copy of full register for electoral purposes and restrictions on use

97.—(1) By no later than the publication of the notice of the referendum, the registration officer shall supply each relevant counting officer with as many printed copies of the following as he may reasonably require for the purposes of the referendum—

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

(2) In this regulation—

“relevant counting officer” in relation to a registration officer—

- (a) means a counting officer for a voting area that is the same as, or falls wholly or partly within, the registration officer’s registration area, but
- (b) does not include a counting officer who is the same individual as the registration officer;

“relevant register” means—

- (a) the register of parliamentary electors, published under section 13(1) or (3) of the 1983 Act,
- (b) the register of local government electors, published under section 13(1) or (3) of that Act, or
- (c) the register of peers, maintained under section 3 of the 1985 Act, and published under section 13(1) or (3) of the 1983 Act (as applied by regulation 13(4) of, and Schedule 4 to, these regulations).

(3) If at any time after a registration officer has complied with paragraph (1)—

- (a) a revised version of a relevant register is published,

⁽⁴⁹⁾ Regulation 94 was inserted by regulation 14 of [S.I. 2002/1872](#) and was amended by regulation 53 of [S.I. 2007/925](#).

⁽⁵⁰⁾ Regulation 97 was inserted by regulation 14 of [S.I. 2002/1872](#). There are amendments that are not relevant to these Regulations.

Status: This is the original version (as it was originally made).

- (b) a notice is published, under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of a relevant register, or
- (c) a revised version of the list of overseas electors is published,

the registration officer shall supply the counting officer with as many printed copies of the register, notice or list as he may reasonably require for the purposes of the referendum.

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

(5) A register notice or list supplied under this regulation shall be supplied free of charge.

(6) No person to whom a copy of any register has been supplied under this regulation may—

- (a) supply a copy of the full register,
- (b) disclose any information contained in it (that is not contained in the edited register), or
- (c) make use of any such information,

except for the purposes of the referendum.”

Supply of free copy of full register for electoral purposes and restrictions on use: England and Wales

55. For the purposes of the referendum the following is treated as substituted for regulation 98 of the England and Wales Regulations⁽⁵¹⁾—

“Supply of free copy of full register for electoral purposes and restrictions on use

98.—(1) By no later than the publication of the notice of the referendum, the registration officer shall supply each relevant counting officer with as many printed copies of the following as he may reasonably require for the purposes of the referendum—

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

(2) In this regulation—

“relevant counting officer” in relation to a registration officer—

- (a) means a counting officer for a voting area that is the same as, or falls wholly or partly within, the registration officer’s registration area, but
- (b) does not include a counting officer who is the same individual as the registration officer;

“relevant register” means—

- (a) the register of parliamentary electors, published under section 13(1) or (3) of the 1983 Act,
- (b) the register of local government electors, published under section 13(1) or (3) of that Act, or

⁽⁵¹⁾ Regulation 98 was inserted by regulation 15 of *S.I. 2002/1871*. There are amendments that are not relevant to these Regulations.

- (c) the register of peers, maintained under section 3 of the 1985 Act, and published under section 13(1) or (3) of the 1983 Act (as applied by regulation 13(4) of, and Schedule 4 to, these regulations).
- (3) If at any time after a registration officer has complied with paragraph (1)—
- (a) a revised version of a relevant register is published,
 - (b) a notice is published, under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of a relevant register, or
 - (c) a revised version of the list of overseas electors is published,
- the registration officer shall supply the counting officer with as many printed copies of the register, notice or list as he may reasonably require for the purposes of the referendum.
- (4) Where a registration officer is under a duty to supply a counting officer with printed copies of a register, notice or list under this regulation, he must also supply a copy of the register, notice or list in data form.
- (5) A register notice or list supplied under this regulation shall be supplied free of charge.
- (6) No person to whom a copy of any register has been supplied under this regulation may—
- (a) supply a copy of the full register,
 - (b) disclose any information contained in it (that is not contained in the edited register), or
 - (c) make use of any such information,
- except for the purposes of the referendum.”

Offences: England and Wales

56. Regulation 115 of the England and Wales Regulations (offences)(52) has effect for the purposes of the referendum as if in paragraph (2) for “98(9)” there were substituted “98(6)”.

Offences: Scotland

57. Regulation 115 of the Scotland Regulations (offences)(53) has effect for the purposes of the referendum as if in paragraph (2) for “97(7)” there were substituted “97(6)”.

Interpretation of Part 7: England and Wales

58. Regulation 116 of the England and Wales Regulations (interpretation of Part 7)(54) has effect for the purposes of the referendum as if—

- (a) in paragraph (1) for “rule 55(1)(e) of the elections rules” there were substituted “by virtue of regulation 56(2)(g) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) after paragraph (1) there were inserted—

(52) Regulation 115 was inserted by regulation 15 of S.I. 2002/1871, substituted by regulation 58 of S.I. 2006/2910 and amended by paragraphs 2(1) and (7) of Schedule 1 to the Counter-Terrorism Act 2008 (c.28).

