
DRAFT STATUTORY INSTRUMENTS

2016 No.

REFERENDUMS

REPRESENTATION OF THE PEOPLE

The European Union Referendum (Conduct) Regulations 2016

Made - - - - - ***

Coming into force in accordance with regulation 1

THE EUROPEAN UNION REFERENDUM
(CONDUCT) REGULATIONS 2016

PART 1

1. Citation and commencement
2. Extent
3. Interpretation

PART 2

Application and interpretation

4. Part to apply in United Kingdom and not Gibraltar
5. Interpretation

Time

6. Timetable
7. Computation of time

General provisions

8. Notice of referendum
9. Poll to be taken by ballot
10. The ballot paper
11. Corresponding number list
12. The official mark
13. Prohibition of disclosure of vote
14. Use of schools and public rooms
15. Modification of forms

Action to be taken before the poll

16. Notice of poll
17. Postal ballot papers
18. Provision of polling stations
19. Appointment of presiding officers and clerks
20. Issue of official poll cards
21. Notification that certain electors entitled to absent vote
22. Equipment of polling stations
23. Appointment of polling and counting agents
24. Notification of requirement of secrecy
25. Return of postal ballot papers

The poll

26. Admission to polling station
27. Keeping of order in polling station
28. Sealing of ballot boxes
29. Questions to be put to voters
30. Challenge of voter
31. Voting procedure
32. (1) In Northern Ireland a ballot paper must not be...
33. (1) This regulation applies where there is a duty to...
34. (1) Immediately after receiving a ballot paper the voter must—...
35. Votes marked by presiding officer
36. Voting by people with disabilities
37. Tendered ballot papers
38. (1) Tendered ballot papers must be a different colour from...
39. Tendered postal ballot papers: anonymous entries in Northern Ireland
40. Refusal to deliver ballot paper
41. Spoilt ballot papers
42. Correction of errors on day of poll
43. Adjournment of poll in case of riot
44. Procedure on close of poll

Counting of votes

45. Attendance at the count
46. The count
47. Re-count
48. Rejected ballot papers
49. Direction to conduct re-count
50. Decisions on ballot papers

Final proceedings

51. Declaration by counting officers
52. (1) This regulation applies to— (a) the counting officer for...
53. Declaration by Regional Counting Officers
54. Declaration of referendum result by Chief Counting Officer

Disposal of documents

55. Sealing up of ballot papers
56. Delivery or retention of documents

- 57. Orders for production of documents
- 58. Retention and public inspection of documents

PART 3

CHAPTER 1

- 59. Overview and interpretation
- 60. Manner of voting in the referendum
- 61. Entitlement to vote by post or by proxy
- 62. Application to vote by post or by proxy in the referendum
- 63. Absent voters lists
- 64. Proxies
- 65. (1) Subject to what follows, where a relevant proxy appointment...
- 66. Voting as proxy
- 67. Use of personal identifier information
- 68. Information contained in records kept by a registration officer in...
- 69. Offences

CHAPTER 2

- 70. Overview and interpretation
- 71. Manner of voting in the referendum
- 72. Entitlement to vote by post or by proxy
- 73. Application to vote by post or by proxy in the referendum
- 74. Absent voters lists
- 75. Proxies
- 76. (1) Subject to what follows, where a relevant proxy appointment...
- 77. Voting as proxy
- 78. Offences

PART 4

- 79. Application of provisions of the Representation of the People Act 1983
- 80. Application of provisions of other Acts
- 81. Application of existing provisions of regulations
- 82. Amendment of the European Parliamentary Elections Regulations 2004

PART 5

- 83. Forms
Signature

SCHEDULE 1 — APPLICATION OF PROVISIONS OF THE REPRESENTATION OF THE PEOPLE ACT 1983

PART 1 — INTERPRETATION AND EXTENT

- 1. Interpretation of applied provisions: general
- 2. Meaning of “vote” in applied provisions
- 3. Extent of section 52 of the 1983 Act

