

## SCHEDULE 1

### VOTING IN THE REFERENDUM

#### PART 2

##### Applications for absent vote

###### General requirements for applications

- 9.—(1) This paragraph applies in relation to applications under paragraphs 3, 5(8) or 6(6) or (7).
- (2) An application must be—
- (a) dated; and
  - (b) made in writing.
- (3) An application must contain—
- (a) the applicant's full name and date of birth;
  - (b) the applicant's signature or, in the case of an applicant who is unable to provide a signature, that applicant's request for waiver of the requirement to provide a signature stating the reasons for the request and the name and address of any person who has assisted the applicant in completing the application;
  - (c) except in the case of an application under paragraph 6(6) or (7), the applicant's address in respect of which the applicant is registered or has applied (or is treated as having applied) to be registered in the register;
  - (d) in the case of an application under paragraph 6(6) or (7), the applicant's address together with the name of the elector for whom the applicant will act as proxy and the elector's address for the purposes of paragraph (c);
  - (e) in the case of an application to vote by post, the address to which the ballot paper should be sent;
  - (f) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote; and
  - (g) where the applicant has, or has applied for, an anonymous entry in the register, that fact.
- (4) Subject to sub-paragraph (12), where—
- (a) in the case of an application to vote by post under paragraph 3(1), the addresses stated in accordance with sub-paragraph (3)(c) and (e) are different; or
  - (b) in the case of an application by a proxy to vote by post under paragraph 6(7), the proxy's address stated in accordance with sub-paragraph (3)(d) and the address stated in accordance with sub-paragraph (3)(e) are different,

the application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to the address stated in accordance with sub-paragraph (3)(e).

(5) Subject to sub-paragraph (12), in the case of an application under paragraph 3(5) or 6(6), the application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to that other address.

(6) Where an applicant has requested a waiver of the requirement to provide a signature with an application, the registration officer may dispense with that requirement if the registration officer is satisfied that the applicant is unable —

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- (a) to provide a signature because—
    - (i) of any disability the applicant has, or
    - (ii) the applicant is unable to read or write; or
  - (b) to sign in a consistent and distinctive way because of any such disability or inability.
- (7) An application for the appointment of a proxy must state the full name and address of the person whom the applicant wishes to appoint as proxy, together with that person's family relationship, if any, with the applicant and—
- (a) if the application is signed only by the applicant, the application must contain a statement signed by the applicant that the applicant has consulted the person so named and that that person is capable of being and willing to be appointed to vote as the applicant's proxy; or
  - (b) if the application is signed also by the person to be appointed as proxy, must contain a statement by that person that the person is capable of being and willing to be appointed to vote as the applicant's proxy.
- (8) Where an application is required to contain a signature and a date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into the record by configuring the information as follows—
- (a) the signature must appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
  - (b) the applicant's date of birth must be set out numerically configured in the sequence of date, month, year namely [d][d] [m][m] [y][y][y][y].
- (9) Where the application contains a request that the registration officer dispense with a requirement for signature, sub-paragraph (8)(a) does not apply.
- (10) The registration officer may take steps so as to be satisfied that—
- (a) an application meets any requirements that it has been signed by the applicant and states the applicant's date of birth by referring to any signature and date of birth—
    - (i) previously provided by the applicant to the registration officer; or
    - (ii) previously provided by the applicant to the county or county borough council by whom the registration officer was appointed or any registrar of births and deaths and which the registration officer is authorised to inspect for the purposes of the registration officer's duties; and
  - (b) an applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.
- (11) For the purposes of sub-paragraph (3)(c), the address in respect of which the applicant is or has applied to be (or is treated as having applied to be) registered includes—
- (a) in the case of a service voter, the address given in the service declaration in accordance with section 16(d) of the 1983 Act(1);
  - (b) in the case of a person to whom section 7 of the 1983 Act applies (mental patients who are not detained offenders), the address of the mental hospital or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act(2);
  - (c) in the case of a person to whom section 7A of the 1983 Act applies (person remanded in custody), the address of the place at which that person is detained or the address shown

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(1) Section 16(d) of the Representation of the People Act 1983 was amended by paragraph 9(c) of Schedule 1 to the Representation of the People Act 2000.

(2) Section 7B of the Representation of the People Act 1983 was inserted by section 6 of the Representation of the People Act 2000 and to which there is an amendment not relevant to this Order.

on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act; and

- (d) in the case of a homeless person (within the meaning of section 7B(2)(c) of the 1983 Act), the address shown on the declaration of local connection in accordance with section 7B(3)(d) of that Act.

(12) Sub-paragraphs (4) and (5) do not apply where an applicant has, or has applied for, an anonymous entry in the register.

### **Additional requirements for applications to vote by proxy**

**10.**—(1) An application under paragraph 3(2) or (6) to vote by proxy must also contain a statement of the reasons why the applicant’s circumstances on the date of the poll at the referendum will be or are likely to be such that the application cannot reasonably be expected to vote in person at the polling station allotted to the applicant.

(2) Where an application under paragraph 3(2)—

- (a) is made on the grounds of the applicant’s disability, and
- (b) is made after 5p.m. on the sixth day before the day of the poll,

the requirements of paragraph 4 of Schedule 1 to the 2007 Order<sup>(3)</sup> as to the matters to be specified and the attestation apply to that application as they apply to an application under article 8(1) of that Order save that references to the allotted polling station mean the polling station allotted or likely to be allotted to the applicant under this Order.