(53) Regulation 115 was inserted by regulation 14 of S.I. 2002/1872, substituted by regulation 46 of S.I. 2007/925 and amended by paragraphs 3(1) and (7) of Schedule 1 to the Counter-Terrorism Act 2008 (c.28).

(54) Regulation 116 was inserted by regulation 59 of S.I. 2006/2910 and was amended by regulation 2(1) and (5) of S.I. 2007/1025 and regulations 3 and 4(1) of S.I. 2008/1901.

Status: This is the original version (as it was originally made).

“(1A) In this Part references to “the relevant registration officer” means the registration officer to whom packets are forwarded under regulation 56(1) of the European Union Referendum (Conduct) Regulations 2016.”

Interpretation of Part 7: Scotland

59.—(1) Regulation 116 of the Scotland Regulations (interpretation of Part 7)(55) has effect for the purposes of the referendum with the following modifications.

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

- (a) for “returning officer” there were substituted “counting officer”, and
- (b) for “rule 58 of the elections rules” there were substituted “by virtue of regulation 56(2)(g) of the European Union Referendum (Conduct) Regulations 2016”.

(3) Paragraph (4) has effect for the purposes of the referendum as if for “returning officer” there were substituted “counting officer”.

Supply of marked registers and lists after an election: England and Wales

60.—(1) Regulation 117 of the England and Wales Regulations (supply of marked registers and lists)(56) applies for the purposes of the referendum but with the following modifications.

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

- (a) for the words from “regulation 100” to “local government election” there were substituted “regulation 100, 106, 109 or 113 with copies of the full register”, and
- (b) at the end there were treated as inserted—

“The reference to a person entitled to be supplied in accordance with regulation 106 with copies of the full register does not include a person mentioned in regulation 106(1)(b).”

(3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) for “regulation 103, 105, 106 or 108 before a particular election” there were substituted “regulation 106(1)(a) or (c) before the referendum”, and
- (b) for “that election for which the marked register or list was prepared” there were substituted “the referendum”.

(4) Paragraph (6)(b) has effect for the purposes of the referendum as if for “regulations 100, 103, 105, 106, 108, 109 or 113” there were substituted “regulations 100, 106, 109 and 113”.

(5) Paragraph (7) has effect for the purposes of the referendum as if for “regulations 100(3), 105(4), 106(3), 108(5) and 109(3)” there were substituted “regulations 100(3), 106(3) and 109(3)”.

Supply of marked registers and lists after an election: Scotland

61.—(1) Regulation 117 of the Scotland Regulations (supply of marked registers and lists)(57) applies for the purposes of the referendum but with the following modifications.

(2) The regulation has effect for those purposes as if for “returning officer” (in each place) there were substituted “counting officer”.

(3) Paragraph (1) has effect for the purposes of the referendum as if—

(55) Regulation 116 was inserted by regulation 47 of S.I. 2007/925 and was amended by regulations 3 and 7 of S.I. 2008/1901 and regulations 2, 4 and 5 of S.I. 2010/980.

(56) Regulation 117 was inserted by regulation 59 of S.I. 2006/2910 and amended by regulation 2(1) and (5) of S.I. 2007/1025 and regulations 3 and 4(1) of S.I. 2008/1901.

(57) Regulation 117 inserted by regulation 47 of S.I. 2007/925 and amended by regulation 14(4) of S.I. 2008/305 and regulations 2 and 5 of S.I. 2010/980.

- (a) for the words from “regulation 99” to “parliamentary election” there were substituted “regulation 99, 105, 108 or 112 with copies of the full register”, and
- (b) at the end there were treated as inserted—
“The reference to a person entitled to be supplied in accordance with regulation 105 with copies of the full register does not include a person mentioned in regulation 105(1)(b).”
- (4) Paragraph (2) has effect for the purposes of the referendum as if—
 - (a) for “regulation 102, 104, 105 or 107 before a particular election” there were substituted “regulation 105(1)(a) or (c) before the referendum”, and
 - (b) for “that election for which the marked register or list was prepared” there were substituted “the referendum”.
- (5) Paragraph (6)(b) has effect for the purposes of the referendum as if for “regulations 99, 102, 104, 105, 107, 108 or 112” there were substituted “regulations 99, 105, 108 and 112”.
- (6) Paragraph (7) has effect for the purposes of the referendum as if for “regulations 99(3), 102(3), 104(4), 105(3), 107(5) or 108(3)” there were substituted “regulations 99(3), 105(3) or 108(3)”.

Inspection of documents open to public inspection

62. Regulation 118 of the relevant regulations (inspection of documents)(**58**) applies for the purposes of the referendum but as if in paragraph (1)—

- (a) for “an election” there were substituted “the referendum”, and
- (b) for “the election” there were substituted “the referendum”.

63. For the purposes of the referendum, in regulation 118 of the Scotland Regulations, for “returning officer” (in each place) there is to be treated as substituted “counting officer”.