PART 2 — APPLICATION OF PROVISIONS

4. Alteration of registers pending the referendum: England, Wales and Scotland
5. Alteration of registers pending the referendum: Northern Ireland
6. Loan of equipment
7. Effect of registers
8. Effect of misdescription
9. Discharge of registration duties
10. Payment of expenses of registration
11. Registration appeals: England and Wales and Scotland
12. Registration appeals: Northern Ireland
13. Offence of personation
14. Other voting offences
15. Offences relating to applications for absent voting
16. Breach of official duty
17. Tampering with papers
18. Requirement of secrecy
19. Prohibition on publication of exit polls
20. Failure to comply with conditions relating to supply etc of documents
21. Broadcasting from outside UK
22. Imitation poll cards
23. Disturbances at meetings
24. Premises used for referendum meetings in Scotland or Northern Ireland
25. Officials not to act for candidates
26. Illegal canvassing by police officers
27. Payments for exhibition of election notices
28. Prohibition of paid canvassers
29. Providing money etc for illegal purposes
30. Bribery
31. Treating
32. Undue influence
33. Rights of creditors where applied provision prohibits payments
34. Saving for employees to be absent for voting
35. Computation of time
36. Application for relief
37. Powers of court on conviction of corrupt practice
38. Prosecution and conviction of illegal practice and illegal payments
39. Time limit for prosecutions
40. Prosecution of offences committed outside the United Kingdom
41. Offences by associations
42. Director of Public Prosecutions
43. Service of notices
44. Computation of time for purposes of Part 3
45. Translations etc of certain documents
46. General interpretation
47. General application to Scotland
48. General application to Northern Ireland
49. Premises used for poll: Scotland and Northern Ireland

SCHEDULE 2 — APPLICATION OF PROVISIONS OF OTHER ACTS

PART 1 — POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000

1. Attendance of representatives of Electoral Commission at referendum proceedings
 2. Observation of working practices by representatives of the Electoral Commission
 3. Accredited observers of referendum proceedings
 4. Section 6D of the 2000 Act has effect for the...
 5. Provision to the Electoral Commission of information about expenditure
 6. Right to use rooms for holding public meetings
- PART 2 — APPLICATION OF OTHER ENACTMENTS
7. Premises used for referendum purposes in England and Wales
 8. Restriction on powers of arrest at polling station by persons other than constables

SCHEDULE 3 — APPLICATION OF EXISTING PROVISIONS OF REGULATIONS
PART 1 — THE 2001 REGULATIONS (ENGLAND AND WALES) AND THE
2001 REGULATIONS (SCOTLAND)

1. Preliminary
2. The following provisions of the relevant regulations apply for the...
3. Forms
4. Computation of time
5. Restriction on supply etc of record of anonymous entries
6. General requirements for applications for an absent vote
7. Signature of application for absent vote
8. Address to which to send ballot paper: requirements if different to address in application
9. Address to which to send ballot paper: requirements if different to address in records
10. Applications for appointment of a proxy
11. Additional requirements for applications for proxy to vote
12. Closing date for applications
13. Grant or refusal of applications
14. Cancellation of proxy appointment
15. Requirement to provide fresh signatures every 5 years
16. Records and lists
17. Conditions on use, supply and inspection of absent voter records or lists
18. Personal identifiers record
19. Notification of rejected postal voting statement
20. Interpretation of Part 5
21. Persons entitled to be present at proceedings on issue of postal ballot papers
22. Persons entitled to be present at proceedings on receipt of postal ballot papers
23. Agents of candidate who may attend proceedings on receipt of postal ballot papers
24. Notification of requirement of secrecy
25. Time when postal ballot papers are to be issued
26. Procedure on issue of postal ballot papers
27. Refusal to issue ballot paper
28. Envelopes
29. Sealing up of completed corresponding number lists
30. Delivery of postal ballot papers
31. Spoilt postal ballot papers
32. Lost postal ballot papers
33. Cancellation of postal ballot papers

