
 STATUTORY INSTRUMENTS

1975 No. 801

THE REFERENDUM
The Referendum Order 1975
Laid before Parliament in draft

Made - - - - 14th May 1975

Coming into Operation 14th May 1975

At the Court at Buckingham Palace, the 14th day of May 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and approved by resolution of each House:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 1(4) and (5) of the Referendum Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Operation

1. This Order may be cited as the Referendum Order 1975 and shall come into operation forthwith.

Interpretation

2.—(1) Unless the contrary intention appears, in this Order, and in any provision applied by this Order:—

“Chief Counting Officer” has the meaning assigned by section 2(4) of the Referendum Act 1975;

“counting officer” includes the Chief Counting Officer and any person appointed by him to conduct the count in the areas specified in section 2(5) of the Referendum Act 1975;

“elector” means a person who is entitled to vote in the referendum;

“observer” means a person appointed in accordance with Article 5;

“referendum” means the referendum to be held under the Referendum Act 1975;

“register” means a register of parliamentary or local government electors prepared under the Representation of the People Act 1949(b) for use at parliamentary or local government elections after 15th February 1975 and before 16th February 1976, and “registered” shall be construed accordingly;

 (a) 1975 c. 33.

(b) 1949 c. 68.

“registration officer” as respects England (other than the Isles of Scilly), Wales and Scotland, has the same meaning as in the Representation of the People Act 1949, as respects the Isles of Scilly means the officer appointed under the Isles of Scilly (Registration Officer and Conduct of Elections) Order 1974(a) and as respects Northern Ireland, means the Chief Electoral Officer;

“returning officer” means a person discharging the functions conferred on him in relation to the referendum by section 2(1) of the Referendum Act 1975;

“verifying officer” means a counting officer or a person appointed by a counting officer to verify ballot paper accounts.

(2) A reference in this Order or in the provisions applied by this Order to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as amended by any enactment or instrument, including this Order.

(3) Unless the contrary intention appears, a reference in this Order or in the provisions applied by this Order to a numbered Article or Schedule is a reference to an Article in or Schedule to this Order.

(4) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Application of certain statutory provisions to the referendum

3.—(1) The provisions of the Representation of the People Act 1949 and of the Representation of the People Act 1969(c) specified in column 1 of Schedule 1 shall, subject to the modifications or exceptions (if any) specified in relation to those provisions in column 2 of that Schedule, apply in connection with the referendum, but any reference to a local government election, candidate, nomination, election agent, polling agent, counting agent or election court shall, unless the context otherwise requires, be disregarded.

(2) The provisions of the Regulations referred to in Schedule 2 which are specified in column 1 of that Schedule shall, subject to the modifications or exceptions (if any) specified in relation to those provisions in column 2 of that Schedule, apply in connection with the referendum: but any reference to a local government election, candidate, election agent, polling agent or counting agent shall, unless the context otherwise requires, be disregarded.

(3) Unless the contrary intention appears, in the provisions applied by this Article:—

- (a) any reference to an election, parliamentary election, general election or poll shall be construed as a reference to the referendum;
- (b) any reference to a constituency shall be construed as a reference to the area for which the relevant returning officer acts.

The polling day and hours

4.—(1) The referendum shall be held on 5th June 1975.

(2) The hours of polling shall be between 7 a.m. and 10 p.m. on the day of the referendum.

(a) S.I. 1974/547.

(b) 1889 c. 63.

(c) 1969 c. 15.

Observers

5.—(1) The Secretary of State may make arrangements for the appointment of persons to observe the verification of the ballot paper accounts and the counting of the votes.

(2) Any such appointment shall be in writing and shall be signed by the person appointing.

Voting by post or by proxy

6.—(1) Subject to the provisions of the following paragraphs of this Article, an application to be treated as an absent voter or an application for the appointment of a proxy or an application by a proxy to vote by post at parliamentary or local government elections which is allowed by a registration officer shall be deemed to have been allowed for the purposes of the referendum; and sections 13, 14, 25(2) and 41 of the Representation of the People Act 1949, Article 2(4) of the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973(a) and Regulations 29–36 of the Representation of the People Regulations 1974(b), Regulations 28–36 of the Representation of the People (Scotland) Regulations 1969(c) and Regulations 16–24 of the Representation of the People (Northern Ireland) Regulations 1969(d) shall apply accordingly.

(2) Any such application shall be disregarded for the purposes of the referendum if received by the registration officer after 19th May 1975.

(3) An application by a person to whom Article 7(1) applies to vote by proxy shall not be deemed to have been allowed for the purposes of the referendum.

