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SCHEDULES

SCHEDULE 2

RULES FOR CONDUCT OF THE REFERENDUM

PART 1

REFERENDUM RULES

THE POLL

Admission to polling station

- 21 (1) The presiding officer must exclude from the polling station everyone except—
- (a) voters,
 - (b) persons under the age of 18 who accompany voters to the polling station,
 - (c) the Chief Counting Officer, the Regional Counting Officer (in the case of a polling station in a region for which a Regional Counting Officer is appointed) and the counting officer,
 - (d) the referendum agents,
 - (e) the polling agents appointed to attend at the polling station,
 - (f) the clerks appointed to attend at the polling station,
 - (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
 - (h) the constables on duty, and
 - (i) the companions of voters with disabilities attending at the polling station.
- (2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.
- (3) No more than one polling agent may be admitted at the same time to a polling station on behalf of the same referendum agent.
- (4) A constable or person employed by a counting officer may be admitted to vote in person elsewhere than at the polling station allotted under these rules only on production and surrender of a certificate (in these rules referred to as a “certificate as to employment on duty on the day of the poll”) that—
- (a) confirms that the person is a constable or, as the case may be, is employed by a counting officer,
 - (b) is in the form set out in Form 13 in Part 2 of this Schedule, and
 - (c) is signed by an officer of police of or above the rank of inspector or, as the case may be, by the counting officer.
- (5) A certificate surrendered under this rule must be cancelled immediately.

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Keeping of order in polling station

- 22 (1) It is the presiding officer’s duty to keep order at the officer’s polling station.
- (2) If a person engages in misconduct in a polling station or fails to obey the presiding officer’s lawful orders, the person may immediately, by the presiding officer’s order, be removed from the polling station—
- (a) by a constable in or near that station, or
 - (b) by any other person authorised in writing by the counting officer to discharge this function.
- (3) A person so removed may not, without the presiding officer’s permission, re-enter the polling station that day.
- (4) The powers conferred by this rule may not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity to vote at that station.

Sealing of ballot boxes

- 23 (1) Immediately before the commencement of the poll, the presiding officer must show anyone present in the polling station that the ballot box is empty.
- (2) The presiding officer must then—
- (a) lock the box (if it has a lock) and place his or her seal on it in a manner that prevents it from being opened without breaking the seal, and
 - (b) place the box in his or her view for the receipt of ballot papers, and keep it so locked (if it has a lock) and sealed.

Questions to be put to voters

- 24 (1) At the time of the application (but not afterwards), the questions specified in the second column of the table—
- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
 - (b) must be put if the letter “R” appears after the question and a referendum or polling agent requires the question to be put.

	<i>Person applying for ballot paper</i>	<i>Questions</i>
1	A person applying as an elector	<ol style="list-style-type: none"> (a) “Are you the person registered in the register of electors as follows (<i>read out the whole entry from the register</i>)?” [R] (b) “Have you already voted in the referendum on the voting system for United Kingdom parliamentary elections, here or elsewhere, otherwise than as proxy for some other person?” [R] (c) In Northern Ireland, “What is your date of birth?”
2	A person applying as proxy	<ol style="list-style-type: none"> (a) “Are you the person whose name appears as A B in the list of proxies for the referendum on the voting system for United Kingdom parliamentary elections as entitled to vote as proxy on behalf of C D?” [R]

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	<i>Person applying for ballot paper</i>	<i>Questions</i>
3	A person applying in England and Wales or Scotland as proxy for an elector with an anonymoustry (instead of the questions at entry 2)	(b) “Have you already voted in the referendum on the voting system for United Kingdom parliamentary elections, here or elsewhere, as proxy on behalf of C D?” [R] (c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C D?” [R]
4	Person applying as proxy if the question at entry 2(c), or 3(c) (if applicable), is not answered in the affirmative	(a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)?” [R] (b) “Have you already voted in the referendum on the voting system for United Kingdom parliamentary elections, here or elsewhere, as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)?” [R] (c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number from the register</i>)?” [R]
5	A person applying as proxy if the question at entry 2(c), or 3(c) (if applicable), is not answered in the affirmative	(a) “Have you already voted in the referendum on the voting system for United Kingdom parliamentary elections on behalf of two persons of whom you are not the spouse, civil partner, parent, grand-parent, brother/sister, child or grandchild?” [R]
5	A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) “Did you apply to vote by post?” (b) “Why have you not voted by post?”
6	A person applying as proxy who is named in the proxy postal voters list	(a) “Did you apply to vote by post as proxy?” (b) “Why have you not voted by post as proxy?”