34. Alternative means of returning postal ballot paper or postal voting statement: England and Wales
35. Alternative means of returning postal ballot paper or postal voting statement: Scotland
36. Notice of opening of postal ballot paper envelopes
37. Postal ballot boxes and receptacles
38. Receipt of covering envelope
39. Opening of postal voters' ballot box
40. Opening of covering envelopes
41. Confirming receipt of postal voting statements
42. Procedure in relation to postal voting statements: personal identifier verification
43. Opening of ballot paper envelopes
44. Retrieval of cancelled postal ballot papers
45. Lists of rejected postal ballot papers
46. Checking of lists of rejected postal ballot papers
47. Sealing of receptacles
48. Forwarding or retention of documents: England and Wales
49. Retention of documents: Scotland
50. Forwarding of documents: Scotland
51. Interpretation and application of Part 6: England and Wales
52. Restriction on supply etc of full register: England and Wales
53. Restriction on supply etc of full register: Scotland
54. Supply of free copy of full register for electoral purposes and restrictions on use: Scotland
55. Supply of free copy of full register for electoral purposes and restrictions on use: England and Wales
56. Offences: England and Wales
57. Offences: Scotland
58. Interpretation of Part 7: England and Wales
59. Interpretation of Part 7: Scotland
60. Supply of marked registers and lists after an election: England and Wales
61. Supply of marked registers and lists after an election: Scotland
62. Inspection of documents open to public inspection
63. For the purposes of the referendum, in regulation 118 of...
64. Conditions on use, supply and disclosure of documents open to public inspection
65. Form K: statement as to postal ballot papers
PART 2 — THE 2008 REGULATIONS (NORTHERN IRELAND)
66. Preliminary
67. The following provisions of the 2008 Regulations apply for the...
68. Forms
69. Communication of notices made on polling day
70. Interpretation of Part 4
71. General requirements for applications for an absent vote
72. Address to which to send ballot paper: requirements if different to address in application
73. Address to which to send ballot paper: requirements if different to address in records
74. Additional requirements for applications for appointment of a proxy
75. Additional requirements for applications in respect of a particular election
76. Additional requirements for applications by proxies to vote by post at a particular election

77. Closing date for applications
 78. Grant or refusal of applications
 79. Cancellation of proxy appointment
 80. Records and lists
 81. Interpretation of Part 5
 82. Time when postal ballot papers are to be issued
 83. Persons entitled to be present at proceedings on issue and receipt of postal ballot papers
 84. Agents of candidate who may attend proceedings on issue or receipt of postal ballot papers
 85. Notification of requirement of secrecy
 86. Notice of issue of postal ballot papers
 87. Procedure on issue of postal ballot paper
 88. Refusal to issue ballot paper
 89. Envelopes
 90. Sealing up of completed corresponding number lists
 91. Delivery of postal ballot papers
 92. Spoilt postal ballot papers
 93. Tendered postal ballot papers
 94. Notice of opening of postal ballot paper envelopes
 95. Postal ballot boxes and receptacles
 96. Receipt of covering envelope
 97. Opening of postal voters' ballot box
 98. Opening of covering envelopes
 99. Procedure in relation to declarations of identity
 100. Opening of ballot paper envelopes
 101. Sealing of receptacles
 102. Forwarding of documents
 103. Restriction on supply etc of full register
 104. Interpretation of Part 7
 105. Supply of marked registers and lists after an election
 106. Inspection of documents open to public inspection
 107. Conditions on use, supply and disclosure of documents open to public inspection
 108. Form N: statement as to postal ballot papers
- PART 3 — OTHER REGULATIONS
109. Control of advertisements
 110. The Town and Country Planning (Control of Advertisements) (Scotland) Regulations...
 111. The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 apply...
 112. Right of audience and right to conduct litigation
 113. Provision of information regarding proxies
 114. Persons convicted of corrupt or illegal practices: Gibraltar
 115. Regulation 112 of the European Parliamentary Elections Regulations 2004 applies...

SCHEDULE 4 — FORMS

Explanatory Note