Voting by members of the forces

7.—(1) The Secretary of State may by regulation make special provision, in pursuance of section 1(5) of the Referendum Act 1975, with respect to persons who are—

- (a) members of the forces (as defined in section 46 of the Representation of the People Act 1949); and
- (b) the spouses of such members, being spouses who are residing outside the United Kingdom to be with their husbands or wives as the case may be.

(2) The provisions of this Order, including the provisions applied by Article 3 (subject to such modifications as may be made), shall apply to any such special provision except so far as the special provision may, either expressly or by necessary implication, modify or except them.

N. E. Leigh.

(a) S.I. 1973/2095 (1973 III, p. 7247).
(c) S.I. 1969/912 (1969 II, p. 2726).

(b) S.I. 1974/648 (1974 I, p. 2541).
(d) S.I. 1969/905 (1969 II, p. 2666).

Article 3(1)

SCHEDULE 1

**Application and Modification of Provisions of the
Representation of the People Act 1949 and the
Representation of the People Act 1969**

Provision applied and subject matter	Modifications
THE REPRESENTATION OF THE PEOPLE ACT 1949	
Section 12 (Place and manner of voting as elector).	In subsection (2), after "voter" insert "other than a person to whom Article 7(1) applies".
Section 15 (Place and manner of voting as proxy).	
In section 16 (Rules for parliamentary elections), subsections (1) and (2).	In subsection (2), after "officer" insert "and the counting officer".
Section 20 (Payments by and to returning officers).	Omit subsection (1). In subsection (2), for "The Treasury shall by statutory instrument prescribe" substitute "The Secretary of State, with the consent of the Treasury, shall determine". For subsection (4) substitute: "On an account being submitted to the Secretary of State for payment of a returning officer's charges the Secretary of State may, if he thinks fit, apply for the account to be taxed under the following provisions of this section." In subsection (5), for "The Treasury" substitute "The Secretary of State". In subsection (6), for "The Treasury may make regulations as to" substitute "The Secretary of State may specify". In subsection (10), for "for the delivery" onwards substitute "where the principal office of the returning officer is situated".
Section 39 (Effect of registers, etc.).	In subsection (4), omit from "but" to the end of the subsection.
Section 47 (Personation).	
Section 48 (Other voting offences).	After subsection (2)(d) insert: "(e) being a person for whom special provision has been made under Article 7(1), he votes both by virtue of such special provision and in person or by post by virtue of the other Articles."

Provision applied and subject matter	Modifications
Section 50 (Breaches of official duty).	<p>In subsection (3), after "Clerk of the Crown" insert "counting officer, verifying officer".</p> <p>Omit subsection (4).</p>
Section 52 (Tampering with ballot papers).	
Section 53 (Requirement of secrecy).	<p>In subsection (1), for paragraph (b) substitute "(b) every Member of Parliament so attending".</p> <p>In subsection (2), before "counting of the" in the first and third places where the words occur insert "verification of the ballot paper accounts or the", in paragraph (b) for from "candidate for whom" to the end of the paragraph substitute "way in which any vote is given on any particular ballot paper or where it was cast".</p> <p>After subsection (2) insert: "(2A) No person attending at the verification of the ballot paper accounts or the counting of the votes shall without authority express to any person an opinion based on information obtained at that verification or count as to the likely outcome of that count."</p> <p>In subsections (3)(b) and (c), (4)(d) and (5), for "candidate for whom" substitute "way in which".</p> <p>In subsection (3)(d), for "name of the candidate for whom" substitute "way in which".</p>
Section 80 (Use of wireless stations abroad).	
Section 81 (Imitation poll cards).	For "the election of any candidate" substitute "a particular result".
Section 82 (Right to use certain schools and halls for meetings at parliamentary elections).	<p>In subsection (1), for from "a candidate" to "receipt of the writ" substitute "any person shall be entitled for the purpose of holding public meetings for the purpose of promoting or procuring a particular result at the poll to the use at reasonable times between 22nd May 1975".</p> <p>In subsection (2), omit from "but a candidate" to the end of the subsection.</p> <p>In subsection (5), for "candidate" substitute "person".</p>

