
Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, PART 2. (See end of Document for details)

SCHEDULE 1
FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

PART 2

REGISTRATION

Effect of register

- 14 (1) A person registered in the register of local government electors or entered in the list of proxies is not to be excluded from voting in the referendum on any of the grounds set out in sub-paragraph (2), but this does not affect the person's liability to any penalty for voting.
- (2) The grounds referred to in sub-paragraph (1) are—
- (a) that the person is not of voting age,
 - (b) that the person is not or was not at any particular time—
 - (i) a Commonwealth citizen,
 - (ii) a citizen of the Republic of Ireland, or
 - (iii) a relevant citizen of the European Union,
 - (c) that the person is or was at any particular time otherwise subject to any other legal incapacity to vote in the referendum.

Effect of misdescription

- 15 No misnomer or inaccurate description of any person or place named—
- (a) in the register of local government electors, or
 - (b) in any list, proxy paper, ballot paper, notice or other document required for the purposes of this Act,
- affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

Carrying out of registration functions

- 16 (1) A registration officer must carry out the registration officer's functions under this Act in accordance with any directions given by the Chief Counting Officer.
- (2) Before giving a direction to a registration officer, the Chief Counting Officer must consult the Electoral Commission.
- (3) The Chief Counting Officer must not give a direction that is inconsistent with this Act or any other enactment under which a registration officer exercises functions.
- (4) Any of the functions of a registration officer under this Act may be carried out by a deputy for the time being approved by the council which appointed the registration officer, and the provisions of this Act apply to any such deputy so far as respects any functions to be carried out by the deputy as they apply to the registration officer.
- (5) Each council must assign such officers to assist the registration officer appointed by the council as may be required for carrying out the registration officer's functions under this Act.

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Alterations in the register of local government electors

- 17 (1) An alteration in the register of local government electors under section 13A(2) (alteration of registers) or 56 (registration appeals) of the 1983 Act which is to take effect after the fifth day before the date of the referendum does not have effect for the purposes of the referendum.
- (2) For the purposes of sub-paragraph (1), the following days are to be disregarded—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day or Easter Monday,
 - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971,
 - (d) a day appointed for public thanksgiving or mourning.
- (3) Section 13B(2) to (6) of the 1983 Act applies in relation to the referendum as it applies in relation to an election to which that section applies but as if—
- (a) any reference to the appropriate publication date were a reference to the fifth day before the date of the referendum,
 - (b) any reference to the date of the poll at such an election were a reference to the date of the referendum,
 - (c) any reference to the relevant election area were a reference to the area for which the registration officer acts,
 - (d) any reference to the prescribed time on the day of the poll were a reference to 9pm on the date of the referendum,
 - (e) any reference to the issuing of a notice in the prescribed manner were a reference to the issuing of the notice in such manner and form as the registration officer may determine.
- (4) Section 13AB of the 1983 Act applies in relation to the referendum as it applies in relation to an election to which that section applies, but as if—
- (a) the reference in subsection (1)(b) to the relevant election area were a reference to the area for which the registration officer acts,
 - (b) the reference in subsection (2) to the issuing of a notice in the prescribed manner were a reference to the issuing of the notice in such manner and form as the registration officer may determine,
 - (c) for subsections (4) to (6) there were substituted—
 - “(4) There are two interim publication dates, which are to be determined by the registration officer.
 - (5) The second interim publication date must be before the appropriate publication date.
 - (6) Before determining the interim publication dates, the registration officer must consult the counting officer.”,
 - (d) the reference in subsection (5) to the appropriate publication date were a reference to the fifth day before the date of the referendum,
 - (e) in subsection (7)—
 - (i) in paragraph (a), “or 13BC(3) or (6)” were omitted,
 - (ii) paragraph (b)(ii) were omitted,
 - (f) subsections (7A), (8), (9) and (10) were omitted.

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- (5) The Scottish Ministers may by regulations modify sub-paragraph (1), (3)(a) or (4) (d) for the purposes of the referendum.
- (6) Regulations under sub-paragraph (5) are subject to the negative procedure.
- (7) The Scottish Ministers must consult the Electoral Commission before making regulations under sub-paragraph (5).

The cut-off date

- 18 (1) In this Act, the cut-off date means—
- (a) in relation to an application under paragraph 3(2) or 5(9), 5pm on the sixth day before the date of the referendum,
 - (b) in any other case, 5pm on the eleventh day before the date of the referendum.
- (2) For the purpose of ascertaining the cut-off date, the following days are to be disregarded—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day or Easter Monday,
 - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971,
 - (d) a day appointed for public thanksgiving or mourning.

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