Conditions on use, supply and disclosure of documents open to public inspection

64. Regulation 119 of the relevant regulations (conditions on the use, supply and disclosure of documents)(**59**) applies for the purposes of the referendum but as if, in paragraph (2)(b)—

- (a) the word “either” were omitted, and
- (b) the following were treated as inserted after paragraph (ii)—
“; or
(iii) any purpose in connection with the referendum.”

Form K: statement as to postal ballot papers

65. Form K in Schedule 3 to the relevant regulations (statement as to postal ballot papers)(**60**) applies for the purposes of the referendum but as if—

(58) Regulation 118 of the England and Wales Regulations was inserted by regulation 59 of [S.I. 2006/2910](#) and amended by paragraphs 2(1) and (8) of Schedule 1 to the Counter-Terrorism Act 2008 ([c.28](#)) and regulation 44 of [S.I. 2013/3198](#). Regulation 118 of the Scotland Regulations was inserted by regulation 47 of [S.I. 2007/925](#) and amended by paragraphs 3(1) and (8) of Schedule 1 to the Counter-Terrorism Act 2008 ([c.28](#)); regulations 2, 5 and 6 of [S.I. 2010/980](#); and regulation 46 of [2013/3206](#).

(59) Regulation 119 of the England and Wales Regulations was inserted by regulation 59 of [S.I. 2006/2910](#) and amended by paragraphs 2(1) and (9) of Schedule 1 to the Counter-Terrorism Act 2008 ([c.28](#)). Regulation 118 of the Scotland Regulations was inserted by regulation 47 of [S.I. 2007/925](#) and amended by paragraphs 3(1) and (9) of Schedule 1 to the Counter-Terrorism Act 2008 ([c.28](#)).

(60) Form K in Schedule 3 to the England and Wales Regulations was substituted by Schedule 2 to [S.I. 2006/2910](#) and amended by regulation 49 of [S.I. 2013/3198](#). Form K in Schedule 3 to the Scotland Regulations was substituted by the Schedule to [S.I. 2008/305](#) and amended by regulation 51 of [S.I. 2013/3206](#).

- (a) for the heading “REPRESENTATION OF THE PEOPLE ACTS PARLIAMENTARY ELECTION” there were substituted “REFERENDUM ON THE UNITED KINGDOM’S MEMBERSHIP OF THE EUROPEAN UNION”,
- (b) for “constituency” there were substituted “voting area”, and
- (c) for “Returning Officer” (in each place) there were substituted “Counting Officer”.

PART 2

THE 2008 REGULATIONS (NORTHERN IRELAND)

Preliminary

66.—(1) In this Part of this Schedule the “2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008.

(2) In any provision of the 2008 Regulations as applied by this Part of this Schedule—

- (a) expressions defined by section 11 of the 2015 Act have the meaning given by that section, and
- (b) expressions defined by regulation 5 have the meaning given by that regulation.

(3) Sub-paragraph (2) does not apply to the extent that the context otherwise requires.

67. The following provisions of the 2008 Regulations apply for the purposes of the referendum—

- (a) regulation 3 (interpretation)(**61**);
- (b) regulation 5 (applications, notices etc);
- (c) regulation 6 (electronic signatures);
- (d) regulation 8 (time);
- (e) regulation 11 (interference with notices etc);
- (f) regulation 25 (alteration of registers under section 13BA(3) of the 1983 Act)(**62**);
- (g) regulation 40 (representations regarding clerical errors);
- (h) regulation 119 (fees relating to the supply of marked registers and lists).

Forms

68.—(1) Regulation 4 of the 2008 Regulations (forms) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if for “an election” there were substituted “the referendum”.

(3) Paragraph (2) has effect for the purposes of the referendum only in so far as it relates to Form N in Schedule 3 to the 2008 Regulations.

Communication of notices made on polling day

69. Regulation 45 of the 2008 Regulations (communication of notices made on polling day) applies for the purposes of the referendum but as if in paragraph (3) for “returning officer” there were substituted “counting officer”.

(61) Regulation 3 was amended by regulation 2 of [S.I. 2014/1808](#).

(62) Regulation 25 was amended by regulation 2 of [S.I. 2010/278](#).

Interpretation of Part 4

70. Regulation 54 of the 2008 Regulations (interpretation of Part 4) has effect for the purposes of the referendum as if after “his allotted polling station” there were inserted “(apart from in regulation 59)”.

General requirements for applications for an absent vote

71.—(1) Regulation 55 of the 2008 Regulations (general requirements for applications for an absent vote)(**63**) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after “the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) after “section 6(1) or 7(1)” there were inserted “of the 1985 Act or regulation 73(1) or 77(5) of the European Union Referendum (Conduct) Regulations 2016”,
- (b) after “section 7(1)(ba) to (bc) of the 1985 Act” there were inserted “regulation 73(1)(c) to (e) or 77(5)(d) of those Regulations”,
- (c) in sub-paragraph (b), after “the 1985 Act” there were inserted “or regulation 77(5) of the European Union Referendum (Conduct) Regulations 2016”,
- (d) in sub-paragraph (c) for “such an application” there were substituted “an application under section 9 of the 1985 Act”, and
- (e) in sub-paragraph (d), after “the 1985 Act” there were inserted “or regulation 73(1) or 77(5) of the European Union Referendum (Conduct) Regulations 2016”.

