

SCHEDULES

SCHEDULE 4

APPLICATION TO THE REFERENDUM OF EXISTING PROVISIONS

PART 4

THE 2008 REGULATIONS (NORTHERN IRELAND)

- 9 (1) The provisions of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) listed in the first column of the table apply for the purposes of the referendum.
- (2) In their application by virtue of this paragraph, those provisions have effect—
- (a) with the modifications (if any) shown in the second column of the table, and
 - (b) with any other necessary modifications, including in particular those set out in sub-paragraph (3).
- (3) Except where the context otherwise requires—
- (a) a reference to a provision that is applied by this Schedule has effect as a reference to that provision as so applied;
 - (b) expressions are to be construed in accordance with the definitions listed in section 7 of this Act and rule 53 of the referendum rules.
- (4) In relation to the referendum, regulation 94(2) (restrictions on supply etc of full register) has effect as if after sub-paragraph (b) there were inserted—
- “(ba) the Chief Counting Officer;
 - (bb) any deputy of the Chief Counting Officer;”
- and as if the references in sub-paragraph (c) to “any such officer” were to “a person mentioned in sub-paragraph (a), (b), (ba) or (bb)”.
- (5) The provisions of the regulations that apply for the purposes of the referendum by virtue of this paragraph are in addition to the provisions of the regulations that would apply for those purposes in any event.

<i>Provision</i>	<i>Modification</i>
Regulation 3 (interpretation)	
Regulation 4 (forms)	In paragraph (1), for “an election” substitute “the referendum”. Paragraph (2) applies for the purposes of the referendum only in so far as it relates to Form N in Schedule 3 to the regulations.
Regulation 5 (applications, notices etc)	

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<i>Provision</i>	<i>Modification</i>
Regulation 6 (electronic signatures)	
Regulation 8 (time)	
Regulation 11 (interference with notices etc)	
Regulation 25 (alteration of registers under section 13BA(3) of the 1983 Act)	
Regulation 40 (representations regarding clerical errors)	
Regulation 44(2) and (3) (notices in connection with registration)	In paragraph (2) omit “13A(2) or”.
Regulation 45 (communication of notices issued on polling day)	In paragraph (3), for “returning officer” substitute “counting officer”.
Regulation 54 (interpretation of Part 4)	In the definition of “his allotted polling station”, for “elections rules” substitute “referendum rules”.
Regulation 55 (general requirements for applications for an absent vote)	In paragraph (1), for “section 6, 7, 8 or 9 of the 1985 Act” substitute “Part 2 of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”.
	In paragraph (2)—
	(a) for “section 6(1) or 7(1)” substitute “paragraph 15(1) or 19(4) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”;
	(b) for “section 6(1)(ba) to (bc) or section 7(1) (ba) to (bc) of the 1985 Act” substitute “paragraph 15(1)(c) to (e) or 19(4)(d) of that Schedule”;
	(c) in sub-paragraph (b), for “section 9 of the 1985 Act” substitute “paragraph 19(4) of that Schedule”;
	(d) in sub-paragraph (d), for “section 6(1), 7(1) or 9(4) or (7) of the 1985 Act” substitute “paragraph 15(1) of that Schedule”.
Regulation 55A (additional requirement for applications for ballot paper to be sent to different address from that shown in register)	In paragraph (1)—
	(a) omit sub-paragraph (a);
	(b) in sub-paragraph (b), for “section 7(1) of the 1985 Act, the address provided in accordance with section 7(5) of that Act” substitute “paragraph 15(1) of Schedule 3 to the Parliamentary Voting System and

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<i>Provision</i>	<i>Modification</i>
	Constituencies Act 2011, the address provided in accordance with paragraph 15(7) of that Schedule”; (c) omit sub-paragraph (c).
	In paragraph (2), for “the provisions of the 1985 Act mentioned above” substitute “paragraph 15(7) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”.
Regulation 55B (additional requirement for applications for ballot paper to be sent to different address from that shown in records)	For sub-paragraphs (a) and (b) substitute “paragraph 15(5)(a) or 19(5) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 by a person (“A”) shown as voting by post in the record mentioned there”.
Regulation 56 (additional requirements for applications for appointment of proxy)	For “section 8(6) or (7) of the 1985 Act” substitute “paragraph 17(4) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”.
Regulation 59 (additional requirement for applications in respect of a particular election)	For paragraph (1) substitute— “(1) An application under paragraph 15(1) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 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 the referendum rules.”
	In paragraphs (2)(d) and (3)(d) omit the words from “in respect of the election” to the end.
	In paragraphs (4), (6) and (8), for “section 7(1) of the 1985 Act” substitute “paragraph 15(1) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”.
	In paragraph (6)(a), for “the election in question” substitute “the referendum”.
	In paragraph (8), for sub-paragraph (b) substitute— “(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;”.