Provision applied and subject matter	Modifications
Section 84 (Disturbances at election meetings).	For subsection (2), substitute: "(2) This section applies to a meeting in connection with the poll held between 22nd May 1975 and the date of the poll."
Section 85 (Effect on rateability of premises of holding election meeting).	For "any person's candidature" substitute "obtaining a particular result".
Section 89 (Restrictions on conveyance of voters).	In subsections (1), (2), (3) and (4), for every reference to "the poll" substitute "the polling station". In subsection (3), for "the election of a candidate" substitute "a particular result at the poll".
Section 90 (Supplemental provisions as to conveyance of voters).	In subsection (1), for "the poll" substitute "the polling station". In subsection (4), omit "county" and "for that constituency".
Section 93 (Premises not to be used as committee rooms).	In subsection (1), for "the election of a candidate" substitute "a particular result at the poll".
Section 94 (Payments for exhibition of election notices).	In subsection (1), for "the election of a candidate" substitute "a particular result".
Section 95 (Name and address of printer on election publications).	In subsection (1), for "the election of a candidate" substitute "a particular result at the poll". In subsection (3), for "candidate or election agent" substitute "person" and omit from the first "shall" to "acting".
Section 96 (Prohibition of paid canvassers).	Omit "either before, during or after an election," and for "the election of a candidate" substitute "a particular result at the poll".
Section 98 (Money for illegal purposes).	Omit "or for any expenses incurred in excess of the maximum amount allowed by this Act", and from "or expenses" to "exception".
Section 99 (Bribery).	In subsection (2), for "the return of any person" (twice) substitute "a particular result".
Section 100 (Treating).	
Section 101 (Undue influence).	
Section 103 (Interpretation of Part II).	Omit all definitions except "payment".

Provision applied and subject matter	Modifications
Section 104 (Savings as to parliamentary elections).	Omit subsection (1). In subsection (2), omit "at a parliamentary election" and for "for any particular candidate" (twice) substitute "in a particular way".
Section 105 (Rights of creditors).	Omit paragraphs (b) and (c), "or the expense was incurred" and "or expense".
Section 146 (Prosecutions for corrupt practices).	
Section 147 (Prosecutions for illegal practices).	
Section 148 (Conviction of illegal practice on charge of corrupt practice, etc.).	
In section 150 (Costs in prosecutions of corrupt practices), subsection (5).	
Section 151 (Incapacities on conviction of corrupt or illegal practice).	
In section 153 (Illegal payments, employments or hirings), subsections (1) and (3).	
Section 154 (Time limit for prosecutions).	
Section 155 (Prosecutions for offences committed outside the United Kingdom).	
Section 156 (Corporations).	
Section 158 (Evidence by certificate of holding of elections).	
Section 159 (Provisions as to Director of Public Prosecutions).	
Section 163 (Interpretation of Part III).	
Section 171 (General provisions as to interpretation).	Omit subsection (5).
Section 173 (General application to Scotland).	
Section 174 (General application to Northern Ireland).	In subsection (1)(d), omit "either" and after "the Attorney General for Northern Ireland" insert "or the Director of Public Prosecutions for Northern Ireland respectively".

Provision applied and subject matter	Modifications
PARLIAMENTARY ELECTION RULES	
Rule 18 (Poll to be taken by ballot).	Omit from "the result" to the end of the rule.
Rule 19 (Ballot papers).	<p>In paragraph (1), omit all after the first "ballot paper".</p> <p>In paragraph (2), omit from the beginning to the end of sub-paragraph (a) and substitute: "(2) Every ballot paper—</p> <p>(a) shall as to the front thereof be in the form set out in the Schedule to the Referendum Act 1975; and as to the back thereof shall be in the form in the Appendix to this Schedule;"</p> <p>Omit paragraph (3).</p>
Rule 20 (Official mark).	At end of paragraph (1) insert: "or with an official mark for use in accordance with the special provision made under Article 7(1)."
Rule 21 (Prohibition of disclosure of vote).	Omit "to question the election or return" and for "for whom" substitute "how".
Rule 22 (Use of schools and public rooms for poll).	<p>In paragraph (1) after "The returning officer" insert "the counting officer and the verifying officer" and after "poll" insert "counting the votes or verifying the ballot paper accounts, as the case may be,".</p> <p>In paragraphs (2) and (5) after "the returning officer" insert "counting officer or verifying officer, as the case may be,".</p>
Rule 23 (Notice of poll).	<p>For the rule substitute: "Every returning officer shall publish not later than 22nd May 1975 notice of the poll stating—</p> <p>(a) the day on which and hours during which the poll will be taken, and</p> <p>(b) the situation of each polling station and the description of voters entitled to vote thereat."</p>
Rule 25 (Postal ballot papers).	
Rule 26 (Provision of polling stations).	<p>In paragraph (1), after "electors" insert "in the area for which he acts".</p> <p>For paragraph (3), substitute: "(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the area for which the returning officer acts shall, in the absence of special circumstances, be in the parliamentary polling place for that polling district, unless the polling place is outside that area."</p>

