

SCHEDULES

SCHEDULE 4

APPLICATION TO THE REFERENDUM OF EXISTING PROVISIONS

PART 1

REPRESENTATION OF THE PEOPLE ACT 1983

- 1 (1) The provisions of the 1983 Act listed in the first column of the table apply for the purposes of the referendum.
- (2) In their application by virtue of this paragraph, those provisions have effect—
- (a) with the modifications (if any) shown in the second column of the table, and
 - (b) with any other necessary modifications, including in particular those set out in sub-paragraph (3).
- (3) Except where the context otherwise requires—
- (a) a reference to a provision that is applied by this Schedule has effect as a reference to that provision as so applied;
 - (b) expressions are to be construed in accordance with the definitions in section 7 of this Act and rule 53 of the referendum rules.
- (4) The provisions of the 1983 Act that apply for the purposes of the referendum by virtue of this paragraph are in addition to the provisions of that Act that would apply for those purposes in any event.

<i>Provision</i>	<i>Modification</i>
Section 13C(5) (validity of electoral identity card in Northern Ireland)	For “subsection (4) above and rule 37E(1) in Schedule 1 to this Act” substitute “rule 27 of the referendum rules”.
Section 47 (loan of equipment)	In subsection (1), for “the returning officer at a local government election” substitute “a counting officer”. In subsection (2), for “the returning officer at an election held under those Acts” substitute “a counting officer”.
Section 49 (effect of registers)	In subsection (4)— <ul style="list-style-type: none">(a) after “this Part” insert “or Part 1 of the Parliamentary Voting System and Constituencies Act 2011”;(b) for “except for the purposes of an election at which” substitute “for the purposes of the referendum unless”.

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<i>Provision</i>	<i>Modification</i>
	In subsection (5) omit “prevent the rejection of the vote on a scrutiny, or”.
Section 50 (effect of misdescription)	In paragraph (c)— (a) omit “nomination paper,”; (b) for “and the parliamentary election rules” substitute “or Part 1 of the Parliamentary Voting System and Constituencies Act 2011”.
Section 52 (discharge of registration duties)	The Secretary of State may give a direction under section 52(1) only if it is in accordance with a recommendation made by the Electoral Commission. In subsections (1), (2) and (4), after “this Act” insert “and Part 1 of the Parliamentary Voting System and Constituencies Act 2011”.
Section 54 (payment of expenses of registration)	In subsection (1), after the first “this Act” insert “or Part 1 of the Parliamentary Voting System and Constituencies Act 2011”.
Section 56(3) to (4A) (registration appeals: England and Wales)	In subsection (3)— (a) for “notice of an election is given” substitute “notice of the referendum is given”; (b) for “the election” substitute “the referendum”. In subsection (4A), for “that election” substitute “the referendum”.
Section 57 (registration appeals: Scotland)	Section 57 applies for the purposes of the referendum only in so far as it applies section 56(3) to (4A).
Section 58(3) to (5) (registration appeals: Northern Ireland)	In subsection (3)— (a) for “notice of an election is given” substitute “notice of the referendum is given”; (b) for “the election” substitute “the referendum”. In subsection (5), for “that election” substitute “the referendum”.
Section 60 (personation)	In subsection (2), for “at a parliamentary or local government election” substitute “in the referendum”.
Section 61 (other voting offences)	For subsections (1) to (4) substitute— “(1) A person shall be guilty of an offence if— (a) he votes in person or by post, whether on his own behalf or

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	<p>as proxy, or applies to vote by proxy or by post on his own behalf, in the referendum, knowing that he is subject to a legal incapacity to vote in the referendum; or</p> <p>(b) he applies for the appointment of a proxy to vote for him in the referendum knowing that he is or the person to be appointed is subject to a legal incapacity to vote in the referendum; or</p> <p>(c) he votes, whether in person or by post, as proxy for some other person in the referendum knowing that that person is subject to a legal incapacity to vote.</p> <p>For the purposes of this subsection references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day, include his being below voting age if he will be of voting age on that day.</p> <p>(2) A person shall be guilty of an offence if—</p> <p>(a) he votes on his own behalf otherwise than by proxy more than once in the referendum; or</p> <p>(b) he votes on his own behalf in person in the referendum when he is entitled to vote by post; or</p> <p>(c) he votes on his own behalf in person in the referendum, knowing that a person appointed to vote as his proxy either has already voted in person or is entitled to vote by post; or</p> <p>(d) he applies under Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 for a person to be appointed as his proxy to vote for him without applying for the cancellation of a previous appointment of a third person then in force under that Schedule or without withdrawing a pending application for such an appointment.</p>