(2) In the case of a voter in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, references in the table to reading from the register are to be read as references to reading from that notice.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless the person has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

Challenge of voter

- 25 A person is not to be prevented from voting by reason only that—
- (a) a referendum or polling agent declares that there is reasonable cause to believe that the person has committed an offence of personation, or

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- (b) the person is arrested on suspicion of committing or of being about to commit an offence of personation.

Voting procedure

- 26 A ballot paper must be delivered to a voter who applies for one, subject to any provision of these rules to the contrary.
- 27 (1) In Northern Ireland a ballot paper must not be delivered to a voter unless the voter has produced a specified document to the presiding officer or a clerk.
- (2) A clerk or presiding officer in Northern Ireland to whom a specified document is produced must not deliver a ballot paper to the voter if the clerk or officer decides that—
- (a) the document raises a reasonable doubt as to whether the voter is the elector or proxy he or she claims to be, or
 - (b) the apparent age of the voter as compared with the date of birth supplied in pursuance of section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act raises a reasonable doubt as to whether the voter is the elector or proxy he or she claims to be.
- (3) Where such a decision is made by a clerk, the clerk must refer the case to the presiding officer, who must deal with it under this rule as if the specified document had been produced to the officer in the first place.
- (4) For the purposes of this rule a specified document is one that for the time being falls within the following list—
- (a) a licence to drive a motor vehicle if the licence bears the photograph of the person to whom it is issued;
 - (b) a passport issued by the Government of the United Kingdom or by the Government of the Republic of Ireland;
 - (c) an electoral identity card, issued under section 13C of the 1983 Act;
 - (d) a Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
 - (e) a Blind Person’s SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
 - (f) a War Disabled SmartPass, issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
 - (g) a 60+ SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st October 2008.
- (5) In paragraph (4)(a) “licence to drive a motor vehicle” means a licence granted under—
- (a) Part 3 of the Road Traffic Act 1972 or Part 3 of the Road Traffic Act 1988,
 - (b) the Road Traffic (Northern Ireland) Order 1981, or
 - (c) any corresponding enactment for the time being in force,
- and includes a Community licence within the meaning of those enactments.
- (6) References in this rule to producing a document are to producing it for inspection.
- 28 (1) This rule applies where there is a duty to deliver a ballot paper to a voter under rule 26.
- (2) Immediately before delivery of the ballot paper—

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- (a) the number and (unless paragraph (3) applies) name of the elector as stated in the copy of the register of electors must be called out;
 - (b) the number of the elector must be marked on the list mentioned in rule 17(3)(d) beside the number of the ballot paper to be issued to the elector;
 - (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;
 - (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.
- (3) An elector who has an anonymous entry must show the presiding officer his or her official poll card and only the number is to be called out in pursuance of paragraph (2)(a).
- (4) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act—
- (a) the reference in paragraph (2)(a) to the copy of the register of electors is to be read as a reference to the copy of the notice;
 - (b) the reference in paragraph (2)(c) to a mark being placed in the register of electors is to be read as a reference to a mark being made on the copy of the notice.
- 29 (1) Immediately after receiving a ballot paper the voter must—
- (a) proceed into one of the compartments in the polling station and there secretly mark the paper and fold it up so as to conceal the vote, and then
 - (b) show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (2) The voter must vote without undue delay, and must leave the polling station as soon as he or she has put the ballot paper into the ballot box.

Votes marked by presiding officer

- 30 (1) This rule applies where a voter applies to the presiding officer to mark the voter's ballot paper and the voter—
- (a) is incapacitated by blindness or other disability from voting in the manner directed by these rules, or
 - (b) declares orally that he or she is unable to read.
- (2) The presiding officer must, in the presence of the polling agents—
- (a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and
 - (b) cause the ballot paper to be placed in the ballot box,
- but in Northern Ireland this is subject to paragraph (3).
- (3) In the case of a voter who makes an application in Northern Ireland under this rule, rule 27 applies as if the references to delivering a ballot paper were references to causing the voter's vote to be marked on the ballot paper.
- (4) The name of every voter whose vote is marked in pursuance of this rule must be entered on a list (in these rules called "the list of votes marked by the presiding officer"), together with—

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- (a) the voter's number on the register of electors, and
 - (b) the reason for the vote being marked in pursuance of this rule.
- (5) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name is the elector's number.
- (6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the reference in paragraph (4) (a) to the voter's number on the register of electors is to be read as a reference to the number relating to the voter on the notice.