Provision applied and subject matter	Modifications
Rule 27 (Appointment of presiding officers and clerks).	In paragraph (1), for from "but" onwards substitute "the verifying officer shall appoint such persons as may be necessary for the purpose of verifying the ballot paper accounts and the counting officer shall appoint such persons as may be necessary for the purpose of the counting of the votes".
Rule 28 (Special lists).	
Rule 29 (Issue of official poll cards).	
Rule 30 (Equipment of polling stations).	Omit paragraph (5).
Rule 32 (Declaration of secrecy).	<p>In paragraph (1), for sub-paragraphs (b)-(f) substitute:</p> <p>"(b) every clerk authorised to attend at a polling station;</p> <p>(c) every Member of Parliament attending at a polling station."</p> <p>For paragraph (2) substitute: "(2) Before ballot paper accounts are verified or votes are counted, a declaration of secrecy in the form in paragraph (6) of this rule, or in a form as near thereto as circumstances admit, shall be made by—</p> <p>(a) the verifying officer and persons appointed to assist him;</p> <p>(b) the counting officer and persons appointed to assist him;</p> <p>(c) every Member of Parliament attending at the verification of the ballot paper accounts or at the counting of the votes;</p> <p>(d) every observer;</p> <p>(e) every person permitted by the verifying officer or the counting officer to attend at the verification of the ballot paper accounts or the counting of the votes, though not entitled to do so."</p> <p>In paragraphs (3) and (4), omit the references to section 53(2), and after "declaration" wherever it occurs insert "referred to in paragraph (1) of this rule".</p> <p>After paragraph (4) add:</p> <p>"(5) The counting officer shall make the declaration referred to in paragraph (2) of this Rule in the presence of a Justice of the Peace, and any other person shall make the declaration in the presence either of a Justice of the Peace or of the counting officer or of a person authorised by the counting officer for the purpose and section 53(2) and (2A) of this Act shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person.</p>

Provision applied and subject matter	Modifications
	<p>(6) The declaration referred to in paragraph (2) of this Rule shall be as follows— “I solemnly promise and declare that I will not do anything forbidden by section 53(2) and (2A) of the Representation of the People Act 1949 which has been read to [by] me.””.</p>
Rule 33 (Admission to polling station).	<p>For sub-paragraph (1)(b) insert: “(b) the Member of Parliament for the constituency in which the polling station is situated;”.</p> <p>At end of sub-paragraph (1)(d) insert: “and in Northern Ireland the members of Her Majesty’s forces on duty.”.</p>
Rule 34 (Keeping of order in station).	<p>In paragraph (2), after “constable” insert “or in Northern Ireland by a member of any of Her Majesty’s forces on duty”.</p>
Rule 35 (Sealing of ballot boxes).	
Rule 36 (Questions to be put to voters).	<p>In paragraph (1), omit “of parliamentary electors” and “bye-election” (twice).</p>
Rule 38 (Voting procedure).	
Rule 39 (Votes marked by presiding officer).	
Rule 40 (Voting by blind persons).	
Rule 41 (Tendered ballot papers).	
Rule 42 (Spoilt ballot papers).	
Rule 43 (Adjournment in case of riot).	
Rule 44 (Procedure on close of poll).	<p>In paragraph (1), for “returning officer” (three times) substitute “verifying officer”.</p>
Rule 45 (Attendance at counting of votes).	<p>For rule 45 substitute:</p> <p><i>“Attendance at verification of ballot paper accounts</i> 45.—(1) The verifying officer shall make arrangements for verifying the ballot paper accounts forwarded to him. (2) No person, other than the verifying officer and his assistants, the Member of Parliament for a constituency wholly or partly within the area in which the ballot papers to which the ballot paper accounts</p>

Provision applied and subject matter	Modifications
Rule 45 (cont.)	<p>relate were cast, observers and other persons permitted by the verifying officer to attend the verification, may be present at the proceedings.</p> <p>(3) The verifying officer may limit the number of observers present at the proceedings so that the proportion of observers to his assistants is one observer to two assistants.</p> <p>(4) The verifying officer shall allow observers such reasonable facilities for observing the proceedings and shall give them such information with respect thereto as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection therewith.</p> <p><i>Procedure at verification of ballot paper accounts</i></p> <p>45A.—(1) The verifying officer shall—</p> <p>(a) open each ballot box in his possession containing postal ballot papers or postal ballot paper envelopes and count such of the postal ballot papers therein as have been duly returned and record the number counted; and</p> <p>(b) open each other ballot box in his possession and, taking out the ballot papers therein, count and record the number thereof and verify each ballot paper account.</p> <p>(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.</p> <p>(3) The verifying officer shall not count any tendered ballot paper.</p> <p>(4) The verifying officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces downwards.</p> <p>(5) The verifying officer shall verify each ballot paper account forwarded to him by comparing it with the number of ballot papers recorded by him and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification which any observer present at the verification may copy.</p>