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	<p>(3) A person shall be guilty of an offence if—</p> <ul style="list-style-type: none"> (a) he votes as proxy for the same person more than once in the referendum; or (b) he votes in person as proxy for another person in the referendum and he is entitled to vote by post as proxy for that person; or (c) he votes in person as proxy for another person in the referendum and he knows that other person has already voted in person. <p>(4) A person shall also be guilty of an offence if he votes as proxy for more than two persons of whom he is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.”</p> <p>In subsection (6A), for the words from “ballot paper” to the end substitute “in reliance on Case 3, 4, 5 or 6 in rule 32 of the referendum rules.”</p> <p>Omit subsection (6B).</p> <p>In subsection (7)—</p> <ul style="list-style-type: none"> (a) after “section 173 below” insert “(read with paragraph 3 of Schedule 4 to the Parliamentary Voting System and Constituencies Act 2011)”; (b) omit paragraph (b).
Section 62A(1) to (5) (applications for absent voting offences)	<p>In subsection (1)(a), omit “at a parliamentary or local government election”.</p> <p>In subsection (2)(c), for “returning officer” substitute “counting officer”.</p>
Section 63 (breach of official duty)	<p>For subsections (3) and (4) substitute—</p> <p>“(3) The persons to whom this section applies are—</p> <ul style="list-style-type: none"> (a) the Chief Counting Officer and any Regional Counting Officer or counting officer, (b) any presiding officer or registration officer,

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	<p>(c) any official designated by a universal postal service provider, and</p> <p>(d) any deputy of a person mentioned in any of paragraphs (a) to (c) above or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;</p> <p>and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by Part 1 of the Parliamentary Voting System and Constituencies Act 2011 or the law relating to referendums.</p> <p>(4) Where—</p> <p>(a) a Regional Counting Officer or counting officer is guilty of an act or omission in breach of his official duty, but</p> <p>(b) he remedies that act or omission in full by taking steps under paragraph 7 of Schedule 1 to the Parliamentary Voting System and Constituencies Act 2011, he shall not be guilty of an offence under subsection (1) above.”</p>
Section 65 (tampering with papers)	<p>In subsection (1)—</p> <p>(a) for “at a parliamentary or local government election” substitute “in the referendum”;</p> <p>(b) omit paragraph (a);</p> <p>(c) in paragraph (f), for “election” substitute “referendum”.</p> <p>For subsection (2) substitute—</p> <p>“(2) In Scotland, a person shall be guilty of an offence if—</p> <p>(a) in the referendum, he forges or counterfeits any ballot paper or the official mark on any ballot paper; or</p> <p>(b) he fraudulently or without due authority, as the case may be, attempts to do any of those things.”</p>

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<i>Provision</i>	<i>Modification</i>
Section 66(1) to (requirement of secrecy)	<p>In subsection (3), for “a returning officer” substitute “the Chief Counting Officer, a Regional Counting Officer, a counting officer”.</p> <p>(6) In subsection (1), for paragraphs (a) to (d) substitute—</p> <ul style="list-style-type: none"> “(a) the Chief Counting Officer, and every Regional Counting Officer and counting officer, attending at a polling station, (b) every deputy of such an officer so attending, (c) every presiding officer and clerk so attending, (d) every referendum agent, polling agent and counting agent so attending, and (e) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.”. <p>In subsections (2)(b), (3)(b) and (c), (4)(d) and (5), for “the candidate for whom” substitute “the referendum answer for which”.</p> <p>In subsection (3)(d), for “the name of the candidate for whom” substitute “the referendum answer for which”.</p> <p>In subsection (5)—</p> <ul style="list-style-type: none"> (a) for “blind voter” substitute “voter with disabilities”; (b) at the end insert— <p style="padding-left: 40px;">““Voter with disabilities” has the meaning given by rule 31(11) of the referendum rules.”</p>
Section 66A (prohibition on publication of exit polls)	<p>In subsection (1), for “an election to which this section applies”, and for “the election” (in both places), substitute “the referendum”.</p> <p>Omit subsection (2).</p> <p>In subsection (4), for the words after “whatever means” substitute—</p> <p style="padding-left: 40px;">“and the reference to a forecast as to the result of the referendum includes a reference to a forecast as to the number or proportion of votes expected to be cast for each answer to</p>

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	the referendum question in any region, voting area or other area.”
Section 66B (failure to comply with conditions relating to supply etc of documents)	In subsection (1)(a), for “regulations under rule 57 of the parliamentary election rules” substitute “regulations mentioned in rule 52(5)(a) of the referendum rules”.
Section 92 (broadcasting from outside UK)	In subsection (1)— (a) for “at a parliamentary or local government election” substitute “in the referendum”; (b) for “the election” substitute “the referendum”. In subsection (2), after “section 173 below” insert “(read with paragraph 3 of Schedule 4 to the Parliamentary Voting System and Constituencies Act 2011)”.
Section 94(1) (imitation poll cards)	For “the election of any candidate at a parliamentary election or a local government election to which this section applies” substitute “a particular result in the referendum”.
Section 97 (disturbances at meetings)	For subsection (2) substitute— “(2) This section applies to a meeting held by a permitted participant during the referendum period (within the meaning given by paragraph 1 of Schedule 1 to the Parliamentary Voting System and Constituencies Act 2011) in connection with the referendum.”
Section 99 (officials not to act for candidates)	For subsection (1) substitute— “(1) If— (a) the Chief Counting Officer or any Regional Counting Officer or counting officer, (b) any officer, deputy or clerk appointed by such a person, (c) any officer of a local authority whose services have been placed at the disposal of a counting officer or Regional Counting Officer under paragraph 4 of Schedule 1 to the Parliamentary Voting System and Constituencies Act 2011, acts as a referendum agent for a permitted participant, he shall be guilty of an offence.”

