

## SCHEDULE 1

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

## PART 1

### INTERPRETATION AND EXTENT

#### Interpretation of applied provisions: general

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

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

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

- section 118(2) (interpretation of Part 2),
- section 185(3) (interpretation of Part 3), and
- section 202(4) (general interpretation), as modified by paragraph 46 of this Schedule).

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(1) 2003 c.7.

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

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

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

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The European Union Referendum (Conduct) Regulations 2016 No. 219*

(3) Nothing in this Schedule which provides for a particular reference to a provision to be read as, or as including, a reference to that provision as applied by another provision is to be taken to limit the effect of section 20(2) of the Interpretation Act 1978<sup>(5)</sup>.

### Meaning of “vote” in applied provisions

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

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

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

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

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

### Extent of section 52 of the 1983 Act

3. For the purposes of the referendum, section 52(1), (1ZA), (1ZB) and (1A) of the 1983 Act<sup>(6)</sup> (which extends to the whole of the United Kingdom) extends also to Gibraltar.

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

(5) 1978 c.30.

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