Provision applied and subject matter	Modifications
<p>Rule 46 (The count).</p>	<p>(6) The verifying officer shall, subject to the directions of the Chief Counting Officer, determine the hours during which the procedure under this rule is proceeded with.</p> <p>(7) During the time that the procedure under this rule is not proceeded with the verifying officer shall take proper precautions for the security of the ballot papers and documents.</p> <p>(8) On completion of the procedure under this rule the verifying officer, subject to the directions of the Chief Counting Officer, shall make up into packets the ballot papers counted by him, seal them up in containers endorsing on each a description of the area to which the ballot papers relate, and deliver the containers to the counting officer together with a list of them and of the contents of each container and a statement of his verification of the ballot paper accounts.</p> <p><i>Attendance at counting of votes</i></p> <p>45B.—(1) The counting officer shall make arrangements for the counting of the votes.</p> <p>(2) No person, other than the counting officer and his assistants, the Members of Parliament for constituencies wholly or partly within the area in which the ballot papers to be counted were cast, observers and other persons permitted by the counting officer to attend the count, may be present at the count.</p> <p>(3) The counting officer may limit the number of observers present at the count so that the proportion of observers to his assistants is one observer to two assistants.</p> <p>(4) The counting officer shall allow observers such reasonable facilities for observing the count and shall give them such information with respect thereto as he can give them consistently with the orderly conduct of the count and the discharge of his duties in connection therewith.”</p> <p>For rule 46 substitute:</p> <p>“46.—(1) The counting officer shall open all the packets containing ballot papers counted by verifying officers and all packets containing ballot papers cast by persons for whom special arrangements are made under Article 7(1) and which have been delivered to him in pursuance of those arrangements.</p> <p>(2) The counting officer shall then mix together all the ballot papers received.</p>

Provision applied and subject matter	Modifications
Rule 48 (Rejected ballot papers).	<p>(3) The counting officer shall then count the ballot papers and the respective answers given by valid votes and while so doing shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.</p> <p>(4) The counting officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment: Provided that he may, subject to the directions of the Chief Counting Officer, exclude the hours between seven o'clock in the evening and nine o'clock on the following morning.</p> <p>(5) During the excluded time the counting officer shall take proper precautions for the security of the ballot papers and documents.”.</p> <p>For sub-paragraph (1)(b), substitute: “(b) on which more than one vote is given; or”.</p> <p>In paragraph (2), for “for one or other of the candidates” substitute “for or against the question”.</p> <p>In paragraph (3), for “returning officer” substitute “counting officer” and omit all after “counted”.</p> <p>In paragraph (4), for “returning officer” substitute “counting officer” and for sub-paragraph (4) (b) substitute: “(b) on which more than one vote is given;”.</p>
Rule 49 (Decisions on ballot papers).	For “returning officer” substitute “counting officer” and omit from “but” onwards.
Rule 51 (Declaration of result).	<p>For the rule substitute:</p> <p><i>“Declaration of result</i></p> <p>51. Before the counting officer makes any public announcement concerning the numbers required to be certified in accordance with section 2(6) of the Referendum Act 1975 or certifies the numbers so required, he shall consult the Chief Counting Officer who may, without prejudice to any other directions which he may give, direct the counting officer to recount the ballot papers.”.</p>

Provision applied and subject matter	Modifications
Rule 55 (Verification of ballot paper account).	<p>In paragraph (1), for “at a contested election the returning officer” substitute “the counting officer”.</p> <p>In paragraph (3), for “returning officer” substitute “counting officer”.</p>
Rule 56 (Delivery of documents to the Clerk of the Crown).	<p>For the rule substitute:</p> <p>“(1) The counting officer and the verifying officer shall, as soon as may be after the Chief Counting Officer has certified in accordance with section 2(6) of the Referendum Act 1975 the numbers there mentioned, forward to the Secretary of State such of the following documents as he has in his possession, that is to say—</p> <ul style="list-style-type: none"> (a) the packets of ballot papers; (b) the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts; (c) the ballot paper accounts; (d) the tendered votes list, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the statements relating thereto, and the declarations made by the companions of blind voters; (e) the packets of counterfoils and certificates as to employment on duty on the day of the poll; (f) the packets containing marked copies of registers and of lists of proxies, endorsing on each packet a description of its contents and the name of the area for which the counting officer is appointed.”.