Address to which to send ballot paper: requirements if different to address in application

72. Regulation 55A of the 2008 Regulations (additional requirement for applications for ballot paper to be sent to different address to that in register)(**64**) has effect for the purposes of the referendum as if—

- (a) after paragraph (1)(c) there were inserted—
 - “(d) in the case of an application to vote by post under regulation 73(1) of the European Union Referendum (Conduct) Regulations 2016, the address provided in accordance with regulation 73(7) of those Regulations and regulation 55(2)(b) above are different.”, and
- (b) in paragraph (2) “of the 1985 Act” were omitted.

Address to which to send ballot paper: requirements if different to address in records

73. Regulation 55B of the 2008 Regulations (additional requirement for applications for ballot paper to be sent to different address from that in records)(**65**) applies for the purposes of the referendum but as if for sub-paragraphs (a) and (b) of paragraph (1) there were inserted “regulation 73(5)(a) or 77(7) of the European Union Referendum (Conduct) Regulations 2016 by a person (“A”) shown as voting by post in the record referred to in that provision”.

(63) Regulation 55 was amended by regulation 16 of [S.I. 2014/1808](#).

(64) Regulation 55A was inserted by regulation 5 of [S.I. 2010/278](#) and amended by regulation 17 of [S.I. 2014/1808](#).

(65) Regulation 55B was inserted by regulation 5 of [S.I. 2010/278](#) and amended by regulation 18 of [S.I. 2014/1808](#).

Additional requirements for applications for appointment of a proxy

74. Regulation 56 of the 2008 Regulations (additional requirement for applications for the appointment of a proxy)(66) applies for the purposes of the referendum but as if—

- (a) in paragraph (1), after “the 1985 Act” there were inserted “or regulation 75(4) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) after paragraph (2)(b) there were inserted—
 - “; or
 - (c) regulation 77(5) of the European Union Referendum (Conduct) Regulations 2016.”

Additional requirements for applications in respect of a particular election

75.—(1) Regulation 59 of the 2008 Regulations (additional requirements for applications in respect of a particular election)(67) applies for the purposes of the referendum but with the following modifications.

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

“(1) An application under regulation 73(1) of the European Union Referendum (Conduct) Regulations 2016 shall set out why the applicant’s circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted to him under Part 2 of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraphs (2)(d) and (3)(e) have effect for the purposes of the referendum as if the words from “in respect” to the end of the paragraph were omitted.

(4) Paragraphs (4), (6) and (8) have effect for the purposes of the referendum as if for “section 7(1) of the 1985 Act” there were substituted “regulation 73(1) of the European Union Referendum (Conduct) Regulations 2016”.

(5) Paragraph (6)(a) has effect for the purposes of the referendum as if for “at the election in question” there were substituted “for the referendum”.

(6) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraph (8)(b)—

“(b) in which the circumstances set out in accordance with paragraph (1) relate to the applicant’s employment either as a constable or by a counting officer on the date of the poll for the referendum for a purpose connected with the referendum;”.

Additional requirements for applications by proxies to vote by post at a particular election

76. Regulation 60 of the 2008 Regulations (additional requirements for applications by proxies to vote by post at a particular election)(68) applies for the purposes of the referendum but as if for “section 9(7)(a) of the 1985 Act” there were substituted “regulation 77(5) of the European Union Referendum (Conduct) Regulations 2016”.

Closing date for applications

77.—(1) Regulation 61 of the 2008 Regulations (closing date for applications) has effect for the purposes of the referendum with the following modifications.

(66) Regulation 56 was amended by regulation 19 of [S.I. 2014/1808](#).

(67) Regulation 59 was amended by regulation 7 of [S.I. 2010/278](#).

(68) Regulation 60 was amended by regulation 20 of [S.I. 2014/1808](#).

(2) For those purposes the following paragraphs are to be treated as substituted for paragraphs (1) to (3)—

“(1) An application under section 6(1) or (5), 8(6) or 9(4) of the 1985 Act shall be disregarded for the purposes of the referendum if it is received by the registration officer after 5 pm on the fourteenth day before the date of the poll for the referendum.

(2) Subject to paragraph (3), an application under regulation 73(1) or (5), 75(4) or 77(5) of the European Union Referendum (Conduct) Regulations 2016 shall be refused if it is received by the registration officer after 5 pm on the fourteenth day before the date of the poll for the referendum.

(3) Paragraph (2) shall not apply to an application which satisfies the requirements of either paragraphs (6) and (7) or paragraph (8) of regulation 59; and such an application shall be refused if it is received by the registration officer after 5 pm on the sixth day before the date of the poll for the referendum.”

(3) Paragraph (4) has effect for the purposes of the referendum as if—

(a) after “section 8(9) of that Act by an elector” there were inserted “, or a notice under regulation 75(6) of the European Union Referendum (Conduct) Regulations 2016 by a person,”,

(b) for “a particular election” there were substituted “the referendum”, and

(c) for “at that election” there were substituted “for the referendum”.

