

SCHEDULE 2

MODIFICATIONS OF ACTS AND STATUTORY INSTRUMENTS

PART 1

TABLE

Representation of the People Act 2000

| <i>(1)</i> <i>Provision</i> | <i>(2)</i> <i>Modification</i> |
|---|---|
| Section 12 (changes relating to absent voting at elections in Great Britain) | |
| Section 12(1) | In subsection (1), after “shall have effect” insert “as regards referendums held in England under the Regional Assembly (Preparations) Act 2003, and”. |
| Schedule 4 (absent voting in Great Britain) | |
| In paragraph 1(1) (interpretation) | In the definition of “the appropriate rules”, at the end of paragraph (b) insert— “and (c) in the case of a referendum, the Rules contained in Schedule 1 to the Regional Assembly and Local Government Referendums Order 2004;” |
| Paragraph 2 (manner of voting at parliamentary or local government elections) | In sub-paragraph (1), at the end insert “or referendum”. For sub-paragraphs (2) to (6) substitute— “(2) Subject to paragraph (3) below, he may only vote by post. (3) If he is entitled to vote by proxy at the referendum, he may only vote by proxy.” In sub-paragraph (7) after “election” wherever it appears insert “or referendum”. In sub-paragraph (7)(b), for “so far as it has”, substitute “and the Regional Assembly and Local Government Referendums Order 2004 so far as they have”. After sub-paragraph (7)(b), insert “without prejudice to paragraphs 2(2) and (3).” |
| Paragraph 3 (absent vote at elections for definite or indefinite period) | After sub-paragraph 4, insert— |

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| Paragraph 4 (absent vote at particular election) | <p>“(4A) A person shown in the record kept under sub-paragraph (4) as voting by proxy at local government elections for an indefinite or a particular period, shall be regarded as having had an application granted to vote by proxy at referendums held under the Regional Assemblies (Preparations) Act 2004 for the same period as that for local government elections.”</p> |
| | <p>Omit sub-paragraph (1).</p> <p>For sub-paragraphs (2) and (3), substitute—</p> <p>“(2) Where a person applies to the registration officer to vote by proxy at a particular Regional Assembly referendum where there is not a combined poll, or in particular combined referendums, the registration officer shall grant the application if—</p> |
| | <ul style="list-style-type: none"> (a) he is satisfied that the applicant’s circumstances will be or are likely to be such that he cannot reasonably be expected to vote on his own behalf, (b) he is satisfied that the applicant is or will be registered in the register of local government electors, and (c) the application meets the prescribed requirements. |
| | <p>(3) Nothing in sub-paragraph (2) applies to a person who is included in the record kept under paragraph 3 in respect of local government elections, but such a person may, in respect of the referendums in question apply to the registration officer to vote by proxy if he is shown in the record as voting by post at local government elections.”</p> |
| | <p>In sub-paragraph (4)(b)—</p> <ul style="list-style-type: none"> (a) omit the words “on the date of the poll”; and (b) for the words “to vote in person at the polling station allotted or likely to be allotted to him under the appropriate rules” substitute “to vote on his own behalf”. |
| | <p>After paragraph 4, insert—</p> <p>“Redirection of ballot paper</p> <p>4A.—(1) An elector or proxy may, in respect of a particular Regional Assembly referendum where the poll</p> |

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| | <p>is not combined, or a particular case of combined referendums, apply to the registration officer for his ballot paper at the referendum (or referendums) to be sent to a different address from that to which it would otherwise be issued.</p> <p>(2) The registration officer shall grant an application under sub-paragraph (1) if the application—</p> <ul style="list-style-type: none">(a) meets the prescribed requirements, and(b) contains a declaration by the applicant, who is entitled to be issued with the ballot paper, that he will receive the ballot paper at the address to which he requests the ballot paper to be sent.” |
| Paragraph 5 (absent voters list) | <p>After sub-paragraph (3), insert—</p> <p>“(4) The registration officer shall, in respect of each Regional Assembly referendum at which the poll is not combined, and any combined referendums, keep two special lists.</p> <p>(5) The first of the special lists (“the absent voters list”) consists of the two lists mentioned in sub-paragraphs (6) and (7) respectively.</p> <p>(6) The first of the two lists mentioned in sub-paragraph (5) is a list of those who are for the time being shown in the record kept under paragraph 3 as voting by post at local government elections (excluding those so shown whose applications under paragraph 4(3) above to vote by proxy at the referendum have been granted), together with the addresses provided by them in their applications under paragraph 3 as the addresses to which their ballot papers are to be sent.</p> <p>(7) The second of the two lists mentioned in sub-paragraph (5) is a list (“the list of proxies”) of—</p> <ul style="list-style-type: none">(a) those whose applications under paragraph 4(2) or (3) to vote by proxy at the particular Regional Assembly referendum where the poll is not combined or at the particular case of combined referendums, have been granted, and |