APPENDIX TO PARLIAMENTARY ELECTIONS RULES

Form of back of ballot paper.	<p>For the form of back of ballot paper substitute:</p> <p>“No.</p> <p>.....</p> <p>(Name of returning officer’s area).</p> <p><i>Note: The number on the ballot paper is to correspond with that on the counterfoil.”.</i></p>
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Provision applied and subject matter	Modifications
Form of directions for the guidance of the voters in voting.	<p>For paragraph 2, substitute:</p> <p>“2. The voter will go into one of the voting compartments and read the question printed on the ballot paper carefully. He will mark his vote secretly with the pencil provided in the compartment in the following way. If his answer is YES, he will put one X in the box to the right of the word YES on the ballot paper. If his answer is NO, he will put one X in the box to the right of the word NO on the ballot paper.”.</p> <p>In paragraph 5, for “for more than ONE candidate,” substitute:</p> <p>“both YES and NO,”.</p>
Form of declaration to be made by the companion of a blind voter.	<p>For “the election now being held in this constituency” substitute “the poll now being held under the Referendum Act 1975”.</p>

REPRESENTATION OF THE PEOPLE ACT 1969

Section 5(2) (Proxy voting).	
Section 6(3) (Elector voting before proxy).	

Article 3(2)

SCHEDULE 2

Application and modification of provisions of the Representation of the People Regulations 1974, the Representation of the People (Scotland) Regulations 1969, the Representation of the People (Northern Ireland) Regulations 1969, the Town and Country Planning (Control of Advertisements) Regulations 1960, the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1961 and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973

Provision applied and subject matter	Modifications
REPRESENTATION OF THE PEOPLE REGULATIONS 1974	
Regulation 4 (Interpretation).	
Regulation 37 (Certificate of employment).	Omit "at a parliamentary election".
Regulation 38 (Interpretation of Part IV).	
Regulation 39 (Form of postal ballot paper).	
Regulation 40 (Form of declaration of identity).	
In Regulation 41 (Persons entitled to be present at issue and receipt of postal ballot papers), paragraph (1).	
Regulation 42 (Declaration of secrecy).	
Regulation 44 (Marking of postal ballot paper).	
Regulation 45 (Refusal to issue postal ballot paper).	
Regulation 46 (Ballot paper envelope).	
In Regulation 47 (Delivery of postal ballot papers to post office), paragraph (1).	
Regulation 48 (Provision of postal voters' ballot box).	
Regulation 49 (Sealing up of special lists and counterfoils).	
Regulation 50 (Spoilt postal ballot paper).	
Regulation 51 (Receipt of covering envelope).	

Provision applied and subject matter	Modifications
In Regulation 52 (Opening of postal voters' ballot box), paragraphs (1) and (2).	
Regulation 53 (Opening of covering envelopes).	In sub-paragraph (5)(a), omit from "which" to end of the sub-paragraph.
Regulation 54 (Sealing up of rejected votes and declarations of identity).	
Regulation 55 (Opening of ballot paper envelopes).	
Regulation 57 (Forwarding of documents).	<p>For paragraph (1) substitute:</p> <p>"(1) As soon as practicable after the close of the poll, the returning officer shall forward to the verifying officer the ballot box referred to in Regulation 53(5).</p> <p>(1A) As soon as may be after the Chief Counting Officer has, in accordance with section 2(6) of the Referendum Act 1975 certified the numbers there mentioned, the returning officer shall forward to the Secretary of State—</p> <p>(a) any packets referred to in Regulations 49, 50, 54 or 55 endorsing on each packet a description of its contents and the name of the area for which the returning officer acts, and</p> <p>(b) a statement of the number of postal ballot papers issued by him in such form and giving such other particulars with respect to such papers as the Secretary of State may require."</p> <p>Omit paragraphs (3) and (4).</p>
Regulation 67 (Official poll card at parliamentary elections).	
In Regulation 69 (Forms), paragraph (3).	In paragraph (3), at the end of the paragraph insert "and with such modifications as may be appropriate for the referendum".
Regulation 70 (Sending of notices, etc.).	
Regulation 72 (Misnomers).	
In Regulation 74 (Penalties), paragraph (2).	