(4) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraphs (5) and (6)—

“(5) In computing a period of days for the purposes of this regulation the following days are to be disregarded—

(a) a Saturday or Sunday, and

(b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

Grant or refusal of applications

78.—(1) Regulation 62 of the 2008 Regulations (grant or refusal of applications) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after “section 6, 7, 8 or 9 of the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(3) For the purposes of the referendum, paragraph (3) is to be treated as omitted.

(4) For the purposes of the referendum paragraph (4) has effect as if after “the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”

(5) Paragraph (5) has effect for the purposes of the referendum as if after “a particular election” there were inserted “or the referendum”.

Cancellation of proxy appointment

79. Regulation 64 of the 2008 Regulations (cancellation of proxy appointment) has effect for the purposes of the referendum as if—

(a) after “the 1985 Act” there were inserted “or regulation 75(6) of the European Union Referendum (Conduct) Regulations 2016,

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- (b) for “that provision” there were substituted “either of those provisions”,
- (c) for “that Act” there were substituted “the 1985 Act”, and
- (d) before “remove his name” there were inserted “in the case where an application was made under section 8 of the 1985 Act”.

Records and lists

80.—(1) Regulation 66 of the 2008 Regulations (records and lists)(**69**) applies for the purposes of the referendum but with the following modifications.

- (2) Paragraph (1) has effect for those purposes as if—
 - (a) for “sections 7(4) and 9(9) of the 1985 Act” there were substituted “regulations 74(2) or (3) or 77(8) of the European Union Referendum (Conduct) Regulations 2016”, and
 - (b) for “candidate at a parliamentary election or his election agent” there were substituted “referendum agent”.
- (3) For the purposes of the referendum paragraphs (2) and (2A) are to be treated as omitted.
- (4) Paragraph (3) has effect for the purposes of the referendum as if for “sections 7(4) and 9(9) of the 1985 Act” there were substituted “regulations 74(2) or (3) or 77(8) of the European Union Referendum (Conduct) Regulations 2016”.

Interpretation of Part 5

81.—(1) Regulation 70 of the 2008 Regulations (interpretation of Part 5)(**70**) has effect for the purposes of the referendum with the following modifications.

- (2) For those purposes the definition of “absent voters list” has effect as if for “section 7(4) of the 1985 Act” there were substituted “regulations 74(2) or (3) of the European Union Referendum (Conduct) Regulations 2016”.
- (3) For the purposes of the referendum the definition of “agent” has effect as if the following were substituted for it—

““agent”, except in regulation 73, means a referendum agent or an agent appointed under regulation 73;”.
- (4) For the purposes of the referendum the definition of “list of postal proxies” has effect as if for “section 9(9) of the 1985 Act” there were substituted “regulation 77(8) of the European Union Referendum (Conduct) Regulations 2016”.

Time when postal ballot papers are to be issued

82. For the purposes of the referendum, the following regulation is to be treated as inserted after regulation 70 of the 2008 Regulations—

“Time when postal ballot papers are to be issued

70A. Postal ballot papers (and declarations of identity) must not be issued by the counting officer so as to be received by persons entitled to vote in the referendum before the beginning of the relevant period within the meaning of section 125 of the Political Parties, Elections and Referendums Act 2000 (restriction on campaigning by certain persons and bodies).”

(69) Regulation 66 was amended by regulation 21 of [S.I. 2014/1808](#).

(70) Regulation 70 was amended by paragraph 76 of Schedule 1 to [S.I. 2011/2085](#).

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers

83.—(1) Regulation 72 of the 2008 Regulations (persons entitled to be present at proceedings on issue of postal ballot papers)(71) applies for the purposes of the referendum but with the following modifications.

- (2) Paragraph (1) has effect for those purposes as if—
 - (a) For “a parliamentary election” there were substituted “the referendum”, and
 - (b) for sub-paragraphs (a) to (c) there were substituted—
 - “(a) the counting officer and his clerks;
 - (b) a referendum agent;”.
- (3) Paragraph (2) has effect for the purposes of the referendum as if—
 - (a) for “sub-paragraphs (b), (c) and (d)” there were substituted “sub-paragraphs (b) and (d)”, and
 - (b) for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

Agents of candidate who may attend proceedings on issue or receipt of postal ballot papers

84. Regulation 73 of the 2008 Regulations (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers)(72) applies for the purposes of the referendum but as if—

- (a) for “candidate” (in each place) there were substituted “referendum agent”,
- (b) for “returning officer” (in each place) there were substituted “counting officer”,
- (c) paragraph (6) were treated as omitted, and
- (d) in paragraph (10), for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

Notification of requirement of secrecy

85. Regulation 74 of the 2008 Regulations (notification of requirement of secrecy) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

Notice of issue of postal ballot papers

86. Regulation 75 of the 2008 Regulations (notice of issue of postal ballot papers)(73) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in both places) there were substituted “counting officer”,
- (b) for “candidate” (in each place) there were substituted “referendum agent”, and
- (c) in paragraph (3), for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

Procedure on issue of postal ballot paper

87.—(1) Regulation 76 of the 2008 Regulations (procedure on issue of postal ballot paper)(74) applies for the purposes of the referendum but with the following modifications.

