

SCHEDULE 1

VOTING IN THE REFERENDUM

PART 3

Registration

Effect of register

15.—(1) Any entry in the register, if it gives a date as that on which the person named will attain voting age, is for any purpose of this Order relating to that person as an elector conclusive that until the date given in the entry that person is not of voting age nor entitled to be treated as an elector for the purposes of the referendum unless the day fixed for the poll is that or a later date.

(2) A person registered in the register or entered in the list of proxies is not to be excluded from voting in the referendum on any ground set out in sub-paragraph (3), but this does not affect the person's liability to any penalty for voting.

(3) The grounds referred to in sub-paragraph (2) are—

- (a) that the person is not of voting age,
- (b) that the person is not or, on the specified date or (in the case of a proxy) the date of the proxy's appointment, was not—
 - (i) a qualifying Commonwealth citizen;
 - (ii) a citizen of the Republic of Ireland;
 - (iii) a relevant citizen of the Union, or
- (c) that the person is or, on the specified date or (in the case of a proxy) the date of the proxy's appointment, was otherwise subject to any other legal incapacity to vote in the referendum.

(4) In sub-paragraph (3), the "specified date" means—

- (a) in relation to a person registered in the register as published in accordance with section 13(1) of the 1983 Act⁽¹⁾, the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register, the relevant date for the purposes of section 4 of the 1983 Act⁽²⁾.

(5) Sub-paragraph (1) applies to an entry in the record of anonymous entries as it applies to an entry in the register.

Effect of misdescription

16. No misnomer or inaccurate description of any person or place named—

- (a) in the register; or
- (b) in any list, record, proxy paper, ballot paper, notice or other document required for the purposes of this Order or having effect in relation to the referendum,

(1) Section 13 (together with sections 13A and 13B) was substituted for previous section 13 of the Representation of the People Act 1983 by the Representation of the People Act 2000, Schedule 1 paragraph 6. There have been amendments to this substituted section 13 which are not relevant to this Order.

(2) Section 4 of the Representation of the People Act 1983 was substituted by section 1(2) of the Representation of the People Act 2000 and has been amended by the Electoral Administration Act 2006, Schedule 1 paragraph 3.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.

Discharge of registration duties

17.—(1) A registration officer must carry out the registration officer’s functions under this Order in accordance with any general or specific directions given by the Secretary of State.

(2) The Secretary of State may give a direction under paragraph (1) only if it is in accordance with a recommendation of the Commission.

(3) Any of the duties and powers of a registration officer under this Order may be performed and exercised by any deputy for the time being approved by the county or county borough council which appointed the registration officer; and the provisions of this Order apply to any such deputy so far as respects any duties or powers to be performed or exercised by that deputy as they apply to the registration officer.

(4) Any acts authorised or required to be done by or with respect to the registration officer under this Order may, in the event of the registration officer’s incapacity to act or of a vacancy, be done by or with respect to the proper officer of the county or county borough council by whom the registration officer was appointed.

(5) A county or county borough council by whom a registration officer is appointed must assign such officers to assist the registration officer as may be required in carrying out the registration officer’s functions under this Order.

Alterations in the register

18.—(1) Section 13B of the 1983 Act⁽³⁾ (*alteration of register: pending elections*) and regulations having effect in relation to that section⁽⁴⁾ have effect for the purposes of the referendum as if a reference to an election to which that section applies included a reference to the referendum.

(2) A reference in any enactment to section 13B includes (where the context allows) a reference to that section as modified by this paragraph.

(3) Sub-paragraphs (1) and (2) have effect, in relation to any register, until the first publication after the referendum of a revised version of the register under section 13 of the 1983 Act.

Payment of expenses of registration

19.—(1) Any expenses properly incurred by a registration officer in the performance of that officer’s functions under this Order (in this paragraph referred to as “registration expenses”) must be paid by the county or county borough council by whom the registration officer was appointed.

(2) Any fees paid to the registration officer under this Order must be accounted for by that officer and paid to the county or county borough council by whom that officer was appointed.

(3) On the request of a registration officer for an advance on account of registration expenses, the county or county borough council by whom the registration officer was appointed may, if it thinks fit, make such an advance to the officer of such an amount and subject to such conditions as it may approve.