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<i>Provision</i>	<i>Modification</i>
Regulation 60 (additional requirements for applications by proxies to vote by post at a particular election)	For “section 9(7) of the 1985 Act” substitute “paragraph 19(4) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”. For “elections rules” substitute “referendum rules”.
Regulation 61 (closing date for applications)	For paragraphs (1) to (3) substitute— <p>“(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.</p> <p>(2) Subject to paragraph (3), an application under paragraph 15(1) or (5), 17(4) or 19(4) or (5) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 shall be refused if it is received by the registration officer after 5 pm on the fourteenth day before the day of the poll for the referendum.</p> <p>(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 day of the poll for the referendum.”</p> <p>In paragraph (4)— <p>(a) after “section 8(9) of that Act by an elector” insert “, or a notice under paragraph 17(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 by a person,”;</p> <p>(b) for “a particular election” substitute “the referendum”;</p> <p>(c) for “at that election” substitute “for the referendum”.</p> <p>For paragraph (6) substitute— <p>“(6) In paragraph (5) “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”</p> </p></p>
Regulation 62 (grant or refusal of applications)	In paragraph (1), for “section 6, 7, 8 or 9 of the 1985 Act” substitute “Part 2 of Schedule 3 to the

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<i>Provision</i>	<i>Modification</i>
	Parliamentary Voting System and Constituencies Act 2011”.
	Omit paragraph (3).
	For paragraph (4) substitute—
	“(4) Where the registration officer refuses an application under Part 2 of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 he shall notify the applicant of his decision.”
	In paragraph (5), for “a particular election” substitute “the referendum”.
Regulation 64 (cancellation of proxy appointment)	For the words from “by notice” to the end substitute “under paragraph 17(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011, or otherwise ceases to be in force by virtue of that provision, the registration officer shall notify the person who was the proxy, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy.”
Regulation 66(1) and (3) (records and lists kept under sections 6, 7 and 8 of the 1985 Act)	For “sections 7(4) and 9(9) of the 1985 Act” substitute “paragraphs 16(2) or (3) or 19(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”.
Regulation 70 (interpretation of Part 5)	In the definition of “absent voters list”, for “section 7(4) of the 1985 Act” substitute “paragraph 16(2) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”.
	For the definition of “agent” substitute—
	““agent”, except in regulation 73, means a referendum agent or an agent appointed under that regulation;”.
	In the definition of “list of postal proxies”, for “section 9(9) of the 1985 Act” substitute “paragraph 19(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”.
Regulation 72 (persons entitled to be present at proceedings on issue and receipt of postal ballot papers)	For “a parliamentary election” substitute “the referendum”.
	For sub-paragraphs (a) to (c) substitute—
	“(a) the counting officer and his clerks, (b) a referendum agent;”.
Regulation 73 (agents of candidates who may attend proceedings on issue or	Before paragraph (1) insert—

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<i>Provision</i>	<i>Modification</i>
receipt of postal ballot papers)	“(A1) A reference in this regulation to a candidate is to be read as a reference to a referendum agent.” For “returning officer” (in each place) substitute “counting officer”. Omit paragraph (6).
Regulation 74 (notification of requirement of secrecy)	For “returning officer” substitute “counting officer”.
Regulation 75 (notice of issue of postal ballot papers)	In paragraphs (1) and (2)— (a) for “returning officer” substitute “counting officer”; (b) for “candidate” (in each place) substitute “referendum agent”.
Regulation 76 (procedure on issue of postal ballot papers)	In paragraph (5)(b), for “section 9(9) of the 1985 Act” substitute “paragraph 19(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011”.
Regulation 77 (refusal to issue postal ballot paper)	For “returning officer” substitute “counting officer”.
Regulation 78 (envelopes)	In paragraph (1), for “rule 24 of the elections rules” substitute “rule 12 of the referendum rules”.
Regulation 79 (sealing up of completed corresponding number lists)	For “returning officer” (in each place) substitute “counting officer”.
Regulation 80 (delivery of postal ballot papers)	In paragraph (1)— (a) for “returning officer” substitute “counting officer”; (b) in sub-paragraph (c), for “rule 26(1) of the elections rules” substitute “rule 14 of the referendum rules”. In paragraph (2), for “returning officer” substitute “counting officer”.
Regulation 81 (spoilt postal ballot papers)	For “returning officer” (in each place) substitute “counting officer”.
Regulation 82 (notice of opening of postal ballot paper envelopes)	In paragraph (1)— (a) for “returning officer” substitute “counting officer”; (b) for “candidate” substitute “referendum agent”. In paragraph (2), for “candidate” substitute “referendum agent”.
Regulation 83 (postal ballot boxes and receptacles)	For “returning officer” (in each place) substitute “counting officer”.