(71) Regulation 72 was amended by regulation 8 of [S.I. 2010/278](#) and regulation 22 of [S.I. 2014/1808](#).

(72) Regulation 73 was amended by regulation 23 of [S.I. 2014/1808](#).

(73) Regulation 75 was amended by regulation 24 of [S.I. 2014/1808](#).

(74) Regulation 76 was amended by regulation 25 of [S.I. 2014/1808](#).

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- (2) For those purposes paragraph (5) has effect as if—
- (a) in sub-paragraph (a) for “section 7(4A) of the 1985 Act” there were substituted “regulation 74(4) of the European Union Referendum (Conduct) Regulations 2016”, and
 - (b) in sub-paragraph (b)—
 - (i) for “section 9(9) of the 1985 Act” there were substituted “regulation 77(8) of those Regulations”, and
 - (ii) for “section 9(9A) or (9B) of that Act” there were substituted “regulation 77(9) of those Regulations”.

Refusal to issue ballot paper

88. Regulation 77 of the 2008 Regulations (refusal to issue ballot paper) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

Envelopes

89. Regulation 78 of the 2008 Regulations (envelopes)(75) applies for the purposes of the referendum but as if in paragraph (1) for “rule 24 of the elections rules” there were substituted “regulation 17 of the European Union Referendum (Conduct) Regulations 2016”.

Sealing up of completed corresponding number lists

90. Regulation 79 of the 2008 Regulations (sealing up of completed corresponding number lists) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

Delivery of postal ballot papers

91.—(1) Regulation 80 of the 2008 Regulations (delivery of postal ballot papers) applies for the purposes of the referendum but with the following modifications.

- (2) For those purposes paragraph (1) has effect as if—
- (a) for “returning officer” there were substituted “counting officer”, and
 - (b) in sub-paragraph (c), for “rule 26(1) of the elections rules” there were substituted “regulation 19 of the European Union Referendum (Conduct) Regulations 2016.”
- (3) For the purposes of the referendum paragraph (2) has effect as if for “returning officer” there were substituted “counting officer”.

Spoilt postal ballot papers

92. Regulation 81 of the 2008 Regulations (spoilt postal ballot papers)(76) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

Tendered postal ballot papers

93.—(1) Regulation 81A of the 2008 Regulations (tendered postal ballot papers)(77) applies for the purposes of the referendum but with the following modifications.

(75) Regulation 78 was amended by regulation 9 of S.I. 2010/278.

(76) Regulation 81 was amended by regulation 26 of S.I. 2014/1808.

(77) Regulation 81A was inserted by regulation 27 of S.I. 2014/1808.

(2) Paragraph (1) has effect for those purposes as if for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) for “a parliamentary election” there were substituted “the referendum”, and
- (b) for “section 15 of the 1985 Act” there were substituted “regulations under section 4(2) of the European Union Referendum Act 2015”.

(4) Paragraph (4) has effect for the purposes of the referendum as if—

- (a) in sub-paragraph (a), for “section 7(4A) of the 1985 Act” there were substituted “regulation 74(4) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) in sub-paragraph (b), for the words from “section 9(9)” to the end there were substituted “regulation 77(8) of the European Union Referendum (Conduct) Regulations 2016 but for regulations 74(4) or 77(9) of those Regulations.”

(5) Paragraphs (5) to (11) have effect for the purposes of the referendum as if for “Chief Electoral Officer” (in each place) there were substituted “counting officer”.

(6) Paragraph (9) has effect for the purposes of the referendum as if—

- (a) for “rule 40ZA(9) of the elections rules” there were substituted “regulation 39(9) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) for “rule 40ZA(7) of the elections rules” there were substituted “regulation 39(7) of the European Union Referendum (Conduct) Regulations 2016”.

Notice of opening of postal ballot paper envelopes

94.—(1) Regulation 82 of the 2008 Regulations (notice of opening of postal ballot paper envelopes) applies for the purposes of the referendum but with the following modifications.

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

- (a) for “returning officer” there were substituted “counting officer”, and
- (b) for “candidate” there were substituted “referendum agent”.

(3) Paragraph (2) has effect for the purposes of the referendum as if for “candidate” there were substituted “referendum agent”.

Postal ballot boxes and receptacles

95. Regulation 83 of the 2008 Regulations (postal ballot boxes and receptacles) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) in paragraph (2), for the words from “constituency” to the end there were substituted “voting area”, and
- (c) in paragraph (4), after “box” there were inserted “(if it has a lock)”.

Receipt of covering envelope

96. Regulation 84 of the 2008 Regulations (receipt of covering envelope)(78) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

(78) Regulation 84 was amended by regulation 28 of [S.I. 2014/1808](#).