Voting by people with disabilities

- 31 (1) Paragraph (2) applies where a voter applies to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of an accompanying person (in these rules referred to as the "companion").
- (2) The presiding officer must grant the application if—
- (a) the voter makes an oral or written declaration that he or she is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance,
 - (b) the presiding officer is satisfied that the voter is so incapacitated, and
 - (c) the presiding officer is satisfied by a written declaration made by the companion (in these rules referred to as "the declaration made by the companion of a voter with disabilities") that the companion—
 - (i) is a person qualified to assist the voter, and
 - (ii) has not previously assisted more than one voter with disabilities to vote in the referendum,
 but in Northern Ireland this is subject to paragraph (3).
- (3) In the case of a voter who makes an application in Northern Ireland under this rule, rule 27 applies as if the references to delivering a ballot paper were references to granting the voter's application.
- (4) For the purposes of paragraph (2)(c) a person is qualified to assist a voter with disabilities to vote if the person—
- (a) is entitled to vote as an elector in the referendum, or
 - (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.
- (5) The declaration made by the companion—
- (a) must be in the form set out in Form 14 in Part 2 of this Schedule,
 - (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of the companion, and
 - (c) must be given immediately to the presiding officer,
- and the presiding officer must attest and retain the declaration.
- (6) No fee or other payment may be charged in respect of the declaration.
- (7) If the presiding officer grants an application under this rule, anything which is by these rules required to be done to or by the voter in connection with the giving of his or her vote may be done to, or with the assistance of, the companion.

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- (8) The name of every voter whose vote is given in accordance with this rule must be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”) together with—
- (a) the voter’s number on the register of electors, and
 - (b) the name and address of the companion.
- (9) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name is the elector’s number.
- (10) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the reference in paragraph (8) (a) to the voter’s number on the register of electors is to be read as a reference to the number relating to the voter on the notice.
- (11) For the purposes of these rules a person is a voter with disabilities if the person has made a declaration under this rule.

Tendered ballot papers

- 32 (1) In the following cases a person is entitled to mark a ballot paper (a “tendered ballot paper”) in the same manner as any other voter if—
- (a) in cases 1 to 7, the person satisfactorily answers the questions permitted by law to be asked at the poll;
 - (b) in case 8, the person satisfactorily answers the questions permitted by law to be asked at the poll other than the question at entry 1(c) in the table in rule 24.

Rule 33 makes further provision about tendered ballot papers.

- (2) Case 1 is that—
- (a) a person applies for a ballot paper,
 - (b) the person claims—
 - (i) to be a particular elector named on the register, and
 - (ii) not to be named in the postal voters list or the list of proxies,and
 - (c) another person has already voted in person either as that elector or as proxy for that elector.
- (3) Case 2 is that—
- (a) a person applies for a ballot paper,
 - (b) the person claims to be—
 - (i) a particular person named in the list of proxies as proxy for an elector, and
 - (ii) not entitled to vote by post as proxy,and
 - (c) another person has already voted in person either as that elector or as proxy for that elector.
- (4) Rule 27 applies in relation to a voter in Northern Ireland who seeks to mark a tendered ballot paper in reliance on Case 1 or 2 as it applies in relation to a voter who applies for a ballot paper under rule 26.
- (5) Case 3 is that—