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<i>Provision</i>	<i>Modification</i>
	In paragraph (2), for the words “constituency for which the election is held” substitute “voting area”.
	In paragraph (4), after “lock the postal ballot box” insert “(if it has a lock)”.
Regulation 84 (receipt of covering envelope)	For “returning officer” substitute “counting officer”.
Regulation 85 (opening of postal voters’ ballot box)	In paragraphs (1) and (2), for “returning officer” substitute “counting officer”.
	In paragraph (3), for “rule 45 of the elections rules” substitute “rule 40 of the referendum rules”.
Regulation 86 (opening of covering envelopes)	For “returning officer” (in each place) substitute “counting officer”.
	After paragraph (4) insert—
	“(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.”
Regulation 87 (procedure in relation to declarations of identity)	For “returning officer” (in each place) substitute “counting officer”.
	In paragraph (1)(b), for “rule 45(2)(b) and (2A) of the elections rules” substitute “rule 40(4)(b) and (5) of the referendum rules”.
Regulation 88 (opening of ballot paper envelopes)	In paragraph (1), for “returning officer” substitute “counting officer”.
Regulation 89 (sealing of receptacles)	For “returning officer” substitute “counting officer”.
Regulation 91 (forwarding of documents)	For paragraph (1) substitute—

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	<p>“(1) The Chief Electoral Officer for Northern Ireland shall retain, together with the documents mentioned in rule 50 of the referendum rules—</p> <p style="margin-left: 40px;">(a) any packets referred to in regulations 79, 81(5) and 89, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area; and</p> <p style="margin-left: 40px;">(b) a completed statement in Form N.”</p> <p>For “returning officer” (in each place) substitute “counting officer”.</p> <p>In paragraph (2), for the words from “and endorse” to the end substitute “, endorse the packet as mentioned in paragraph (1)(a) and retain the packet”.</p> <p>For paragraph (3) substitute—</p> <p style="margin-left: 40px;">“(3) Rules 51 and 52 of the referendum rules shall apply to any packet or document retained under this regulation.”</p>
Regulation 115 (interpretation of Part 7)	<p>In paragraph (1), for “rule 57(1A) of the elections rules” substitute “rule 50(1)(b) of the referendum rules”.</p>
Regulation 116 (supply of marked registers and lists after an election)	<p>In paragraph (1)—</p> <p style="margin-left: 40px;">(a) for the words from “regulation 99” to “local government election” substitute “regulations 99, 105, 107 or 111, with copies of the full register”;</p> <p style="margin-left: 40px;">(b) at the end insert—</p> <p style="margin-left: 80px;">“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).”</p> <p>In paragraph (2)—</p> <p style="margin-left: 40px;">(a) for the words from “regulation 102” to “particular election” substitute “regulation 105(1)(a) or (c) applies before the referendum”;</p> <p style="margin-left: 40px;">(b) for “that election” substitute “the referendum”.</p> <p>In paragraph (6)(b), for “regulations 99, 102, 104, 105, 106, 107 or 111” substitute “regulations 99, 105, 107 and 111”.</p>

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<i>Provision</i>	<i>Modification</i>
Regulation 117 (inspection of documents open to public inspection)	In paragraph (1)(b), for “an election” substitute “the referendum”.
Regulation 118 (conditions on the use, supply and disclosure of documents open to public inspection)	In paragraph (2) omit “either” and at the end insert “or any purpose in connection with the referendum”.
Regulation 119 (fees relating to the supply of marked registers and lists)	
In Schedule 3, Form N	For the heading substitute “REFERENDUM ON THE VOTING SYSTEM FOR UNITED KINGDOM PARLIAMENTARY ELECTIONS”. For “constituency” substitute “voting area”. For “returning officer” (in each place) substitute “counting officer”.