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| Paragraph 6 (proxies at elections) | <p>(b) those who are for the time being shown in the record kept under paragraph 3 as voting by proxy at local government elections (and thereby at referendums held under the Regional Assemblies (Preparations) Act 2003), together with (in each case) the names and addresses of those appointed as their proxies.”</p> <p>(8) The second of the special lists mentioned in sub-paragraph (4) is a list (“the list of redirection addresses”) of those whose applications under paragraph 4A(1) have been granted, together with the addresses to which their ballot papers are to be sent.”</p> <p>After sub-paragraph (1), insert—</p> <p>“(1A) Subject to the provisions of this paragraph, any person is capable of being appointed to vote for another (in this paragraph and paragraph 7 referred to as “the elector”) at any referendum held under the Regional Assemblies (Preparations) Act 2003 and may vote in pursuance of the appointment.”</p> <p>In sub-paragraph (2), at the end of sub-paragraph (b), insert—</p> <p>“or</p> <p>(c) the elector cannot have more than one person at a time appointed to vote for him at referendums in the same Regional Assembly referendum area.”</p> <p>After sub-paragraph (4), insert—</p> <p>“(4A) A person is not capable of being appointed to vote at a referendum—</p> <p>(a) if he is subject to any legal incapacity (age apart) to vote at that referendum as an elector, or</p> <p>(b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union(1).”</p> <p>In sub-paragraph (5), after “local government election” insert “or a referendum”.</p> |

(1) See section 2002(1) of the Representation of the People Act 1983 (c. 2) for the definition of “relevant citizen of the Union”.

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| | <p>In sub-paragraph (6), after sub-paragraph (b), insert—</p> <p>“or</p> <ul style="list-style-type: none">(c) at the same Regional Assembly referendum in any region, or(d) at the same local government referendum in a county area.” <p>After sub-paragraph (7) insert—</p> <p>“(7A) A proxy appointed to vote for an elector at local government elections (whether for an indefinite period or for a particular period) pursuant to an application made under sub-paragraph (7), shall be treated as appointed to vote for an elector at referendums for the same period as for those local government elections, and accordingly an appointment and proxy paper whilst in force for local government elections (whether for an indefinite period or for a particular period) shall be treated as in force for the referendums.”</p> <p>After sub-paragraph (8) insert—</p> <p>“(8A) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular Regional Assembly referendum where the poll is not combined, or at particular combined referendums, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—</p> <ul style="list-style-type: none">(a) registered in the register of local government electors, and(b) entitled to vote by proxy at that Regional Assembly referendum where the poll is not combined, or at the combined referendums (as the case may be) by virtue of an application under paragraph 3, <p>and that the proxy is capable of being, and willing to be, appointed.”</p> <p>In sub-paragraph (10)—</p> <ul style="list-style-type: none">(c) after sub-paragraph (b), insert—<ul style="list-style-type: none">(bb) where the appointment related to a Regional Assembly referendum at which the poll is not combined, or particular combined referendums, |

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| Paragraph 7 (voting as proxy) | <p>on the issue of a proxy paper appointing a different person to vote for him at a referendum in the same Regional Assembly referendum area.”</p> <p>For sub-paragraph (1) substitute—</p> <p>“(1) A person entitled to vote as proxy at a referendum may do so only by post.”</p> <p>Omit sub-paragraphs (2) and (3).</p> <p>In sub-paragraph (4), omit the word “or” at the end of sub-paragraph (a) and omit sub-paragraph (b).</p> <p>For sub-paragraph (5), substitute—</p> <p>“(5) Those conditions are—</p> <ul style="list-style-type: none">(a) that the registration officer is satisfied that the elector is or will be registered in the register of local government electors, and(b) that there is in force an appointment of the applicant as the elector’s proxy to vote for him at local government elections, and(c) that the application meets the prescribed requirements.” <p>In sub-paragraph (6)(a) for “parliamentary elections, local government elections or both” substitute “local government elections”.</p> <p>Omit sub-paragraph (7).</p> <p>For sub-paragraph (8) substitute—</p> <p>“(8) The registration officer shall, in respect of each Regional Assembly referendum or local government referendum, keep a special list of those who are for the time being included in the record kept under sub-paragraph (6) in respect of local government elections, together with the addresses provided by them in their applications to vote by post under sub-paragraph (4)(a), as the addresses to which their ballot papers are to be sent.”</p> |
| Paragraph 8 (offences) | In sub-paragraph (b) after “4” insert “or 4A”. |