Provision applied and subject matter	Modifications
IN THE SCHEDULE TO THE REGULATIONS THE FOLLOWING FORMS	
FORM E (Elector's official poll card).	<p>On the front of card, for "Constituency" substitute "Council".</p> <p>On the back of card—</p> <p>(a) for the paragraph beginning "Mark your vote" substitute "Take the ballot paper to one of the voting compartments and read the question printed on it carefully. Mark your vote secretly in the following way. If your answer is YES, put one X in the box to the right of the word YES on the ballot paper. If your answer is NO, put one X in the box to the right of the word NO on the ballot paper. If you put any other mark on the ballot paper your vote may not be counted.";</p> <p>(b) in the paragraph beginning "If you have appointed" omit "at this election" and in the last paragraph for "election", substitute "poll".</p>
FORM F (Proxy's official poll card).	On the back of card, for "CONSTITUENCY" substitute "COUNCIL".
FORM G (Certificate of Employment).	For "constituency" (three times) substitute "council".
FORM H (Declaration of Identity).	<p>On the back of form, for paragraphs (2) and (3) substitute:</p> <p>"(2) Read the question printed on the ballot paper carefully. Mark your vote in the following way. If your answer is YES, put one X in the box to the right of the word YES on the ballot paper. If your answer is NO, put one X in the box to the right of the word NO on the ballot paper. If you put any other mark on the ballot paper your vote may not be counted. Do this secretly: if you cannot vote without assistance, the person assisting you must not disclose how you have voted.".</p>
FORM S (Application to be treated as an absent voter for a particular election).	

REPRESENTATION OF THE PEOPLE (SCOTLAND) REGULATIONS 1969

Regulation 4 (Interpretation).	
Regulation 37 (Certificate of employment).	

Provision applied and subject matter	Modifications
Regulation 38 (Interpretation of Part IV).	
Regulation 39 (Form of postal ballot paper).	
Regulation 40 (Form of declaration of identity).	
In Regulation 41 (Persons entitled to be present at issue and receipt of postal ballot papers), paragraph (1).	
Regulation 42 (Declaration of secrecy).	In paragraph (2), for "a county clerk or town clerk" substitute "who is the proper officer of a local authority".
Regulation 44 (Marking of postal ballot paper).	
Regulation 45 (Refusal to issue postal ballot paper).	
Regulation 46 (Ballot paper envelope).	
In Regulation 47 (Delivery of postal ballot papers to post office), paragraph (1).	
Regulation 48 (Provision of postal voters' ballot box).	
Regulation 49 (Sealing up of special lists and counterfoils).	
Regulation 50 (Spoilt postal ballot paper).	
Regulation 51 (Receipt of covering envelope).	
In Regulation 52 (Opening of postal voters' ballot box), paragraphs (1) and (2).	
Regulation 53 (Opening of covering envelopes).	In sub-paragraph (5) (a), omit from "which" to end of sub-paragraph.
Regulation 54 (Sealing up of rejected votes and declarations of identity).	
Regulation 55 (Opening of ballot paper envelopes).	
Regulation 57 (Forwarding of documents).	For paragraph (1) substitute: “(1) As soon as practicable after the close of the poll, the returning officer shall forward to the verifying officer the ballot box referred to in Regulation 53(5).”

Provision applied and subject matter	Modifications
<p>Regulation 67 (Official poll card at parliamentary elections).</p> <p>In Regulation 69 (Forms), paragraph (3).</p> <p>Regulation 70 (Sending of notices, etc.).</p> <p>Regulation 72 (Misnomers).</p> <p>In Regulation 74 (Penalties), paragraph (2).</p>	<p>(1A) As soon as may be after the Chief Counting Officer has, in accordance with section 2(6) of the Referendum Act 1975 certified the numbers there mentioned, the returning officer shall forward to the Secretary of State—</p> <p>(a) any packets referred to in Regulations 49, 50, 54 or 55 endorsing on each packet a description of its contents and the name of the area for which the returning officer acts, and</p> <p>(b) a statement of the number of postal ballot papers issued by him in such form and giving such other particulars with respect to such papers as the Secretary of State may require.”.</p> <p>Omit paragraphs (3) and (4).</p> <p>In paragraph (3), at the end of the paragraph insert “and with such modifications as may be appropriate for the referendum”.</p>

IN SCHEDULE 1 TO THE REGULATIONS THE FOLLOWING FORMS

<p>FORM E (Elector's official poll card).</p>	<p>On the back of card, for the paragraph beginning “Mark your vote” substitute:</p> <p>“Take the ballot paper to one of the voting compartments and read the question printed on it carefully. Mark your vote secretly in the following way. If your answer is YES, put one X in the box to the right of the word YES on the ballot paper. If your answer is NO, put one X in the box to the right of the word NO on the ballot paper. If you put any other mark on the ballot paper your vote may not be counted.”.</p>
<p>FORM F (Proxy's official poll card).</p>	
<p>FORM G (Certificate of employment).</p>	

Provision applied and subject matter	Modifications
FORM H (Declaration of identity).	On the back of form, for paragraphs (2) and (3), substitute: “(2) Read the question printed on the ballot paper carefully. Mark your vote in the following way. If your answer is YES, put one X in the box to the right of the word YES on the ballot paper. If your answer is NO, put one X in the box to the right of the word NO on the ballot paper. If you put any other mark on the ballot paper your vote may not be counted. Do this secretly: if you cannot vote without assistance, the person assisting you must not disclose how you have voted.”.
FORM S (Application to be treated as an absent voter for a particular election).	

REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 1969

Regulation 4 (Interpretation).
Regulation 25 (Certificate of employment).
Regulation 26 (Interpretation of Part IV).
Regulation 27 (Form of postal ballot paper).
Regulation 28 (Form of declaration of identity).
In Regulation 29 (Persons entitled to be present at issue and receipt of postal ballot papers), paragraph (1).
Regulation 30 (Declaration of secrecy).
Regulation 32 (Marking of postal ballot paper).
Regulation 33 (Refusal to issue postal ballot papers).
Regulation 34 (Ballot paper envelope).
Regulation 35 (Delivery of postal ballot papers to post office).
Regulation 36 (Provision of postal voters' ballot box).

Provision applied and subject matter	Modifications
Regulation 37 (Sealing of special lists and counterfoils).	
Regulation 38 (Spoilt postal ballot paper).	
Regulation 39 (Receipt of covering envelope).	
In Regulation 40 (Opening of postal voters' ballot box), paragraphs (1) and (2).	
Regulation 41 (Opening of covering envelopes).	In sub-paragraph (5)(a), omit from "which" to end of sub-paragraph (a).
Regulation 42 (Sealing up of rejected votes and declarations of identity).	
Regulation 43 (Opening of ballot paper envelopes).	
Regulation 45 (Forwarding of documents).	<p>For paragraph (1) substitute:</p> <p>"(1) As soon as practicable after the close of the poll, the returning officer shall forward to the verifying officer the ballot box referred to in Regulation 41(5).</p> <p>(1A) As soon as may be after the Chief Counting Officer has, in accordance with section 2(6) of the Referendum Act 1975 certified the numbers there mentioned, the returning officer shall forward to the Secretary of State—</p> <p>(a) any packets referred to in Regulations 37, 38, 42 or 43 endorsing on each packet a description of its contents and the name of the area for which the returning officer acts, and</p> <p>(b) a statement of the number of postal ballot papers issued by him in such form and giving such other particulars with respect to such papers as the Secretary of State may require."</p> <p>Omit paragraphs (3) and (4).</p>
Regulation 55 (Official poll cards).	
In Regulation 57 (Forms), paragraph (3).	
Regulation 58 (Sending of notices, etc.).	
Regulation 60 (Misnomers).	
In Regulation 62 (Penalties), paragraph (2).	

Provision applied and subject matter	Modifications
IN THE SCHEDULE TO THE REGULATIONS THE FOLLOWING FORMS	
FORM C (Elector's official poll card).	On the back of card, for the paragraph beginning "Mark your vote" substitute: "Take the ballot paper to one of the voting compartments and read the question printed on it carefully. Mark your vote secretly in the following way. If your answer is YES, put one X in the box to the right of the word YES on the ballot paper. If your answer is NO, put one X in the box to the right of the word NO on the ballot paper. If you put any other mark on the ballot paper your vote may not be counted."
FORM D (Proxy's official poll card).	
FORM E (Certificate of employment).	
FORM F (Declaration of identity).	On the back of form, for paragraphs (2) and (3) substitute: "(2) Read the question printed on the ballot paper carefully. Mark your vote in the following way. If your answer is YES, put one X in the box to the right of the word YES on the ballot paper. If your answer is NO, put one X in the box to the right of the word NO on the ballot paper. If you put any other mark on the ballot paper your vote may not be counted. Do this secretly: if you cannot vote without assistance, the person assisting you must not disclose how you have voted."
FORM N (Application to be treated as an absent voter for a particular election).	
THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1960(a)	
THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (SCOTLAND) REGULATIONS 1961(b)	
THE PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1973(c)	

(a) S.I. 1960/695 (1960 III, p. 3253).

(b) S.I. 1961/195 (1961 I, p. 308).

(c) S.R.&O. (N.I.) 1973 No. 324.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision with respect to the conduct of the referendum to be held under the Referendum Act 1975 and specifies the date on which the poll is to be held. It empowers the Secretary of State for Defence to make special provision for members of the armed forces and their spouses abroad to vote. It also provides that applications to vote by post or by proxy at a parliamentary or, in the case of a peer, a local government election shall apply for the purposes of the referendum and provides for the appointment of observers at the count and at the verification of ballot paper accounts.

Schedules 1 and 2 specify the provisions of the Representation of the People Acts and subordinate legislation which apply to the referendum, together with appropriate modifications. The modifications take account in particular of the absence in relation to the referendum of candidates and their election, polling and counting agents.

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