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STATUTORY INSTRUMENTS

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**2016 No. 219**

**The European Union Referendum (Conduct) Regulations 2016**

**PART 3**

**ABSENT VOTING IN THE REFERENDUM IN THE UNITED KINGDOM**

**CHAPTER 2**

**NORTHERN IRELAND**

**Voting as proxy**

77.—(1) A person entitled to vote as proxy for another (the “principal”) in the referendum may do so in person at the polling station allotted to the principal under Part 2 unless the proxy is entitled to vote by post as proxy for the principal in the referendum, in which case the proxy may vote by post.

(2) But in the case of a person entitled to vote as proxy for an elector who has an anonymous entry in a register—

- (a) paragraph (1) does not apply, and
- (b) the person may only so vote by post (where the person is entitled as a proxy to vote by post in the referendum).

(3) Where a person is entitled to vote by post as proxy for the principal in the referendum, the principal may not apply for a ballot paper for the purpose of voting in person in the referendum.

(4) For the purposes of this Chapter of this Part and the 1983 Act a person entitled to vote as proxy for another in the referendum is entitled so to vote by post if the person is included in the list kept under paragraph (8).

(5) Where a person applies to the registration officer to vote by post as proxy in the referendum the officer must grant the application if—

- (a) the officer is satisfied that the principal is or will be registered in a relevant register,
- (b) the applicant is the subject of a relevant proxy appointment within the meaning of regulation 76(2),
- (c) any of the conditions in paragraph (6) are met,
- (d) the application specifies an address in the United Kingdom as the address to which the ballot paper is to be sent, and
- (e) the application meets the requirements prescribed by the 2008 Regulations.

(6) The conditions in this paragraph are that—

- (a) the officer is satisfied that the applicant’s circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the principal under Part 2,
- (b) the applicant is, or the officer is satisfied that the applicant will be, included in the postal voters list or the list of proxies, or

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(c) the principal is an elector who has an anonymous entry in a register.

(7) A person who is the subject of a relevant proxy appointment within the meaning of regulation 76(2)(b), (c) or (d) and who—

- (a) is included in the record kept under section 9(6) of the 1985 Act<sup>(1)</sup> (record of proxies who have applied to vote by post) in respect of parliamentary elections,
- (b) is included in the record kept under paragraph 4(5) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (record of proxies who have applied to vote by post), or
- (c) is included in the record kept under regulation 11(5) of the European Parliamentary Elections (Northern Ireland) Regulations 2004 (record of proxies who have applied to vote by post),

may apply to the registration officer for his or her referendum ballot paper to be sent to a different address in the United Kingdom from that shown in the record, and the officer must grant the application if it meets the requirements prescribed by the 2008 Regulations.

(8) The registration officer must, in respect of the referendum, keep a special list (“the proxy postal voters list”) of those within column 2 of the following table, together with the addresses provided as mentioned in column 3 as the addresses to which their ballot papers are to be sent.

	<i>Description of proxy postal voters</i>	<i>Address</i>
1	A proxy whose application under paragraph (5) has been granted.	Address provided in the proxy’s application under paragraph (5).
2	A proxy who— (a) was appointed as mentioned in column 3 of entry 2 in the table in regulation 74(3) for a person mentioned in column 2 of that entry, and (b) is included in the proxy postal voters list for the poll in respect of which that appointment was made.	Address provided in the proxy’s application to vote by post as proxy in that poll.
3	A proxy who— (a) was appointed as mentioned in column 3 of entry 3 in the table in regulation 74(3) for a person mentioned in column 2 of that entry, and (b) is for the time being included in the record kept under section 9(6) of the 1985 Act.	Address provided in the proxy’s application under section 9(4) of the 1985 Act <sup>(2)</sup> or (as the case may be) paragraph (7) above.
4	A proxy who— (a) was appointed as mentioned in column 3 of entry 4 in the table in regulation 74(3) for a peer mentioned in column 2 of that entry, and (b) is for the time being included in the record kept under paragraph 4(5) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.	Address provided in the proxy’s application under paragraph 4(4) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 or (as the case may be) paragraph (7) above.
5	A proxy who— (a) was appointed as mentioned in column 3 of entry 5 in the table in regulation 74(3) for a peer mentioned in column 2 of that entry, and	Address provided in the proxy’s application under regulation 11(4) of the European Parliamentary Elections (Northern Ireland)

<sup>(1)</sup> Section 9(6) was amended by paragraphs 12 and 17(1) and (5) of Schedule 6 to the Representation of the People Act 2000 (c.2).  
<sup>(2)</sup> Section 9(4) was amended by paragraphs 12 and 17(1) and (3) of Schedule 6 to the Representation of the People Act 2000 (c.2) and article 5(1) and (5)(b) of S.I. 2014/1116.

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<i>Description of proxy postal voters</i>	<i>Address</i>
(b) is for the time being included in the record kept under regulation 11(5) of the European Parliamentary Elections (Northern Ireland) Regulations 2004.	Regulations 2004 or (as the case may be) paragraph (7) above.

(9) In the case of a person who has an anonymous entry in a register, the proxy postal voters list must contain only—

- (a) the person’s electoral number, and
- (b) the date on which the person’s entitlement to remain registered anonymously will terminate under section 9C(1A) of the 1983 Act (in the absence of a further application under section 9B of that Act).

(10) Paragraph (3) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of regulation 37.

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**Commencement Information**

**II** Reg. 77 in force at 26.2.2016, see [reg. 1](#)

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**Changes and effects yet to be applied to :**

- Regulations modified by [S.I. 2016/220 art. 4\(4\)Sch. 2](#)
- Regulations power to modify conferred by [S.I. 2016/220 art. 3Sch. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 4(1)(ca) inserted by [S.I. 2016/636 reg. 3\(2\)\(a\)](#)