(3) A relevant amendment to section 13B was made by section 11 of the Electoral Administration Act 2006.

(4) See in particular regulations 32, 36 and 36A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) as amended by S.I. 2002/1871 and S.I. 2006/2910.

Supply of free copy of register, notices and lists for referendum purposes

20.—(1) This paragraph applies where a registration officer is not the counting officer for the voting area that is the same as or falls wholly or partly within the registration officer’s area; and references in this paragraph to “relevant counting officer” mean the counting officer for that voting area.

(2) By no later than the publication of the notice of the referendum, the registration officer must supply the relevant counting officer with as many printed copies of the following as the relevant counting officer may reasonably require for the purposes of the referendum—

- (a) the latest version of the register; and
- (b) any notice, published under section 13A(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of the register.

(3) If at any time after a registration officer has complied with paragraph (2)—

- (a) a revised version of the register is published; or
- (b) a notice is published, under sections 13A(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of the register as published,

the registration officer must supply the relevant counting officer with as many printed copies of the register or notice as the relevant counting officer may reasonably require for the purposes of the referendum.

(4) Where a registration officer is under a duty to supply a relevant counting officer with printed copies of a register or notice under this paragraph, the registration officer must also supply a copy of the register, notice or list in data form.

(5) A register or notice supplied under this paragraph must be supplied free of charge.

(6) No person to whom a copy of the register has been supplied under this paragraph may —

- (a) supply a copy of the full register;
- (b) disclose any information contained in it (that is not contained in the edited register); or
- (c) make use of any such information,

other than for the purposes of the referendum.

(7) In this paragraph—

- (a) the full register and edited register have the same meaning as in regulation 93 of the 2001 Regulations; and
- (b) “data form” means information which is in a form which is capable of being processed by means of equipment operating automatically in response to instructions given for that purpose.

21.—(1) A permitted participant is entitled, subject to the following provisions of this paragraph, to request that the registration officer supply free of charge a copy of the current or the final version of any of the postal voters list, the list of proxies or the proxy postal voters list.

(2) A request under sub-paragraph (1) must be made in writing and must specify —

- (a) the information requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
- (c) whether a printed copy of the records or lists is requested or a copy in data form.

(3) A person who obtains any information under this paragraph may use it only for the purposes specified in sub-paragraph (4) and any restrictions specified in that sub-paragraph apply to such use.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) The restrictions on the supply, disclosure and use of the full register in regulations 94 and 96 of the 2001 Regulations apply to information covered by sub-paragraph (1), as they apply to the full register (within the meaning of regulation 93 of those Regulations)(5), except that the permitted purpose means either—

- (a) referendum purposes; or
- (b) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998(6).

(5) If a request is duly made to a registration officer for a current copy of the information under sub-paragraph (1), the registration officer must supply that copy as soon as practicable after receipt of that request.

(6) If a request is duly made to a registration officer for a final copy of the postal voters list under sub-paragraph (1), the registration officer must supply that copy as soon as practicable after 5p.m. on the eleventh day before the day of the poll.

(7) As soon as practicable after 5p.m. on the sixth day before the day of the poll, the registration officer must—

- (a) make a copy of the postal voters list, the list of proxies and the proxy postal voters list available for inspection at the registration officer's office in accordance with sub-paragraphs (11) to (16);
- (b) if the registration officer is not also the counting officer for any part of a voting area that lies wholly or partly within the registration officer's area, send to the relevant counting officer a copy of those lists; and
- (c) supply a final copy of the lists in response to every request under sub-paragraph (1) that has been duly made.

(8) A registration officer must supply a final copy of the list of proxies, updated to include any additions to that list made in consequence of any applications granted in accordance with paragraph 11(3), as soon as practicable after 5p.m. on the day of the poll, to every person who received that list in accordance with sub-paragraph (7)(c).

(9) Any person who has obtained or is entitled to obtain a copy of information covered by sub-paragraph (1) may—

- (a) supply a copy of the information to a processor for the purpose of processing the information, or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this paragraph,

for use in respect of the purposes for which that person is entitled to obtain such information.