(3) Where an application mentioned in sub-paragraph (2) is made, the person who attests the application must state, in addition to those matters specified by virtue of that sub-paragraph, to the best of that person’s knowledge and belief, the date upon which the applicant became disabled.

(4) Where an application under paragraph 3(2) is made by a person to whom paragraph 1(6) applies and is made after 5p.m. on the sixth day before the date of the poll, the requirements of sub-paragraph (5) apply.

(5) Where an application mentioned in sub-paragraph (4) is made—

- (a) the application must additionally state the name and address of the hospital at which the applicant is liable to be detained;
- (b) the application must be attested by or on behalf of the managers responsible for the administration of the hospital within the meaning of section 145(1) of the Mental Health Act 1983<sup>(4)</sup> at which the applicant is liable to be detained, and the attestation must state—
  - (i) the name of the person attesting the application;
  - (ii) that person’s position in the hospital at which the applicant is liable to be detained;
  - (iii) that the person is a person who is authorised to make the attestation; and
  - (iv) the statutory provision under which the applicant is liable to be detained in the hospital.

(6) This paragraph does not apply where the applicant has an anonymous entry in the register.

### **Closing dates for applications**

**11.**—(1) An application—

- (a) under paragraph 3(1); or

<sup>(3)</sup> Paragraph 4 of Schedule 1 was amended by [SIs 2009/1182](#) and [1357](#) and [2010/1621](#).

<sup>(4)</sup> [1983 c.20](#). See section 145(1), for the meaning of “hospital” and the meaning of “the managers”. Both definitions have been amended.

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(b) under paragraph 6(7),

must be disregarded if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

(2) Subject to sub-paragraph (3), an application—

(a) under paragraph 3(2); or

(b) under paragraph 5(8),

must be disregarded if it is received by the registration officer after 5p.m. on the sixth day before the day of the poll.

(3) Where an application under paragraph 3(2) is made—

(a) on the grounds of the applicant's disability and the applicant became disabled after 5p.m. on the sixth day before the day of the poll; or

(b) by a person to whom paragraph 1(6) applies,

the application, or an application under paragraph 5(8) made by virtue of that application, must be refused if it is received after 5p.m. on the day of the poll.

(4) An application—

(a) under paragraph 3(5);

(b) under paragraph 3(6); or

(c) under paragraph 6(6),

must be refused if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

(5) A notice under paragraph 5(10)(a) must be disregarded if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

(6) In computing a period of days for the purposes of this paragraph, Saturday, Sunday, Christmas Eve, Christmas Day or a bank holiday are to be disregarded.

(7) In sub-paragraph (6) "bank holiday" means a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(5).

### **Grant or refusal of applications**

**12.**—(1) Where the registration officer grants an application to vote by post the registration officer must notify the applicant of the decision.

(2) Where the registration officer grants an application for the appointment of a proxy, the registration officer must confirm in writing to the elector that the proxy has been appointed, the proxy's name and address and the duration of the appointment.

(3) Where the registration officer refuses an application for an absent vote the registration officer must notify the applicant of the decision and the reason for it.

(4) Where the registration officer grants an application made under—

(a) paragraph 3(5); or

(b) paragraph 6(6),

the registration officer must notify the applicant of this.

(5) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer must, where practicable notify the elector that the appointment has

been cancelled or, as the case may be, notify the elector that the appointment has ceased and the reason for it.

(6) Where under paragraph 11 the registration officer refuses or disregards an application for the purposes of the referendum, the registration officer must notify the applicant of this.

(7) If, for the purposes of the referendum, the registration officer is not also the counting officer for any voting area that is the same as or falls wholly or partly within the registration officer's area, the registration officer must send to the counting officer for that voting area details of any application to vote by post which the registration officer has granted as soon as practicable after doing so.

### **Cancellation of proxy appointment**

13. Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 5(10) or ceases to be in force under that provision, the registration officer must notify the person whose appointment as proxy has been cancelled or ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that the person no longer wishes to act as proxy.

### **The personal identifiers record**

14.—(1) In this paragraph, “personal identifiers record” means a record kept by a registration officer in pursuance of—

- (a) article 8(9) or 12(13) of the 2007 Order in relation to persons entitled to an absent vote in the referendum under paragraph 2 or 6(4) of this Schedule, or
- (b) paragraph 3(7) or 6(11) of this Schedule.

(2) The personal identifiers record must contain the following information in respect of each absent voter on the postal voters list, the list of proxies or the proxy postal voters list—

- (a) that person's name;
- (b) that person's date of birth; and
- (c) that person's signature, or a record of waiver by the registration officer of the requirement for the signature.

(3) A registration officer may disclose information contained in the personal identifiers record to—

- (a) any agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to in paragraphs 20(4) and 21 (3)(a) of Schedule 2; or
- (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the 2000 Act<sup>(6)</sup> but only to the extent required to permit them to observe the proceedings.

(4) The registration officer must keep the personal identifiers record for twelve months from the date of the poll at the referendum.

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(6) Sections 6A-6D were Inserted into the Political Parties, Elections and Referendums Act 2000 by section 29 of the Electoral Administration Act 2006. Section 6A was amended by [S.I.2007/1388](#), Schedule 1 paragraph 92.