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- (a) a person applies for a ballot paper,
 - (b) the person claims to be a particular elector named on the register,
 - (c) the person is also named in the postal voters list, and
 - (d) the person claims not to have made an application to vote by post.
- (6) Case 4 is that—
- (a) a person applies for a ballot paper,
 - (b) the person claims to be a particular person named as a proxy in the list of proxies,
 - (c) the person is also named in the proxy postal voters list, and
 - (d) the person claims not to have made an application to vote by post as proxy.
- (7) Case 5 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
- (a) a person claims to be a particular elector named on the register and also named in the postal voters list, and
 - (b) the person claims to have lost or not received the postal ballot paper.
- (8) Case 6 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
- (a) a person claims to be a particular person named as a proxy in the list of proxies and also named in the proxy postal voters list, and
 - (b) the person claims to have lost or not received the postal ballot paper.
- (9) Case 7 is that—
- (a) a person applies for a ballot paper in Northern Ireland, and
 - (b) there has been a refusal under paragraph (2) of rule 27 (including that paragraph as applied by rule 30 or 31 or this rule) by a presiding officer.
- (10) Case 8 is that—
- (a) a person applies for a ballot paper in Northern Ireland, and
 - (b) the person fails to answer the question at entry 1(c) in the table in rule 24 satisfactorily.
- (11) In the case of an elector who has an anonymous entry, the references in this rule to a person named on a register or list are to be read as references to a person whose number appears on the register or list (as the case may be).
- (12) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the references in this rule to a person named on the register are to be read as references to a person in respect of whom such a notice has been issued.
- 33 (1) Tendered ballot papers must be a different colour from the other ballot papers.
- (2) A person in Northern Ireland who marks a tendered ballot paper in reliance on Case 7 or 8 in rule 32 must sign the paper, unless it is marked after an application was refused under rule 30 or 31.
- (3) If a tendered ballot paper is required to be signed under paragraph (2) and the paper is not signed, the paper is void.
- (4) Tendered ballot papers must be given to the presiding officer instead of being put into the ballot box.

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- (5) On receiving a tendered ballot paper from a voter the presiding officer must endorse it with the voter's name and number on the register of electors.
- (6) The presiding officer must set tendered ballot papers aside in a separate packet.
- (7) The name and number on the register of electors of every voter whose vote is marked in pursuance of rule 32 must be entered on a list (in these rules referred to as the "tendered votes list").
- (8) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name is the elector's number.
- (9) In the case of an elector who has an anonymous entry, the references in paragraphs (5) and (7) to the name of the voter are to be ignored.
- (10) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the references in paragraphs (5) and (7) to the voter's number on the register of electors are to be read as references to the number relating to the voter on the notice.

Refusal to deliver ballot paper

- 34 A decision by a presiding officer taken under paragraph (2) of rule 27, including that paragraph as applied by rule 30, 31 or 32, is final (except that it is subject to review in proceedings brought by an application for judicial review).

Spoilt ballot papers

- 35 (1) This rule applies if a voter has inadvertently dealt with his or her ballot paper in a manner which means that it cannot conveniently be used as a ballot paper and—
- (a) the voter delivers the ballot paper (in these rules referred to as "a spoilt ballot paper") to the presiding officer, and
 - (b) proves the fact of the inadvertence to the satisfaction of the officer.
- (2) The voter may obtain a replacement ballot paper and the spoilt ballot paper must be cancelled immediately.

Correction of errors on day of poll

- 36 The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) or 13BA(9) of the 1983 Act that takes effect on the day of the poll.

Adjournment of poll in case of riot

- 37 (1) Where the proceedings at a polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must give notice to the counting officer as soon as practicable.
- (2) Where the poll is adjourned at a polling station—
- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
 - (b) references in these rules to the close of the poll are to be read accordingly.

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Procedure on close of poll

- 38 (1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of any polling agents, make up into separate packets—
- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key (if any) attached;
 - (b) the unused and spoilt ballot papers placed together;
 - (c) the tendered ballot papers;
 - (d) the marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act) and of the list of proxies;
 - (e) the lists prepared under rule 6, including the parts that were completed in accordance with rule 28(2)(b) (together referred to in these rules as “the completed corresponding number lists”);
 - (f) the certificates as to employment on duty on the day of the poll;
 - (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 36, and the declarations made by the companions of voters with disabilities.
- (2) The marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act) and of the list of proxies must be in one packet and must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.
- (3) The packets must be sealed with—
- (a) the presiding officer’s seal, and
 - (b) the seals of any polling agents who want to affix their seals.
- (4) The presiding officer must deliver the packets, or cause them to be delivered, to the counting officer to be taken charge of by that officer.
- (5) If the packets are not delivered by the presiding officer personally to the counting officer, their delivery must be in accordance with arrangements approved by the counting officer.
- (6) The packets must be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him or her, and accounting for them under the following heads—
- (a) ballot papers issued and not otherwise accounted for,
 - (b) unused ballot papers,
 - (c) spoilt ballot papers, and
 - (d) tendered ballot papers.