(10) Paragraphs (2) and (3) and the condition in paragraph (9) of regulation 92 of the 2001 Regulations(7) apply to the supply and processing of information supplied under this paragraph as they apply to the supply and processing of the full register under Part 6 of those regulations.

(11) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in sub-paragraph (1).

(12) A request under sub-paragraph (11) must be made in writing and must specify—

- (a) the information requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;

(5) Regulations 93 ,94 and 96 were inserted by [S.I.2002/1871](#). Relevant amendments have been made to regulation 96 by [S.I.2006/752](#).

(6) [1998 c. 29](#).

(7) Regulation 92 was inserted by [S.I.2002/1871](#). Paragraph (2) of that regulation has been amended by [S.I.2006/752](#).

- (c) who will inspect the information;
- (d) the date on which they wish to inspect the information; and
- (e) whether they would prefer to inspect the information in a printed or data form.

(13) A registration officer must make a final copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request that has been duly made.

(14) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer must ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person, or
- (b) copy or transmit any part of that copy by electronic or any other means.

(15) A person who inspects a copy of the information, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(16) Subject to any direction by the Secretary of State under paragraph 17(1), any duty on a registration officer to supply a copy or make information available for inspection under this paragraph imposes only a duty to provide that information in the form in which the registration officer holds it.

(17) For the purposes of this paragraph—

- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9 a.m. on the date that it is supplied;
- (b) “data form” has the same meaning as in paragraph 20; and
- (c) any period of days is to be calculated in accordance with paragraph 11(6) and (7).

(18) A registration officer must ensure that where the registration officer supplies or discloses information covered by sub-paragraph (1) in accordance with this paragraph, the registration officer does not supply or disclose any record relating to—

- (a) a person who has an anonymous entry in the register, or
- (b) the proxy of a person who has an anonymous entry in the register.

Appeals

22.—(1) An appeal under section 56 of the 1983 Act (**(8)**) (*registration appeals*) or under article 5 of the 2007 Order (*registration appeals*) which is pending when notice of the referendum is given does not prejudice the operation as respects the referendum of the decision appealed against, and anything done in pursuance of the decision is as good as if no such appeal had been brought and is not affected by the decision on appeal.

(2) Where, as a result of the decision on an appeal under section 56 of the 1983 Act, an alteration in the register is made which takes effect under section 13(5), 13A(2) or 13B(3) or (3B) of the 1983 Act on or before the day of the poll at the referendum, sub-paragraph (1) does not apply to that appeal.

(8) There are amendments to section 56 that are not relevant for the purposes of this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Marked register for polling stations

23. To indicate that an elector or a proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” must be placed against the entry for that elector in any copy of the register, or part of it, provided for a polling station.

Notification by registration officer

24. Where a registration officer is required by this Schedule to notify any person, such notification must be in writing and may be sent by post—

- (a) in the case of a person other than a service voter, to the address provided by that person for the purpose of such notification or of any record or list or, if there is no such address, to the last known place of abode of that person; or
- (b) in the case of a service voter, to any address provided by the service voter for the purpose of such notification or of any record or list or to the address provided for the purpose by the appropriate government department (as defined by section 59(3B) of the 1983 Act) or, as the case may be, the British Council.

Service Voters

25. For the purposes of section 59 of the 1983 Act (supplemental provisions as to members of forces and service voters)—

- (a) subsections (3)(b) and (c)(9) are to be construed as including a reference to this Order in connection with the right conferred by this Order on a person having a service qualification by virtue of section 14(1)(a) or (b) of that Act in relation to the making and cancellation of appointments of a proxy and in relation to voting in person, by post or by proxy; and
- (b) subsection (3A) is to be similarly construed.

Forms

26. A registration officer must supply free of charge as many forms for use in connection with applications made under Parts 1 and 2 of this Schedule as appear to that officer reasonable in the circumstances to any person who satisfies that officer of that person’s intention to use the forms in connection with the referendum.

(9) Section 59(3) and (3A) to (3D) substituted for subsection (3) as originally enacted by section 13(2) of the Electoral Administration Act 2006.