Opening of postal voters' ballot box

97. Regulation 85 of the 2008 Regulations (opening of postal voters' ballot box) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in both places) there were substituted “counting officer”, and
- (b) in paragraph (3), for “rule 45 of the elections rules” there were substituted “regulation 46 of the European Union Referendum (Conduct) Regulations 2016”.

Opening of covering envelopes

98. Regulation 86 of the 2008 Regulations (opening of covering envelopes) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”, and
- (b) after paragraph (4) there were inserted—

“(5) Where an envelope opened in accordance with paragraph (1) contains a declaration of identity (whether separate or not), the counting officer must place a mark in the marked copy of the postal voters list or the proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(6) A mark made under paragraph (5) must be distinguishable from and must not obscure the mark made under regulation 76.

(7) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the postal voters list and the proxy postal voters list that has been marked in accordance with paragraph (5) and must seal the packet.”

Procedure in relation to declarations of identity

99. Regulation 87 of the 2008 Regulations (procedure in relation to declarations of identity)(**79**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”, and
- (b) in paragraph (1)(b) for “rule 45(2)(b) and (2A) of the elections rules” there were substituted “regulation 46(5)(b) and (6) of the European Union Referendum (Conduct) Regulations 2016”.

Opening of ballot paper envelopes

100. Regulation 88 of the 2008 Regulations (opening of ballot paper envelopes) applies for the purposes of the referendum but as if, in paragraph (1), for “returning officer” there were substituted “counting officer”.

Sealing of receptacles

101. Regulation 89 of the 2008 Regulations (sealing of receptacles) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

(79) Regulation 87 was amended by regulation 9(2) of S.I. 2010/278.

Forwarding of documents

102. Regulation 91 of the 2008 Regulations (forwarding of documents)(**80**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) the following were treated as substituted for paragraph (1)—
 - “(1) The Chief Electoral Officer for Northern Ireland shall retain together with the documents mentioned in regulation 56 of the European Union Referendum (Conduct) Regulations 2016—
 - (a) any packets referred to in regulation 79, 81(5), 81A(11) and 89, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area,
 - (b) the list of spoiled ballot papers and the list of tendered ballot papers, and
 - (c) a completed statement in Form N.”,
- (c) in paragraph (2), for the words from “and endorse” to the end there were substituted “, endorse the packet as mentioned in paragraph (1)(a) and retain the packet”,
- (d) the following were treated as substituted for paragraph (3)—
 - “(3) Regulations 57 and 58 of the European Union Referendum (Conduct) Regulations 2016 shall apply to any packet or document retained under this regulation.”, and
- (e) in paragraph (4) for “(1)(b)” there were substituted “(1)(c)”.

Restriction on supply etc of full register

103. Regulation 94(1) of the 2008 Regulations (restrictions on supply etc of full register) has effect for the purposes of the referendum as if—

- (a) after sub-paragraph (b) there were inserted—
 - “(ba) the Chief Counting Officer;
 - (bb) any deputy of the Chief Counting Officer;”, and
- (b) the references in sub-paragraph (c) to “any such officer” were treated as references to “a person mentioned in sub-paragraph (a), (b), (ba) or (bb)”.

Interpretation of Part 7

104. Regulation 115 of the 2008 Regulations (interpretation of Part 7) has effect for the purposes of the referendum as if, in paragraph (1), for “rule 57(1A) of the elections rules” there were substituted “regulation 56(1)(b) of the European Union Referendum (Conduct) Regulations 2016”.

Supply of marked registers and lists after an election

105.—(1) Regulation 116 of the 2008 Regulations (supply of marked registers and lists) applies for the purposes of the referendum but with the following modifications.

- (2) Paragraph (1) has effect for those purposes as if—
 - (a) for the words from “regulation 99” to “local government election” there were substituted “regulations 99, 105, 107 or 111, with copies of the full register”, and
 - (b) at the end there were treated as inserted—

(80) Regulation 91 was amended by regulation 29 of [S.I. 2014/1808](#).

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“The reference to a person entitled to be supplied in accordance with regulation 105 with copies of the full register does not include a person mentioned in regulation 105(1)(b).”

- (3) Paragraph (2) has effect for the purposes of the referendum as if—
- (a) for the words from “regulation 102” to “particular election” there were substituted “regulation 105(1)(a) or (c) applies before the referendum”, and
 - (b) for “that election” there were substituted “the referendum”.
- (4) Paragraph (6)(b) has effect for the purposes of the referendum as if for “regulations 99, 102, 104, 105, 106, 107 or 111” there were substituted “regulations 99, 105, 107 or 111”.

Inspection of documents open to public inspection

106. Regulation 117 of the 2008 Regulations (inspection of documents) applies for the purposes of the referendum but as if in paragraph (1)(b) for “an election” there were substituted “the referendum”.

Conditions on use, supply and disclosure of documents open to public inspection

107. Regulation 118 of the 2008 Regulations (conditions on the use, supply and disclosure of documents) applies for the purposes of the referendum but as if, in paragraph (2)—

- (a) the word “either” were omitted, and
- (b) at the end, there was inserted “or any purpose in connection with the referendum”.