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Section 100 (illegal canvassing by police officers)	In subsection (1), for the words after “proxy” substitute “in the referendum”.
Section 109 (payments for exhibition of election notices)	In subsection (1), for “the election of a candidate at an election” substitute “a particular result in the referendum”. In subsection (2), for “an election” substitute “the referendum”.
Section 111 (prohibition of paid canvassers)	For “an election” substitute “the referendum” For “a candidate’s election” substitute “a particular result in the referendum”.
Section 112(a) and (c) (providing money for illegal purposes)	
Section 113 (bribery)	In subsection (2)— (a) for “the return of any person at an election” (in both places) substitute “a particular result in the referendum”; (b) omit paragraph (iii). In subsection (3), for “at any election” (in both places) substitute “in the referendum”. In subsections (4), (5) and (6), for “an election” substitute “the referendum”.
Section 114 (treating)	In subsection (2), for “an election” substitute “the referendum”.
Section 115 (undue influence)	
Section 116(a) (rights of creditors)	
Section 117(2) (saving for employees to be absent for voting)	For “parliamentary electors” substitute “persons entitled to vote on their own behalf”. For “at a parliamentary election” substitute “in the referendum”. In paragraphs (b) and (c), for “any particular candidate at the election” substitute “a particular answer in the referendum”.
In section 118 (interpretation), the definitions of “money”, “pecuniary reward” and “payment”	
Section 167(1) to (2) (application for relief)	For subsection (1) substitute— “(1) An application for relief under this section may be made to the High Court.”

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Sections 168(1) and (7), 169 and 170 (prosecutions for corrupt and illegal practices)	In subsection (2)(c), omit the words from “in the constituency” to “was held.”
Section 175(1) and (3) (prosecution for illegal employment)	
Section 176 (time limit for prosecutions)	In subsection (2C), for “rule 57 of the parliamentary elections rules” substitute “rule 52 of the referendum rules”.
	In subsection (2D), for paragraph (a) substitute— “(a) directing the registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in rule 52 of the referendum rules.”.
Section 178 (prosecution of offences committed outside the UK)	
Section 179 (offences by associations)	Omit paragraph (b).
Section 181(1) (Director of Public Prosecutions)	
Section 184 (service of notices)	In subsection (1)— (a) for “an election” substitute “the referendum”; (b) omit “or any election court.”; (c) in paragraph (a), omit the words from “in the constituency” to the end.
In section 185 (interpretation), the definitions of “payment” and “Licensing Acts”	
Section 186 (computation of time)	
Section 199B(1) to (9) (translations etc of certain documents)	In subsection (1)— (a) after “this Act” insert “or Part 1 of the Parliamentary Voting System and Constituencies Act 2011”; (b) for “a parliamentary or local government election” substitute “the referendum”.
	In subsection (4) omit paragraph (a).
	For subsections (5) and (6) substitute—

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	<p>“(5) The counting officer may cause to be displayed at every polling station an enlarged sample copy of the ballot paper.</p> <p>(6) The sample copy mentioned in subsection (5) above—</p> <p style="padding-left: 2em;">(a) must have printed on it the words “Vote (X) in one box only” both at the top and immediately below the referendum question, and</p> <p style="padding-left: 2em;">(b) below the second occurrence of those words, may include a translation of those words into such other languages as the counting officer thinks appropriate.”</p> <p>In subsection (7)—</p> <p style="padding-left: 2em;">(a) for “returning officer at a parliamentary election or a local government election” substitute “counting officer”;</p> <p style="padding-left: 2em;">(b) for “the election” substitute “the referendum”.</p> <p>In subsection (9), for “returning officer” substitute “counting officer”.</p>
<p>In section 202 (interpretation), the definitions in subsection (1) of “legal incapacity”, “legal process”, “person”, “prescribed” and “universal postal service provider”; and subsection (2)</p> <p>Section 204(3), (5) and (8) (general application to Scotland)</p> <p>Section 205 (general application to Northern Ireland)</p>	<p>In the definition of “prescribed”, after “regulations” insert “applied by Schedule 4 to the Parliamentary Voting System and Constituencies Act 2011”.</p>