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**Changes to legislation:** There are currently no known outstanding effects for the European Union Referendum Act 2015, Cross Heading: Counting officers etc: correction of procedural errors. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 3

#### FURTHER PROVISION ABOUT THE REFERENDUM

##### *Counting officers etc: correction of procedural errors*

- 9 (1) A Regional Counting Officer or counting officer may take whatever steps the officer thinks appropriate to remedy any act or omission on the part of the officer or a relevant person that—
- (a) arises in connection with any function that the officer or relevant person has in relation to the referendum, and
  - (b) is not in accordance with any requirements applicable to the referendum imposed as described in sub-paragraph (4) or otherwise.
- (2) A re-count of votes in reliance on sub-paragraph (1) may only be conducted in the circumstances (if any) specified in conduct regulations or Gibraltar conduct law (as the case may be).
- (3) For the purposes of this paragraph each of the following is a “relevant person”—
- (a) a registration officer;
  - (b) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003);
  - (c) a clerk of, or a person providing goods or services to, the Regional Counting Officer or the counting officer;
  - (d) any person designated by conduct regulations or Gibraltar conduct law as a relevant person for the purposes of this sub-paragraph;
  - (e) a deputy or assistant of—
    - (i) the Regional Counting Officer or the counting officer, or
    - (ii) a person mentioned in paragraph (a), (b), (c) or (d).
- (4) For the purposes of sub-paragraph (1)(b) requirements are imposed as described in this sub-paragraph if they are imposed—
- (a) by or under this Act, or
  - (b) in the case of the Regional Counting Officer (if any) appointed for the South West and Gibraltar region, the counting officer for the Gibraltar voting area or a Gibraltar relevant person, by any provision of law made in and for Gibraltar.
- (5) For the purposes of sub-paragraph (4)(b) each of the following relevant persons is a “Gibraltar relevant person”—
- (a) the European electoral registration officer for Gibraltar (within the meaning of section 14 of the European Parliament (Representation) Act 2003);
  - (b) a clerk of the Regional Counting Officer (if any) appointed for the South West and Gibraltar region;

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- (c) a person providing goods or services to the Regional Counting Officer (if any) appointed for the South West and Gibraltar region or to the counting officer for the Gibraltar voting area;
  - (d) any person designated by conduct regulations or Gibraltar conduct law as a relevant person for the purposes of this sub-paragraph;
  - (e) a deputy or assistant of—
    - (i) the Regional Counting Officer (if any) appointed for the South West and Gibraltar region or the counting officer for the Gibraltar voting area, or
    - (ii) a person mentioned in paragraph (a), (b), (c) or (d).
- (6) For the purposes of sub-paragraph (3)(e) and (5)(e) a person (“A”) is an assistant of another person (“P”) if—
- (a) A is appointed to assist P, or
  - (b) in the course of employment A is assisting P,
- in connection with any function in relation to the referendum.

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**Commencement Information**

**II** Sch. 3 para. 9 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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