Form N: statement as to postal ballot papers

108. Form N in Schedule 3 of the 2008 Regulations (statement as to postal ballot papers)(**81**) applies for the purposes of the referendum but as if—

- (a) for the heading “REPRESENTATION OF THE PEOPLE ACTS PARLIAMENTARY ELECTION” there were substituted “REFERENDUM ON THE UNITED KINGDOM’S MEMBERSHIP OF THE EUROPEAN UNION”,
- (b) for “constituency” there were substituted “voting area”, and
- (c) for “Returning Officer” (in each place) there were substituted “Counting Officer”.

PART 3

OTHER REGULATIONS

Control of advertisements

109. The Town and Country Planning (Control of Advertisements) Regulations 1992(**82**) apply in relation to the display on any site in Wales of an advertisement relating specifically to the referendum as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

110. The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984(**83**) apply in relation to the display on any site in Scotland of an advertisement relating

(81) Form N was amended by regulation 32(1) and (8) of S.I. 2014/1808.

(82) S.I. 1992/666, amended by S.I. 1999/1910 and S.I. 2012/791 (W. 106), extended by article 11 of S.I. 2006/1282 and revoked in relation to England by S.I. 2007/783; there are other amending instruments but none is relevant.

(83) S.I. 1984/467, amended by S.S.I. 2003/503 and S.S.I. 2004/334 and extended by article 6 of S.S.I. 2006/270.

specifically to the referendum as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

111. The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015⁽⁸⁴⁾ apply in relation to the display on any site in Northern Ireland of an advertisement relating specifically to the referendum as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

Right of audience and right to conduct litigation

112. Article 6 of the European Parliamentary Elections (Combined Region and Campaign Expenditure) (United Kingdom and Gibraltar) Order 2004⁽⁸⁵⁾ applies for the purposes of the referendum but as if for “European Parliamentary elections in the combined region” (in each place) there were substituted “the referendum under section 1 of the European Union Referendum Act 2015 in the South West and Gibraltar Region within the meaning of that Act (see paragraph 5 of Schedule 3 to that Act)”.

Provision of information regarding proxies

113. Regulation 2 of the Representation of the People (Provision of Information Regarding Proxies) Regulations 2013⁽⁸⁶⁾ has effect for the purposes of the referendum as if—

(a) the following paragraph were treated as substituted for paragraph (1)—

“(1) A registration officer in Great Britain may require a registration officer in Great Britain or Northern Ireland to provide information as soon as reasonably practicable about—

- (a) whether the person, whom an elector wishes to be appointed as their proxy under paragraph 6(7) or (8) of Schedule 4 to the Representation of the People Act 2000, has or will have an entry in a relevant register maintained by that officer under section 9(1) of the Representation of the People Act 1983; or
 - (b) whether the person, whom the principal wishes to be appointed as their proxy under regulation 64 of the European Union Referendum (Conduct) Regulations 2016, has or will have an entry in a relevant register maintained by that officer.”,
- and

(b) the following paragraphs were treated as substituted for paragraph (2)—

“(2) In paragraph (1)(a) “relevant register” means a register which relates to elections of the same kind as those to which the proxy appointment relates.

(3) In paragraph (1)(b) “relevant register” means—

- (a) a register of parliamentary electors, or
- (b) in relation to a peer —
 - (i) a register of local government electors in Great Britain, or
 - (ii) a register of local electors in Northern Ireland, or
 - (iii) a register of peers maintained under section 3 of the Representation of the People Act 1985 (peers resident outside the United Kingdom).”

⁽⁸⁴⁾ S.R. 2015/66.

⁽⁸⁵⁾ S.I. 2004/366.

⁽⁸⁶⁾ S.I. 2103/3199.

Persons convicted of corrupt or illegal practices: Gibraltar

114. Regulation 107 of the European Parliamentary Elections Regulations 2004⁽⁸⁷⁾ applies for the purposes of the referendum but as if—

- (a) references to an illegal practice included an illegal practice under any provision of Gibraltar conduct law,
- (b) references to a corrupt practice included a corrupt practice under any such provision,
- (c) in paragraph (1) for “paragraph (2)” there were substituted “paragraphs (1A) and (2)”,
- (d) after that paragraph there were inserted—

“(1A) Paragraph (1) does not apply in relation to an act or omission that is an illegal practice by reason of being a contravention of Gibraltar conduct law (within the meaning of section 11(1) of the European Union Referendum Act 2015) in respect of which the Gibraltar court has made an order under any provision of Gibraltar conduct law making provision corresponding to regulation 108.”,

- (e) the reference in paragraph (2) to regulation 23 included any provision of Gibraltar conduct law making provision corresponding to that regulation, and
- (f) the reference in that paragraph to regulation 24 included any provision of Gibraltar conduct law making provision corresponding to that regulation.

115. Regulation 112 of the European Parliamentary Elections Regulations 2004 applies for the purposes of the referendum.

⁽⁸⁷⁾ S.I. 2004/293.